Planning Proposal



44 and 46 George Street, 9 and 17 James Street, 2 John Street, 1, 3, 5, 7, 9, 11, 13, 15, and 17 Robert Street, Wallsend

March 2013

CONTENTS

SUMMARY OF PROPOSALii
BACKGROUNDii
SITEii
PART 1 - OBJECTIVES OR INTENDED OUTCOMES1
PART 2 - EXPLANATION OF PROVISIONS1
PART 3 – JUSTIFICATION2
Section A - Need for the planning proposal2
Section B - Relationship to strategic planning framework
Section C - Environmental, social, and economic impact
Section D - State and Commonwealth interests12
PART 4 – MAPPING13
PART 5 – COMMUNITY CONSULTATION22
PART 6 – PROJECT TIMELINE23

44 AND 46 GEORGE STREET , 9 AND 17 JAMES STREET, 2 JOHN STREET, 1, 3, 5, 7, 9, 11, 13, 15, AND 17 ROBERT STREET, WALLSEND

Summary of Proposal

Proposal	44 and 46 George Street , 9 and 17 James Street, 2 John Street, 1, 3, 5, 7, 9, 11, 13, 15, and 17 Robert Street, Wallsend
Property Description	Lots 1 and 2 DP 782449, Lot 100 DP 830522, Lots 8 and 9 DP 215847, Lot 1 DP 1128915, Lots 1 and 2 DP 785573, Lots A and 7 DP 21506, Lot 1 DP 199439, Lot 10 DP 732886, Lot 9 DP 742252, Lot 11 DP 743842, Lot 1 DP 997805, Lot 1 DP 1037859, Lots 12 and 13 DP 1047638, and Lot 78 DP 1083035,
Applicant Details	Monteath & Powys Pty Ltd

Background

Council has received a request to amend Newcastle LEP 2012 in order to enable the redevelopment of the land for medium density residential land use.

Council has identified an increase in complaints from neighbouring residential properties in recent years as a result of the ongoing truck movements into and out of the subject site. The proposal seeks to eliminate the existing land use conflicts between existing residential and industrial uses.

The existing access to, and egress from, the industrial uses is through residential streets, which are not designed to cater for heavy vehicle movements. This is exacerbated by the lack of opportunity to provide an alternative access to the arterial road to the north (Minmi Road).

The site itself is better suited to alternative land uses due to close proximity to the centre of Wallsend.

Site

The site is located approximately 400m to the commercial centre of Wallsend. (see **Figure 1:** Local Context of Site).

The site is surrounded by existing residential development to the east and south, and open space to the east and north. Part of the reason for the rezoning is the land use conflicts that exist between the residential area adjoining the subject site, (see **Figure 2:** Air photo of site).



Newcastle Local Environmental Plan 2012

Local Area Context Map

Cadastre

Cadastre base data 01/08/2007 © LPMA Addendum data 21/02/2013 © Newcastle City Council Subject Site

Suburb boundary

LGA boundary







Newcastle Local Environmental Plan 2012

Site Air Photo Map

Cadastre

Cadastre base data 01/08/2007 © LPMA Addendum data 21/02/2013 © Newcastle City Council Subject Site

Suburb boundary





Planning Proposal - Robert, John and James Streets Wallsend - Site Air Photo Map

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

To enable development of the site for the purpose of medium density adjacent to existing residential development and close to the existing town centre of Wallsend.

PART 2 - EXPLANATION OF PROVISIONS

The intended outcomes for the land are proposed to be achieved through the following amendments to Newcastle LEP 2012:

- 1. Amend the Zone Map in relation to the subject land from part R2 Low Density Residential zone and part IN2 Light Industry zone to an R3 Medium Density Residential zone.
- 2. Amend the height of building map to show a maximum building height of 10m over the subject land.
- 3. Amend the Floor Space Ratio Map to reflect a maximum floor space ratio of 0.9 over the subject land.
- 4. Amend the Minimum Lot Size Map to show a minimum lot size of 450m² over the subject land.

PART 3 – JUSTIFICATION

Section A - Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

No; the planning proposal is a means of addressing an ongoing conflict between residential and industrial land uses.

However, the proposed zoning is consistent with the principles of the Newcastle Urban Strategy (NUS) with respect to the proposed increases in residential densities supporting the existing adjoining commercial centre.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, a change of zoning is considered the most appropriate means of enabling the area to transition from industrial uses to residential uses that are compatible with the surrounding neighbourhood.

Furthermore the R3 Medium Density Residential Zone will deliver a greater choice of housing within a walkable catchment to Wallsend commercial centre.

Section B - Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Lower Hunter Regional Strategy (2006)

The Lower Hunter Regional Strategy (LHRS) applies to the land. The aim of this Strategy is to ensure that adequate land is available to accommodate the projected housing and employment growth in the Hunter Region over the next 25 years.

Wallsend is identified in the LHRS as a 'Town' capable of having mixed uses with medium and higher density housing. The proposal for R3 medium density residential development would be consistent with the LHRS's aims of increasing densities within the Wallsend Township.

Newcastle-Lake Macquarie Western Corridor Planning Strategy (2010)

This strategy further reinforces Wallsend as a town centre within the subregion but does provide specific detail related to the site.

4. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Newcastle 2030 Community Strategic Plan

Council adopted the Newcastle 2030 Community Strategic Plan in February 2011. The planning proposal primarily aligns to the strategic direction 'Open and Collaborative Leadership' identified within the Newcastle Community Strategic Plan 2030.

Compliance with the LEP amendment process, in particular section 57 – community consultation of the Environmental Planning and Assessment (EP&A) Act 1979, will assist in achieving the strategic objective; "Consider decision-making based on collaborative, transparent and accountable leadership" and the identified strategy 7.2b, which states: "Provide opportunities for genuine and representative community engagement in local decision making".

Newcastle Urban Strategy (NUS)

The Newcastle Urban Strategy (NUS) is the major strategic land use study for the Newcastle local government area.

The proposal is consistent with the objectives of the NUS for Wallsend. The proposal seeks to provide medium density housing within an 'easy walk' from Wallsend, which will facilitate housing choice in the Wallsend area, as well as provide additional choice for elderly, but more mobile, residents in Wallsend. Overall, the proposal will reinforce Wallsend as a sub-regional centre for Newcastle.

Newcastle Industrial Land analysis

The Newcastle Industrial Land Analysis was completed in 2005 and updated in 2009. The study identifies Newcastle's current industrial land resources and current and future industrial land demands that will enable Council to make informed decisions on the provision of industrial land over the next 20 years.

This report recommended the subject site be retained for industrial development as it would enable the expansion of Maryland Industrial Estate. However, since then the industrial lands to the north of the subject land were purchased and given approval for a Bunnings hardware store. Hence any potential links to the Maryland Industrial Estate are severed, resulting in an isolated parcel of industrial land with no direct access to an arterial road.

The nearby Maryland Industrial Estate provides a range of smaller scale automotive, landscaping, and other industries that support the local region. However, unlike the subject land, this estate has adequate buffers to nearby residential areas and has direct access to an arterial road.

Council has recently endorsed an amendment to Newcastle LEP 2012, which created an additional 2.1 ha of light industrial zoned land at 240 Maitland Road Sandgate. Despite this amendment not being part of this proposal, Council is satisfied that this will contribute to offsetting the proposed loss of 2.6 ha of (flood free) light industrial zoned land. Furthermore, the new industrial land at Sandgate is a more appropriate site for industrial development as it is less constrained, adjoins a major arterial road, and is surrounded by industrial land.

Furthermore there are other areas of new large scale industrial land being developed within the City of Newcastle, which includes Black Hill, Freeway North, and land near the Port of Newcastle.

In summary, although the Newcastle Industrial Land analysis (2009) suggested that the subject site should be retained for industrial development, Council supports the planning proposal on the following grounds:

- The subject land requires access through residential streets, as there is no potential for a direct access for large delivery vehicles to the nearest collector road (Minmi Road).
- The current industrial use of the land conflicts with the adjacent residential neighbourhood, and is the subject of consistent complaint from the community.
- Redevelopment of the site for medium density residential uses will reinforce Wallsend's role identified within the NUS and LHRS.
- The subject site is within an easy 400m walk from Wallsend town centre.
- There are other more appropriately located vacant industrial sites within the City of Newcastle and within the Lower Hunter Region.
- Current trends for industrial development have identified the need for larger business parks rather than smaller areas like the subject land.

5. Is the planning proposal consistent with applicable state environmental planning policies?

Consistency (of the planning proposal) with State Environmental Planning Policies is outlined in the table below.

Table 1 - Consideration of State Envir		
Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 1—Development Standards	No	
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	No	
State Environmental Planning Policy No 6—Number of Storeys in a Building	No	
State Environmental Planning Policy No 14—Coastal Wetlands	No	
State Environmental Planning Policy No 15—Rural Landsharing Communities	No	
State Environmental Planning Policy No 19—Bushland in Urban Areas	No	
State Environmental Planning Policy No 21—Caravan Parks	No	
State Environmental Planning Policy No 22—Shops and Commercial Premises	No	
State Environmental Planning Policy No 26—Littoral Rainforests	No	
State Environmental Planning Policy No 29—Western Sydney Recreation Area	No	
State Environmental Planning Policy No 30—Intensive Agriculture	No	
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	No	
State Environmental Planning Policy No 33—Hazardous and Offensive Development	No	
State Environmental Planning Policy No 36—Manufactured Home Estates	No	
State Environmental Planning Policy No 39—Spit Island Bird Habitat	No	
State Environmental Planning Policy No 41—Casino Entertainment Complex	No	
State Environmental Planning Policy No 44—Koala Habitat Protection	Yes	Yes, there are no known records of koalas on site.
State Environmental Planning Policy No 47—Moore Park Showground	No	

Table 1 - Consideration of State Environmental Planning Policies

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 50—Canal Estate Development	No	
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	No	
State Environmental Planning Policy No 53—Metropolitan Residential Development	No	
State Environmental Planning Policy No 55—Remediation of Land	Yes	Yes, further investigation of contamination of the site will be carried out prior to exhibiting this planning proposal.
State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area	No	
State Environmental Planning Policy No 60—Exempt and Complying Development	No	
State Environmental Planning Policy No 62—Sustainable Aquaculture	No	
State Environmental Planning Policy No 64—Advertising and Signage	No	
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	No	
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	No	
State Environmental Planning Policy No 71—Coastal Protection	No	
State Environmental Planning Policy (Affordable Rental Housing) 2009	No	
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No	
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No	
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	No	
State Environmental Planning Policy (Infrastructure) 2007	No	
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	No	
State Environmental Planning Policy (Major Development) 2005	No	

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No	
State Environmental Planning Policy (Rural Lands) 2008	No	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007	No	
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	
SEPP (State and Regional Development) 2011	No	

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Consistency (of the planning proposal) with Ministerial Directions is outlined in the table below.

Table 2 - Consideration of Section 117 Direction

S117 Direction	Applicable	Consistent
1. Employment and Resources		
1.1 Business and Industrial Zones	Yes	No, this planning proposal is inconsistent with this direction, as it proposes to reduce the area of industrial zoned land by 3.5 ha. However, Council is satisfied that this inconsistency is justified (in section 4 above) and that this loss is offset by the increases in industrial land elsewhere within the city. Furthermore, this area is of minor significance in comparison to the total land zoned for industrial and business purposes across the city.
1.2 Rural Zones	No	
1.3 Mining, Petroleum Production and Extractive Industries	No	
1.4 Oyster Aquaculture	No	
1.5 Rural Lands	No	
2. Environment and Heritage		
2.1 Environment Protection Zones	No	
2.2 Coastal Protection	No	
2.3 Heritage Conservation	No	
2.4 Recreation Vehicle Areas	No	

S117 Direction	Applicable	Consistent
3. Housing, Infrastructure and Urban Dev	velopment	
3.1 Residential Zones	Yes	Yes, the proposal is consistent with this direction as it will enable a greater choice of housing to be provided, make more efficient use of existing infrastructure and services, and reduce the consumption of land for housing and associated urban development on the urban fringe.
3.2 Caravan Parks and Manufactured Home Estates	No	
3.3 Home Occupations	No	
3.4 Integrating Land Use and Transport	Yes	Yes the proposal will enable residential uses within a 400m walkable catchment to Wallsend commercial centre, public transport, and adjacent sporting facilities.
3.5 Development Near Licensed Aerodromes	No	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Yes	Yes, works carried out on the land must be undertaken in accordance with Clause 6.1 Acid sulfate soils of the Newcastle Local Environmental Plan 2012.
4.2 Mine Subsidence and Unstable Land	No	
4.3 Flood Prone Land	Yes	Yes, the planning proposal is consistent with this direction.
4.4 Planning for Bushfire Protection	Yes	The northern edge of the land is identified as being within a bushfire buffer zone within the Newcastle Bushfire Prone Land Map 2009, hence a bushfire assessment will be prepared following gateway and Council will consult with the Commissioner of the NSW Rural Fire Service prior to community consultation.
5. Regional Planning	·	
5.1 Implementation of Regional Strategies	Yes	Yes, the planning proposal is consistent with the Lower Hunter Regional Strategy and does not undermine achievement of its vision, land use strategy, policies, outcomes, or actions.
5.2 Sydney Drinking Water Catchments	No	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	

S117 Direction	Applicable	Consistent
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.8 Second Sydney Airport: Badgerys Creek	No	
6. Local Plan Making		
6.1 Approval and Referral Requirements	No	
6.2 Reserving Land for Public Purposes	No	
6.3 Site Specific Provisions	Yes	Yes the planning proposal will not impose any additional development standards to the land. However, Council will require a Masterplan be prepared for the site, prior to finalising and exhibiting of the Planning Proposal, to address potential issues including traffic management, flooding, bushfire etc.

Section C - Environmental, social, and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No, the site is currently developed for urban purposes and does not contain critical habitat, threatened species, populations or ecological communities, or habitats.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Mine Subsidence

The site is not located within a Mine Subsidence District.

Hydrology and Water Management

The land is subject to the Wallsend Floodplain Risk Management Study and Plan for the Wallsend Commercial Centre (2009).

Some areas of the land are affected by a floodway for about 11m inside the boundary adjoining Ironbark causeway. The majority of the remaining subject land is identified as flood fringe and as such *"Flood Fringe areas would, in general, not be subject to any restrictions relating to the extent of the development."*

A flood study will be prepared as part of the environmental study to assess the site and potential development. The flood study will provide an assessment against the State Government's Floodplain Development Manual.

The flooding on site comes from the backup of stormwater during significant events. The flooding assessment will also be complemented by a stormwater assessment and management plan.

Bushfire

According to Newcastle Bush Fire Hazard Map (2009) the northern edge of the land is identified as a bushfire buffer. Further assessment of this risk and consultation with the Commissioner of the NSW Rural Fire Service will occur prior to community consultation.

Heritage

There are no listed items of environmental heritage on site or in the vicinity of the site.

Contamination

Council records indicate that the land is contaminated from current and former uses on the land. A detailed assessment and remediation plan will be required prior to finalising or exhibiting this planning proposal.

Traffic Impacts and Vehicular and Pedestrian Access

As previously identified, the current street network is insufficient for catering for large volumes of heavy vehicles, associated with industrial uses. However, further assessment is required prior to finalising and exhibiting the planning proposal to ensure adequate traffic control is identified for an increase in vehicle trips generated by the proposed residential uses.

9. Has the planning proposal adequately addressed any social and economic effects?

No items of European or Aboriginal cultural heritage have been identified on the land.

The planning proposal will enable a change in land use which is more compatible with the adjoining neighbourhood and hence reduce current conflicts between industrial and residential land uses. Furthermore, the proposal will provide opportunities for a greater choice in housing.

The planning proposals will result in a minor loss of employment land within the locality but recognises that the creation of other employment land within the city will compensate this loss.

Section D - State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

Yes, the subject land is sufficiently supplied with existing infrastructure and services.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

No State or Commonwealth public authorities were consulted in preparing this planning proposal. However, consultation will be carried out in accordance with gateway determination.

PART 4 – MAPPING

The planning proposal seeks to amend the following maps within Newcastle LEP 2012:

- Land Zoning Map
- Height of Buildings Map
- Floor Space Ratio Map
- Minimum Lot Size Map

The following maps are included to illustrate the mapping amendments proposed:

- Figure 3: Existing Land Zoning Map
- Figure 4: Proposed Land Zoning Map
- Figure 5: Existing Max Height of Buildings Map
- Figure 6: Proposed Max Height of Buildings Map
- Figure 7: Existing Max Floor Space Ratio Map
- Figure 8: Proposed Max Floor Space Ratio Map
- Figure 9: Existing Min Lot Size Map
- Figure 10: Proposed Min Lot Size Map

















PART 5 – COMMUNITY CONSULTATION

Council has determined that the planning proposal is not considered as low impact given its inconsistency with the Newcastle Industrial Lands Analysis (2009). Hence, it is proposed that the planning proposal will be publicly exhibited for a minimum 28 day period.

Council propose to consult with the following agencies prior to public exhibition of the planning proposal:

- NSW Roads and Maritime Services
- NSW Rural Bushfire Services

Any other relevant agencies will be consulted in accordance with the requirements of the gateway determination.

PART 6 – PROJECT TIMELINE

The project is expected to be completed within 12 months from Gateway Determination. The following timetable is proposed:

Task	Planning Proposal Timeline											
	Mar 13	Apr 13	May 13	Jun 13	Jul 13	Aug 13	Sep 13	Oct 13	Nov 13	Dec 13	Jan 14	Feb 14
Issue of Gateway Determination												
Prepare any outstanding studies												
Consult with required State Agencies												
Exhibition of planning proposal and technical studies												
Review of submissions and preparation of report to Council												
Report to Council following exhibition												
Planning Proposal sent back to Department requesting that the draft LEP be prepared												