

Newcastle LEP 2012 – 11-19 Minmi Road Wallsend

Proposal Title : **Newcastle LEP 2012 – 11-19 Minmi Road Wallsend**

Proposal Summary : **The planning proposal seeks to rezone 5 lots on Minmi Road which contain a pub, take away food shop and vacant lots from R2 Low Density Residential to B1 Neighbourhood Centre and to amend FSR, height and minimum lot size controls to complement the zone.**

PP Number : **PP_2014_NEWCA_003_00** Dop File No : **14/05366**

Proposal Details

Date Proposal Lodged with DOP : **19-Mar-2014** Date Proposal Uploaded to Public Website : **10-Apr-2014**

Proposal Assessment

Is Public Hearing Required by PAC? **No**

Agencies Requested to Consult : **Mine Subsidence Board
Transport for NSW - Roads and
Maritime Services**

Gateway Determination

Decision Date : **10-Apr-2014** Gateway Determination : **Passed with Conditions**

Due Date of LEP : **17-Jan-2015**

Implementation

Implementation Start Date : **17-Apr-2014** Exhibition Duration : **15**

Agency consultation consistent with recommendation : **Yes**

If No, comment : **CONSULTATION WITH PUBLIC AUTHORITIES**

Consultation was required by Gateway with the Mine Subsidence Board and the NSW Roads and Maritime Services.

Agency consultation was conducted in accordance with the Gateway conditions. The above agencies were consulted and no objection was made.

No other objection was received from a public authority in relation to the draft Plan.

Agency Objections : **No**

If Yes, comment :

Documentation consistent with Gateway : **Yes**

If No, comment : **Council resolved not to accept the Minister's plan making delegations on 12 March 2012.**

The planning proposal seeks to rezone 5 lots on Minmi Road which contain existing commercial operations and vacant lots from R2 Low Density Residential to B1 Neighbourhood Centre and to amend FSR, height and minimum lot size controls to complement the zone.

The intention is allow future expansion of the existing commercial operations and develop the vacant sites with compatible uses.

PUBLIC PARTICPATION

The Planning Proposal was exhibited for a total of 14 days in accordance with the Gateway Determination from 10 June to 24 June 2014. 22 submissions were received.

The submissions objected to the proposal based on an assumption that the vacant properties would be used by a multi-national take-away food outlet. The submissions raised objections based on potential adverse impacts on the community health and obesity. Submissions also raised concerns that the rezoning would result in an oversupply in business zones land that would weaken the commercial centre of nearby Wallsend.

The issues raised in submissions are considered adequately addressed as the planning proposal seeks to formalise existing, long term uses through rezoning the land a low intensity Business Zone – B1 Neighbourhood Centre. The appropriate land uses associated with this zone are formalised in Newcastle LEP 2012 and the Standard Instrument land use matrix which sets out to provide consistency in land use permissibility. Potential impacts of specific land uses in relation to expansion of existing operations or new developments on vacant land are a matter to be considered through assessment of individual development applications.

S117 DIRECTIONS AND STATE POLICIES

The Director General's delegate agreed to the minor inconsistency with Directions 3.1 Residential Zones and 4.1 Acid Sulfate Soils by issuing the Gateway.

Council was required to consult with the Mine Subsidence Board in order to comply with S117 Direction 4.2 Mine Subsidence and Unstable Land to determine if the Board has any objection to the Planning Proposal. MSB did not raise any objection and therefore the Planning Proposal is consistent with Direction 4.2. Council was also required to consult with NSW Roads and Maritime Services whom did not object to the proposal.

The Planning Proposal is consistent with the Ministers S117 Directions and State policies.

MAKE THE PLAN

A PC Opinion was issued on 11 November 2014. Council was consulted in accordance with s59(1) and accepted the drafting of the instrument.

PARLIAMENTARY COUNSEL OPINION

Legal drafting of the instrument was requested on 19 August 2014. There has been no change to the draft instrument since the PC Opinion was issued.

Council was formally consulted on the draft LEP pursuant to s59(1) of the EP&A Act on 6 November 2014. Council agreed with the instrument on 7 November 2014.

LEP Assessment

Date Received from RPA : **16-Sep-2014**

LEP Determination

DatePublishNotification

Date sent to Parliamentary Council to Draft LEP : **04-Nov-2014**

Determination Date :

Determination Decision :

Notification Date :