

### 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 Planning Proposal Received : **19-Mar-2014**

LGA covered : **Newcastle**

Region : **Hunter**

RPA : **Newcastle City Council**

State Electorate : **NEWCASTLE**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

#### Location Details

Street : **11 Minmi Rd**

Suburb : **Wallsend**

City : **Newcastle**

Postcode :

Land Parcel : **Lot: 1 DP: 76498**

Street : **13 Minmi Rd**

Suburb : **Wallsend**

City : **Newcastle**

Postcode :

Land Parcel : **Lot: 1 DP: 798322**

Street : **15 Minmi Rd**

Suburb : **Wallsend**

City : **Newcastle**

Postcode :

Land Parcel : **Lot: 1 DP: 780731**

Street : **17 Minmi Rd**

Suburb : **Wallsend**

City : **Newcastle**

Postcode :

Land Parcel : **Lot: 2 DP: 711545**

Street : **19 Minmi Rd**

Suburb : **Wallsend**

City : **Newcastle**

Postcode :

Land Parcel : **Lot: 1 DP: 1081339**

**DoP Planning Officer Contact Details**

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**RPA Contact Details**

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**DoP Project Manager Contact Details**

Contact Name :  
Contact Number :  
Contact Email :

**Land Release Data**

|                                                                                         |                                           |                                                            |                        |
|-----------------------------------------------------------------------------------------|-------------------------------------------|------------------------------------------------------------|------------------------|
| Growth Centre :                                                                         |                                           | Release Area Name :                                        |                        |
| Regional / Sub<br>Regional Strategy :                                                   | <b>Lower Hunter Regional<br/>Strategy</b> | Consistent with Strategy :                                 | <b>Yes</b>             |
| MDP Number :                                                                            |                                           | Date of Release :                                          |                        |
| Area of Release<br>(Ha) :                                                               | <b>0.36</b>                               | Type of Release (eg<br>Residential /<br>Employment land) : | <b>Employment Land</b> |
| No. of Lots :                                                                           | <b>0</b>                                  | No. of Dwellings<br>(where relevant) :                     | <b>0</b>               |
| Gross Floor Area :                                                                      | <b>0</b>                                  | No of Jobs Created :                                       | <b>0</b>               |
| The NSW Government Lobbyists Code of<br>Conduct has been<br>complied with : <b>Yes</b>  |                                           |                                                            |                        |
| If No, comment :                                                                        |                                           |                                                            |                        |
| Have there been meetings or<br>communications with<br>registered lobbyists? : <b>No</b> |                                           |                                                            |                        |
| If Yes, comment :                                                                       |                                           |                                                            |                        |

**Supporting notes**

Internal Supporting  
Notes :  
  
External Supporting  
Notes :

**Adequacy Assessment**

### Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The intention is allow future expansion of the Racecourse Hotel and the take away food store and develop the vacant sites.**

### Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions is adequate as it provides the parameters to amend Newcastle LEP 2012.**  
**NEWCASTLE LEP 2012**  
**The PP will amend the following maps in relation to the 6 lots;**

- **LZN map from R2 Low Density Residential to B1 Neighbourhood Centre**
- **HOB map from 8.5m to 11m**
- **FSR map from 0.75:1 to 1.5:1**
- **LSZ map to remove the MLS control.**

### Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

**1.3 Mining, Petroleum Production and Extractive Industries**  
**2.3 Heritage Conservation**  
**3.1 Residential Zones**  
**3.3 Home Occupations**  
**3.4 Integrating Land Use and Transport**  
**4.1 Acid Sulfate Soils**  
**4.2 Mine Subsidence and Unstable Land**  
**5.1 Implementation of Regional Strategies**

\* May need the Director General's agreement

Is the Director General's agreement required?

c) Consistent with Standard Instrument (LEPs) Order 2006 :

d) Which SEPPs have the RPA identified?

**SEPP No 55—Remediation of Land**  
**SEPP No 64—Advertising and Signage**  
**SEPP (Infrastructure) 2007**

e) List any other matters that need to be considered :

**Nil**

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

**S117 DIRECTIONS**

**2.3 Heritage Conservation – the site contains the Racecourse Hotel a local heritage item under Newcastle LEP 2012. The PP is consistent with Direction 2.3 as it seeks to retain the heritage item and does not seek to reduce the existing heritage provisions in the LEP.**

**Direction 3.1 Residential Zones – The PP is inconsistent with Direction 3.1 as it does not broaden housing choice but rather narrows permissible housing typologies. The inconsistency is considered justified as the PP seeks to rezone land characterised by long-standing commercial uses. The PP is however consistent with the Direction's objective of using infrastructure and services efficiently as it will increase the height and FSR allowing residential uses above the proposed development. The inconsistency is considered of minor significance and the agreement of the Director General's delegate is required.**

**Direction 3.4 - Integrating Land Use and Transport – the PP is consistent with Direction 3.4 as it corresponds to the aims and objectives of The Right Place for Business and**

**Services.** It encourages multi-purpose trips by being on a main collector road connecting the expanding residential western growth corridor. It is consistent with Integrating Land Use and Transport as it aligns neighbourhood centres with corridors. Although access to public transport in the western corridor area is poor overall, the existing retail operations are located on a classified road which carries a local bus service.

**Direction 4.1 Acid Sulfate Soils** – the PP is inconsistent with Direction 4.1 as it proposes intensification of land use. The site is identified as Class 5 ASS which relates to works within 500m of Classes 1-4 below 5m. It is considered that the inconsistency is of minor significance due to the existing provisions of the LEP in relation to the management of acid sulphate soils and that it is unlikely that excavation of 5m would be required in developing this site. The inconsistency is considered of minor significance and the agreement of the Director General's delegate is required.

**4.2 Mine Subsidence and Unstable Land** – the site is affected by mine subsidence and therefore Council is required to consult with the Mine Subsidence Board. This advice is to be sought prior to exhibition and should form part of the community consultation. The Director General's delegate cannot form a view as to a potential inconsistency until this advice is received.

#### STATE POLICIES

The PP is consistent with all State policies.

Council has reviewed the proposal against SEPP 55 and consider that there is no known contamination of the land and the current and former uses of the land are unlikely to have cause to risk of contamination.

#### Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The maps provided are adequate for community consultation.

#### Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has proposed a 14 day consultation period this is considered appropriate as the proposal is of a minor nature.

#### Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **PROJECT TIMELINE**

Council's timeline nominates the Planning Proposal's completion by the end of September 2014, approximately seven (7) months after the Gateway Determination. However this required a Gateway Determination to be issued in March and is ambitious. A nine (9) month completion timeframe is recommended.

#### DELEGATION AUTHORISATION

Council has accepted plan-making delegation for PPs generally. However Council has requested not to receive delegations for this PP. Council states that it has made this decision given the added impost on Council resources without any additional influence on the outcomes.

The purpose of giving Council's delegations for completing Planning Proposals is to provide them with the greatest level of influence on the final LEP amendment, consistent with the Gateway determination and relevant mapping and legal

requirements. Experience with the delegated process within the region, where all but one other Council is using their delegations, has highlighted that it can result in faster LEP amendments and a streamlined process. Finally there are resource savings within council by directly communicating with PC under delegation.

Due to the very minor nature of the Planning Proposal and despite Council's resolution, it is recommended that plan-making delegations be given to Council in this instance. The Regional office will meet with Council to discuss these concerns and assist them in using their delegations.

### Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **Yes. The preparation of a Planning Proposal is the most appropriate mechanism to investigate whether the amendment should occur.**

### Proposal Assessment

#### Principal LEP:

Due Date :

Comments in relation to Principal LEP :

**Newcastle Standard Instrument was published 15 June 2012.**

#### Assessment Criteria

Need for planning proposal :

**A planning proposal is considered the most effective and timely method available to achieve the objectives and intended outcomes of the proposal.**

**The B1 zone allows commercial premises which allows a number of business, office and retail premises including pub and take-away food and drink premises. The B1 zone is a suitable amendment to the Plan as it makes the existing development permissible on the site. It is considered necessary to align where possible the land use zone with existing uses.**

Consistency with strategic planning framework :

**LOWER HUNTER REGIONAL STRATEGY 2006 (LHRS)**

**The PP is consistent with the Strategy's Neighbourhood Planning Principles in that it provides easy access to neighbourhood shops and the potential for more services on Minmi Road. The proposed B1 zoned land is also within a walkable distance to the surrounding residential, schools and adjoining industrial area.**

**NEWCASTLE URBAN STRATEGY (NUS)**

**The proposed low-scale neighbourhood centre is not identified specifically within Newcastle Council's centres hierarchy however the PP is broadly consistent as the NUS seeks to establish vibrant urban villages with services within easy walk of residents.**

Environmental social economic impacts :

**ENVIRONMENTAL**

**There are no ecological values attributed to the site as it is within an urban context.**

**SOCIAL IMPACTS:**

**Traffic**

**All five (5) sites have the potential for direct access to Minmi Road. Council intends to encourage consolidated access to the site through its future development. Managing ingress and egress will be considered under future development applications. It is recommended that the matter be referred to RMS for comment access from Minmi Road.**

**Social/ Amenity impacts**

Increase in development potential and bulk and scale has the potential to introduce overshadowing and privacy impacts on existing residential amenity to the south. It is recommended that any potential impacts can be properly managed through Council's Development Control Plan.

#### Heritage

The Racecourse Hotel is situated on the subject site and is listed as a local heritage item under LEP 2012. There is no intention to alter or remove the heritage item but rather the two storey structure offers useful architectural cues for compatible development.

The land does not contain any other known items of European or Aboriginal cultural Heritage.

#### Contamination

There is no known contamination from former use of the land.

#### ECONOMIC

It is considered that the consolidation of the existing services into a low-scale neighbourhood centre will provide positive social and economic benefits to the area reducing vehicular trips for incidental expenditure and increasing walkability of the neighbourhood.

### Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Mine Subsidence Board  
Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required :

If Other, provide reasons :

Identify any internal consultations, if required :

**No internal consultation required**

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

### Documents

## Newcastle LEP 2012 – 11-19 Minmi Road Wallsend

| Document File Name                                                                                        | DocumentType Name        | Is Public |
|-----------------------------------------------------------------------------------------------------------|--------------------------|-----------|
| Planning Proposal 11_19 Minmi Road Wallsend.pdf                                                           | Proposal                 | Yes       |
| Council report and resolution of 25 February 2014.pdf                                                     | Determination Document   | Yes       |
| Newcastle City Council_17-03-2014_Gateway Request, 15 Tinonee Road, 400 Glebe Road, 11-19 Minmi Road_.pdf | Proposal Covering Letter | Yes       |

### Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land
- 5.1 Implementation of Regional Strategies

Additional Information :

- Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
  - the planning proposal must be made publicly available for 14 days; and
  - the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
- Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
  - ☐ Roads and Maritime Services
  - ☐ Mine Subsidence Board

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
- A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
- The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons :

- The PP consolidates through rezoning an existing cluster of commercial uses on the edge of an established residential area along an arterial transport route.

Signature:



Printed Name:

K. O'FLAHERTY

Date:

10/4/14

