Planning Proposal



11-19 Minmi Road, Wallsend

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11-19 Minmi Road, Wallsend

Summary of Proposal

Proposal	11-19 Minmi Road Wallsend							
Property Details	11-19 Minmi Road Wallsend NSW 2287	Lot 1 DP 76498 Lot 1 DP 798322 Lot 1 DP 780731 Lot 2 DP 711545 Lot 1 DP 111245 Lot 1 DP 1081339						
Applicant Details	KDC Pty Ltd							

Background

Council has received a request to amend the Newcastle LEP 2012 to rezone 5 parcels of land from R2 Low Density Residential to B1 Neighbourhood Centre to allow redevelopment and/or extension of the existing commercial uses and vacant land.

Site

The proposal consists of land at 11 – 19 Minmi Road Wallsend.

The site fronts Minmi Road (a main arterial road linking Wallsend to the M1 Motorway) and is bound by residential development to the east, south and west and Minmi Road and industrial development to the North. The Racecourse Hotel is situated on 11 & 13 Minmi Road, 15 & 17 Minmi Road are vacant and a small takeaway shop and associated parking is located on the corner of 19 Minmi Road and Fletcher Street Wallsend. (see **Figure 1**: Local Context of Site).

The site is currently zoned R2 Low Density Residential under the Newcastle Local Environmental Plan 2012. The site is not affected by flooding or bushfire although is located within a mine subsidence district. The land is relatively flat with the vacant parcels being predominately cleared of vegetation. The Racecourse Hotel is listed within the Newcastle Local Environmental Plan 2012 as a local item of heritage significance. (see **Figure 2**: Air Photo of Site).



Local Area Context Map

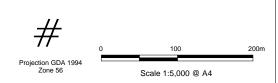
Cadastre

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Subject Site

Suburb boundary

LGA boundary



Planning Proposal - 11-19 Minmi Road Wallsend - Local Area Context Map





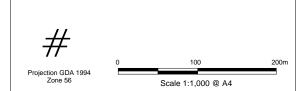
Site Air Photo Map

Cadastre

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Subject Site

Suburb boundary



Planning Proposal - 11-19 Minmi Road Wallsend - Site Air Photo Map



Part 1 - Objectives or Intended Outcomes

To enable future expansion of the Racecourse Hotel, continued operation of the takeaway food store and development of the vacant sites for commercial uses.

Part 2 - Explanation of Provisions

The objective of this planning proposal will be achieved by amending Newcastle LEP 2012 as follows:

- 1. Land zoning map to reflect a change of zone from R2 Low Density Residential zone to B1 Neighbourhood Centre zone.
- 2. Height of building map to reflect a change of maximum building height from 8.5m to 11m, consistent with surrounding B1 Neighbourhood Centre zones.
- 3. Floor space ratio map to reflect a change from a maximum floor space ratio of 0.75:1 to 1.5:1, consistent with the adjoining B1 Neighbourhood Centre zone.
- 4. Minimum lot size map to remove the minimum lot size. The Newcastle LEP 2012 does not apply minimum lot sizes to commercial zoned 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 not a result of a strategic study or report but reflects the existing uses on part of the land and providing the local community and commuters with a range of small scale neighbourhood services.

Furthermore the proposal will not conflict with the results of Council's strategies.

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

Yes, an amendment to the Newcastle Local Environmental Plan 2012 will allow a redevelopment of the existing Racecourse Hotel and takeaway shop, which all currently rely on existing use rights. Furthermore, the amendment will facilitate the development of the two vacant adjoining sites.

The option of nominating additional permitted uses under Schedule 1 could also achieve this intended outcome. However, it is considered that other uses permitted within the B1 Neighbourhood Centre zone may well be suitable for the site in the longer term. Therefore, it is considered more desirable to rezone the site to B1 Neighbourhood Centre, consistent with the existing commercial centre, to enable more flexible land use over time.

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 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.

Although this project is small in scale it will contribute to generating employment opportunities and is therefore considered consistent with this aim.

Furthermore, the proposed B1 Neighbourhood Centre zone permits shop top housing as a permissible use with consent and therefore can maintain a housing supply consistent with the aims of the Strategy.

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, as revised in 2013. The planning proposal primarily aligns to the strategic direction 'Open and Collaborative Leadership' identified within the Newcastle 2030 Community Strategic Plan.

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)

Strengthening the neighbourhood centre supports one of the core principles of the NUS to establish vibrant urban villages with services within easy walk of residents.

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 Environmental Planning Policies

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	

N (OEDD		
Name of SEPP	Applicable	Consistency
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	The site does not contain any Koala Habitat.
State Environmental Planning Policy No 47—Moore Park Showground	No	
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	No	There is no known contamination of the land and the current and former uses of the land are unlikely to have caused risk of contamination.
State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area	No	

Name of SEPP	Applicable	Consistency
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	Yes	The planning proposal does not contain any proposals for advertising or signage
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	
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 State Environmental Planning Policies is outlined in the table below.

Table 2 - Consideration of Section 117 Directions

S117 Direction	Applicable	Consistent
1. Employment and Resources		
1.1 Business and Industrial Zones	Yes	The planning proposal proposes to increase land zoned for business and therefore is consistent with the direction.
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	Yes	11 Minmi Road contains a local item of heritage significance (Racecourse Hotel). The Planning Proposal is proposing to retain the item and therefore is consistent with the direction.
2.4 Recreation Vehicle Areas	No	
3. Housing, Infrastructure and Urban De	evelopment	

S117 Direction	Applicable	Consistent
3.1 Residential Zones	Yes	The proposal alters an existing residential zone boundary and therefore applies. The proposal achieves the requirements of the direction, including:
		The proposed neighbourhood centre zone still permits residential development in the form of shop top housing thereby enabling diversity of housing type for the area. Furthermore, the proposed increase in building height and floor space ratio (ie. additional storey) would enable residential development generally comparable to that achievable under the existing residential zone and development standards.
		 Utilises existing infrastructure and services.
		 Reducing consumption of land on the urban fringe by maintaining ability to support residential landuse.
		 Would not compromise future design on the site.
		The objectives of the direction are achieved and the proposal is considered to be consistent with the direction.
3.2 Caravan Parks and Manufactured Home Estates	No	
3.3 Home Occupations	Yes	Yes. Home Occupation is exempt development under SEPP (Exempt and Complying Development Codes) 2008. Home businesses are also permissible under the B1 Neighbourhood Centre zone.

3.4 Integrating Land Use and Transport Yes This proposal alters the boundary residential and commercial land a therefore applies. The proposal is consistent with the principles of Improving Transport Guidelines for planning and dever (DPI 2001) and The Right Place Business and Services – Planning (DPI 2001). In this regard, the site is well local.	he relevant t Choice – elopment for ng Policy ated Classified
principles of Improving Transport Guidelines for planning and deve (DPI 2001) and The Right Place Business and Services – Plannin (DPI 2001).	t Choice – elopment for ng Policy ated Classified
In this regard, the site is well loca	Classified
adjacent to Minmi Road, being a Road. The proposal will link the neighbourhood centre with Minm has regular bus services thereby public transport use. The propose Neighbourhood Centre zone enause development and is also located close proximity to medium densiting residential development. The neighbourhood centre will therefore the neighbourhood centre will therefore duced car dependence and factorisis provision of services within walking to residents. The proposal enables mixed use development as a minor expansion.	ni Road that v supporting sed B1 ables mixed ated in ty ore support cilitate ing distance
existing neighbourhood centre cowith the guidelines. The proposal is consistent with the prop	
objectives of the direction as it:improves access to services.	
reduces travel demand by su the neighbourhood centre for residents	upporting
3.5 Development Near Licensed No Aerodromes	
4. Hazard and Risk	
4.1 Acid Sulfate Soils Yes The site is located within Class 5 indicated on the Acid Sulfate Soil This classification is a lower lever concern and therefore is not consisignificant risk.	ils Map. er of
4.2 Mine Subsidence and Unstable Land Yes The site is located in a Mine Subsidence Board will be undertable the exhibition period for the plant proposal.	ine aken during
4.3 Flood Prone Land No	
4.4 Planning for Bushfire Protection No	

S117 Direction	Applicable	Consistent
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	
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	Yes	The planning proposal is consistent with direction 6.1
6.2 Reserving Land for Public Purposes	No	
6.3 Site Specific Provisions	No	

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?

The site is currently developed for urban purposes and the planning proposal has no potential for critical habitat or threatened species, populations or ecological communities, or their habitats, to be adversely affected.

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 located within a Mine Subsidence district; consultation will be undertaken with the Mine Subsidence Board following Gateway Determination.

Hydrology and Water Management

The site is not located within a flood prone area.

Bushfire

According to Newcastle Bush Fire Hazard Map (2009) the land is not affected by bushfire risk or in the vicinity of such a risk.

Heritage

The Racecourse Hotel (11 Minmi Road Wallsend) is listed as an item of Local Significance. The planing proposal is proposing to retain the hotel.

Contamination

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.

Traffic Impacts and Vehicular and Pedestrian Access

The site is located on the southern side of Minmi Road, Wallsend which is a main arterial road connecting Newcastle Road with the M1 Motorway. There are three existing vehicular access points from Minmi Road (11, 13, 15 Minmi Road) which will likely be consolidated when the site is redeveloped.

Any future redevelopment of the site will be required to address traffic impacts, pedestrian access and parking at the development assessment stage.

Amenity Impacts

The proposal includes increasing the maximum height limit from 8.5m to 11m and maximum FSR from 0.75:1 to 1.5:1. This has the potential to increase building mass and associated amenity impacts such as overshadowing and scale on the adjoining residential area to the South.

It is envisaged that a building height one storey greater than that of the adjoining zone (ie. potential three-storey building adjoining two-storey buildings) is not an unreasonable transition of scale. Further analysis of these issues would be undertaken at development application stage.

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

The Racecourse Hotel located on 11 Minmi Road is classified as an item of local heritage significance in the Newcastle Local Environmental Plan 2012, the proposal seeks to retain the hotel. There is no effect from the proposal on items or places of Aboriginal cultural heritage.

The planning proposal is unlikely to impact on existing social infrastructure as the site is well serviced by public transport, schools and community infrastructure. The proposed B1 Neighbourhood Centre zoning allows a variety of small scale retail, business and community uses that would serve the needs of the people who live and work in the surrounding neighbourhood, therefore impacting positively on the surrounding area.

Section D - State and Commonwealth interests

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

Yes, there is adequate public infrastructure for the planning proposal.

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

No other State and Commonwealth public authorities have been consulted at this stage but will carried out in accordance with the requirements of the 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 Matrix below indicates (with an "X"), which map sheets (of Newcastle LEP 2012) are to be amended as a result of this planning proposal (eg. FSR_001C)

	FSR	LAP	LZN	WRA	ASS	HOB	LSZ	LRA	CL1	HER	URA
001											
001A											
001B											
001C											
001D											
002											
002A											
002B	X		X			X	X				
002C											
002D											
002E											
002F											
002G											
002H											
003											
004											
004A											
004B											
004C											
004D											
004E											
004F											
004FA											
004G											
004H											
0041											
004J											
004K											

Map Codes:	FSR	=	Floor Space Ratio map
•	LAP	=	Land Application Map
	LZN	=	Land Zoning Map
	WRA	=	Wickham Redevelopment Area Map
	ASS	=	Acid Sulfate Soils Map
	HOB	=	Height of Buildings Map
	LSZ	=	Lot Size Map
	LRA	=	Land Reservation Acquisition Map
	CL1	=	Key Sites Map & Newcastle City Centre Map
	HER	=	Heritage Map
	URA	=	Urban Release Area Map

The following maps illustrate the proposed amendments to the Newcastle LEP 2012 maps:

• 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



Existing Land Zoning Map

Cadastre

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Addendum data 17/01/2014 © Newcastle City Council

Subject Site

Zone

B1 Neighbourhood Centre

B2 Local Centre

B3 Commercial Core

B4 Mixed Use

B5 Business Development

E1 National Parks and Nature Reserves

E2 Environmental Conservation

E3 Environmental Management

E4 Environmental Living

IN1 General Industrial

IN2 Light Industrial

IN3 Heavy Industrial

R2 Low Density Residential

R3 Medium Density Residential

R4 High Density Residential

E1 Public Recreation

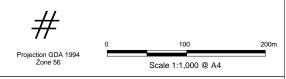
RE2 Private Recreation

SP1 Special Activities

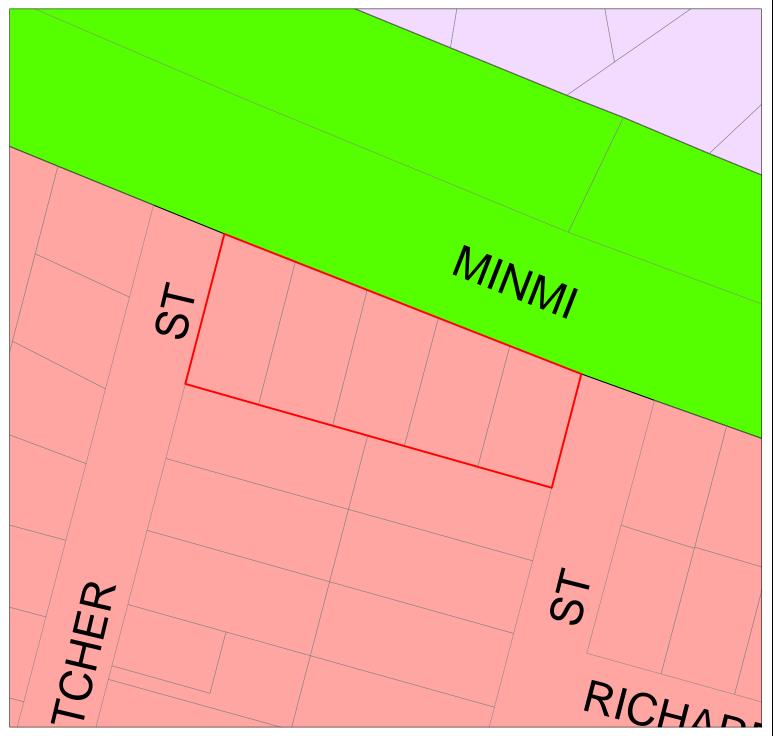
SP2 Infrastructure

W2 Recreational Waterways

UL Unzoned Land



Planning Proposal - 11-19 Minmi Road Wallsend - Existing Land Zoning Map





Proposed Land Zoning Map

Cadastre

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Subject Site

Zone

B1 Neighbourhood Centre

B2 Local Centre

B3 Commercial Core

B4 Mixed Use

B5 Business Development

National Parks and Nature Reserves

Environmental Conservation

E3 Environmental Management

E4 Environmental Living

IN1 General Industrial

IN2 Light Industrial

IN3 Heavy Industrial

R2 Low Density Residential

R3 Medium Density Residential

High Density Residential

Public Recreation

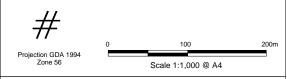
RE2 Private Recreation

SP1 Special Activities

SP2 Infrastructure

W2 Recreational Waterways

UL Unzoned Land



Planning Proposal - 11-19 Minmi Road Wallsend -Proposed Land Zoning Map

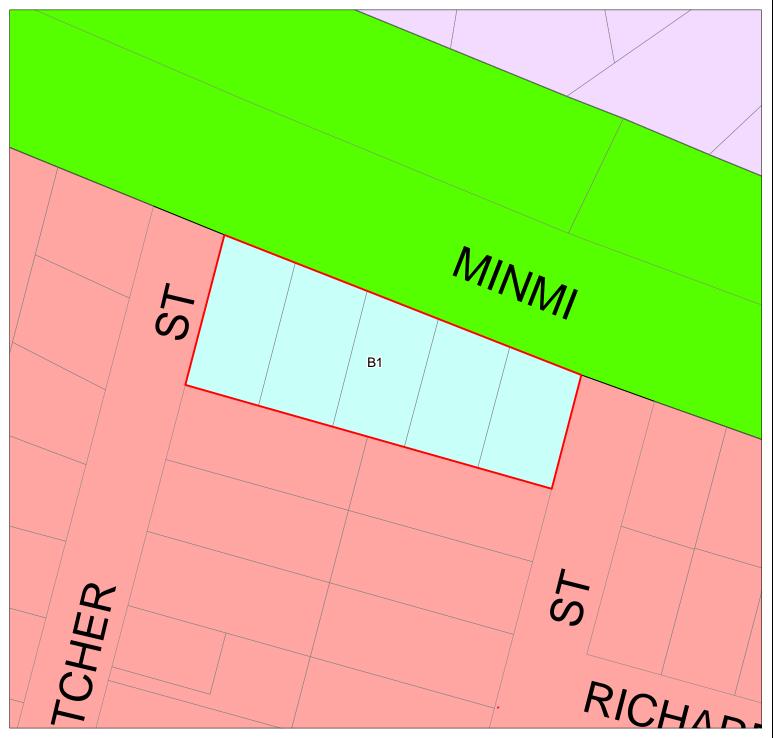


Figure 4

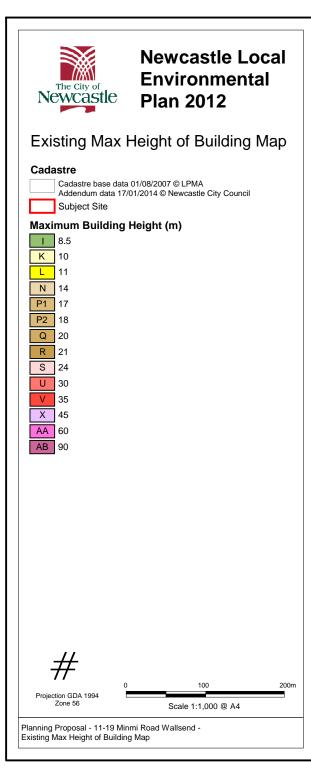
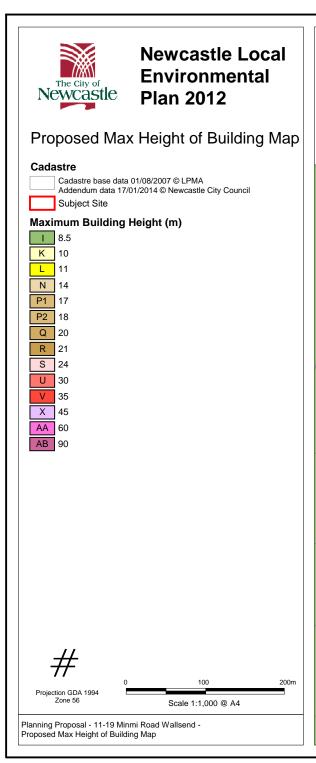
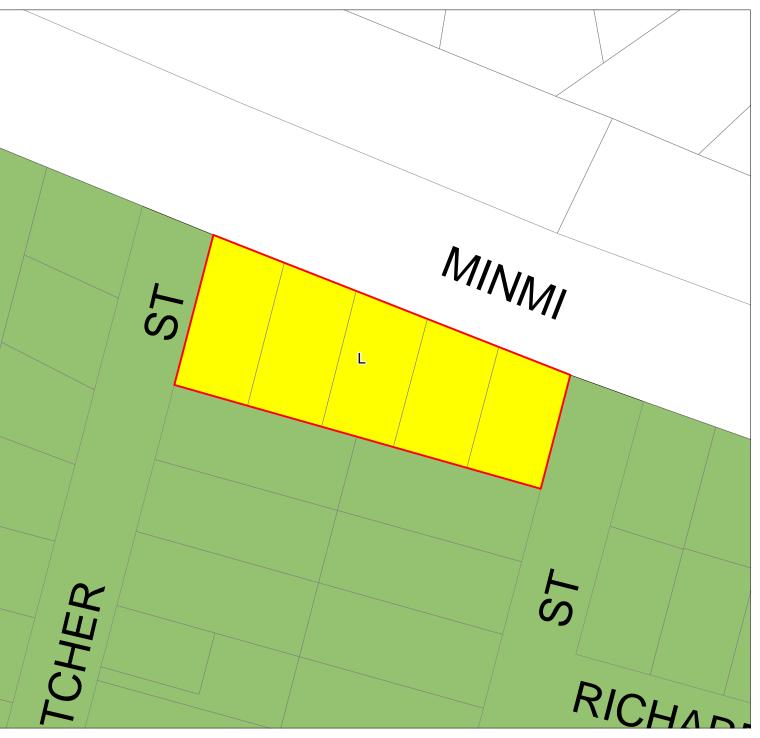
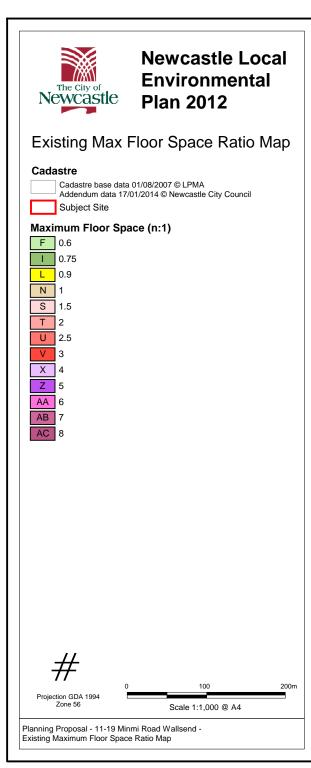




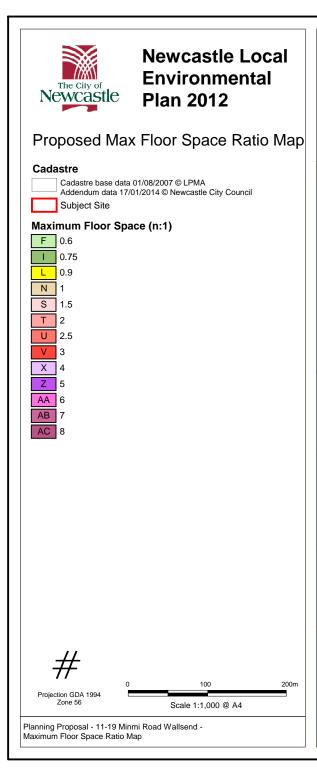
Figure 5

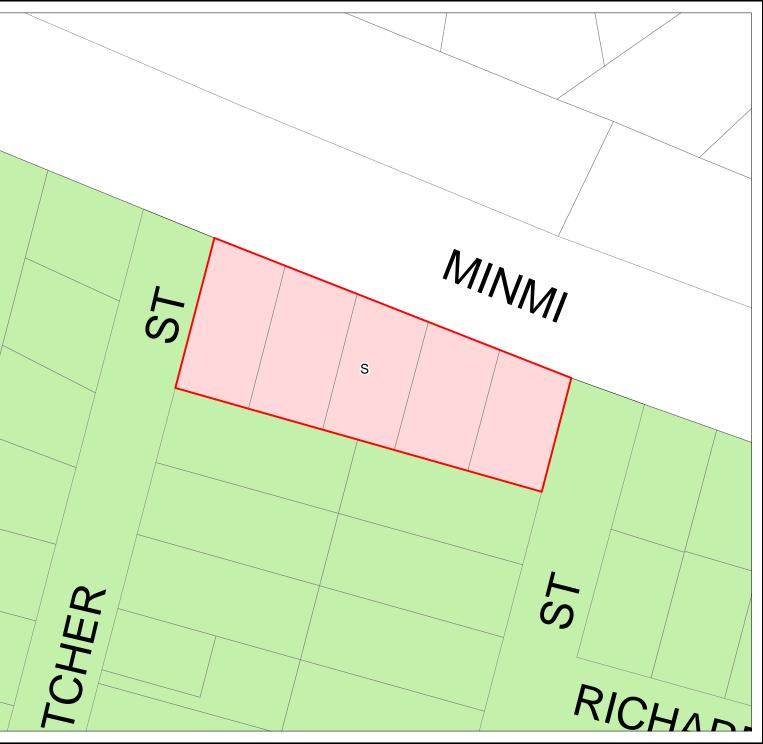














Existing Min Lot Size Map

Minimum Lot Size (sq m)



G 450

1 000

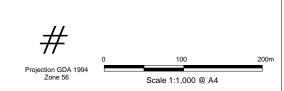
Y 10 000 (1 ha)

Z 20 000 (2 ha)

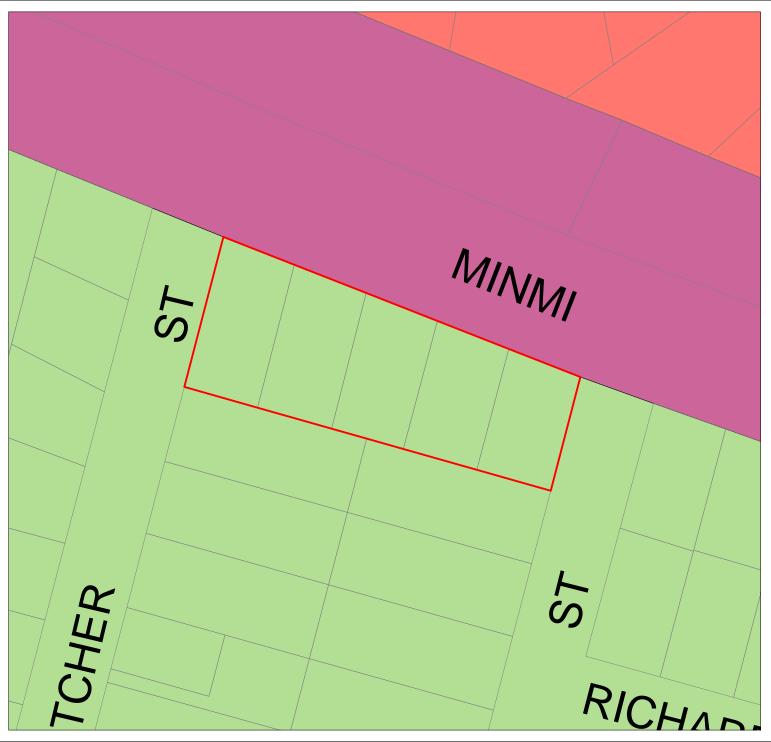
AB 400 000 (40 ha)

Cadastre

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Planning Proposal - 11-19 Minmi Road Wallsend - Existing Min Lot Size Map





Proposed Min Lot Size Map

Minimum Lot Size (sq m)



G 450

U 1 000

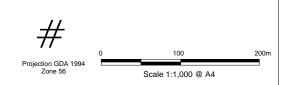
Y 10 000 (1 ha)

Z 20 000 (2 ha)

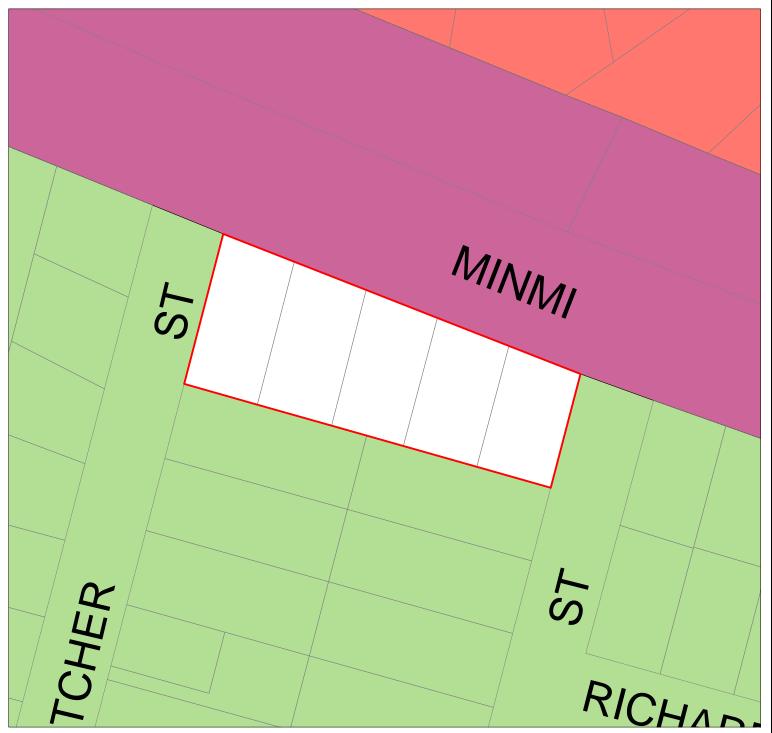
AB 400 000 (40 ha)

Cadastre

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Planning Proposal - 11-19 Minmi Road Wallsend - Proposed Min Lot Size Map



Part 5 – Community Consultation

The planning proposal is considered as low impact in accordance with the Department of Planning and Infrastructure's guidelines, 'A guide to preparing local environmental plans'. Hence, it is proposed that the planning proposal will be publicly exhibited for a minimum 14 day period.

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

- Mine Subsidence Board
- Roads and Maritime Service

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 seven months from Gateway Determination. The following timetable is proposed:

Task	Planning Proposal Timeline											
	Jan 14	Feb 14	Mar 14	Apr 14	May 14	Jun 14	Jul 14	Aug 14	Sep 14	Oct 14	Nov 14	Dec 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												