



IRF22/2964

Gateway determination report – PP 2022-3061

Charlestown strategic centre

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elder's past, present and future.

This report was compiled on Ku-ring-gai land and is in relation to a site located on Awabakal land.

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1 Planning proposal

1.1 Overview

Table 1 Planning proposal details

LGA	Lake Macquarie Local Government Area
PPA	Lake Macquarie City Council
NAME	Charlestown strategic economic centre ability to unlock approx. 860 jobs / 6081 dwellings
NUMBER	PP-2022-3061
LEP TO BE AMENDED	<i>Lake Macquarie Local Environmental Plan 2014</i>
ADDRESS	Various
DESCRIPTION	Various
UPDATED PP RECEIVED	25/11/2022
FILE NO.	IRF22/2964
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal seeks to support the economic success of Charlestown as a diverse, vibrant and mixed use strategic centre by supporting the growth of commercial and residential development.

The planning proposal intends to:

- enable to the continued growth of Charlestown by encouraging development activity in the commercial core town centre and contribute to the diverse mixed use nature of the surrounding land uses,
- facilitate housing supply through infill density and encourage housing diversity through the removal of lot consolidation and redevelopment barriers, and
- contribute to the growth and liveability of Charlestown through the facilitation of public domain improvements including active street frontages and pedestrian linkages.

The planning proposal aims to achieve this by:

- defining the border of the Charlestown strategic centre through the rezoning of several land parcels to create block zoning consistency with the intent to also minimise land fragmentation;
- increasing the permissible height of building standard to certain land parcels within the Charlestown strategic centre to consolidate and simplify building heights;
- introducing an R4 High Density Residential zone to provide greater housing choice through infill density in an area close to jobs, services and facilities;
- amending clause 7.10(6) to exclude B4 Mixed Use zoned land parcels within the Charlestown strategic centre to facilitate uses other than commercial and retail on ground floor primary street facing facades;
- rezoning land parcels that border the strategic centre to B4 Mixed Use to provide economic opportunities for innovative businesses and services that support the community; and
- introducing additional height incentives to identified areas where the establishment of active pedestrian connections are sought.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The inclusion of the R4 High Density Residential zone under the *Lake Macquarie Local Environmental Plan 2014* provides the flexibility to achieve optimal density in an area well serviced by public transport infrastructure and close to services and facilities.

Council has adopted the standard zone objectives without including any specific place-based zone objectives.

1. Include an additional land use zone 'R4 High Density Residential' with the following

Table 1 Proposed Land Use Table

R4 High Density Residential zone - Objectives
To provide for the housing needs of the community within a high density residential environment
To provide a variety of housing types within a high density residential environment
To enable other land uses that provide facilities or services to meet the day to day needs of residents

R4 High Density Residential zone - Permitted without consent

Home occupations

R4 High Density Residential zone - Permitted with consent

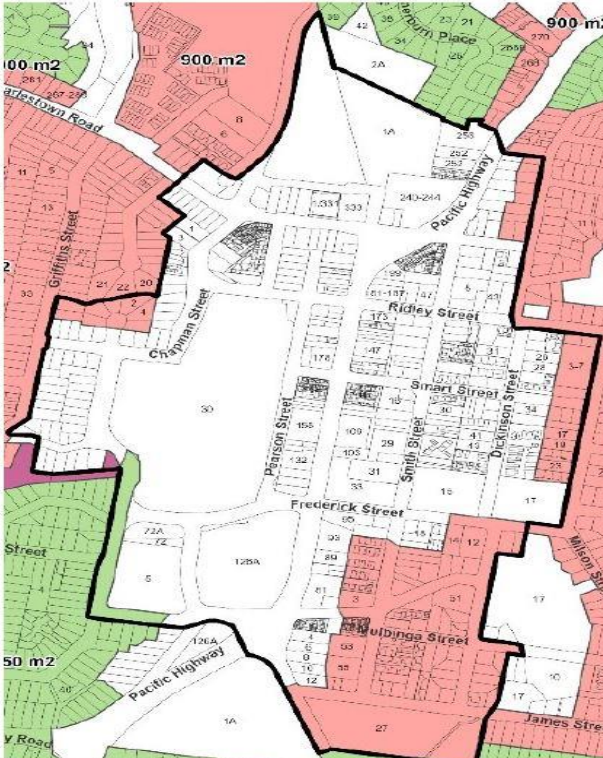
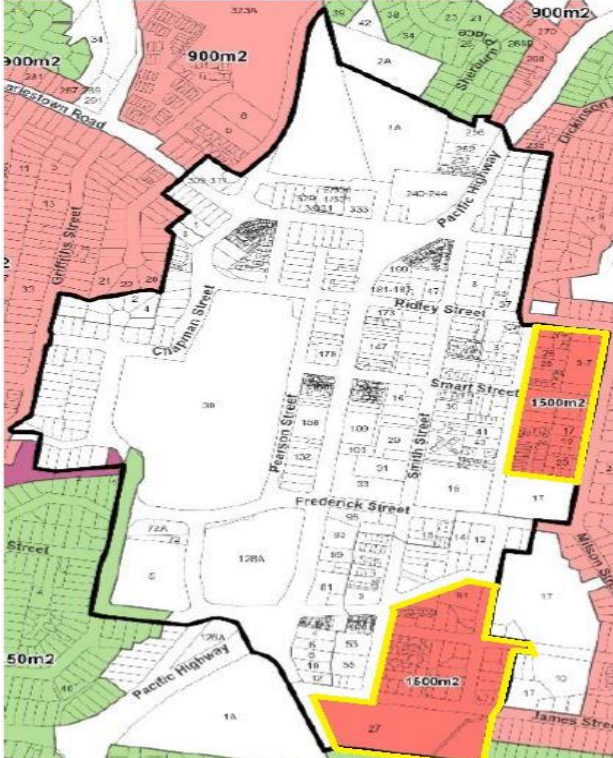
Boarding houses; Building identification signs; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Early education and car facilities; Emergency services facilities; Environmental protection works; Home-based child care; Home businesses; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Residential care facilities; Residential flat buildings; Respite day care centres; Roads; Seniors housing; Serviced apartments; Shop top housing; Tourist and visitor accommodation.

R4 High Density Residential zone - Prohibited uses

Pond-based aquaculture; Tank-based aquaculture; Any other development not specified in item 2 or 3

2. Amend the Lot Size Map LSM_009C to include a minimum lot size for the R4 High Density Residential zone:

Table 2 Proposed lot size map amendments

Existing Minimum Lot Size Map LSM_009C	Proposed Changes to Minimum Lot Size Map LSM_009C
	

3. Amend Land Zoning Map LZN_009C to rezone the following lots:



Figure 1 Current and proposed zoning (source: planning proposal)

** A Detailed description of property addresses can be found at Attachment 1 of the planning proposal.

Table 3 Properties proposed rezoning from R3 to B4

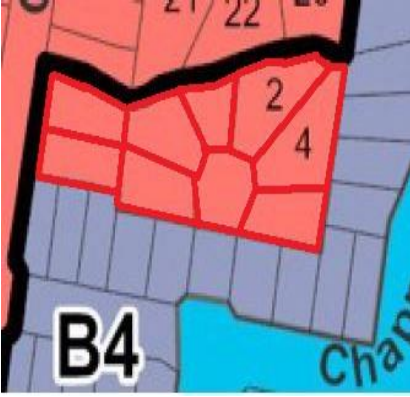
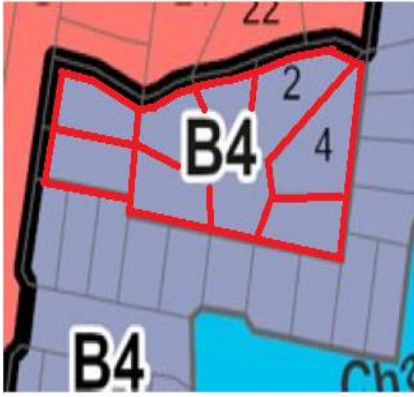
Current R3 Medium Density	Rezoning to B4 Mixed use	Comments
		The rezoning of these land to B4 Mixed Use will support block consolidation and is in line with supporting land uses.

Table 4 Properties proposed rezoning from R3 to B4

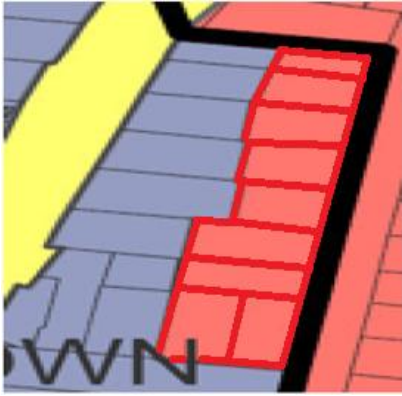
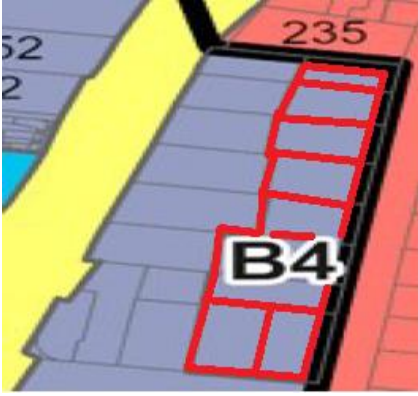
Current R3 Medium Density	Rezoning to B4 Mixed use	Comments
		The rezoning of these to B4 Mixed use will not restrict uses for current property owners.

Table 5 Properties proposed rezoning from R3 to B4



Current R3 Medium Density	Rezoning to B4 Mixed Use	Comments
		The rezoning of these land parcels to B4 Mixed Use will support block consolidation and is in line with supporting land uses.

Table 6 Properties proposed rezoning from B3 to B4

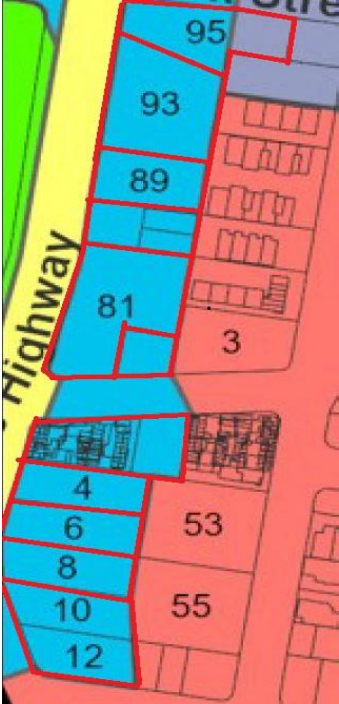
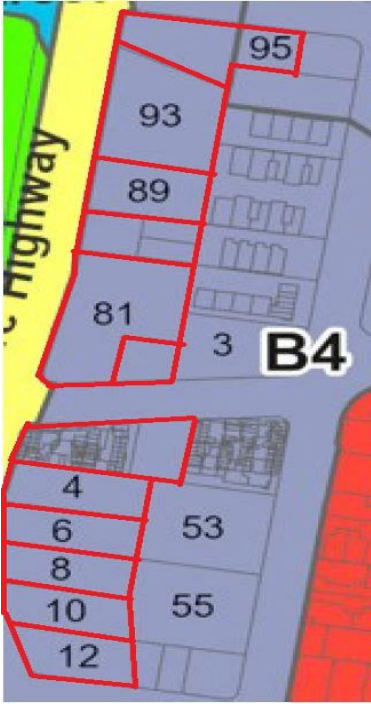
Current B3 Commercial Core	Rezoning to B4 Mixed use	Comments
		<p>Under the <i>Lake Macquarie Local Environmental Plan 2014</i>, the B3 Commercial Core zone and B4 Mixed Use zone have the same permitted with consent land uses, with the exception of 'multi dwelling housing' which is only permissible with consent within the B4 Mixed Use zone.</p> <p>Whilst this rezoning cluster marginally decreases the commercial core size of Charlestown, it is consistent with the <i>Hunter Regional Plan 2041</i> as it helps to provide opportunities for mixed use development, allowing smaller supporting businesses to provide services to the community readily accessible by walking and available transport infrastructure.</p>

Table 7 Properties proposed rezoning from R3 to B4

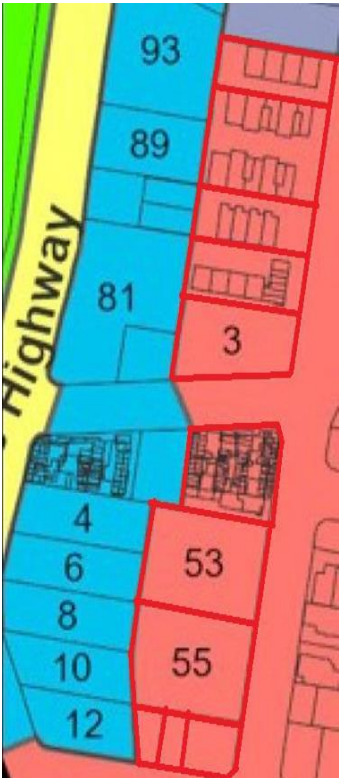
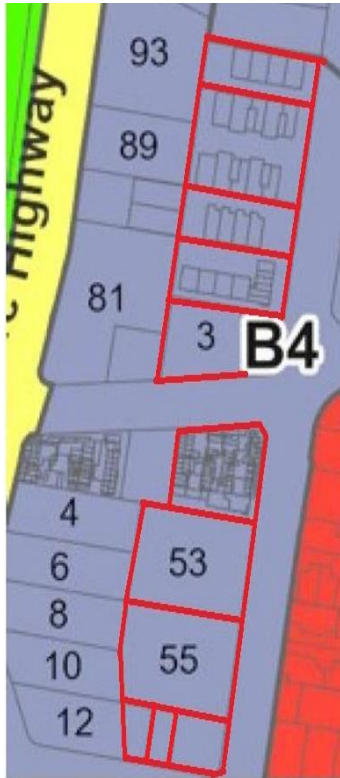
Current R3 Medium Density	Rezoning to B4 Mixed Use	Comments
		<p>The rezoning of these land parcels is in line with the surrounding land uses and does not cause land fragmentation.</p> <p>Many of the lots already include mixed use development or medium density residential, which abuts land zoned B4 Mixed Use. Mixed use zoning is supported in the <i>Hunter Regional Plan 2041</i> when placed where everyday needs can be met within a 15 minute walk or cycle from where people live.</p> <p>Potential loss to dwelling numbers is considered minor and mitigated through the inclusion of the R4 High Density Residential zone.</p>

Table 8 Properties proposed rezoning from R3 to R4


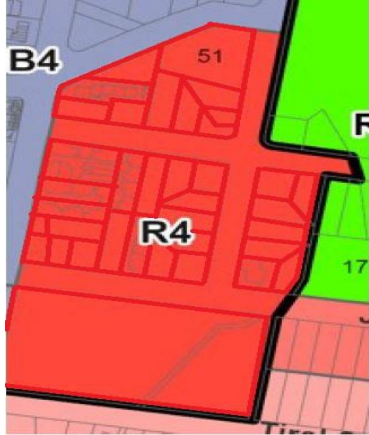
Current R3 Medium Density	Rezoning to R4 High Density	Comments
		<p>The rezoning of this area for high density residential is justified through the availability of essential services and facilities nearby.</p> <p>Higher densities are encouraged surrounding commercial centres and/or employment areas as they help support the level of local mixed uses and services being sought.</p>

Table 9 Properties proposed rezoning from B4 to B3

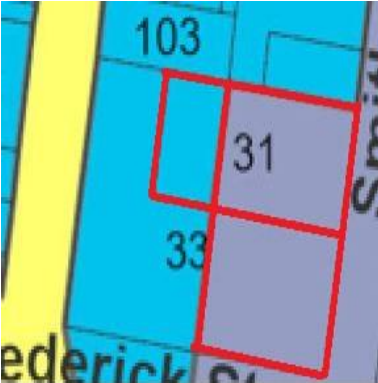
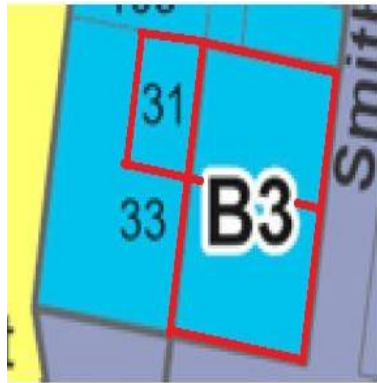
Current B4 Mixed	Rezoning to B3 Commercial Core	Comments
		<p>This rezoning will remove split land use zones within the same block and will provide consistency on the commercial core boundary.</p>

Table 10 Properties proposed rezoning from B4 to R4


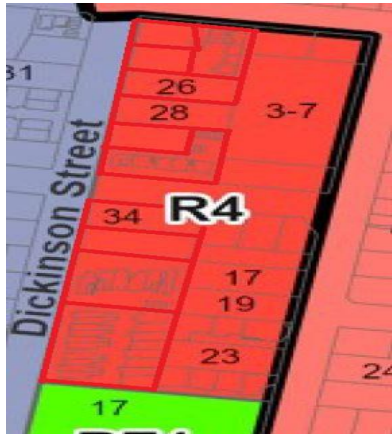

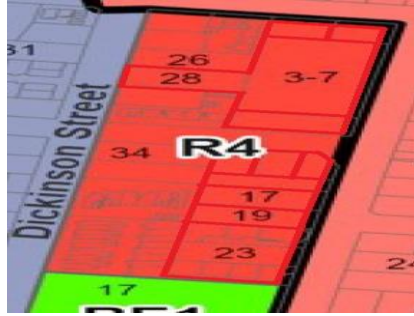
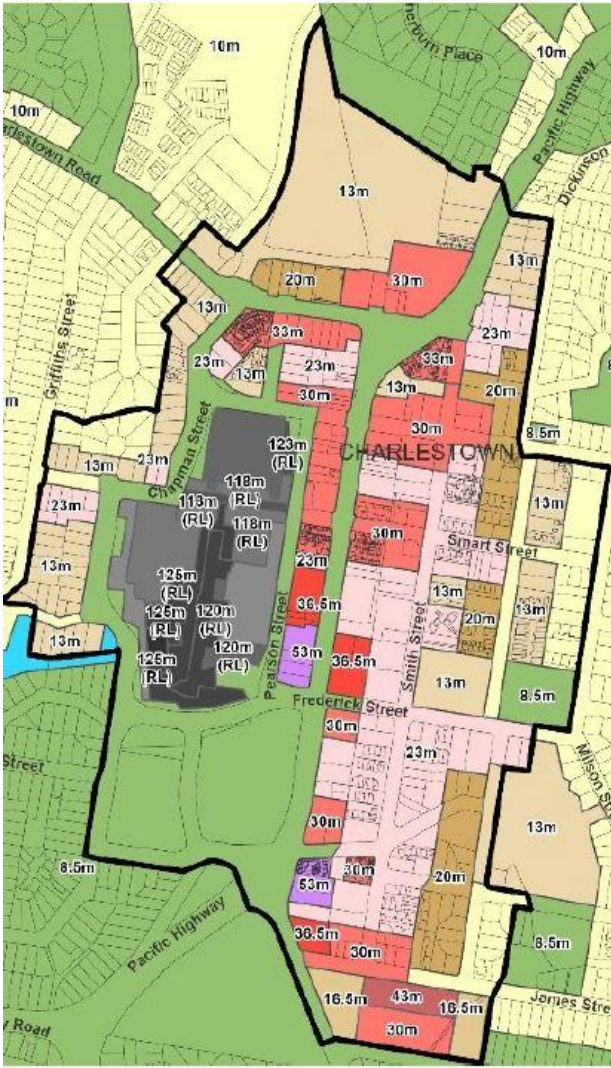
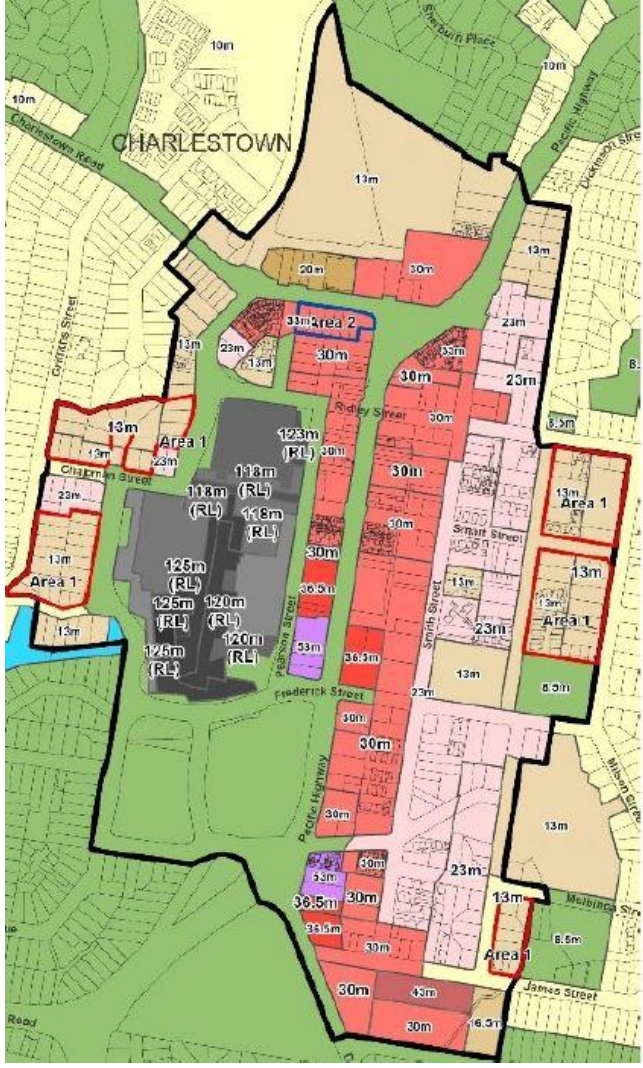
Current B4 mixed use	Rezoning to R4 High Residential	Comments
		<p>The ability to enable higher yields close to open spaces, retail, commercial, community and recreation facilities is consistent with the <i>Hunter Regional Plan 2041</i>.</p>

Table 11 Properties proposed rezoning from R3 to R4

Current R3 Medium Density	Rezoning to R4 High Density	Comments
		<p>The rezoning of these land parcels to R4 High Density Residential maximises redevelopment potential of larger infill sites whilst using available land efficiently.</p> <p>This is consistent with the <i>Hunter Regional Plan 2041</i></p>

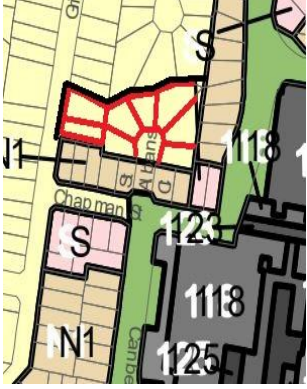

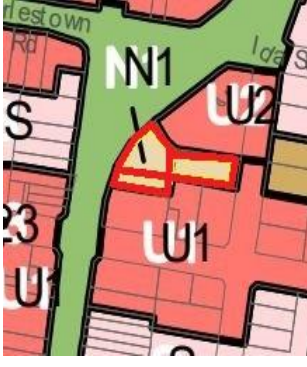

4. Amend the Height of Buildings Map HOB_009C & HOB_012 to consolidate and simplify building heights within the Charlestown strategic centre:

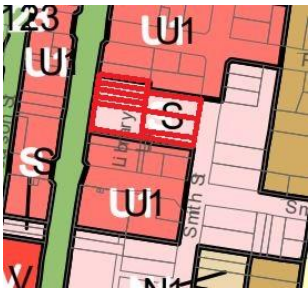



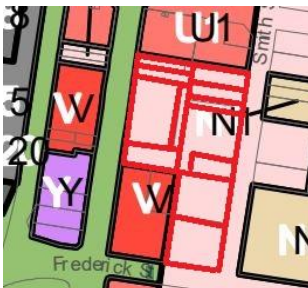
Table 12 Proposed Height of Building Map amendments


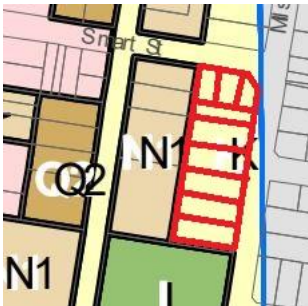
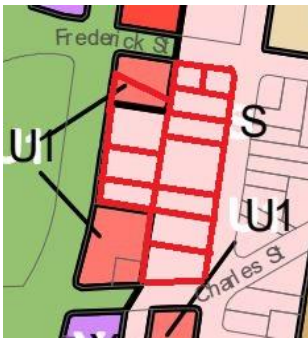

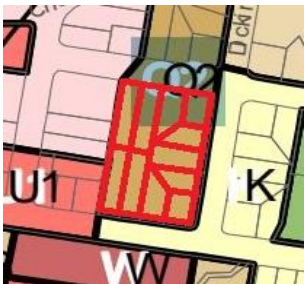
Existing Height of Buildings	Proposed Height of Buildings
	



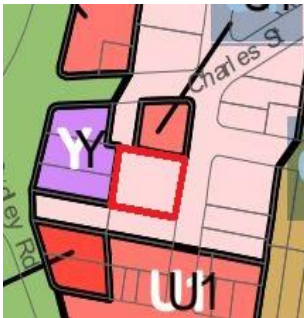
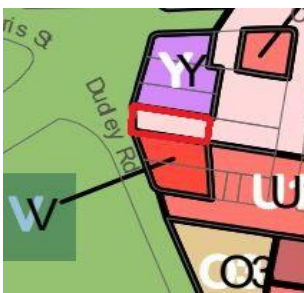
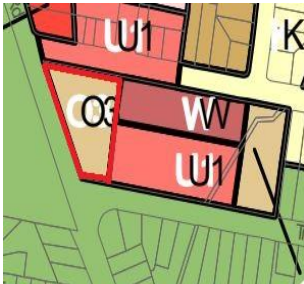
5. Increase the additional height of building control requirements for the following land parcels:

Table 13 Proposed increase to height of building standard

Charlestown Location	Map identification	Existing Height	Proposed Height	Comments
Griffiths Street and St Albans Close		10m	13m	The building height increase aligns with adjoining sites within the Charlestown strategic centre boundary and the increase assists with the transition to residential zones outside of the boundary.
Charlestown Road and Pacific Highway		23m	30m	The building height increase is consistent with adjoining sites to the south and consolidates existing ownership patterns.
Pacific Highway and Smith Street		13m	30m	The building height increase is consistent to surrounding sites.
Smith Street, Dickinson Street, Ridley Street and Ida Street		20m	23m	The building height increase is consistent with adjoining sites to the north and west.

Charlestown Location	Map identification	Existing Height	Proposed Height	Comments
Pacific Highway and Ridley Street		23m	30m	The building height increase is consistent with adjoining sites to the north and south.
Ridley Street, Dickinson Street and Smart Street		20m	23m	The building height increase is consistent with adjoining sites to the west.
Ridley Street and Milson Street		10m	13m	This is consistent with building heights west of the site and within the same street block.
Pacific Highway		23m	30m	This building height increase is consistent with the sites located north of the site.
Pacific Highway and Smith Street		23m	30m	This building height increase is consistent with site located north of the site.

Charlestown Location	Map identification	Existing Height	Proposed Height	Comments
Dickinson Street		20m	23m	This building height increase is consistent with sites located to the west.
Smart Street and Milson Street		10m	13m	Consistent with building heights to the west of sites
Pacific Highway, Smith Street and Charles Street		23m	30m	The increase in building heights to these sites is consistent with those located north-west and south-west corners of the same street block.
Charles Street, Dickinson Street and Mulbinga Street		20m	23m	This height increase is consistent with the building heights of adjoining sites.
Mulbinga Street, Dickinson Street and James Street		20m	23m	This height increase is consistent with building heights of adjoining sites to the north and west.

Charlestown Location	Map identification	Existing Height	Proposed Height	Comments
Mulbinga Street, Dickinson Street and James Street		10m	13m	This height increase is compatible with proposed R4 High Density Residential zone and transition to areas outside of the Charlestown strategic centre boundary.
Charles Street		23m	36m	This height increase is consistent with the building height of the adjoining site to the east.
Smith Street		23m	30m	This height increase is consistent with the building height of the adjoining site to the north.
Dudley Road		23m	35.5m	This building height is consistent with the adjoining site to the south.
Tiral Street		16.5m	30m	<p>This height increase is consistent with the building height to the north and compatible with heights on the main part of this site.</p> <p>This relates only to the area zoned B4 Mixed Use.</p>

6. Amend Part 7 Additional Local Provisions to exclude the application of Clause 7.10(6) to land zoned B4 Mixed Use within the Charlestown strategic centre boundary:

The planning proposal seeks to amend Clause 7.10(6), under Part 7 Additional Local Provisions of the *Lake Macquarie Local Environmental Plan 2014* relating to residential development within business zones.

The aims of Clause 7.10 are:

- to ensure the commercial viability of centres is maintained and enhanced by discouraging stand alone residential development in certain business zones,
- to provide for appropriate residential and tourist and visitor accommodation opportunities in a commercial environment, and
- to ensure that development is compatible with any townscape and urban design principles adopted in a development control plan.

Clause 7.10(6) specifically requires:

‘Development consent must not be granted to development for the purposes of a hostel, residential flat building, multi dwelling housing or serviced apartment on land in Zone B4 Mixed Use, unless it is part of a mixed use development in which all or part of the ground floor of the building facing the primary street has an active street frontage and the consent authority is satisfied that it is to be used for the purposes of commercial premises or a health services facility’.

Council have stated that rather than include an additional permitted use, the intent is to remove barriers to development for sites with active street frontages within the Charlestown strategic centre boundary. The rezoning of land parcels to B4 Mixed Use aims to provide greater flexibility for the market to respond to changing business and residential needs, and the exclusion of clause 7.10(6) which requires that residential development have commercial or medical uses on the ground floor seeks to ensure the possibility of vacant ground floor space is minimised whilst still encouraging a diversification of land uses.

The planning proposal should be updated to consider if there are any broader implications of removing Clause 7.10(6) for the entire B4 Mixed Use zone throughout the Local Government Area.

7. Include an active frontages map and site-specific development incentive provisions

The planning proposal seeks to insert an active frontages map and include site-specific development incentive provisions to enable additional height if certain parcels of land are amalgamated. This is aimed to facilitate active and safe pedestrian connections in identified areas.

The requirement of 1,600 square metres for lot consolidation is in line with lot patterns and sizes, and the requirement for pedestrian laneways to be ‘open to the sky’ supports the intention of providing accessible laneways unencumbered for transport accessibility, greater solar outcomes and improved safety for pedestrians.

The planning proposal also provides an example development incentive clause:

Exceptions to height of buildings

- (1) The objectives of this clause are as follows –
 - a. To encourage consolidation of certain land in the Charlestown city centre; and
 - b. To encourage the provision of pedestrian walkways.
- (2) The maximum height for building in land in areas shown in Column 1 of the table to this subclause that is permitted by clause 4.3 is increased by the additional height specified in Column 2, if the land and the development meet the specifications shown in Column 3.

Column 1	Column 2	Column 3
Area identified on Height of Buildings Map	Additional building height	Specifications relating to the Area
Area 1	7 metres	The lot on which the building is sited has an area of at least 1,600 square metres and a street frontage of at least 20 metres.
Area 2	10 metres	A pedestrian laneway of at least 6m width and open to the sky is provided between Pearson Street and Charlestown Road

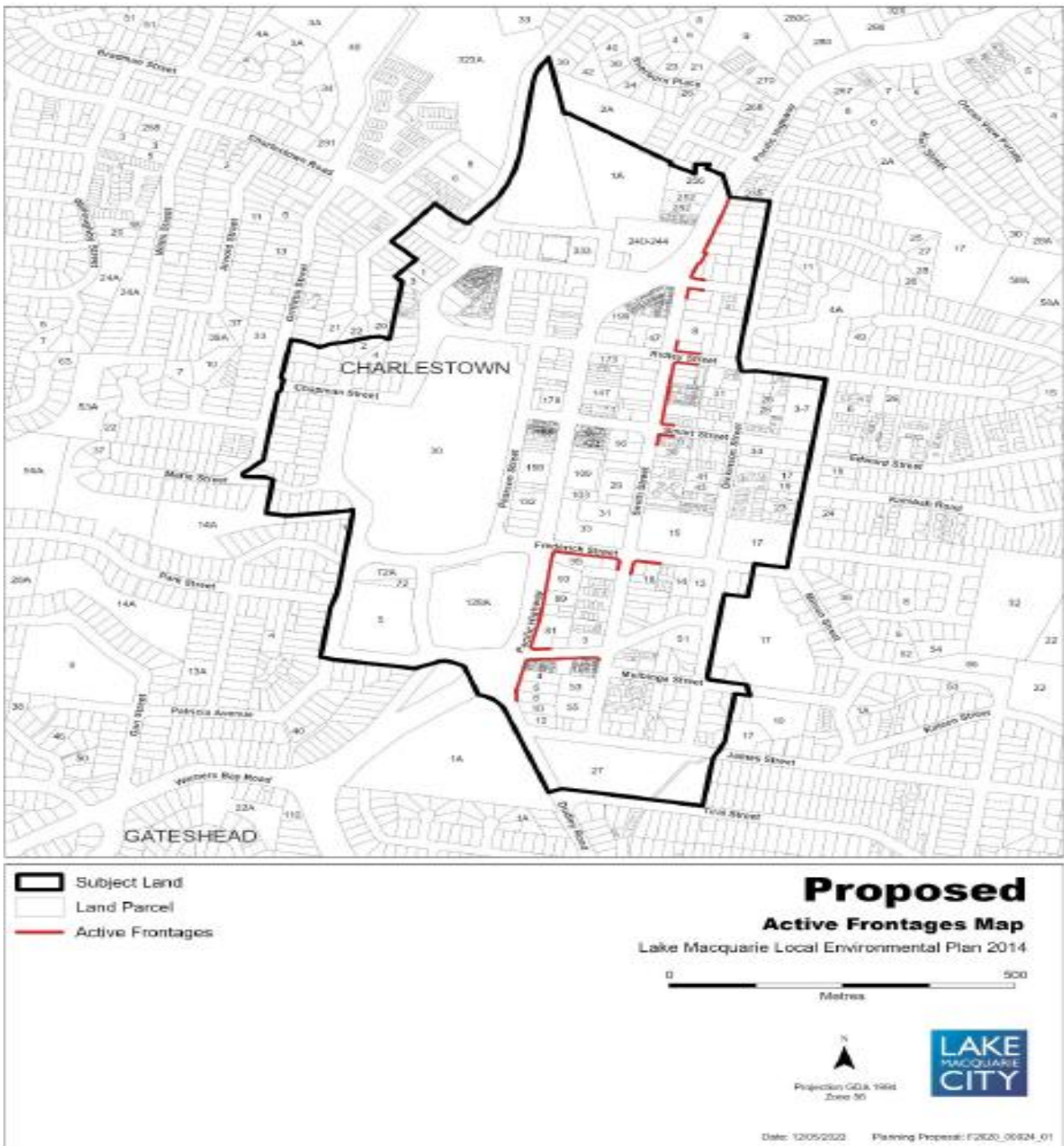




Figure 2 Active frontages map (source: planning proposal)

Table 14 Proposed areas relating to the provisions

Proposed Area 1 street locations	Maps of Area 1 locations
<p>Griffiths Street, St Albans Close, Chapman Street, Canberra Street, Marie Street, Mulbinga Street, Dickinson Street, James Street, Milson Street, Ridley Street and Smart Streets</p>	

Proposed Area 2 locations	Map of Area 2 locations
<p>Pacific Highway and Charlestown Road</p>	

Active pedestrian connections within the Charlestown strategic centre are supported as they increase connectivity and accessibility. The exact drafting of the site-specific development incentive provisions will be resolved with Parliamentary Counsel after public exhibition.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

Charlestown is the largest suburb of the Lake Macquarie local government area and is approximately 10 kilometres south-west of the Newcastle CBD.

Topographically, Charlestown resides along a north-south ridgeline which is intersected by the Pacific Highway.

Charlestown Square is one of the Hunter's largest centres and the surrounding land uses include several medical specialist services, Charlestown public school, Charlestown bowling club, and Charlestown swim centre.

There are also several parks including Lyons Park and Attunga Park which both offer large picnic and BBQ areas including children's playgrounds, as well as Charlestown Oval which is home to the Charlestown Junior Football Club and the Charlestown District cricket club.

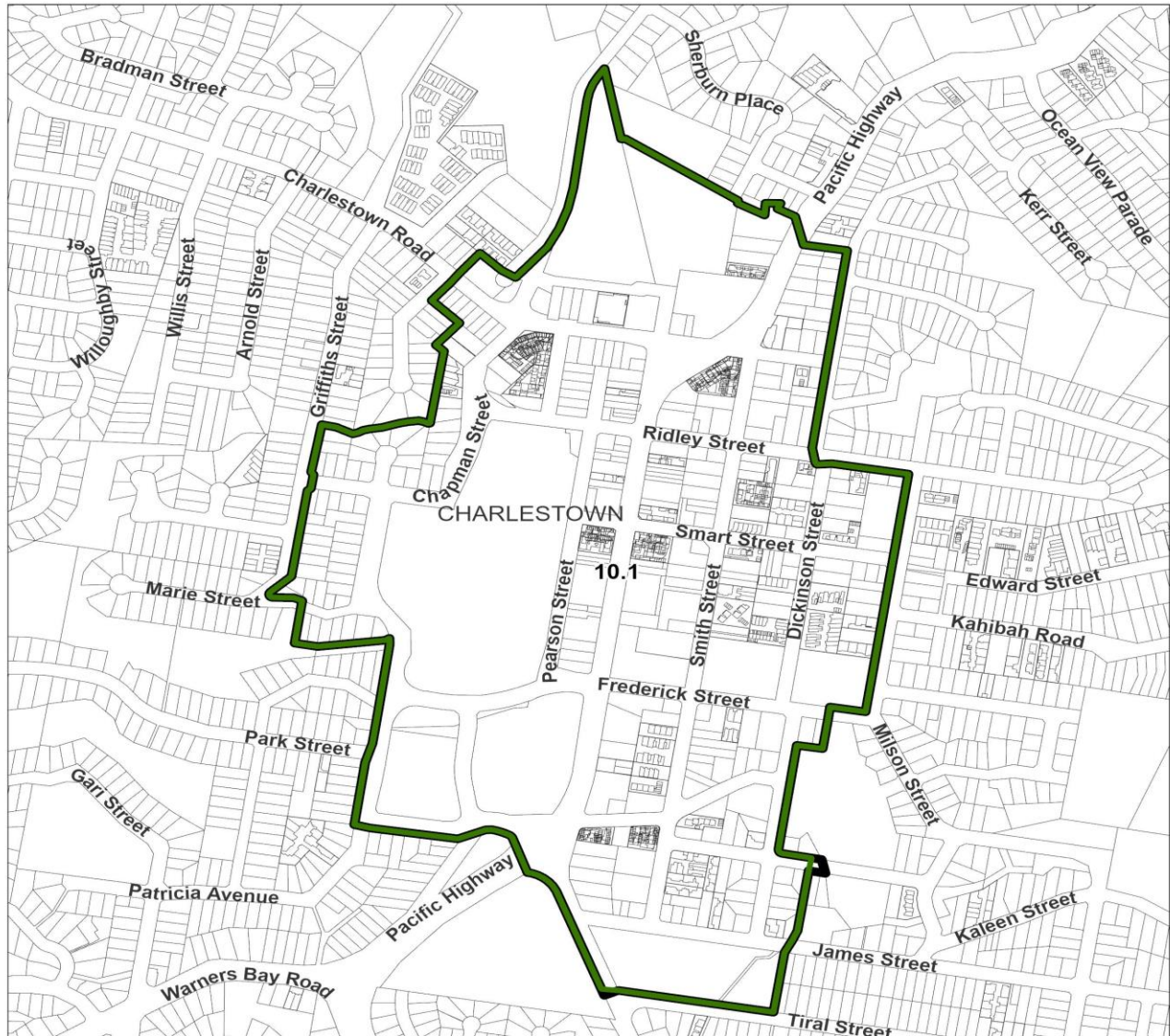


Figure 3 Subject site (source: planning proposal)

2 Need for the planning proposal

The planning proposal is a result of the Lake Macquarie Local Strategic Planning Statement (LSPS) action 3.20 “report to Council for exhibition a review of the planning frameworks for Charlestown strategic economic centre”.

Council reviewed the existing planning documents (*Lake Macquarie Local Environmental Plan 2014*, the Charlestown Town Centre Area Plan, the Charlestown Transport Management Plan and the Charlestown Streetscape Master Plan) to determine what changes were required to support a diverse, vibrant and mixed use strategic centre. The review identified nine changes to the local environmental plan and the Charlestown Town Centre Area Plan to help unlock development capacity, promote good quality design and a vibrant Charlestown strategic economic centre.

Council should continue to monitor the success of the proposed amendments to facilitate sustainable growth and be receptive to preparing a future place strategy with the establishment of project control delivery group if a wholistic review of the planning controls is required.

3 Strategic assessment

3.1 Hunter Regional Plan 2041

The *Hunter Regional Plan 2041* acknowledges the Hunter contains many different communities across various urban, rural and coastal contexts, each of which will see the 15-minute neighbourhood take a different shape. The site's urban setting means it is a general urban context.

Table 15 Hunter Regional Plan 2041 assessment

<i>Hunter Regional Plan 2041</i> section	Justification
<p>Infrastructure-first and place-based delivery framework</p> <p>A place strategy is required where the residential yield is 2,000 dwellings or more.</p> <p>The preparation of a place strategy will be overseen by a place delivery group for an area. The place delivery group will include relevant public authorities, the department, infrastructure providers, Council to address agency referral and place-making matters.</p>	<p>The planning proposal is inconsistent with the infrastructure-first and place-based delivery framework.</p> <p>The planning proposal relies on its potential to unlock planning barriers to lot consolidation and redevelopment to deliver a theoretic capacity of up to 6,081 dwellings. The dwelling capacity is based on the economic assessment on 6 December 2010 and was used to prepare the Charlestown Contribution Plan 2010.</p> <p>It is difficult to accurately estimate the number of dwellings that this planning proposal could facilitate. The intention of the planning proposal is to look at amendments that would assist in activating the existing latent development capacity.</p> <p>Moderate growth may bring forward the timing of planning infrastructure which is inconsistent with the <i>Hunter Regional Plan 2041</i> that has a focus on infrastructure first, before growth produces the best place-based outcomes for communities.</p> <p>In the circumstances, the preparation of a place strategy is not required.</p> <p>Council should monitor the success of the proposed changes and consider preparing a future place strategy if a wholistic review of the planning controls is required.</p>

Hunter Regional Plan 2041 section	Justification
<p>Strategy 3.1: Planning proposals that propose a residential, local centre or commercial centre zone will not prohibit the following land uses within urban core, general urban, inner suburban and general suburban contexts:</p> <ul style="list-style-type: none"> • Business premises • Restaurants or cafes • Take-away food and drink premises • Neighbourhood shops and supermarkets • Education establishments • Early education and care facilities • Health service facilities • Markets • Community facilities • Recreation areas 	<p>The planning proposal will result in the following zones in the Charlestown Strategic Centre:</p> <ul style="list-style-type: none"> • B3 Commercial Core • B4 Mixed Use • R4 High Density Residential <p>The land uses in the strategy are generally permissible in the B3 Commercial Core and B4 Mixed Use zones in the <i>Lake Macquarie Local Environmental Plan 2014</i>. The only exceptions are home-based childcare and hospitals are not permissible in the B3 Commercial Core zone.</p> <p>The proposed R4 High Density Residential zone would not permit the following land uses:</p> <ul style="list-style-type: none"> • Business premises • Restaurants or cafes • Take away food and drink premises • Neighbourhood supermarkets • Education establishments • Health service facilities • Markets <p>The objective of the R4 High Density Residential zone is to encourage higher residential densities. It permits shop top housing and neighbourhood shops to provide a transition to the commercial core and mixed-use zone.</p> <p>The planning proposal includes an assessment against the former Hunter Regional Plan 2036.</p> <p>Council will be required to update this planning proposal to provide an assessment against the relevant performance outcomes and indicators for Objective 3. Therefore, a view has not been able to be formed as to the proposal's consistency.</p>

Hunter Regional Plan 2041 section	Justification
<p>Strategy 3.2: Planning proposals will incorporate:</p> <ul style="list-style-type: none"> • a small neighbourhood centre if the proposed residential yield exceeds 1,500 dwellings or • a large neighbourhood centre if the proposed residential yield exceeds 4,000 dwellings. <p>The neighbourhood centre will:</p> <ul style="list-style-type: none"> • support a floor area informed by a local retail demand analysis • have enough developable area to accommodate the uses over one level with at grade parking to reduce costs • be located to maximise its convenience for the vast majority of residents of which it serves • be located in a high profile location (i.e. main arterial road or precinct with strong pedestrian traffic) • be supported by a walkable catchment and pedestrian friendly environment. 	<p>The planning proposal seeks to unlock the potential to deliver up to 6,081 dwellings within the Charlestown strategic centre. Increasing residential densities to support commercial and retail businesses within strategic centres is consistent with the 15-minute region principle.</p> <p>The strategic centre already provides sufficient commercial and retail facilities to support the theoretical residential capacity. The proposed development incentives should contribute towards public domain improvements and facilitate active and safe pedestrian connections.</p> <p>The planning proposal includes an assessment against the former Hunter Regional Plan 2036, but this will need to be updated to address the <i>Hunter Regional Plan 2041</i>.</p>
<p>Strategy 5.3: Planning proposals will not prohibit the following housing typologies within residential zones that apply to urban core, general urban, inner suburban and general suburban contexts:</p> <ul style="list-style-type: none"> • Attached dwellings • Boarding houses • Dual occupancies • Group homes • Multi-dwelling housing • Secondary dwellings • Semi-detached dwellings 	<p>The planning proposal will introduce a new R4 High Density Residential zone in the Charlestown Strategic Centre.</p> <p>The proposed zone would not permit the following housing typologies:</p> <ul style="list-style-type: none"> • Attached dwellings • Group homes • Secondary dwellings • Semi-detached dwellings <p>The proposed R4 High Density Residential zone permits a range of residential typologies. It would prohibit attached dwellings and other low scale residential land uses because these land uses potentially undermines the zone objective to for the highest residential typologies.</p> <p>Council will be required to update the planning proposal and provide an assessment against the relevant performance outcomes and indicators for Objective 5. Therefore, a view has not been able to be formed as to the proposal's consistency.</p>

Hunter Regional Plan 2041 section	Justification
<p>Strategy 7.5: Planning proposals will protect sensitive land uses from sources of air pollution, such as major roads, railway lines and designated freight routes, using appropriate planning and development controls and design solutions to prevent and mitigate exposure and detrimental impacts on human health and wellbeing.</p>	<p>The planning proposal will result some sites adjacent to the Pacific Highway being rezoned from B3 Commercial Core to B4 Mixed Use. This will result in minimal change in the permissibility of sensitive land uses.</p> <p>The <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> includes objective to prevent or reduce the potential impact of traffic noise and vehicle emissions on development adjacent to classified roads.</p> <p>There does not appear to be any technical reports on air pollution impacts of major roads.</p> <p>The planning proposal includes an assessment against the former Hunter Regional Plan 2036.</p> <p>An assessment against the relevant performance outcomes for Objective 7 has not been provided. Therefore, a view has not been able to be formed as to the proposal's consistency.</p>
<p>Strategy 8.2: Planning proposals will accommodate new commercial activity in existing centres and main streets unless it forms part of a proposed new community or is an activity that supports a 15-minute neighbourhood.</p>	<p>The planning proposal is consistent with the Strategy.</p> <p>The B3 Commercial Core, B4 Mixed Use and proposed R4 High Density Residential zones permit a broad range of land uses, which reinforces the 15-minute neighbourhood.</p> <p>Mixed use land zonings are also considered to facilitate a mixture of residential, commercial, retail and residential land uses that complement communities and centres, often based on market demand and investment confidence (rather than single land use zone boundaries).</p>

Hunter Regional Plan 2041 section	Justification
<p>Greater Newcastle Planning Priority 3: Grow Charlestown as a diverse, vibrant and mixed use strategic centre.</p> <p>We need to promote development that further diversifies economic activity and brings vibrancy to Charlestown, and enhance public and open spaces.</p> <p>The Pacific Highway is a key transport corridor for the future of Charlestown, and helps to form the area's identity. Using the Movement and Place Framework to classify streets for their best use will improve street amenity and transport.</p> <p>Planning also needs to consider housing diversity throughout the centre and a mix of uses in the existing retail core, including high density residential areas.</p>	<p>The proposal implements Council's review of the existing planning controls to support the continued revitalisation of the Charlestown strategic centre.</p> <p>The Charlestown Streetscape Master Plan identifies required public domain improvements to achieve design excellence outcomes.</p> <p>The purpose of introducing the R4 High Density Residential zone is to encourage higher residential densities to support the existing strategic centre. It permits shop top housing and neighbourhood shops to provide a transition to the commercial core and mixed-use zone.</p> <p>The zoning regime achieves housing diversity in the Charlestown strategic centre.</p> <p>The above is generally consistent with the planning priority.</p> <p>It is not clear the Movement and Place Framework has been applied.</p>
<p>Appendix B: Repealed plans and strategies</p>	<p>The planning proposal has included an assessment of the proposal against the former Hunter Regional Plan 2036.</p> <p>A Gateway condition has been included to update this assessment to the current <i>Hunter Regional Plan 2041</i> and remove references to repealed plans and strategies.</p>

Optimal density

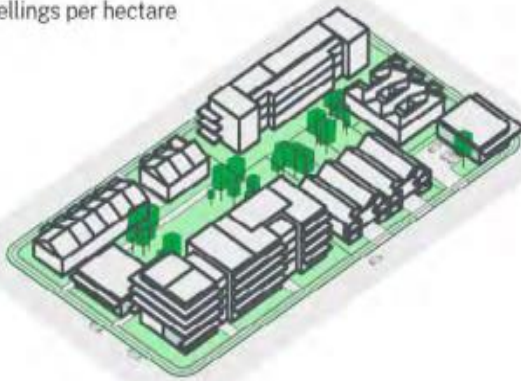
Housing needs to be planned in a way that meets varied and changing needs of people across their life, in areas where residents can access public transport, public open space and services, such as established towns and neighbourhoods.

The regional plan is seeking a mix of densities in terms of the urban and suburban context, and has proposed minimum and desired dwelling density targets within urban and suburban contexts that will be implemented through local strategic planning. As such, this optimal density is not mandated for planning proposals.

For this site as a general urban context, the optimal density being sought by the regional plan is 50 dwellings per hectare. If the proposal is within 800m of high frequency public transport, the optimal density is 75 dwellings per hectare.

General Urban Context

50 Dwellings per hectare



General Urban Context

75 Dwellings per hectare
(within 800m of transit)

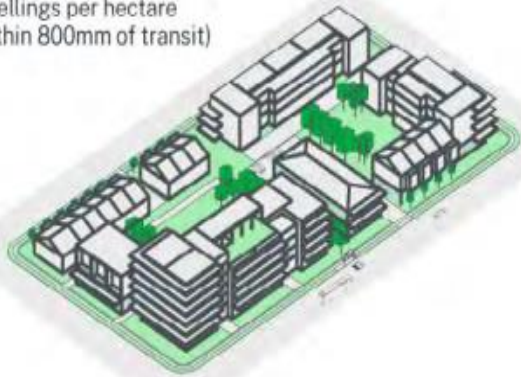


Figure 4 Optimal density for general suburban context

Optimal density is identified in the regional plan as one of the elements that enable 15-minute neighbourhoods, by facilitating human activity at a scale that supports neighbourhood uses and services. This is also acknowledged in the performance outcomes in Objective 4 that urban areas and densities support the efficient and viable operation of public transport services for the 30 minute strategic centres.

The combination of low density, separated land uses and car-prioritising infrastructure decisions has consequences in terms of household costs, equity and choice. By reducing car dependency and vehicle ownership, it can reduce public health and infrastructure costs; reduce greenhouse gas emissions and air pollutants; improve the environment; and increase personal health and social equity.

There are existing sites in Charlestown with a maximum height of building of 30m. The planning proposal seeks to increase the amount of sites in Charlestown with this height of building.

The building heights are counter to the intent of the *Hunter Regional Plan 2041*, which identifies a focus on building typologies of between two and four stories. The regional plan is seeking to promote more human-scale built forms with building typologies of low to mid-rising housing.

Nevertheless, the importance of Charlestown to the overall *Hunter Regional Plan 2041* means a greater concern would exist if the planning proposal was intending an urban outcome substantially below the optimal density. Consequently, the Department is supportive of building heights in Charlestown greater than four stories.

3.2 Greater Newcastle Metropolitan Plan 2036

The *Greater Newcastle Metropolitan Plan 2036* sets out strategies and actions to drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities and assists to achieve the vision set by the former Hunter Regional Plan 2036.

Table 16 Greater Newcastle Metropolitan Plan 2036 assessment

Greater Newcastle Metropolitan Plan 2036 section	Justification
<p>Strategy 4: Grow health precincts and connect the health network</p> <p>Charlestown is identified as a major health precinct in Greater Newcastle.</p> <p>Action 4.2: Greater Newcastle councils will amend local plans to:</p> <ul style="list-style-type: none"> Facilitate complementary land uses in proximity of health precincts Prioritise planning for seniors housing and aged care services close to frequent public transport and within centres. 	<p>The planning proposal is considered consistent with the Strategy.</p> <p>Charlestown provides a range of medical services and will continue to contribute to the provision of health services and senior housing.</p> <p>Health services facilities includes hospitals, medical centres and health consulting rooms is permissible with consent, except for hospitals in the B3 Commercial Core zone.</p> <p>The expansion of the B4 Mixed Use zone facilitates the further development of specialist medical services.</p> <p>Senior housing is permissible with consent in the B3 Commercial Core zone, B4 Mixed Use zone and proposed R4 High Density Residential zones.</p>
<p>Strategy 5: Expand education and innovation clusters</p> <p>The Charlestown Innovation Precinct is identified as a metropolitan education and innovation cluster.</p> <p>Action 5.1: Greater Newcastle councils will ensure local plans:</p> <ul style="list-style-type: none"> Facilitates complementary land uses that diversify metropolitan education and innovation clusters, including research institutions, related business and student housing Respond to and encourage development of new education and innovation clusters in strategic centres and brownfield sites. 	<p>A diversity of land uses, including educational establishments are permissible in the B3 Commercial Core zone and B4 Mixed Use zones.</p> <p>The objective of the R4 High Density Residential zone is to encourage higher residential densities. At present, educational establishments are prohibited in this zone.</p> <p>The inconsistency with the strategy is minor.</p>

Greater Newcastle Metropolitan Plan 2036 section	Justification
<p>Strategy 8: Address changing retail consumer demand</p> <p>The retail sector is subject to changing consumer behaviour and new technologies such as on-line retailing. These trends are likely to change retail land use needs in the longer term, particularly in strategic centres where there is a high concentration of retail activity such as Charlestown.</p> <p>There is a need to continue to diversify retail focused centres, and provide a better mixture of activities where people can live, work and play without getting into a car. Redevelopment opportunities that deliver street activation, improved amenity and mixed uses will enable the gradual transformation of these places into mixed use town centres.</p> <p>Action 8.1: Greater Newcastle councils will:</p> <ul style="list-style-type: none"> Align local plans to enable diversity of uses in larger retail centres, including housing, offices and recreation and adapt to changing retail activities Undertake public domain improvements to respond to the Movement and Place framework. 	<p>The planning proposal aims to extend the B4 Mixed Use zone in order to support diversification opportunities within the Charlestown strategic centre.</p> <p>The continued diversification of retail focused centres, in order to help to provide a better mixture of activities where people can live, work and play without getting into a car is supported by the <i>Greater Newcastle Metropolitan Plan 2036</i>.</p>
<p>Strategy 10: Create better buildings and great places</p> <p>Councils will continue to grow centres with the support of the Department of Planning and Environment, with master planning identifying the public domain improvements and enabling infrastructure needed to support growth.</p> <p>Action 10.1: Greater Newcastle councils will:</p> <ul style="list-style-type: none"> Improve amenity of centres and urban renewal corridors through placemaking initiatives that strengthen the connection between people and the places they share Enhance the design quality of the built environment by implementing the Design Objectives for NSW in local plans and developing local character statements for centres and urban renewal corridors undergoing renewal and revitalisation Promote innovative approaches to the creative re-use of heritage places, ensuring good urban design preserves and renews historic buildings and places. 	<p>The planning proposal is considered consistent with the Strategy. It seeks to facilitate the delivery of public domain improvements including active street frontages and pedestrian linkages.</p> <p>The Charlestown Streetscape Master Plan identifies required public domain improvements.</p> <p>The Charlestown Transport Management Plan identifies a number of actions to improve customer experiences associated with travelling to and within Charlestown, whether by bus, taxi/ ride share, walking, cycling or private vehicle.</p>

Greater Newcastle Metropolitan Plan 2036 section	Justification
<p>Strategy 11: Create more great public places where people come together</p> <p>Action 11.1: Greater Newcastle councils with support from the Department of Planning and Environment will:</p> <ul style="list-style-type: none"> • Create and activate public spaces in the strategic centres that are suitable for community events like markets, festivals, commemorations and assemblies • Enhance community access to sporting, recreational, cultural and community services and facilities • Implement a public art strategy that addresses: <ul style="list-style-type: none"> ○ the history of place, storytelling, interpretation and cultural expression ○ how art and culture can be used to improve economic growth and community cohesion. • Provide public lookout places that maintain views to iconic buildings and vistas • Protect and enhance waterfront parkland areas • Identify, protect and celebrate Aboriginal cultural heritage, historic heritage and maritime heritage. 	<p>Charlestown already has active spaces capable of being used for community events, such as markets. The Department should continue to support the activation of these spaces for community benefits.</p> <p>The planning proposal aims to deliver public domain improvements including active street frontages and pedestrian linkages to improve its liveability.</p>
<p>Strategy 16: Prioritise the delivery of infill housing opportunities within existing urban areas</p> <p>Action 16.1: Greater Newcastle councils will focus new housing in existing urban areas, particularly within strategic centres and along urban renewal corridors.</p>	<p>The planning proposal is consistent with the Strategy by supporting infill housing opportunities in the Charlestown strategic centre to deliver a more optimal density as encouraged by the <i>Hunter Regional Plan 2041</i>.</p>

Greater Newcastle Metropolitan Plan 2036 section	Justification
<p>Strategy 20: Integrate land use and transport planning</p> <p>Action 20.1: Transport for NSW, working with Greater Newcastle councils, will:</p> <ul style="list-style-type: none"> • Improve public transport services between Newcastle City Centre, Broadmeadow, John Hunter Hospital, Callaghan, Cardiff, Charlestown and Kotara • Increase the frequency, improve the customer experience and enable easier modal changes on the passenger rail and intra-regional buses from Morisset, Maitland, East Maitland, Raymond Terrace, Cessnock and Kurri Kurri to other strategic centres • Implement travel demand management policies and tools to respond to growth in transport demand • Provide early and effective public transport services and active transport infrastructure in priority housing release areas that is well-connected to key destinations and public open space • Investigate re-prioritising road space for higher occupancy vehicles as a response to increased demand from population and economic growth • Manage the supply of new car parking in strategic centres to avoid road congestion • Identify improvements to active transport networks, and provide unobstructed well-connected pedestrian paths and a network of off-road separated cycleways to key destinations, including schools, employment hubs, shops and services. 	<p>The planning proposal aims to realise development capacity within an existing strategic centre, which will improve access to housing, jobs and services by walking, cycling and public transport.</p> <p>Increasing the number of people living and working in this centre will in turn support the viability and efficiency of public transport services.</p> <p>Whilst the area is already well serviced by public transport, the planning proposal does not discuss any prior improvements to infrastructure or connections to development before the commencement of changes to be implemented.</p> <p>The planning proposal does not propose to implement travel demand management policies or tools, nor investigate reprioritising road space for higher occupancy vehicles, nor the supply of new car parking.</p> <p>Consultation with Transport for NSW is required and needs to consider consistency with Action 20.1.</p>

3.3 Local Strategic Planning

The planning proposal states that it is consistent with the following local plans and endorsed strategies as stated in the table below:

Table 17 Local strategic planning assessment

Local Strategies	Justification
Lake Macquarie Local Strategic Planning Statement	The planning proposal helps to support Charlestown as a strategic centre by encouraging commercial, business and retail opportunities supported by increased housing density. The planning proposal is the result of finalising action 3.20 'Report to Council for exhibition a review of the planning framework for Charlestown strategic economic centre'.

Lake Macquarie City Housing Strategy 2021	Under the Lake Macquarie City Housing Strategy 2021, Charlestown is identified as a priority housing area, with change and growth a focus for priority. The inclusion of the R4 High density residential zone, supported by the strategic centre will help support the capacity of the lake Macquarie local government area to supply 33,042 (low yield) to 51,784 (high yield) new dwellings by 2050 through infill supply within an established urban area close to facilities, services and supporting infrastructure.
Lake Macquarie Development Control Plan	<p>Chapter 10 Town Centre Area Plans - section 10.1 relates to Charlestown town centre and outlines block controls, pedestrian links, setbacks and overall objectives of the Charlestown Master Plan. As the planning proposal aims to define the town centre border, land use zones and increases to the height of building standards, it will be inconsistent with the DCP.</p> <p>Whilst the planning proposal acknowledges that amendments to the DCP are proposed, this will need to be done concurrently with this planning proposal to ensure consistency and legality of any future development proposals.</p>

3.4 Section 9.1 Ministerial directions

The planning proposal's consistency with relevant section 9.1 Ministerial directions is discussed below:

Table 18 9.1(2) Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent, yet to be demonstrated	<p>The objective of this direction is to give legal effect to the vision, objectives and strategies in the <i>Hunter Regional Plans 2041</i>.</p> <p>The planning proposal includes an assessment against the former Hunter Regional Plan 2036.</p> <p>An assessment against the relevant strategies and Objective performance outcomes has not been provided. Therefore, a view has not been able to be formed as to the proposals consistency with direction.</p>
1.4 Site specific provisions	Consistent	<p>The planning proposal is consistent with the direction because it removes the restrictive requirement applying to land zoned B4 Mixed Use.</p> <p>An active frontage clause is proposed through the identification of where safe and vibrant pedestrian links and connections are needed. This is not considered a 'restrictive site-specific planning control', as it does not affect the permissible uses or development standards in additional to those already applicable within the B4 Mixed Use zone.</p>

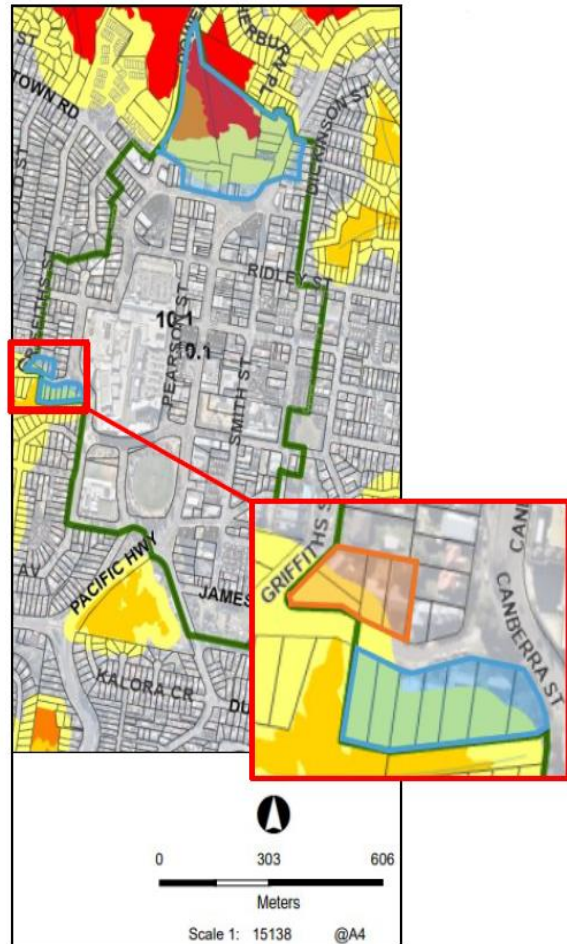
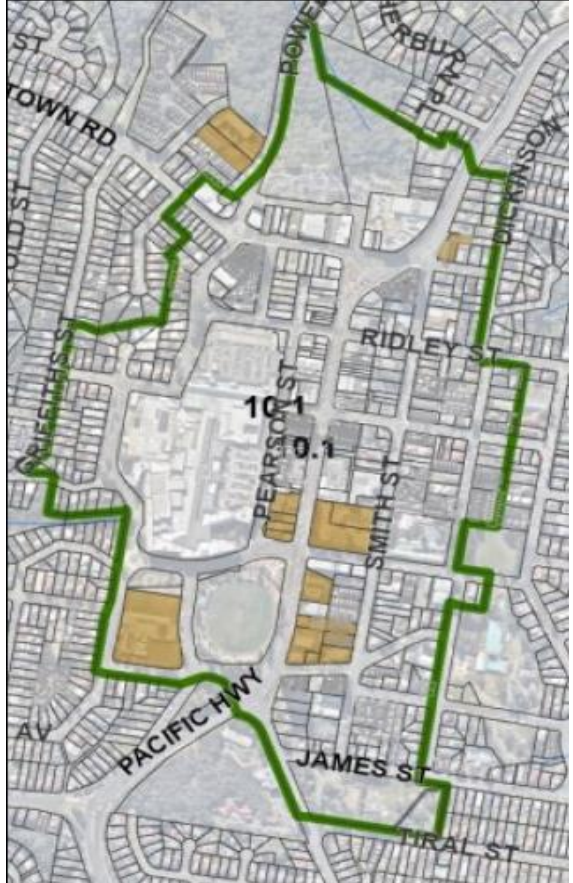
3.2 Heritage Conservation	Consistent	<p>There are 3 identified heritage sites within the Charlestown Strategic centre boundary.</p> <p>However, there are no proposed changes to their zoning or height of building standard.</p>
4.1 Flooding	Consistent	<p>Charlestown Strategic Centre is not subject to flooding. This direction only applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.</p> <p>The management and disposal of stormwater will be assessed at the development application stage.</p>
4.3 Planning for Bushfire Protection	Consistent, yet to be demonstrated	<p>A number of sites are mapped as bushfire prone.</p> <p>The planning proposal aims to encourage lot amalgamations to take advantage of bonus height provisions.</p> <p>Consultation with the NSW Rural Fire Service will determine consistency with this Direction.</p>  <p>The map displays the Charlestown Strategic Centre boundary in green. Various areas are color-coded: red for bushfire prone, yellow for other zones, and blue for water bodies. A red box highlights a specific area, which is shown in a larger inset map. The inset map shows a residential lot with a blue area, likely a water body or flood-prone area, and a yellow area. The map includes street names such as TOWN RD, PEARSON ST, RIDLEY ST, SMITH ST, PACIFIC HWY, JAMES ST, GRIFFITHS ST, KALORA CR, and CANBERRA ST. A scale bar indicates 0, 303, and 606 meters. The scale is 1:15138 at A4.</p>

Figure 5 Subject site (source: planning proposal)

4.4 Remediation of Contaminated Land	Inconsistent	<p>There are several sites in the planning proposal that are listed as potentially contaminated land.</p> <p>These sites are already developed for commercial and residential uses. Rezoning the sites from R3 Medium Density and B3 Commercial Core to B4 Mixed Use will continue to permit a similar range of land uses.</p>  <p>Figure 6 Contaminated land source: planning proposal</p> <p>Whilst it is not anticipated the rezoning of these sites will affect the overall uses of the site, remediation may be required.</p> <p>Redevelopment of these sites will be subject to compliance with the <i>State Environmental Policy (Resilience and Hazards) 2021</i>, and preliminary investigations will be required as part of any new development application with Council.</p> <p>Council is satisfied that the land is considered suitable in its current state (or will be suitable after remediation) for the purposes permissible under the B4 Mixed Use zone.</p>
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4.6 Mine Subsidence and Unstable Land	Consistent, yet to be demonstrated	<p>Charlestown is as a mine subsidence district, and therefore most of the land parcels identified within the planning proposal may incur risks associated with subsidence which will require geotechnical assessments to accompany all development applications with Council.</p> <p>Whilst subsidence risk can be mitigated through grouting measures, consultation with Subsidence Advisory NSW should occur and the updated planning proposal should include a copy of any information received from Subsidence Advisory NSW (including the preliminary advice received as stated in the planning proposal).</p> <p>Consultation with Subsidence Advisory NSW is required in order to determine consistency with this Direction. This advice needs to be provided to the Department prior to public exhibition.</p>
5.1 Integrating Land Use and Transport	Consistent, yet to be demonstrated	<p>The planning proposal seeks to provide greater housing choice close to jobs and services easily accessible to public transport and within walking distance. The proposal also seeks to provide an incentive clause to land parcels where the provision of active pedestrian connection is needed.</p> <p>Confirmation from Transport for NSW to Council's pathway forward is appropriate given the substantial State transport infrastructure and servicing in the area.</p>
6.1 Residential Zones	Consistent	<p>The planning proposal seeks to include an R4 High Density Residential zone which will broaden the choice of building types available in the area and will make efficient use of existing infrastructure and services already readily available.</p> <p>Consultation with Hunter Water Corporation and Transport for NSW will determine the capacity of reticulated water and sewer and surrounding road network to support the continued revitalisation of Charlestown.</p>
7.1 Business and Industrial Zones	Consistent	<p>The planning proposal seeks to rezone a small area from B3 Commercial Core to B4 Mixed Use, however this will not reduce the total potential floor space area for employment or related public services usage. The intent is to enable a mix of compatible uses that can support the viability of the commercial core, whilst retaining areas and locations of existing business uses.</p>

3.5 State environmental planning policies (SEPPs)

The planning proposal has been assessed for consistency with the relevant SEPPs listed below.

Table 19 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
SEPP No 65 – Design Quality of Residential Apartment Development	The SEPP aims to improve the design quality of residential apartment development in NSW	Consistent, yet to be demonstrated	<p>The Department has not undertaken any testing of the proposed urban form and is unable to determine compliance can be achieved with the SEPP principles and Apartment Design Guide.</p> <p>The proposal has not demonstrated compliance with the SEPP. Council should be aware this matter remains outstanding.</p>

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the planning proposal.

Table 20 Environmental impact assessment

Environmental impact	Assessment
Building height, floor space ratio and tower setbacks.	<p>The proposal is seeking to introduce a new R4 High Density Residential zone and amend planning controls, including height of building.</p> <p>It is understood that an urban design analysis was undertaken back in 2010 to inform the preparation of the local environmental plan and development control plan controls.</p> <p>Council recognises that amendments are required to the Charlestown Town Centre Area Plan in the development control plan to implement the planning proposal.</p> <p>An updated urban design analysis has not been done for this planning proposal or proposed amendments to the development control plan.</p> <p>Without visual analysis and 3D modelling the Department has been unable to assess the likely impact the proposed development will have on the site and surrounding areas, especially the bulk and scale of the development. While these impacts may be minor, without the analysis this remains unconfirmed.</p> <p>It is recommended the Gateway determination be conditioned to require the development control plan amendments be exhibited with the planning proposal to enable stakeholders to review and provide feedback.</p>

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the planning proposal.

Table 21 Social and economic impact assessment

Social and economic impact	Assessment
Economic	The planning proposal will support economic development and diversification opportunities within the Charlestown strategic economic centre, which will in turn provide positive multiplier effects on the local economy.
Social	<p>The planning proposal should have positive social and economic impacts through job creation, the delivery of housing and the provision of green corridors, connecting pathways and cycleways.</p> <p>The proposed development incentives aim to deliver public domain improvements, which should contribute towards the activation of these public spaces.</p>

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the development resulting from the planning proposal and what infrastructure is proposed in support of the planning proposal.

Table 22 Infrastructure assessment

Environmental impact	Assessment
Access and traffic impacts	<p>The planning proposal identifies new opportunities for redevelopment and renewal in an area with good access to public transport and services and supports the continued economic sustainability of an identified regionally significant centre.</p> <p>Consultation with Transport for NSW will determine the capacity of the surrounding road network to accommodate the theoretical capacity. As discussed, it is difficult to accurately estimate the number of dwellings that this planning proposal could facilitate but Council should monitor its success.</p>
Education	<p>No demographic assessment has been prepared with this planning proposal to determine the capacity of existing educational establishments to accommodate the population increases.</p> <p>Consultation with NSW Department of Education is recommended in the Gateway determination.</p>

Environmental impact	Assessment
Healthcare	<p>Charlestown already provides a range of medical services and contributes to the provision of health services in Greater Newcastle.</p> <p>The expansion of the B4 Mixed Use zone and the permissibility of health care facilities, assist in implementing the <i>Greater Newcastle Metropolitan Plan 2036</i> for Charlestown to be a major health precinct.</p> <p>Consultation with the Local Health District is required to obtain their advice about the capacity of existing health services to accommodate the projected population increases.</p>
National Broadband Network	Charlestown is connected to the National Broadband Network. It has coverage capacity for the revitalisation of Charlestown.

4.4 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

4.5 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 days to comment:

- Subsidence Advisory NSW
- Transport for NSW
- Hunter Water Corporation
- Department of Education
- Hunter New England Local Health District
- NSW Rural Fire Service

5 Timeframe

Council proposes a 225 day time frame to complete the LEP.

Under the new *Local Environmental Plan Making Guidelines* (Department, 2022), a complex planning proposal is to achieve the following timeframes.

Table 23 Benchmark timeframes for the planning proposal

Stage	Actions	Working days
Post Gateway	Review gateway, action conditions, prepare relevant studies and consult with government agencies prior to exhibition.	70 days
Public exhibition and assessment	Undertake public exhibition and consultation with authorities, review of submissions and endorsement of proposal by the planning proposal authority.	115 days (inclusive of a public exhibition of 30 days)

Stage	Actions	Working days
Finalisation	Finalisation of the local environmental plan, including legal drafting and gazettal.	70 days
Total days		300 days

The Gateway determination requires the planning proposal to be updated prior to commencing public exhibition as well as consulting various government agencies. In the circumstances a 12-month completion timeframe is recommended.

6 Local plan-making authority

Council has advised it would like to exercise its functions as Local Plan-Making Authority.

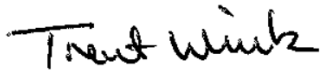
The planning proposal is categorised as ‘standard’ and it is recommended that Council be given the Minister’s plan making delegations.

7 Recommendation

It is recommended the delegate of the Secretary note consistency with section 9.1 Ministerial directions 1.1 Implementation of Regional Plans, 4.3 Planning for Bushfire Protection, 4.6 Mine Subsidence and Unstable Land, 5.1 Integrating Land Use and Transport will be determined through the consultation with agencies.

It is recommended the delegate of the Minister for Planning determine the planning proposal should be updated to address the following points:


1. The planning proposal should be updated to:
 - a) remove any references in the planning proposal to the Hunter Regional Plan 2036 and replace it with an assessment against the *Hunter Regional Plan 2041*;
 - b) provide an assessment of the broader implications of removing Clause 7.10(6) for the entire B4 Mixed Use zone throughout the Local Government Area; and
 - c) include urban design analysis and the proposed amendments to the Charlestown Town Centre Area Plan to implement the planning proposal.
2. Consultation is required with the following public authorities:
 - Subsidence Advisory NSW
 - Transport for NSW
 - Hunter Water Corporation
 - Department of Education
 - Hunter New England Local Health District
 - NSW Rural Fire Service
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



18/01/2023

Trent Wink

A/Manager, Local and Regional Planning



25/01/2023)

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