

**Reclassification and Rezoning of 26 Edith Street, Waratah (Wrightson Reserve) and
Correction of Zoning Anomaly at RD 20435**

Proposal Title : **Reclassification and Rezoning of 26 Edith Street, Waratah (Wrightson Reserve) and Correction of Zoning Anomaly at RD 20435**

Proposal Summary : **The scope of the Planning Proposal is to:**

- ☐ **Reclassify 26 Edith Street Waratah from Community to Operational**
- ☐ **Rezone 26 Edith Street from RE1 Public Recreation to SP2 Health Services Facility.**
- ☐ **Remove the minimum lot size of 40 hectares.**
- ☐ **Correct an anomaly in Council's Local Environmental Plan by rezoning the adjacent portion of Edith Street from RE1 Public Recreation to R2 Low Density Residential, and applying lot size, building height and floor space ratio controls.**

PP Number : **PP_2016_NEWCA_009_00**

Dop File No :

16/04187

Proposal Details

Date Planning
Proposal Received : **06-Dec-2016**

LGA covered : **Newcastle**

Region : **Hunter**

RPA : **Newcastle City Council**

State Electorate : **NEWCASTLE**

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

LEP Type : **Reclassification**

Location Details

Street : **26 Edith Street**

Suburb : **Waratah**

City : **Newcastle**

Postcode :

Land Parcel : **Lot 374 DP 755247**

Street :

Suburb :

City :

Postcode :

Land Parcel : **Part RD 20435**

Reclassification and Rezoning of 26 Edith Street, Waratah (Wrightson Reserve) and Correction of Zoning Anomaly at RD 20435

DoP Planning Officer Contact Details

Contact Name : **Ken Phelan**
Contact Number : **0249042705**
Contact Email : **ken.phelan@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Shannon Turkington**
Contact Number : **0249742274**
Contact Email : **sturkington@ncc.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Hunter Regional Plan 2036	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government **Yes**
Lobbyists Code of
Conduct has been
complied with :
If No, comment :

Have there been **No**
meetings or
communications with
registered lobbyists? :
If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

Reclassification and Rezoning of 26 Edith Street, Waratah (Wrightson Reserve) and Correction of Zoning Anomaly at RD 20435

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

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

- Comment :
- To reclassify 26 Edith Street Waratah
 - To rezone 26 Edith Street Waratah
 - To correct a zoning anomaly on part of RD 20435.

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

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

Comment : **To amend the Newcastle Local Environmental Plan 2012 by:**

- Including the subject land within Part 2 – Land classified or reclassified, as operational land – interests changed within Schedule 4 Classification and reclassification of public land, as follows:
 - a) Column 1 to read “Waratah”
 - b) Column 2 to read “Lot 374, DP 755247”.
 - c) Column 3 to read “NIL”
- Amending Map LZN_004B by rezoning Wrightson Reserve from RE1 Public Recreation to Zone SP2 Health Services Facility and amending Map LZN_004B by rezoning RD 20435 from RE1 Public Recreation to Zone R2 Low Density Residential
- Amending Map HOB_004B to apply a maximum building height limit of 8.5 metres to RD 20435
- Amending Map FSR_004B to apply a maximum permissible floor space ratio of 0.75 to RD 20435
- Amending Map LZN_004B to remove the minimum lot size for Wrightson Reserve
- Amending Map LZN_004B to apply a minimum lot size of 450m2 to RD 20435.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

3.2 Caravan Parks and Manufactured Home Estates
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
5.10 Implementation of Regional Plans

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

SEPP No 21—Caravan Parks
SEPP No 36—Manufactured Home Estates
SEPP No 44—Koala Habitat Protection
SEPP No 55—Remediation of Land
SEPP No 64—Advertising and Signage

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

Note about Newcastle Mines Subsidence District-
The site is about 75m outside / north of the Newcastle Mines Subsidence District, map at:
http://www.subsidenceadvisory.nsw.gov.au/SiteFiles/minesubnswgovau/Area_8_-_Newcastle_MSD.pdf

This boundary runs east-west along Myall Road, Waratah some 75m south of the site.

Reclassification and Rezoning of 26 Edith Street, Waratah (Wrightson Reserve) and Correction of Zoning Anomaly at RD 20435

Mapped changes proposed to the Newcastle Mines Subsidence District boundaries, currently exhibited by the Mines Subsidence Board, do not include this neighbourhood or site.

Lower Hunter Regional Strategy-
Pending repeal of the Lower Hunter Regional Strategy, the proposal should be assessed against this planning instrument.

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Map Sheet 004B:**
LZN (Fig.2- existing, Fig.3- proposed),
HOB (Fig.4- existing, Fig.5- proposed),
FSR (Fig 6- existing, Fig.7- proposed) &
LSZ (Fig.8- existing, Fig.9- proposed)

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **As a reclassification/ rezoning, exhibition for 28 days is proposed by Council as per Departmental guidelines. However, as there is evidence of the periodic use of Wrightson Reserve by sports groups, it is recommended that Council seeks to contact and notify relevant and organised users where possible.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Newcastle Standard Instrument LEP was published on 15 June 2012**

Assessment Criteria

Need for planning proposal : **Council has undertaken a strategic review of open space throughout the LGA initially with an open space review in 2010, then a Parkland and Recreation Strategy adopted in 2014 which culminated in the identification of this site as one of 6 parcels across the LGA that was surplus to Council's needs.**

The site abuts facilities of Mater Misericordiae Hospital. Part of the proposed reclassified and rezoned area would facilitate the expansion of healthcare facilities associated with the Mater Hospital, either those of NSW Health or private consulting rooms or specialist

**Reclassification and Rezoning of 26 Edith Street, Waratah (Wrightson Reserve) and
Correction of Zoning Anomaly at RD 20435**

suites/ commercial diagnostic services.

The planning proposal for the reclassification and rezoning of the site is the only means by which to facilitate an alternative use.

Reclassification and Rezoning of 26 Edith Street, Waratah (Wrightson Reserve) and Correction of Zoning Anomaly at RD 20435

Consistency with strategic planning framework :

Hunter Regional Plan 2036 (Direction 5.10)

The proposal is not within a commercial centre, nor a growth or renewal corridor.

It is noted that the planning proposal may be considered consistent with Goal 1 of the Plan 'Leading regional economy in Australia' and Goal 4 'Greater housing choice and jobs', as rezoning for health facilities would enable the delivery of infrastructure to support growth and communities.

The proposal is consistent with the Regional Plan.

Lower Hunter Regional Strategy

The proposal is not within a centre or renewal corridor under the regional strategy, however off-centre business uses are not being proposed.

Proximity to the established Mater Hospital results in a good public transport service being available nearby.

The proposal is likely to contribute positively to residential growth targets and quality objectives.

The proposal is consistent with the Regional Strategy.

State Environmental Planning Policies

SEPP No. 21 Caravan Parks

The current RE1 zone permits these uses whereas the proposed SP2 zone does not. The proposal is therefore inconsistent with this direction. However, given the scale of the site, difficulty with access and it's adjacent uses means that the potential use of the site for this purpose is limited. There are other more suitable sites within the LGA and broader region. It is recommended that this inconsistency be considered minor.

SEPP No. 55 Remediation of Land

The Planning Proposal is consistent with this SEPP. The site is not identified as being contaminated within Council's Contaminated Lands Database. A preliminary site investigation was conducted pursuant to this SEPP, which concluded that; contamination from off-site sources is considered to be low; potential contaminants associated with importing fill and localised opportunistic dumping would depend on the source of the material which is unknown, and; identified potential sources of contamination are considered to be readily amenable to remediation through conventional remediation approaches and possible integration with the proposed future development.

The proposal is consistent with other SEPP's identified by Council.

Directions Under Section 117 of the Environmental Planning and Assessment Act

3.2 Caravan Parks and Manufactured Home Estates

The current RE1 zone permits these uses whereas the proposed SP2 zone does not. The proposal is therefore inconsistent with this Direction. However, given the scale of the site, difficulty with access and it's adjacent uses means that the potential use of the site for this purpose is limited. There are other more suitable sites within the LGA and broader region. It is recommended that this inconsistency be considered minor.

3.4 Integrating Land Use and Transport

As noted above, proximity of the site with the Mater Hospital has ensured that the land benefits from good existing transport services.

The proposal is consistent with this Direction.

4.1 Acid Sulfate Soils

The presence on the land of some Class 5 Acid Sulphate Soils renders the proposal inconsistent with this Direction.

In these low-risk circumstances it is recommended that the minister's delegate accept the inconsistency as being of a minor nature and that Council be reminded of the need for site

survey and development assessment of this site constraint.

5.1 Implementation of Regional Strategies

The proposal comments on consistency with 'The Hunter Regional Plan 2036' under this heading. As noted above, the proposal is consistent with the Lower Hunter Regional Strategy.

6.1 Approval and Referral Requirements

While acknowledging that this Direction is relevant, it is not assessed in the proposal. However, as it does not introduce additional approval or referral requirements, the proposal is consistent with this Direction.

6.2 Reserving Land for Public Purposes

The planning proposal does propose to reduce the land zoned and reserved for public purposes. Therefore, the approval of the Secretary of the Department of Planning and Environment is being sought in accordance with Section 56 of the Environmental Planning and Assessment Act 1979. Council has undertaken an LGA wide investigation regarding the availability of open space and assessed this site amongst others. Council's strategic work has identified that this site is surplus to needs and therefore may be suitably reclassified. Council will be encouraged to exhibit this strategic justification together with the proposal to inform the community regarding the decision making process.

5.10 Implementation of Regional Plans

As noted above, the proposal is consistent with The Hunter Regional Plan 2036.

Environmental social
economic impacts :

Environmental Impacts

The west and south-west corner of the land contains an arc of established vegetation which is likely to be important for the stability of the steep slopes in this part of the site and in avoiding erosion and down-catchment sedimentation. The significance of this vegetation for this purpose will be considered in any future development assessment for the site.

Social Impacts

There is some evidence of the regular, informal use of Wrightson Reserve as a sports field. Organisations that may be relying on the open space for sports or recreation should be given notice of the proposal and opportunity to make representations to the Council. It is therefore recommended that the open space review that concluded that Wrightson Reserve be sold should be co-exhibited with the planning proposal. Council indicates that the proceeds if land sales will be used to embellish other open space facilities within the catchment.

Economic Impacts

Reclassification of the Wrightson Reserve land will enable Council to sell the land on the open market while rezoning to health services facility and low-density residential uses will establish highest-and-best uses in the circumstances of the land parcels. Proceeds of land sales are committed to enhancing other recreational facilities in the Local Government Area.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 months	Delegation :	DDG
Public Authority Consultation - 56(2)(d) :	Transport for NSW - Roads and Maritime Services		

Reclassification and Rezoning of 26 Edith Street, Waratah (Wrightson Reserve) and Correction of Zoning Anomaly at RD 20435

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

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

If no, provide reasons : **As the site's safest vehicle access is from Edith Street, Waratah, which is a Main Road, it would be likely to require new traffic control facilities.
Consultation with Transport for NSW is appropriate**

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal 26 Edith Street Waratah and RD 204035.pdf	Proposal	No
Request Letter 26 Edith Street Waratah and RD 20435.pdf	Proposal Covering Letter	No

Planning Team Recommendation

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

S.117 directions: **3.2 Caravan Parks and Manufactured Home Estates
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
5.10 Implementation of Regional Plans**

Additional Information : **The planning proposal is supported subject to the following conditions;**

- 1. The strategic justification for the land being identified as surplus to need should be exhibited with the proposal.**
- 2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:**
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and**
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A guide to preparing local environmental plans (Department of Planning and Infrastructure 2013).**
- 3. Consultation is required with the following public authorities under section 56(2)(d) of**

**Reclassification and Rezoning of 26 Edith Street, Waratah (Wrightson Reserve) and
Correction of Zoning Anomaly at RD 20435**

the Act and/or to comply with the requirements of relevant section 117 Directions:

- Transport for NSW - Roads and Maritime Service

The agency is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

The covering letter to Council should note that:

The minister's delegate accept the inconsistency of the proposal with Direction 3.2- Caravan Parks and Manufactured Home Estates and 4.1 Acid Sulfate Soils as being of a minor nature.

Supporting Reasons :

Council has undertaken a strategic review of open space throughout the LGA initially with an open space review in 2010, then a Parkland and Recreation Strategy adopted in 2014 which culminated in the identification of this site as one of 6 parcels across the LGA that was surplus to Council's needs.

The planning proposal for the reclassification and rezoning of the site is the only means by which to facilitate an alternative use.

Signature: _____

Printed Name: _____

Date: _____