

**Merewether Golf Course** 

December 2014

# CONTENTS

Summary of Proposali
Backgroundi
Sitei
Part 1 - Objectives or Intended Outcomes1
Part 2 - Explanation of Provisions1
Part 3 – Justification2
Section A - Need for the planning proposal2
Section B - Relationship to strategic planning framework
Section C - Environmental, social, and economic impact
Section D - State and Commonwealth interests10
Part 4 – Mapping11
Part 5 – Community Consultation21
Part 6 – Project Timeline

### **Summary of Proposal**

Proposal	Merewether Golf Course								
Property Details	40 King Street, Adamstown	Lot 902 in DP 1032728							
Applicant Details	de Witt Consulting								

### Background

Council has received a request to amend Newcastle Local Environmental Plan (LEP) 2012 in order to rezone part of Merewether Golf Course, being Lot 902 in DP 1032728, 40 King Street, Adamstown. The rezoning relates to land on the northern part of the course fronting Ella Street and seeks to replace the current RE2 Private Recreation zone with R2 Low Density Residential as set out in Newcastle LEP 2012 to allow future residential development on the land. It is also proposed that the maximum building height, floor space ratio and minimum subdivision lot size will be amended to be consistent with the surrounding residential locality.

### Site

The proposal consists of land at part of Lot 902 in DP 1032728 being part of Merewether Golf Course. The subject land fronts Ella Street, Adamstown between the properties of 9 and 11 Ella Street. The subject land to which this planning proposal relates is known as the 'horse paddock', and it is sited at the eastern end of the golf course. The total land area is approximately 1921m<sup>2</sup>. There is direct street frontage to Ella Street. Some mature vegetation is located at the rear part of the subject land and forms part of the vegetation that runs in an east west direction along the golf course. (see **Figure 1**: Local Context of Site).

The site is bounded by Merewether Golf Course to the south (zoned RE 2 Private Recreation) and residential land to the north, east and west (zoned R2 Low Density). Ella street bounds the subject land at the rear boundary. Dwellings are a mix of single and two storey. (see **Figure 2:** Air Photo of Site).



Newcastle Local Environmental Plan 2012

### Local Area Context Map

#### Cadastre





Projection GDA 1994 Zone 56 Planning Proposal - 40 King Street Adamstown -Local Area Context Map



Newcastle Local Environmental Plan 2012

### Site Air Photo Map

#### Cadastre

Cadastre base data 01/08/2007 © LPMA Addendum data 30/09/2014 © Newcastle City Council Subject Site

Suburb boundary





### Part 1 - Objectives or Intended Outcomes

The intent of the planning proposal is to enable development of the subject land for low density residential development.

Merewether Golf Course has advised that the subject rezoning is proposed to assist with ongoing financial sustainability and improvements at the club.

### Part 2 - Explanation of Provisions

The proposed outcomes can be achieved by:

- Amending the Newcastle LEP 2012 Land Zoning (LZN) map to rezone the land from RE2

   Private Recreation to R2 Low Density Residential;
- Amending the Floor Space Ratio (FSR) map by imposing a floor space ratio on the subject land of 0.6 where there is currently no maximum FSR control;
- Amending the Height of Building (HOB) map by imposing a maximum permitted building height of 8.5m where there is currently no maximum HOB control,
- Amending the Minimum Lot Size (LSZ) map by reducing the minimum lot size over the subject land from 40ha to 400m2.

The above amendments will ensure the provisions of the subject land are consistent with those applying to the nearby low density residential land in Adamstown.

### 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 proposal is owner initiated. It seeks to rezone a portion of the existing site for residential purposes, without impacting on the primary RE2 landuse of the site.

The proposed amendment is consistent with strategic objectives of increasing residential land availability in areas with good amenity, reasonable proximity to urban services and serviced with appropriate infrastructure.

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

Yes. Rezoning of the land is the best means to achieve the intended outcomes.

The current private recreation zoning and landuse provisions in NLEP 2012 prohibit development of the subject land for residential purposes. Rezoning of land will permit residential development of a scale and density that is consistent with the surrounding residential area, without being at the expense to the overall function of the primary use of the balance of the site for private recreation purposes.

The alternate option of identifying additional land uses for the site under the current zoning is not considered appropriate or consistent with the Department of Planning and Environments Draft Practice Note - use of schedule 1 of the LEP – Additional Permitted Uses in the Standard Instrument, issued in September 2012.

Development of the subject land for residential purposes via the provisions of cl. 5.3 of NLEP 2012 (*Development near zone boundaries*) has been considered. This clause allows for development within a distance of 20m of the adjoining zone. The site adjoins the R2 Low Density zone, however the distance is insufficient to allow the extension of these provisions to the subject land in its entirety.

As such, an amendment to the zone and associated development standards over the subject land is considered the most appropriate means of achieving the objectives.

### 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 housing opportunities and is therefore deemed to be consistent with this aim. Whilst the site is not critical in achieving dwelling targets in the LHRS compared to major Greenfield or reuse sites, this development is consistent in terms of achieving infill and consolidation within urban areas close to existing services and amenities.

# 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)

The Urban Structure Plan within the Newcastle Urban Strategy (NUS) identifies the principle of Newcastle Urbanism which aims to promote 'greater choices to the community, in terms of housing employment, transport and social and cultural services, whilst offering reduced travel demand, improved air quality and greater identity for Newcastle and its city centre and its district and neighbourhood centre. The proposal is consistent with this principle.

# 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 following table.

### Table 1 - Consideration of State Environmental Planning Policies

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 1	No	SEPP1 is not applicable to land to
(Development Standards)	NO	which NLEP 2012 applies as it is a SI
(Development Standards)		compliant LEP.
State Environmental Planning Policy No 14	No	Site is not land to which SEPP applies.
(Coastal Wetlands)		Site is not land to which SEFF applies.
State Environmental Planning Policy No 15	No	Site is not land to which SEPP applies.
(Rural Landsharing Communities)		Site is not land to which SETT applies.
State Environmental Planning Policy No 19	No	Site is not land to which SEPP applies.
(Bushland in Urban Areas)		One is not land to which OETT applies.
State Environmental Planning Policy No 21	No	The Planning Proposal will not affect
(Caravan Parks)		the application of the SEPP.
State Environmental Planning Policy No 26	No	Site is not land to which SEPP applies.
(Littoral Rainforests)		
State Environmental Planning Policy No 29	No	Site is not land to which SEPP applies.
(Western Sydney Recreation Area)		
State Environmental Planning Policy No 30	No	Site is not land to which SEPP applies.
(Intensive Agriculture)		
State Environmental Planning Policy No 32	No	The site is part of the existing
(Urban Consolidation)		Merewether Golf Course. The subject
()		land has been deemed by the owner
		as being superfluous to function of the
		golf course and suitable for
		redevelopment. The reuse of this site
		for residential purposes is deemed to
		be consistent with the SEPP.
State Environmental Planning Policy No 33	No	The Planning Proposal will not affect
(Hazardous and Offensive Development)		the application of the SEPP.
State Environmental Planning Policy No 36	No	The Planning Proposal will not affect
(Manufactured Home Estates		the application of the SEPP.
State Environmental Planning Policy No 39	No	Site is not land to which SEPP applies
(Spit Island Bird Habitat)		
State Environmental Planning Policy No 44	Yes	The SEPP applies to the entire LGA,
(Koala Habitat Protection)		however, the land is urban and does
		not consist of areas of koala habitat.
State Environmental Planning Policy No 47	No	Site is not land to which SEPP applies
(Moore Park Showground)		
State Environmental Planning Policy No 50	No	Site is not land to which SEPP applies
(Canal Estate Development)		
State Environmental Planning Policy No 52	No	Site is not land to which SEPP applies
(Farm Dams and Other Works in Land and		
Water Management Plan Areas		
State Environmental Planning Policy No 55	No	Site is not land to which SEPP applies
(Remediation of Land)		
State Environmental Planning Policy No 59	No	Site is not land to which SEPP applies
(Central Western Sydney Economic and		
Employment Area)		
State Environmental Planning Policy No 62	No	Site is not land to which SEPP applies
(Sustainable Aquaculture)	NL.	
State Environmental Planning Policy No 64	No	The Planning Proposal will not affect
(Advertising and Signage)	NI	the application of the SEPP.
State Environmental Planning Policy No 65	No	The Planning Proposal will not affect
(Design Quality of Residential Flat		the application of the SEPP.
Development)	Na	The Dianning Drange al will get affect
State Environmental Planning Policy No 70	No	The Planning Proposal will not affect
(Affordable Housing (Revised Schemes))	Na	the application of the SEPP.
State Environmental Planning Policy No 71	No	Site is not land to which SEPP applies
(Coastal Protection)		

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy (Affordable Rental Housing) 2009	No	The Planning Proposal will not affect the application of the SEPP.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No	The Planning Proposal will not affect the application of the SEPP
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No	The Planning Proposal will not affect the application of the SEPP
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	No	The Planning Proposal will not affect the application of the SEPP
State Environmental Planning Policy (Infrastructure) 2007	No	The Planning Proposal will not affect the application of the SEPP
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	No	Site is not land to which SEPP applies
State Environmental Planning Policy (Major Development) 2005	No	The Planning Proposal will not affect the application of the SEPP
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No	The Planning Proposal will not affect the application of the SEPP
State Environmental Planning Policy (Rural Lands) 2008	No	The Planning Proposal will not affect the application of the SEPP
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	Site is not land to which SEPP applies
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007	No	The Planning Proposal will not affect the application of the SEPP
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	Site is not land to which SEPP applies
SEPP (State and Regional Development) 2011	No	The Planning Proposal will not affect the application of the SEPP

# 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	No	
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	

S117 Direction	Applicable	Consistent
2.3 Heritage Conservation	No	Consistent. The site is in the vicinity of an item of environmental heritage – Henderson Park and community hall, however there is no direct spatial relationship between the two.
2.4 Recreation Vehicle Areas	No	
3. Housing, Infrastructure and Urban Dev	velopment	
3.1 Residential Zones	Yes	Consistent. Rezoning the land to R2 Low Density Residential will result future development consistent with the surrounding residential neighbourhood environment.
3.2 Caravan Parks and Manufactured Home Estates	No	
3.3 Home Occupations	No	
3.4 Integrating Land Use and Transport	Yes	The infill nature of this rezoning will allow for development within the existing neighbourhood, commensurate with its surrounds and serviced by existing transport networks.
3.5 Development Near Licensed Aerodromes	No	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Yes	The site is Class 5 ASS however is within 500m of class 4 soils to the north. Future development must comply with existing provision of the NLEP 2012 relating to ASS.
4.2 Mine Subsidence and Unstable Land	Yes	The site is within a Mine subsidence area and will require referral to the Mine Subsidence Board for assessment.
4.3 Flood Prone Land	No	The site is outside of the Probably Maximum Flood area.
4.4 Planning for Bushfire Protection	No	The proposed land is not within a Bushfire planning or investigation area.
5. Regional Planning		
5.1 Implementation of Regional Strategies	Yes	The proposal is consistent with the LHRS and will contribute, through the delivery of housing, to its vision, land use strategy, policies, outcomes and 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	

S117 Direction	Applicable	Consistent
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	No	
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 in a mine subsidence area. The proposal and any future development application will require consultation / concurrence from the MSB.

### Hydrology and Water Management

The site is not located within a floodway or flood prone area. It is noted that a stormwater pipeline runs at the rear of the subject land and may require relocation as part of development at the site. The detail of this would be assessed as part of a future development application for subdivision or development at the site. Specifics would be included in a stormwater management plan that would accompany the application.

#### 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

There are no listed items of environmental heritage on site. There is an item of environmental heritage to the north of the site on Lockyer Street and James Street (Henderson Park and Community Hall). There is no direct interface or spatial relationship between the subject land and the items, therefore, there is no further heritage assessment required at this stage of the development.

### 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.

### Acid Sulphate Soils

The site is within a class 5 ASS area, however is in close proximity class 4 lands to the north. Future development must comply with existing provision of the NLEP 2012 relating to ASS.

#### **Traffic Impacts and Vehicular and Pedestrian Access**

The site has direct frontage to Ella Street and future development will utilise the Ella Street access. Assessment of development at the subject land at the development application stage will formalise traffic, access and parking arrangements at the site.

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

No items of Aboriginal or European cultural heritage have been identified on or adjacent to the site. It is unlikely given the historical land uses that there is potential for any impact on social or cultural heritage.

A change of land use to allow residential development will be compatible with the residential development in the surrounding area. Adjoining sites contain low density housing in single and two storey form fronting Ella Street. Development as envisaged will improve contribution to housing choice and promote urban consolidation within existing urban areas.

There will be a loss of green space within the streetscape. This space is privately owned by the Merewether Golf Course and not in public ownership. Whilst residents currently enjoy the sense of open space provision within the immediate neighbourhood, it is not of the same classification as public open space such as parks and reserves. The locality is in proximity to numerous parks and open space areas offering residents opportunity for passive and active recreation.

### Section D - State and Commonwealth interests

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

Yes. The site is sufficiently supplied with necessary infrastructure and services. These can be augmented as required to accommodate any increased demand generated by the proposed development.

Council has stormwater drainage assets which traverse the site from an East to West direction to link up to the Hunter Water Corporation channel located adjacent to 21/23 Ella Street.

The planning proposal has been reviewed by Council's Assets Division who do not object to the proposed rezoning on the provision that the stormwater drainage line be considered within the ongoing planning proposal for the rezoning as an existing site constraint.

Consideration will need to be given to the realignment of the stormwater clear of the proposed rezoning site to within the Merewether golf site as part of a future stage of the development. This would facilitate easier access to the pipeline for future maintenance activities and would also remove an impediment to the development footprint.

# 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 be carried out in accordance with the requirements of the gateway determination. It is envisaged that Council will consult with the following agencies.

• Mine Subsidence Board

## 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											
002C											
002D											
002E											
002F				-							
002G											
002H											
003											
004											
004A											
004B											
004C	X		X			X	X				
004D											
004E											
004F											
004FA											
004G											
004H											
0041											
004J											
004K											
Map C	odes:	FSR LAP LZN WRA ASS HOB	= = = =	Lan Lan Wic Acio	d Applica d Zoning kham Re d Sulfate S		ent Area	Мар			

- 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

















# Part 5 – Community Consultation

The planning proposal is considered as low impact in accordance with the Department of Planning and Environment'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

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

Task	Planning Proposal Timeline											
	Jan 15	Feb 15	Mar 15	Apr 15	May 15	Jun 15	Jul 15	Aug 15	Sep 15	Oct 15	Nov 15	Dec 15
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												