

Agenda Report

ACTION ITEM

Ordinary Council
Tuesday, 25 March 2014

**SUBJECT: CCL 25/03/14 - ENDORSEMENT OF PROPOSED
AMENDMENTS TO NEWCASTLE LOCAL
ENVIRONMENTAL PLAN 2012 - LAND ADJACENT TO
WARATAH VILLAGE CENTRE**

RESOLVED: (Councillors Waterhouse/Tierney)

Council resolves to:

- a) Endorse the planning proposal in **Attachment A** to amend Newcastle Local Environmental Plan 2012, pursuant to Section 55 of the *Environmental Planning and Assessment Act 1979*, in order to enable the expansion of the existing retail and commercial area of the Waratah Village Centre for land at Waratah described as Lots 1 -6 DP 20005, Lot 1 DP 336719, Lot 1 DP 348702, Lot 1 and 2 DP 186934, Lot 2 DP 186934, Lots A and B DP 421589, Lot 2 DP 348702, Part Lots 1-3, and Lot 4 DP 345525.
- b) Forward the planning proposal to the Minister for Planning and Infrastructure for gateway determination pursuant to Section 56 of the *EP&A Act 1979*.
- c) Advise the Director-General of the Department of Planning and Infrastructure that Council does not seek to exercise delegations for undertaking Section 59(1) of the *EP&A Act 1979*.
- d) Consult with the community and relevant government agencies as instructed by the gateway determination.
- e) Request a report on the planning proposal if any written objection is received during consultation with the community as per the requirements of Section 57 of the *EP&A Act 1979*; otherwise forward the planning proposals to the Department of Planning and Infrastructure requesting to make the proposed amendments to Newcastle LEP 2012.

**SUBJECT: CCL 25/03/14 - ENDORSEMENT OF PROPOSED
AMENDMENTS TO NEWCASTLE LOCAL
ENVIRONMENTAL PLAN 2012 - LAND ADJACENT TO
WARATAH VILLAGE CENTRE**

**REPORT BY: PLANNING AND REGULATORY SERVICES
CONTACT: ACTING DIRECTOR PLANNING AND REGULATORY
SERVICES / MANAGER STRATEGIC PLANNING
SERVICES**

PURPOSE

This report seeks Council's endorsement of a planning proposal to commence the statutory process to prepare amendments to Newcastle Local Environmental Plan (LEP) 2012.

RECOMMENDATION

1 Council resolves to:

- a) Endorse the planning proposal in **Attachment A** to amend Newcastle Local Environmental Plan 2012, pursuant to Section 55 of the *Environmental Planning and Assessment Act 1979*, in order to enable the expansion of the existing retail and commercial area of the Waratah Village Centre for land at Waratah described as Lots 1 -6 DP 20005, Lot 1 DP 336719, Lot 1 DP 348702, Lot 1 and 2 DP 186934, Lot 2 DP 186934, Lots A and B DP 421589, Lot 2 DP 348702, Part Lots 1-3, and Lot 4 DP 345525.
- b) Forward the planning proposal to the Minister for Planning and Infrastructure for gateway determination pursuant to Section 56 of the *EP&A Act 1979*.
- c) Advise the Director-General of the Department of Planning and Infrastructure that Council does not seek to exercise delegations for undertaking Section 59(1) of the *EP&A Act 1979*.
- d) Consult with the community and relevant government agencies as instructed by the gateway determination.
- e) Request a report on the planning proposal if any written objection is received during consultation with the community as per the requirements of Section 57 of the *EP&A Act 1979*; otherwise forward the planning proposals to the Department of Planning and Infrastructure requesting to make the proposed amendments to Newcastle LEP 2012.

KEY ISSUES

- 2 Council received a request on behalf of the owners of the Waratah Village Centre to amend Newcastle LEP 2012 in order to permit the expansion of the

existing retail and commercial area by means of rezoning adjoining land from Zone R3 Medium Density Residential to Zone B2 Local Centre. It was also proposed that the maximum building height and floor space ratio of the land be amended to ensure consistency with the existing centre.

- 3 The planning proposal (**Attachment A**) further details the proposed amendment to Newcastle LEP 2012, provides justification of the proposed expansion of this local centre, addresses the issues considered in assessing the appropriateness of the proposed amendment, and identifies what further information may be required.
- 4 This planning proposal was prepared in accordance with the NSW Planning and Infrastructure's guidelines and Council's Local Environmental Plan – Request for Amendment Policy.
- 5 If endorsed by Council, the planning proposal will be forwarded to the Minister of Planning and Infrastructure for gateway determination. Gateway determination will confirm initial support for the draft planning proposal, and identify what further technical studies and community consultation are required prior to the proposed amendments being determined.
- 6 Strategic Planning staff recommend Council not seek delegations under Section 59(1) of the *EP&A Act 1979* given the added impost on Council resources without any additional influence on the outcomes. These delegations obligate Council to prepare the final reporting, drafting and mapping in order for the Minister of Planning and Infrastructure to 'make' the proposed amendments to Newcastle LEP 2012. Where Council does not exercise these delegations, the Department of Planning and Infrastructure undertakes these requirements.

FINANCIAL IMPACT

- 7 Council is able to recoup costs associated with the preparation of a draft planning proposal, undertaking consultation, and preparation of technical studies, pursuant to Clause 11 of the *Environmental Planning and Assessment (EP&A) Regulation 2000*.
- 8 Fees (as outlined within Council's Fees and Charges Register) will be applied in accordance with Council's LEP Request for Amendment Policy (2012). That is, prescribed fees apply to all formal requests, except where required for the provision of public infrastructure or as a result of correcting a minor anomaly.
- 9 Where costs are unable to be recouped partly or in full, work will be undertaken by Council's Strategic Planning Services staff within their current allocated work program and budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 10 The preparation and processing of the attached draft planning proposal aligns to the strategic direction '*Open and Collaborative Leadership*' identified within the Newcastle 2030 Community Strategic Plan.

- 11 Compliance with the LEP amendment process, in particular, Section 57 of the *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*” as identified within the Newcastle 2030 Community Strategic Plan.

IMPLEMENTATION PLAN/IMPLICATIONS

- 12 The preparation of the attached planning proposal was undertaken in accordance with Council’s Local Environmental Plan – Request for Amendment Policy (2012). This policy identifies Council’s processes and responsibilities in applying the requirements of Part 3 of the *EP&A Act 1979* for amending an LEP.

RISK ASSESSMENT AND MITIGATION

- 13 The process of amending an LEP is prescribed by Part 3 of the *EP&A Act 1979*. Adherence to the legislative framework reduces the risk to both applicant and Council by ensuring that a planning proposal is considered with regard to relevant strategic planning documents and is determined in an appropriate timeframe.
- 14 Justification has been provided by the applicant for the formal LEP amendment request.
- 15 Further consultation with stakeholders (including the broader community) will occur in accordance with the Minister’s requirements following gateway determination. This will ensure all relevant parties are able to consider and comment on the draft planning proposal prior to it being reported back to Council for final adoption of the proposed amendment.

RELATED PREVIOUS DECISIONS

- 16 Newcastle LEP 2012 was adopted by Council on 21 June 2011.

CONSULTATION

- 17 The planning proposal outlines the level of consultation required in accordance with the Department of Planning’s Guide to Preparing Local Environmental Plans. This proposal is considered low impact given it is consistent with the strategic planning framework; presents no issues with regard to infrastructure servicing; is not for a principal LEP; and does not seek to reclassify public land. Hence it is envisaged to be exhibited for 14 days.
- 18 The gateway determination will confirm the consultation requirements, however, it is envisaged that this will include a public notice in the Newcastle Herald, letter to adjoining property owners, publication on the City of Newcastle web page, and written referral to relevant government agencies such as Roads and Maritime Services (RMS).

OPTIONS

Option 1

- 19 The recommendation as at Paragraph 1.

Option 2

- 20 Council resolves not to proceed with the planning proposal. This is not the recommended option as it would not provide the opportunity for the potential of the land to be realised, or provide the opportunity for the community feedback on the proposal.

BACKGROUND

- 21 Council has received a request to amend Newcastle LEP 2012, which was processed in accordance with Council's 'LEP – Request for Amendment Policy'. This included evaluation by Council's LEP Advisory Panel, which is made up of staff across various areas of Council and covers a broad range of technical expertise.
- 22 As a result, the attached planning proposal was prepared.
- 23 The planning proposal (**Attachment A**) explains the need and justification for the proposed amendment to Newcastle LEP 2012 in further detail.

ATTACHMENTS

Attachment A: Planning Proposal – Land Adjacent to Waratah Village Centre

Attachment distributed under separate cover.

**ORDINARY COUNCIL MEETING
25 MARCH 2014**

**CCL 25/03/14
ENDORSEMENT OF PROPOSED AMENDMENTS TO NEWCASTLE
LOCAL ENVIRONMENTAL PLAN 2012 – LAND ADJACENT TO
WARATAH VILLAGE CENTRE**

Attachment A: Planning Proposal – Land adjacent to Waratah Village
Centre

DISTRIBUTED UNDER SEPARATE COVER

Planning Proposal



Land Adjacent to Waratah Village Centre

March 2014

CONTENTS

Summary of Proposal	i
Background.....	i
Site	i
Part 1 - Objectives or Intended Outcomes	1
Part 2 - Explanation of Provisions	1
Part 3 – Justification	2
Section A - Need for the planning proposal	2
Section B - Relationship to strategic planning framework	2
Section C - Environmental, social, and economic impact	8
Section D - State and Commonwealth interests	11
Part 4 – Mapping.....	12
Part 5 – Community Consultation	21
Part 6 – Project Timeline	22
Appendix A	
Waratah Village Urban Structure Plan	23

Land Adjacent to Waratah Village Centre

Summary of Proposal

Proposal	Land Adjacent to Waratah Village Centre	
Property Details	5, 7, 9, and 11 Coolamin Road, 84A, 84B, 86, 86A, 88, 90, 92, and 92B Georgetown Road, 1 Glenda Street, 38 Tinonee Road, and 117, 121, and 123 Turton Road, Waratah NSW	Lots 1 -6 DP 20005, Lot 1 DP 336719, Lot 1 DP 348702, Lot 1 and 2 DP 186934, Lot 2 DP 186934, Lots A and B DP 421589, Lot 2 DP 348702, Part Lots 1-3, and Lot 4 DP 345525
Applicant Details	ADW Johnson on behalf of Nekon Pty Ltd	

Background

Council has received a formal request to amend Newcastle Local Environmental Plan 2012 in order to permit the expansion of the existing retail and commercial area of the Waratah Village Centre by means of rezoning land currently zoned R3 Medium Density Residential to Zone B2 Local Centre. It is also proposed that the maximum building height and floor space ratio of the land also be amended to be consistent with the existing centre.

The Waratah Village Shopping Centre is a long established retail centre which was developed in 1970. It was the 3rd centre in Australia to house a K-Mart. The Waratah Village Centre has not changed in function overtime.

As other centres such as Kotara and Jesmond have redeveloped and expanded in size and diversity of tenancies to include extensive Discount Department Store (DDS) and higher order non food facilities, Waratah has continued to provide the level of retail based around the supermarket and DDS. In contrast, the Jesmond Centre also based on a DDS, supermarket and (junior DDS) yet is over 21,000sqm and includes 75 specialty shops. The Waratah Village has remained close to the development form of the original centre.

Site

The proposal consists of land at Waratah adjoining the existing Waratah Village Centre to both the north between Coolamin Road and Georgetown Road, and to the south along Turton Road to Tinonee Road (see **Figure 1: Local Context of Site**).

The land proposed for rezoning includes a total of 17 lots with an approximate area of 8,459m². Of these, Nekon Pty Ltd owns 14 lots with a combined area of approximately 6,513m².

The land is predominantly residential consisting of single level detached dwellings and vacant land (see **Figure 2: Air Photo of Site**). The topography is relatively flat and conducive to pedestrian activity.



Newcastle Local Environmental Plan 2012

Local Area Context Map

Cadastre

- Cadastre base data 01/08/2007 © LPMA
Addendum data 10/03/2014 © Newcastle City Council
- Subject Site
- Suburb boundary
- LGA boundary

#

Projection GDA 1994
Zone 56

0 100 200m

Scale 1:5,000 @ A4

Planning Proposal - Expansion of Waratah Shopping Village -
Local Area Context Map





Newcastle Local Environmental Plan 2012

Site Air Photo Map

Cadastre

-  Cadastre base data 01/08/2007 © LPMA
Addendum data 10/03/2014 © Newcastle City Council
-  Subject Site
-  Suburb boundary

#

Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Expansion of Waratah Shopping Village -
Site Air Photo Map



Part 1 - Objectives or Intended Outcomes

To enable the expansion of the existing retail and commercial area of the Waratah Village Centre for land at Waratah.

This planning proposal seeks to rezone land at 5, 7, 9, and 11 Coolamin Road, 84A, 84B, 86, 86A, 88, 90, 92, and 92B Georgetown Road, 1 Glenda Street, 38 Tinonee Road, and 117, 121, and 123 Turton Road, Waratah NSW, which is described as Lots 1 -6 DP 20005, Lot 1 DP 336719, Lot 1 DP 348702, Lot 1 and 2 DP 186934, Lot 2 DP 186934, Lots A and B DP 421589, Lot 2 DP 348702, Part Lots 1-3, and Lot 4 DP 345525.

Part 2 - Explanation of Provisions

This Planning proposal seeks to amend Newcastle LEP 2012 by

- Amending the Land Zone (LZN) Map with respect to the subject land by changing the zoning from Zone R3 Medium Density Residential to Zone B2 Local Centre
- Amending the Floor Space Ratio (FSR) Map by increasing the FSR on the subject land from 0.9 to 2.0
- Amending the Height of Buildings (HOB) Map by increasing the maximum permitted building height from 10m to 14m.
- Amending the Minimum Lot Size (LSZ) Map by removing the minimum lot size for the subject land.

The above amendments will ensure the provisions of the subject land are consistent with those applying to the existing Waratah Village Centre.

Part 3 – Justification

Section A - Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

Yes. The Newcastle Employment Lands Strategy (2013) provides growth targets for expansion of the Waratah Village Centre and supports additional uses to expand the range of local services available.

The Newcastle Urban Strategy (update 2006) identifies the role of Waratah Village Centre as a higher order retail centre and includes an objective to facilitate compatible mixed use development at the edges of the Waratah Village Centre and along each side of Turton Road to Station Street.

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

Yes. Rezoning the land is the best means of achieving the intended outcomes.

Alternate options such as identifying additional uses on the land are not considered appropriate or consistent with the Department of Planning and Infrastructure's draft Practice Note on Schedule 1 – *Additional Permitted Uses in the Standard Instrument*, issued in September 2012.

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 (LHRS) 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.

Waratah is identified as a "town centre" within the LHRS, which is to provide "shopping and business centre, including health and professional services, mixed with medium and higher density residential".

The proposed expansion of the B2 Local Centres zone at Waratah is consistent with the LHRS urban structure and hierarchy of centres.

4. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Newcastle 2030 Community Strategic Plan (revised 2013)

The Newcastle 2030 Community Strategic Plan was prepared in partnership with the local community and first adopted by Council in 2011. This strategy provides the overarching themes guiding Council into the future.

The LEP amendment process aligns to the following elements of this plan:

- Strategic Direction: Open and Collaborative Leadership.
- Strategic Objective: Consider decision-making based on collaborative, transparent and accountable leadership.
- Strategy 7.2b: Provide opportunities for genuine and representative community engagement in local decision making.

The proposed expansion of the B2 Local Centre Zone will contribute to achieving the following objectives of the Newcastle 2030 Community Strategic Plan:

- 5.2: Mixed-use urban villages supported by integrated transport networks.
- 5.2b: Encourage retail and commercial business to locate and prosper within or adjacent to centres.
- 5.2c: Cluster community facilities with shops, schools and other activity centres to create community focal points and promote safety.

Newcastle Urban Strategy (updated 2012)

The Urban Structure Plan within the Newcastle Urban Strategy (NUS) identifies the Waratah Village Centre as a Town/District Centre. However the Neighbourhood Vision and Objectives of the Strategy state:

Waratah K-mart

The K-mart centre reduces the retail viability of surrounding centres of Station Street and Georgetown Road. Although it was designed as a district centre and thus has a wide catchment, there is an over-supply of retail/commercial floor space in the Waratah/Georgetown area.

Vision

Waratah K-Mart's future development will enhance local amenity while recognising its role as a higher-order retail centre.

Objectives

- Better integrate with surrounding neighbourhoods.
- Improve pedestrian access in and around the centre.
- Facilitate compatible mixed use development at the edges of Waratah Kmart and along each side of Turton Road to Station Street and Waratah Station.

Although the NUS was updated as recently as 2012, this has not included a revision of the Neighbourhood Visions and Objectives, which were prepared for the original version in 1998. Hence the claims of an oversupply of floor space in Waratah/Georgetown are no longer accurate.

Council are currently preparing a Local Planning Strategy that will review the status of this centre in light of the findings of the Newcastle Employment Strategy 2013, outlined below, which provides a strong case for an expansion of the Waratah Town Centre outside the current B2 zoned land.

Newcastle Employment Lands Strategy (2013)

The Newcastle Employment Lands Strategy identifies 'Waratah Shopping Village' as one of Newcastle's six higher order centres. The strategy identifies that the centre has an area of 36,740m² while the commercial retail footprint (as at 2009) was 13,845m² with a 0.0% vacancy level.

A commercial / retail floorspace (growth) target is provided for the centre as follows:

- Retail: 7,000m²;
- Commercial office: 2,500m²; and
- Special uses: 600m².

A number of recommendations for centres are included in the Strategy for the B2 Local Centre Zone. In particular the Strategy supports additional uses to expand the range of local services, support the vitality, and viability of the centres and the needs of the locality.

The recommended principles for local centres which are particularly relevant to this planning proposal are:

- Support the development of retail (in keeping with draft Activity Centres Policy released by the DPI) through the zoning of suitable land within and adjacent to neighbourhood and local centres.
- The development of all retail premises should be encouraged and / or focussed within or adjacent to existing or planned neighbourhood and local centres or corridors.
- The integrity and vitality of existing local and neighbourhood centres should be protected and enhanced by working with applicants to implement appropriate development proposals
- Encourage a diversity of uses in neighbourhood and local centres to maintain economic activity and extend hours of use.
- Support the extension or development of smaller supermarkets on appropriate sites within neighbourhood centres and larger supermarkets within local centres to provide a range of convenient retail options, enhance competition, and support their economic vitality.

The Strategy recognises the importance of the Waratah Town Centre within the Newcastle hierarchy of centres and also highlights the importance of providing for the growth of town centres through the rezoning land to ensure vitality and viability and that the needs of residents in the locality are met.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Consistency (of the planning proposal) with State Environmental Planning Policies is outlined in the table below.

Table 1 - Consideration of State Environmental Planning Policies

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 1 (Development Standards)	No	
State Environmental Planning Policy No 14 (Coastal Wetlands)	No	
State Environmental Planning Policy No 15 (Rural Landsharing Communities)	No	
State Environmental Planning Policy No 19 (Bushland in Urban Areas)	No	
State Environmental Planning Policy No 21 (Caravan Parks)	No	
State Environmental Planning Policy No 26 (Littoral Rainforests)	No	
State Environmental Planning Policy No 29 (Western Sydney Recreation Area)	No	
State Environmental Planning Policy No 30 (Intensive Agriculture)	No	
State Environmental Planning Policy No 32 (Urban Consolidation)	No	
State Environmental Planning Policy No 33 (Hazardous and Offensive Development)	No	
State Environmental Planning Policy No 36 (Manufactured Home Estates)	No	
State Environmental Planning Policy No 39 (Spit Island Bird Habitat)	No	
State Environmental Planning Policy No 44 (Koala Habitat Protection)	Yes	No Koala sightings recorded on land or within vicinity of land.
State Environmental Planning Policy No 47 (Moore Park Showground)	No	
State Environmental Planning Policy No 50 (Canal Estate Development)	No	
State Environmental Planning Policy No 52 (Farm Dams and Other Works in Land and Water Management Plan Areas)	No	
State Environmental Planning Policy No 55 (Remediation of Land)	No	
State Environmental Planning Policy No 59 (Central Western Sydney Economic and Employment Area)	No	
State Environmental Planning Policy No 62 (Sustainable Aquaculture)	No	
State Environmental Planning Policy No 64 (Advertising and Signage)	Yes	
State Environmental Planning Policy No 65 (Design Quality of Residential Flat Development)	No	
State Environmental Planning Policy No 70 (Affordable Housing (Revised Schemes))	No	

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 71 (Coastal Protection)	No	
State Environmental Planning Policy (Affordable Rental Housing) 2009	No	
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No	
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No	
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	No	
State Environmental Planning Policy (Infrastructure) 2007	No	
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	No	
State Environmental Planning Policy (Major Development) 2005	No	
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No	
State Environmental Planning Policy (Rural Lands) 2008	No	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007	No	
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	
SEPP (State and Regional Development) 2011	No	

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Consistency (of the planning proposal) with State Environmental Planning Policies is outlined in the table below.

Table 2 - Consideration of Section 117 Directions

S117 Direction	Applicable	Consistent
1. Employment and Resources		
1.1 Business and Industrial Zones	Yes	Consistent: The proposed rezoning will encourage employment growth in a suitable location, and protect the existing employment land by ensuring the viability of the Waratah Village Shopping Centre in the future. The proposed increase in commercial land is of minor significance in the context of the broader Newcastle Commercial Hierarchy and overall supply of commercial land within the Newcastle LGA.

S117 Direction	Applicable	Consistent
1.2 Rural Zones	No	
1.3 Mining, Petroleum Production and Extractive Industries	No	
1.4 Oyster Aquaculture	No	
1.5 Rural Lands	No	
2. Environment and Heritage		
2.1 Environment Protection Zones	No	
2.2 Coastal Protection	No	
2.3 Heritage Conservation	No	
2.4 Recreation Vehicle Areas	No	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Yes	Consistent: The B2 Local Centre zone will still permit residential uses as part of mixed use development (i.e. shop top housing), hence the potential for providing residential development is not diminished.
3.2 Caravan Parks and Manufactured Home Estates	No	
3.3 Home Occupations	No	
3.4 Integrating Land Use and Transport	Yes	Consistent: The land is directly serviced by accessible public transport (buses and train services nearby).
3.5 Development Near Licensed Aerodromes	No	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	No	
4.2 Mine Subsidence and Unstable Land	No	
4.3 Flood Prone Land	No	
4.4 Planning for Bushfire Protection	No	
5. Regional Planning		
5.1 Implementation of Regional Strategies	Yes	Consistent: The Waratah Shopping Centre is identified within the LHRS as a Shopping and Business Centre, with the expansion of the commercial land reinforcing the Town Centre status for Waratah.
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	

S117 Direction	Applicable	Consistent
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.8 Second Sydney Airport: Badgerys Creek	No	
6. Local Plan Making		
6.1 Approval and Referral Requirements	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 not located within a Mine Subsidence District.

Hydrology and Water Management

Part of the land (Lot 1 DP 336719, part of Lots 1 and 2 DP 20005) is identified as being effected by the PMF Flood Extent - Flood Prone Land in the Newcastle City-wide Floodplain Risk Management Study & Plan, 2012.

However, this area is not within a floodway or within the flood fringe, and does not consist of levels that will restrict development potential or the rezoning of the land. Measure to address flood levels (such as fill, and finished floor levels) are able to be addressed in subsequent development applications.

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.

Contamination

There is no known contamination of the land and the current and former uses of the land are unlikely to have caused risk of contamination. Hence Council is satisfied that it has met its obligations under clause 6 of SEPP 55 Remediation of Land.

Heritage

The subject area for rezoning is in the vicinity of two heritage items of Local Heritage significance, they are not located within a Heritage Conservation Area.

These are listed below:

- Waratah Police Station, 96 Georgetown Road.
- Former Hanbury Public School group, 98 Georgetown Road.

The proposed rezoning is not likely to impact on these sites.

Traffic Impacts and Vehicular and Pedestrian Access

The existing Waratah Shopping Centre fronts Turton Road, which is an RMS classified arterial road. Turton Road provides the main spine for a system of local roads that services the Waratah/Georgetown area. It provides an efficient private transport network and also facilitates public transport linkages.

Further assessment may be required to understand the potential changes or impacts or net increase in traffic that could eventuate as a consequence of the development of the rezoned land.

The applicant has provided an Urban Structure Plan (**Appendix A** – Waratah Village Urban Structure Plan), which demonstrates how the new areas are envisaged to be integrated into the expanded commercial centre and existing urban structure.

The Waratah Village Urban Structure Plan provides an indication of how the urban structure may function should this planning proposal be realised. Furthermore, this plan provides the basis for further discussion and analysis in developing a more detailed plan for the centre as part of any subsequent development applications.

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

Social impacts

The residential areas of Waratah and Georgetown, like many other inner ring suburbs of Newcastle, have seen considerable change in the last 15 to 20 years. These areas have recovered their popularity. The convenience of the locations in relation to access to schools, employment, retail and commercial facilities has become prominent. This in turn has flowed onto some of the retail and commercial precincts which in many cases were in decline.

The proposal does not seek to change the context of the Waratah Shopping Village. Rather, it seeks to provide opportunity for this node to evolve in order to preserve its relativity and standing on the retail and commercial hierarchy in balance with the expectations and change that has occurred within the local area. In particular it will allow the range of services to be expanded to include a wider mix of non-retail facilities including professional and financial services and consulting rooms which reflect the level of services expected within a town centre.

It is therefore considered that the proposed rezoning will permit the Waratah retail and commercial centre to respond to the changing needs and expectations of the residents within the local and broader catchment area while providing a broader range of services and facilities.

Economic impacts

The expansion of the Waratah Centre will enable the centre to diversify the uses and services on offer and enable the consolidation of exiting uses through future upgrades to a contemporary standard. The opportunity for Waratah to expand not only accommodates the reallocation of existing uses such as automotive services but also the introduction of new related activity eg. petrol station, service retail, medical services that will capitalise on the existing activity already operating at the centre.

The principle of concentrating a range of retail and commercial activity into centres is consistent with the Department of Planning Draft Centres Policy and the LHRS and will enable economic sustainability and viability of the centre.

The proposal is unlikely to impact on adjoining centres, such as Station Street and Georgetown given the neighbourhood level services and lower order economic functions provided in these centres are unlikely to be attracted to higher intensity centres such Waratah Village (which have higher rents) but remain in neighbourhood centres.

Section D - State and Commonwealth interests

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

Yes. The land is urban and benefits from the proximity to existing infrastructure, including water, sewer, electricity and telecommunications, which can adequately service any of the proposed additional land uses.

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

No 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 be required to consult with RMS given the land adjoins Turton Road, which is categorised as an arterial road.

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	X		X			X	X				
004C											
004D											
004E											
004F											
004FA											
004G											
004H											
004I											
004J											
004K											

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

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

- **Figure 3:** Existing Land Zoning Map
- **Figure 4:** Proposed Land Zoning Map
- **Figure 5:** Existing Max Height of Buildings Map
- **Figure 6:** Proposed Max Height of Buildings Map
- **Figure 7:** Existing Max Floor Space Ratio Map
- **Figure 8:** Proposed Max Floor Space Ratio Map
- **Figure 9:** Existing Min Lot Size Map
- **Figure 10:** Proposed Min Lot Size Map



Newcastle Local Environmental Plan 2012

Existing Land Zoning Map

Cadastre

- Cadastre base data 01/08/2007 © LPMA
- Addendum data 10/03/2014 © Newcastle City Council
- Subject Site

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- IN3 Heavy Industrial
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP1 Special Activities
- SP2 Infrastructure
- W2 Recreational Waterways
- UL Unzoned Land

#

Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Expansion of Waratah Shopping Village -
Existing Land Zoning Map

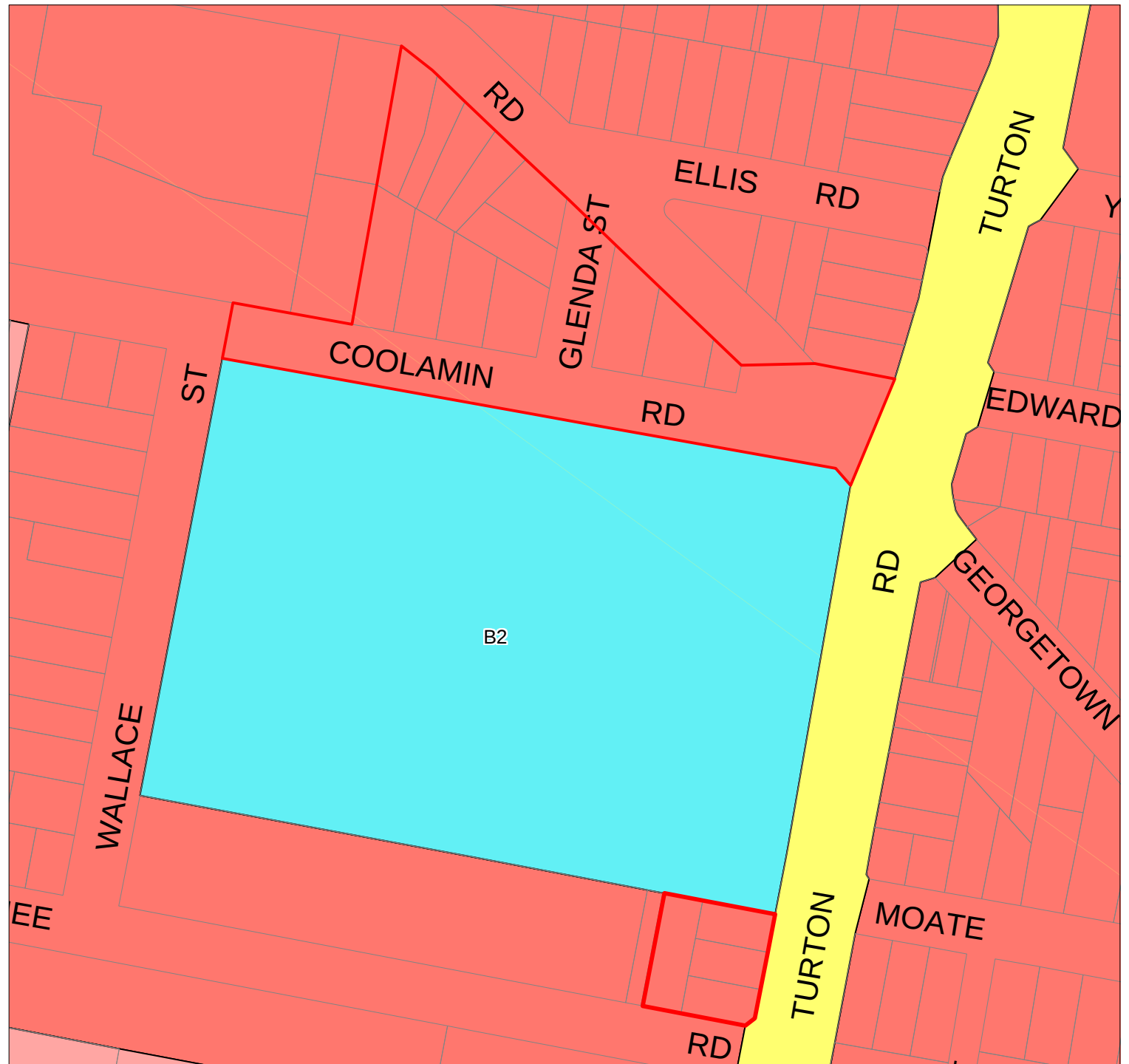


Figure 3



Newcastle Local Environmental Plan 2012

Proposed Land Zoning Map

Cadastre

- Cadastre base data 01/08/2007 © LPMA
- Addendum data 12/03/2014 © Newcastle City Council
- Subject Site

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- IN3 Heavy Industrial
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP1 Special Activities
- SP2 Infrastructure
- W2 Recreational Waterways
- UL Unzoned Land

#

Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Expansion of Waratah Shopping Village -
Proposed Land Zoning Map

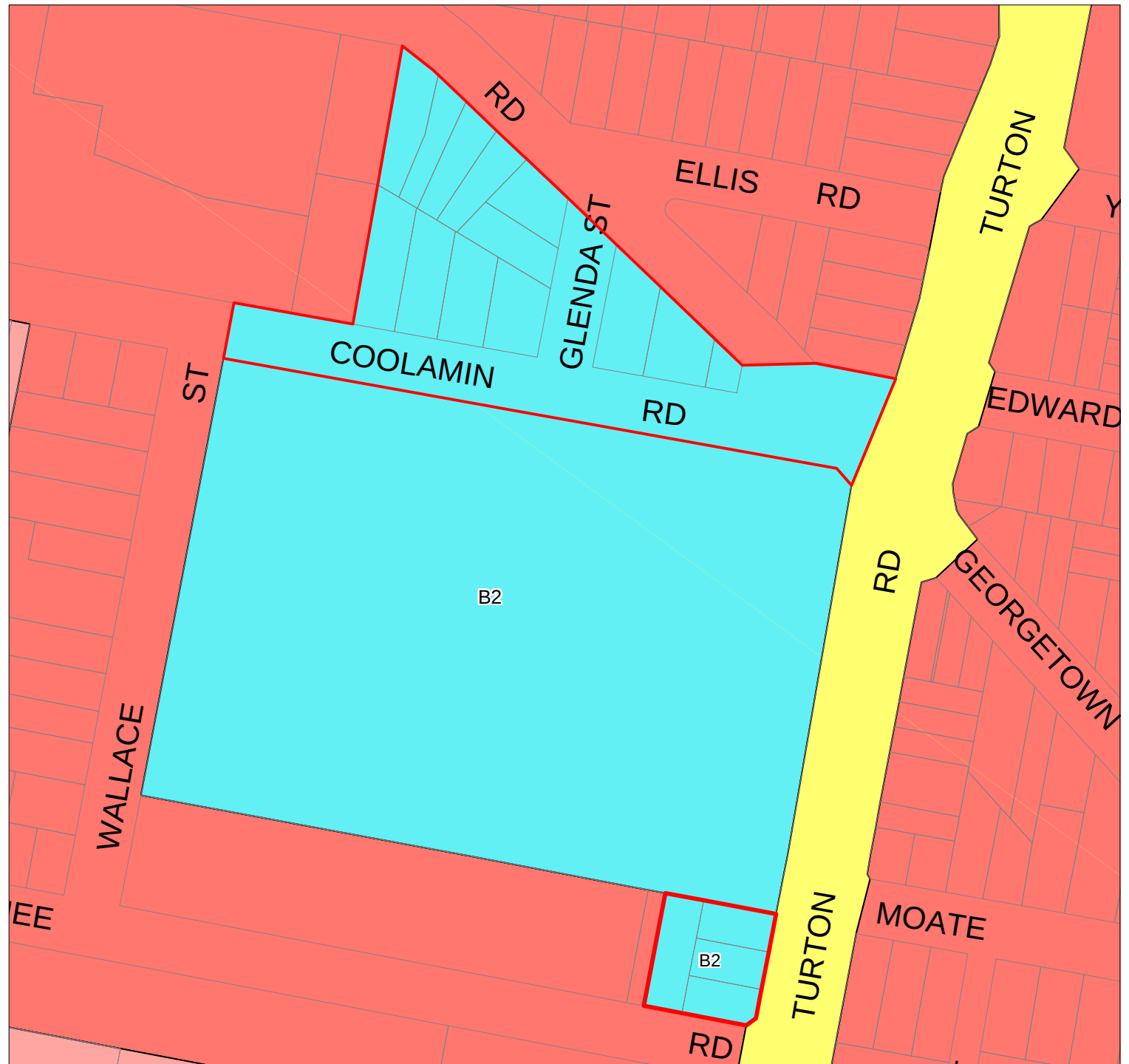


Figure 4



Newcastle Local Environmental Plan 2012

Existing Max Height of Building Map

Cadastre

-  Cadastre base data 01/08/2007 © LPMA
-  Addendum data 10/03/2014 © Newcastle City Council
-  Subject Site

Maximum Building Height (m)

I	8.5
K	10
L	11
N	14
P1	17
P2	18
Q	20
R	21
S	24
U	30
V	35
X	45
AA	60
AB	90



Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Expansion of Waratah Shopping Village -
Existing Max Height of Building Map



Figure 5



Newcastle Local Environmental Plan 2012

Proposed Max Height of Building Map

Cadastre

Cadastre base data 01/08/2007 © LPMA
Addendum data 12/03/2014 © Newcastle City Council

Subject Site

Maximum Building Height (m)

I	8.5
K	10
L	11
N	14
P1	17
P2	18
Q	20
R	21
S	24
U	30
V	35
X	45
AA	60
AB	90

#

Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Expansion of Waratah Shopping Village -
Proposed Max Height of Building Map



Figure 6



Newcastle Local Environmental Plan 2012

Existing Max Floor Space Ratio Map

Cadastre

- Cadastre base data 01/08/2007 © LPMA
- Addendum data 10/03/2014 © Newcastle City Council
- Subject Site

Maximum Floor Space (n:1)

	F	0.6
	I	0.75
	L	0.9
	N	1
	S	1.5
	T	2
	U	2.5
	V	3
	X	4
	Z	5
	AA	6
	AB	7
	AC	8

#

Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Expansion of Waratah Shopping Village -
Existing Maximum Floor Space Ratio Map

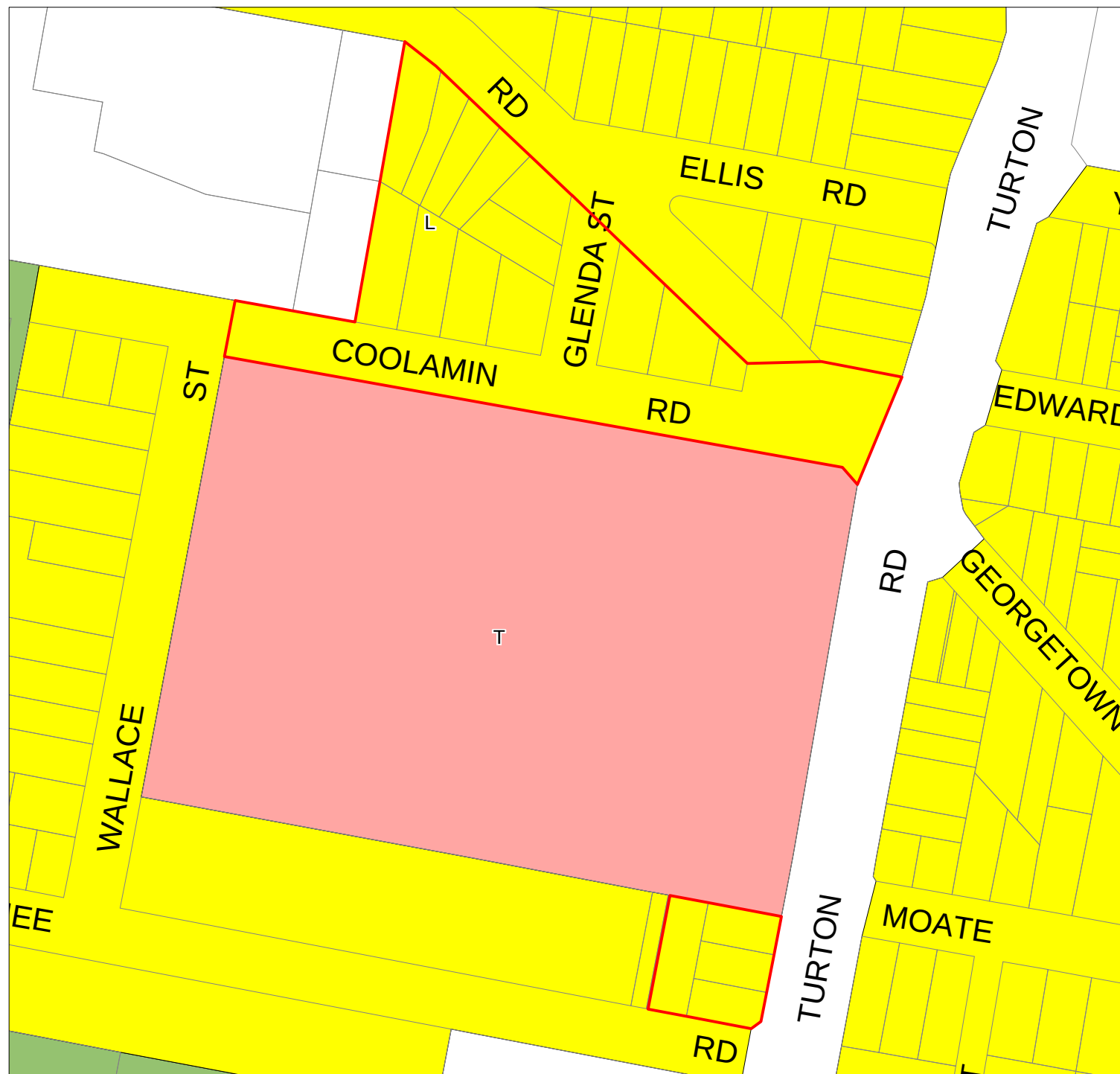


Figure 7



Newcastle Local Environmental Plan 2012

Proposed Max Floor Space Ratio Map

Cadastre

- Cadastre base data 01/08/2007 © LPMA
- Addendum data 12/03/2014 © Newcastle City Council
- Subject Site

Maximum Floor Space (n:1)

	F	0.6
	I	0.75
	L	0.9
	N	1
	S	1.5
	T	2
	U	2.5
	V	3
	X	4
	Z	5
	AA	6
	AB	7
	AC	8

#

Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Expansion of Waratah Shopping Village -
Maximum Floor Space Ratio Map

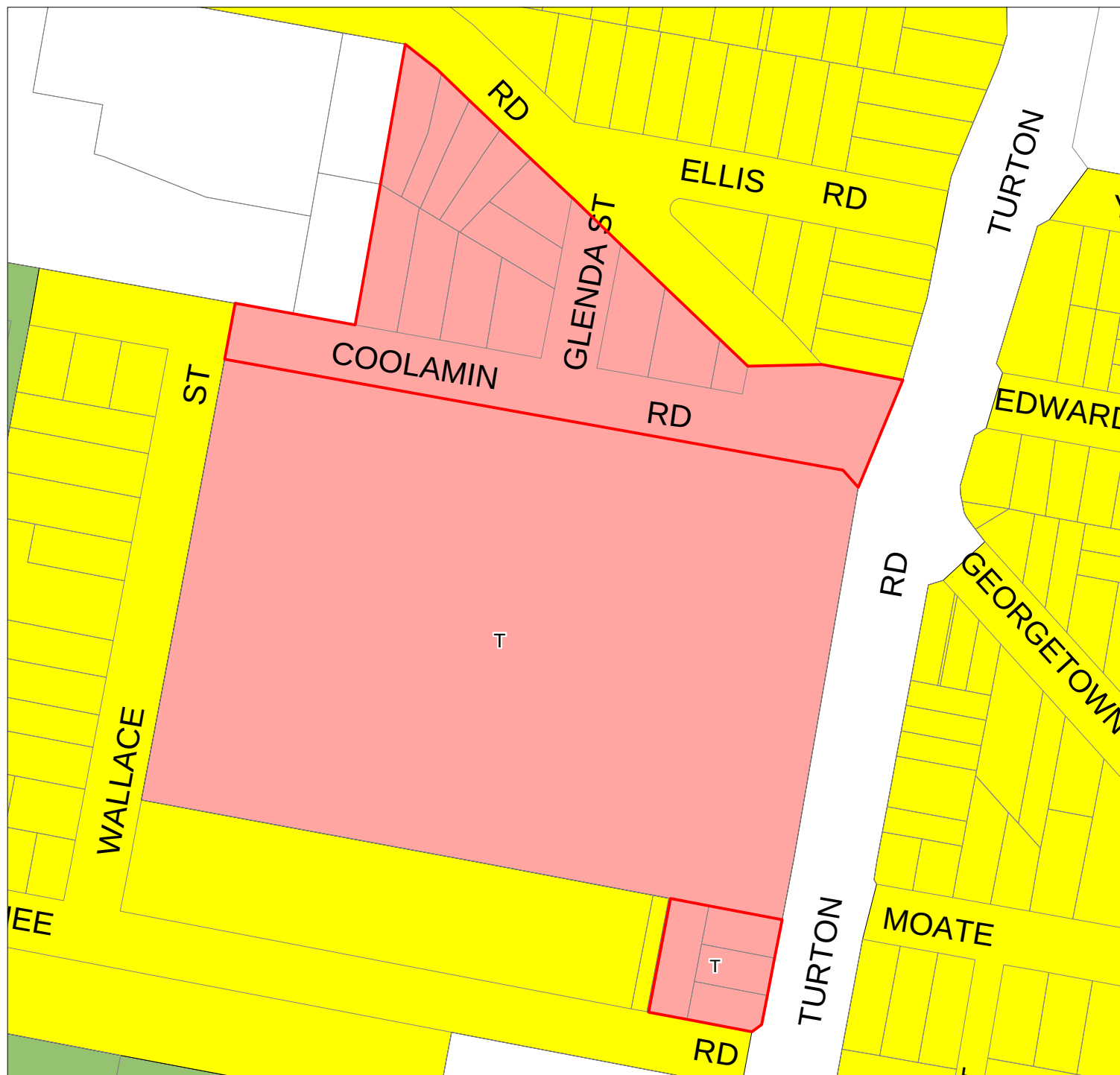


Figure 8



Newcastle Local Environmental Plan 2012

Existing Min Lot Size Map

Minimum Lot Size (sq m)

F	400
G	450
U	1 000
Y	10 000 (1 ha)
Z	20 000 (2 ha)
AB	400 000 (40 ha)

Cadastre

Cadastre base data 01/08/2007 © LPMA
Addendum data 10/03/2014 © Newcastle City Council

#

Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Expansion of Waratah Shopping Village -
Existing Min Lot Size Map

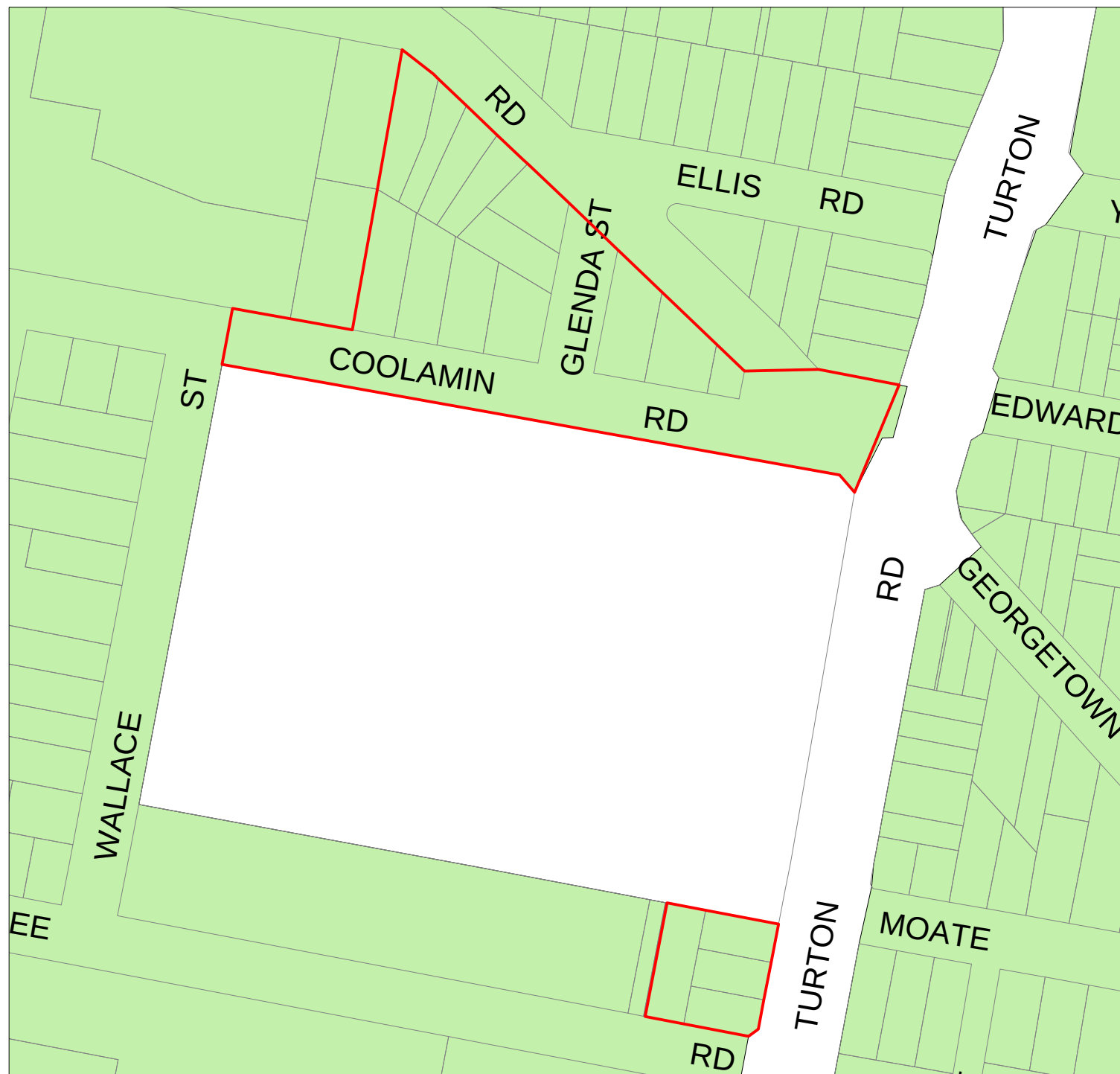


Figure 9



Newcastle Local Environmental Plan 2012

Proposed Min Lot Size Map

Minimum Lot Size (sq m)

F	400
G	450
U	1 000
Y	10 000 (1 ha)
Z	20 000 (2 ha)
AB	400 000 (40 ha)

Cadastre

Cadastre base data 01/08/2007 © LPMA
Addendum data 12/03/2014 © Newcastle City Council

#

Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Expansion of Waratah Shopping Village -
Proposed Min Lot Size Map



Figure 10

Part 5 – Community Consultation

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

Part 6 – Project Timeline

The project is expected to be completed within nine months from Gateway Determination. The following timetable is proposed:

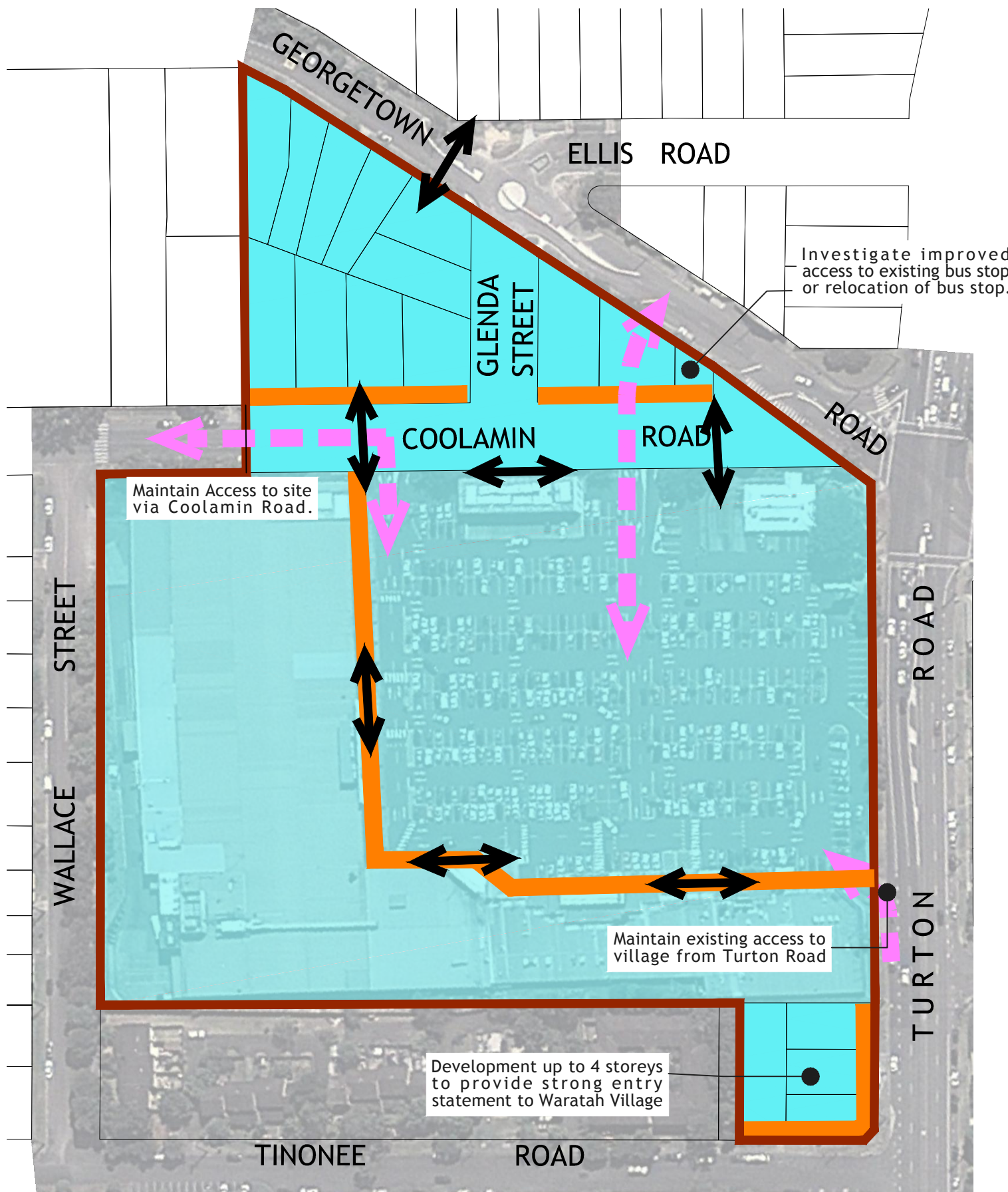
Task	Planning Proposal Timeline									
	Mar 14	Apr 14	May 14	Jun 14	Jul 14	Aug 14	Sep 14	Oct 14	Nov 14	Dec 14
Request Gateway Determination										
Issue of Gateway Determination										
Prepare any outstanding studies										
Consult with required State Agencies										
Exhibition of planning 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										

Appendix A

Waratah Village Urban Structure Plan

Waratah Village

Urban Structure Plan 01



Existing Facilities

The gross floor area of the Waratah Village is around 15 000m² comprising 19 tenancies with Kmart and Coles being the major tenants.

Character

The character of the existing centre being relatively low scale is proposed to be maintained. Easily accessible car parking is a key feature of the Waratah Village and any future increased parking demand will be provided in a similar manner.

New Opportunities

This master plan will provide opportunities for office space, professional suites, additional specialty retail and a residential component. Providing a wider range of services will increase the relevance of Waratah Village as a local centre for the community.

Built Form

Building heights to respond to site topography & consider interface with adjoining road system & development. New buildings should be located to create a pleasant pedestrian environment incorporating public space.

Access

Opportunities exist to review access arrangements to the enlarged site from Georgetown Road.

Option 1
Maintain existing access and consider relocation of Kmart auto Centre

Option 2
Create new centralised access from Georgetown Road and close existing Coolamin Road/Georgetown Road intersection.

↔ key pedestrian pathways are to be enhanced

■ active street frontage

--- Vehicle access locations

■ Land to be Re-Zoned to B2 Local Centre

■ Existing B2 Local Centre



Client
Nekon Pty. Ltd.

Site
Waratah Village

Council
Newcastle

Date
6/01/2014

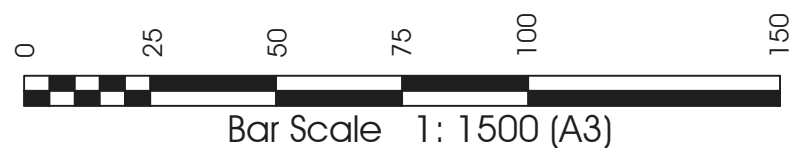
Scale
1:1250 @ A3

Our ref:
37596-URBAN-001-A.dwg

Project Manager
BS

Horizontal
MGA Zone 56

Vertical
n/a



"COPYRIGHT NOTICE"
THIS PLAN AND THE INFORMATION IT CONTAINS ARE COPYRIGHT AND REMAIN THE PROPERTY OF ADW Johnson Pty Ltd.
ADW Johnson Pty Ltd GRANTS TO THE CLIENT NAMED ON THIS PLAN A LICENCE TO USE THE INFORMATION HEREON
FOR THE PURPOSE FOR WHICH WE WERE ENGAGED TO PERFORM THE WORK.
USE OF THE PLAN AND INFORMATION IT CONTAINS FOR ANY OTHER PURPOSE IS NOT PERMITTED UNLESS PRIOR
WRITTEN APPROVAL HAS BEEN OBTAINED FROM ADW Johnson Pty Ltd.

ADWJohnson Pty. Ltd.
CENTRAL COAST
PO Box 3717 2 Bounty close
Tuggerah NSW 2259
ph: (02)4305 4300 fax: (02) 43054399 Ph (02) 4978 5100 Fax (02) 4978 5199
coast@adwjohnson.com.au

abn 62 129 445 398
HUNTER REGION
Unit 7/335 Hillsborough Rd
Warners Bay NSW 2282
hunter@adwjohnson.com.au

