

Planning Services

Plan Finalisation Report

Local Government Area: Newcastle

File Number: OBJ17/08861

1. NAME OF DRAFT LEP

Newcastle Local Environmental Plan 2012 Amendment No.31 (draft LEP).

2. SITE DESCRIPTION

The planning proposal applies to land at 58 – 60 Harriet Street Waratah and 115 Christo Road Waratah (the site).

3. PURPOSE OF PLAN

The draft LEP seeks to:

- Change the Land Zoning Map to rezone the land from R2 Low Density Residential to R3 Medium Density Residential
- Increase the Floor Space Ratio (FSR) Map to amend floor space ratio for the subject sites from 0.75:1 to 0.9:1
- Increase the Height of Buildings Map by amending the maximum permitted height for the subject sites from 8.5m to 11m

Associated map sheets NLEP 2012, LZN/ FSR/ HOB 004B are changed.

The proposal has potential to yield 120 student accommodation units. The net dwelling gain from redevelopment of the site is estimated to be around 80 additional units.

4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Newcastle Electorate. Mr Tim Crakanthorp MP is the State Member for Newcastle.

Sharon Claydon MP is the Federal Member for Newcastle.

To the regional planning team's knowledge, neither MP has made any written representations regarding the proposal.

<p>NSW Government Lobbyist Code of Conduct: To the Department's knowledge there have been no meetings or communications with registered lobbyists with respect to this proposal.</p>

NSW Government reportable political donation: To the Department's knowledge, there are no donations or gifts to disclose and a political donation disclosure is not required.

5. GATEWAY DETERMINATION

The Gateway determination issued on 18 July 2017 (**Attachment C**) determined that the proposal should proceed subject to conditions.

The proposal is due for finalisation by 4 May 2018.

6. PUBLIC CONSULTATION

In accordance with the Gateway determination, community consultation was undertaken by Council from 21 August 2017 to 4 September 2017.

One community submission was received requesting that the zone remain as R2, which Council did not support.

7. ADVICE FROM PUBLIC AUTHORITIES

No agency consultation was required.

8. ASSESSMENT

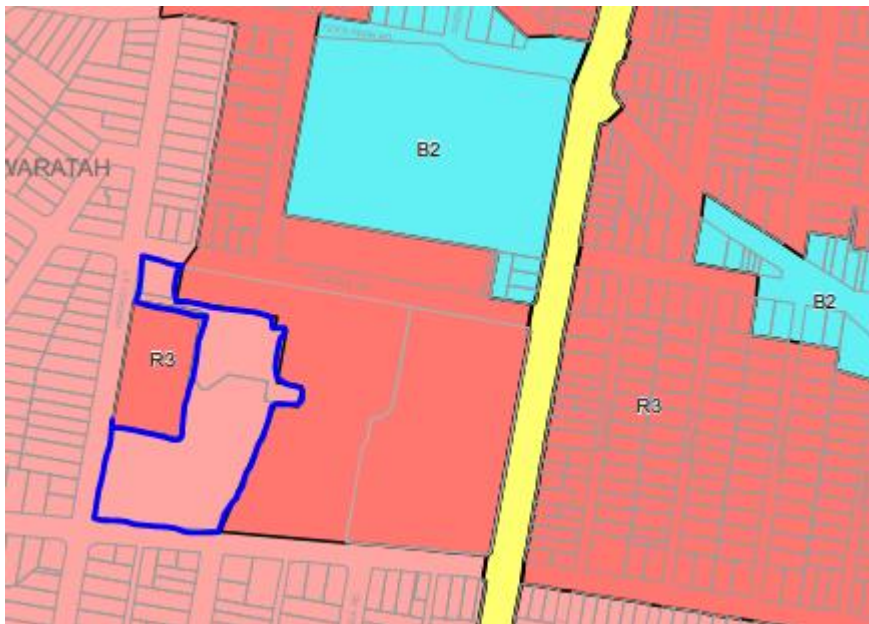
The planning proposal seeks to rezone land bounded by Tinonee Rd, Turton Rd, Christo Rd & Harriet St Waratah from R2 Low Density Residential to R3 Medium Density Residential. It also seeks to increase the Floor Space Ratio for the subject site from 0.75:1 to 0.9:1 and increase the site's permitted height from 8.5m to 11m.

The LEP zoning map extract over identifies the subject land (in blue) currently zoned R2, proposed to be zoned R3 and apply new FSR and building heights. The map also shows how the site adjoins existing areas of R3 zoned land and its proximity to the Waratah and Georgetown shopping centres.

The planning proposal provides satisfactory justification for the change in zoning, FSR and building heights. It is estimated that the proposal could yield 121 student housing units representing a net gain of 81 units, given the existing 40 units on the site that will be lost to the redevelopment.

The key issue is related to traffic and parking. Council has assessed the impacts and these are all satisfactory and do not require any upgrades as the road system has spare capacity. It is noted that there are also bus stops within 400m. More detailed traffic and car parking issues will be addressed at DA stage, with these matters being not considered significant in terms of the sites suitability for the change in zoning.

The proposal applies the adjacent planning controls over the subject site providing greater consistency and certainty. Council planning controls are adequate to manage potential impacts at the interface with neighbouring development.



The Department agree that the proposal has merit, is justified and should proceed.

Regional Plans

The proposal is consistent with the Hunter Regional Plan 2036 and also consistent with the draft Greater Newcastle Metropolitan Plan as it provides opportunities for greater housing choice close to centres.

Section 9.1 Directions

The proposal is now consistent with all Directions.

The required update of the proposal, in respect of its acid sulphate soils assessment and references to Directions 5.1 and 5.10, was undertaken prior to exhibition.

State Environmental Planning Policies

The draft LEP is consistent with relevant SEPPs or deemed SEPPs.

9. POST EXHIBITION CHANGES

Pursuant to a Parliamentary Counsel query and with Council's agreement the property description was updated post-exhibition to reflect a concurrent change in the state land information system cadastre and SIX Maps. The updated property description now reads:

- (a) 58 Harriet Street, being SP 85502,
- (b) 60 Harriet Street, being Lot 112, DP 1112841,
- (c) 115 Christo Road, being SP 88812.

The exhibited property description was:

Lots 111 & 113, DP 1112841, 58 & 60 Harriet St, Waratah SP 88812, 115 Christo Rd, Waratah.

Six minor map errors, unrelated to the proposal, have been corrected.

10. MAPPING

Associated map sheets NLEP 2012, LZN/ FSR/ HOB 004B are changed to reflect the changes in planning controls in the Draft LEP. The opportunity was taken by DEP mapping team and Council to correct minor legacy errors in the maps as noted in [9] above.

11. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument (**Attachment E**). Council confirmed on 06-03-2018 that it was happy with the draft and that the Plan should be made (**Attachment F**)

12. PARLIAMENTARY COUNSEL OPINION

On 08-03-2018 Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

13. RECOMMENDATION

It is recommended that the Minister's delegate determine to make the draft LEP because:

- The proposal is consistent with the State planning framework;
- The proposal is consistent with the Hunter Regional Plan and provides opportunities for greater housing choice close to centres;
- The proposal applies the adjacent planning controls over the subject site providing greater consistency and certainty;
- Council planning controls are adequate to manage potential impacts at the interface with neighbouring development; and
- There were no public or agency objections.



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10/4/2018
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