



PLANNING PROPOSAL

Harriet St and Christo Rd Waratah - Rezoning from R2 Low Density Residential to R3 Medium Density Residential

Version 3.0 - Council endorsement

For enquiries please call 4974 2881.

For more information visit:
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CONTENTS

| | |
|---|-----------|
| Introduction | 2 |
| Summary of proposal | 2 |
| Background | 2 |
| Site..... | 3 |
| Part 1 - Objectives or intended outcomes..... | 4 |
| Part 2 - Explanation of provisions | 4 |
| Part 3 - Justification | 4 |
| Section A - Need for the planning proposal | 4 |
| Section B - Relationship to strategic planning framework | 4 |
| Section C - Environmental, social and economic impact | 8 |
| Section D - State and Commonwealth interests..... | 10 |
| Part 4 - Mapping | 11 |
| Part 5 - Community consultation | 15 |
| Part 6 - Project timeline | 15 |

58 & 60 Harriet St and 115 Christo Rd, Waratah - Rezoning from R2 Low Density Residential to R3 Medium Density Residential

Introduction

This planning proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (NSW). It explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making the plan.

'A guide to preparing planning proposals' has been used to guide and inform the preparation of this planning proposal.

This planning proposal is for everyone. It will be used to decide whether the proposal should proceed or not.

The planning proposal may evolve over time due to various reasons, such as feedback during exhibition. It will be updated at key stages in the plan making process.

Summary of proposal

| | |
|--------------------------|--|
| Proposal | Rezoning from R2 Low Density Residential to R3 Medium Density Residential |
| Property Details | Lots 111 & 113, DP 1112841, 58 & 60 Harriet St, Waratah SP 88812, 115 Christo Rd, Waratah |
| Applicant Details | Ohmut P/L |

Background

Council has received a request to amend Newcastle LEP 2012 to rezone Lots 111 & 113, DP 1112841, 58 & 60 Harriet St, Waratah from R2 Low Density Residential to R3 Medium Density Residential.

The sites were created as part of a subdivision registered in 2007. These properties, along with the site at 115 Christo Rd, Waratah are the only remaining allotments (within the wider block) that remain zoned as R2 Low Density Residential. To rationalise the zoning across the wider block, Council has included 115 Christo Road, Waratah within the planning proposal. Landowners were advised of the proposed rezoning with one submission received requesting that the land remain zoned R2. This submission (along with submission received from public exhibition) is discussed in Part 5 of this report.

The rezoning is to provide an increase in density consistent with adjoining allotments and to facilitate future redevelopment of subject lots for residential purposes.

Site

The proposal consists of land at Lots 111 & 113, DP 1112841, 58 & 60 Harriet Street, and SP 88812, 115 Christo Road, Waratah. The sites have a combined total of approximately 18,396m² and are located approximately 200m from the Waratah commercial precinct (Waratah Shopping Village).

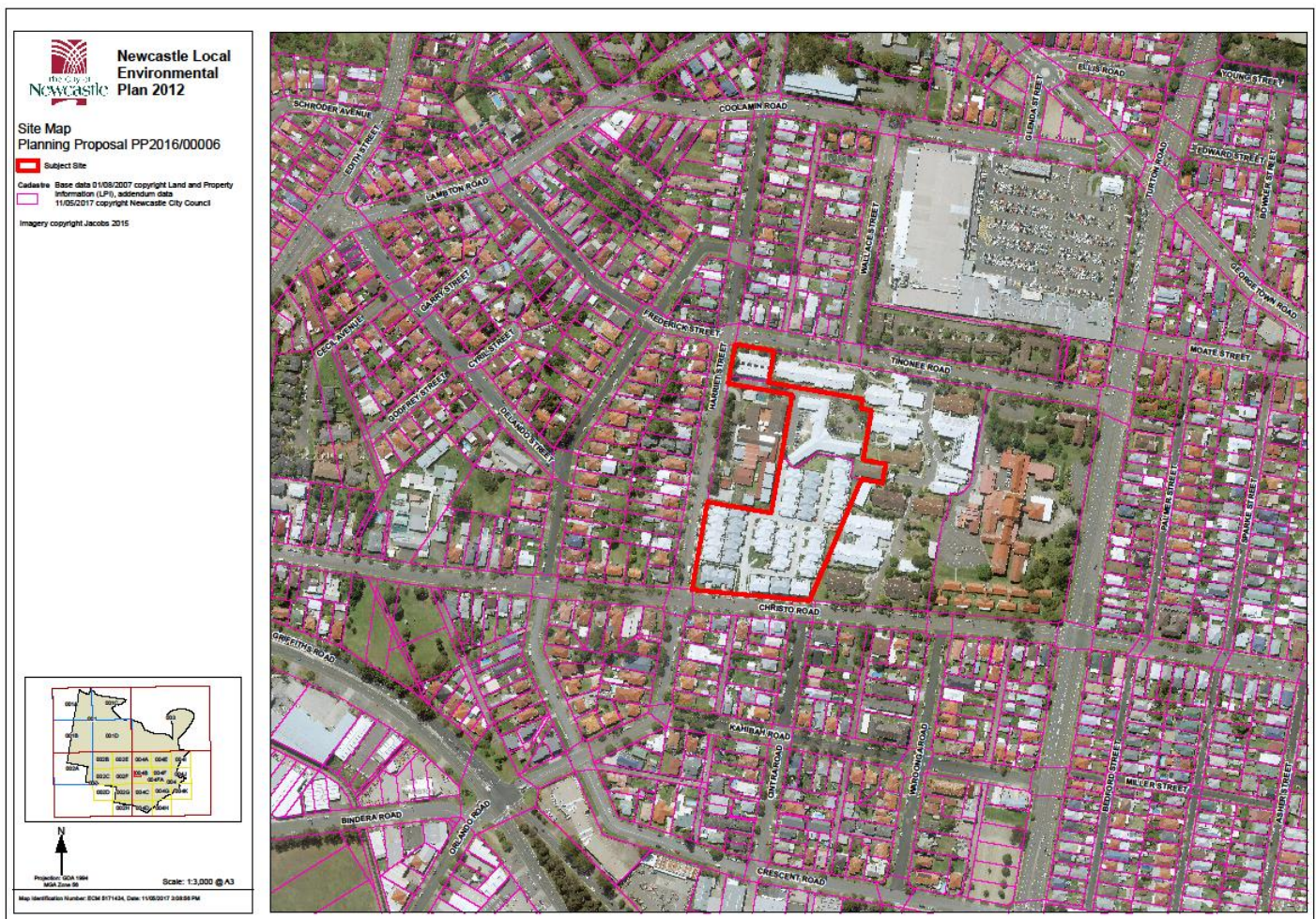
Lot 111, DP 112841, 58 Harriet Street, is an approximately 1,111m² regular shaped allotment on the corner of Tinonee Road & Harriet Street. The site currently contains a student housing development.

Lot 113, DP 112841, 60 Harriet Street is an approximately 5,165m² irregular shaped allotment which is setback behind properties at 58-66 Harriet Street & 115 Christo Road. There is an existing access handle from Harriet Street to the site. The site currently contains a single storey boarding house.

SP 88812, 115 Christo Road is an approximately 12,120m² irregular shaped allotment on the corner of Harriet Street and Christo Road. It currently contains of an urban housing development.

Sites to the north and north-east are zoned R3 Medium Density Residential and B2 Local Centre and consist largely of dwelling houses / urban housing developments, and commercial centres (including Waratah Shopping Village). Sites to the east consist of single dwellings / urban housing and are zoned R2 Low Density Residential. Sites to west and south are zoned R2 Low Density Residential and consist largely of single dwellings.

Figure 1 - Subject Site



Part 1 - Objectives or intended outcomes

To enable future residential development at an appropriate scale, and to rationalise zoning across the entire block (bound by Tinonee Rd, Turton Rd, Christo Rd & Harriet St).

Part 2 - Explanation of provisions

The proposed outcome will be achieved by:

- Amending the Newcastle LEP 2012 Land Zoning Map to rezone the subject sites from R2 Low Density Residential to R3 Medium Density Residential.
- Amending the Floor Space Ratio Map to amend floor space ratio for the subject sites from 0.75:1 to 0.9:1.
- Amending the Height of Buildings Map by amending the maximum permitted building height for the subject sites from 8.5m to 11m.

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 planning proposal has been initiated by the land owner. The re-zoning of the subject sites will allow for consistent zoning with adjoining allotments. To rationalise the zoning across the wider block, Council has included 115 Christo Road, Waratah within the planning proposal.

The planning proposal is consistent with the Local Planning Strategy. In particular, the vision and objectives for Waratah, which include encouraging development which is capable of catering for additional population, particularly for older persons and students. The rezoning of the site will allow for an increased density, and variety in housing types including student and affordable housing.

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. A Planning Proposal is the only way to formally amend the zoning to provide a consistent zoning in this area. A change of zoning, height and FSR is considered the most appropriate means of allowing an increased residential density to enable further development and intensification of the sites.

Section B - Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Yes, amending the Newcastle LEP 2012 is considered the best means of achieving the objectives of the planning proposal.

Hunter Regional Plan 2036

The Hunter Regional Plan 2036 is the NSW governments plan to guide land use planning and infrastructure priorities and decisions over the next 20 years. The plan identifies regionally important natural resources, transport networks and social infrastructure and provides a framework to guide more detailed land use plans, development proposals and infrastructure funding decisions. The plan includes overarching directions, goals and actions as well as specific priorities for each local government area in the Hunter region.

The planning proposal is consistent with Goal 4 - Greater housing choice and jobs. This goal identifies that an additional 70,000 dwellings across the region, are required by 2036. In order to achieve this, new housing forms are required within established areas (in addition to greenfield development). The change in zoning and increased density sought under this planning proposal, is considered to meet the objectives of this Goal as identified under the following directions:

- Direction 21: Create a compact settlement - the planning proposal is considered to address the intention of this direction, in particular actions 21.5 and 21.7 by promoting small-scale renewal in existing urban areas, as well as, providing the opportunity for new housing in urban areas to maximise the use of existing infrastructure.
- Direction 22: Promote Housing Diversity - the planning proposal is considered to address the intention of this direction, in particular action 22.2, as future development of the sites, will be able to provide for diversity in housing choice.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Newcastle 2030 Community Strategic Plan

The Newcastle Community Strategic Plan (CSP) reflects the community's vision for the city and is Council's guide for action. It contains the strategies to be implemented and the outcomes that will indicate achievement of the defined goals. Council adopted the Newcastle 2030 Community Strategic Plan in February 2011. It was revised and updated in 2013. The following relevant strategic directions and their objectives from the Newcastle CSP are addressed in relation to this planning proposal.

The planning proposal 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 *EP&A Act 1979*, will assist in achieving the strategic objective to "Consider decision-making based on collaborative, transparent and accountable leadership" and the identified strategy 7.2b to "Provide opportunities for genuine and representative community engagement in local decision making".

The planning proposal also aligns with the strategic direction 'Liveable and Distinctive Built Environment'. The proposed increase in density can provide opportunity for greater housing choice, achieving strategic objective 5.3 "Greater diversity of quality housing for current and future community needs" and the identified strategy 5.3a "Provide a mixture of housing types that allow residents at different stages of their lives and support affordable living".

Local Planning Strategy

The Local Planning Strategy was adopted by Council in 2015. It was prepared in accordance with the Community Strategic Plan. The strategy is a comprehensive land use strategy prepared to guide the future growth and development in Newcastle to 2030 and beyond. It underpins the Local Environmental Plan.

The Local Planning Strategy identifies Waratah as a residential suburb featuring commercial centres with a population forecast increase of approximately 560 people by 2031 (including neighbouring suburb Georgetown). An objective of the Local Planning Strategy for Waratah is

to encourage development which is capable of catering for additional population, particularly for older persons and students. The planning proposal is consistent with this objective. The proposed change in zoning and increased density of the subject sites will allow for the additional housing needs. The sites at 58 & 60 Harriett Streets currently provide for student housing and owners advise that future development will also likely be of this nature. The site at 115 Christo Rd contains a new urban housing development (approved 2012).

The planning proposal is also considered to meet the R3 zone directions and substantial growth precinct criteria identified under the Local Planning Strategy as follows:

- The subject sites are within walking distances to public transport.
- The subject sites are in close proximity to Waratah Shopping Village (approximately 200m) and meet the SAFE 10 minute walk criteria as identified in the Strategy.
- Increase in density on subject sites will support nearby Waratah Shopping Village and Station Street commercial area.
- Increase in density will assist in the provision of flexible residential accommodation types, and the provision of adaptable housing.

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

An assessment of the planning proposal against the relevant SEPPs is provided in the table below.

Table 1 - Relevant State Environmental Planning Policies

| Relevant SEPPs | Consistency and Implications |
|--|--|
| SEPP 44 (Koala Habitat Protection) | The SEPP applies to the entire LGA, however, the land is urban and does not consist of areas of koala habitat. |
| SEPP 65 (Design Quality of Residential Flat Development) | The Planning Proposal will not affect the application of the SEPP. |
| SEPP (Affordable Rental Housing) 2009 | The Planning Proposal will not affect the application of the SEPP. |
| SEPP (Housing for Seniors or People with a Disability) 2004 | The Planning Proposal will not affect the application of the SEPP. |
| SEPP (Infrastructure) 2007 | The Planning Proposal will not affect the application of the SEPP. |

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

An assessment of the planning proposal against the relevant Ministerial Directions is provided in Table 2.

Table 2 - relevant Ministerial Directions (Section 117 directions)

| Relevant Section 117 Directions | Consistency and implications |
|---|---|
| 2. Environment and Heritage | |
| 2.3 Heritage Conservation | Consistent. The subject sites are not within a heritage conservation area nor contain any listed heritage items. The subject sites are in close proximity to heritage listed items at 149 Turton Road (ie. Former Western Hospital & remnant plantings). The planning proposal is considered not to have any adverse impacts on the heritage significance of the items. Any potential impacts from future development proposals will be considered during the development assessment process. |
| 3. Housing, Infrastructure and Urban Development | |
| 3.1 Residential Zones | Consistent. The subject sites are currently zoned R2 Low Density Residential. This planning proposal seeks to rezone the subject sites to R3 Medium Density Residential. The subject sites are adjacent to existing R3 Medium Density Zoned land and in close proximity (approximately 200m) to the Waratah Commercial Areas. The rezoning of these sites will result in a consistent zone across the block. |
| 3.3 Home Occupations | Consistent. Home Occupations are identified as exempt development within residential zones under the provisions of State Environmental Planning Policy (Exempt & Complying Development) 2008. The planning proposal is consistent with this direction. |
| 3.4 Integrating Land Use and Transport | Consistent. This planning proposal seeks to rezone land and increase the allowable dwelling density. The land will remain for urban purposes. The subject sites are within walking distance to nearby commercial centre (Waratah Shopping Village), and also within walking distance to public transport services (bus). Future development of the site will further support existing infrastructure and services. Any future impacts to road network and pedestrian/cycle management as a result of development will be a consideration of Council via the development application process. |
| 4. Hazard and Risk | |
| 4.1 Acid Sulphate Soils | Consistent. The subject site is mapped as containing Class 5 soils on the Acid Sulphate Soils Map. Class 5 is the least critical category. Any future development of the site will be required to address acid sulfate soil management. |
| 5. Regional Planning | |

| Relevant Section 117 Directions | Consistency and implications |
|---|---|
| 5.10 Implementation of Regional Plans | Consistent. The Hunter Regional Plan 2036 applies and the planning proposal is consistent with this Plan, in particular Goal 4 - Greater housing choice and jobs. This goal identifies that an additional 70,000 dwellings across the region, are required by 2036. In order to achieve this, new housing forms are required within established areas (in addition to greenfield development). The change in zoning and increased density sought under this planning proposal, is considered to meet the objectives of the Regional Plan. |
| 6. Local Plan Making | |
| 6.1 Approval and Referral Requirements | Consistent. The planning proposal does not propose the introduction of any new referral or concurrence provisions. |

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?

Heritage

The subject sites are not within a heritage conservation area nor contain any listed heritage items. Local Heritage Listed items are located on adjacent 149 Turton Road (being Former Western Suburbs Hospital and remnant plantings). The subject sites are considered to be adequately located away from the items so that future development would not have any adverse impacts on their heritage significance. Any potential future impacts would be considered at development application stage.

Traffic Impacts

Rezoning from R2 Low Density Residential to R3 Medium Density Residential is likely to impact on the volume and frequency of the traffic flow in the area. A traffic report has been prepared addressing possible traffic impacts from development at 58 & 60 Harriet Street (NB. development at 115 Christo Rd is a recent development and unlikely to be further developed in the near future). The report concludes that the additional traffic generated (from the rezoning of 58 & 60 Harriet St) would not have a significant impact on the operations of the local road network as outlined below:

- The resultant increases in traffic flows would be evenly dispersed over a number of potential routes.

- The signalised intersection of Christo & Turton Rds currently operates without delay and would not be noticeably impacted upon by the proposed minor increase in local traffic.
- Increase in traffic on adjoining local roads is estimated to be below the Roads & Maritime Services (RMS) environmental capacity for local streets (ie. 300 vehicles per hour).
- Additional traffic movements may be reduced by the sites accessibility to public transport (ie. two bus stops within 400m walking distance).

Vehicular Access

Access to sites remains unchanged. Direct street access is provided to sites at 58 Harriet Street and 115 Christo Road. Access to 60 Harriet Street is via a driveway from Harriet Street.

It is considered that the existing driveway from Harriet Street can provide safe and appropriate access in accordance with the Newcastle Development Control Plan and AS2890, taking into consideration the proposed use of the site (student accommodation) has relatively low traffic volumes associated. This would be assessed as part of any future development application/s.

Pedestrian Movements

Given the sites proximity to Waratah Shopping Village, and two bus stops, there will be a high demand for pedestrian movements between these locations. These movements can be catered for via existing footpaths.

There is currently no separate pedestrian access to 60 Harriet Street. Pedestrian access is via the existing driveway. A concept plan has been prepared which proposes a new pedestrian access to be developed to connect with Tinonee Road, along the eastern boundary of 58 Harriet Street. This would be assessed as part of any future development application/s.

Public transport

The sites are in close proximity to public transport by way of two bus stops (located on Turton & Christo Rds). The proposed rezoning and increase in density is considered to further support this service.

Bushfire hazard

The land is not identified as bush fire-prone land in the Newcastle Bush Fire Hazard Map (2009).

Flooding

The site is not affected by flooding.

Land/site contamination (SEPP55)

There is no known contamination of the land and the current and former uses of the land are unlikely to have cause risk of contamination.

Building mass

The applicants have prepared a concept master plan for the proposed development sites (58 & 60 Harriet St). The masterplan identifies building envelopes, carparking, potential floor layouts and potential yields for the site.

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

The proposed rezoning and increase in building height and FSR, are expected to have a number of positive social and economic impacts including the following:

- The planning proposal will support the small-scale renewal of this existing urban area, as well as, provide the opportunity for new housing and maximise the use of existing infrastructure.
- An increase in dwelling density will assist in the provision of flexible residential accommodation types, and the provision of adaptable housing.
- An increase in dwelling density which will further support nearby commercial centres, education establishments & health facilities.

Section D - State and Commonwealth interests

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

The site is located in an established urban area and is therefore able to connect into existing infrastructure services such as utilities, transport and communications in an efficient and sustainable manner. Any augmentation will be considered at the owner's expense.

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.

Consultation with public authorities and/or organisations was not requested under the Department of Planning & Environment's Gateway Determination, dated 18/7/2017.

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

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 | | | | | |
| 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 2:** Existing Land Zoning Map
- **Figure 3:** Proposed Land Zoning Map
- **Figure 4:** Existing Max Height of Buildings Map
- **Figure 5:** Proposed Max Height of Buildings Map
- **Figure 6:** Existing Max Floor Space Ratio Map
- **Figure 7:** Proposed Max Floor Space Ratio Map

Figure 2 - Existing Land Zoning Map

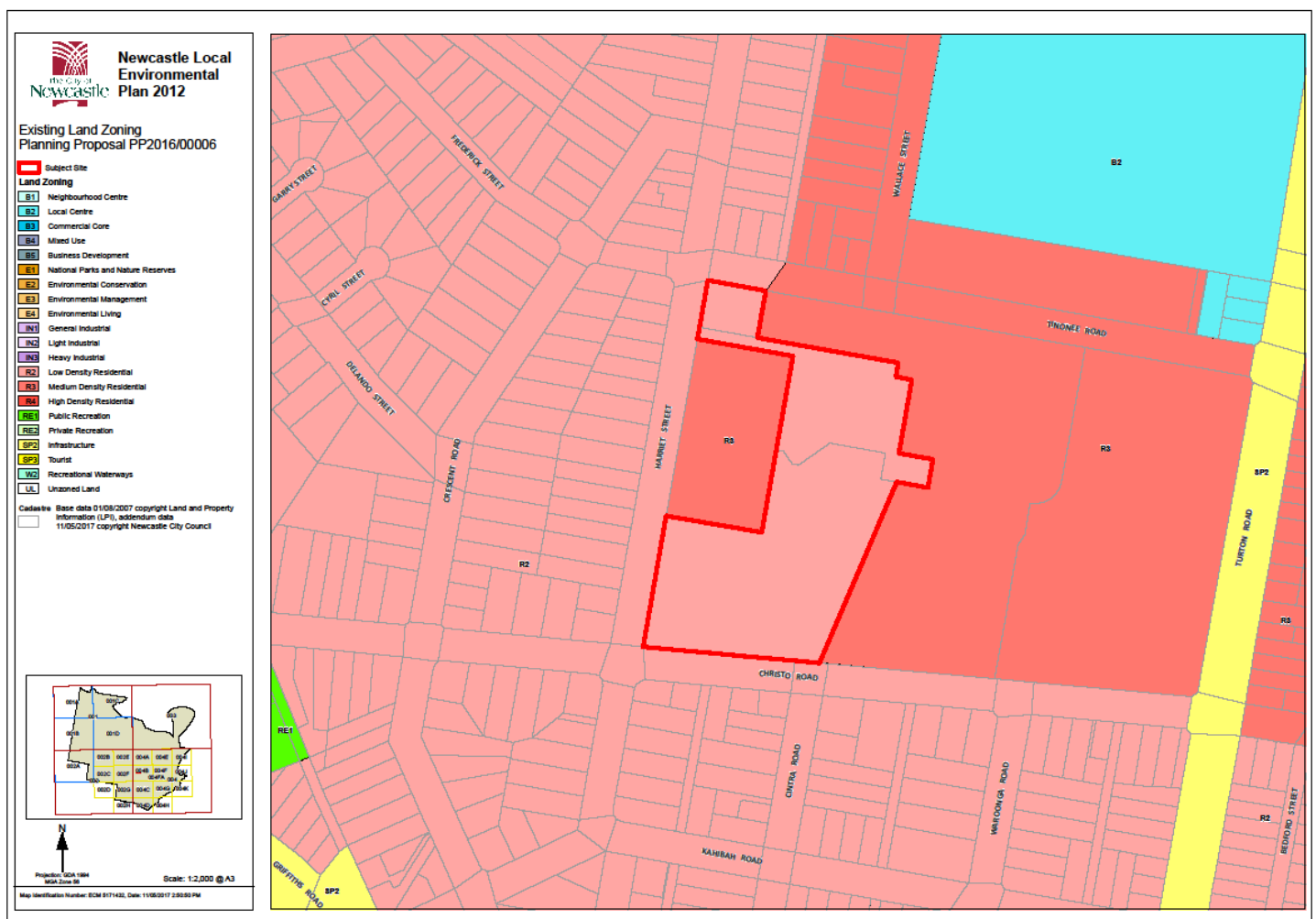


Figure 3 - Proposed Land Zoning Map

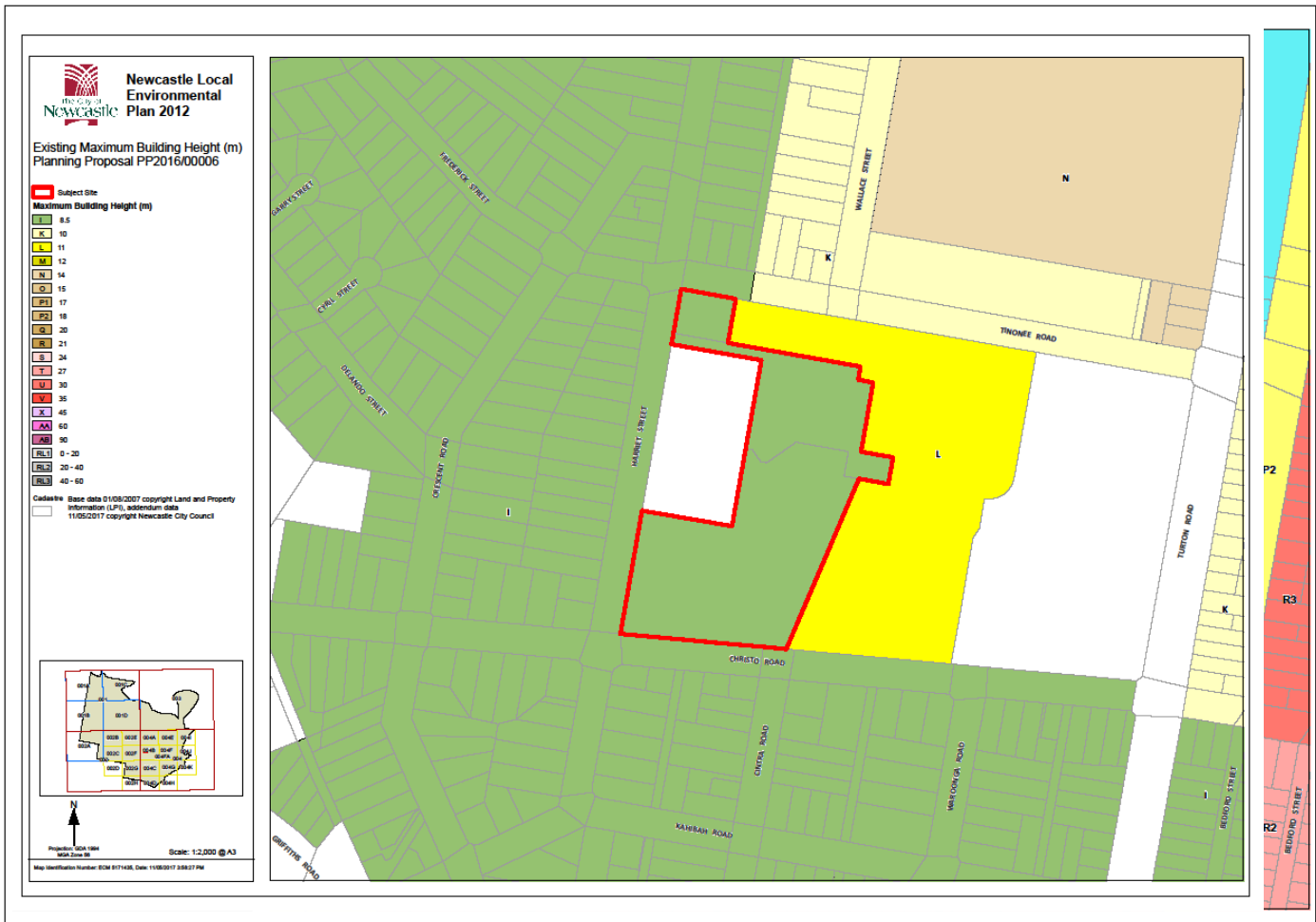


Figure 4 - Existing Max Height of Buildings Map
Figure 5 - Proposed Max Height of Buildings Map

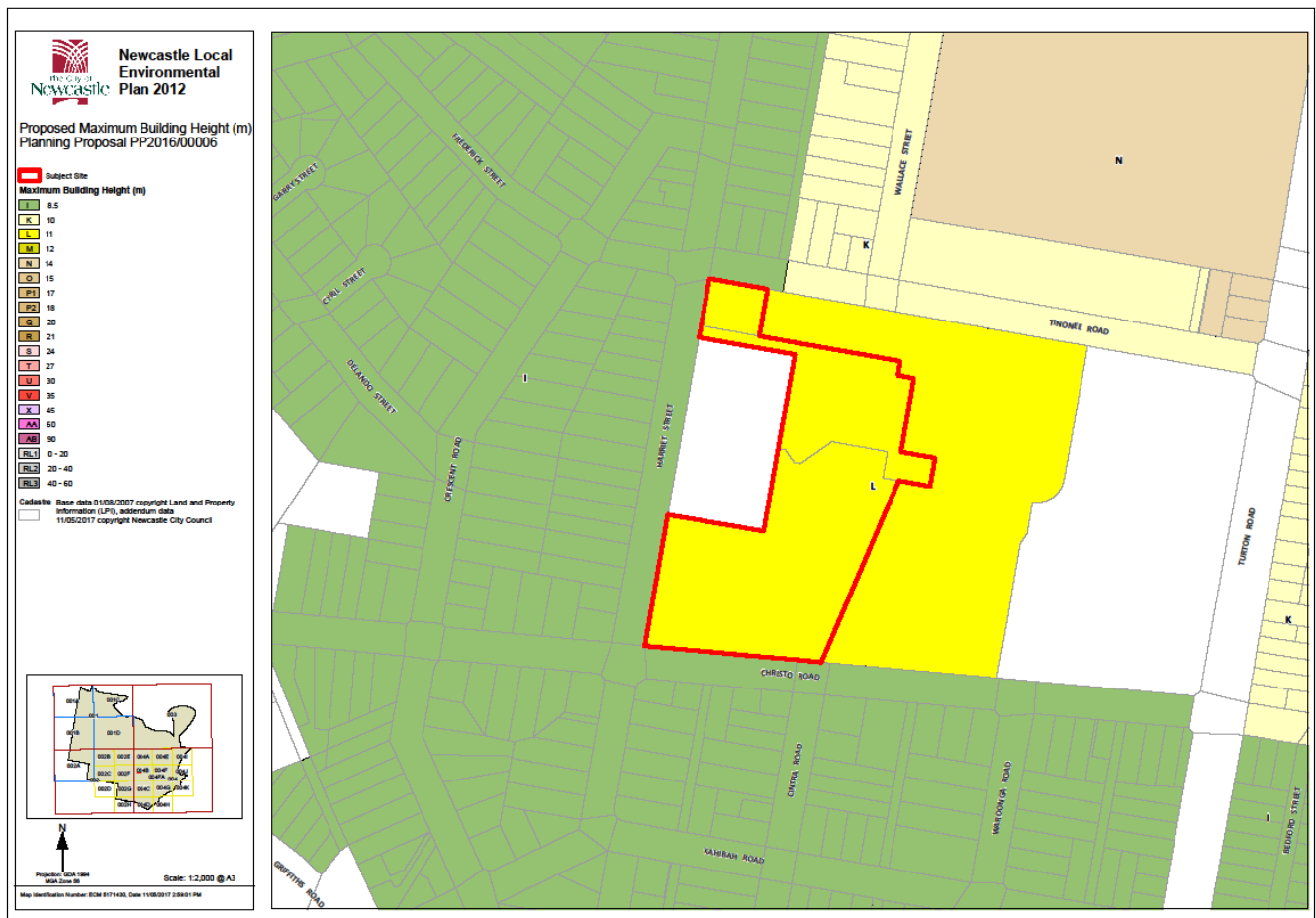


Figure 6 - Existing Max FSR Map

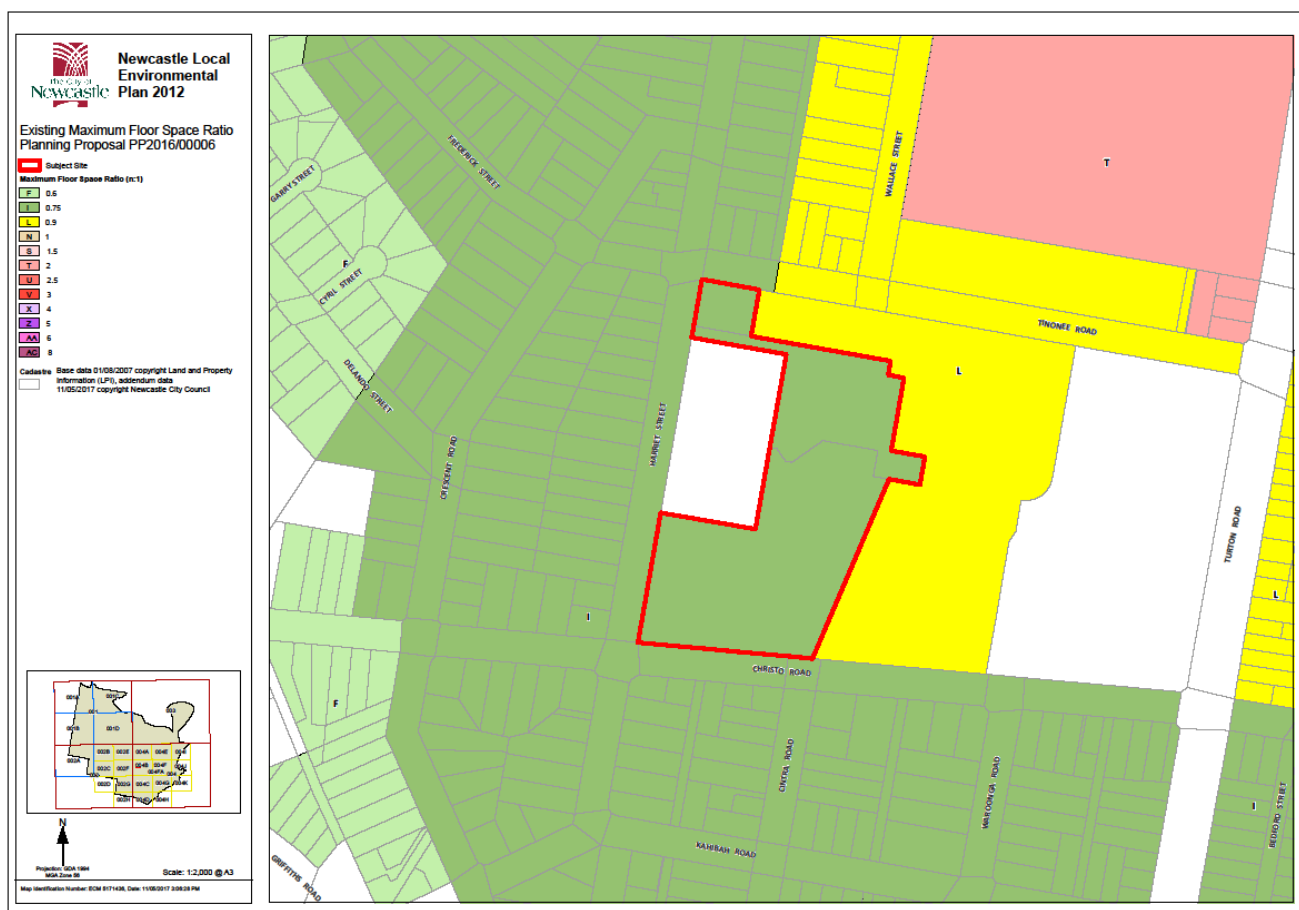
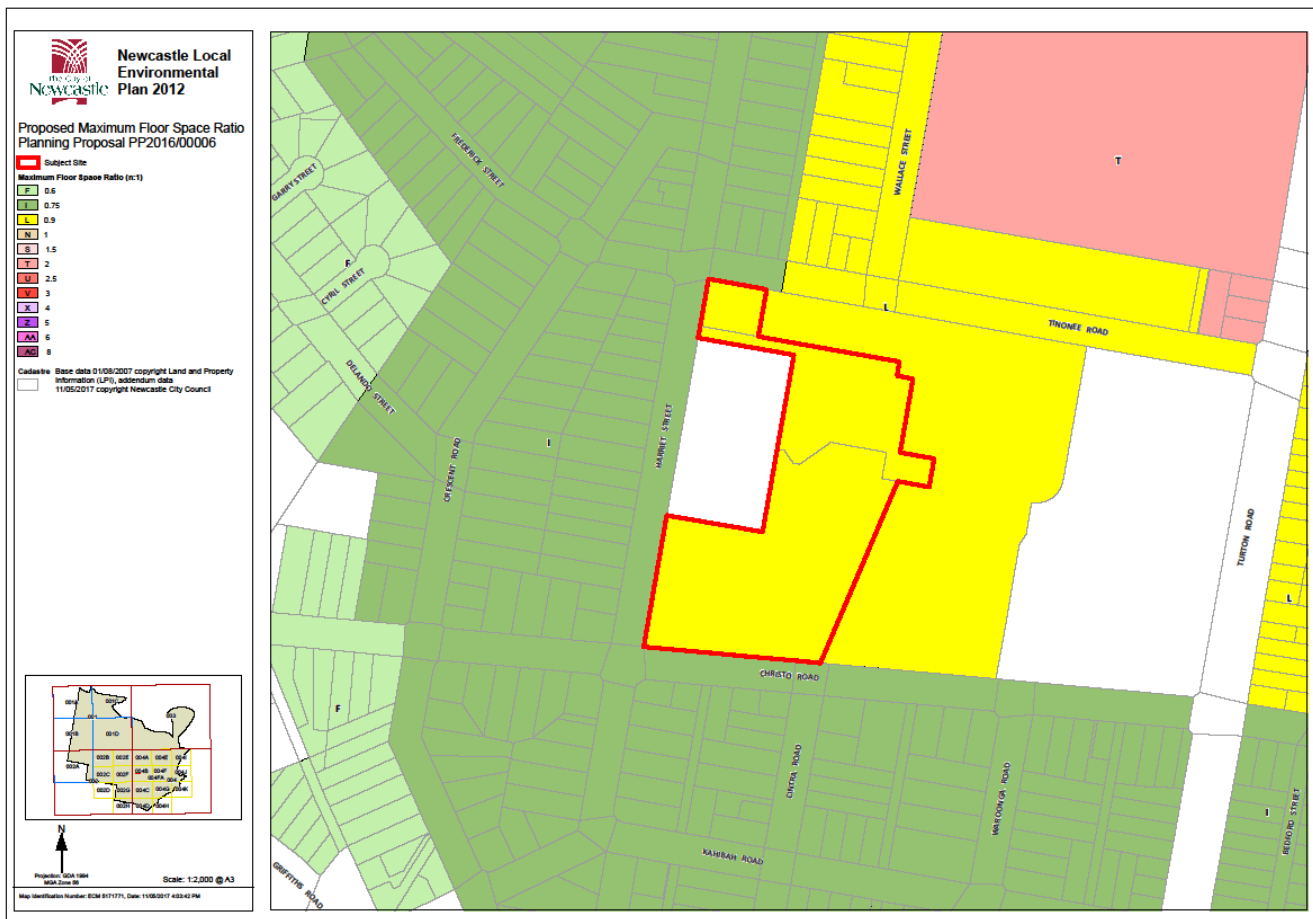


Figure 7 - Proposed Max FSR Map



Part 5 - Community consultation

Council received an application to rezone 58 & 60 Harriet St, Waratah. In order to rationalise zoning across the wider block, Council included the property at 115 Christo Road within the planning proposal. Landowners at 115 Christo Rd, were advised of the proposed rezoning with one submission received requesting that the land remain zoned R2.

The submission requested that 115 Christo Road, Waratah remain as R2 low density residential. The submission did not raise any objections to the proposed rezoning of 58-60 Harriet St, Waratah. As noted above, the inclusion of this site in the planning proposal is to rationalise the zoning across the wider block. 115 Christo Road currently contains a recently completed urban housing project. As such, it is considered unlikely that this site will be redeveloped in the near future. The landowner did not put in a further submission during the exhibition period.

The planning proposal was publicly exhibited from 19 August to 4 September 2017, by notice in the paper, letters to owners, and on Council's website. One submission was received listing the following issues:

- Vehicle parking along Harriet Street is already difficult and an increase in density/development will exacerbate this.
- Harriet Street is already a very busy street especially at peak times, the increase in traffic resultant from a higher density is not considered minor.

Potential impacts to traffic have been addressed previously in this report (Section C). No changes are recommended to the planning proposal as a result of the public exhibition.

Part 6 - Project timeline

The plan making process is shown in the timeline below. It will be undertaken in accordance with the Gateway determination.

| Task | Planning Proposal Timeline | | | | | | | | | | | |
|---|----------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | Jul 17 | Aug 17 | Sep 17 | Oct 17 | Nov 17 | Dec 17 | Jan 18 | Feb 18 | Mar 18 | Apr 18 | May 18 | Apr 18 |
| Anticipated commencement date (date of Gateway determination) | | | | | | | | | | | | |
| Anticipated timeframe for the completion of required studies | N/A | | | | | | | | | | | |
| Timeframe for government agency consultation | N/A | | | | | | | | | | | |
| Commencement and completion dates for public exhibition period | | | | | | | | | | | | |
| Dates for public hearing (if required) | N/A | | | | | | | | | | | |
| Timeframe for consideration of submissions | | | | | | | | | | | | |
| Timeframe for the consideration of a proposal post exhibition | | | | | | | | | | | | |
| Anticipated date RPA* will forward to the Department for notification (if delegated) or for finalisation (if not delegated) | | | | | | | | | | | | |

*RPA Relevant Planning Authority