

**SUBJECT: CCL 13/06/17 - HARRIET STREET AND CHRISTO ROAD
WARATAH - ENDORSEMENT OF PROPOSED AMENDMENT
TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012**

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

PURPOSE

This report seeks Council's endorsement of a Planning Proposal to commence the statutory process to prepare an amendment to Newcastle Local Environmental Plan 2012.

The proposal seeks to rezone land at 58-60 Harriet Street and 115 Christo Road, Waratah from R2 Low Density Residential to R3 Medium Density Residential; increase maximum FSR from 0.75:1 to 0.9:1; and increase maximum height of buildings from 8.5m to 11m.

RECOMMENDATION

1 Council resolves to:

- i) Endorse the attached Planning Proposal (**Attachment A**), prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, to amend Newcastle Local Environmental Plan 2012 (LEP) for land at 58-60 Harriet St and 115 Christo Rd, Waratah as follows:
 - a) Amend the Land Zoning Map to rezone the land from R2 Low Density Residential to R3 Medium Density Residential.
 - b) Amend the Floor Space Ratio (FSR) Map to amend floor space ratio for the subject sites from 0.75:1 to 0.9:1.
 - c) Amending the Height of Buildings Map by amending the maximum permitted height for the subject sites from 8.5m to 11m.
- ii) Forward the Planning Proposal to the Minister for Planning and Environment for Gateway Determination pursuant to Section 56 of the *EP&A Act*.
- iii) Advise the Secretary for Planning and Environment that Council does not seek to exercise delegations for undertaking Section 59(1) of the *EP&A Act*.
- iv) Receive a report back if a written objection is received during consultation with the community as per the requirements of Section 57 of the *EP&A Act*, otherwise forward the Planning Proposal to the Secretary, for

Planning and Environment requesting the proposed amendment to the LEP be made.

KEY ISSUES

- 2 The Planning Proposal (**Attachment A**) was prepared in accordance with the Department of Planning and Environment's (DPE) guidelines and Council's Local Environmental Plan - Request for Amendment Policy.
- 3 The requested rezoning, and proposed increases in FSR and height will provide an increase in density consistent with adjoining allotments and facilitate future redevelopment of subject lots for residential purposes.
- 4 If endorsed by Council, the Planning Proposal will be forwarded to the DPE for Gateway Determination. Gateway Determination will confirm initial support for the Planning Proposal, and identify what further technical studies and community consultation are required prior to the proposed amendment being determined.

FINANCIAL IMPACT

- 5 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.
- 6 All costs associated with processing the proposal can be met within the current budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 7 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.
- 8 Compliance with the LEP amendment process, in particular Section 57 of the *EP&A Act*, 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 representative community engagement in local decision making" as identified within the Newcastle 2030 Community Strategic Plan.
- 9 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".

IMPLEMENTATION PLAN/IMPLICATIONS

- 10 The preparation of the attached Planning Proposal was undertaken in accordance with Council's LEP - 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* for amending an LEP.

RISK ASSESSMENT AND MITIGATION

- 11 The process of amending an LEP is prescribed by Part 3 of the *EP&A Act*. 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.

RELATED PREVIOUS DECISIONS

- 12 The LEP was adopted by Council on 21 June 2011.
- 13 Council resolved at the Ordinary Council Meeting held on 25 February 2014 to rezone land at 15 Tinonee Road, Waratah from R2 Low Density Residential to R3 Medium Density Residential. This rezoning (Amendment 8 to the Newcastle LEP 2012) was gazetted on 20 February 2015. The land subject of this rezoning adjoins 15 Tinonee Road to the west.
- 14 Should this rezoning proceed, it will result in the entire block bound by Tinonee Road, Turton Road, Christo Road and Harriet Street being within the same R3 Medium Density Residential Zone.

CONSULTATION

- 15 The Planning Proposal outlines the level of consultation required as per Planning NSW guidelines 'Preparing Local Environmental Plans'. The Planning Proposal will be exhibited in accordance with the requirements of section 57 of the *EP&A Act* and section 29 of the Local Government Act. The proposal will be placed on public exhibition for a minimum of 14 days.
- 16 The Gateway Determination will confirm which state agencies must be consulted on the Planning Proposal.

OPTIONS

Option 1

- 17 The recommendation as at Paragraph 1. This is the recommended option.

Option 2

- 18 Council resolves not to proceed with the Planning Proposal. This is not the recommended option.

BACKGROUND

- 19 In September 2016, a request was received for the rezoning of land at 58-60 Harriet Street, Waratah from R2 Low Density Residential to R3 Medium Density Residential. The proposal also requested an increase in FSR from 0.75:1 and height from 8.5m to 11m.
- 20 After reviewing the request, Council officers determined, that to rationalise zoning across the wider block, the proposal should include the adjoining parcel of land at 115 Christo Road. This parcel of land contains a recently developed urban housing development. Landowners were advised of the proposed rezoning with only one response received requesting that the land remain zoned R2.
- 21 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. 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. Should the Planning Proposal be endorsed for a Gateway Determination, further consultation will occur with this landowner.
- 22 The request was considered by Council's internal LEP Advisory Panel, as per Council's 'Local Environmental Plan - Request for Amendment Policy'. The panel consists of a range of experts in various fields who advise on potential issues to be addressed and identify studies required supporting the proposal. The Panel requested a masterplan for proposed development at 58-60 Harriet Street, as well as detailed traffic report addressing any associated traffic impacts.
- 23 A Masterplan and Traffic Impact Report for proposed development at sites 58-60 Harriet St, were submitted (**Attachments B and C**).
- 24 The Planning Proposal (**Attachment A**) provides the necessary justification to satisfy Council that the proposed amendment to Newcastle LEP 2012 can be endorsed and forwarded to DPE to seek Gateway Determination.

REFERENCES

ATTACHMENTS

Attachment A: Planning Proposal – Harriet St & Christo Rd Waratah - Rezoning from R2 Low Density Residential to R3 Medium Density Residential.

Attachment B: Masterplan (58 and 60 Harriet Street)

Attachment C: Traffic Report by Seca Solutions

Attachments are distributed under separate cover.