

**ORDINARY COUNCIL MEETING
25 OCTOBER 2016**

**CCL 25/10/16
LAND BOUNDED BY MOSBRI CRESCENT AND KITCHENER PARADE
THE HILL - ENDORSEMENT OF AMENDMENT TO NEWCASTLE LOCAL
ENVIRONMENTAL PLAN 2012 AND DEVELOPMENT CONTROL PLAN 2012**

Attachment A: Planning Proposal – land bounded by Mosbri Crescent and Kitchener Parade, The Hill.

Note: Urban Design Study for 11 Mosbri Crescent, The Hill
(Attachment A to the Planning Proposal)

Attachment B: Draft Section 6.14 - 11 Mosbri Crescent, The Hill to the Newcastle Development Control Plan 2012

Attachment C: Report from Urban Design Consultative Group

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**Land bounded by Mosbri Crescent & Kitchener
Parade, The Hill**

August 2016

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Land Bounded by Mosbri Crescent & Kitchener Parade The Hill

Summary of Proposal

Proposal	Mosbri Crescent & Kitchener Parade, The Hill
Property Details	• 1 Mosbri Cres, The Hill (SP6373) • 3 Mosbri Cres, The Hill (Lot 10 DP216346) • 5 Mosbri Cres, The Hill (SP3058) • 7 Mosbri Cres, The hill (Lot 12 DP216346) • 9 Mosbri Cres, The Hill (Lot 13 DP216346) • 11 to 17 Mosbri Cres, The Hill (Lot 1 DP204077) • 31 Kitchener Pde, The Hill (Lot 8 DP216346) • 37 Kitchener Pde, The Hill (SP19610) • 41 Kitchener Pde, The Hill (Lot 62 DP522440)
Applicant Details	Nine Network Australia Pty Ltd

Background

Council has received a request to amend Newcastle LEP 2012 in order to enable the land 11 to 17 Mosbri Crescent, The Hill to be developed from its current use as television studios to medium density housing. Upon reviewing this request it was identified that there was also an opportunity to expand the scope of the Planning Proposal to rationalise the zoning of the adjoining land to the west, also bounded by Mosbri Crescent and Kitchener Parade, from low density residential to medium density residential. The property owners of these eight additional parcels were contacted to ascertain their desire to have their land included under a proposal, and one letter in support was received. This Proposal includes the additional properties, with further consultation to be undertaken during exhibition.

Site

The proposal consists of land bounded by Mosbri Crescent and Kitchener Parade The Hill, comprising of:

- 1 Mosbri Cres, The Hill (SP6373)
- 3 Mosbri Cres, The Hill (Lot 10 DP216346)
- 5 Mosbri Cres, The Hill (SP3058)
- 7 Mosbri Cres, The hill (Lot 12 DP216346)
- 9 Mosbri Cres, The Hill (Lot 13 DP216346)
- 11 to 17 Mosbri Cres, The Hill (Lot 1 DP204077) - existing NBN television studio
- 31 Kitchener Pde, The Hill (Lot 8 DP216346)
- 37 Kitchener Pde, The Hill (SP19610)
- 41 Kitchener Pde, The Hill (Lot 62 DP522440)

The land is situated on the western edge of a hill, the summit of which is the Obelisk in King Edward Park. The topography across the land drops sharply from Arcadia Park adjoining to the east and Kitchener Parade at the northern edge, into a relatively flat basin in the central and eastern sections of the site where the current NBN studio buildings are located fronting Mosbri

Crescent. The remaining properties to the west of the NBN studio parcel are occupied by low scale residential flat buildings of two to three-storey. The land is adjoined to the south by residential dwellings and residential flat buildings and to the east by Arcadia Park. To the north of the site is Newcastle East Public School. The land contains some scattered trees dispersed between building forms with a number of fig trees surrounding the existing studios. Moving west of the land, the topography continues to slope down towards Darby Street. The land is currently zoned R2 Low Density Residential and adjoins an R3 Medium Density Residential zone to the north.

Refer to **Figure 1:** Local Context of Site and **Figure 2:** Air Photo of Site, for visual context.

Figure 1: Local Context of Site

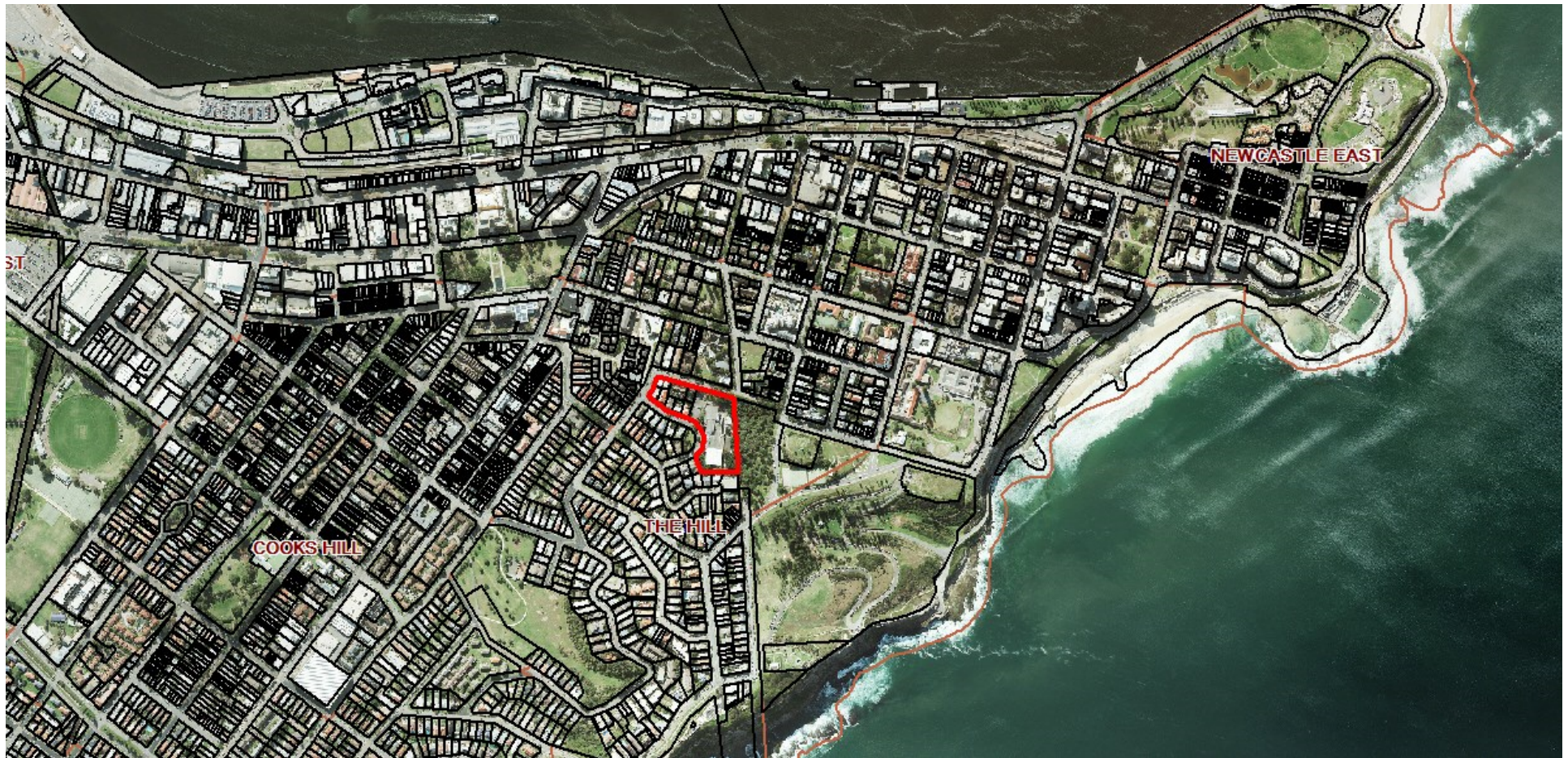


Figure 2: Air Photo of Site, for visual context.



Part 1 - Objectives or Intended Outcomes

To enable the land to be developed for medium density housing.

Part 2 - Explanation of Provisions

The objectives of the planning proposal will be achieved by amending Newcastle LEP 2012 as follows:

1. Land zoning map to reflect a change of zone from R2 Low Density Residential zone to R3 Medium Density Residential zone.
2. Height of building (HOB) map to reflect a maximum building height from 8.5m to a range of heights across the site, including heights above ground of 11m and 12m (three to four-storeys above ground) and also a number of specific reduced levels (RL) up to RL56.8 (seven-storeys above ground).
3. Floor space ratio (FSR) map to reflect a change from a maximum FSR of 0.75:1 to 0.9:1 and 1.5:1.

Part 3 – Justification

Section A - Need for the planning proposal

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

Yes. Appendix A of the Local Planning Strategy (LPS) provides the neighbourhood visions and objectives for The Hill, which recognises redevelopment opportunities within The Hill, subject to consideration of character, including city skyline along ridge tops.

Neighbourhood Vision:

- *The amenity and heritage character of The Hill will be conserved while supporting new opportunities for expanding population in select areas.*

Objectives:

- *Facilitate medium density housing in appropriate locations that respects the existing heritage character of the area.*
- *Protect the character of the city skyline along ridge tops.*
- *Protect and enhance public open space.*

A specific action of the LPS (under Section 4.1.2) recommends investigating an R3 Medium Density Residential zone for the parcel occupied by the existing NBN Television studios.

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

Yes, a change of zoning and changes to the height of buildings (HOB) and floor space ratio (FSR) is considered the most appropriate means of enabling the site to be used for medium density housing.

The option of only amending the HOB and FSR but retain the existing zone could also achieve the intended outcome. However, such development controls would be considered contrary to the zone objectives of the low density residential zone and is therefore not the preferred option.

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.

The proposal will contribute to generating housing opportunities, including diversity of housing, and is therefore consistent with this aim.

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 directions identified within the Newcastle 2030 Community Strategic Plan, including:

- Open and Collaborative Leadership - 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*”.
- Liveable and Distinctive Built Environment - the proposal supports the strategic objective for “*Greater diversity of quality housing for current and future community needs*”. Also the proposed heights across the land have been managed to achieve the strategic objective “*A built environment that maintains and enhances our sense of identity*”.

Local Planning Strategy (LPS)

Appendix A of the Local Planning Strategy (LPS) provides the neighbourhood visions and objectives for The Hill, which recognises redevelopment opportunities subject to consideration of character, including city skyline along ridge tops.

Neighbourhood Vision:

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- *Facilitate medium density housing in appropriate locations that respects the existing heritage character of the area.*
- *Protect the character of the city skyline along ridge tops.*
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A specific action of the LPS (under Section 4.1.2) recommends investigating an R3 Medium Density zone for the parcel occupied by the existing NBN Television studios.

Having regards to the criteria for the Residential Growth Precincts under the LPS, the land is considered to satisfy the criteria for a 'Substantial Growth Precinct', being a ten minute walk of a major commercial centre, being Darby Street. The land is also within the walking catchment to the City Centre, although topography to the north is challenging. In accordance with the zone directions under the LPS, an R3 Medium Density zone is to apply to the Substantial Growth Precinct, with typical controls of HOB 10m and FSR 0.9:1. Additionally, the relatively large area and 'bowl like' topography of the land containing the existing NBN television studios (11 to 17 Mosbri Crescent) lends itself to being able to physically accommodate additional development beyond the standard R3 Medium Density Residential development controls. The additional development is justified on these unique site attributes and is sympathetic to existing surrounding context, as required under the visions and objectives for the neighbourhood. Due to the large elevation drop from Kitchener Parade, the building heights can maintain a three to four-storey 'human scaled' street edge and overall heights sit comfortably below ridge lines.

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 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 30 (Intensive Agriculture)	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 44 (Koala Habitat Protection)	Yes	The SEPP applies to the entire LGA, however, the land is urban and does not consist of areas of koala habitat.
State Environmental Planning Policy No 47 (Moore Park Showground)	No	
State Environmental Planning Policy No 50 (Canal Estate Development)	No	

Name of SEPP	Applicable	Consistency
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	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.
State Environmental Planning Policy No 62 (Sustainable Aquaculture)	No	
State Environmental Planning Policy No 64 (Advertising and Signage)	No	
State Environmental Planning Policy No 65 (Design Quality of Residential Flat Development)	Yes	Yes. The proposal will facilitate the delivery of residential flat building development on the site and is considered applicable. Clause 27 of the SEPP outlines functions of design review panels, including that they may <i>"carry out a review of provisions relating to the design quality of development to which this policy applies in any local environmental plans and development control plans in the area for which it is constituted, and advise the relevant council whether or not it endorses the provisions".</i> A detailed urban design study has informed the preparation of this Planning Proposal by proposing a preferred master plan for the site. The urban design study has been considered by Council's Urban Design Consultative Group (UDCG), being Council's design review panel. The UDCG were generally supportive of the master plan proposed (noting that heights have been reduced from those requested by the proponent within the concept). Importantly the heights of this Planning Proposal maintain a human scaled street edge and sit comfortably below ridgelines, thereby protecting views from public open space vantage points to the east (Obelisk lookout). This proposal is also supported by draft Development Control Plan (DCP) guidelines, which complement the LEP controls to put into effect the master plan for the site. In accordance with Clause 21A of the <i>Environmental Planning and Assessment Regulations 2000</i>, Council's UDCG have reviewed the draft DCP and comments have been considered, including incorporating appropriate building separations and upper level setbacks. Also in accordance with Clause 21A of the Regulations and Clause 6A of the SEPP the draft guidelines are not inconsistent with the objectives, design criteria and design guidance of the Apartment Design Guide. The draft Development Control Plan guidelines will be exhibited concurrently with the Planning Proposal.

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 70 (Affordable Housing (Revised Schemes))	No	
State Environmental Planning Policy No 71 (Coastal Protection)	Yes	The subject land is within the Coastal Zone. The Planning Proposal is acceptable in relation to the matters for consideration specified under Clause 8 as applying to the preparation of a draft LEP. • Access to foreshores will not be affected. • The controls proposed are suitable for the location and relationship with surrounding areas. • There will be no adverse impacts on the foreshore. • The scenic qualities of the coast will be protected. • The land is not subject to coastal hazards. • The proposal will not impact Aboriginal cultural aspects. • The proposal will not impact coastal waterbodies. • The HOB under the proposal responds to surrounding heritage conservation and heritage items. • The proposal encourages compact cities by increasing density responsive to site context and access to transport and services.
State Environmental Planning Policy (Affordable Rental Housing) 2009	No	
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No	Compliance with SEPP (BASIX) will be demonstrated under future development applications. The concept under the urban design study has demonstrated that adequate solar access could be achieved for future development.
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	May apply to future development.
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	No	
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No	
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	No	

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy (Rural Lands) 2008	No	
SEPP (State and Regional Development) 2011	No	
State Environmental Planning Policy (State Significant Precincts) 2005	No	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	
State Environmental Planning Policy (Three Ports) 2013	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	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	Yes	Yes. The proposal is within the Coastal Zone but does not impact or would be impacted by coastal processes or hazards. The proposed HOB is compatible with the context of the area.
2.3 Heritage Conservation	No	The land of the proposal does not contain any heritage items and is not within a heritage conservation area. However, the land does adjoin heritage conservation areas to the north and east. The proposal is considered compatible with the existing and envisaged built form.
2.4 Recreation Vehicle Areas	No	
3. Housing, Infrastructure and Urban Development		

S117 Direction	Applicable	Consistent
3.1 Residential Zones	Yes	Yes. The Planning Proposal proposes to rezone the land from R2 Low Density Residential to R3 Medium Density Residential zone. This will broaden housing choice, make more efficient use of infrastructure and services, reduce demand for housing on the urban fringe and facilitate good design, responsive to the context. The proposal will not reduce the permissible density of the land and future development will be able to be adequately serviced.
3.2 Caravan Parks and Manufactured Home Estates	No	
3.3 Home Occupations	No	The R3 Medium Density residential zone includes home occupations as development without consent, and includes home businesses with consent.
3.4 Integrating Land Use and Transport	Yes	Yes. The proposal will facilitate medium density residential development within walking distance to transport and services, including the Darby Street commercial centre and Newcastle City Centre.
3.5 Development Near Licensed Aerodromes	No	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Yes	Yes. The land is Class 5, however is within 500m of Class 4 soils to the north and west. Future development must comply with the provisions of the Newcastle LEP 2012 relating to ASS.
4.2 Mine Subsidence and Unstable Land	Yes	The site is within the Newcastle Mines Subsidence District. It is anticipated that consultation with the NSW Mine Subsidence Board will be required as part of the Gateway determination, prior to community consultation. Future development would require approval from the NSW Mine Subsidence Board.
4.3 Flood Prone Land	No	
4.4 Planning for Bushfire Protection	Yes	The site is in proximity to land mapped as bushfire prone land (Arcadia Park to the east). Should the proposal proceed through the Gateway, Council will be required to consult with the Commissioner of the NSW Rural Fire Service. Future development is infill development and it would be expected that appropriate performance standards will be required in consultation with the NSW Rural Fire Service for future development on the land.

S117 Direction	Applicable	Consistent
5. Regional Planning		
5.1 Implementation of Regional Strategies	Yes	Yes. 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. The proposal will contribute to generating housing opportunities, including diversity of housing, and is therefore consistent with this aim. The proposal will facilitate housing in a location that will facilitate efficient travel patterns and more sustainable modes of transport, support increased walking and cycling and improved connectivity. The proposal is likewise also considered to be consistent with the Draft Hunter Regional Plan and Draft Plan for Growing Hunter City.
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	
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	Yes	Generally consistent. The Planning Proposal will introduce RL height controls to provide certainty with respect to maximum building heights across part of the land. However, it is noted that these RLs enable development in addition to what would typically be provided for the R3 Medium Density Residential zone, generally being 10m above ground.

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?

Built Form and Urban Design

The proposed amended development controls (HOB and FSR) have been informed by a comprehensive Urban Design Study, prepared by the proponent's consultant, SJB Architects (**Attachment A**). The Urban Design Study has been developed to demonstrate that the proposed R3 Medium Density Residential zoning for the site and accompanying changes to HOB and FSR can produce a high quality residential development that complements the surrounding topography and built form.

The Urban Design Study outlines a master plan for 11 to 17 Mosbri Crescent (NBN television studio site) comprising five separate building forms. The building forms range in scale from three to eight-storey above ground and indicatively predicts some 189 dwellings. The master plan includes detailed massing and view analysis which identified that built form would be just visible from vantage points to the east, including Obelisk lookout. The master plan has been reviewed by Council's Heritage Officer and Council's Urban Design Consultative Group (UDCG), being Council's SEPP 65 design review panel. The master plan was supported in principle with some recommended reduction in height to the three taller residential flat buildings (Buildings A, B and D under the scheme). This Planning Proposal is based upon the reduced heights, now a maximum of seven-storey. The reduction in height was considered necessary to provide an improved 'human scale' streetscape, nominally three to four-storey above the respective street level, thereby relating better to adjoining development, along with respecting the adjoining heritage items and heritage conservation areas.

Building heights (HOB) and floor space ratios (FSRs) are proposed for 11 to 17 Mosbri Crescent (NBN television studio site) based upon the master plan. The buildings heights therefore vary across the site. Fronting Mosbri Crescent and the southern boundary a maximum 12m (measured above ground level) is nominated, which would accommodate up to four-storeys. Four specified sites have been nominated a maximum reduced level (RL) to more specifically limit the maximum height limit. These RLs are proposed for the three taller buildings under the master plan fronting Kitchener Parade and to the eastern boundary, allowing up to a seven-storey building in the north-east corner (RL56.8), but only four-storey above street level. Given the large drop in elevation from Kitchener Parade into the site a height above ground level control would not provide sufficient certainty as to the built form outcome. In this case the actual level of the roof RL (desired at three to four-storeys above street level) is a more important design aspect than the number of floors able to be accommodated between this maximum RL and the ground below. A further building form on Mosbri Crescent is also nominated an RL, however this still results in four-storey scale. Due to ground elevation changes, an RL controls the built form more appropriately than a height above ground. The FSR for the 11 to 17 Mosbri Crescent (NBN television studio site) is proposed at 1.5:1, under which the master plan indicatively predicts some 190 dwellings could be achievable.

The development controls proposed for the additional parcels (west of the NBN television studio site) are 11m maximum height and maximum FSR of 0.9:1, being generally consistent with the standard controls for an R3 Medium Density Residential zone.

Given the large drop in elevation from Kitchener Parade, the overall building heights will still be up to seven-storey scale in the north-east corner (still four-storey above street level), then progressively transitioning down towards the south and west to result in a four-storey scale adjoining Mosbri Crescent. This massing will sit comfortably within the context, by responding to the 'bowl like' topography of the site. The reduction in height to those proposed under the master plan will also protect ridgelines (as desired under Council's Local Planning Strategy) and ensure existing westerly views from King Edward Park, including the Obelisk, would be largely unaffected.

In addition to proposed changes to LEP controls, outlined under this Planning Proposal, the master plan for the land will also be implemented through site specific DCP guidelines. The draft DCP guidelines control aspects such as building footprints, setbacks, access and landscaping. It also controls the size of habitable rooftop access areas to minimise bulk and scale of roof top forms (as these areas are allowed for under the HOB). It is intended that the Urban Design Study and the draft DCP guidelines will be exhibited concurrently should the Planning Proposal proceed through Gateway.

Should the Planning proposal proceed through Gateway the Urban Design Study will be updated to reflect the adjusted HOB, prior to exhibition.

Heritage

There are no listed items of environmental heritage on site. However, the Newcastle East Public School site opposite Kitchener Parade to the north is a listed heritage item, as is Arcadia Park to the east. The Hill heritage conservation area adjoins to the east and north. As outlined above, the Proposal has been informed by a master plan that has considered heritage. Council's Heritage Officer reviewed the master plan and was satisfied that a three to four-storey scale at street level was appropriate, as provided for under this Planning Proposal.

Hydrology and Water Management

The site is not located within a flood prone area. However, there exists a natural gully from Arcadia Park that would create overland flow through the part of the land occupied by the existing NBN television studios (11 to 17 Mosbri Crescent). Furthermore, there are some existing public underground drainage lines that traverse the same parcel. A preliminary stormwater management plan has demonstrated that the master plan outlined under the Urban Design Study would be capable of managing stormwater. Detailed design would be required as part of future development applications.

Mine Subsidence

The site is within the Newcastle Mine Subsidence District. It is anticipated that consultation with the NSW Mine Subsidence Board will be required as part of the Gateway determination, prior to community consultation. Future development would require approval from the NSW Mine Subsidence Board. A desktop geotechnical assessment of the concept development for the site has been undertaken by the proponent's consultant, Douglas Partners (**Attachment B**). The assessment has found that:

"...the proposed development is considered suitable from a geotechnical perspective provided the following is undertaken at the appropriate stage of the development process:

- Detailed geological site investigations to determine the subsurface conditions at the location of the proposed structures. The information is required for detailed design of foundations, excavations and retaining structures;*
- Undertake mine subsidence risk assessment to establish mine subsidence design parameters and guide foundation selection;*
- Submission of Mine Subsidence Board (MSB) building application for approval;*
- Undertake a condition assessment of existing retaining structures that will not be demolished and are to remain as part of the new development."*

The above procedures and assessments will be undertaken as part of future development applications.

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.

Traffic Impacts and Vehicular and Pedestrian Access

The site has direct frontage to Mosbri Crescent and Kitchener Parade. A Traffic Impact Assessment report was prepared by the proponent's consultant, Aecom (**Attachment C**), to demonstrate the land is capable of supporting medium density residential development. It is noted that the report was based upon development of 11 to 17 Mosbri Crescent (NBN television studio site) and not on the wider land incorporated under this Planning Proposal. Nevertheless, the report is based upon an earlier scheme which indicatively predicted some 208 residential dwellings. The current master plan for 11 to 17 Mosbri Crescent indicatively predicts some 189 dwellings. This would be further reduced due to reduced HOB and FSR as outlined above under Built Form and Urban Design considerations. Accordingly, the findings of the report are therefore considered satisfactory to cover the potential additional dwellings possible under the expanded Planning Proposal.

The report found that the land has good access to Newcastle's strategic road network and to existing public transport services. Two entry points to the site at 11 to 17 Mosbri Crescent could provide access to parking facilities. The report found that the master plan (based upon 208 dwellings) would be expected to generate a net increase of 17 AM vehicle trips and 36 PM trips, and therefore the net vehicular impacts of the proposal are considered negligible. The report also identified that car parking requirements, as per the Newcastle Development Control Plan 2012, could be accommodated within basement car parks.

Assessment of developments at the development application stage would formalise traffic, access and parking.

Acid Sulphate Soils (ASS)

The land is Class 5 ASS, however is within 500m of Class 4 soils to the north and west. Future development must comply with the provisions of the Newcastle LEP 2012 relating to ASS.

Trees

The existing large fig trees at 11 to 17 Mosbri Crescent (NBN television studio site) should ideally be retained and integrated with future development. Successful tree retention will largely depend on the location of building footprints determined under the master plan concept for the site. An arborist report has identified retainable trees and these are detailed under the draft DCP guidelines.

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

Cultural Heritage

No items of Aboriginal or European cultural heritage have been identified on the site. It is unlikely given the historic land uses, including extensive excavations, that there is potential for impact on social or cultural heritage.

Housing

A change to the zoning to facilitate medium density residential development will be compatible with the existing residential flat buildings already existing on part of the land along with the surrounding area. This will broaden housing choice, make more efficient use of infrastructure and services, reduce demand for housing on the urban fringe and facilitate good urban design.

Public Benefit

The land is adjacent to Arcadia Park offering future residents opportunities for passive and active recreation. The master plan prepared for 11 to 17 Mosbri Crescent (NBN television studio site) will be implemented through the site specific DCP guidelines. This includes a publicly accessible pedestrian link between Mosbri Crescent and Kitchener Parade and new footpath in Kitchener Parade, both of which will increase pedestrian permeability through the block to the adjoining public school to the north, the Newcastle City Centre and Arcadia Park.

Future development of the land will also be subject to Section 94 development contributions which will also contribute towards local infrastructure.

Section D - State and Commonwealth interests

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

Yes. The site is supplied with necessary infrastructure and services. It would be expected that these could be augmented as required to accommodate an increased demand generated by future development.

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:

- Mines Subsidence Board - to identify any mine subsidence issues.
- NSW Rural Fire Service - to identify any bush fire planning requirements.
- Roads and Maritime Services - to identify any road infrastructure issues.
- NSW Department of Education - to identify any capacity issues to serve future residents.

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											
004C											
004D											
004E											
004F											
004FA											
004G	X		X			X					
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

Land Zoning Map - Sheet LZN_004G

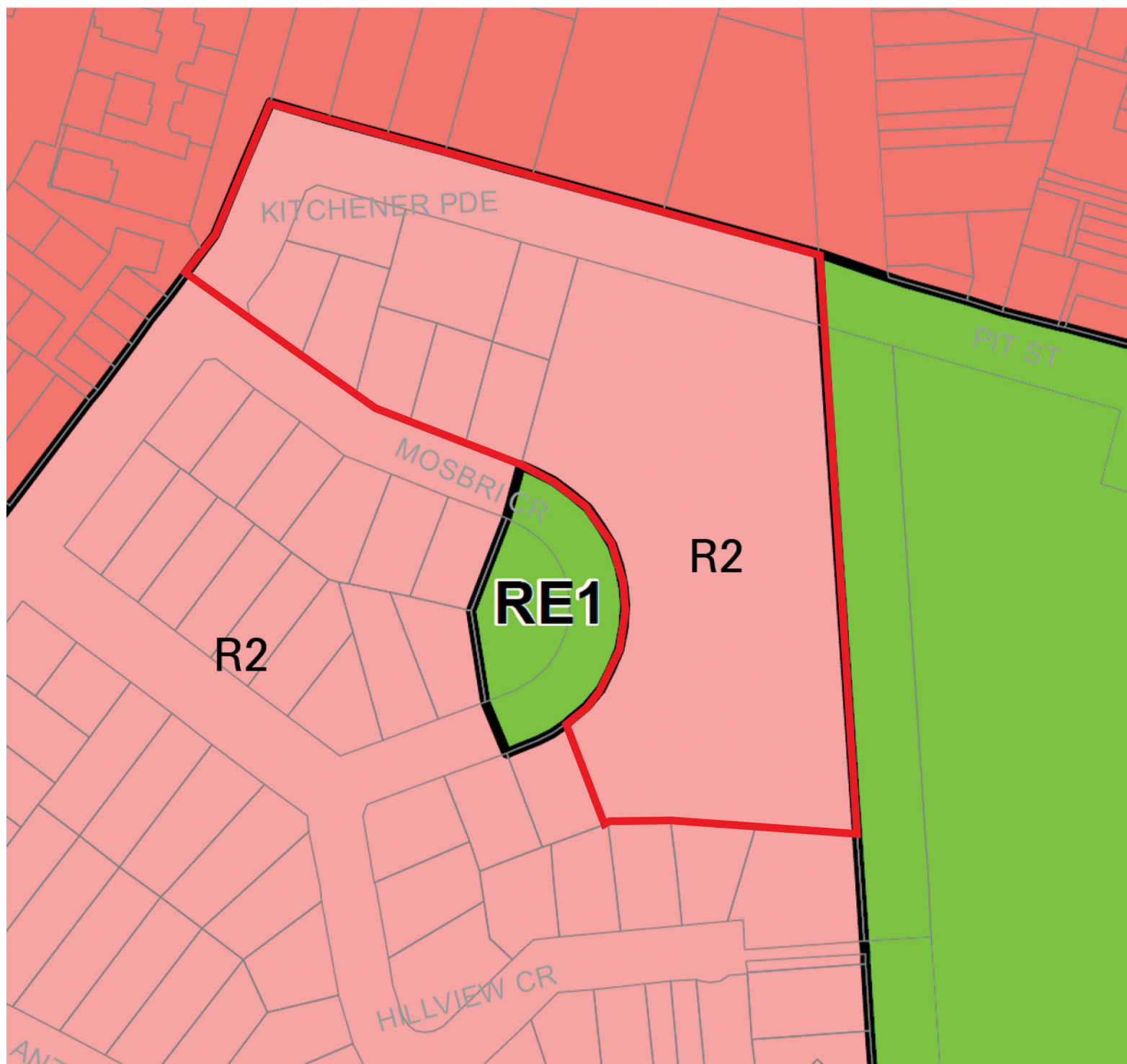
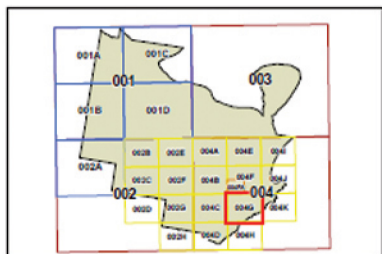
Land Zone

- 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
- SP2 Infrastructure
- W2 Recreational Waterways
- UL Unzoned Land
- MD SEPP (Major Development) 2005
- TP SEPP (Three Ports)

Cadastral

Base data 09/09/2013
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Addendum data 09/10/2013 © City of Newcastle

 The Site



EXISTING ZONING FOR 11-17 MOSBRI CRESCENT, NEWCASTLE

Land Zoning Map - Sheet LZN_004G

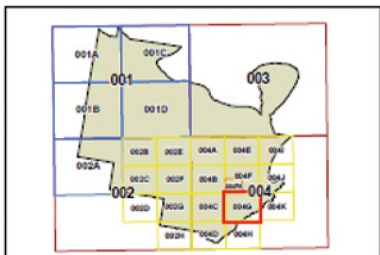
Land Zone

- 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
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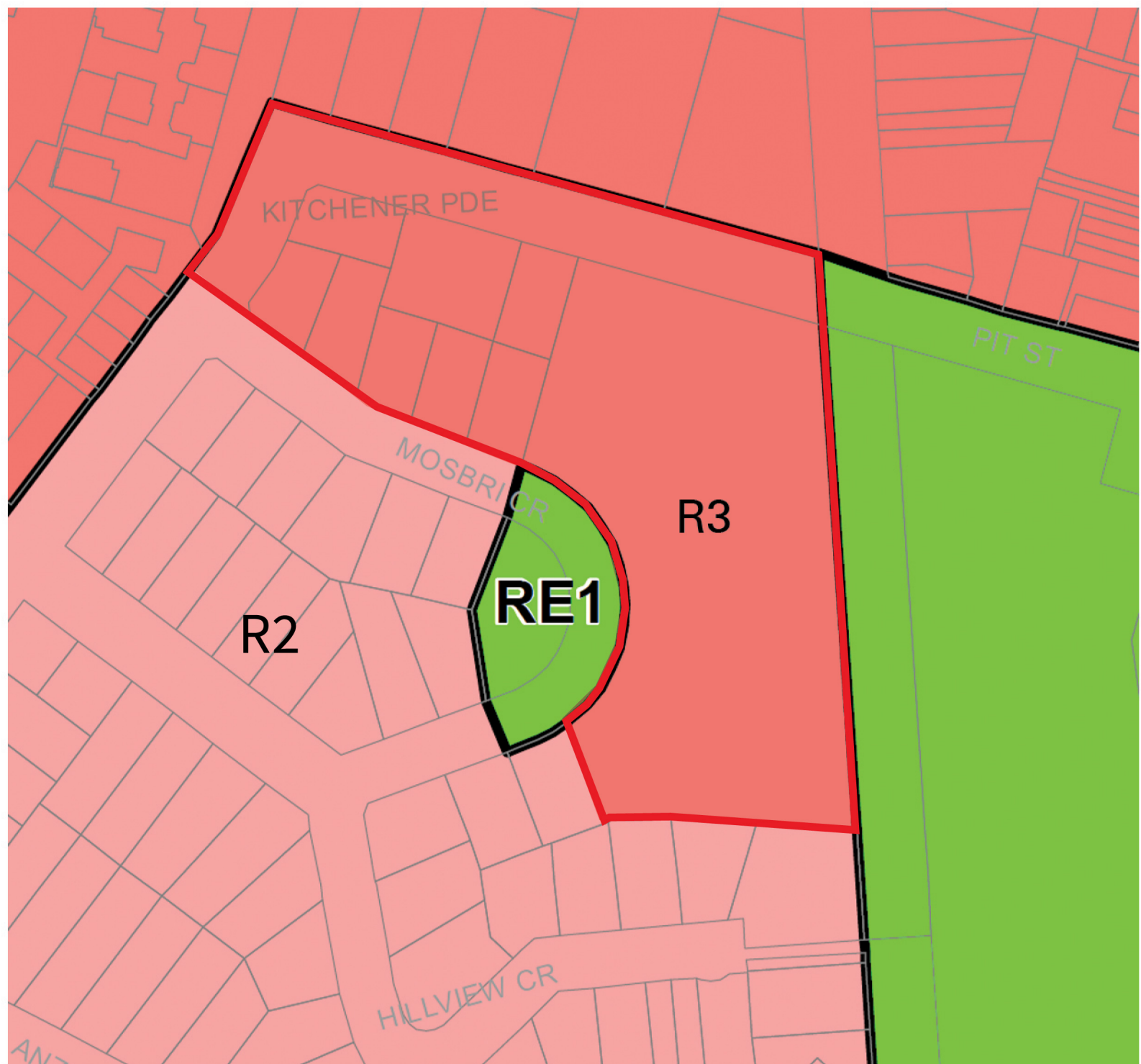


0 0.1 0.2 0.3 0.4 0.5
Kilometres

Scale: 1:10,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map Identification Number:
5500_COM_LZN_004G_010_20140905



PROPOSED ZONING FOR 11-17 MOSBRI CRESCENT, NEWCASTLE



Newcastle Local Environmental Plan 2012

Height of Buildings Map - Sheet HOB_004G

Maximum Building Height (m)

L	8.5
K	10
L	11
M	12
N	14
P1	17
P2	18
Q	20
R	21
S	24
T	27
U	30
V	35
X	45
AA	60
AB	90

Maximum Building Height (RL)

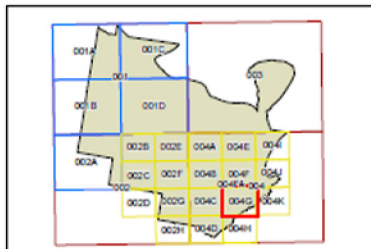
Heights shown on map in RL (m)

51.5

Cadastre

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The Site



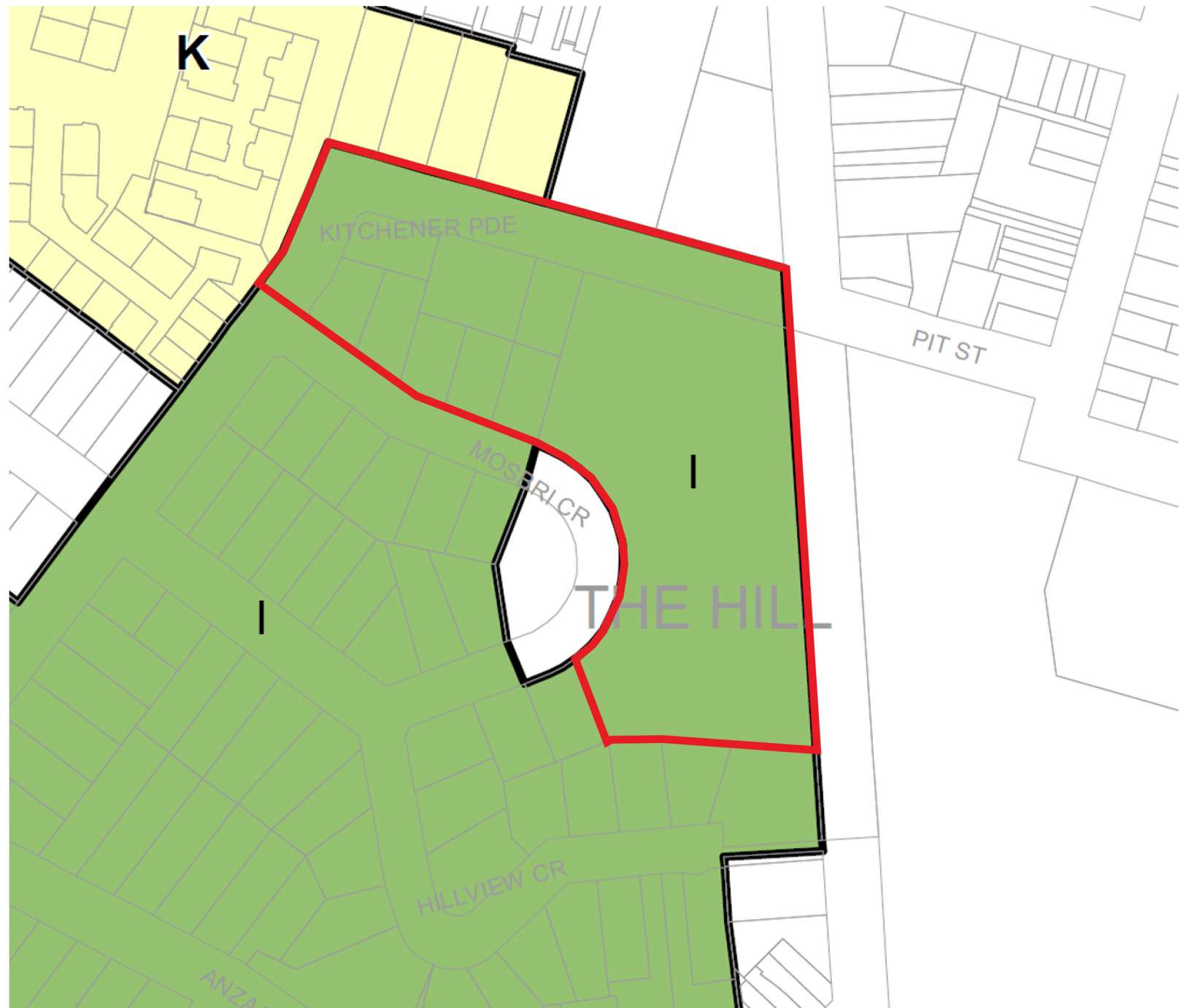
N

0 100 200 300 400
Metres

Scale: 1:10,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number: 5900_COM_HOB_004G_010_20140613



EXISTING MAXIMUM BUILDING HEIGHT FOR 11-17 MOSBRI CRESCENT, NEWCASTLE



Newcastle Local Environmental Plan 2012

Height of Buildings Map - Sheet HOB_004G

Maximum Building Height (m)

L	8.5
K	10
L	11
M	12
N	14
P1	17
P2	18
Q	20
R	21
S	24
T	27
U	30
V	35
X	45
AA	60
AB	90

Maximum Building Height (RL)

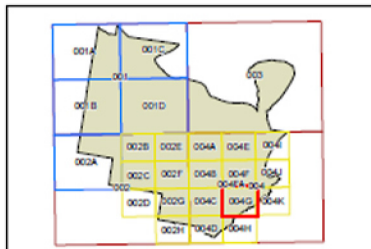
Heights shown on map in RL (m)

40.8	52.3
46.1	56.8
47.5	

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The Site

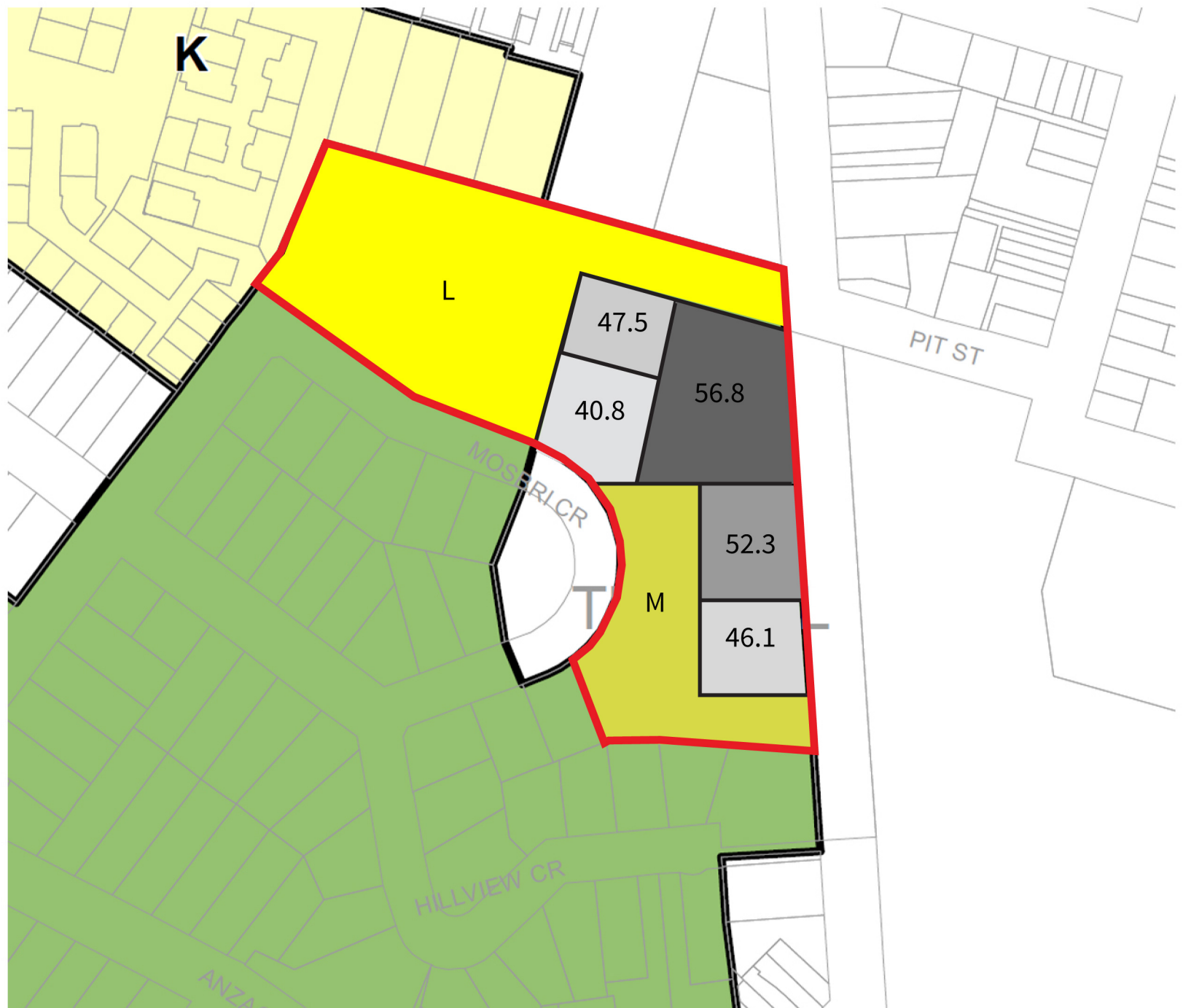


0 100 200 300 400
Metres

Scale: 1:10,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number: 5900_COM_HOB_004G_010_20140613



PROPOSED MAXIMUM BUILDING HEIGHT FOR 11-17 MOSBRI CRESCENT, NEWCASTLE



Newcastle Local Environmental Plan 2012

Floor Space Ratio Map - Sheet FSR_004G

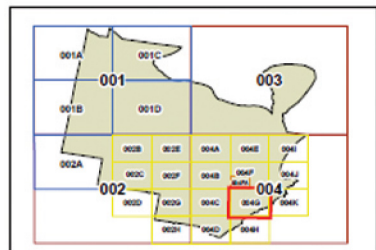
Maximum Floor Space Ratio (n:1)

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
AC	8
Area A	

Cadastre

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The Site

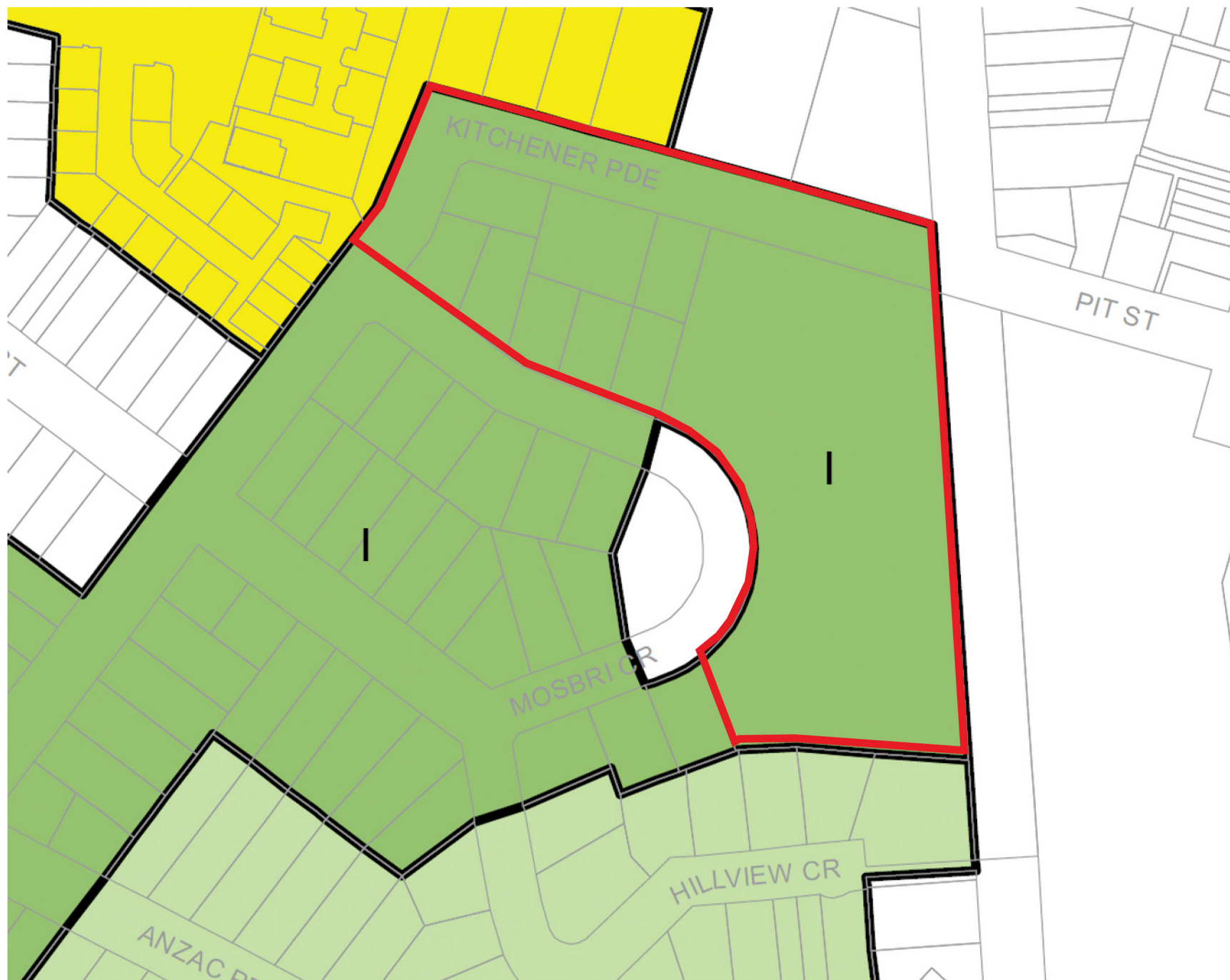


N

0 150 300
Metres

Scale: 1:10,000 @ A3

Projection: GDA 1994
MGA Zone 56
Map Identification Number: 5900_COM_FSR_004G_010_20140813



EXISTING MAXIMUM FLOOR SPACE RATIO FOR 11-17 MOSBRI CRESCENT, NEWCASTLE



Newcastle Local Environmental Plan 2012

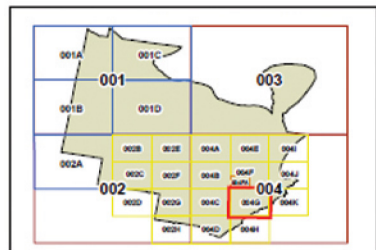
Floor Space Ratio Map - Sheet FSR_004G

Maximum Floor Space Ratio (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
AC	8
Area A	

Cadastre

- Base data 09/09/2013
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Addendum data 09/10/2013 © City of Newcastle
- The Site

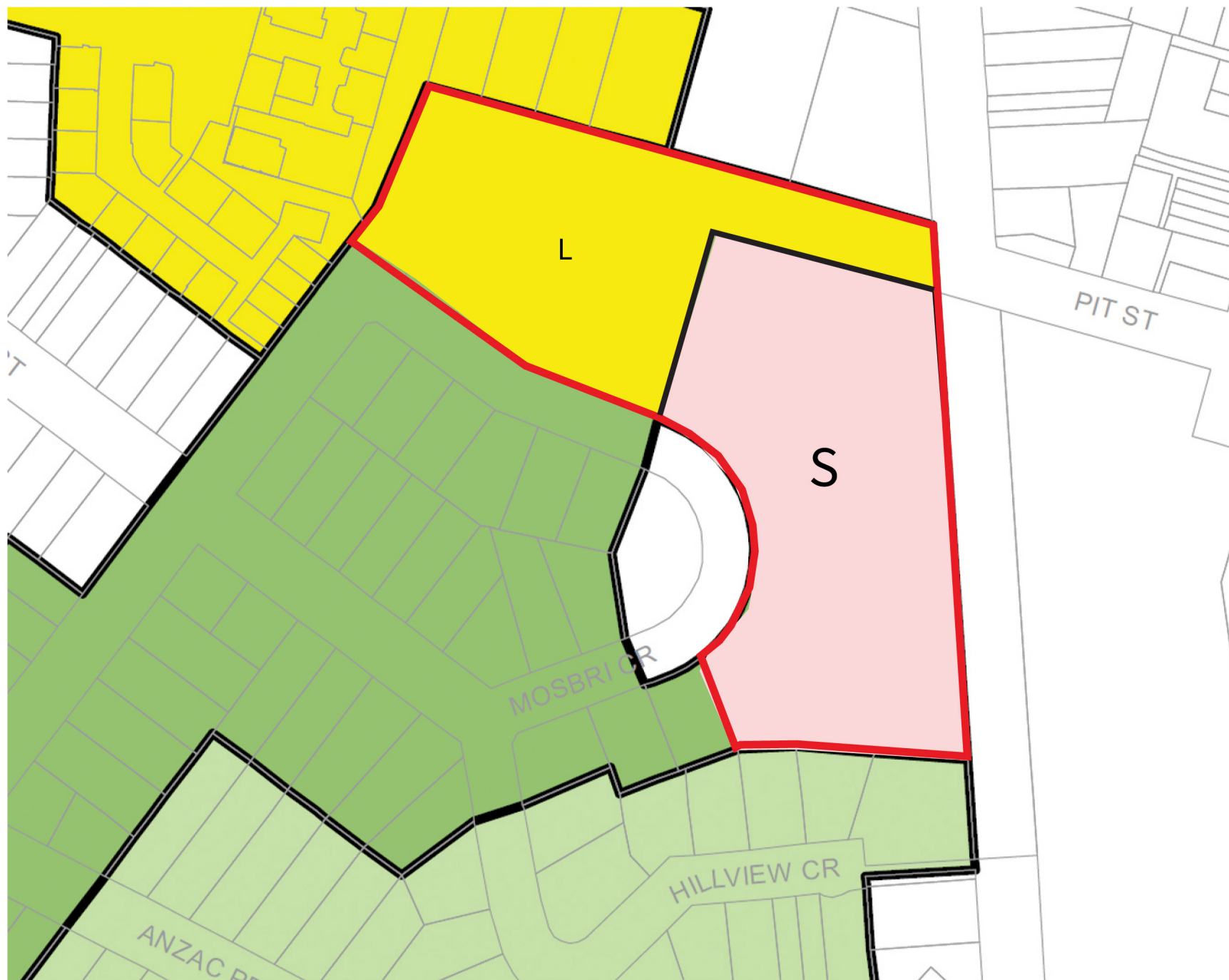


0 150 300
Metres

Scale: 1:10,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map Identification Number:
5900_COM_FSR_004G_010_20140813



PROPOSED MAXIMUM FLOOR SPACE RATIO FOR 11-17 MOSBRI CRESCENT, NEWCASTLE

Part 5 – Community Consultation

In accordance with the Department of Planning and Environment's guidelines, 'A guide to preparing local environmental plans' the Planning Proposal should be exhibited for a minimum 28 day period. This would also ensure consistency with the exhibition of the accompanying draft DCP guidelines which are required to be exhibited for a minimum of 28 days.

Council proposes to consult with the following agencies prior to public exhibition of the planning proposal:

- Mines Subsidence Board
- NSW Rural Fire Service
- Roads and Maritime Services
- NSW Department of Education

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 11 months from Gateway determination. The following timetable is proposed:

Task	Planning Proposal Timeline											
	Nov 16	Dec 16	Jan 16	Feb 16	Mar 16	Apr 16	May 16	Jun 16	Jul 16	Aug 16	Sep 16	Oct 16
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												

Attachments

- **Attachment A** - Urban Design Study - 11 Mosbri Crescent, The Hill, by SJB Architects, Ver 08, dated 31 May 2016
- **Attachment B** - Geotechnical Assessment, by Douglas Partners, dated November 2015.
- **Attachment C** - Traffic Impact Assessment - Newcastle NBN site residential development, by AECOM, dated 22 December 2015.