

**Newcastle LEP 2012 – 15 Tinonee Road, Waratah**

Proposal Title : **Newcastle LEP 2012 – 15 Tinonee Road, Waratah**

Proposal Summary : **The planning proposal seeks to rezone Lot 23 DP 1178276 from R2 Low Density Residential to R3 Medium Density Residential and amend the FSR and height controls to correspond with the zone.**

PP Number : **PP\_2014\_NEWCA\_001\_00**      Dop File No : **14/05363**

**Proposal Details**

Date Planning Proposal Received :	<b>19-Mar-2014</b>	LGA covered :	<b>Newcastle</b>
Region :	<b>Hunter</b>	RPA :	<b>Newcastle City Council</b>
State Electorate :	<b>NEWCASTLE</b>	Section of the Act :	<b>55 - Planning Proposal</b>
LEP Type :	<b>Spot Rezoning</b>		

**Location Details**

Street :	<b>15 Tinonee Road</b>		
Suburb :	<b>Waratah</b>	City :	<b>Newcastle</b>
Land Parcel :	<b>Lot 23 DP 1178276</b>	Postcode :	

**DoP Planning Officer Contact Details**

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**RPA Contact Details**

Contact Name : **Keren Brown**  
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**DoP Project Manager Contact Details**

Contact Name :  
 Contact Number :  
 Contact Email :

**Land Release Data**

Growth Centre :	<b>N/A</b>	Release Area Name :	<b>N/A</b>
Regional / Sub Regional Strategy :	<b>Lower Hunter Regional Strategy</b>	Consistent with Strategy :	<b>Yes</b>

## Newcastle LEP 2012 – 15 Tinonee Road, Waratah

MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

### Supporting notes

Internal Supporting Notes :

External Supporting Notes :

## Adequacy Assessment

### Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The intention is to rezone an existing aged care village and amend development controls contained in the Standard Instrument maps to allow expansion of the existing operation from 1-2 storeys to 2-3 storeys.**

### Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions is adequate as it provides the parameters to amend Newcastle LEP 2012.**

**The PP will amend the following maps;**

- **LZA\_004B to change the site from R2 Low Density Residential to R3 Medium Density Residential zone.**
- **FSR\_004B to change the FSR on the site from 0.75:1 to 0.9:1**
- **HOB\_004B to change the maximum height of buildings on the site from 8.5m to 11m.**

### Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

**2.3 Heritage Conservation**

**3.1 Residential Zones**

\* May need the Director General's agreement

**3.4 Integrating Land Use and Transport**

**5.1 Implementation of Regional Strategies**

Is the Director General's agreement required?

c) Consistent with Standard Instrument (LEPs) Order 2006 :

d) Which SEPPs have the RPA identified? **SEPP No 44—Koala Habitat Protection**  
**SEPP No 64—Advertising and Signage**  
**SEPP (Housing for Seniors or People with a Disability) 2004**

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain : **S117 DIRECTIONS**  
**The Planning Proposal is consistent with all S117 Directions and State Policies.**

**Comment:**

**S117 Direction 3.1 – Residential Zones – the proposal is consistent with Direction 3.1 as it expands the permissibility of Residential accommodation to allow all forms of housing, broadening the choice of building types as required by the Direction.**

**SEPP (Housing for Seniors or People with a Disability) 2004 – the PP is consistent with the aims and objectives of the Policy as it allows an existing operation to develop to its best and highest use**

**SEPP 44 Koala Habitat Protection was identified by Council in error as the site is within a long standing urban context and all plantings are introduced.**

**Mapping Provided - s55(2)(d)**

Is mapping provided? **Yes**

Comment : **The maps provided are adequate for community consultation.**

**Community consultation - s55(2)(e)**

Has community consultation been proposed? **Yes**

Comment : **Council has proposed a 14 day consultation period, this is considered appropriate as the proposal is of a minor nature.**

**Additional Director General's requirements**

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **PROJECT TIMELINE**

**Council's timeline nominates the Planning Proposal's completion by the end of September 2014, approximately seven (7) months after the Gateway Determination. However this required a Gateway Determination to be issued in March and is ambitious. A nine (9) month completion timeframe is recommended.**

**DELEGATION AUTHORISATION**

**Council has accepted plan-making delegation for PPs generally. However Council has requested not to receive delegations for this PP. Council states that it has made this decision given the added impost on Council resources without any additional influence on the outcomes.**

**The purpose of giving Council's delegations for completing Planning Proposal is to provide them with the greatest level of influence on the final LEP amendment, consistent with the Gateway determination and relevant mapping and legal requirements. Experience with the delegated process within the region, where all but**

one other Council is using their delegations, has highlighted that it can result in faster LEP amendments and a streamlined process. Finally there are resource savings within council by directly communicating with PC under delegation.  
Due to the very minor nature of the Planning Proposal and despite Council's resolution, it is recommended that plan-making delegations be given to Council in this instance.  
The Regional office will meet with Council to discuss these concerns and assist them in using their delegations.

### Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The Planning Proposal should proceed.**

### Proposal Assessment

#### Principal LEP:

Due Date :

Comments in relation to Principal LEP :

**Newcastle Standard Instrument was published 15 June 2012.**

#### Assessment Criteria

Need for planning proposal :

**Yes. The preparation of a Planning Proposal is the most appropriate mechanism to investigate whether the amendment should occur.**

Consistency with strategic planning framework :

**LOWER HUNTER REGIONAL STRATEGY 2006 (LHRS)**

**Waratah is identified as a Town Centre which is defined as a shopping and business district surrounded and supported by medium to high density housing. Providing increased density controls over the aged care complex will support the town centre's role and assist to meet housing targets for seniors people.**

**NEWCASTLE URBAN STRATEGY (NUS)**

**The PP is consistent with NUS as it increases residential density around commercial centres (i.e. Waratah Shopping Centre). The Strategy also seeks to encourage additional population in the locality in particular older people and students due its proximity to the University and services.**

**NEWCASTLE LEP 2012**

**The proposed increase in height from 8.5 to 11m is compatible with the adjoining R3 and the B2 Local Centre within 150m which permits a 14m building height limit. Similarly, the proposed FSR increase (from 0.75:1 to 0.9:1) will be equal to the surrounding R3 zone FSR and compatible with the FSR permitted in the B2 zone which is 2:1.**

Environmental social economic impacts :

**ENVIRONMENTAL**

**There are no ecological values attributed to the site as it is within an urban context.**

**SOCIAL IMPACTS:**

**Heritage**

**The site adjoins and is within the curtilage of the Former Western Suburbs Hospital which is a local item under Newcastle LEP 2012. The heritage clauses in the LEP require future development to take into consideration any potential impacts on this item.  
The land does not contain any other known items of European or Aboriginal cultural**

Heritage.

Traffic

The existing aged care facility is currently approved to accommodate 190 residents. Any future expansion of the current operation will be required to provide adequate assessment of potential traffic impacts on the local road network.

**ECONOMIC IMPACTS:**

There will be positive economic benefits to the adjoining town centre through expansion of the existing aged care facility at development and operational stages.

**Assessment Process**

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

**No internal consultation required**

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

**Documents**

Document File Name	DocumentType Name	Is Public
Planning Proposal - 15 Tinonee Road Waratah.pdf	Proposal	Yes
Newcastle City Council_17-03-2014_Gateway Request, 15 Tinonee Road, 400 Glebe Road, 11-19 Minmi Road_.pdf	Proposal Covering Letter	Yes
Council report and resolution of 25 February 2014.pdf	Determination Document	Yes

**Planning Team Recommendation**

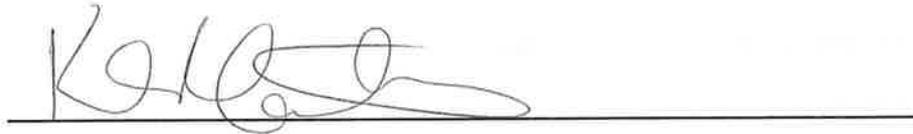
Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions:
- 2.3 Heritage Conservation**
  - 3.1 Residential Zones**
  - 3.4 Integrating Land Use and Transport**
  - 5.1 Implementation of Regional Strategies**

- Additional Information :
- 1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:**
    - (a) the planning proposal must be made publicly available for 14 days; and**
    - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).**
  - 2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.**
  - 3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).**
  - 4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.**

- Supporting Reasons :
- 1. The planning proposal fulfils the intent of the Regional Strategy's identification of Waratah as town centre as expansion of the existing aged care operation will support the town centre.**

Signature:



Printed Name:

KO'FLAHERTY Date: 10/4/14