

Planning Proposal



15 Tinonee Road, Waratah - Tinonee Gardens Multicultural Village

February 2014

CONTENTS

Summary of Proposal	i
Background.....	i
Site	i
Part 1 - Objectives or Intended Outcomes	1
Part 2 - Explanation of Provisions	1
Part 3 – Justification	2
Section A - Need for the planning proposal	2
Section B - Relationship to strategic planning framework	3
Section C - Environmental, social, and economic impact	9
Section D - State and Commonwealth interests	10
Part 4 – Mapping.....	11
Part 5 – Community Consultation	18
Part 6 – Project Timeline	19

Tinonee Village, Waratah

Summary of Proposal

Proposal	Tinonee Village Rezoning	
Property Details	15 Tinonee Road, Waratah	Lot 22 DP 1178276
Applicant Details	Tinonee Gardens Multicultural Village Pty Ltd.	

Background

Council has received a request to amend Newcastle LEP 2012 in order to reflect the current use and approved uses on 15 Tinonee Road, Waratah.

The site is owned by Tinonee Gardens Multicultural Village and contains a series of buildings which form an aged care facility. In 2012, a high care development was approved on the site. The approved development is above the current height limit for the site. The proposed amendment will allow the approved use to be consistent with the planning controls on the site and any further future development on the site to be of a similar scale.

Site

The proposal consists of land at 15 Tinonee Road, Waratah, described as Lot 22 DP 1178276, which contains Tinonee Gardens Multicultural Village, a residential aged care facility. This proposal also incorporates minor mapping anomalies due to a previous boundary adjustment between the site and the adjoining Hunter New England Health Waratah Campus site (described as Lot 23 DP 1178276).

The site is bounded by Tinonee Road to the north, the Hunter New England Health Waratah Campus is to the east, Christo Road along the southern boundary and a multiple dwelling residential development to the west. The site is located close to local retail and commercial facilities and has good access to public transport (See **Figure 1: Local Context of Site**).

The site is relatively flat with a slight slope towards Christo Road and accommodates approximately 190 residents over a series of buildings within the 2.4 hectare site. (see **Figure 2: Air Photo of Site**).

Land to the North and East of the site are zoned R3 Medium Density Residential as is part of the site fronting Tinonee Road. However, the remainder is zoned R2 Low Density Residential, which has a FSR of 0.75 and a height of 8.5m.

The site consists mostly of single and two storey buildings, which the applicant wishes to replace over time with new three storey buildings. The first of these was approved in 2012 prior to the introduction of Newcastle LEP 2012. However, further redevelopment of the site at a similar scale is not permissible under the current R2 Low Density Residential Zone.



Newcastle Local Environmental Plan 2012

Local Area Context Map

Cadastre

- Cadastre base data 01/08/2007 © LPMA
Addendum data 20/01/2014 © Newcastle City Council
- Subject Site
- Suburb boundary
- LGA boundary



Projection GDA 1994
Zone 56

0 100 200m

Scale 1:5,000 @ A4

Planning Proposal - 15 Tinonee Street Waratah -
Local Area Context Map





Newcastle Local Environmental Plan 2012

Site Air Photo Map

Cadastre

-  Cadastre base data 01/08/2007 © LPMA
Addendum data 20/01/2014 © Newcastle City Council
-  Subject Site
-  Suburb boundary

#

Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 15 Tinonee Street Waratah -
Site Air Photo Map



Part 1 - Objectives or Intended Outcomes

To ensure the zoning, and density controls on the land reflect the current approved land use and allow for intensification of this use through future redevelopment.

To remove any potential mapping anomalies, which may otherwise result from a previous boundary adjustment between the subject land and adjoining land described as Lot 23 DP 1178276.

Part 2 - Explanation of Provisions

The intended outcomes for the land are proposed to be achieved through the following amendments to the Newcastle LEP 2012:

1. Amending the Zoning Map Sheet LZA_004B to reflect a change in zone on the land from R2 Low Density Residential to R3 Medium Density Residential on the subject site.
2. Amending the Floor Space Ratio Map Sheet FSR_004B to reflect a change in maximum FSR permissible on the land from 0.75 to 0.9 on the subject site.
3. Amending the Height of Buildings Map Sheet HOB_004B to reflect a change in the maximum height of buildings permissible on the land from 8.5m to 11m on the site.

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 is a means of ensuring the planning controls reflect the approved uses on site and to allow an increase in the intensity through future redevelopment.

However, the proposed zoning is consistent with the principles of the Newcastle Urban Strategy (NUS) of increasing residential densities around existing commercial centres.

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, height and FSR is considered the most appropriate means of reflecting the current use of the site and allowing increased residential densities to enable further development and intensification of the site.

The R3 Medium Density zone is considered the most appropriate zoning as it is consistent with the approved development on site and the zoning of adjoining sites and the front of the subject site.

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.

Although this project is small in scale it will contribute to generating housing opportunities for seniors and is therefore considered consistent with this aim.

Waratah is listed in the Lower Hunter Regional Strategy as being a Town Centre. The key functions of a town centre include a shopping and business centre for the district with medium and higher density residential. The proposal to rezone the site from R2 Low Density to R3 Medium Density is consistent with the role of Waratah as a Town Centre.

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 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 *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".

Newcastle Urban Strategy (NUS)

The proposal is consistent with the neighbourhood vision and objectives for Waratah, particularly to:

'Encourage development which is capable of catering for additional populations, particularly for older persons and students'

The proposal will allow for future residential development on the site to be of a higher density which is consistent with the above objective. The site is currently owned by an organisation which provides aged care.

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 4—Development Without Consent and Miscellaneous Exempt and Complying Development	No	
State Environmental Planning Policy No 6—Number of Storeys in a Building	No	
State Environmental Planning Policy No 14—Coastal Wetlands	No	
State Environmental Planning Policy No 15—Rural Landsharing Communities	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 22—Shops and Commercial Premises	No	
State Environmental Planning Policy No 26—Littoral Rainforests	No	
State Environmental Planning Policy No 29—Western Sydney Recreation Area	No	
State Environmental Planning Policy No 30—Intensive Agriculture	No	
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	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 39—Spit Island Bird Habitat	No	
State Environmental Planning Policy No 41—Casino Entertainment Complex	No	

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 44—Koala Habitat Protection	Yes	Yes. There are no known records of koalas on the site. Further flora and fauna assessment may need to be undertaken depending on the proposed development footprint on the land.
State Environmental Planning Policy No 47—Moore Park Showground	No	
State Environmental Planning Policy No 50—Canal Estate Development	No	
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	No	
State Environmental Planning Policy No 53—Metropolitan Residential Development	No	
State Environmental Planning Policy No 55—Remediation of Land	No	
State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area	No	
State Environmental Planning Policy No 60—Exempt and Complying Development	No	
State Environmental Planning Policy No 62—Sustainable Aquaculture	No	
State Environmental Planning Policy No 64—Advertising and Signage	Yes	Yes. Any future signage on the site that requires development consent will be assessed on its merits at that time.
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	No	
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	No	
State Environmental Planning Policy No 71—Coastal Protection	No	
State Environmental Planning Policy (Affordable Rental Housing) 2009	No	
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No	
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No	

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Yes	The site currently contains a residential aged care facility. The planning proposal will allow the existing development to increase in height and allow for a potential increase in seniors housing.
State Environmental Planning Policy (Infrastructure) 2007	No	
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	No	
State Environmental Planning Policy (Major Development) 2005	No	
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No	
State Environmental Planning Policy (Rural Lands) 2008	No	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007	No	
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	
SEPP (State and Regional Development) 2011	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	No	

S117 Direction	Applicable	Consistent
2.3 Heritage Conservation	Yes	Yes. There are no heritage items on the site. The neighbouring site to the east contains a heritage item however the planning proposal will not affect the nearby heritage item. Any future development application will be assessed on its merits.
2.4 Recreation Vehicle Areas	No	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Yes	Yes. The proposal seeks to rezone the site from R2 Low Density Residential to R3 Medium Density Residential. The increase in density on site will allow for development near existing infrastructure including public transport and an existing commercial centre. The development is in an existing urban centre so will not contribute to development on the fringes of urban areas. The site already contains residential uses and is adequately serviced.
3.2 Caravan Parks and Manufactured Home Estates	No	
3.3 Home Occupations	No	
3.4 Integrating Land Use and Transport	Yes	Yes. The proposed amendment will allow higher density residential development near existing public transport and an existing commercial centre. This will increase the number of trips which can be made by walking, cycling or public transport, reducing reliance on cars.
3.5 Development Near Licensed Aerodromes	No	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	No	
4.2 Mine Subsidence and Unstable Land	No	
4.3 Flood Prone Land	No	
4.4 Planning for Bushfire Protection	No	
5. Regional Planning		

S117 Direction	Applicable	Consistent
5.1 Implementation of Regional Strategies	Yes	The site is covered by the Lower Hunter Regional Strategy. The proposal is consistent with the vision for Waratah contained in the strategy with Waratah being listed as a Town Centre. The key functions of a town centre include a shopping and business centre for the district with medium and higher density residential. The proposal to rezone the site from R2 Low Density to R3 Medium Density is consistent with the role of Waratah as a Town Centre.
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	No	

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 given the site is already cleared and used for residential uses.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Mine Subsidence

The site is not located within a Mine Subsidence District.

Hydrology and Water Management

The site is not located within a flood prone area.

Bushfire

According to Newcastle Bush Fire Hazard Map (2009) the land is not affected by bushfire risk or in the vicinity of such a risk.

Heritage

There are no listed items of environmental heritage on site. The adjoining land to the east, owned by Hunter New England Health contains a heritage item, however, this item is not affected by the proposal. Rezoning the subject site to R3 Medium Density Residential is consistent with the zoning on the adjoining site containing the heritage item.

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 is currently developed for residential purposes containing an existing aged care facility. The site has an internal access road running directly through the site between Tinonee Road and Christo Road.

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

The land does not contain any known items of European or Aboriginal cultural Heritage.

The site is adequately serviced by infrastructure with there being public transport and an existing commercial centre nearby. There are existing schools and hospitals nearby.

Section D - State and Commonwealth interests

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

Yes, adequate public infrastructure is available to support potential development associated with this proposal.

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 but any consultation will be carried out in accordance with the requirements of the gateway determination.

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 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



Newcastle Local Environmental Plan 2012

Existing Land Zoning Map

Cadastre

- Cadastre base data 01/08/2007 © LPMA
- Addendum data 20/01/2014 © Newcastle City Council
- Subject Site

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
- SP1 Special Activities
- SP2 Infrastructure
- W2 Recreational Waterways
- UL Unzoned Land

#

Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 15 Tinonee Street Waratah -
Existing Land Zoning Map

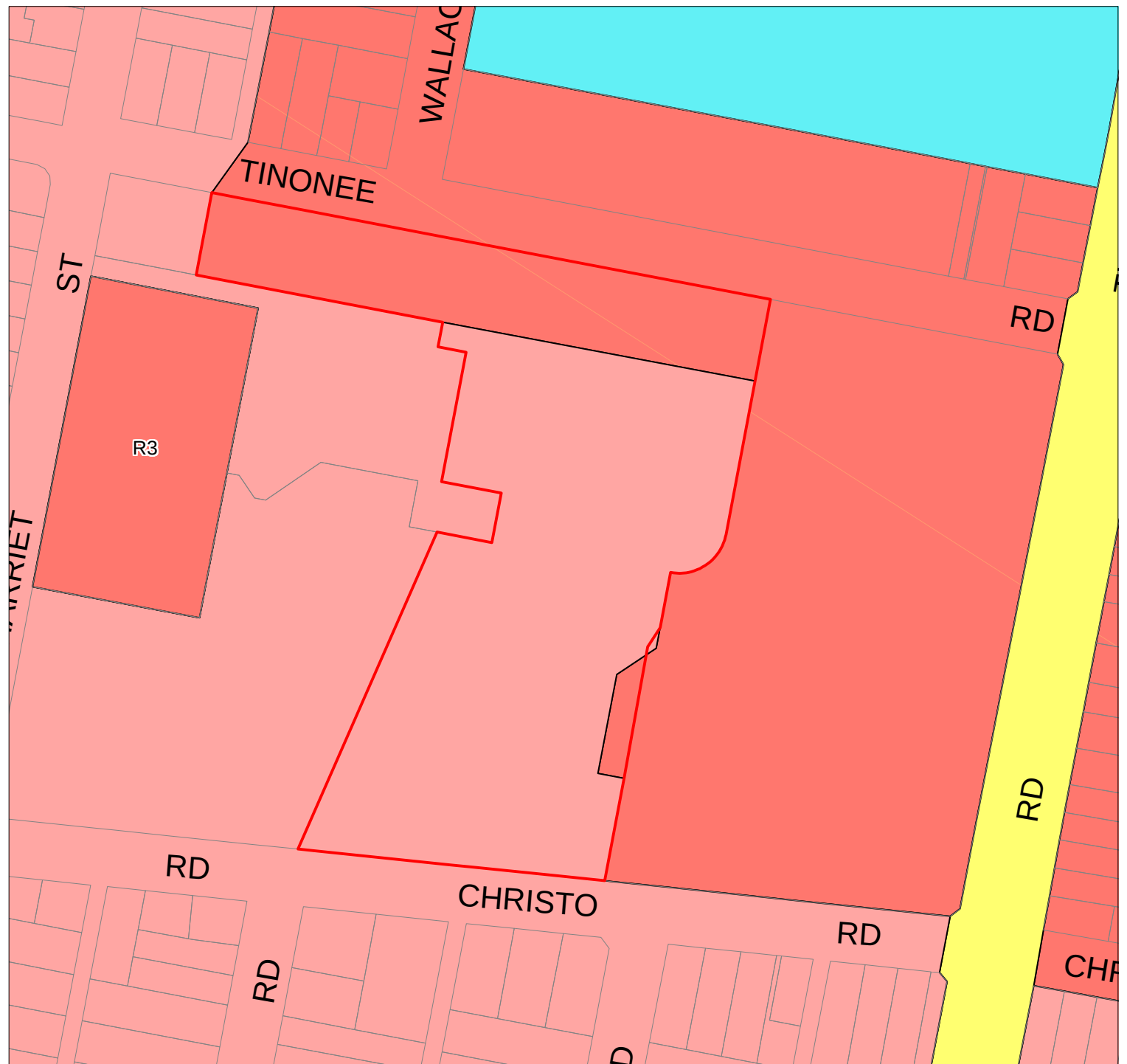


Figure 3



Newcastle Local Environmental Plan 2012

Proposed Land Zoning Map

Cadastre

- Cadastre base data 01/08/2007 © LPMA
- Addendum data 24/01/2014 © Newcastle City Council
- Subject Site

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
- SP1 Special Activities
- SP2 Infrastructure
- W2 Recreational Waterways
- UL Unzoned Land

#

Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 15 Tinonee Street Waratah -
Proposed Land Zoning Map

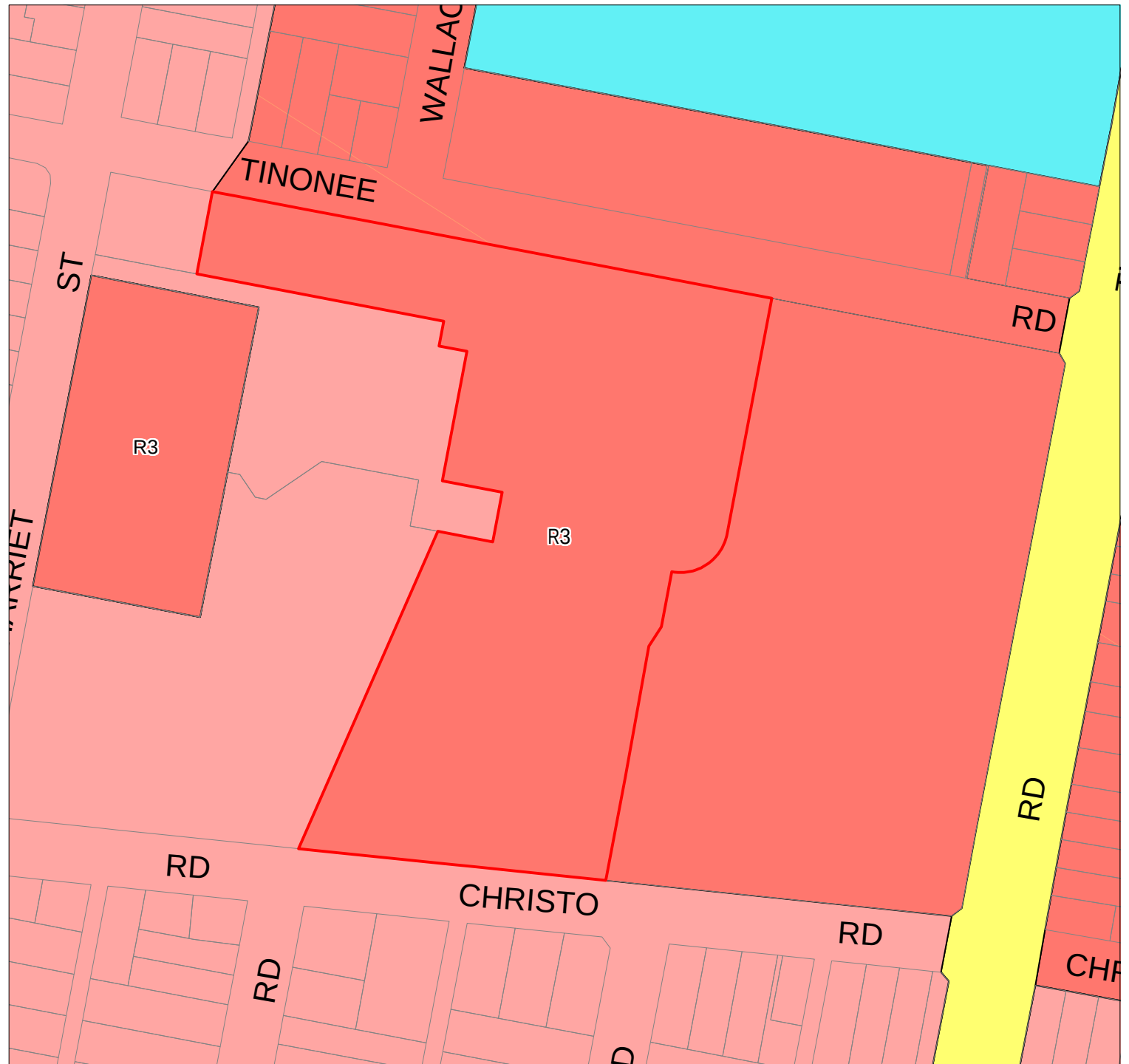


Figure 4



Newcastle Local Environmental Plan 2012

Existing Max Height of Building Map

Cadastre

-  Cadastre base data 01/08/2007 © LPMA
Addendum data 20/01/2014 © Newcastle City Council
 Subject Site

Maximum Building Height (m)

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

#

Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 15 Tinonee Street Waratah -
Existing Max Height of Building Map

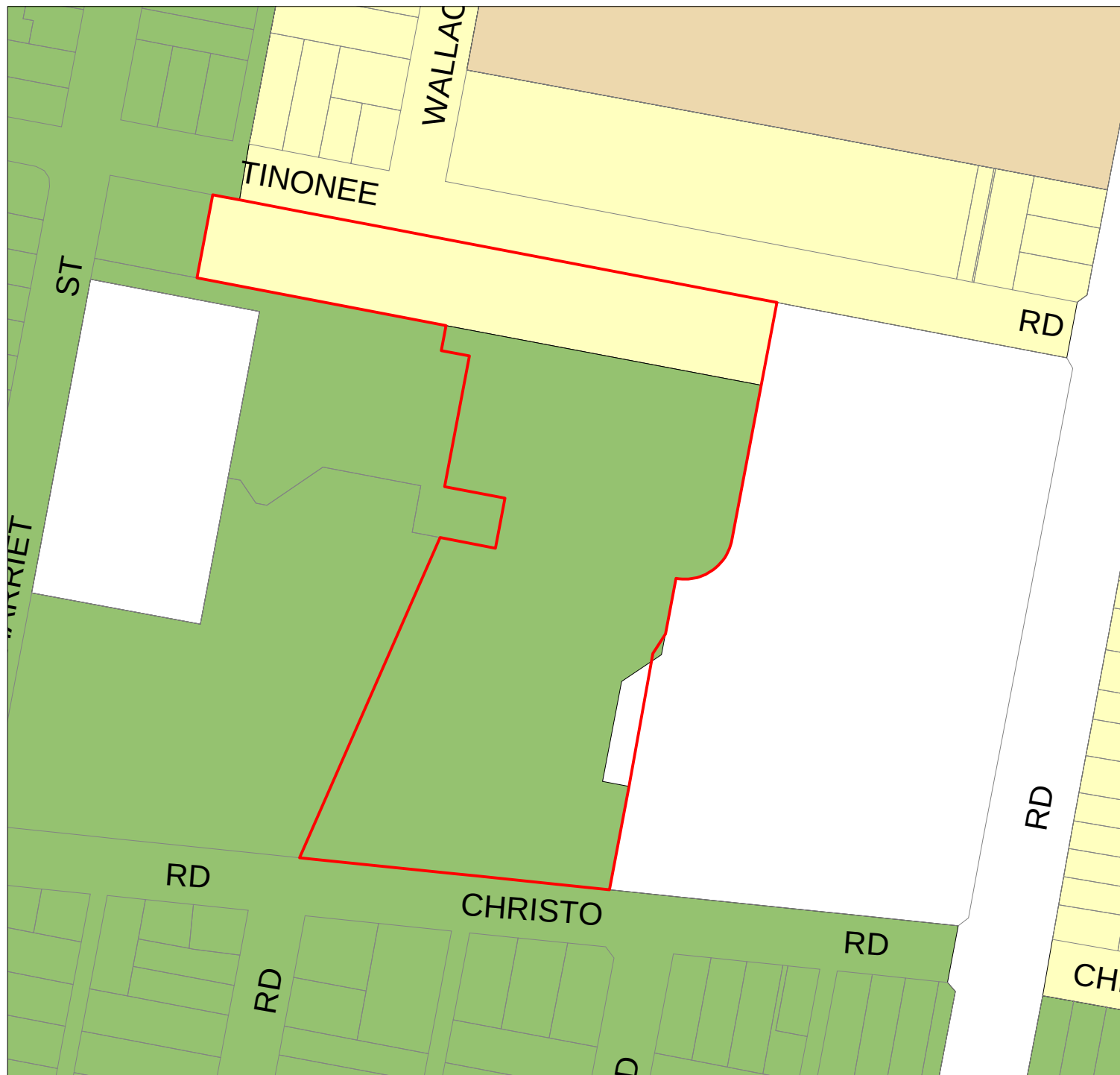


Figure 5



Newcastle Local Environmental Plan 2012

Proposed Max Height of Building Map

Cadastre

- Cadastre base data 01/08/2007 © LPMA
- Addendum data 29/01/2014 © Newcastle City Council

Maximum Building Height (m)

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

#

Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 15 Tinonee Street Waratah -
Proposed Max Height of Building Map

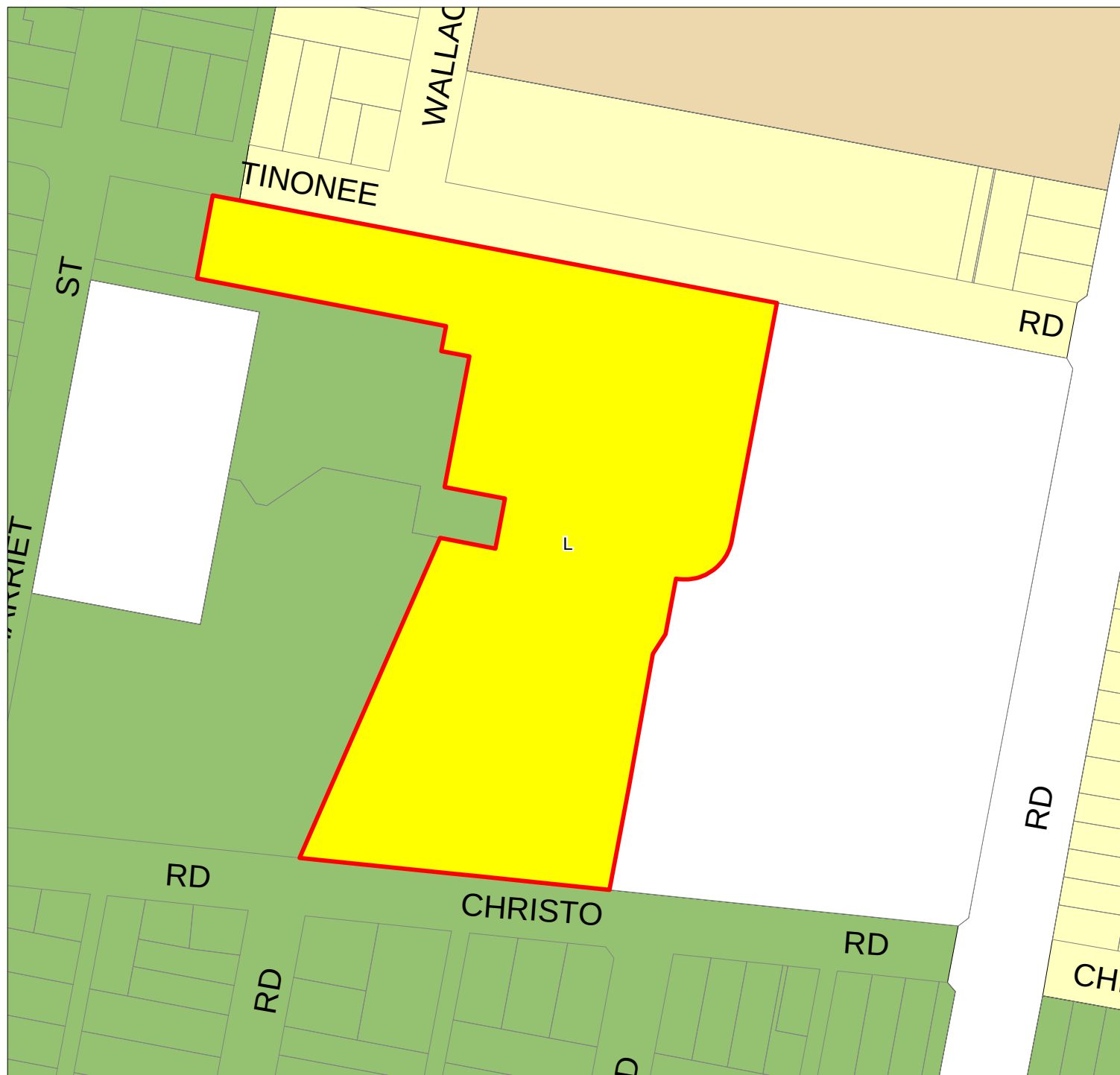


Figure 6



Newcastle Local Environmental Plan 2012

Existing Max Floor Space Ratio Map

Cadastre

-  Cadastre base data 01/08/2007 © LPMA
Addendum data 20/01/2014 © Newcastle City Council
-  Subject Site

Maximum Floor Space (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
AB	7
AC	8

#

Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 15 Tinonee Street Waratah -
Existing Maximum Floor Space Ratio Map

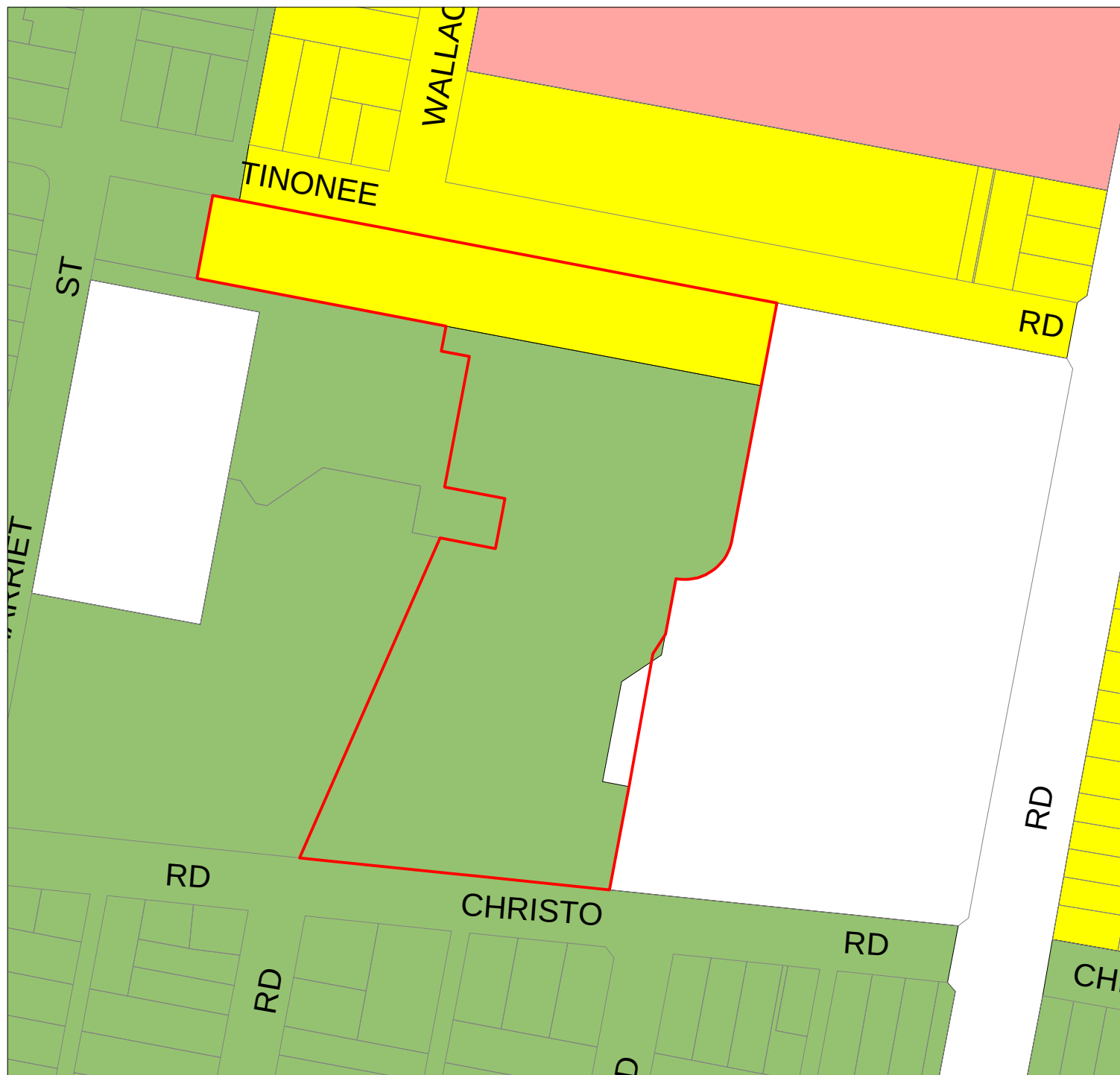


Figure 7



Newcastle Local Environmental Plan 2012

Proposed Max Floor Space Ratio Map

Cadastre

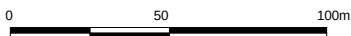
-  Cadastre base data 01/08/2007 © LPMA
Addendum data 24/01/2014 © Newcastle City Council
-  Subject Site

Maximum Floor Space (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
	AB	7
	AC	8

#

Projection GDA 1994
Zone 56



Scale 1:2,000 @ A4

Planning Proposal - 15 Tinonee Street Waratah -
Maximum Floor Space Ratio Map

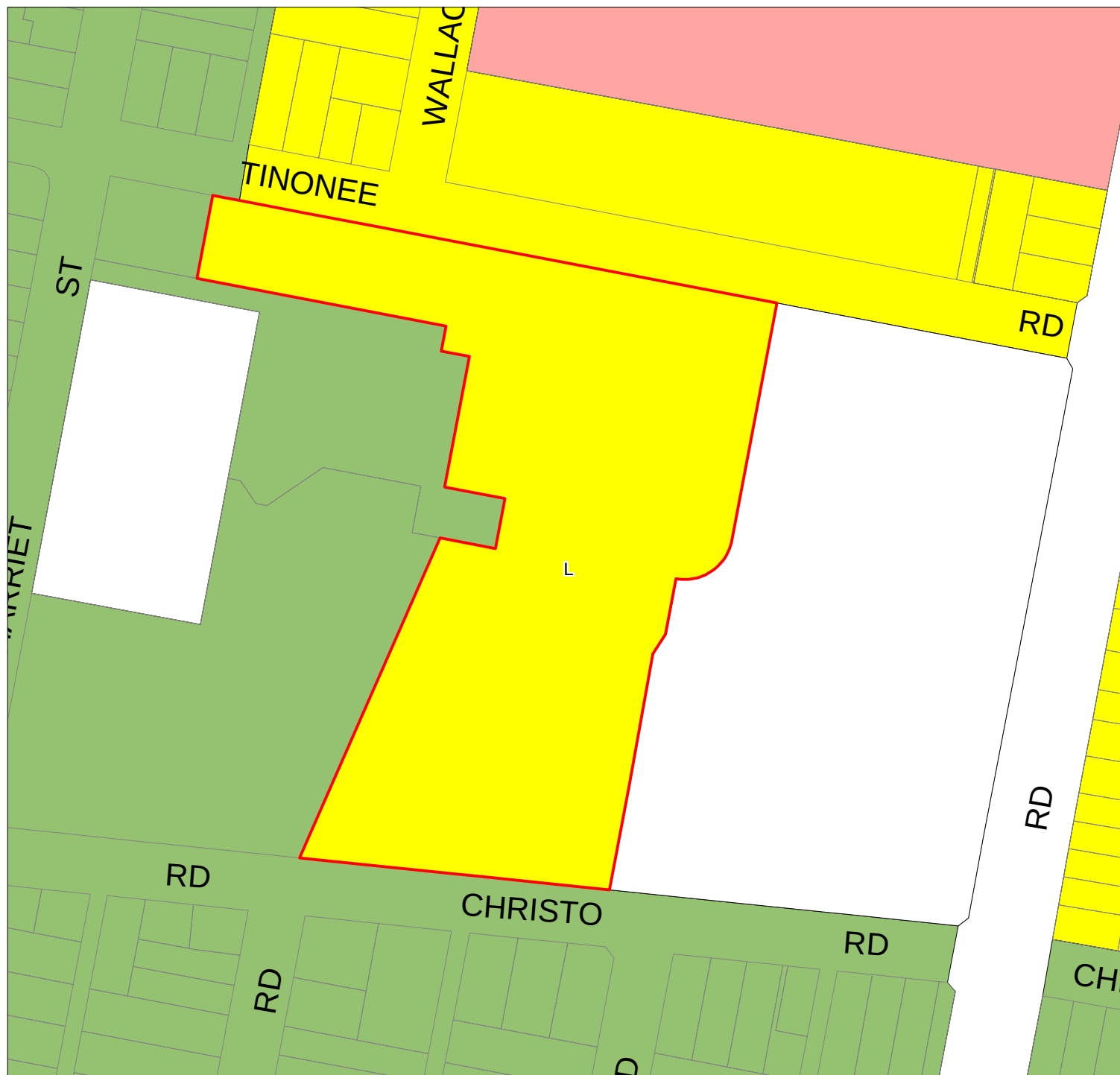


Figure 8

Part 5 – Community Consultation

The planning proposal is considered as low impact in accordance with the Department of Planning and Infrastructure's guidelines, 'A guide to preparing local environmental plans'. Hence it is proposed that the planning proposal will be publicly exhibited for a minimum 14 day period.

Any 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 seven months from Gateway Determination. The following timetable is proposed:

Task	Planning Proposal Timeline											
	Jan 14	Feb 14	Mar 14	Apr 14	May 14	Jun 14	Jul 14	Aug 14	Sep 14	Oct 14	Nov 14	Dec 14
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												