



THE CITY OF NEWCASTLE

Ordinary Council Meeting

Councillors,

In accordance with section 367 of the Local Government Act, 1993 notice is hereby given that an Ordinary Council Meeting will be held on:

DATE: Tuesday 13 June 2017

TIME: 5.30pm

VENUE: Council Chambers
2nd Floor
City Hall
290 King Street
Newcastle NSW 2300

J Bath
Interim Chief Executive Officer

**City Administration Centre
282 King Street
NEWCASTLE NSW 2300**

6 June 2017

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**ORDINARY COUNCIL MEETING
13 June 2017**

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NOTE: ITEMS MAY NOT NECESSARILY BE DEALT WITH IN NUMERICAL ORDER

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - ORDINARY COUNCIL MEETING 9 MAY 2017

RECOMMENDATION

The draft minutes as circulated be taken as read and confirmed.

ATTACHMENTS

Attachment A: 170509 Ordinary Council Meeting Minutes

Note: The attached minutes are a record of the decisions made by Council at the meeting and are draft until adopted by Council. They may be viewed at www.newcastle.nsw.gov.au

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 9 May 2017, Newcastle City Hall, 290 King Street Newcastle at 5.30pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors D Clausen, D Compton, T Doyle, J Dunn, B Luke, M Osborne, S Posniak, A Robinson and A Rufo.

IN ATTENDANCE

P Chrystal (Interim Chief Executive Officer), G Cousins (Director Corporate Services), K Liddell (Acting Director Infrastructure), A Baxter (Acting Director Planning and Regulatory), E Kolatchew (Acting Manager Legal and Governance), J Gaynor (Manager Strategic Planning), K Hyland (Manager Communications and Engagement), C Hogue (Community Engagement Co-ordinator), G Wilson (Acting Manager Infrastructure Planning), P McCarthy (Strategic Planning), B Johnson (Media Officer) and K Sullivan (Council Services/Minutes/Webcasting).

MESSAGE OF ACKNOWLEDGEMENT

The Lord Mayor read the message of acknowledgement to the Awabakal and Worimi peoples.

PRAYER

The Lord Mayor read a prayer and a period of silence was observed in memory of those who served and died so that Council might meet in peace.

APOLOGIES

MOTION

Moved by Cr Luke, seconded by Cr Compton

The apology submitted on behalf of Councillor Waterhouse be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

The Lord Mayor called for declarations of pecuniary and non-pecuniary interests.

There being none the Lord Mayor moved onto Reports by Council Officers.

CONFIRMATION OF PREVIOUS MINUTES

Nil.

REPORTS BY COUNCIL OFFICERS

ITEM-48 CCL 09/05/17 - AUDIT COMMITTEE REPORTING

MOTION

Moved by Cr Dunn, seconded by Cr Osborne

Council note that an All Councillor Memo will be provided within 14 business days following each Audit Committee meeting.

**Carried
Unanimously**

**ITEM-49 CCL 09/05/17 - COMMUNITY ENGAGEMENT STRATEGY FOR THE
NEWCASTLE 2030 COMMUNITY STRATEGIC PLAN**

MOTION

Moved by Cr Doyle, seconded by Cr Osborne

Council endorses the Community Engagement Strategy as provided at **Attachment A** subject to the following amendment:

On page 11 of the Draft Community Engagement Strategy, add new paragraphs to the end of the paragraph under the heading "*Submissions*":

- When calling or advertising for public submissions, Council will note that all submissions will be made public unless there is a specific request for a submission to remain confidential.
- All submissions received during the public exhibition period will be published on the relevant part of the Council's website, unless non-publication or anonymity has been requested by the person or body making the submission
- Council officers will produce a summary of all issues raised in submissions and provide a response to each of these issues.

Carried

**ITEM-50 CCL 09/05/17 - EXHIBITION OF AMENDMENT TO SECTION 6.01
NEWCASTLE CITY CENTRE OF NEWCASTLE DEVELOPMENT
CONTROL PLAN 2012**

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Osborne

Item 50 - Exhibition of Draft Amendment to Section 6.01 Newcastle City Centre of Newcastle Development Control Plan 2012 and Item 51 - Exhibition of Draft Planning Agreement for Rail Corridor Land Between Worth Place and Watt Street Newcastle, be heard together.

Carried

**ITEM 50 CCL 09/05/17 - EXHIBITION OF AMENDMENT TO SECTION 6.01
NEWCASTLE CITY CENTRE OF NEWCASTLE DEVELOPMENT
CONTROL PLAN 2012**

MOTION

Moved by Cr Posniak, seconded by Cr Dunn

Council resolves to place the draft amendment to Newcastle Development Control Plan 2012 (DCP) Section 6.01 Newcastle City Centre, as provided in **Attachment A** on public exhibition concurrently with the associated planning proposal to amend the Newcastle Local Environmental Plan 2012 (LEP) for rail corridor land between Worth Place and Watt Street in the Newcastle City Centre, for 28 days.

**ITEM 51 CCL 09/05/17 - EXHIBITION OF DRAFT PLANNING AGREEMENT
FOR RAIL CORRIDOR LAND BETWEEN WORTH PLACE AND
WATT STREET NEWCASTLE**

MOTION

Moved by Cr Posniak, seconded by Cr Dunn

Council resolves to place the draft Newcastle Urban Rail Transformation Program Planning Agreement (**Attachment A**) on public exhibition for 28 Days.

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Osborne

That both motions applying to Item 50 - Exhibition of Draft Amendment to Section 6.01 Newcastle City Centre of Newcastle Development Control Plan 2012 and Item 51 - Exhibition of Draft Planning Agreement for Rail Corridor Land Between Worth Place and Watt Street Newcastle lay on the table until Council:

1. Receives a report on progress of Council's unanimous motion of 13 October 2016 (Part C).

"PART C:

Require the following commitments prior to a report to back to Council under Part B v) (receive a report back on the Planning Proposal, including draft planning agreement, following the public exhibition as per the requirements of Section 57 of the EP& A Act.) of this motion:

1. *The NSW Government develops a comprehensive, evidence based plan for public transport and active transport in the Lower Hunter consistent with achieving Council's current transport targets including;*

- a. *An update of the Regional Transport Plan with clear objectives to be achieved for Public Transport in the region and*
 - b. *A revised Traffic Report of traffic impacts in the CBD based on:
 - i. *Current and forecast land use development proposals for the CBD.*
 - ii. *The Integrated Transport Plan for the CBD.*
 - iii. *The Parking Strategy being prepared by Transport for NSW (TfNSW).*
 - iv. *The Active transport Strategy Plan being prepared by TfNSW and NCC including cycleways and pedestrian access**
 - c. *A comparison between the land use assumptions used in the REF compared with rezoning proposal.*
 - d. *An integrated transport plan setting out the detailed operational arrangements for Busses and Ferries in conjunction with the proposed Light Rail and such plans conclusively establish that the corridor land is not needed for transport purposes.*
2. *A legislative commitment from the NSW Government that all proceeds from Newcastle Urban Transformation Project will be reinvested into the revitalisation of Newcastle."*
2. Negotiations are undertaken with the State Government (Urban Growth and HDC) to maximise provision of affordable housing through the draft planning agreement.
 3. A community engagement plan be developed for the planning proposal outlining how consultation will be undertaken.

For the Procedural Motion:

Lord Mayor, Cr Nelmes, Councillors Clausen, Doyle, Dunn, Osborne and Posniak.

Against the Procedural Motion:

Councillors Compton, Luke, Robinson and Rufo.

Carried

The meeting concluded at 6.07pm.

REPORTS BY COUNCIL OFFICERS

ITEM-57 **CCL 13/06/17 - PILOT STUDY TO ESTABLISH LOCAL CHARACTER**

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

PURPOSE

This report outlines a project framework to engage with our local communities to confirm the existing and desired future character and develop provisions within the Newcastle Development Control Plan 2012 (DCP) to guide future development to be compatible with this character. The project will commence with a pilot study of Tighes Hill.

RECOMMENDATION

- 1 Council resolves to support the project framework (**Attachment A**).

KEY ISSUES

- 2 The Notice of Motion report to the Ordinary Council Meeting held on 28 February 2017 noted that Tighes Hill residents made representations to Council that, *'the DCP does not contain any description of a common understanding of the existing or desired future of the local character of Tighes Hill or contain any provisions that would allow development proposals to be assessed against to ensure they respect an area's existing local character'*.

Project Framework

- 3 Consultants will be engaged to facilitate the initial engagement with the Tighes Hill community and assist in developing the pilot study. The consultants will also develop design guidelines based on the character analysis that Council staff can translate into DCP provisions. See **Attachment A** for the Local Character Study Framework.
- 4 Following testing in Tighes Hill, it is intended that the pilot study will establish a model that can be replicated for all suburbs in Newcastle.
- 5 A working party will be established to guide the project. Membership of the working party will be by expressions of interest and be open to Councillors, representatives from the Tighes Hill Community Group and Throsby Villages Alliance, heritage groups, business groups, the development industry and urban design professionals.
- 6 There are numerous DCPs, public domain plans, guidelines and strategies that apply to neighbourhoods and land uses throughout Newcastle. The key documents that will relate to the "local" character study and DCP include:

- i) Local Planning Strategy and Newcastle Urbanism
 - ii) Draft City-Wide Urban Design Guidelines 2006
 - iii) Local and Neighbourhood Centres Program
 - iv) Heritage Conservation Area Review 2016
 - v) Draft Residential Development DCP
 - vi) Draft Medium Density Design Guide and draft Medium Density Housing Code
 - vii) SEPP 65 Design quality of residential apartment development.
- 7 Given completed work on local centres, heritage conservation areas, renewal corridors and the Newcastle City Centre it is proposed that the pilot study and model study apply to land that can be used for residential purposes, that is land zoned R2 Low Density Residential or R3 Medium Density Residential and exclude land within the Newcastle City Centre, Heritage Conservation Areas and land within renewal corridors.

Exempt, Complying and State Significant Development

- 8 A key component of planning and development assessment in NSW is the State pathway for development assessment from exempt and complying development through to State significant development. Developments in the State assessment system generally give very little weight to the requirements in Council's DCP and can be privately certified.
- 9 The ability to have residential development assessed as complying development has implications for this project, as complying development may be privately certified and is approved if it meets predetermined standards.
- 10 There is currently a State Environmental Planning Policy for single dwellings (Housing Code) and a draft State Environmental Planning Policy Medium Density Housing Code.

FINANCIAL IMPACT

- 11 To assist with existing work program commitments, consultants will be engaged to prepare the character analysis model and design guidelines for Tighes Hill. Sufficient funding will be available in the 2017 / 2018 budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 12 The strategic directions and objectives of the Community Strategic Plan 2030 (CSP) encompass the principles of Newcastle Urbanism, particularly the Strategic Directions in relation to a "Liveable and Distinctive Built Environment":

*A built environment that maintains and enhances our sense of identity.
Mixed-use urban villages supported by integrated transport networks.
Greater diversity of quality housing for current and future community needs.
Best practice energy and water efficient buildings and infrastructure.*

- 13 These directions will determine desired future urban character and guide the preparation of development control guidelines.
- 14 The community's commitment to the principles of Newcastle urbanism has been reaffirmed in the shared community vision for a smart, liveable and sustainable city under the Newcastle 2030 Community Strategic Plan.

IMPLEMENTATION PLAN/IMPLICATIONS

- 15 The outcomes of the pilot study will be implemented through DCP provisions. The relationship between Council's DCP controls and complying development for single dwellings and medium density development will need to be considered and community expectations kept in check.
- 16 The pilot study will establish a model program that can be applied to all suburbs within the Newcastle LGA. The roll out of this program will take a number of years depending on how many suburbs can be completed each year as determined by available resources.
- 17 The on-going work of this project will need to be factored into the overall work program of the urban planning team and will have implications for the commencement of other actions listed in the Local Planning Strategy 2015.

RISK ASSESSMENT AND MITIGATION

- 18 No significant risks have been identified to any other Council project.

RELATED PREVIOUS DECISIONS

- 19 Council resolution for Notice of Motion of 28 February 2017:

"Noting that

The Newcastle Development Control Plan 2012 does not include any common understanding of the existing or desired future of the local character of Tighes Hill and provisions that would ensure that elements of historical interest that contribute to the character of Tighes Hill are protected,

Council:

- 1 *Allocates funding in the 2017/18 budget to undertake a Pilot Study of the local character of Tighes Hill, and engage with the local community with the following objectives with a Council report back to Council at its April 2017 meeting.*
 - a) *To describe a common understanding about the key significant features of the neighbourhood character of the area,*
 - b) *To come to an understanding of the desired future character of the area,*
 - c) *To write Development Control Plan provisions that specify design solutions and controls to ensure that future development is compatible with the existing and desired character of the area and that elements of historical interest that contribute to the character of Tighes Hill are protected,*
 - d) *To provide a project framework to roll out this work to all suburbs of Newcastle, and*

With a report back to Council at the Ordinary Council meeting to be held on 26 April 2017.
- 2 *Establish a specific Working Party comprising Councillors, local residents / representatives from the Tighes Hill Community Group and the Throsby Villages Alliance, representatives from heritage organisations, planning professionals from the community and Council staff to guide the project."*

CONSULTATION

- 20 Consultation with the community will occur upon appointment of consultants and commencement of the project in the latter part of 2017.

OPTIONS

Option 1

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

Option 2

- 22 Council does not support the project framework. This is not the recommended option.

BACKGROUND

- 23 The Hunter Regional Plan 2036 makes clear that local planning controls must be consistent with the vision and guiding principles of the Regional Plan. The Regional Plan contains "Local Government Narratives" to provide detailed guidance for each council. It also promotes the preparation of local land use strategies to translate the vision and guiding principles of the Regional Plan into detailed priorities for growth and change at the local level.
- 24 The legislation update package released in early 2017 also makes reference to Council's publishing a "local strategic planning statement" to explain how the council will give effect to regional and district plans in its local area. Council's existing Local Planning Strategy (2015) will be reviewed and updated as our "planning statement". The update package also suggested a standard format development control plan may be implemented.
- 25 The State Government's interest in local planning strategies as a vehicle to reinforce State and Regional policies reinforces their importance as the local document that has real impact on guiding and shaping development at the local level. Ensuring the visions that determine desired future character are clearly defined in the local strategic planning statement will ensure they are considered in the development assessment process for local development.
- 26 It is also intended that the local strategic planning statement will guide future amendments to local environmental plans and development control plans.

REFERENCES

ATTACHMENTS

Attachment A: Tighes Hill Local Character Study Project Framework

Attachment A

TIGHES HILL LOCAL CHARACTER STUDY PROJECT FRAMEWORK

1 Purpose and Objectives

The purpose of the project is to develop a generic model to undertake character analysis of land zoned R2 Low Density Residential and R3 Medium Density Residential (excluding Heritage Conservation Areas and land within renewal corridors).

The intended outcome of the project is the development of a desired future character statement and design guidelines that can be readily converted into development control provisions within the Newcastle DCP 2012.

A pilot character analysis study will be undertaken for Tighes Hill in order to establish the generic model. The study will describe key significant features of the existing local character and determine a desired future character. This will be expressed in a desired future character statement for Tighes Hill.

Once the pilot study has been verified as successful, a model will be developed to undertake character analysis studies for other neighbourhoods.

Suburbs to be included in the project are listed in the Appendix.

2 Working Party

2.1 Establishment

A working party for the Tighes Hill project will be established by calling for expressions of interest. Expressions of interest will be sought from a wide range of community representatives including Councillors, representatives from the Tighes Hill Community Group and Throsby Villages Alliance, heritage groups, business groups and the development industry, and urban design professionals.

The working party will be chaired by the Project Manager (a Council staff member) and will include representatives from relevant land owner and user groups and the consultant.

Other specialist advisors will be invited to attend meetings as required, for example Council's Community Planner for disability inclusion, landscape architects and infrastructure planners.

2.2 Roles and Responsibilities

The working party will have the following roles and responsibilities:

- represent views of various land users and owners
- work with the project manager and consultant to ensure that the pilot study will meet the project purpose and objectives
- verify success of the pilot study for Tighes Hill
- test pilot study for use as a generic model
- provide input into development of design guidelines for Tighes Hill
- consider the practicality of options developed for inclusion in a DCP.

3 Background Documents and Policies

The working party will have regard to the following key documents in the development of design guidelines:

3.1 Local Planning Strategy and Newcastle Urbanism

The visions and objectives for Newcastle's neighbourhoods are integral to the Local Planning Strategy (LPS). They have been formulated with the community using the principles of Newcastle Urbanism. The need to establish context responsive urban form is a key component of the principles of Newcastle Urbanism and is included in the LPS through the identification of 'neighbourhood identity' for each suburb.

This project can take the next step in maintaining and enhancing established neighbourhood character or developing new neighbourhood character by the creation of character statements and design guidelines that can be included in the DCP and become part of the development assessment process.

3.2 Draft City-Wide Urban Design Guidelines 2006

In 2005, Council engaged consultants to prepare City-Wide Urban Design Guidelines based on the principles of the (then) Newcastle Urban Strategy and Newcastle Urbanism. The urban design guidelines were intended to be generic and provide fundamental principles of good urban design based on "city structure", "city form" and "city character" and be capable of being converted into DCP provisions.

3.3 Local and Neighbourhood Centres Program

The Local and Neighbourhood Centres Public Domain Program guides the infrastructure renewal works within local and neighbourhood centres throughout the Newcastle LGA. It applies to land zoned B1 Neighbourhood Centre and B2 Local Centre. The public domain plans prepared under this program address streetscape, access and traffic issues and inform infrastructure renewal in the local centre, such as footpaths, tree planting and street furniture.

The order in which suburbs will be studied can be linked where practicable with the order of the roll out of the local and neighbourhood centres program*. Many suburbs by their nature as traditional townships consist of both commercial and residential land uses. Linking in with the local centres and neighbourhood project will allow the suburbs to be dealt with more holistically. However, it is intended that ordering will be flexible and be able to adapt to changing priorities.

** Noting that the project has already commenced with Beresfield, Carrington and Stockton. Tighes Hill has been designated as a 'medium priority' in this project.*

3.4 Heritage Conservation Area Review 2016

In June 2016, Council endorsed the final report of the review of Heritage Conservation Areas. This report includes a 'desired future character statement' for each conservation area: Cooks Hill, Hamilton South, Hamilton Business Centre, The Hill and Newcastle East. These character statements are to be included in the DCP and the Technical Manual will be updated to include design guidelines for each Conservation Area.

3.5 Single Dwellings and Ancillary Development DCP (section 3.02 of Newcastle DCP 2012)

3.6 Draft Residential Development DCP (new section 3.03 of Newcastle DCP 2012)

Once endorsed by Council will apply to medium density development.

3.7 State Government Policies and Codes:

3.7.1 Draft Medium Density Design Code and Draft Medium Density Design Guidelines

3.7.2 Electronic Housing Code

3.7.3 Affordable Rental Housing SEPP

3.7.4 Seniors Housing SEPP

3.7.5 SEPP 65 Design quality of residential apartment development and Apartment design guide

Appendix - List of Suburbs / Local Areas

- Adamstown
- Adamstown Heights
- Bar Beach and The Junction
- Beresfield and Tarro
- Birmingham Gardens and Callaghan
- Black Hill, Hexham, Kooragang, Lenaghan, Mayfield North
- Broadmeadow and Hamilton North
- Carrington
- Cooks Hill
- Elernmore Vale and Rankin Park
- Fletcher and Minmi
- Georgetown and Waratah
- Hamilton (excluding Hamilton South Conservation Area)
- Islington (excluding Renewal corridor)
- Jesmond
- Kotara
- Lambton
- Maryland
- Maryville
- Mayfield (excluding renewal corridor)
- Mayfield East
- Mayfield West
- Merewether and Merewether Heights
- New Lambton and New Lambton Heights
- North Lambton
- Sandgate and Shortland
- Stockton
- Wallsend
- Warabrook
- Waratah West

ITEM-58 CCL 13/06/17 - RECLASSIFICATION OF LAND AT 21 BRADFORD CLOSE KOTARA - ADOPTION OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

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

PURPOSE

This report discusses the outcomes of the community consultation, including a public hearing, carried out for the planning proposal to amend the Newcastle Local Environmental Plan 2012 to reclassify land at 21 Bradford Close, Kotara from community to operational.

The report is seeking a Council resolution to endorse the planning proposal as provided in **Attachment A**.

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) to reclassify land at Lot 182 DP 850168, 21 Bradford Close, Kotara, from community to operational.
 - ii) Forward the Planning Proposal to the Minister for Planning and Environment requesting that a draft Local Environmental Plan be prepared and made pursuant to Section 59(1) 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*.

KEY ISSUES

- 2 The subject site is a 4779m² long narrow parcel of land zoned B2 Local Centre and currently classified as community land. The proposal does not require the rezoning of the land. The only change to planning controls for the land is the reclassification from community to operational.
- 3 A concrete drainage channel runs through the center of the site with a public concrete path / cycleway on the northern side and vehicle / pedestrian bridge at the western end of the site. The land is dominated by a number of easements for sewer and drainage, pipelines and right of access.

- 4 The land is within the Kotara Home site. The part of the drainage channel that extends from the subject site to Northcott Drive (22 Northcott Drive) is owned by BB Retail Capital.
- 5 Council has accepted an offer to sell the property to BB Retail Capital (owners of adjoining land) subject to the reclassification of land from community to operational, and a number of other special conditions.
- 6 The property is unusable for any further recreational or other community use. The current cycleway and public access will be retained and protected under the terms of sale.
- 7 A public hearing was held on 11 May 2017 pursuant to Section 57 of the *EP&A Act*. There were no representations from the public at this hearing.
- 8 The Local Government Act 1993 requires the Governor's approval when a reclassification proposal seeks to remove any public reserve status. The subject property is not classified as a public reserve.

FINANCIAL IMPACT

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

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 10 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.
- 11 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.

IMPLEMENTATION PLAN/IMPLICATIONS

- 12 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.
- 13 The planning proposal was also prepared having regard to the Department of Planning and Environment's LEP practice note PN 16-001- Classification and reclassification of public land through a local environmental plan.

RISK ASSESSMENT AND MITIGATION

- 14 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.
- 15 Council has adhered with the requirements of the gateway determination issued on 8 February 2017.

RELATED PREVIOUS DECISIONS

- 16 On 24 February 2015 Council endorsed the sale of 21 Bradford Close, Kotara to BB Retail Capital Pty Ltd (owners of Kotara Home). The sale was subject to reclassification of the land and the registration and transfer of required easements and covenants.
- 17 Council resolved at its Ordinary Council Meeting held on 13 December 2016 to endorse the planning proposal and forward it to the Department of Planning and Environment for gateway determination.

CONSULTATION

- 18 The planning proposal was exhibited for 28 days from 13 March 2017, as required by the gateway determination.
- 19 No submissions were received.
- 20 A public hearing was required by Section 29 of the Local Government Act 1993, as the planning proposal aims to reclassify land from community to operational. The public hearing was held on 11 May 2017 and was conducted by an independent facilitator. There were no representations from the public at the hearing.

OPTIONS

Option 1

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

Option 2

- 22 Council resolves not to proceed with the planning proposal. This is not the recommended option.

BACKGROUND

- 23 On 24 February 2015 Council endorsed the sale of 21 Bradford Close, Kotara to BB Retail Capital Pty Ltd (owners of Kotara Home). The sale was subject to reclassification of the land and the registration and transfer of required easements and covenants.
- 24 In August 2016 a planning proposal request for the reclassification of land from community to operational for 21 Bradford Close, Kotara was lodged with Council by BB Retail Capital Pty Ltd.
- 25 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.
- 26 Council resolved at its Ordinary Council Meeting held on 13 December 2016 to endorse the planning proposal and forward it to the Department of Planning and Environment for gateway determination.
- 27 Gateway determination was issued on 8 February 2017 and the planning proposal was then exhibited for 28 days (from 13 March 2017).
- 28 A public hearing was held on 11 May 2017 (as required by Section 29 of the Local Government Act 1993). There were no representations from the public at the public hearing.

REFERENCES

ATTACHMENTS

Attachment A: Planning Proposal - Reclassification 21 Bradford Close Kotara.

Distributed under separate cover

ITEM-59 **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

Distributed under separate cover.

NOTICES OF MOTION

**ITEM-14 NOM 13/06/17 - COUNCIL ACCEPTS INVITATION TO JOIN
CLIMATE COUNCIL'S CITIES POWER PARTNERSHIP**

COUNCILLOR: T DOYLE

PURPOSE

The following Notice of Motion was received on 1 June 2017 from the abovementioned Councillor:

MOTION

Council:

- 1 Expresses its interest in becoming a partner with the Climate Council's *City Power Partnership*.
- 2 Receives a report at its next Ordinary Council Meeting on Tuesday 27th June outlining how Council can most effectively participate in the partnership, what benefits will accrue to Council and the community from the partnership and how Council can contribute to the work of the partnership

BACKGROUND

Australia is on the frontline of climate change and its impacts.

Record breaking heat, lengthening bushfire seasons, worsening coastal flooding and supercharged storms are clear indicators that climate change is a clear and present danger to our planet. Meanwhile, the national energy debate is reaching fever pitch, with renewable energy challenged by our nation's political and industry leaders as unreliable and unaffordable, whilst "clean coal" technology and gas expansion is being promoted as Australia's future energy solution. As climate impacts worsen and government action stalls, the window of opportunity to limit the warming of the planet is rapidly closing.

Newcastle City Council leads the way in measures we have taken to reduce our city's carbon footprint, energy efficiency measures and our uptake of renewable energy technologies. Council will be taking these measures up another notch through our *Sustainable Energy Strategy* within the *Smart City Strategy*.

Cities and towns across Australia are adopting emissions reduction plans, switching to cleaner energy and building greener, efficient and more resilient communities. The Cities Power Partnership (CPP) will elevate and accelerate this action across the country. Transforming the way cities use and generate energy alone has the potential to deliver 70% of the total emissions reductions needed to stay on track for the 2 degrees limit set under the Paris Agreement.

The CPP will engage with towns and cities, via local councils, throughout Australia and incentivise councils to increase renewable energy and energy efficiency, improve transport and engage in advocacy. Members of the partnership will also be given access to a national knowledge hub, buddied with cities to knowledge share, visited by domestic and international experts, connected with community energy groups and celebrated at events with other local leaders. The project will also showcase the incredible achievements of cities in national, local and social media to millions and share their successes with the Climate Council's community of over 200,000 members and supporters.

A copy of the Climate Council's *Cities Power Partnership* can be viewed at <https://www.climatecouncil.org.au/uploads/2512a5a5fe9480634afb91fac63e3f0f.pdf>

ATTACHMENTS

Nil.