

Internal Memo

TO: Urban Design Consultative Group

FROM: Senior Urban Planner [REDACTED]

DATE: Wednesday 3 February 2016

SUBJECT: Request to amend Newcastle LEP 2012 - 11 to 17 Mosbri Crescent, The Hill (NBN Television Site)

Background

Nine Network Australia has submitted a request to amend the Newcastle LEP 2012 for their site at 11 to 17 Mosbri Crescent, The Hill (NBN site). The request outlines that the site is no longer required for television studio purposes and is suitable for medium density development.

Council is reviewing this request and may resolve to prepare a Planning Proposal to the Department of Planning and Environment to amend the Newcastle LEP 2012.

The request has been referred to the UDCG to:

- Seek advice on the appropriate urban form for the subject site i.e. LEP controls of height and FSR
- Seek advice on key design issues to be addressed under a site specific Development Control Plan (DCP).

Request Summary

	Existing LEP controls	Requested LEP controls
Zoning	R2 Low Density Residential	R3 Medium Density Residential
FSR	0.75:1	1.6:1
Height	8.5m	12m, RL51.5, RL53.5, RL59.6

Note: Refer to:

- Attachment B - Urban Design Study (Option 3) for further details of the proponent's request.
- Attachment A - Pre-lodgement advice from Council.

Planning Context

The Local Planning Strategy (LPS) was adopted by Council 28 July 2015. The LPS is a comprehensive land use strategy to guide the future growth and development of Newcastle, underpinning the Newcastle LEP 2012.

Under the LPS the neighbourhood visions and objectives for The Hill, are:

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.*

An action of the LPS also identifies the subject site for consideration of an R3 Medium Density zone.

In principle it is appropriate, from a strategic planning perspective, to consider an R3 Medium Density zone for the site and that the site's relatively large area and 'bowl like' topography lends itself to accommodating additional development beyond the standard R3 zone controls (being FSR 0.9:1, Height 10m). However, any additional development can only reasonably be justified on these unique site attributes and must be sympathetic to existing surrounding context, as outlined under the neighbourhood visions and objectives.

Attachment A is an extract of more detailed advice provided by Council officers to the proponent prior to submission of their request which at the time proposed up to 12-storeys. You will note that Council officers have advised that a maximum building height of up to six-storeys would be more appropriate, due to a desire to maintain a three-storey scale along the perimeter of the site. In summary:

- Heritage - maintain a three-storey scale along Kitchener Parade to interface with heritage area and heritage item (school) to the north. This results in an overall height of approximately six-storey within the site. This scale also sits below ridge lines to minimise impact on adjoining heritage area to north and east, including views from Obelisk.
- Surrounding development - adjoining areas to the south and west are zoned R2 Low Density and are unlikely to be redeveloped to a higher density scale than what currently exists. Therefore a three-storey scale presented to Mosbri Crescent and southern boundary is appropriate.

Site specific DCP

It is proposed that site specific DCP guidelines be developed in conjunction with LEP amendments to guide future development. Under the EPA Regulations 2000 a DCP that provides for residential flat development is required to be considered by a design review panel. The draft DCP will be presented to the UDCG on a separate occasion.

Public Domain

The proponent has offered to enter into a Planning Agreement to embellish Arcadia Park to the east, by way of improved pedestrian connections through the park.

Advice Requested

Advice is sought from the UDCG at this stage:

- Appropriate urban form for the site, in terms of LEP height and FSR controls, having regards to the planning context outlined above.
- Should building heights be controlled by height above ground or maximum RL's?
- Is the proponent's preferred Option 3 under the Urban Design Study an acceptable outcome to base DCP guidelines upon (subject to overall height consideration)?
- What are the key design aspects that will need to be controlled by DCP guidelines?


Senior Urban Planner

Attachment A - Extract of Council officer's pre-lodgement advice

The Local Planning Strategy (LPS) was adopted by Council 28 July 2015. The LPS is a comprehensive land use strategy to guide the future growth and development of Newcastle, underpinning the Newcastle LEP 2012.

Appendix A of the 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:

- *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 zone for the subject site, based upon a SAFE ped-shed from commercial centres (City Centre former mall area). Having regards to the residential growth precincts under Table 5 of the LPS this would result in standard controls for the site of:

- FSR 0.9:1
- Height 10m

In principle it is appropriate to consider an R3 Medium Density zone. It is also considered that in principle the site's relatively large area and 'bowl like' topography do lend itself to being able to physically accommodate additional development beyond the standard R3 zone controls. However, any additional development can only reasonably be justified on these unique site attributes and must be sympathetic to existing surrounding context, as outlined under the visions and objectives for the neighbourhood. In particular:

- Heritage - Adjoining conservation areas/items to north and east unlikely to be redeveloped in a similar higher density fashion. The scale of building form presented to Kitchener Parade should be limited to 3-storey scale having regards to adjoining heritage conservation area and heritage item (school). The views/outlook from Wolfe Street and the obelisk are also relevant from a heritage perspective. The submitted Option 3 proposes 'Building B' to 12-storeys (RL67.5) or approximately 12.5m above Wolfe Street level. It is noted that view of the development from obelisk, which is higher, will be more apparent than presented in montages from Wolfe Street level. It would also sit well above the ridge line to the north which reaches approximately RL55. The built form must sit comfortably below surrounding ridge lines. The roofs of the buildings are likely to be visible from above and desirably would incorporate greenery/open space to assist blending with surrounding vegetation.
- R2 Low Density - Other adjoining areas are generally considered appropriately zoned R2 Low Density and again unlikely to be redeveloped to significant scale variation to what currently exists. The exception being the adjoining sites to the west bounded by Mosbri Cres/Kitchener which could also justifiably be included within an R3 Medium density zone, but with a lesser development intensity compared to the subject site.

Having regards to these built form constraints outlined above, and using Option 3 for reference, the height controls under an LEP amendment request should have regards to the following:

- Kitchener Parade - A maximum three-storey building presented to this street is desirable. Street pavement level is approximately RL38 at western end and allowing for three-storey (approximately 9m) results in maximum RL47. Having regards to existing site levels this would result in a five-storey 'Building A'. The slope of Kitchener Parade rises approximately 2m along the site frontage, therefore potentially accommodating a maximum RL49 for 'Building B', possibly six-storeys.
- Wolfe Street is approximately RL55. An overall building RL49 would sit below this level obscuring view from Wolfe Street, consistent with neighbourhood objectives to protect ridgeline. This appears consistent with the presented montages that shows the six-storey 'Building D' under Option 3 largely obscured from view, while 'Building B' at proposed RL67.5 is 12.5m above street level and very visible. 'Building D' should also be restricted to six-storey.
- Mosbri Crescent - The taller elements should be located to the northern and central rear of the site. A scale of three-storey presented to Mosbri Crescent is considered appropriate. In this regard the southern half of 'Building A' fronting Mosbri Crescent should also transition down to a three-storey scale.
- Southern boundary - A scale of three-storey presented to the southern side boundary is considered appropriate. It will also be desirable to retain the significant trees along this boundary where possible.
- The properties to the west of the site bounded by Mosbri and Kitchener should be restricted to three-storey scale, or say 11m building height to allow for sloping site.

Attachment B - Proponents Urban Design Study