

**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**CCL 22/03/22 - SUPPLEMENTARY REPORT - ENDORSEMENT OF  
PLANNING PROPOSAL AND DEVELOPMENT CONTROL PLAN FOR  
COMMUNITY INFRASTRUCTURE INCENTIVES AT WICKHAM**

<b>ITEM-23</b>	<b>PAGE 3</b>	<b>Attachment A:</b>	Original Report and Attachments A, B and C of CCL 26/10/21 – Endorsement of Planning Proposal and Development Control Plan for Community Infrastructure Incentives at Wickham
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	<b>PAGE 161</b>	<b>Attachment E:</b>	Draft Incentive Gross Floor Area (GFA) Rate for Wickham

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### **CCL 22/03/22 - SUPPLEMENTARY REPORT - ENDORSEMENT OF PLANNING PROPOSAL AND DEVELOPMENT CONTROL PLAN FOR COMMUNITY INFRASTRUCTURE INCENTIVES AT WICKHAM**

**Attachment A:** Original Report and Attachments A, B and C of CCL 26/10/21 –  
Endorsement of Planning Proposal and Development Control Plan  
for Community Infrastructure Incentives at Wickham

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**SUBJECT: CCL 26/10/21 - ENDORSEMENT OF PLANNING PROPOSAL AND DEVELOPMENT CONTROL PLAN FOR COMMUNITY INFRASTRUCTURE INCENTIVES IN WICKHAM**

**REPORT BY: GOVERNANCE**  
**CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL OFFICER / MANAGER REGULATORY, PLANNING AND ASSESSMENT**

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## **PURPOSE**

To commence the statutory process for amending the Newcastle Local Environmental Plan 2012 and endorse the public exhibition of a Development Control Plan to implement the actions of Wickham Masterplan 2021 Update on land in Wickham

## **RECOMMENDATION**

That Council:

- 1 Endorse the Planning Proposal (PP) (**Attachment A**) to amend the Newcastle Local Environmental Plan 2012 (NLEP 2012) to implement actions of the Wickham Masterplan 2021 Update (WMP 2021).
- 2 Forwards the Planning Proposal to the Minister for Planning, Industry and Environment for 'Gateway Determination' pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).
- 3 Endorses draft Section 6.03.06 Community Infrastructure Incentives in Wickham, of the Newcastle Development Control Plan 2012 (NDCP 2012) for public exhibition (**Attachment B**).
- 4 Publicly exhibits the Planning Proposal, subject to Gateway Determination, for a minimum of 28 days together with the following:
  - i) Section 6.03.06 Community Infrastructure Incentives in Wickham of the draft NDCP 2012.
  - ii) The draft Incentive Gross Floor Area (GFA) Rate for Wickham, within the Schedule of Fees and Charges, of the Newcastle Operational Plan 2021/22 (**Attachment C**).
- 5 Receives a report on submissions following public exhibition and considers any amendments made in response to submissions and make a final determination on the Planning Proposal and draft Section 6.03.06 of the NDCP 2012.

## **KEY ISSUES**

- 6 The proposed amendments to NLEP 2012 and NDCP 2012 seek to implement the Community Infrastructure Incentives Policy (CIIP) which was adopted by Council on 27 July 2021. The CIIP aims to facilitate the delivery of community

infrastructure through the provision of appropriate development incentives that support urban renewal.

- 7 The development incentives will only apply to land at Wickham, consistent with the potential densities identified within the WMP 2021 which was adopted by Council on 28 September 2021 following public exhibition.
- 8 The maximum incentive GFA to be made available in Wickham is based on the capacity of the land to accommodate development at an increased density (Floor Space Ratio (FSR)) and/or scale (Height of Building (HOB)), which was determined on planning grounds having regard to:
  - i) urban design analysis of the area, consideration of traffic generation through independent modelling, feasibility assessment of development scenarios and market factors.
  - ii) Land being either not restricted by mine subsidence risk or where identified, the risk being able to be addressed by feasible remediation or additional design parameters as identified by Subsidence Advisory NSW (SA NSW) through their Mine Subsidence Risk Model for the Newcastle City Centre
  - iii) Land identified as having a current potential to redevelop, or be amalgamated as part of a future redevelopment site, being sites identified within WMP 2021 as:
    - a) key redevelopment sites
    - b) approved development proposals (which have not yet been developed)
    - c) land subject to a separate Planning Proposal (PP-2021-328) at 41 and 47 Throsby Street, Wickham (discussed further below).

### **Planning Proposal – NLEP 2012**

- 9 The PP seeks to amend NLEP 2012 to enable variation to development standards (HOB and FSR), on identified land, as an incentive to development that provides community infrastructure that will be described in NDCP 2012.
- 10 The identified land is shown on the HOB map and the FSR map. The maximum applicable incentive available on land is based on site area as outlined in the proposed clauses (Clause 4.3A 'Exceptions to Height of Buildings on certain land' and Clause 4.4A 'Exceptions to Floor Space Ratio on certain land') within the PP.
- 11 The PP also seeks to make the following associated amendments to NLEP 2012:
  - i) Introduce a new subclause of Clause 4.5 Calculation of floor space ratio and site area under the heading of 'Dedication of land' that enables the site area of any land or part of land proposed to be dedicated to CN for community infrastructure to be included as part of the overall site area for calculation of the GFA available to a proposal on the remaining part of the land.

- ii) Introduce a new Clause 4.3A Exceptions to HOBs on certain land under Part 4 Principal development standards. This will enable an incentive increase in HOB on certain land nominated on the HOB map. The incentive increase will be up to a maximum HOB, but only where the proposed development will enable the provision of community infrastructure, as identified within a development control plan applying to the land.
- iii) Remove Clause 7.9 from Part 7 'Additional local provisions - Newcastle City Centre'. This clause applies to an Area A on the HOB map; however, Area A was removed from the map by the Department of Planning Industry and Environment (DPIE) under the State Environmental Planning Policy Amendment (Newcastle City Centre) 2014. Given the PP introduces a new Area A in HOB map, this would cause confusion and it is intended to correct this anomaly in the current PP.
- iv) Introduce a new Clause 4.4A Exceptions to FSR on certain land under Part 4 Principal development standards, this will enable an incentive increase in FSR on certain land nominated on the FSR Map, up to a maximum incentive FSR, and only where the proposed development will enable the provision of community infrastructure, as identified within a development control plan applying to the land.
- v) Add the wording, 'development on land to which Clauses 4.3A and 4.4A applies' under subclause (8) of Clause 4.6 Exceptions to development standards. This amendment is intended to stop potential misuse of Clause 4.6 on land, as a means of achieving the variations identified in Clauses 4.3A and 4.4A but without the provision of community infrastructure.
- vi) Amend the Land Reservation Acquisition (LRA) map to incorporate additional land identified necessary to deliver community infrastructure projects.

### **Draft Newcastle Development Control Plan 2012 - Wickham**

- 12 A new subsection 6.03.06 Community Infrastructure Incentives in Wickham is proposed within section 6.03 Wickham of NDCP 2012. This subsection seeks to bring into effect the proposed Clauses 4.3A and 4.4A of NLEP 2012 by:
- i) Identifying the proposed community infrastructure projects to be delivered, including the land, works, or improvements. The identified community infrastructure projects are consistent with those identified within WMP 2021.
  - ii) Identifying the quantitative method for determining the level of incentive GFA made available to proposed development based on the value to CN for delivering community infrastructure and how this translates to an increase in FSR and/or HOB.

### **Incentive GFA rate**

- 13 Consistent with the approach proposed in the CIIP, CN proposes to establish an 'Incentive GFA Rate' that determines the amount of additional GFA a development may achieve as an incentive based on the value of community infrastructure proposed to be delivered by the development.
- 14 The 'Incentive GFA Rate' for Wickham was calculated by dividing the total estimated cost of delivering the community infrastructure projects nominated within the DCP by the total incentive GFA to be made available through the PP.
- 15 The proposed 'Incentive GFA Rate' for Wickham is \$518.10/sqm (inclusive of GST).
- 16 If adopted, CN will amend its Schedule of Fees and Charges within the Newcastle Operational Plan 2021/22, to include the Incentive GFA Rate for Wickham, pursuant to Section 608 of the *Local Government Act 1993*.

#### **Planning Proposal - 41 and 47 Throsby Street Wickham**

- 17 The land at 41 and 47 Throsby Street, Wickham is subject to a separate Planning Proposal (PP-2021-328) which is currently on public exhibition until 1 November 2021 following Gateway Determination. This land will be removed from this PP to amend NLEP 2012 (for community infrastructure incentives in Wickham), subject to Council's final endorsement (of PP – 2021-328) post exhibition. However, should PP-2021-328 not be endorsed by Council to allow the associated amendments to NLEP 2012 to be made, then the provisions of this PP will prevail.

#### **FINANCIAL IMPACT**

- 18 The value of the incentive GFA accessed by development will be provided to CN in the form of land, works or a monetary contribution, or a combination of these.
- 19 Monetary contributions will be pooled and applied towards individual shortfalls resulting from the difference in value between the maximum attainable incentive GFA available on land (under NLEP 2012) and the cost required to deliver the identified part of land and/or works with the 'Schedule of proposed community infrastructure projects in Wickham' (under NDGP 2012).
- 20 Where there is a shortfall of pooled funds available at the time a project is proposed to be implemented, CN may draw upon other funding sources subject to assessment of likelihood of potential excess contributions being forthcoming on remaining identified development sites. Alternatively, CN may rescope the identified project (subject to community input), delay implementation, or identify other suitable resources to complete the project.
- 21 The application of Section 7.11 and Section 7.12 development contributions plans is not affected by the CIIP.

#### **COMMUNITY STRATEGIC PLAN ALIGNMENT**



- 22 The proposed amendments to NLEP 2012 and NDCP 2012 are consistent with the following strategic directions of the Newcastle Community Strategic Plan 2030:

**Vibrant, Safe and Active Public Places**

- 3.1a Provide quality parkland and recreation facilities that are diverse, accessible, and responsive to changing needs

**Liveable Built Environment**

- 5.2a Plan for concentrated growth around transport and activity nodes
- 5.4b Plan, provide and manage infrastructure that continues to meet community needs

**Smart and Innovative**

- 6.3d Foster a collaborative approach to continue city centre renewal

**Open and Collaborative Leadership**

- 7.2a Conduct Council business in an open, transparent, and accountable manner
- 7.2c Establish collaborative relationships and advocate for local needs with all stakeholders
- 7.3b Provide clear, consistent, accessible, and relevant information to the community

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 23 The PP is consistent with Section 3.33 *Planning proposal authority to prepare explanation of and justification for proposed instrument—the planning proposal of the EP&A Act*. This report seeks to implement the required process under Section 3.34 Gateway determination.
- 24 The draft amendments to NDCP 2021 were prepared having regard for consistency with Division 3.6 Development control plans (DCPs) of the EP&A Act and Division 1 Preparation of development control plans by councils of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). This report seeks to implement the requirements of Division 2 Public participation and Division 3 Approval of development control plans of the EP&A Regulation.
- 25 CN referred the draft amendments to NDCP 2012 to the Newcastle Urban Design Consultative Group, now known as Newcastle Urban Design Review Panel (UDRP) on 24 February 2021, as required under Clause 21A Approval of development control plans relating to residential apartment development of the EP&A Regulation, together with the draft CIIP and WMP 2021 for their input. The UDRP did not identify any specific measures or recommendations to the draft

development controls noting that these do not introduce specific requirements for apartment development design, beyond what is reasonably expected already (e.g., setbacks, ground level activation, access etc.).

- 26 The proposed mechanisms will implement Planning Priority 8 of the Newcastle Local Strategic Planning Statement, which advocates for CN to “Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas”, as this will “improve infrastructure and land use sequencing to capitalise on the opportunities for jobs and housing growth”.
- 27 This report implements actions of the WMP 2021, as adopted by Council on 28 September 2021, including:
- i) Actions under the heading 'Improve accessibility and connectivity within Wickham and to adjoining areas'
    - 1. Implement new pedestrian access routes through redevelopment sites within the NLEP 2012 LRA map.
  - ii) Actions under the heading 'Create safe, attractive, and inclusive public places'
    - 5. Implement the CIIP through NLEP 2012 and NDCP 2012 for Wickham.
    - 6. Ensure the required land acquisitions are identified within NLEP 2012, consistent with Map 6 – Location of proposed community infrastructure projects.
  - iii) Actions under the heading ' Ensure built environment is functional, responsive and resilient'
    - 1. Amend NLEP 2012 to introduce development incentives on land identified within Map 9 – Areas proposed for development incentive (subject to approval from SA NSW, where required), consistent with Table 4 - Potential development incentives for provision of community infrastructure.
    - 2. Amend NDCP 2012 to include the community infrastructure projects sought to be delivered through development incentive, as identified on Map 6 – Location of proposed community infrastructure projects and described on Table 3 – Description of proposed community infrastructure projects.
    - 4. Determine and publish (within CN's Fees and Charges) an 'incentive GFA rate' for Wickham
- 28 The recommendations of this report, including the attached PP and draft DCP provisions identifying development incentives to deliver community infrastructure within Wickham, are consistent with the CIIP, as adopted by Council on 27 July 2021.

- 29 In reporting on the consultation carried out with DPIE during the exhibition of the CIIP, CN identified the matters it had addressed based on the initial feedback from DPIE Infrastructure Funding Policy team. These have been incorporated into the PP, to identify that the approach identified within the CIIP is not based on seeking infrastructure contributions but focused on development incentives based on strategic land use planning and urban design, identifying projects outside of the 'local contribution' framework that have been identified as a means of facilitating urban renewal.

### **RISK ASSESSMENT AND MITIGATION**

- 30 The LEP provisions proposed to enable implementation of the CIIP have been prepared in accordance with relevant Practice Notes to ensure CN's adherence with the NSW statutory framework.
- 31 Separate accounting records will be maintained by CN where the proposed community infrastructure is provided by applicants in the form of a monetary payment to ensure transparency of the purpose for which the funding is collected, the amount collected and spent, and to ensure the funds are accounted for in the correct manner.

### **RELATED PREVIOUS DECISIONS**

- 32 At the Ordinary Council Meeting held on 27 July 2021, Council adopted the CIIP.
- 33 At the Ordinary Council Meeting held on 28 September 2021, Council adopted the WMP 2021.

### **CONSULTATION**

- 34 The CIIP and the WMP 2021 were publicly exhibited prior to adoption.
- 35 A concurrent 28-day public exhibition of the PP, NDCP 2012 and draft Incentive GFA Rate for Wickham is proposed to enable further consultation on the proposed incentives, the community infrastructure sought, and the apportionment of the two.
- 36 CN consulted with DPIE on the CIIP and the proposed approach and mechanisms proposed to implement this, as outlined in the PP. This PP addresses feedback from DPIE by only providing for those items and improvements not otherwise identified as local infrastructure within CN's infrastructure contributions framework and delivering a transparent and equitable approach to achieving urban renewal through development incentives within an LEP, thereby not associated to the contribution reforms.
- 37 CN consulted with the NSW Independent Commission Against Corruption (ICAC) on the CIIP. While the ICAC could not provide surety in relation to any potential for corrupt conduct, it did not flag any grounds for concern with the Policy.

- 38 The land at 41 and 47 Throsby Street, Wickham is subject to a separate Planning Proposal (PP-2021-328) which is currently on public exhibition until 1 November 2021 following Gateway Determination.

## **BACKGROUND**

- 39 The WMP, originally adopted by Council in 2017, identified a vision, and outlined the strategies and actions required to guide CN's planning decisions and support urban renewal within this part of the Newcastle City Centre. The WMP identified the opportunity for increasing redevelopment densities based on land capacity and envisaged future character.
- 40 The WMP was reviewed in 2021 in response to restrictions identified to redevelopment advised by SA NSW as part of preparing the Newcastle City Centre Subsidence Risk Model. This resulted in the WMP 2021 and the opportunity to provide greater certainty on the strategic opportunities where redevelopment could accommodate increased densities and the community infrastructure to be delivered.
- 41 The purpose of the CIIP is to enhance the delivery of community infrastructure to support urban renewal in the Newcastle LGA through the provision of development incentives.

## **OPTIONS**

### **Option 1**

- 42 The recommendations as at Paragraphs 1 – 5. These are the recommended options.

### **Option 2**

- 43 Not support the recommendations, this is not the recommended option.

## **REFERENCES**

## **ATTACHMENTS**

- Attachment A:** Planning Proposal – Community Infrastructure Incentives for land at Wickham
- Attachment B:** Draft Section 6.03.06 Community Infrastructure Incentives in Wickham - Newcastle Development Control Plan 2012
- Attachment C:** Draft Incentive Gross Floor Area (GFA) Rate for Wickham

**Attachments A- C distributed under separate cover.**

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**CCL 26/10/2021 - ENDORSEMENT OF PLANNING PROPOSAL AND  
DEVELOPMENT CONTROL PLAN FOR COMMUNITY  
INFRASTRUCTURE INCENTIVES AT WICKHAM**

<b>PAGE XXX</b>	<b>ITEM-XX</b>	<b>Attachment A:</b>	Planning Proposal – Community Infrastructure Incentives for land at Wickham
<b>PAGE XXX</b>	<b>ITEM-XX</b>	<b>Attachment B:</b>	Draft Section 6.03.06 Community Infrastructure Incentives in Wickham - Newcastle Development Control Plan 2012
<b>PAGE XXX</b>	<b>ITEM-XX</b>	<b>Attachment C:</b>	Draft Incentive Gross Floor Area (GFA) Rate for Wickham

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DEVELOPMENT CONTROL PLAN FOR COMMUNITY  
INFRASTRUCTURE INCENTIVES AT WICKHAM**

**ITEM-XX**      **Attachment A:**      Planning Proposal – Community Infrastructure  
Incentives for land at Wickham

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# PLANNING PROPOSAL

Community Infrastructure Incentives for land at Wickham

**Version 1.0 - Council Endorsement**

April 2021

For enquiries please call 4974 2000

For more information:  
[www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)



City of  
Newcastle

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## Community Infrastructure Incentives for land at Wickham

### Introduction

City of Newcastle (CN) has prepared this planning proposal in order to establish a transparent and equitable means of facilitating increased density for housing and employment, through provision of incentives to development that deliver the urban renewal outcomes identified in the Wickham Masterplan (WMP) 2021 Update, including improved connectivity and amenity of the public domain.

The proposed amendments to Newcastle Local Environmental Plan (LEP) 2012 provide the mechanisms necessary to implement CN's *Community Infrastructure Incentives Policy*, on land identified suitable for supporting increased residential and/or employment density while facilitating the provision of necessary community infrastructure. Once implemented, the proposed amendments will facilitate successful urban transformation by bringing people back to the Newcastle city centre through renewal initiatives that deliver safe, vibrant, and connected places where people will want to visit, live and work.

This planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (NSW). It explains the intended effect of the proposed Local Environmental Plan (LEP) amendment and sets out the justification for making the plan.

'A guide to preparing planning proposals' has guided and informed the preparation of this planning proposal. The planning proposal may evolve over time due to various reasons, such as feedback during exhibition. It will be updated at key stages in the plan making process.

### Summary of proposal

The Newcastle Local Strategic Planning Statement (LSPS) 2020 identifies that Newcastle local government area, has limited remaining sites available for greenfield development, hence future demands for housing and jobs will rely on growth through infill redevelopment of increased densities. To ensure this is achieved in the most efficient and effective way, Planning Priority 8 of the LSPS advocates for CN to "Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas". The provided rationale being that this will "improve infrastructure and land use sequencing to capitalise on the opportunities for jobs and housing growth".

CN proposes to apply incentives within the existing planning framework by delivery of the following mechanisms:

1. A Community Infrastructure Incentives Policy that identifies CN's intention to introduce incentives to development where this assists in the provision of community infrastructure identified in connection to delivering urban renewal within the Strategic Centres identified in the Greater Newcastle Metropolitan Plan, including catalyst areas and urban renewal corridors.
2. Provision of a new clause and mapping within Newcastle LEP 2012, described further in this Planning Proposal, that identifies the land that is applicable for seeking an incentive and the maximum incentive that may be provided on the land.
3. Additional place-based development controls that identify the community infrastructure projects, the method for determining the value of these, and the method for determining the appropriate level of incentive based on the value of the community infrastructure.

The amendments to NLEP 2012 will expedite the delivery of community infrastructure complementary to traditional funding sources, while incentivising development that promotes urban renewal and delivers new housing and floorspace for business in a transit-oriented location.

Land at 41 and 47 Throsby Street, Wickham is subject to a separate Planning Proposal (PP-2021-328), which seeks to amend the Height of Building (HOB) map and the Floor Space Ratio (FSR) maps within Newcastle LEP 2012.

Upon PP-2021-328 proceeding to 'making of local environmental plan by local plan-making authority', under Section 3.36 of the Environmental Planning and Assessment Act 1979, CN will seek to remove the land (41 and 47 Throsby Street Wickham) from the amendments proposed to Newcastle LEP 2012 under this Planning Proposal (pursuant to Section 3.35 'Planning proposal authority may vary proposals or not proceed' under the same Act). Should the amendments related to Planning Proposal (PP-2021-328) not be made, then the proposed amendments of this Planning Proposal will prevail.

## Background

On 15 December 2010, part of Wickham was included within the [Newcastle Potential Precinct Map](#) under *State Environmental Planning Policy (Urban Renewal) 2010* in order to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts. To initiate urban renewal, the NSW State Government prepared a Newcastle Urban Renewal Strategy (NURS) which aimed to make the Newcastle city centre a vibrant and innovative regional hub and an attractive and viable destination for business, residents and visitors. The NURS identified the need for further planning and urban design guidance within the Wickham Area to facilitate the transformation from a post-industrial suburb to an urban village that facilitates a mix of uses and densities.

Council adopted the Wickham Masterplan 2017 (WMP 2017) on 28 October 2017, following extensive engagement with stakeholders to identify a vision for the desired future character of Wickham, as well as outlining the strategies and actions to achieve the vision. The WMP 2017 provides strategic guidance for CN's planning decisions and coordinated delivery of urban renewal within Wickham.

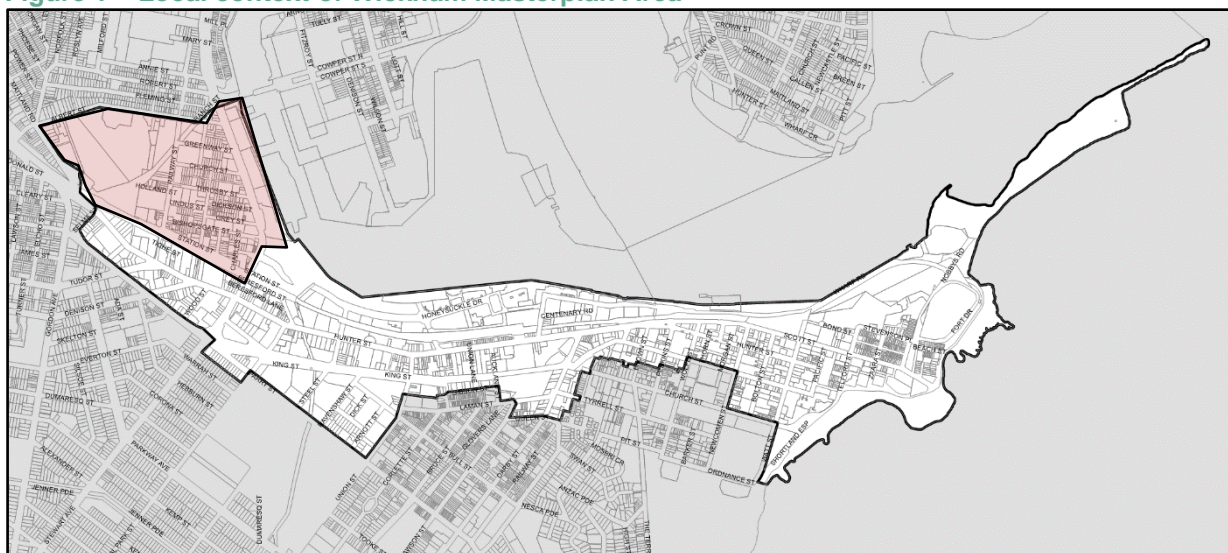
On 27 July 2021 Council adopted a Community Infrastructure Incentives Policy that identified the approach CN would take to delivering urban renewal through development incentives mechanisms with its LEP, where based on sound strategic planning justification, having regard to the principles of the NSW State Government's reforms of the planning system.

To deliver the redevelopment opportunities within Wickham and deliver the community infrastructure identified within WMP 2021, Council adopted the Wickham Masterplan 2021 Update (WMP 2021) in September 2021 which provided further guidance as the land suitable on planning grounds to achieve a development incentive and also identified the community infrastructure projects to be delivered through redevelopment to achieve interventions within the urban structure that improve connectivity to facilitate walkability and promote active transport options and deliver opportunities for 'greening' and activation of the public domain.

In order to ensure fairness and equity among landholdings and not unduly impose a burden on land identified for community infrastructure, the WMP 2017 advocated an incentives approach on sites with capacity to support a variation to development standards, by enabling increased Gross Floor Area (GFA) where development delivers identified community infrastructure.

The WMP area is shown in context to the Newcastle City Centre within Figure 1 - *Local context of Wickham Masterplan Area*.

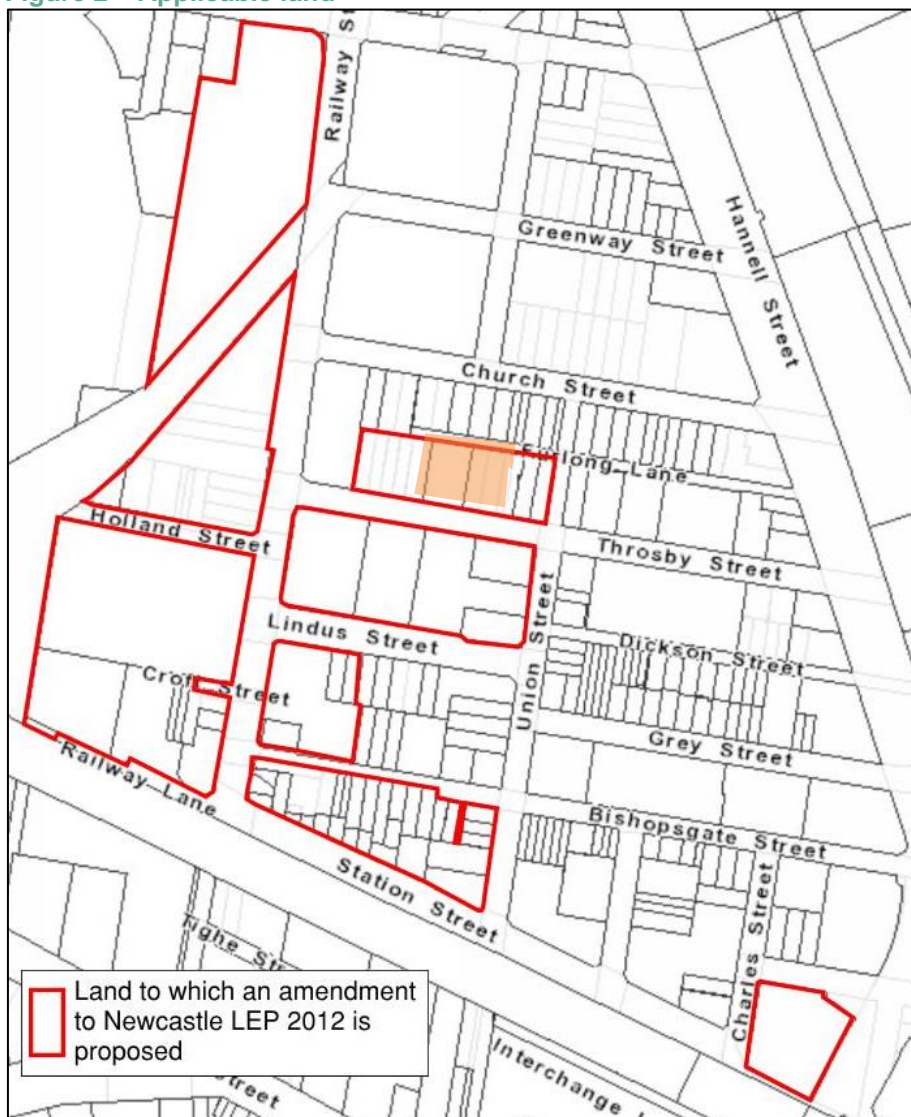
Figure 1 – Local context of Wickham Masterplan Area



## Applicable land

The proposal comprises amendments to Newcastle LEP 2012 on land in Wickham, identified in Figure 2 – *Applicable land*.

Figure 2 – Applicable land

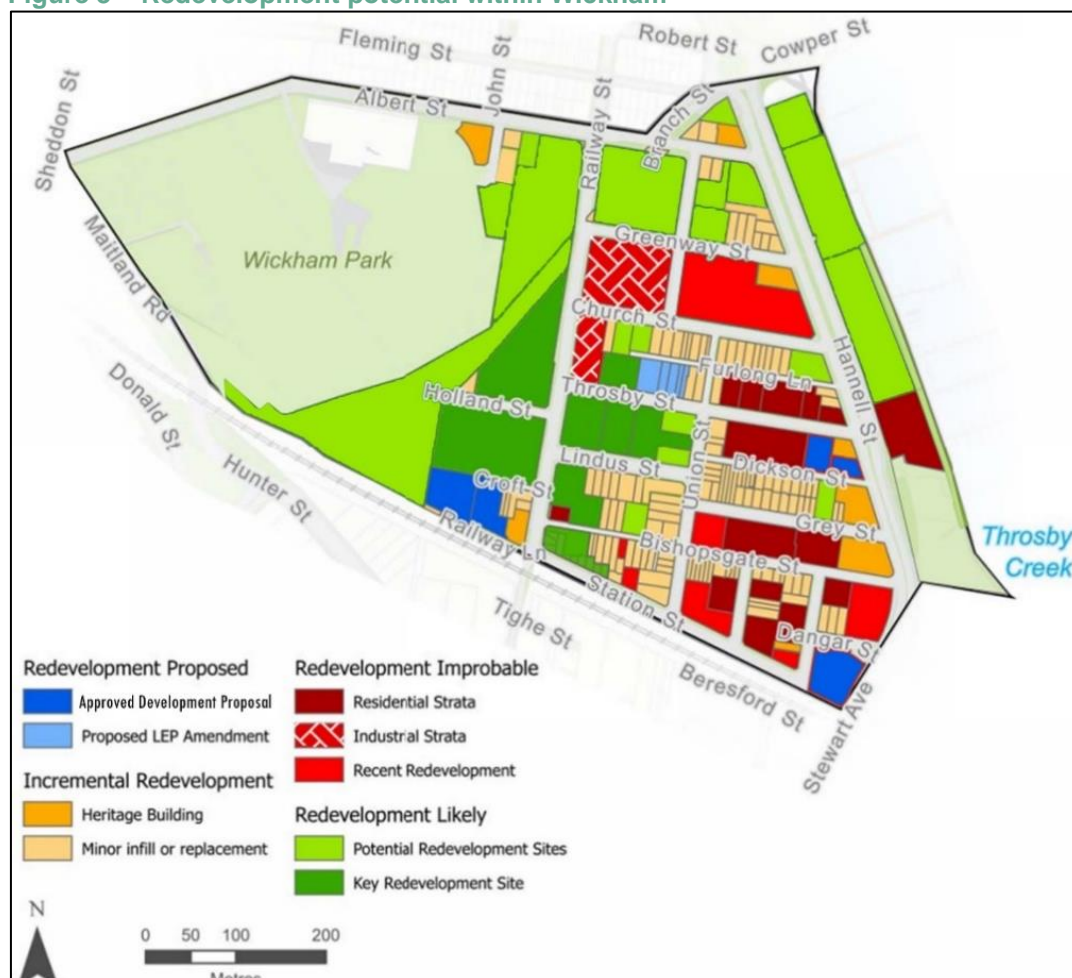


The land shown in orange on the map is from left to right 47 and 41 Throsby Street Wickham, which are subject to a separate Planning Proposal PP-2021-328. Should the amendments to Newcastle LEP 2021 as proposed by PP – 2021-328 be made under Section 3.36 of the Environmental Planning and Assessment Act 1979, CN will seek to remove the land from this planning proposal in accordance with Section 3.35 of the same Act.

The land identified within this Planning Proposal, for which the nominated development incentives will apply was determined having regard to the following criteria:

1. Land envisaged for increased densities (FSR and/or HOB) within WMP 2017, was based on an urban design and planning analysis of the area, consideration of traffic generation through independent modelling, feasibility assessment of development scenarios and market factors. This established that a minimum density of FSR 1.5:1 is required to ensure development is viable where additional density is not sought on individual sites. As a result CN amended Newcastle LEP 2012 (Amendment 48) on land previously restricted to an FSR of 1:1.
2. Land not restricted by subsidence risk or where the identified risk able to be addressed by feasible remediation or addressed by additional design parameters as identified by Subsidence Advisory NSW (SANSW) within the Newcastle City Centre
3. Land identified as having a current potential to redevelop, or be amalgamated as part of a future redevelopment site, as identified in Figure 3 – Redevelopment potential within Wickham; being sites identified as:
  - a. Key redevelopment sites
  - b. Approved Development Proposals (where the land has not yet been redeveloped)
  - c. Proposed LEP Amendment (being Land at 41 and 47 Throsby Street, Wickham that is subject to a separate Planning Proposal (PP-2021-328), noting that this land will be removed from the Planning Proposal, subject to the amendments proposed in PP – 2021-328 being made .

Figure 3 – Redevelopment potential within Wickham



## Part 1 - Objectives or intended outcomes

The intended outcome of this planning proposal is to facilitate urban renewal in Wickham by:

1. utilising the existing GFA derived from the development standards applying on land dedicated to CN, to be utilised in the development of the residual land.
2. enabling an incentive increase in density to development, consistent with Wickham Masterplan 2021 Update, where:
  - a. Development involves the timely delivery of identified community infrastructure projects
  - b. The incentive to development correlates to the quantifiable value that the community infrastructure represents to the Council
3. identifying land CN seeks to acquire for the public domain improvements within the local road reservation and for improving pedestrian connectivity.
4. remedying an existing anomaly within Part 7 Additional local provisions—Newcastle City Centre of Newcastle LEP 2012.
5. ensuring that nominated incentive increases to development standards are not subject to variation.

## Part 2 - Explanation of provisions

The proposed outcomes will be achieved by:

- Introducing a new subclause of Clause 4.5 Calculation of floor space ratio and site area under Part 4 Principal development standards, under the heading of 'Dedication of land' that enables the site area of any land or part of land proposed to be dedicated to the CN to be included as part of the overall site area for calculation of floor space available to proposed development on the remaining part of the land. Furthermore, the consent authority may allow an additional 25% of the area of land being dedicated to be applied to the calculation of floor space where:
  - a. the land being dedicated is identified on the Land Reservation Acquisition (LRA) map.
  - b. the landowner has not otherwise been compensated; and
  - c. the value of the land, or part thereof is not otherwise used to offset the payment of a contribution under Section 7.11 or Section 7.12 of the Act.
- Introducing a new Clause 4.3A *Exceptions to Height of Buildings on certain land* under Part 4 Principal development standards, that enables the consent authority to allow an incentive increase in height of building on certain land nominated on the HOB Map, up to a maximum incentive HOB but only where the consent authority is satisfied that the proposed development will enable the provision of community infrastructure, as identified within a development control plan applying to the land. The proposed Clause may include words to the effect:

### Clause 4.3A Exceptions to height of buildings on certain land

(1) The objectives of this clause are—

- (a) to facilitate the urban renewal of areas identified for strategic growth in housing and employment within the Greater Newcastle metropolitan area.
- (b) to allow an increase in the maximum height of building on certain land within the City of Newcastle, where community infrastructure is provided.

(2) This clause applies to land identified as Area A, Area B, Area C and Area D on the Height of Buildings Map.

(3) Despite Clause 4.3, the consent authority may consent to development on land to which this clause applies (including the erection of a new building or external alteration to an existing building) that exceeds the maximum height shown for the land on the Height of Buildings Map, if the proposed development includes community infrastructure.

(4) In subclause (3), the consent authority must not consent to development on land as identified on the Height of Buildings Map as per Column 1, with an existing maximum Height of Buildings as shown on the map as per Column 2, unless the site area is equal to or greater than that in Column 3, and the development will have a height of building that does not exceed the incentive Height of Building identified in Column 4 of the table.

Column 1 Land identified on HOB map as:	Column 2 Where maximum HOB is shown on map as:	Column 3 With site area equal or greater than:	Column 4 The incentive HOB is a maximum of:
Area A	24m	2000 m <sup>2</sup> 2500 m <sup>2</sup>	35m 45m
Area B	10m or 14m 10m, 14m or 24m 24m	1500 m <sup>2</sup> 2000 m <sup>2</sup> 2500 m <sup>2</sup>	24m 35m 40m
Area C	10m	1500 m <sup>2</sup> 2000 m <sup>2</sup>	14m 24m
Area D	45m	2500 m <sup>2</sup>	60m



- (5) In deciding whether to grant development consent, the consent authority must—
- (a) have regard for the objectives of this clause, and
  - (b) be satisfied that the proposed development will provide community infrastructure as identified within a development control plan applying to the land
  - (c) take into account the nature of the community infrastructure and its value to the community.
- (6) In this clause, **Community infrastructure** means development for any of the following purposes—
- (a) community facilities,
  - (b) community garden,
  - (c) drainage,
  - (d) public car parks,
  - (e) public domain improvement,
  - (f) public roads,
  - (g) public walkway,
  - (h) recreation areas,

but does not comprise local infrastructure for which development contributions apply within a Plan of City of Newcastle under Part 7 of the EP&A Act.

- Introducing a new Clause 4.4A *Exceptions to Floor Space Ratio on certain land* under Part 4 Principal development standards, that enables the consent authority to allow an incentive increase in floor space ratio on certain land nominated on the FSR Map, up to a maximum incentive FSR but only where the consent authority is satisfied that the proposed development will enable the provision of community infrastructure, as identified within a development control plan applying to the land.

#### **Clause 4.4A *Exceptions to Floor Space Ratio on certain land***

- (1) The objectives of this clause are—
- (c) to facilitate the urban renewal of areas identified for strategic growth in housing and employment within the Greater Newcastle metropolitan area.
  - (d) to allow an increase in the maximum floor space ratio on certain land within the City of Newcastle, where community infrastructure is provided.
- (2) This clause applies to land identified as Area B and Area C on the Floor Space Ratio Map.
- (3) Despite Clause 4.4, the consent authority may consent to development on land to which this clause applies (including the erection of a new building or external alteration to an existing building) that exceeds the maximum floor space ratio shown for the land on the Floor Space Ratio Map, if the proposed development includes community infrastructure.
- (4) In subclause (3), the consent authority must not consent to development on land as identified on the Floor Space Ratio Map as per Column 1, with an existing maximum Floor Space Ratio as shown on the map as per Column 2, unless the site area is equal to or greater than that in Column 3, and the development will have a floor space ratio that does not exceed that identified in Column 4 of the table below.

Column 1	Column 2	Column 3	Column 4
Land identified on FSR map as:	Where maximum FSR is shown on map as:	With site area equal or greater than:	The incentive FSR is a maximum of:
Area B	1.5	1500 m <sup>2</sup> 2000 m <sup>2</sup>	2 2.5
Area C	1.5	1500 m <sup>2</sup> 2000 m <sup>2</sup>	2 3
Area D	6	2500m <sup>2</sup>	7

(5) In deciding whether to grant development consent, the consent authority must—

- (a) have regard for the objectives of this clause, and
- (b) be satisfied that the proposed development will provide community infrastructure as identified within a development control plan applying to the land
- (c) take into account the nature of the community infrastructure and its value to the community.

(6) In this clause, **Community infrastructure** means development for any of the following purposes—

- (a) community facilities,
- (b) community garden,
- (c) drainage,
- (d) public car parks,
- (e) public domain improvement,
- (f) public roads,
- (g) public walkway,
- (h) recreation areas,

but does not comprise local infrastructure for which development contributions apply within a Plan of City of Newcastle under Part 7 of the EP&A Act.

- Repeal current Clause 7.9 Height of buildings
- Amend the Land Reservation Acquisition (LRA) map to incorporate additional land identified for inclusion, in order for CN to deliver community infrastructure projects.
- Add the wording, 'development standards on land to which Clauses 4.3A and 4.4A applies' under subclause (8) of 4.6 *Exceptions to development standards*.

### Land at 41 and 47 Throsby Street Wickham

The land to which the proposed amendments to Newcastle LEP 2012 will apply encompasses land that is subject to Planning Proposal (PP-2021-328), which seeks to amend the Height of Building (HOB) map and the Floor Space Ratio (FSR) maps within Newcastle LEP 2012.

However, CN propose to exclude the land applying to PP-2021-328 upon the 'making of local environmental plan by local plan-making authority', under Section 3.36 of the Environmental Planning and Assessment Act 1979, as per Section 3.35 'Planning proposal authority may vary proposals or not proceed' under the same Act.

However, in the circumstance that the amendments proposed to Newcastle LEP 2012 under PP-2021-328 are not made, then the amendments of this Planning Proposal shall prevail.

## Part 3 - Justification

### Section A - Need for the planning proposal

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

##### **Wickham Master Plan 2017**

The Wickham Master Plan 2017 (WMP 2017) was prepared as a recommendation of the Newcastle Urban Renewal Strategy, prepared by the NSW State Government, which identified Wickham as an area requiring further planning to inform future redevelopment decisions.

WMP 2017 identified Strategies and Actions to implement the key objectives:

1. Improve accessibility and connectivity within Wickham and to adjoining areas
2. Create safe, attractive, and inclusive public places
3. Ensure built environment is functional, responsive, and resilient

The WMP 2017 vision identified six interconnecting character precincts. The intent of the precincts is to determine the envisaged character for different parts of Wickham based on their location, physical attributes of the built environment, redevelopment opportunity and density.

The WMP 2017 also includes strategies and actions for achieving provision of community infrastructure through developer incentives (including an increase in development standards within in NLEP 2012) where development provides for improvements to connectivity and the public domain, above what may otherwise be achieved through standard conditions of consent or Council's contributions framework but that achieve urban renewal.

##### **Community Infrastructure Incentives Policy**

On 27 July 2021, Council adopted a Community Infrastructure Incentives Policy, which identified the approach CN would take in areas of urban renewal to achieve the desired outcomes within the built environment through incentives mechanisms within Newcastle LEP 2012 that delivers a transparent, equitable and evidence based approach based on community engagement at the strategic level to deliver improved development outcomes.

##### **Wickham Masterplan 2021 Update**

The Wickham Masterplan 2021 Update (WMP 2021) adopted by Council on 28 September 2021 provided further strategic guidance for CN's planning decisions and coordinated delivery of urban renewal within Wickham.

This planning proposal is prepared in response to the WMP 2021 identified potential increased densities (via incentive increases in HOB and FSR) where this delivers identified community infrastructure project.

##### **Newcastle Local Strategic Planning Statement**

The City of Newcastle Local Strategic Planning Statement (LSPS) is CN's plan to guide our land use planning over the next 20 years. The LSPS outlines Planning Priorities to achieve our land use planning vision and will inform our decisions on any changes to the planning rules in Newcastle Local Environmental Plan 2012 and the Development Control Plan 2012.

Relevant LSPS priorities include:

- Prioritise active transport in our City –
  - We will walk or cycle on our network of footpaths and separated cycleways

- Encourage uptake of active transport by planning for short trips (distance of 400m to 4km).
- Support emerging transport opportunities and public transport improvements with continued integration of land use and transport planning –
  - Plan for concentrated growth around transport and activity nodes.
- Green our neighbourhoods –
  - Investigate additional public green spaces in the strategic planning of mixed-use Catalyst Areas, Strategic Centres and Urban Renewal Corridors.
  - Investigate opportunities to reduce hard surfaces and increase gardens in local centres and in our residential streets.
- Plan for growth and change in Catalyst Areas, Strategic Centres and Urban Renewal Corridors –
  - A planned approach to growth and change will improve infrastructure and land use sequencing to capitalise on the opportunities for jobs and housing growth.
  - Continue to implement the Wickham Master Plan.
- Sustainable, accessible and inclusive housing
  - Housing at appropriate densities will be located to support effective and integrated public transport.

## **Newcastle Housing Needs and Local Character Evidence Report**

The Newcastle Housing Needs and Local Character Evidence Report (2019) identified Maryville-Wickham as an area likely to experience the third highest rate of population growth in Newcastle LGA, with a projected population growth of 2,650 by 2041. This report also identified the Maryville-Wickham area as experiencing significantly more residential development than previous forecasts had expected, with a development rate 38% higher than was forecast between 2016-2018. A market opportunity for student housing was also identified, with an unmet demand for student housing within City Centre suburbs including Wickham, coinciding with substantial investment by University of Newcastle in the city centre campus. A key factor in meeting this demand is identified as the provision of better cycling networks linked to education centres.

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

Yes, the transfer of site area for floor space calculations ensures the unlocked potential of the land is not forfeited where land is dedicated to CN for a public use.

CN contends that the provision of an incentive mechanism provides greater certainty to both the community and the development industry of the potential community infrastructure that may be delivered where applicants seek to achieve increased density within their development proposal. This approach is favoured over the alternative piecemeal approach of preparing individual planning proposals and planning agreements for each remaining potential redevelopment parcel within Wickham.

The current incentives mechanism is not proposed to be included in Part 7 Additional local provisions – Newcastle City Centre, of the NLEP 2012, as CN intends to introduce similar measures within other urban renewal and catalyst areas in the future, once the background strategic planning framework is in place to identify both potential densities and community infrastructure to facilitate urban renewal consistent with the intent of the Greater Newcastle Metropolitan Plan.

The removal of clause 7.9 *Height of buildings* has no material effect but ensures that NLEP 2012 does not contain obsolete provisions that are unnecessary and confusing to users. The HOB maps were amended to remove Area A on the 29 July 2014 under the State Environmental Planning Policy Amendment (Newcastle City Centre) 2014, however the amendment failed to repeal the clause from the instrument. Specific upper level setbacks and street wall design

controls were previously included in the city centre development controls introduced by the State government following endorsement of the NURS.

Clause 7.9 is now an anomaly and CN seeks to remedy this by proposing its repeal.

The inclusion of land required for providing community infrastructure on the Land Reservation Acquisition (LRA) map ensures that the land is available to CN, if the land is not redeveloped to a density requiring to access the available incentive GFA.

CN contends that excluding CI 4.6 Exceptions to development standards from land subject to incentives will ensure development standards applying to incentives are not subject to further variation, resulting in an incremental creep of density beyond what Council has determined suitable for the land.

## Section B - Relationship to strategic planning framework

### 3. *Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?*

#### **Hunter Regional Plan 2036**

The Hunter Regional Plan (HRP) 2036 is the NSW government's plan to guide land use planning and infrastructure priorities and decisions over the next 20 years. The plan identifies regionally important natural resources, transport networks and social infrastructure and provides a framework to guide more detailed land use plans, development proposals and infrastructure funding decisions. The plan includes overarching directions, goals and actions as well as specific priorities for each local government area in the Hunter region.

By facilitating well serviced, additional density in the Newcastle city centre, the planning proposal is consistent with:

**Direction 1** of the Hunter Regional Plan – *Grow Greater Newcastle as Australia's next metropolitan city.*

**Action 1.1** Focus development to create compact communities that allow 95 per cent of people to live within 30 minutes of a strategic centre.

**Direction 3** - *Revitalise Newcastle city centre.*

**Action 3.1** Promote the growth and renewal of Newcastle City Centre through local strategies and controls.

**Action 3.2** Leverage the increased presence of the University of Newcastle in the city centre.

**Action 3.4** Focus investment in developing infrastructure to: enhance the public domain and relevant services to make it easier to get around the city centre, recognising Wickham as the public transport gateway into the centre.

#### **Greater Newcastle Metropolitan Plan 2036**

NSW Department of Planning, Industry and Environment's (DPIE) Greater Newcastle Metropolitan Plan 2036 (GNMP) recognises the Newcastle city centre and Wickham as the heart of Greater Newcastle, set to benefit from both public and private investment and planning through *Revitalising Newcastle* and the *Urban Transformation and Transport Program* to enhance the City Centre's appeal.

The GNMP recognises the importance of collaborative partnerships in optimising opportunities for transformation and driving the emergence of Greater Newcastle as a metropolitan city on the global stage. Further to this, the GNMP acknowledges the importance of continued revitalisation, improved transport connectivity, and high-quality buildings and places to attract new small business start-ups.

The GNMP provides specific directions for the 'Wickham Precinct', within the Newcastle City Centre Catalyst Area, which aligns with the planning proposal area and sets out the following:

"Newcastle City Council will align local plans to:

- facilitate the long-term expansion of the City Centre towards Wickham
- increase opportunities for transit oriented development around Newcastle Interchange
- respond to development constraints including mine subsidence and flooding
- provide floor space for emerging new economy industries and businesses."

The planning proposal is consistent with the GNMP in that it:

- seeks to facilitate and incentivise redevelopment to support and compliment the emerging city centre;
- supports mixed use development around the Newcastle interchange;
- addresses flooding through recognition of floor height controls affecting HOB;
- acknowledges mine subsidence risk through consultation with Subsidence Advisory NSW in developing the WMP; and
- ensuring sufficient FSR to ensure feasibility of mixed use development and new economy industries and businesses such as *High Technology Industry*.

#### 4. *Is the planning proposal consistent with a council's local strategy or other local strategic plan?*

##### **Newcastle 2030 Community Strategic Plan**

The Planning Proposal is consistent with the Newcastle 2030 - Community Strategic Plan (CSP) 2018 update, which identifies the community's vision for the city, outlines actions and strategies for CN to achieve, as well as indicators for monitoring implementation.

Compliance with the LEP amendment process, identified in section 3.34 Gateway determination of the *EP&A Act 1979* ensures consistency with the CSP's sustainable development goal of 'Open and Collaborative Leadership' and the strategic objective to "Consider decision-making based on collaborative, transparent and accountable leadership"

Furthermore, the Planning Proposal is consistent with the remaining strategic directions and objectives of the CSP, or at a minimum does not result in any inconsistencies with the following:

- Integrated and Accessible Transport
- Vibrant, Safe and Active Public Places
- Protected Environment
- Inclusive community
- Liveable built environment
- Smart and innovative.

##### **Local Strategic Planning Statement**

The Local Strategic Planning Statement (LSPS) was adopted by CN in May 2020. It complements the Newcastle 2030 Community Strategic Plan.

The LSPS is a 20-year land use vision prepared to guide the future growth and development in Newcastle consistent with the GNMP. It informs changes to the Newcastle Local Environmental Plan 2012, Newcastle Development Control Plan 2012 and other land use strategies.

The LSPS advocates redevelopment in Wickham as part of the Newcastle City Centre Catalyst Area. This Planning Proposal supports an increase in provision of housing and jobs close to public transport and supports urban renewal and delivers on the following relevant Planning Priorities:

- Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas
- Sustainable, healthy and inclusive streets, neighbourhoods and local centres
- Development responds to the desired local character of our communities
- Enable the transition to new economy job and grow creative industries.

##### **Local Housing Strategy**

The Local Housing Strategy 2020 (LHS) was adopted by Council in October 2020 and sets a framework for the provision of housing across CN over the next 20 years. The LHS is a local response to the housing actions within the HRP, GNMP and the Newcastle LSPS. The LHS is accompanied by an Implementation Plan.

This Planning Proposal is consistent with the delivery of the following strategic priorities:

- Maintain and encourage housing supply in the right locations
- Diversify housing type and tenure across the LGA to provide for a range of housing needs
- Increase the availability of accessible and adaptable housing
- Increase the supply of affordable rental housing
- Ensure new housing and changes to existing housing reflect the desired future local character of the area.

### 5. *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

An assessment of the planning proposal against the relevant SEPPs is provided in the table below.

**Table 1 - Relevant State Environmental Planning Policies**

Relevant SEPPs	Consistency and Implications
SEPP 19 (Bushland in Urban Areas)	Not applicable
SEPP 21 (Caravan Parks)	Not applicable
SEPP 33 (Hazardous and Offensive Development)	Not applicable
SEPP 36 (Manufactured Home Estates)	Not applicable
SEPP 50 (Canal Estate Development)	Not applicable
SEPP 64 (Advertising and Signage)	Not applicable
SEPP 65 (Design Quality of Residential Flat Development)	Most of the land within the proposal area is zoned B4 Mixed Use, which permits the land to be developed for uses to which this policy applies (residential apartment development). CN is satisfied that the planning controls proposed will enable development that is compliant with this policy and associated apartment design guidelines. CN has sought advice the advice of its design review panel under clause 27 (c) of this SEPP. The panel raised no objection to this proposal. Any subsequent development proposal will be referred to this panel as a matter of due course.
SEPP (Coastal Management) 2018	The SEPP (Coastal Management) 2018 applies to the PP area. Most of the PP area is situated within the Coastal Environment Area. CN is satisfied that the proposed LEP amendments will not result in subsequent development proposals being inconsistent with the aims of this policy, or the controls under Division 3 Coastal environment area, Division 4 Coastal use area, and Division 5 General
P (Affordable Rental Housing) 2009	Not applicable
SEPP (Building Sustainability Index: BASIX) 2004	Not applicable
SEPP (Educational Establishments and Child Care Facilities) 2017	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Not applicable
SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable
SEPP (Infrastructure) 2007	Not applicable
SEPP (Integration and Repeals) 2016	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable



Relevant SEPPs	Consistency and Implications
SEPP (Primary Production and Rural Development) 2019	Not applicable
SEPP (State and Regional Development) 2011	Not applicable
SEPP (State Significant Precincts) 2005	Not applicable
SEPP (Three Ports) 2013	Not applicable
SEPP (Urban Renewal) 2010	The area subject to this PP is wholly within land to which Newcastle Potential Precinct Map applies. The requirements of Clause 9 Proposals for potential precincts were satisfied by the preparation of the Newcastle Urban Renewal Strategy (NURS). The NURS identified the need for further planning to be undertaken in relation to the renewal of the Wickham area; hence the WMP was prepared and adopted by CN. This PP is consistent with the WMP.
SEPP (Vegetation in Non-Rural Areas) 2017	Not applicable
SEPP (Koala Habitat Protection) 2019	Whilst this policy applies to the land, there is no potential for Koala habitat within the vicinity of the PP area hence the requirements of this SEPP are not applicable.

## 6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

An assessment of the planning proposal against the relevant Ministerial Directions is provided in the table below.

**Table 2 - relevant Ministerial Directions (Section 9.1 directions)**

Relevant Section 9.1 Directions	Consistency and implications
<b>1. Employment and Resources</b>	
<b>1.1 Business and Industrial Zones</b>	Consistent. The PP not only retains the existing opportunities for business uses within the B4 Mixed Use zone but seeks to expand this by offering an increase in Height and FSR by way of incentives, thereby allowing a greater potential floor space for permitted uses including business uses.
<b>1.2 Rural Zones</b>	Not applicable
<b>1.3 Mining, Petroleum Production and Extractive Industries</b>	Not applicable
<b>1.4 Oyster Aquaculture</b>	Not applicable
<b>1.5 Rural Lands</b>	Not applicable
<b>2. Environment and Heritage</b>	
<b>2.1 Environment Protection Zones</b>	Not applicable
<b>2.2 Coastal Management</b>	Consistent. The PP area is within the coastal zone as defined under the Coastal Management Act 2016. The PP is consistent with clause 4 of this ministerial direction. Clauses 5, 6 and 7 of this ministerial direction do not apply to this PP. The PP is therefore considered to be consistent with this ministerial direction.

Relevant Section 9.1 Directions	Consistency and implications
<b>2.3 Heritage Conservation</b>	This planning proposal will facilitate conservation of an identified place of environmental heritage significance in relation to the historical and social heritage of the area. This will be achieved via uptake of the proposed development incentives included in this proposal, which will require a contribution towards community infrastructure projects, including the former Wickham and Bullock Island Railway Corridor. Additional funding received through this mechanism will allow the establishment of appropriate interpretive treatments acknowledging Bullock Island Railway Corridor heritage significance and to differentiate it from the remaining public domain of the area.
<b>2.4 Recreation Vehicle Areas</b>	Not applicable
<b>2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</b>	Not applicable
<b>2.6 Remediation of Contaminated Land</b>	Consistent. This direction applies to the proposal, since it is possible that development for a purpose referred to in Table 1 of the Managing Land Contamination – Planning Guidelines – SEPP 55 – Remediation of Land may have been carried out on the land covered by this PP, as Wickham has previously been zoned to allow light industry in the past, however, the Planning Proposal only facilitates potential increases in FSR and HOB, with no changes to the current zoning of the land or the permissibility of land uses. Hence, CN has not sought to obtain a preliminary investigation in accordance with the contaminated land planning guidelines.
<b>3. Housing, Infrastructure and Urban Development</b>	
<b>3.1 Residential Zones</b>	Consistent. This direction applies to the PP as the B4 Mixed Use zone permits residential development. The PP will not reduce the permissibility of residential uses but rather increase their feasibility due to a potential increase in FSR and HOB.
<b>3.2 Caravan Parks and Manufactured Home Estates</b>	Not applicable
<b>3.3 Home Occupations</b>	Consistent. The B4 zone within Newcastle LEP 2012 already permits Home Occupation as a use permitted without consent, hence is consistent with this direction.
<b>3.4 Integrating Land Use and Transport</b>	Consistent. The PP facilitates additional GFA for business and residential development through the offering of development incentives. The land subject to this PP is within the Newcastle City Centre Area boundary and hence is consistent with the aims, objectives and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).
<b>3.6 Shooting Ranges</b>	Not applicable
<b>3.7 Reduction in non-hosted short term rental accommodation period</b>	Not applicable

Relevant Section 9.1 Directions	Consistency and implications
<b>4. Hazard and Risk</b>	
<b>4.1 Acid Sulfate Soils</b>	Consistent. The land is located within category 3 of the ASS map in NLEP2012. However, the PP does not include provisions or amendments that will increase the risk or hazard from the current potential, hence it is considered to be of minor significance and does not require any further study
<b>4.2 Mine Subsidence and Unstable Land</b>	Part of the planning proposal area is within a proclaimed Mine Subsidence District. Subsidence Advisory (SA) NSW were consulted in the preparation and exhibition of WMP 2017 to consider if the subject area could support a greater level of development than is currently permitted. SA NSW did not raise any objection in principle to an increase in the scale of built form but confirmed that any future development would trigger the need for further investigation which is likely to result in the need for remediation/stabilisation works. The extent of Development Incentives, and the suitable locations for these have been revised from those earlier proposed in the WMP 2017. This is to reflect updated information provided by Subsidence Advisory NSW (SA NSW) on the current development potential of sites affected by mines subsidence.
<b>4.3 Flood Prone Land</b>	Consistent. The PP applies to land identified as being within a flood planning area according to the Newcastle City-wide Floodplain Risk Management Study and Plan 2012 maps. However, the land is not within a floodway or considered flood storage but is in the flood fringe. This direction does not apply given that the planning proposal will not result in a provision that affects flood prone land.
<b>4.4 Planning for Bushfire Protection</b>	Not applicable
<b>5. Regional Planning</b>	
<b>5.1 Implementation of Regional Strategies</b>	Not applicable
<b>5.10 Implementation of Regional Plans</b>	The planning proposal applies to land within the Hunter Regional Plan. The planning proposal is consistent with the regional plan, as outlined in Section B 3 above.
<b>5.11 Development of Aboriginal Land Council land</b>	Not applicable
<b>6. Local Plan Making</b>	
<b>6.1 Approval and Referral Requirements</b>	The PP does not include any provisions that will require development applications to seek approval or referral from any other public authority. CN will consult with public authorities prior to public exhibition in accordance with any conditions included in the Gateway determination.
<b>6.2 Reserving Land for Public Purposes</b>	Not applicable
<b>6.3 Site Specific Provisions</b>	Not applicable

## 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 land subject to the proposal does not contain critical habitat or threatened species, populations or ecological community, or their habitats.

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

#### Traffic and Transport Considerations

##### **Local traffic and transport**

The increased densities proposed here are a direct reflection of the higher densities identified in the WMP. The WMP 2017 was adopted concurrently with the Wickham Local Area Traffic Management Plan (LATM) to ensure traffic management measures and interventions are implemented based on traffic thresholds set by Transport for NSW that improve safety and amenity of local streets. Community infrastructure facilitated by this proposal will assist with Land Reservation Acquisitions (LRA) identified for local roads (i.e. identified intersection works, road widening, providing new connections and enabling public domain improvements). This will allow widening of the road reserve in select streets to enable adequate capacity of traffic, parking and the establishment of new footpaths and shared paths.

##### **Public transport**

This proposal recognises the strategic location of Wickham, due to its close proximity to the emerging Newcastle CBD in Newcastle West and the new Newcastle Transport Interchange located in Wickham. This location creates potential for the area to accommodate a range of increased densities to capitalise on Wickham's proximity to excellent public transport options. This is strongly supported by the strategic framework for the Hunter region, by enhancing the public domain and relevant services to make it easier to get around the city centre, recognising Wickham as the public transport gateway into the centre.

##### **Cycle and pedestrian movement**

Community infrastructure facilitated by this proposal will include the establishment of new footpaths and shared paths throughout Wickham and linking to adjoining areas, in accordance with the vision of the WMP and the revised Newcastle Cycling Strategy and Action Plan. These interventions are expected to encourage uptake of active transport planning, by contributing key components at the hub of a city-wide network of footpaths and separated cycleways.

#### Environmental Considerations

##### **Bushfire hazard**

The land is not identified as bush fire-prone land in the Newcastle Bush Fire Hazard Map (2018)

##### **Noise impact**

This proposal will allow the continued development of a mix of compatible permissible land uses, with noise impacts anticipated to be adequately addressed during the design and assessment of individual developments.

##### **Flooding**

According to the Newcastle City-wide Floodplain Risk Management Study and Plan 2012 maps, the subject land is not within a floodway but is in the flood fringe. Hence future development may require an elevated floor height at ground level but is otherwise considered to be of minor significance.

### **Sea level rise**

Resilience to potential hazards from sea level rise is being addressed at a broader scale through CN's 2017 *Strategic Position for the Management of Low-Lying Areas of Newcastle - Wickham - Maryville - Carrington – Islington*, which supports the ongoing redevelopment of these areas combined with various mitigation measures. In the case of this PP, suitable mitigation measures have been considered, such as raising the ground level floor height. This additional height (up to 1m) above natural ground level has been taken into account in determining the HOB to ensure no further variation under clause 4.6 of NLEP2012 is required (in relation to this issue) in any subsequent DA on the land.

### **Urban Design Considerations**

The maximum proposed increase in density (HOB and/or FSR) is consistent with the urban design assessment and 3D modelling provided as part of the WMP 2017.

However, the incentives proposed are dependent on-site area, which responds to concern raised by CN's Urban Design Review Panel with how development standards are applied across the Newcastle City Centre, when large, tall development occurs on narrow lots with minimal side boundary setbacks resulting in tall buildings close to one another. This delivers an extremely dense urban form that is atypical of Newcastle's context. The site areas and predetermined densities will ensure resultant development in Wickham is able to comply with the requirements of the Apartment Design Guidelines and locality specific development controls, including setbacks, opportunities for landscaping, and car parking requirements, while also providing an incentive for site amalgamation.

CN has estimated that the hypothetical additional GFA from development accessing the available incentive GFA, under this proposal, to be in the order of 28 thousand square meters, not taking into consideration additional incentives GFA being made available from amalgamation of sites.

Assuming that additional GFA is taken up as additional residential apartments (at an average GFA of 90sqm per dwelling), this would create an additional 311 households within the city centre, from what is currently achievable. Furthermore, this additional development will enable the delivery of the community infrastructure projects not otherwise achievable by Council and at no additional cost to development under the current development standards.

### **Social and Cultural Considerations**

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

#### **Social and Cultural Considerations (not addressed above)**

##### **Open space management**

This proposal facilitates various interventions within the urban structure that will deliver the community's desire for increasing opportunities for 'greening' and open space within the public domain.

##### **Social and cultural impacts**

The improved community infrastructure facilitated by this proposal will cater for the social and recreational needs of both local residents and the wider Newcastle community. The Wickham area will continue to cater for sporting, community events, and festivals, which will benefit from improved pedestrian and cycle links to public transport and adjoining areas.

##### **Stakeholder engagement**

In November 2017 CN adopted the WMP 2017 following extensive engagement with stakeholders to identify a vision for the desired future character of Wickham, as well as outlining the strategies and actions to achieve the vision. This proposal is one of the key actions identified in the WMP.

### **Economic Considerations**

### ***Economic impact assessment***

The 'incentive GFA rate', proposed for Wickham by Council (based on the dividing the total cost of nominated community infrastructure projects by the max potential incentive GFA available, consistent with the WMP), was reviewed on behalf of CN by economic and valuation consultancy HillPDA.

HillPDA tested the potential development scenarios using a feasibility modelling approach to ensure that the potential rate is not only feasible but represents an incentive to development, based on a positive result to the potential rate of return. HillPDA identified a potential range for the 'Incentive GFA Rate', based on the variation in individual site factors and likely building types resulting from the range of incentive densities tested.

CN has determined a rate that represents the middle to upper end of the identified range but that would deliver all of the community infrastructure projects identified within WMP to support the increased densities. CN propose to exhibit the proposed 'Incentive GFA Rate' for Wickham alongside this Planning Proposal to obtain feedback from industry to ensure this will incentivise further urban renewal. Should the rate be adjusted, CN will need to consider the scope or priority of the projects sought to be delivered.

### ***Employment Land***

This proposal will increase the development potential of land currently zoned B4 Mixed Use, furthering the objectives of this key area of employment land, in particular: *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling*

## **Section D - State and Commonwealth interests**

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

New development contributes toward the provision of essential community infrastructure, as a condition of consent being applied under Section 7.11 or 7.12 of the Act, however in areas of rapid growth local government is limited by:

- the amount able to be charged in comparison to the full cost of providing the infrastructure and services required by the community
- the type of items that may be funded by contributions in comparison to the expanded range of facilities and services local government is responsible for providing
- The timeframe to collect or recoup adequate funds necessary for delivering community infrastructure.

This Planning Proposal seeks to implement an alternative means of delivering community infrastructure, through development incentives, that are complementary but completely independent to contributions made under Section 7.11 and 7.12 of the Act.

Applicants may opt to access the available incentives (similar to other provisions within NLEP 2012, including Clause 7.10, that provide additional FSR based on an applicant's choice made having weighed up the economic implications) where the DA identifies the delivery of community infrastructure to be provided to support urban renewal.

## 11. *What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?*

CN has consulted with the following State public authorities in preparing this planning proposal:

- Subsidence Advisory NSW with respect to the limitations on redevelopment due to the nature of old mine workings within Wickham as identified by the Newcastle City Centre Mine Subsidence Risk Model and the remediation requirements to enable a potential increase in densities. As a result of the advice received, CN has only sought to apply an incentive increase in density through this Planning Proposal on land that is either not undermined and not impacted by mine subsidence and land not undermined but that is within the area of influence and may require some intervention (i.e. remediation at the edge of the workings and/or addressed through the design parameters of development.
- CN wrote to the NSW Independent Commission Against Corruption (ICAC) on 4 May 2021 to seek feedback in relation to any risks with implementing the draft Community Infrastructure Incentive Policy, if adopted by Council. A written response was received from ICAC's Principal Officer Corruption Prevention on 1 June 2021 to advise that the ICAC did not ordinarily provide a formal response in relation to draft Council Policy. However, at a subsequent conversation on 2 June 2021 the Officer confirmed that while the ICAC could not provide surety in relation to the potential corrupt conduct, it had not flagged any grounds for concern with the draft Policy.
- The ICAC advised CN to ensure probity in reporting and accounting how and where monies collected for community infrastructure are held and spent, consistent with how other funding for infrastructure is administered (for example funding collected through developer contributions or planning agreements). These probity requirements are provided for in the draft Policy.
- CN consulted with DPIE during the exhibition of the draft Policy to inform this planning proposal. While the Infrastructure Funding Policy team raised initial concern with the approach proposed within this Planning Proposal and its consistency with the current infrastructure contribution reform, CN have detailed to DPIE that the proposed incentives are not seeking to deliver items of 'local infrastructure', which is already provided for under CN's contribution framework but instead seeks to deliver those improvements and interventions to the local urban structure that will facilitate urban renewal outcomes as identified within the adopted WMP 2017, and amended WMP 2021. CN has outlined consistency between the Planning Proposal and other existing LEP provisions and trusts that all previous concerns have now been addressed to allow support through gateway determination.

Prior to public exhibition CN proposes to consult further with Subsidence Advisory NSW, in a formal capacity, given part of the Land falls within the bounds of the declared Newcastle Mines Subsidence District.

## 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
- Minimum Lot Size Map
- Land Classification 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	X					X		X			
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



Figure 3: Existing Max Height of Buildings Map

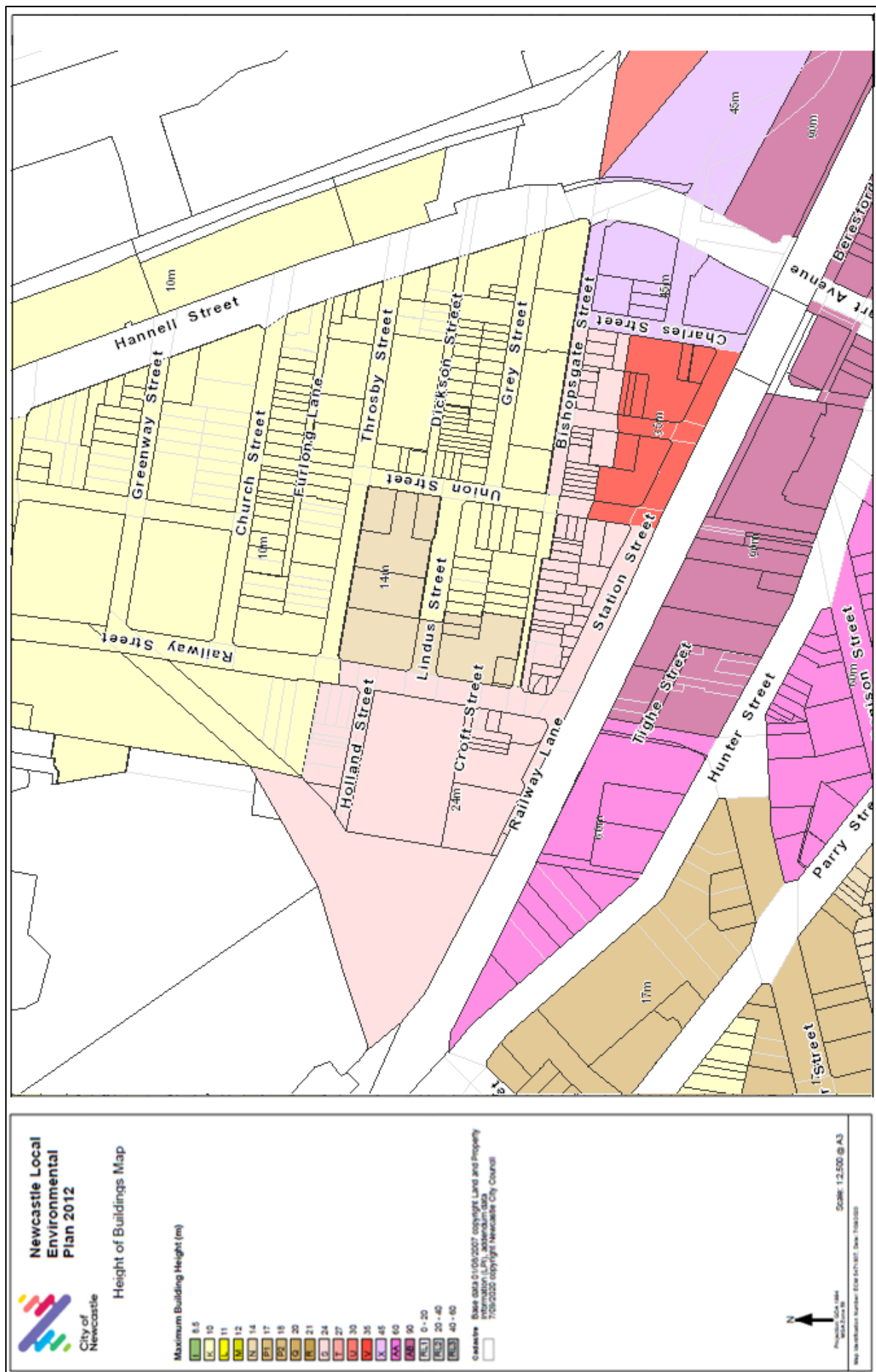


Figure 4: Proposed Max Height of Buildings Map

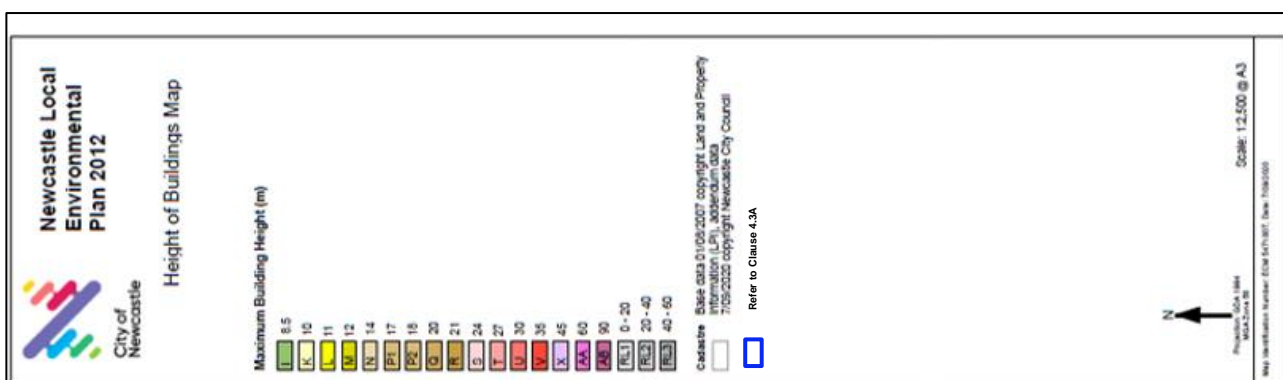
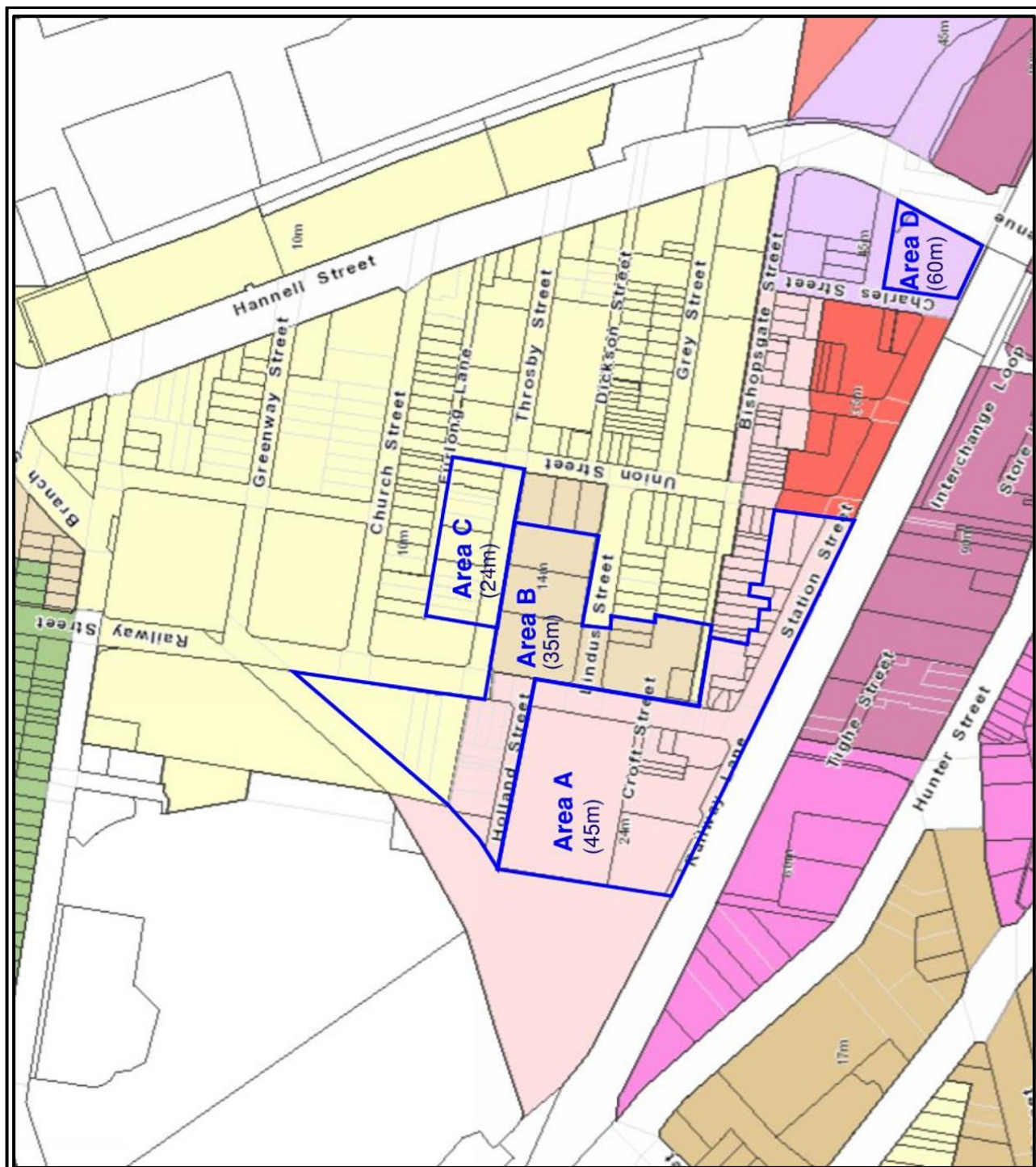


Figure 5: Existing Floor Space Ratio Map

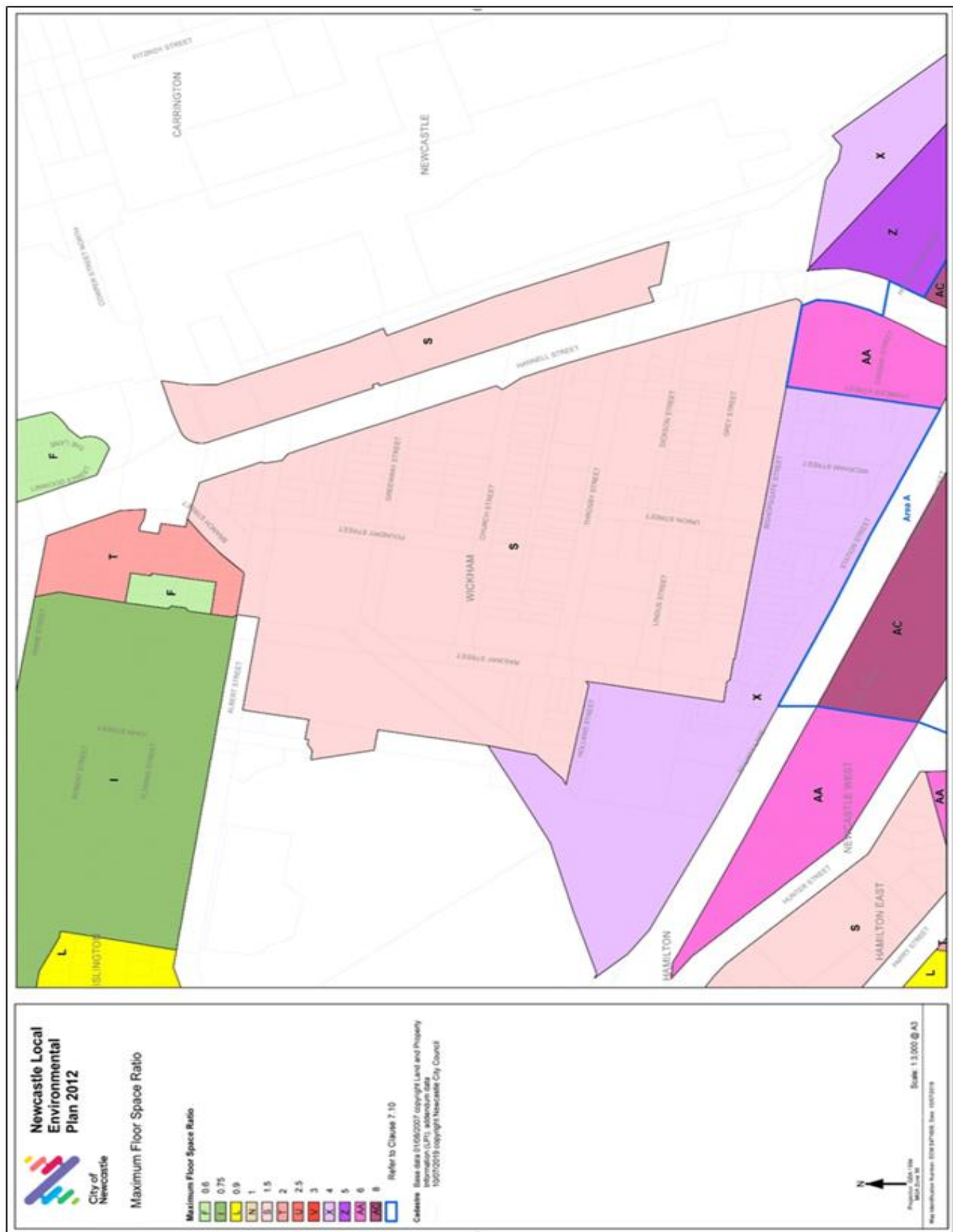


Figure 6: Proposed Floor Space Ratio Map

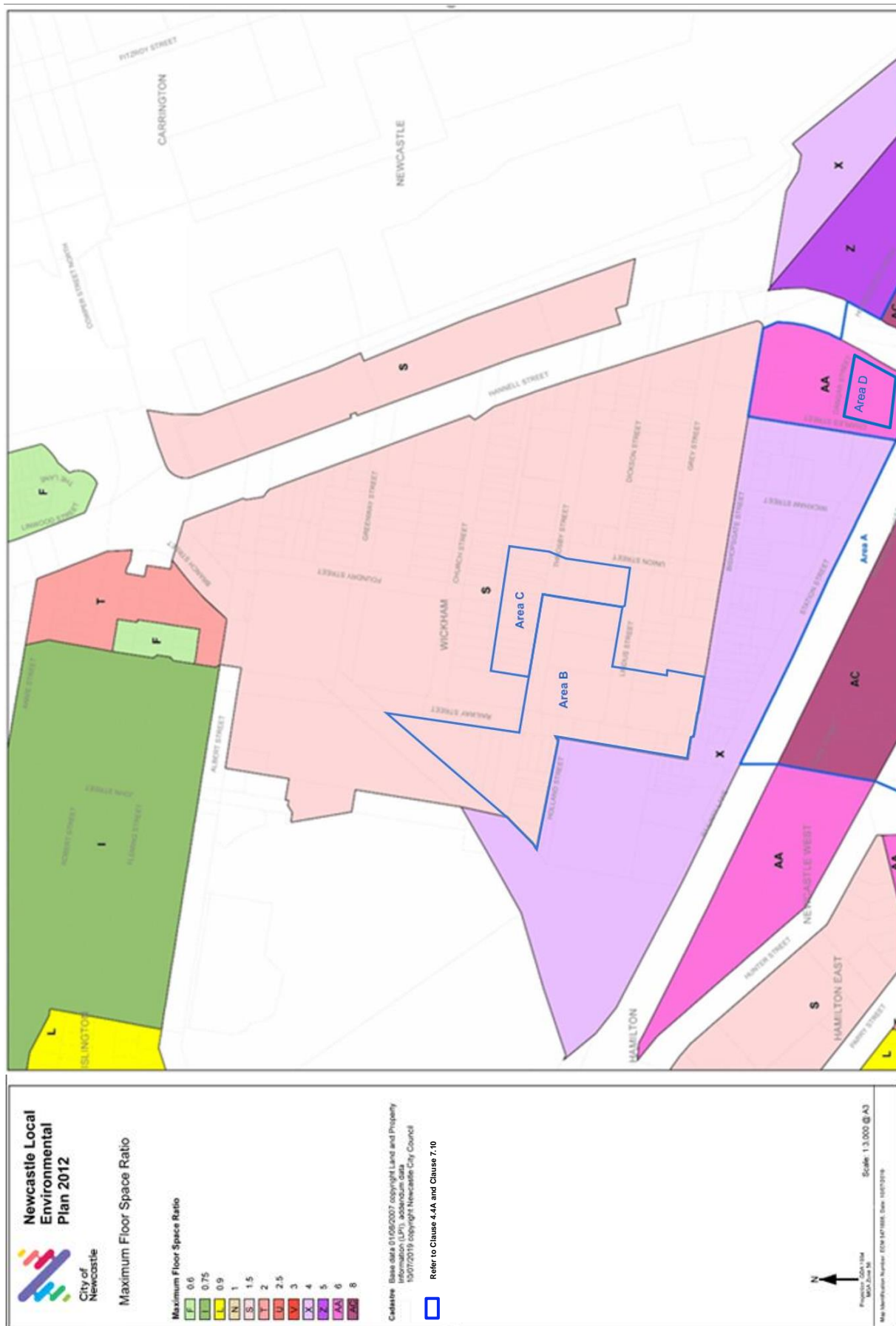


Figure 7: Existing Land Reservation Acquisition Map

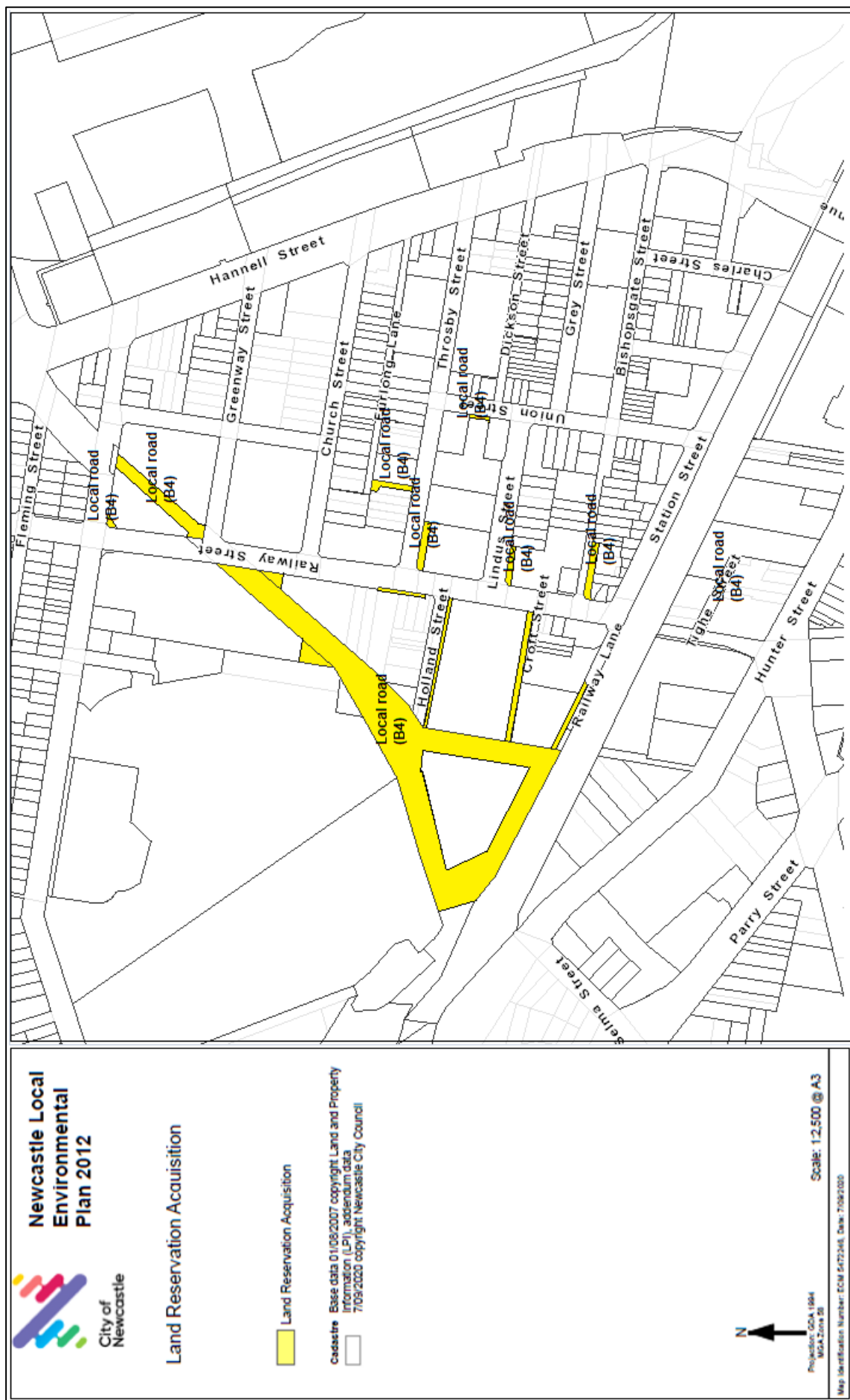
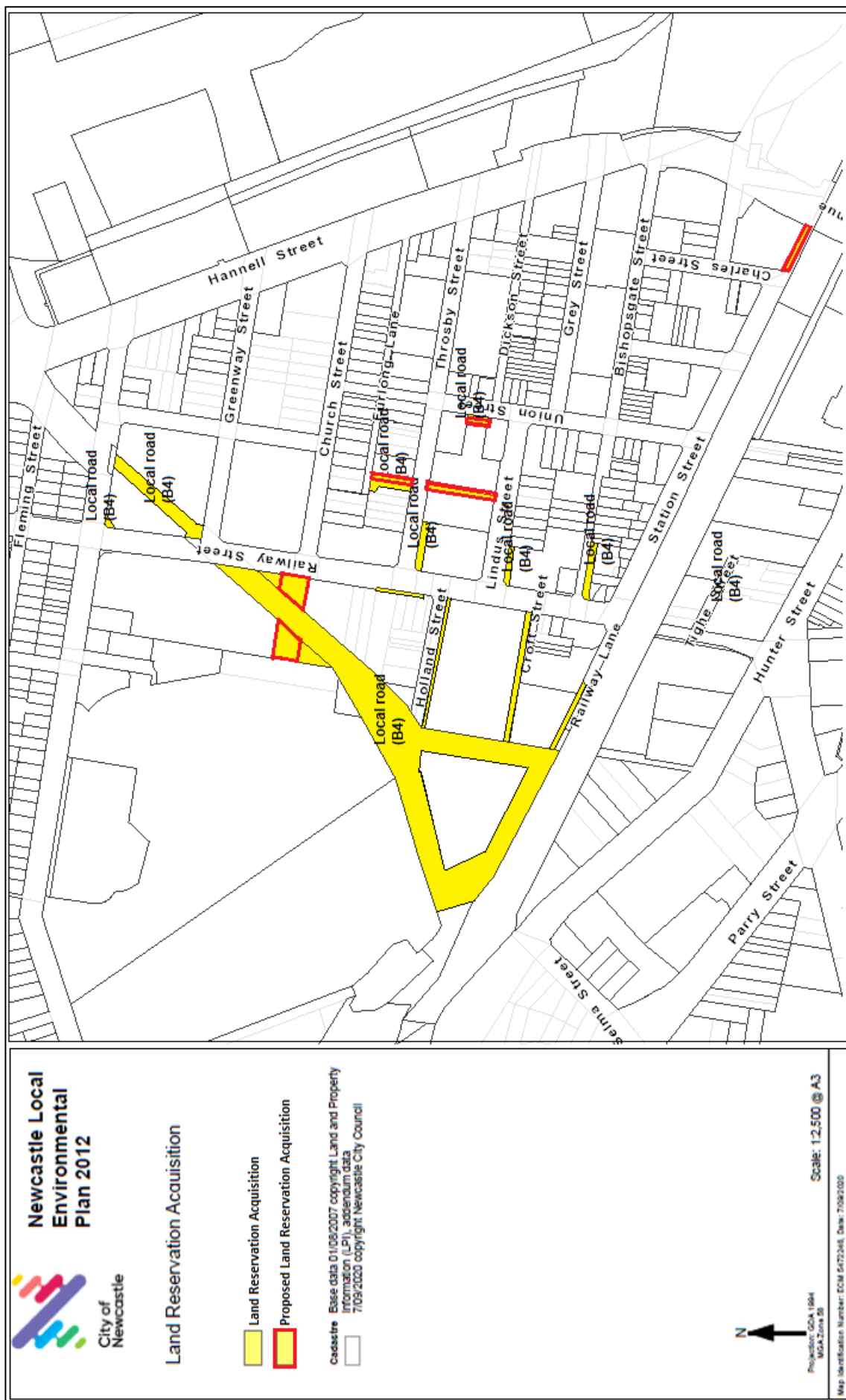


Figure 8: Proposed Land Reservation Acquisition Map



## Part 5 - Community consultation

The planning proposal is considered as low impact in accordance with the Department of Planning and Environment's guidelines, 'A guide to preparing planning proposals.

However, CN propose to exhibit the Planning Proposal for a 28-day period, together with:

- draft Newcastle DCP Section 6.03.6 Community Infrastructure Incentives (for Wickham)
- draft 'Incentive GFA Rate' for Wickham, within the schedule of fees and charges of the Newcastle Operational Plan 2021/22.

Relevant authorities will be consulted in accordance with the requirements of the Gateway determination.

CN has engaged with the local Wickham Community, landowners and industry stakeholders on the proposed Community Infrastructure Incentives, as follows:

- Pre-engagement on the Wickham Masterplan 2021 Update throughout December 2020 and January 2021, which outlined the proposed incentives and the community infrastructure projects.
- 28 day public exhibition of the draft Community Infrastructure Incentives Policy, which outlined the proposed approach.
- 28 day public exhibition of the draft Wickham Masterplan 2021 Update which detailed the development incentives and envisaged community infrastructure envisaged for Wickham.

## Part 6 - Project timeline

The plan making process is shown in the timeline below. It will be undertaken in accordance with the Gateway determination.

Task	Planning Proposal Timeline									
	Oct 21	Nov 21	Dec 21	Jan 22	Feb 22	Mar 22	Apr 22	May 22	Jun 22	Jul 22
Anticipated Council endorsement	Council decision									
Anticipated commencement date (date of Gateway determination)		DPIE								
Anticipated timeframe for the completion of required studies	N/A									
Timeframe for government agency consultation										
Commencement and completion dates for public exhibition period						Exhibition				
Dates for public hearing (if required)	N/A									
Timeframe for consideration of submissions										
Timeframe for the consideration of a proposal post exhibition								Council decision		
Anticipated date RPA* will make the plan (if delegated)										
Anticipated date RPA* will forward to the Department for notification (if delegated) or for finalisation (if not delegated)										

\*RPA Relevant Planning Authority



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INFRASTRUCTURE INCENTIVES AT WICKHAM**

**ITEM-XX**     **Attachment B:**     Draft Section 6.03.06 Community Infrastructure  
Incentives in Wickham - Newcastle Development  
Control Plan 2012

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## Attachment B - Newcastle DCP 2012 - Section 6.03 Wickham

### 6.03.06 Community infrastructure incentives in Wickham

This section provides controls to help determine the level of incentive provided to development proposals in Wickham, under Clause 4.3A Exceptions to Height of buildings on certain land; and/or Clause 4.4A Exceptions to Floor Space Ratio on certain land of [Newcastle LEP 2012](#) (LEP).

Applicants seeking to access an available incentive will attend a pre-DA meeting to discuss the particulars of their proposal including the incentive sought and the community infrastructure to be provided.

#### Development incentives

##### *Performance criteria*

P1 The additional gross floor area (GFA), made available as an incentive to individual development is based on:

- (a) planning grounds
- (b) regard for the net public benefit to Wickham
- (c) the monetary value (\$) of community infrastructure proposed
- (d) the 'Incentive GFA rate' (\$/sqm) for Wickham.

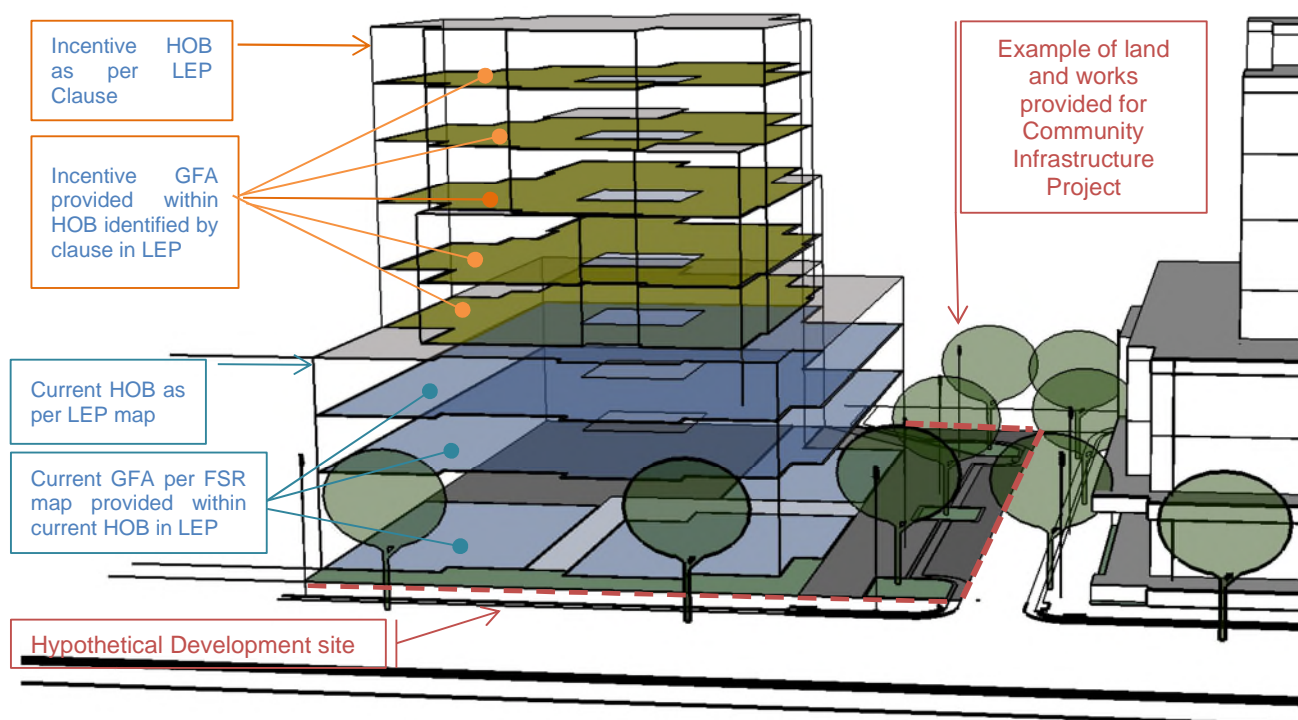
##### *Acceptable solution*

A1 The additional GFA available to an individual development, as an incentive, is determined by dividing the agreed value of community infrastructure being offered as part of the DA by the 'Incentive GFA rate' for Wickham.

#### Notes

1. CN has determined an 'Incentive GFA rate' for Wickham by dividing the combined estimated cost (\$) of all nominated 'community infrastructure' projects (as summarised in Table 6.03.06 - 1 - Schedule of Community Infrastructure Projects in Wickham) by the potential combined increase in GFA (sqm) available to development in Wickham, in accordance with the Newcastle Community Infrastructure Incentives Policy 2021.
2. The 'Incentive GFA rate' for Wickham is published within the Schedule of Fees and Charges of the Newcastle Operational Plan and represents the value applied per square metre (\$/m<sup>2</sup>) of additional GFA achieved by development.
3. Despite A1, the resultant HOB and FSR of development cannot exceed the maximum identified for the land within [Newcastle LEP 2012](#).
4. An example of how incentive GFA is applied to development is illustrated in Figure 6.03.06 - 2 – Development Incentives.
5. Where development does not seek an available incentive in full or part but is situated on land that is identified on Figure 6.03.06 - 2 – Map of nominated community infrastructure projects in Wickham, the applicant will make the full required land available to CN for acquisition.

**Figure 6.03.06 - 2 – Diagram showing how incentives are applied to development**



## Provision of community infrastructure

### Performance criteria

- P1. Community infrastructure may be provided to CN in the form of Land, Capital Works, Cash contribution, or a combination of these, which will deliver the nominated community infrastructure projects identified in Table 6.03.06 - 1 - Schedule of community infrastructure projects in Wickham.
- P2. Applicants will obtain in principle agreement from CN to the provision of community infrastructure being offered prior to lodging a formal DA.

### Acceptable solutions

- A1. Notwithstanding the merits of the development proposal, CN will consider the following prior to accepting an offer of community infrastructure in the form of capital works and improvements:
- (a) the value of the works and embellishment is based on the cost to CN for undertaking the same works to the required standard. The cost of works and embellishment will be verified by an independent quantity surveyor (at no cost to CN).

- (b) the design and functionality of any proposed improvements or capital works being delivered by or on behalf of the developer, to ensure these are fit for their intended purpose having regard to:
- i. any public domain plans or guidelines prepared
  - ii. compliance with CN nominated technical specifications and standards
  - iii. the full cost of the project's lifecycle and any anticipated recurring cost to CN.
- A2. Community infrastructure provided in relation to a development incentive will always include the offer of land, comprising the entire area identified on Figure 6.03.06 - 2 – Map of nominated community infrastructure projects in Wickham and supported by the Land Reservation Acquisition (LRA ) map in the LEP.
- A3. Community infrastructure provided as cash contribution will be collected by CN and only allocated toward the delivery projects nominated in Table 6.03.06 - 1 - Schedule of community infrastructure projects in Wickham. All monies are payable prior to an Occupation Certificate being issued for the development. CN will condition consent on provision of a bond or bank guarantee to the required amount, being provided by the applicant to CN prior to issue of a Construction Certificate.
- A4. The component of land provided as community infrastructure for a development incentive will be dedicated to CN, at no cost subject to the available GFA being made available to the development at a factor of 1.25 (i.e.  $GFA \times 1.25$ ).

#### Note box

1. Acceptable solution A4 (above) is based on the assumption that despite the GFA of land dedicated to Council being transferred to the development. The residual land still has a nominal value (despite having no development potential). It is an acceptable practice to assign a value of 25% of the value of the GFA transferred from the land; hence the total value of the land was 125% (or 1.25 times) the achievable GFA. GFA being the land area times by the applicable FSR.

For example:

A development parcel of 1200sqm with an existing FSR of 1.5:1, includes an identified community infrastructure project with an area of 200sqm. If the applicant dedicates the 200sqm area to Council as part of the DA, then in return the available GFA applying to the dedicated land is provided to the development at a rate of 1.25.

2. That is;  $GFA \text{ transferred to development} = 1.25 \times (200\text{sqm} \times \text{FSR of } 1.5) = 375\text{sqm}$ .  
Hence the residual development land parcel will have a  $GFA = [(1200 - 200) \times 1.5] + 375$   
 $= 1500 + 375$   
 $= 1875\text{sqm}$

This being an additional 75sqm to the development from what would have otherwise been achieved.

Figure 6.03.06 - 2 – Map of nominated community infrastructure projects in Wickham



**Table 6.03.06 - 1 - Schedule of community infrastructure projects in Wickham**

Ref	Location	Category	Approx. area	Approx. dimensions	Description
1.	29 Bishopsgate Street (Corner of Railway and Lindus Street)	Public domain activation	210m <sup>2</sup>	6m x 35m	<b>Wickham green</b> – consisting of lawn/paved areas/landscaping and shade trees, furniture, potential small podium/stage.
2.	52 Throsby Street, (Corner of Railway and Throsby Street)	Public domain activation	440m <sup>2</sup>	10m x 43.91m	<b>Rain and play garden</b> – consisting of WSUD and robust landscaping elements including dry creek bed with feature boulders, logs, steppingstones, and siting areas.
3.	46 Union Street	Public domain activation	145m <sup>2</sup>	8m x 17.84m	<b>Village veggie patch</b> - community garden consisting raised garden beds with irrigation, and other items typically included for such a facility.
4.	30 Railway Street (Railway Street opposite Church Street intersection)	Public domain activation	830m <sup>2</sup>	32m x 50m	<b>Outdoor fitness area</b> - gym/equipment and open space area creating link that extends to Wickham Park.
5.	In corridor west of Holland Street	Public domain activation	200m <sup>2</sup>		<b>Rail heritage interpretation</b> - public art space
6.	2-10 Holland Street (extension of Croft Street)	New laneway	590m <sup>2</sup>	5m x 117m	<b>Laneway</b> for slow one-way local traffic to parking areas / potential loading zones.
7.	48 Throsby Street, (Between Lindus and Throsby streets)	Active transport link	380m <sup>2</sup>	6.5m x 60m	<b>Pedestrian connection</b> including footpath, lighting, and open landscaping elements that enable clear line of sight for surveillance from street and adjoining uses.
8.	55 Throsby Street (between Throsby Street and Furlong lane)	New laneway and Public domain activation	290m <sup>2</sup>	6.5m x 36.5m	<b>Widening laneway</b> – adjacent to one-way traffic lane and footpath on 47 Throsby. Widening to consist row of parallel parking on western side of traffic lane plus wide pedestrian area with street trees/soft landscape area, lighting, and furniture.
9.	Former Bullock Island Rail corridor	Active transport link		470m length	<b>Promenade</b> - pavement and interpretive elements identifying path of railway tracks, adjacent landscape area including trees species with distinctive/coloured foliage, lighting, furniture.
10.	Southern edge of Wickham Park	New laneway	TBD	450m length	<b>Park edge laneway</b> - One-way travel lane, potentially parking lane, adjacent shared pedestrian cycleway, and suitable shade trees.
11.	80 Bishopsgate Street (cnr with Railway Street)	Road widening	321.5m <sup>2</sup>	5m x 51m	<b>Street widening</b> – parallel parking lane and footpath
12.	10 Dangar Street	Active transport link	131 m <sup>2</sup>	3m wide	<b>Pedestrian/cycle lane</b> – paved laneway with activated edge at corners. Lighting and public art
13.	Various locations connecting footpaths between developments	Active transport link	Up to 1000m	Detail subject to Public Domain Plan	<b>Public Domain Improvements</b> – Areas where redevelopment is unlikely to occur

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**CCL 26/10/2021 - ENDORSEMENT OF PLANNING PROPOSAL AND  
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INFRASTRUCTURE INCENTIVES AT WICKHAM**

**ITEM-XX**     **Attachment C:**     Draft Incentive Gross Floor Area (GFA) Rate for  
Wickham

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## Attachment C

### The draft Incentive GFA Rate for Wickham within the Schedule of Fees and Charges, of the Newcastle Operational Plan 2021/22

Proposed within the Schedule of Fees and Charges, of the Newcastle Operational Plan 2021/22

Name	Year 20/21 Fee (incl. GST)	Year 21/22 Fee (incl. GST)	Unit	GST	Pricing Policy
------	----------------------------------	----------------------------------	------	-----	-------------------

## Regulatory, Planning & Assessment

### Community Infrastructure Incentives - Incentive GFA Rates

Identifies the value of community infrastructure provided for each square metre of Gross Floor Area (GFA) made available to DAs on land identified under Clause 4.3A 'Exceptions to Height of Buildings on certain land' and/or Clause 4.4A 'Exceptions to Floor Space Ratio on certain land of Newcastle LEP 2012, as described.

Incentive GFA Rate for Wickham	NA	\$518.10	Square metre of incentive GFA	Y	F
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**CCL 22/03/22 - SUPPLEMENTARY REPORT - ENDORSEMENT OF  
PLANNING PROPOSAL AND DEVELOPMENT CONTROL PLAN FOR  
COMMUNITY INFRASTRUCTURE INCENTIVES AT WICKHAM**

**Attachment B:** Amended Planning Proposal – Community Infrastructure Incentives  
for land at Wickham

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# Planning Proposal

Community Infrastructure Incentives for land at Wickham



**Version 1.2 - Council Endorsement**

February 2022

For enquiries please call 4974 2000

For more information:  
[www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)

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# Community Infrastructure Incentives for land at Wickham

## Introduction

City of Newcastle (CN) has prepared this planning proposal in order to establish a transparent and equitable means of facilitating increased density for housing and employment, through provision of incentives to development that deliver the urban renewal outcomes identified in the Wickham Masterplan (WMP) 2021 Update, including improved connectivity and amenity of the public domain.

The proposed amendments to Newcastle Local Environmental Plan (LEP) 2012 provide the mechanisms necessary to implement CN's *Community Infrastructure Incentives Policy*, on land identified suitable for supporting increased residential and/or employment density while facilitating the provision of necessary community infrastructure. Once implemented, the proposed amendments will facilitate successful urban transformation by bringing people back to the Newcastle city centre through renewal initiatives that deliver safe, vibrant, and connected places where people will want to visit, live and work.

This planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (NSW). It explains the intended effect of the proposed Local Environmental Plan (LEP) amendment and sets out the justification for making the plan.

'A guide to preparing planning proposals' has guided and informed the preparation of this planning proposal. The planning proposal may evolve over time due to various reasons, such as feedback during exhibition. It will be updated at key stages in the plan making process.

## Summary of proposal

The Newcastle Local Strategic Planning Statement (LSPS) 2020 identifies that Newcastle local government area has limited remaining sites available for greenfield development, hence future demands for housing and jobs will rely on growth through infill redevelopment of increased densities. To ensure this is achieved in the most efficient and effective way, Planning Priority 8 of the LSPS advocates for CN to "Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas". The provided rationale being that this will "improve infrastructure and land use sequencing to capitalise on the opportunities for jobs and housing growth".

CN proposes to apply incentives within the existing planning framework by delivery of the following mechanisms:

1. A Community Infrastructure Incentives Policy that identifies CN's intention to introduce incentives to development where this assists in the provision of community infrastructure identified in connection to delivering urban renewal within the Strategic Centres identified in the Greater Newcastle Metropolitan Plan, including catalyst areas and urban renewal corridors.
2. Provision of a new clause and mapping within Newcastle LEP 2012, described further in this Planning Proposal, that identifies the land that is applicable for seeking an incentive and the maximum incentive that may be provided on the land.
3. Additional place-based development controls that identify the community infrastructure projects, the method for determining the value of these, and the method for determining the appropriate level of incentive based on the value of the community infrastructure.

The amendments to NLEP 2012 will expedite the delivery of community infrastructure complementary to traditional funding sources, while incentivising development that promotes urban renewal and delivers new housing and floorspace for business in a transit-oriented location.

Land at 41 and 47 Throsby Street, Wickham is subject to a separate Planning Proposal (PP-2021-328), which seeks to amend the Height of Building (HOB) map and the Floor Space Ratio (FSR) maps within Newcastle LEP 2012.

Upon PP-2021-328 proceeding to 'making of local environmental plan by local plan-making authority', under Section 3.36 of the Environmental Planning and Assessment Act 1979, CN will seek to remove the land (41 and 47 Throsby Street Wickham) from the amendments proposed to Newcastle LEP 2012 under this Planning Proposal (pursuant to Section 3.35 'Planning proposal authority may vary proposals or not proceed' under the same Act). Should the amendments related to Planning Proposal (PP-2021-328) not be made, then the proposed amendments of this Planning Proposal will prevail.

## Background

On 15 December 2010, part of Wickham was included within the [Newcastle Potential Precinct Map](#) under *State Environmental Planning Policy (Urban Renewal) 2010* in order to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts. To initiate urban renewal, the NSW State Government prepared a Newcastle Urban Renewal Strategy (NURS) which aimed to make the Newcastle city centre a vibrant and innovative regional hub and an attractive and viable destination for business, residents and visitors. The NURS identified the need for further planning and urban design guidance within the Wickham Area to facilitate the transformation from a post-industrial suburb to an urban village that facilitates a mix of uses and densities.

Council adopted the Wickham Masterplan 2017 (WMP 2017) on 28 October 2017, following extensive engagement with stakeholders to identify a vision for the desired future character of Wickham, as well as outlining the strategies and actions to achieve the vision. The WMP 2017 provides strategic guidance for CN's planning decisions and coordinated delivery of urban renewal within Wickham.

On 27 July 2021 Council adopted a Community Infrastructure Incentives Policy that identified the approach CN would take to delivering urban renewal through development incentives mechanisms with its LEP, where based on sound strategic planning justification, having regard to the principles of the NSW State Government's reforms of the planning system.

To deliver the redevelopment opportunities within Wickham and deliver the community infrastructure identified within WMP 2021, Council adopted the Wickham Masterplan 2021 Update (WMP 2021) in September 2021 which provided further guidance as the land suitable on planning grounds to achieve a development incentive and also identified the community infrastructure projects to be delivered through redevelopment to achieve interventions within the urban structure that improve connectivity to facilitate walkability and promote active transport options and deliver opportunities for 'greening' and activation of the public domain.

In order to ensure fairness and equity among landholdings and not unduly impose a burden on land identified for community infrastructure, the WMP 2017 advocated an incentives approach on sites with capacity to support a variation to development standards, by enabling increased Gross Floor Area (GFA) where development delivers identified community infrastructure.

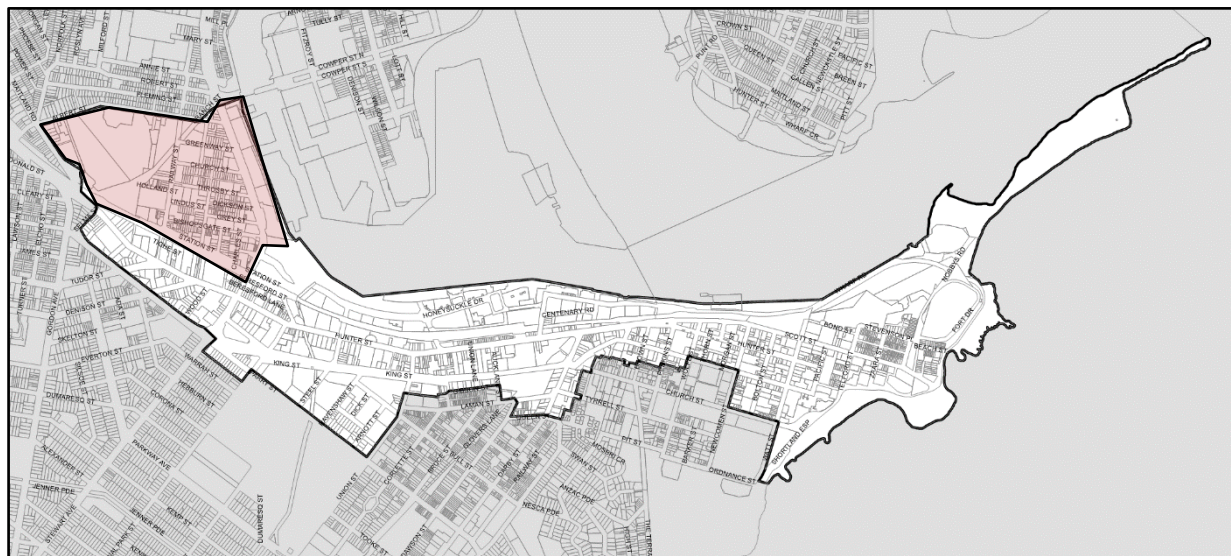
The Draft WMP 2021 (2022 Amendment) has been prepared by Council officers and will be reported to Council for endorsement in March 2022 before being placed on public exhibition. The Draft WMP 2021 (2022 Amendment) includes changes to the areas proposed for incentive heights and FSRs. These changes will ensure a better built form outcome for the centre and a more gradual transition between the higher-density built form of the Emerging Industry Quarter Urban Precinct to the west and the lower-scale Village Hub Urban Precinct located to the north, south and east.

This Planning Proposal has been amended to reflect Draft WMP 2021 (2022 Amendment). Should Draft WMP 2021 (2022 Amendment) not be supported, the Planning Proposal will be



amended prior to being submitted to the Department of Planning and Environment for Gateway Determination so that it is consistent with the WMP 2021.

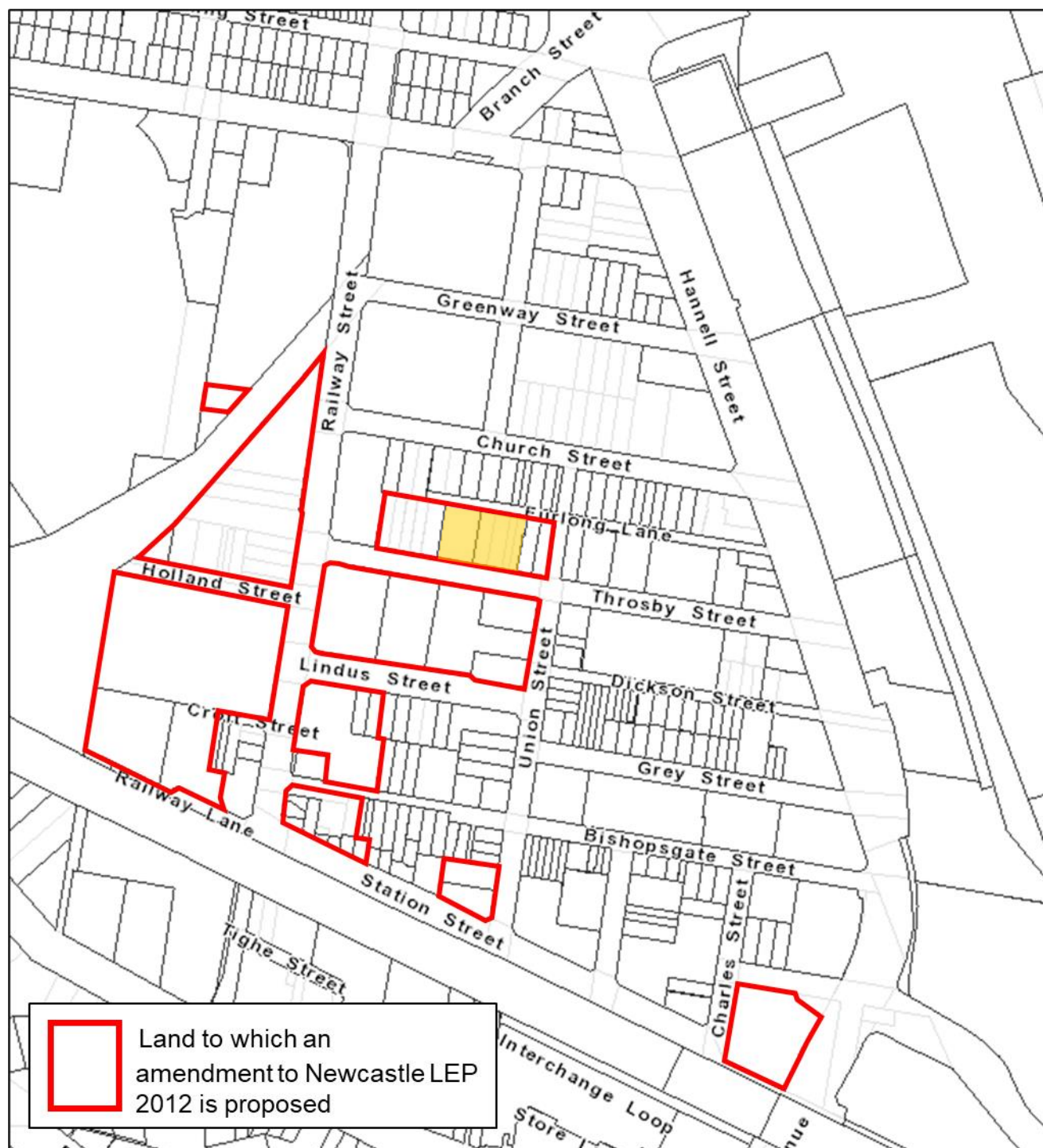
The WMP area is shown in context to the Newcastle City Centre within Figure 1 – *Local context of Wickham Masterplan Area*.



**Figure 1 – Local context of Wickham Masterplan Area.**

## Applicable land

The proposal comprises amendments to Newcastle LEP 2012 on land in Wickham, identified in Figure 2 – *Applicable land*.



**Figure 2 – Applicable Land**

The land shown in yellow on the map is from left to right 47 and 41 Throsby Street Wickham, which are subject to a separate Planning Proposal PP-2021-328. Should the amendments to Newcastle LEP 2012 as proposed by PP-2021-328 be made under Section 3.36 of the *Environmental Planning and Assessment Act 1979*, CN will seek to remove the land from this planning proposal in accordance with Section 3.35 of the same Act.

The land identified within this Planning Proposal, for which the nominated development incentives will apply was determined having regard to the following criteria:

1. Land envisaged for increased densities (FSR and/or HOB) within WMP 2017 was based on an urban design and planning analysis of the area, consideration of traffic generation through independent modelling, feasibility assessment of development scenarios and market factors. This established that a minimum density of FSR 1.5:1 is required to ensure development is viable where additional density is not sought on individual sites. As a result, CN amended Newcastle LEP 2012 (Amendment 48) on land previously restricted to an FSR of 1:1.
2. Land not restricted by subsidence risk or where the identified risk is able to be addressed by feasible remediation or addressed by additional design parameters as identified by Subsidence Advisory NSW (SANSW) within the Newcastle City Centre
3. Land identified as having a current potential to redevelop, or be amalgamated as part of a future redevelopment site, as identified in Figure 3 – Redevelopment potential within Wickham; being sites identified as:
  - a. Key redevelopment sites
  - b. Approved Development Proposals (where the land has not yet been redeveloped)
  - c. Proposed LEP Amendment (being Land at 41 and 47 Throsby Street, Wickham that is subject to a separate Planning Proposal (PP-2021-328), noting that this land will be removed from the Planning Proposal, should the amendments proposed in PP-2021-328 be made.

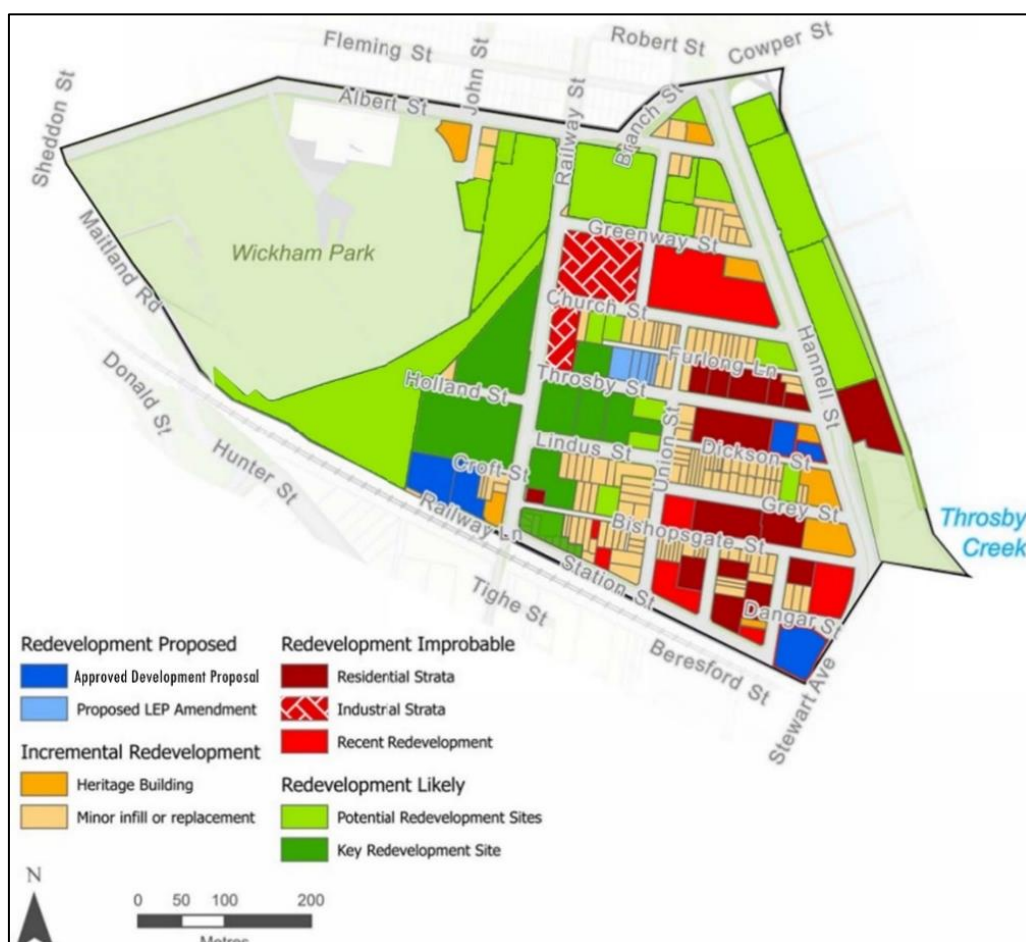


Figure 3 – Redevelopment potential within Wickham

## Part 1 - Objectives or intended outcomes

The intended outcome of this planning proposal is to facilitate urban renewal in Wickham by:

1. Utilising the existing GFA derived from the development standards applying on land dedicated to CN, to be utilised in the development of the residual land.
2. Enabling an incentive increase in density to development, consistent with Wickham Masterplan 2021 Update, where:
  - a. Development involves the timely delivery of identified community infrastructure projects
  - b. The incentive to development correlates to the quantifiable value that the community infrastructure represents to the Council
3. Identifying land CN seeks to acquire for the public domain improvements within the local road reservation and for improving pedestrian connectivity.
4. Remediating an existing anomaly within Part 7 Additional local provisions – Newcastle City Centre of Newcastle LEP 2012.
5. Ensuring that nominated incentive increases to development standards are not subject to variation.

## Part 2 - Explanation of provisions

The proposed outcomes will be achieved by:

- Introducing a new subclause of *Clause 4.5 Calculation of floor space ratio and site area* under *Part 4 Principal development standards*, under the heading of ‘Dedication of land’ that enables the site area of any land or part of land proposed to be dedicated to the CN to be included as part of the overall site area for calculation of floor space available to proposed development on the remaining part of the land. Furthermore, the consent authority may allow an additional 25% of the area of land being dedicated to be applied to the calculation of floor space where:
  - a. the land being dedicated is identified on the Land Reservation Acquisition (LRA) map.
  - b. the landowner has not otherwise been compensated; and
  - c. the value of the land, or part thereof is not otherwise used to offset the payment of a contribution under Section 7.11 or Section 7.12 of the Act.
- Introducing a new *Clause 4.3A Exceptions to Height of Buildings on certain land* under *Part 4 Principal development standards*, that enables the consent authority to allow an incentive increase in height of building on certain land nominated on the HOB Map, up to a maximum incentive HOB but only where the consent authority is satisfied that the proposed development will enable the provision of community infrastructure, as identified within a development control plan applying to the land. The proposed Clause may include words to the effect:

### Clause 4.3A Exceptions to height of buildings on certain land

(1) The objectives of this clause are—

- (a) to facilitate the urban renewal of areas identified for strategic growth in housing and employment within the Greater Newcastle metropolitan area.
- (b) to allow an increase in the maximum height of building on certain land within the City of Newcastle, where community infrastructure is provided.

(2) This clause applies to land identified as Area A, Area B, Area C, Area D and Area E on the Height of Buildings Map.

(3) Despite Clause 4.3, the consent authority may consent to development on land to which this clause applies (including the erection of a new building or external alteration to an existing building) that exceeds the maximum height shown for the land on the Height of Buildings Map, if the proposed development includes community infrastructure.

(4) In subclause (3), the consent authority must not consent to development on land as identified on the Height of Buildings Map as per Column 1, with an existing maximum Height of Buildings as shown on the map as per Column 2, unless the site area is equal to or greater than that in Column 3, and the development will have a height of building that does not exceed the incentive Height of Building identified in Column 4 of the table.

Column 1	Column 2	Column 3	Column 4
Land identified on HOB map as:	Where maximum HOB is shown on map as:	With site area equal or greater than:	The incentive HOB is a maximum of:
Area A	24m	2,000 m <sup>2</sup> 2,500 m <sup>2</sup>	35m 45m
Area B	10m 10m or 14m 10m, 14m or 24m	1,000 1,500 m <sup>2</sup> 2,000 m <sup>2</sup>	14m 24m 35m
Area C	10m	1,000 m <sup>2</sup>	14m

Area D	10m	1000 m <sup>2</sup>	14m
	10m	2000 m <sup>2</sup>	24m
Area E	45m	1,000 m <sup>2</sup>	60m

- (5) In deciding whether to grant development consent, the consent authority must—
- (a) have regard for the objectives of this clause, and
  - (b) be satisfied that the proposed development will provide community infrastructure as identified within a development control plan applying to the land
  - (c) take into account the nature of the community infrastructure and its value to the community.
- (6) In this clause, **Community infrastructure** means development for any of the following purposes—
- (a) community facilities,
  - (b) community garden,
  - (c) drainage,
  - (d) public car parks,
  - (e) public domain improvement,
  - (f) public roads,
  - (g) public walkway,
  - (h) recreation areas,

but does not comprise local infrastructure for which development contributions apply within a Plan of City of Newcastle under Part 7 of the *Environmental Planning and Assessment Act 1979*.

- Introducing a new Clause 4.4A *Exceptions to Floor Space Ratio on certain land* under Part 4 *Principal development standards*, that enables the consent authority to allow an incentive increase in floor space ratio on certain land nominated on the FSR Map, up to a maximum incentive FSR but only where the consent authority is satisfied that the proposed development will enable the provision of community infrastructure, as identified within a development control plan applying to the land.

#### **Clause 4.4A Exceptions to Floor Space Ratio on certain land**

- (1) The objectives of this clause are—
- (c) to facilitate the urban renewal of areas identified for strategic growth in housing and employment within the Greater Newcastle metropolitan area.
  - (d) to allow an increase in the maximum floor space ratio on certain land within the City of Newcastle, where community infrastructure is provided.
- (2) This clause applies to land identified as Area B, Area C, Area D and Area E on the Floor Space Ratio Map.
- (3) Despite Clause 4.4, the consent authority may consent to development on land to which this clause applies (including the erection of a new building or external alteration to an existing building) that exceeds the maximum floor space ratio shown for the land on the Floor Space Ratio Map, if the proposed development includes community infrastructure.
- (4) In subclause (3), the consent authority must not consent to development on land as identified on the Floor Space Ratio Map as per Column 1, with an existing maximum Floor Space Ratio as shown on the map as per Column 2, unless the site area is equal to or greater than that in Column 3, and the development will have a floor space ratio that does not exceed that identified in Column 4 of the table below.

Column 1	Column 2	Column 3	Column 4
Land identified on FSR map as:	Where maximum FSR is shown on map as:	With site area equal or greater than:	The incentive FSR is a maximum of:
Area B	1.5 1.5	1,500 m <sup>2</sup> 2,000 m <sup>2</sup>	2 2.5
Area C	1.5	1,000 m <sup>2</sup>	2
Area D	1.5 1.5	1,000 m <sup>2</sup> 2,000 m <sup>2</sup>	2 3
Area E	6	1,000m <sup>2</sup>	7

(5) In deciding whether to grant development consent, the consent authority must—

- (a) have regard for the objectives of this clause, and
- (b) be satisfied that the proposed development will provide community infrastructure as identified within a development control plan applying to the land
- (c) take into account the nature of the community infrastructure and its value to the community.

(6) In this clause, **Community infrastructure** means development for any of the following purposes—

- (a) community facilities,
- (b) community garden,
- (c) drainage,
- (d) public car parks,
- (e) public domain improvement,
- (f) public roads,
- (g) public walkway,
- (h) recreation areas,

but does not comprise local infrastructure for which development contributions apply within a Plan of City of Newcastle under Part 7 of the *Environmental Planning and Assessment Act 1979*.

- Repeal current *Clause 7.9 Height of buildings*
- Amend the Land Reservation Acquisition (LRA) map to incorporate additional land identified for inclusion, in order for CN to deliver community infrastructure projects.
- Add the wording, 'development standards on land to which Clauses 4.3A and 4.4A applies' under subclause (8) of 4.6 *Exceptions to development standards*.

### Land at 41 and 47 Throsby Street Wickham

The land to which the proposed amendments to Newcastle LEP 2012 will apply encompasses land that is subject to Planning Proposal (PP-2021-328), which seeks to amend the Height of Building (HOB) map and the Floor Space Ratio (FSR) maps within Newcastle LEP 2012.

However, CN propose to exclude the land applying to PP-2021-328 upon the 'making of local environmental plan by local plan-making authority', under Section 3.36 of the *Environmental Planning and Assessment Act 1979*, as per Section 3.35 'Planning proposal authority may vary proposals or not proceed' under the same Act.

In the circumstance that the amendments proposed to Newcastle LEP 2012 under PP-2021-328 are not made, then the amendments of this Planning Proposal shall prevail.

## Part 3 – Justification

### Section A - Need for the planning proposal

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

##### **Wickham Master Plan 2017**

The Wickham Master Plan 2017 (WMP 2017) was prepared as a recommendation of the Newcastle Urban Renewal Strategy, prepared by the NSW State Government, which identified Wickham as an area requiring further planning to inform future redevelopment decisions.

WMP 2017 identified Strategies and Actions to implement the key objectives:

1. Improve accessibility and connectivity within Wickham and to adjoining areas
2. Create safe, attractive, and inclusive public places
3. Ensure built environment is functional, responsive, and resilient

The WMP 2017 vision identified six interconnecting character precincts. The intent of the precincts is to determine the envisaged character for different parts of Wickham based on their location, physical attributes of the built environment, redevelopment opportunity and density.

The WMP 2017 also includes strategies and actions for achieving provision of community infrastructure through developer incentives (including an increase in development standards within in NLEP 2012) where development provides for improvements to connectivity and the public domain, above what may otherwise be achieved through standard conditions of consent or Council's contributions framework but that achieve urban renewal.

##### **Community Infrastructure Incentives Policy**

Council adopted the Community Infrastructure Incentives Policy at the 27 July 2021 meeting. The purpose of the policy is to outline the approach and mechanisms to enhance the delivery of community infrastructure through the provision of development incentives. It delivers a transparent, equitable and evidence-based approach based on community engagement to do so.

The intent of the Planning Proposal is to implement the Community Infrastructure Incentives Policy in Wickham in the select areas identified in Draft WMP 2021 (2022 Amendment).

##### **Wickham Masterplan 2021 Update**

The Wickham Masterplan 2021 Update (WMP 2021) adopted by Council on 28 September 2021 provided further strategic guidance for CN's planning decisions and coordinated delivery of urban renewal within Wickham.

This Planning Proposal is prepared in response to the WMP 2021 which identified areas suitable for increased densities (via incentive increases in HOB and FSR) where this delivers identified community infrastructure projects. The Planning Proposal has since been updated as per Draft Wickham Masterplan 2021 Update (2022 Amendment).

##### **Draft Wickham Masterplan 2021 Update (2022 Amendment)**

The Draft Wickham Masterplan 2021 (WMP 2021) (2022 Amendment) has been prepared by Council officers and will be reported to Council for endorsement in March 2022 before being placed on public exhibition. The Draft WMP 2021 (2022 Amendment) includes changes to Map 9 – Areas proposed for development incentive and Table 4 – Potential development incentives for provision of community infrastructure.



These changes are generally consistent with the WMP 2017 and will ensure a better built form outcome for the Wickham area. Proposed changes to Area D and Area C will result in a more gradual transition between the higher-density built form of the Emerging Industry Quarter Urban Precinct to the west and the lower-scale Village Hub Urban Precinct located to the north, south and east should these sites develop in the future.

This Planning Proposal has been amended to reflect the Draft WMP 2021 (2022 Amendment). Should the Draft WMP 2021 (2022 Amendment) not be supported, the Planning Proposal will be amended prior to being submitted to the Department of Planning and Environment for Gateway Determination so that it is consistent with the WMP 2021.

## **Newcastle Local Strategic Planning Statement**

The City of Newcastle Local Strategic Planning Statement (LSPS) is CN's plan to guide our land use planning over the next 20 years. The LSPS outlines Planning Priorities to achieve our land use planning vision and will inform our decisions on any changes to the planning rules in Newcastle Local Environmental Plan 2012 and the Development Control Plan 2012.

Relevant LSPS priorities include:

- Prioritise active transport in our City –
  - We will walk or cycle on our network of footpaths and separated cycleways
  - Encourage uptake of active transport by planning for short trips (distance of 400m to 4km).
- Support emerging transport opportunities and public transport improvements with continued integration of land use and transport planning –
  - Plan for concentrated growth around transport and activity nodes.
- Green our neighbourhoods –
  - Investigate additional public green spaces in the strategic planning of mixed-use Catalyst Areas, Strategic Centres and Urban Renewal Corridors.
  - Investigate opportunities to reduce hard surfaces and increase gardens in local centres and in our residential streets.
- Plan for growth and change in Catalyst Areas, Strategic Centres and Urban Renewal Corridors –
  - A planned approach to growth and change will improve infrastructure and land use sequencing to capitalise on the opportunities for jobs and housing growth.
  - Continue to implement the Wickham Master Plan.
- Sustainable, accessible and inclusive housing
  - Housing at appropriate densities will be located to support effective and integrated public transport.

## **Newcastle Housing Needs and Local Character Evidence Report**

The Newcastle Housing Needs and Local Character Evidence Report (2019) identified Maryville-Wickham as an area likely to experience the third highest rate of population growth in Newcastle LGA, with a projected population growth of 2,650 by 2041. This report also identified the Maryville-Wickham area as experiencing significantly more residential development than previous forecasts had expected, with a development rate 38% higher than was forecast between 2016-2018. A market opportunity for student housing was also identified, with an unmet demand for student housing within City Centre suburbs including Wickham, coinciding with substantial investment by University of Newcastle in the city centre campus. A key factor in meeting this demand is identified as the provision of better cycling networks linked to education centres.

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

Yes, the transfer of site area for floor space calculations ensures the unlocked potential of the land is not forfeited where land is dedicated to CN for a public use.

CN contends that the provision of an incentive mechanism provides greater certainty to both the community and the development industry of the potential community infrastructure that may be delivered where applicants seek to achieve increased density within their development proposal. This approach is favoured over the alternative piecemeal approach of preparing individual planning proposals and planning agreements for each remaining potential redevelopment parcel within Wickham.

The current incentives mechanism is not proposed to be included in Part 7 Additional local provisions – Newcastle City Centre, of the NLEP 2012, as CN intends to introduce similar measures within other urban renewal and catalyst areas in the future once the background strategic planning framework is in place to identify both potential densities and community infrastructure to facilitate urban renewal consistent with the intent of the Greater Newcastle Metropolitan Plan.

The removal of *Clause 7.9 Height of buildings* has no material effect but ensures that NLEP 2012 does not contain obsolete provisions that are unnecessary and confusing to users. The HOB maps were amended to remove Area A on the 29 July 2014 under the State Environmental Planning Policy Amendment (Newcastle City Centre) 2014, however, the amendment failed to repeal the clause from the instrument. Specific upper-level setbacks and street wall design controls were previously included in the city centre development controls introduced by the State government following endorsement of the NURS.

Clause 7.9 is now an anomaly and CN seeks to remedy this by proposing its repeal as part of this Planning Proposal.

The inclusion of land required for providing community infrastructure on the Land Reservation Acquisition (LRA) map ensures that the land is available to CN if the land is not redeveloped to a density requiring access to the available incentive GFA.

CN contends that excluding Clause 4.6 Exceptions to development standards from land subject to incentives will ensure development standards applying to incentives are not subject to further variation, resulting in an incremental creep of density beyond what Council has determined suitable for the land.

## Section B - Relationship to strategic planning framework

### 3. *Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?*

#### Hunter Regional Plan 2036

The Hunter Regional Plan (HRP) 2036 is the NSW government's plan to guide land use planning and infrastructure priorities and decisions over the next 20 years. The plan identifies regionally important natural resources, transport networks and social infrastructure and provides a framework to guide more detailed land use plans, development proposals and infrastructure funding decisions. The plan includes overarching directions, goals and actions as well as specific priorities for each local government area in the Hunter region.

By facilitating well serviced, additional density in the Newcastle city centre, the planning proposal is consistent with:

**Direction 1** of the Hunter Regional Plan 2036 – *Grow Greater Newcastle as Australia's next metropolitan city.*

**Action 1.1** Focus development to create compact communities that allow 95 per cent of people to live within 30 minutes of a strategic centre.

**Direction 3** - *Revitalise Newcastle city centre.*

**Action 3.1** Promote the growth and renewal of Newcastle City Centre through local strategies and controls.

**Action 3.2** Leverage the increased presence of the University of Newcastle in the city centre.

**Action 3.4** Focus investment in developing infrastructure to: enhance the public domain and relevant services to make it easier to get around the city centre, recognising Wickham as the public transport gateway into the centre.

The Hunter Regional Plan 2036 has undergone a five-year review to extend its reach from 2036 to 2041 and to reset priorities. The draft Hunter Regional Plan 2041 has been prepared and released for exhibition from 1 December 2021 to 4 March 2022. The planning proposal is consistent with the following strategies and actions identified in the draft Hunter Regional Plan 2041:

#### **OBJECTIVE 3:**

*Create a 15 minute region made up of mixed, multi-modal, inclusive and vibrant local communities*

- **Strategy 3.1** – This planning proposal is consistent with this strategy as it supports 15 minute walkable neighbourhoods by allowing increased densities on appropriate land identified in the WMP 2021 update.
- **Strategy 3.7** – The community infrastructure incentives identified in the WMP 2021 Update which this Planning Proposal relates are consistent with this strategy which seeks *'the timely and successful achievement of safe, accessible and attractive streets for all modes of transportation, as well as trails, parks and public spaces that will encourage active living, community interaction and opportunities to integrate nature in neighbourhoods.'*

#### **OBJECTIVE 4:**

*Plan for "Nimble Neighbourhoods", diverse housing and sequenced development*

- **Strategy 4.1** – This planning proposal is consistent with this strategy as it aims to facilitate increased density for housing and employment, through provision of incentives to development that deliver the urban renewal outcomes identified in the Wickham Masterplan (WMP) 2021 Update, including improved connectivity and amenity of the public domain.
- **Strategy 4.4** – This planning proposal is consistent with this strategy as it supports infill development.

#### **OBJECTIVE 5:**

*Increase green infrastructure and quality public spaces and improve the natural environment*

- **Strategy 5.1** – The community infrastructure identified in the WMP 2021 Update to which this planning proposal relates seeks to create new and/or improved public domain and public spaces which is consistent with this strategy.
- **Strategy 5.4** - The community infrastructure identified in the WMP 2021 Update to which this planning proposal relates seeks increased tree canopy and landscaping in the public domain consistent with this strategy.

#### **Greater Newcastle Metropolitan Plan 2036**

NSW Department of Planning, Industry and Environment's (DPIE) Greater Newcastle Metropolitan Plan 2036 (GNMP) recognises the Newcastle city centre and Wickham as the heart of Greater Newcastle, set to benefit from both public and private investment and planning through *Revitalising Newcastle* and the *Urban Transformation and Transport Program* to enhance the City Centre's appeal.

The GNMP recognises the importance of collaborative partnerships in optimising opportunities for transformation and driving the emergence of Greater Newcastle as a metropolitan city on the global stage. Further to this, the GNMP acknowledges the importance of continued revitalisation, improved transport connectivity, and high-quality buildings and places to attract new small business start-ups.

The GNMP provides specific directions for the 'Wickham Precinct', within the Newcastle City Centre Catalyst Area, which aligns with the planning proposal area and sets out the following:

*"Newcastle City Council will align local plans to:*

- *facilitate the long-term expansion of the City Centre towards Wickham*
- *increase opportunities for transit oriented development around Newcastle Interchange*
- *respond to development constraints including mine subsidence and flooding*
- *provide floor space for emerging new economy industries and businesses."*

The planning proposal is consistent with the GNMP in that it:

- Seeks to facilitate and incentivise redevelopment to support and compliment the emerging city centre;
- Supports mixed use development around the Newcastle interchange;
- Addresses flooding through recognition of floor height controls affecting HOB;
- Acknowledges mine subsidence risk through consultation with Subsidence Advisory NSW in developing the WMP; and
- Ensuring sufficient FSR to ensure feasibility of mixed use development and new economy industries and businesses such as *High Technology Industry*.

#### **4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?**

##### **Newcastle 2030 Community Strategic Plan**

The Planning Proposal is consistent with the Newcastle 2030 - Community Strategic Plan (CSP) 2018 update, which identifies the community's vision for the city, outlines actions and strategies for CN to achieve, as well as indicators for monitoring implementation.

Compliance with the LEP amendment process, identified in section 3.34 Gateway determination of the *EP&A Act 1979* ensures consistency with the CSP's sustainable development goal of 'Open and Collaborative Leadership' and the strategic objective to "Consider decision-making based on collaborative, transparent and accountable leadership"

Furthermore, the Planning Proposal is consistent with the remaining strategic directions and objectives of the CSP, or at a minimum does not result in any inconsistencies with the following:

- Integrated and Accessible Transport
- Vibrant, Safe and Active Public Places
- Protected Environment
- Inclusive community
- Liveable built environment
- Smart and innovative.

### **Local Strategic Planning Statement**

The Local Strategic Planning Statement (LSPS) was adopted by CN in May 2020. It complements the Newcastle 2030 Community Strategic Plan.

The LSPS is a 20-year land use vision prepared to guide the future growth and development in Newcastle consistent with the GNMP. It informs changes to the Newcastle Local Environmental Plan 2012, Newcastle Development Control Plan 2012 and other land use strategies.

The LSPS advocates redevelopment in Wickham as part of the Newcastle City Centre Catalyst Area. This Planning Proposal supports an increase in provision of housing and jobs close to public transport and supports urban renewal and delivers on the following relevant Planning Priorities:

- Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas
- Sustainable, healthy and inclusive streets, neighbourhoods and local centres
- Development responds to the desired local character of our communities
- Enable the transition to new economy job and grow creative industries.

### **Local Housing Strategy**

The Local Housing Strategy 2020 (LHS) was adopted by Council in October 2020 and sets a framework for the provision of housing across CN over the next 20 years. The LHS is a local response to the housing actions within the HRP, GNMP and the Newcastle LSPS. The LHS is accompanied by an Implementation Plan.

This Planning Proposal is consistent with the delivery of the following strategic priorities:

- Maintain and encourage housing supply in the right locations
- Diversify housing type and tenure across the LGA to provide for a range of housing needs
- Increase the availability of accessible and adaptable housing
- Increase the supply of affordable rental housing
- Ensure new housing and changes to existing housing reflect the desired future local character of the area.

### **5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

An assessment of the planning proposal against the relevant SEPPs is provided in the table below.

**Table 1 – Relevant State Environmental Planning Policies**

<b>Relevant SEPPs</b>	<b>Consistency and Implications</b>
SEPP 19 (Bushland in Urban Areas)	Not applicable.
SEPP 21 (Caravan Parks)	Not applicable.
SEPP 33 (Hazardous and Offensive Development)	Not applicable.
SEPP 50 (Canal Estate Development)	Not applicable.
SEPP 64 (Advertising and Signage)	Not applicable.
SEPP 65 (Design Quality of Residential Flat Development)	<p>Land within the proposal area is zoned B4 Mixed Use, which permits the land to be developed for uses to which this policy applies (residential apartment development). CN is satisfied that the planning controls proposed will enable development that is compliant with this policy and associated apartment design guidelines.</p> <p>CN has sought advice the advice of its design review panel under clause 27(c) of this SEPP. The panel raised no objection to this proposal. Any subsequent development proposal will be referred to this panel as a matter of due course.</p>
SEPP (Coastal Management) 2018	<p>The SEPP (Coastal Management) 2018 applies to the PP area. Most of the PP area is situated within the Coastal Environment Area.</p> <p>CN is satisfied that the proposed LEP amendments will not result in subsequent development proposals being inconsistent with the aims of this policy, or the controls under Division 3 Coastal environment area, Division 4 Coastal use area, and Division 5 General.</p>
SEPP (Housing) 2021	The SEPP (Housing) 2021 applies to the PP area given it is zoned B4 Mixed Use. The proposed planning controls will not hinder the application of this SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	Not applicable.
SEPP (Educational Establishments and Child Care Facilities) 2017	Not applicable.
SEPP (Exempt and Complying Development Codes) 2008	Not applicable.
SEPP (Infrastructure) 2007	Not applicable.
SEPP (Integration and Repeals) 2016	Not applicable.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.
SEPP (Primary Production and Rural Development) 2019	Not applicable.
SEPP (State and Regional Development) 2011	Not applicable.
SEPP (State Significant Precincts) 2005	Not applicable.
SEPP (Three Ports) 2013	Not applicable.
SEPP (Urban Renewal) 2010	The area subject to this PP is wholly within land to which Newcastle Potential Precinct Map applies. The requirements of Clause 9 Proposals for potential precincts were satisfied by the preparation of the Newcastle Urban Renewal Strategy (NURS). The NURS identified the need for further planning to be undertaken in relation to the renewal of the Wickham area; hence the WMP was prepared and adopted by CN. This PP is consistent with the WMP.

Relevant SEPPs	Consistency and Implications
SEPP (Vegetation in Non-Rural Areas) 2017	Not applicable.
SEPP (Koala Habitat Protection) 2019	Whilst this policy applies to the land, there is no potential for Koala habitat within the vicinity of the PP area hence the requirements of this SEPP are not applicable.

## 6. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

An assessment of the planning proposal against the relevant Ministerial Directions is provided in the table below.

**Table 2: Review of relevant Ministerial Directions (Section 9.1 directions)**

Relevant Section 9.1 Directions	Consistency and implications
<b>1. Employment and Resources</b>	
<b>1.1 Business and Industrial Zones</b>	Consistent. The PP not only retains the existing opportunities for business uses within the B4 Mixed Use zone but seeks to expand this by offering an increase in Height and FSR by way of incentives, thereby allowing a greater potential floor space for permitted uses including business uses.
<b>1.2 Rural Zones</b>	Not applicable.
<b>1.3 Mining, Petroleum Production and Extractive Industries</b>	Not applicable.
<b>1.4 Oyster Aquaculture</b>	Not applicable.
<b>1.5 Rural Lands</b>	Not applicable.
<b>2. Environment and Heritage</b>	
<b>2.1 Environment Protection Zones</b>	Not applicable.
<b>2.2 Coastal Management</b>	Consistent. The PP area is within the coastal zone as defined under the Coastal Management Act 2016. The PP is consistent with clause 4 of this ministerial direction. Clauses 5, 6 and 7 of this ministerial direction do not apply to this PP. The PP is therefore considered to be consistent with this ministerial direction.
<b>2.3 Heritage Conservation</b>	This planning proposal will facilitate conservation of an identified place of environmental heritage significance in relation to the historical and social heritage of the area. This will be achieved via uptake of the proposed development incentives included in this proposal, which will require a contribution towards community infrastructure projects, including the former Wickham and Bullock Island Railway Corridor. Additional funding received through this mechanism will allow the establishment of appropriate interpretive treatments acknowledging Bullock Island Railway Corridor heritage significance and to differentiate it from the remaining public domain of the area.
<b>2.4 Recreation Vehicle Areas</b>	Not applicable.
<b>2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</b>	Not applicable.
<b>2.6 Remediation of Contaminated Land</b>	Consistent. This direction applies to the proposal, since it is possible that development for a purpose referred to in Table 1 of the Managing Land Contamination – Planning Guidelines – SEPP 55 – Remediation of Land may have been carried out on the land covered by this PP, as Wickham has previously been zoned to allow light industry in the past, however, the Planning Proposal only facilitates potential increases in FSR and HOB, with no changes to the current zoning of the land or the permissibility of land uses. Hence, CN has not sought to obtain a preliminary investigation in accordance with the contaminated land planning guidelines.

Relevant Section 9.1 Directions	Consistency and implications
<b>3. Housing, Infrastructure and Urban Development</b>	
<b>3.1 Residential Zones</b>	Consistent. This direction applies to the PP as the B4 Mixed Use zone permits residential development. The PP will not reduce the permissibility of residential uses but rather increase their feasibility due to a potential increase in FSR and HOB.
<b>3.2 Caravan Parks and Manufactured Home Estates</b>	Not applicable.
<b>3.3 Home Occupations</b>	Consistent. The B4 zone within Newcastle LEP 2012 already permits Home Occupation as a use permitted without consent, hence is consistent with this direction.
<b>3.4 Integrating Land Use and Transport</b>	Consistent. The PP facilitates additional GFA for business and residential development through the offering of development incentives. The land subject to this PP is within the Newcastle City Centre Area boundary and hence is consistent with the aims, objectives and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).
<b>3.6 Shooting Ranges</b>	Not applicable.
<b>3.7 Reduction in non-hosted short term rental accommodation period</b>	Not applicable.
<b>4. Hazard and Risk</b>	
<b>4.1 Acid Sulfate Soils</b>	Consistent. The land is located within category 3 of the ASS map in NLEP2012. However, the PP does not include provisions or amendments that will increase the risk or hazard from the current potential, hence it is considered to be of minor significance and does not require any further study.
<b>4.2 Mine Subsidence and Unstable Land</b>	Part of the planning proposal area is within a proclaimed Mine Subsidence District. Subsidence Advisory (SA) NSW were consulted in the preparation and exhibition of WMP 2017 to consider if the subject area could support a greater level of development than is currently permitted. SA NSW did not raise any objection in principle to an increase in the scale of built form but confirmed that any future development would trigger the need for further investigation which is likely to result in the need for remediation/stabilisation works. The extent of Development Incentives, and the suitable locations for these have been revised from those earlier proposed in the WMP 2017. This is to reflect updated information provided by Subsidence Advisory NSW (SA NSW) on the current development potential of sites affected by mines subsidence.
<b>4.3 Flood Prone Land</b>	Consistent. The PP applies to land identified as being within a flood planning area according to the Newcastle City-wide Floodplain Risk Management Study and Plan 2012 maps. However, the land is not within a floodway or considered flood storage but is in the flood fringe. This direction does not apply given that the planning proposal will not result in a provision that affects flood prone land.
<b>4.4 Planning for Bushfire Protection</b>	Not applicable.
<b>5. Regional Planning</b>	
<b>5.1 Implementation of Regional Strategies</b>	Not applicable.
<b>5.10 Implementation of Regional Plans</b>	The planning proposal applies to land within the Hunter Regional Plan. The planning proposal is consistent with the regional plan, as outlined in Section B3 above.
<b>5.11 Development of Aboriginal Land Council land</b>	Not applicable.



Relevant Section 9.1 Directions	Consistency and implications
<b>6. Local Plan Making</b>	
<b>6.1 Approval and Referral Requirements</b>	<p>The PP does not include any provisions that will require development applications to seek approval or referral from any other public authority.</p> <p>CN will consult with public authorities prior to public exhibition in accordance with any conditions included in the Gateway determination.</p>
<b>6.2 Reserving Land for Public Purposes</b>	Not applicable.
<b>6.3 Site Specific Provisions</b>	Not applicable.

## 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 land subject to the proposal does not contain critical habitat or threatened species, populations or ecological community, or their habitats.

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

#### **Traffic and Transport Considerations**

##### ***Local traffic and transport***

The increased densities proposed here are a direct reflection of the higher densities identified in the WMP. The WMP 2017 was adopted concurrently with the Wickham Local Area Traffic Management Plan (LATM) to ensure traffic management measures and interventions are implemented based on traffic thresholds set by Transport for NSW that improve safety and amenity of local streets. Community infrastructure facilitated by this proposal will assist with Land Reservation Acquisitions (LRA) identified for local roads (i.e. identified intersection works, road widening, providing new connections and enabling public domain improvements). This will allow widening of the road reserve in select streets to enable adequate capacity of traffic, parking and the establishment of new footpaths and shared paths.

##### ***Public transport***

This proposal recognises the strategic location of Wickham, due to its proximity to the emerging Newcastle CBD in Newcastle West and the new Newcastle Transport Interchange located in Wickham. This location creates potential for the area to accommodate a range of increased densities to capitalise on Wickham's proximity to excellent public transport options. This is strongly supported by the strategic framework for the Hunter region, by enhancing the public domain and relevant services to make it easier to get around the city centre, recognising Wickham as the public transport gateway into the centre.

##### ***Cycle and pedestrian movement***

Community infrastructure facilitated by this proposal will include the establishment of new footpaths and shared paths throughout Wickham and linking to adjoining areas, in accordance with the vision of the WMP and the revised Newcastle Cycling Strategy and Action Plan. These interventions are expected to encourage uptake of active transport planning, by contributing key components at the hub of a city-wide network of footpaths and separated cycleways.

#### **Environmental Considerations**

##### ***Bushfire hazard***

The land is not identified as bush fire-prone land in the Newcastle Bush Fire Hazard Map (2018).

##### ***Noise impact***

This proposal will allow the continued development of a mix of compatible permissible land uses, with noise impacts anticipated to be adequately addressed during the design and assessment of individual developments.

##### ***Flooding***

According to the Newcastle City-wide Floodplain Risk Management Study and Plan 2012 maps, the subject land is not within a floodway but is in the flood fringe. Hence future development may require an elevated floor height at ground level but is otherwise considered to be of minor significance.

### **Sea level rise**

Resilience to potential hazards from sea level rise is being addressed at a broader scale through CN's 2017 *Strategic Position for the Management of Low-Lying Areas of Newcastle - Wickham - Maryville - Carrington - Islington*, which supports the ongoing redevelopment of these areas combined with various mitigation measures. In the case of this PP, suitable mitigation measures have been considered, such as raising the ground level floor height. This additional height (up to 1m) above natural ground level has been taken into account in determining the HOB to ensure no further variation under clause 4.6 of NLEP 2012 is required (in relation to this issue) in any subsequent DA on the land.

### **Urban Design Considerations**

The maximum proposed increase in density (HOB and/or FSR) is consistent with the urban design assessment and 3D modelling provided as part of the WMP 2017.

However, the incentives proposed are dependent on-site area, which responds to concern raised by CN's Urban Design Review Panel with how development standards are applied across the Newcastle City Centre, when large, tall development occurs on narrow lots with minimal side boundary setbacks resulting in tall buildings close to one another. This delivers an extremely dense urban form that is atypical of Newcastle's context. The site areas and predetermined densities will ensure resultant development in Wickham is able to comply with the requirements of the Apartment Design Guidelines and locality specific development controls, including setbacks, opportunities for landscaping, and car parking requirements, while also providing an incentive for site amalgamation.

CN has estimated that the hypothetical additional GFA from development accessing the available incentive GFA, under this proposal, to be around 28,000 square meters, not taking into consideration additional incentives GFA being made available from amalgamation of sites.

Assuming that additional GFA is taken up as additional residential apartments (at an average GFA of 90sqm per dwelling), this could create an additional 311 households within the city centre, from what is currently achievable. Furthermore, this additional development will enable the delivery of the community infrastructure projects not otherwise achievable by Council and at no additional cost to development under the current development standards.

### **Social and Cultural Considerations**

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

#### **Social and Cultural Considerations (not addressed above)**

##### ***Open space management***

This proposal facilitates various interventions within the urban structure that will deliver the community's desire for increasing opportunities for 'greening' and open space within the public domain.

##### ***Social and cultural impacts***

The improved community infrastructure facilitated by this proposal will cater for the social and recreational needs of both local residents and the wider Newcastle community. The Wickham area will continue to cater for sporting, community events, and festivals, which will benefit from improved pedestrian and cycle links to public transport and adjoining areas.

##### ***Stakeholder engagement***

In November 2017 CN adopted the WMP 2017 following extensive engagement with stakeholders to identify a vision for the desired future character of Wickham, as well as outlining the strategies and actions to achieve the vision. This proposal is one of the key actions identified in the WMP and is consistent with subsequent WMP 2021 and Draft WMP 2021 (2022 Amendment).

## Economic Considerations

### ***Economic impact assessment***

The 'incentive GFA rate', proposed for Wickham by Council (based on the dividing the total cost of nominated community infrastructure projects by the max potential incentive GFA available, consistent with the WMP), was reviewed on behalf of CN by economic and valuation consultancy HillPDA.

HillPDA tested the potential development scenarios using a feasibility modelling approach to ensure that the potential rate is not only feasible but represents an incentive to development, based on a positive result to the potential rate of return. HillPDA identified a potential range for the 'Incentive GFA Rate', based on the variation in individual site factors and likely building types resulting from the range of incentive densities tested.

CN has determined a rate that represents the middle to upper end of the identified range but that would deliver all of the community infrastructure projects identified within WMP to support the increased densities. CN propose to exhibit the proposed 'Incentive GFA Rate' for Wickham alongside this Planning Proposal to obtain feedback from industry to ensure this will incentivise further urban renewal. Should the rate be adjusted, CN will need to consider the scope or priority of the projects sought to be delivered.

### ***Employment Land***

This proposal will increase the development potential of land currently zoned B4 Mixed Use, furthering the objectives of this key area of employment land, in particular: *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling*

## Section D - State and Commonwealth interests

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

New development contributes toward the provision of essential community infrastructure, as a condition of consent being applied under Section 7.11 or 7.12 of the Act, however in areas of rapid growth local government is limited by:

- the amount able to be charged in comparison to the full cost of providing the infrastructure and services required by the community
- the type of items that may be funded by contributions in comparison to the expanded range of facilities and services local government is responsible for providing
- The timeframe to collect or recoup adequate funds necessary for delivering community infrastructure.

This Planning Proposal seeks to implement an alternative means of delivering community infrastructure, through development incentives, that are complementary but completely independent to contributions made under Section 7.11 and 7.12 of the Act.

Applicants may opt to access the available incentives (similar to other provisions within NLEP 2012, including Clause 7.10, that provide additional FSR based on an applicant's choice made having weighed up the economic implications) where the DA identifies the delivery of community infrastructure to be provided to support urban renewal.

**11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?**

CN has consulted with the following State public authorities in preparing this planning proposal:

- Subsidence Advisory NSW with respect to the limitations on redevelopment due to the nature of old mine workings within Wickham as identified by the Newcastle City Centre Mine Subsidence Risk Model and the remediation requirements to enable a potential increase in densities. As a result of the advice received, CN has only sought to apply an incentive increase in density through this Planning Proposal on land that is either not undermined and not impacted by mine subsidence and land not undermined but that is within the area of influence and may require some intervention (i.e. remediation at the edge of the workings and/or addressed through the design parameters of development.
- CN wrote to the NSW Independent Commission Against Corruption (ICAC) on 4 May 2021 to seek feedback in relation to any risks with implementing the draft Community Infrastructure Incentive Policy, if adopted by Council. A written response was received from ICAC's Principal Officer Corruption Prevention on 1 June 2021 to advise that the ICAC did not ordinarily provide a formal response in relation to draft Council Policy. However, at a subsequent conversation on 2 June 2021 the Officer confirmed that while the ICAC could not provide surety in relation to the potential corrupt conduct, it had not flagged any grounds for concern with the draft Policy.
- The ICAC advised CN to ensure probity in reporting and accounting how and where monies collected for community infrastructure are held and spent, consistent with how other funding for infrastructure is administered (for example funding collected through developer contributions or planning agreements). These probity requirements are provided for in the draft Policy.
- CN consulted with DPIE during the exhibition of the draft Policy to inform this planning proposal. While the Infrastructure Funding Policy team raised initial concern with the approach proposed within this Planning Proposal and its consistency with the current infrastructure contribution reform, CN have detailed to DPIE that the proposed incentives are not seeking to deliver items of 'local infrastructure', which is already provided for under CN's contribution framework but instead seeks to deliver those improvements and interventions to the local urban structure that will facilitate urban renewal outcomes as identified within the adopted WMP 2017, and amended WMP 2021. CN has outlined consistency between the Planning Proposal and other existing LEP provisions and trusts that all previous concerns have now been addressed to allow support through gateway determination.

Prior to public exhibition CN proposes to consult further with Subsidence Advisory NSW, in a formal capacity, given part of the Land falls within the bounds of the declared Newcastle Mines Subsidence District.

## Part 4 - Mapping

The planning proposal seeks to amend the following maps within Newcastle LEP 2012:

- Height of Buildings Map
- Floor Space Ratio Map
- Land Reservation Acquisition 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	X					X		X			
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

Figure 3: Existing Max Height of Buildings Map

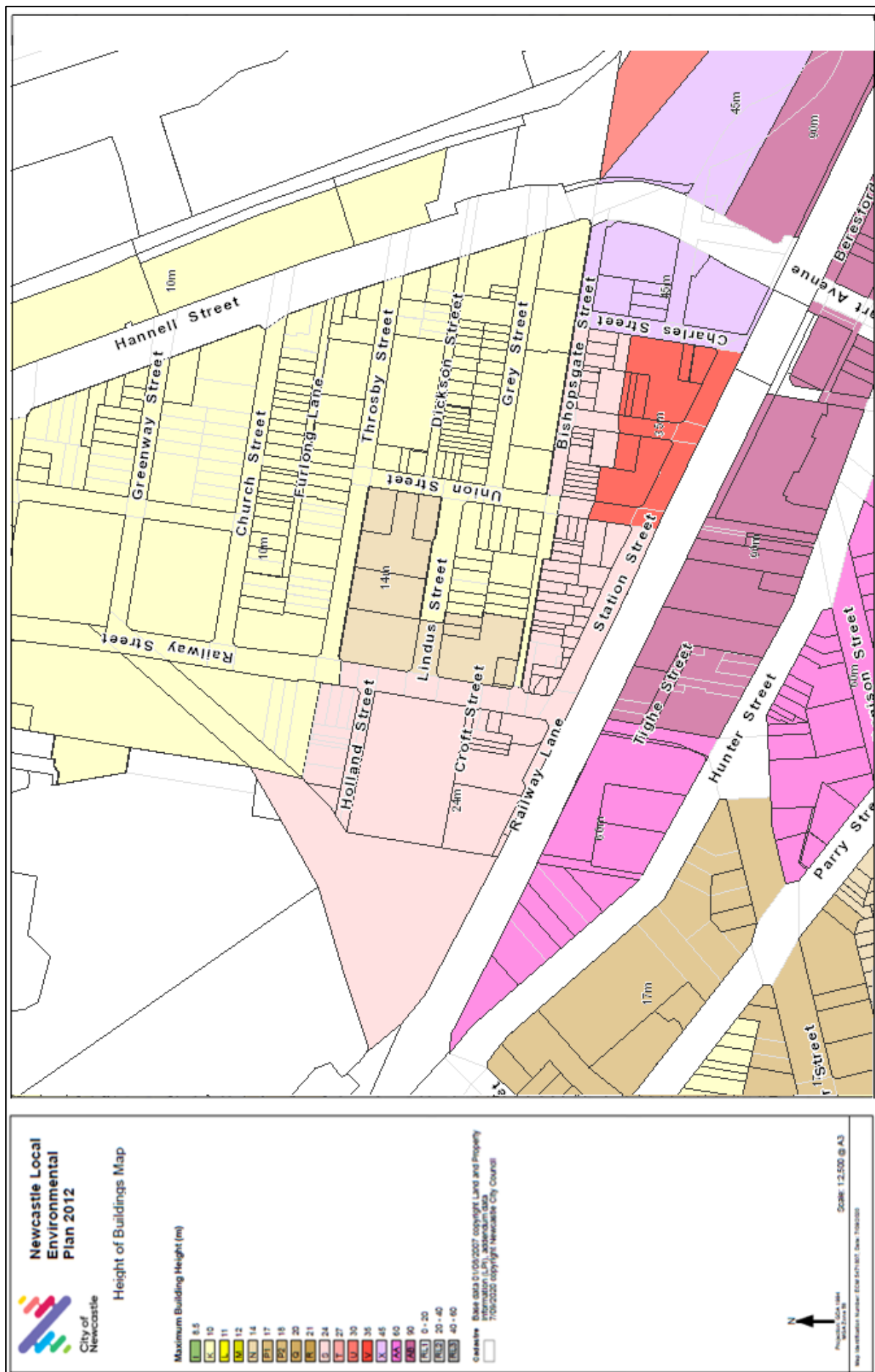


Figure 4: Proposed Max Height of Buildings Map

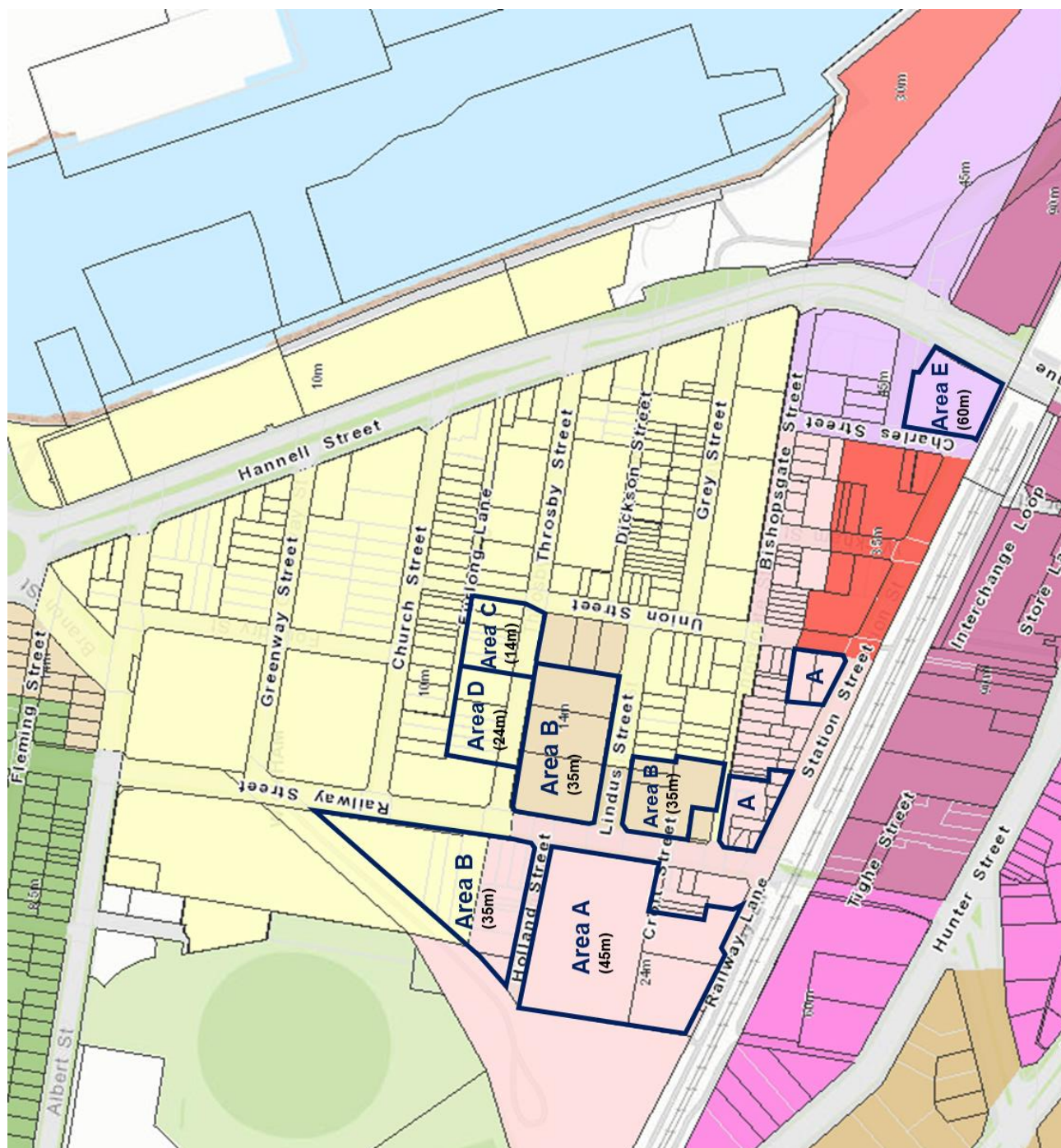




Figure 5: Existing Floor Space Ratio Map

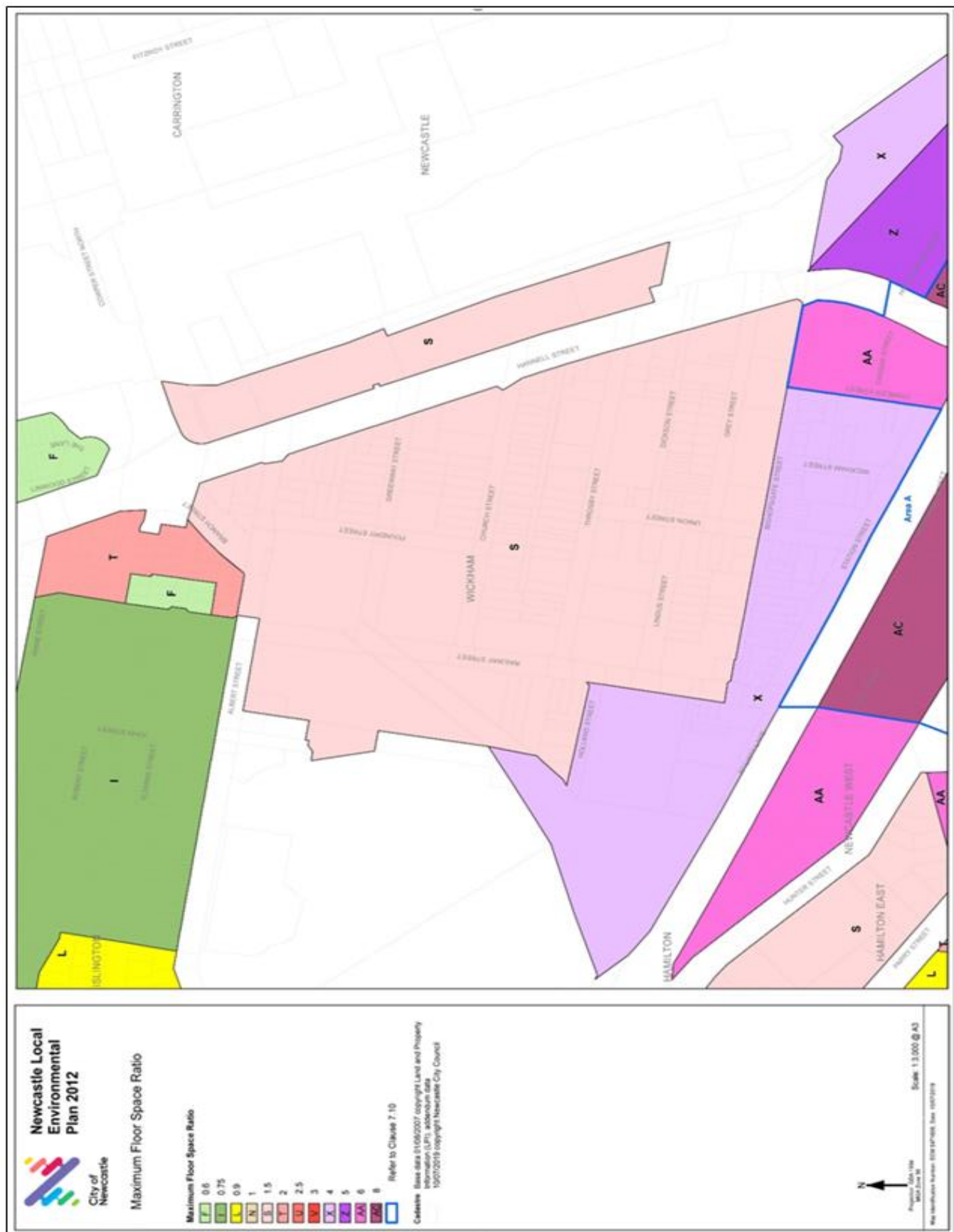


Figure 6: Proposed Floor Space Ratio Map

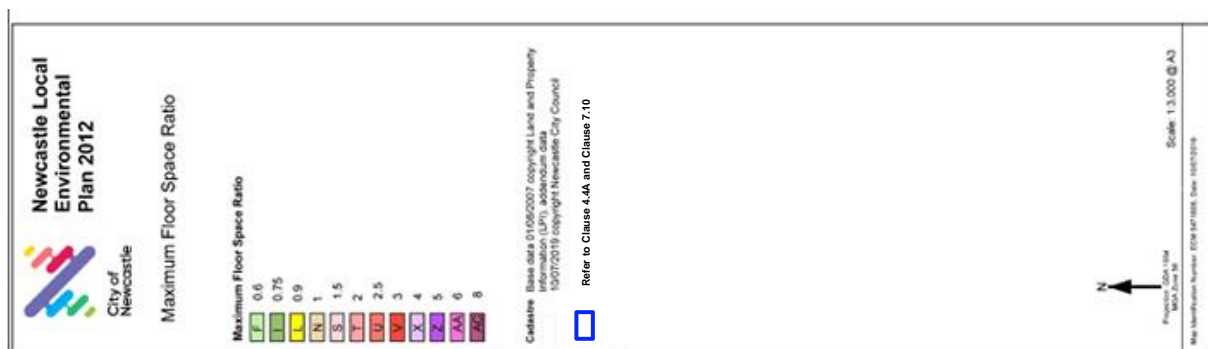
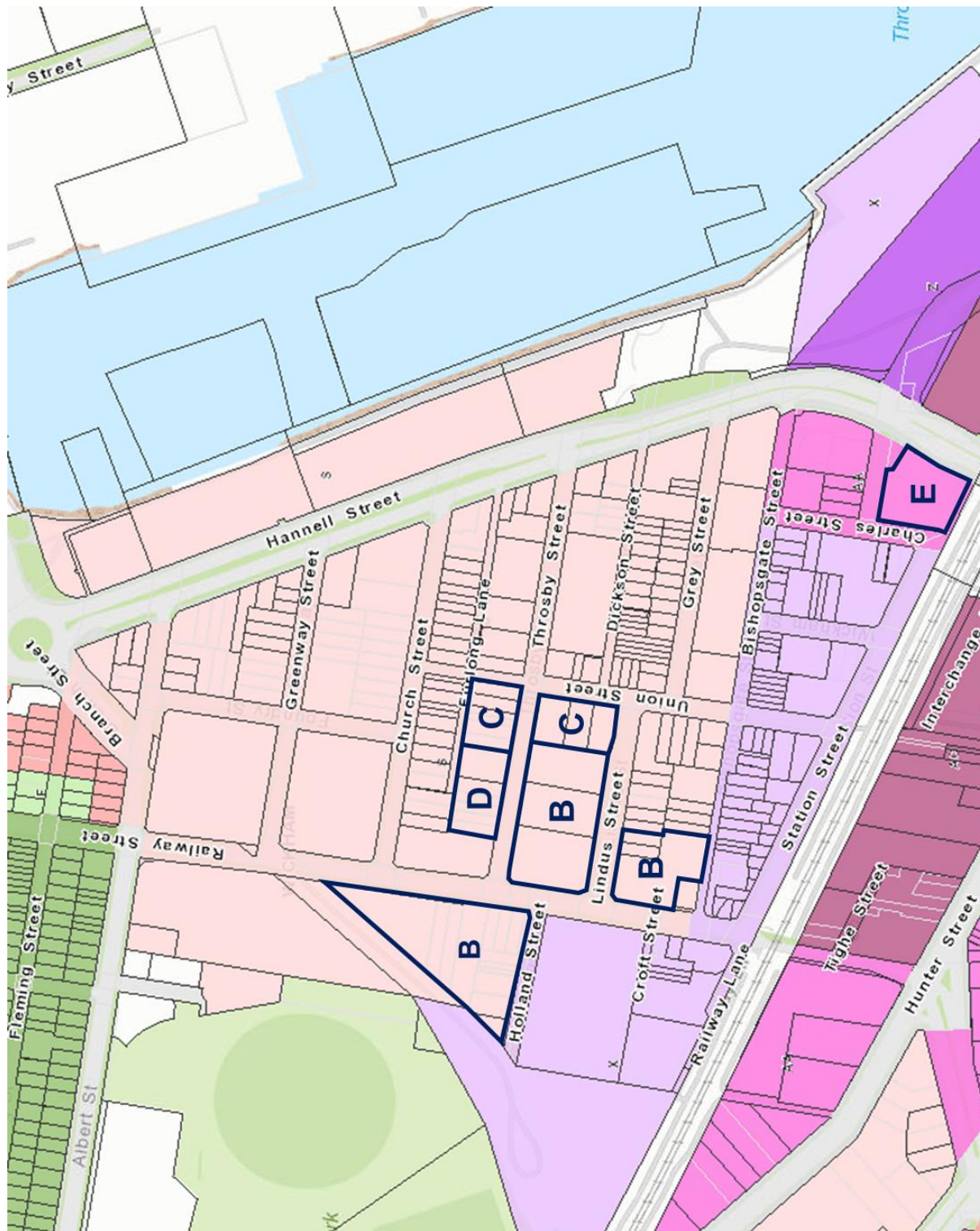


Figure 7: Existing Land Reservation Acquisition Map

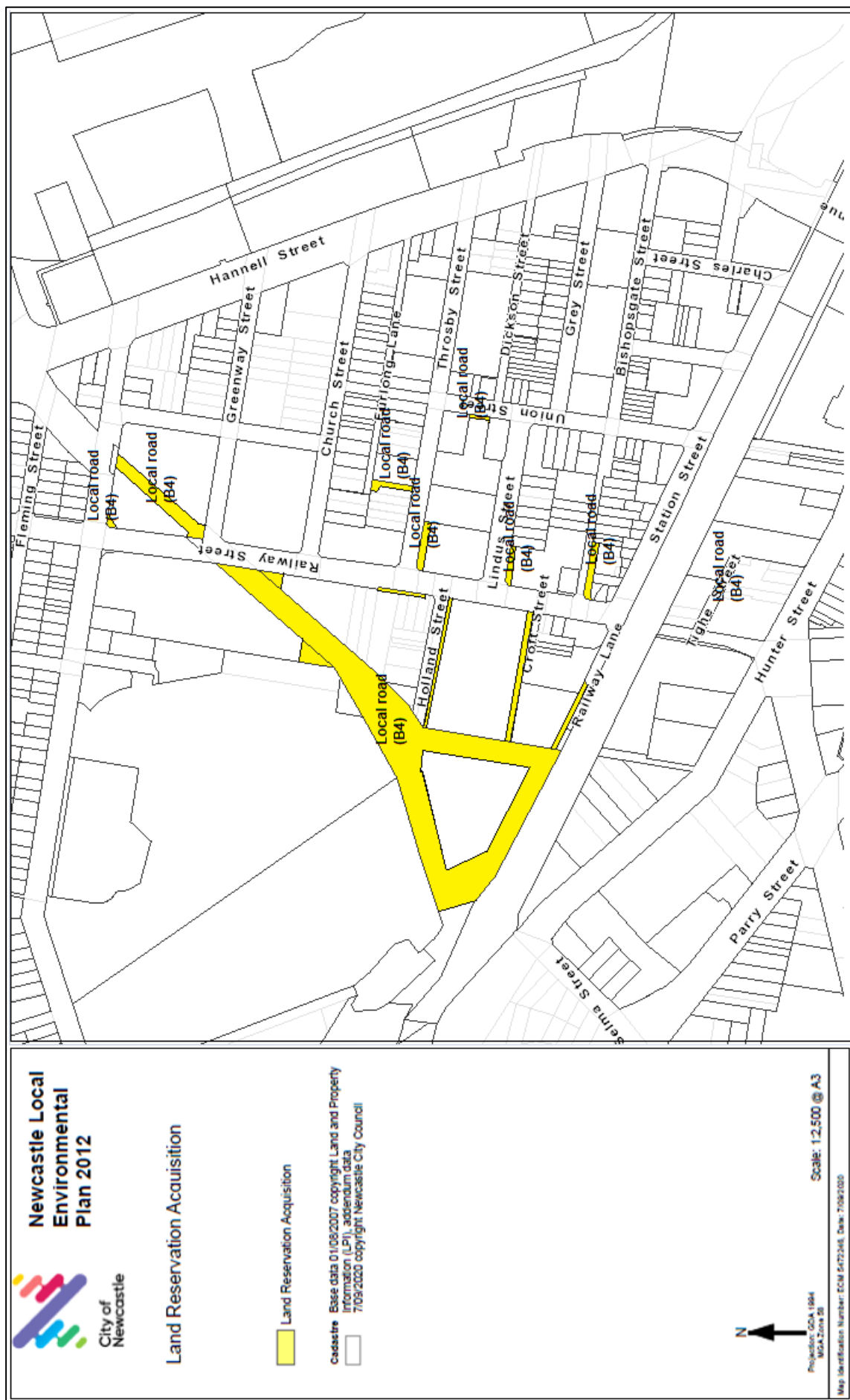
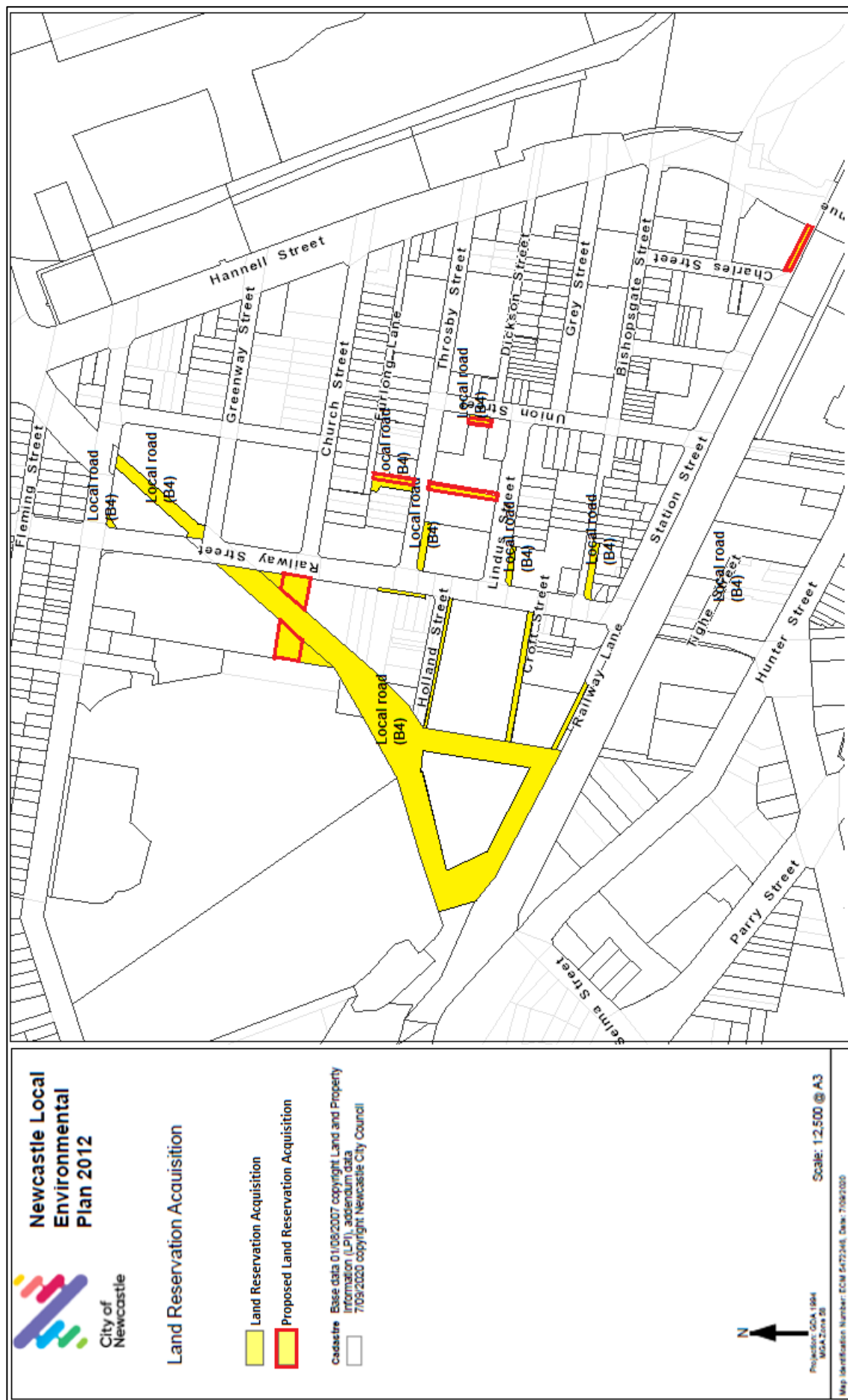


Figure 8: Proposed Land Reservation Acquisition Map



## Part 5 - Community consultation

The planning proposal is considered as low impact in accordance with the Department of Planning and Environment's guidelines, 'A guide to preparing planning proposals.

However, CN propose to exhibit the Planning Proposal for a 28-day period, together with:

- draft amended Newcastle DCP Section 6.03 Wickham
- draft amended Newcastle DCP Section 9.00 Glossary
- draft 'Incentive GFA Rate' for Wickham, within the schedule of fees and charges of the Newcastle Operational Plan 2021/22.

Relevant authorities will be consulted in accordance with the requirements of the Gateway Determination.

CN has engaged with the local Wickham Community, landowners and industry stakeholders on the proposed Community Infrastructure Incentives, as follows:

- Pre-engagement on the Wickham Masterplan 2021 Update throughout December 2020 and January 2021, which outlined the proposed incentives, and the community infrastructure projects.
- 28-day public exhibition of the draft Community Infrastructure Incentives Policy, which outlined the proposed approach.
- 28-day public exhibition of the draft Wickham Masterplan 2021 Update which detailed the development incentives and envisaged community infrastructure envisaged for Wickham.

## Part 6 - Project timeline

The plan making process is shown in the timeline below. It will be undertaken in accordance with the Gateway determination.

Task	Planning Proposal Timeline										
	Mar 22	Apr 22	May 22	Jun 22	Jul 22	Aug 22	Sep 22	Oct 22	Nov 22	Dec 22	
Anticipated Council endorsement	Council decision										
Anticipated commencement date (date of Gateway determination)		DPIE									
Anticipated timeframe for the completion of studies	N/A										
Timeframe for government agency consultation											
Commencement and completion dates for public exhibition period											
Dates for public hearing (if required)	N/A										
Timeframe for consideration of submissions											
Timeframe for the consideration of a proposal post exhibition											
Anticipated date RPA* will make the plan (if delegated)											
Anticipated date RPA* will forward to the Department for notification or finalisation											

\*RPA Relevant Planning Authority

**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**CCL 22/03/22 - SUPPLEMENTARY REPORT - ENDORSEMENT OF  
PLANNING PROPOSAL AND DEVELOPMENT CONTROL PLAN FOR  
COMMUNITY INFRASTRUCTURE INCENTIVES AT WICKHAM**

**Attachment C:** Amended Draft Section 6.03 Wickham – Newcastle Development  
Control Plan 2012

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Draft

## City6.03 Wickham

**Red text** – Proposed amendments to Newcastle Development Control Plan 2012 to implement Wickham Masterplan Update 2021 actions for Community Infrastructure Incentives. Amendments accompany the Planning Proposal to amend the Newcastle Local Environmental Plan 2012.

**Blue text** – Proposed amendments to Newcastle Development Control Plan 2012 to implement other actions of Wickham Masterplan Update 2021 (excluding Community Infrastructure Incentives).

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	27/06/2017	10/07/2017	Amended
3	23/10/2018	16/11/2018	Amended
4	TBA	TBA	Amended (WMP Update 2021)
5	TBA	TBA	Amended (Community Infrastructure Incentives)

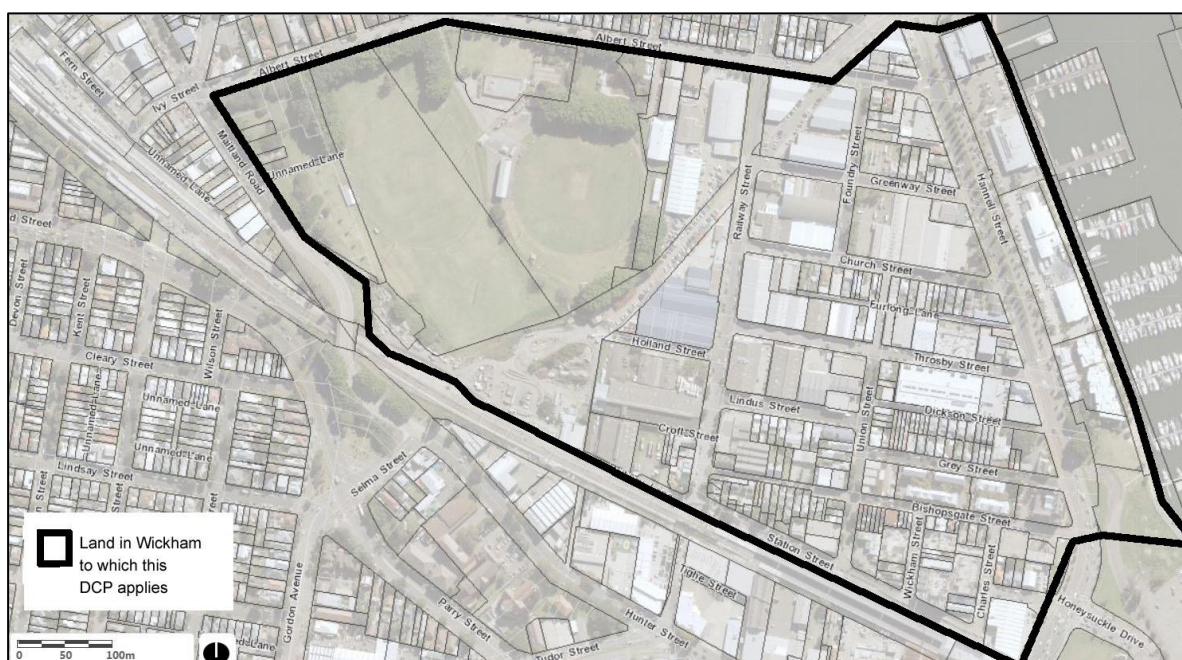
### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land within the heavy black line marked on Figure 6.03 - 1 - Wickham

**Figure 6.03 - 1 - Wickham**



## Development (type/s) to which this section applies

This section applies to all development consisting:

- New buildings or structures
- Additions or alterations to existing buildings or structures
- Subdivision

## Applicable environmental planning instruments and legislation

The provisions of the Newcastle Local Environmental Plan 2012 apply to development applications to which this section applies.

Additional environmental planning instruments, including relevant State Environmental Planning Policies may also apply. In the event of any inconsistency between this section and an applicable environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note: The *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

## Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- Any applicable land use specific provision under Part 3.00
- 4.04 Safety and Security
- 7.02 Landscape, Open Space and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.06 Stormwater
- 7.08 Waste Management

The following sections of this DCP **may** also apply to development to which this section applies:

- 4.01 Flood Management - all land which is identified as flood prone under the Newcastle Flood Policy or within a PMF or area likely to flood
- 4.03 Mine Subsidence - within a mine subsidence area
- 4.05 Social Impact - where required under 'Social Impact Assessment Policy for Development Applications', 1999
- 5.01 Soil Management - works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination - land on register or where risk from previous use
- 5.03 Vegetation Management - declared vegetation within 5m of a development footprint or likely to be affected by a development
- 5.04 Aboriginal Heritage - known/likely Aboriginal heritage item and/or place of significance and/or potential soil disturbance
- 5.05 Heritage Items - known heritage item or in proximity to a heritage item
- 5.06 Archaeological Management - known/likely archaeological site or potential soil disturbance
- 7.04 Movement Networks - where new roads, pedestrian or cycle paths are required
- 7.06 Energy Efficiency
- 7.07 Water Efficiency
- 7.09 Advertising and Signage
- 7.10 Street Awnings and Balconies - awnings or balconies located over public land.

In the event of an inconsistency between provisions within this section and any other section of the Newcastle Development Control Plan 2012, the provisions of this section will apply to the extent of the inconsistency.

### Associated technical manual/s

- Wickham Master Plan 2017
- [Wickham Masterplan \(2021 Update\)](#)
- City Centre Public Domain Technical Manual

### Purpose of this section

This section of the Newcastle Development Control Plan provides detailed standards and guidance for development in order to implement the Wickham Master Plan (2017) [and the changes adopted through the Wickham Masterplan \(2021 Update\)](#).

It integrates place-based planning and design guidelines to inform future redevelopment, consistent with the vision of the area as set out in the Wickham [Master Plan Masterplan \(2021 Update\)](#), in particular the characteristic features of each of the five identified interconnecting precincts (Key Precincts) within Wickham.

This section provides *performance criteria* that explain the planning outcomes to be achieved. Accompanying the performance criteria are *acceptable solutions* that illustrate the preferred way of complying with the performance criteria. There may be other ways of meeting the performance criteria and it is up to the applicant to demonstrate how the performance criteria are met.

### Development Application requirements

All applications that include the erection of a new structure or the extension of an existing structure with a height exceeding 8.5m are to be accompanied with a 3D model of the proposed development in the context of the Newcastle CBD 3D model.

The format should be compatible to that used by City of Newcastle. [Format specification requirements for the model can be provided by City of Newcastle's Geospatial Information Services.](#)

The 3D Model should be used to illustrate the following information:

- context 'before' and 'after' streetscape drawings/images and/or photomontages;
- shadow diagrams; and
- assessment of impact on view corridors.

### Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Section 9.00 - Glossary, of this plan, and include:

- **Urban activation space** - a small public space that acts as a 'micro-scale' neighbourhood park that that contributes to the public domain through plantings and/or specific use or functions (eg small playground, community garden, or gathering space). Urban activation space is usually provided on corner sites within the development setback to the street and is incorporated into the road reserve.

- **Community Infrastructure Incentives** - as described within the Newcastle Community Infrastructure Incentives Policy (July 2021) development incentives provided to development, by way of additional Gross Floor Area under Newcastle LEP 2021, where development provides for identified community infrastructure.

### 6.03.01 Urban Character

Wickham will continue to evolve from a semi-industrial area at the outer fringe of Newcastle City Centre into a mixed use urban neighbourhood supporting the emerging commercial core within Newcastle West.

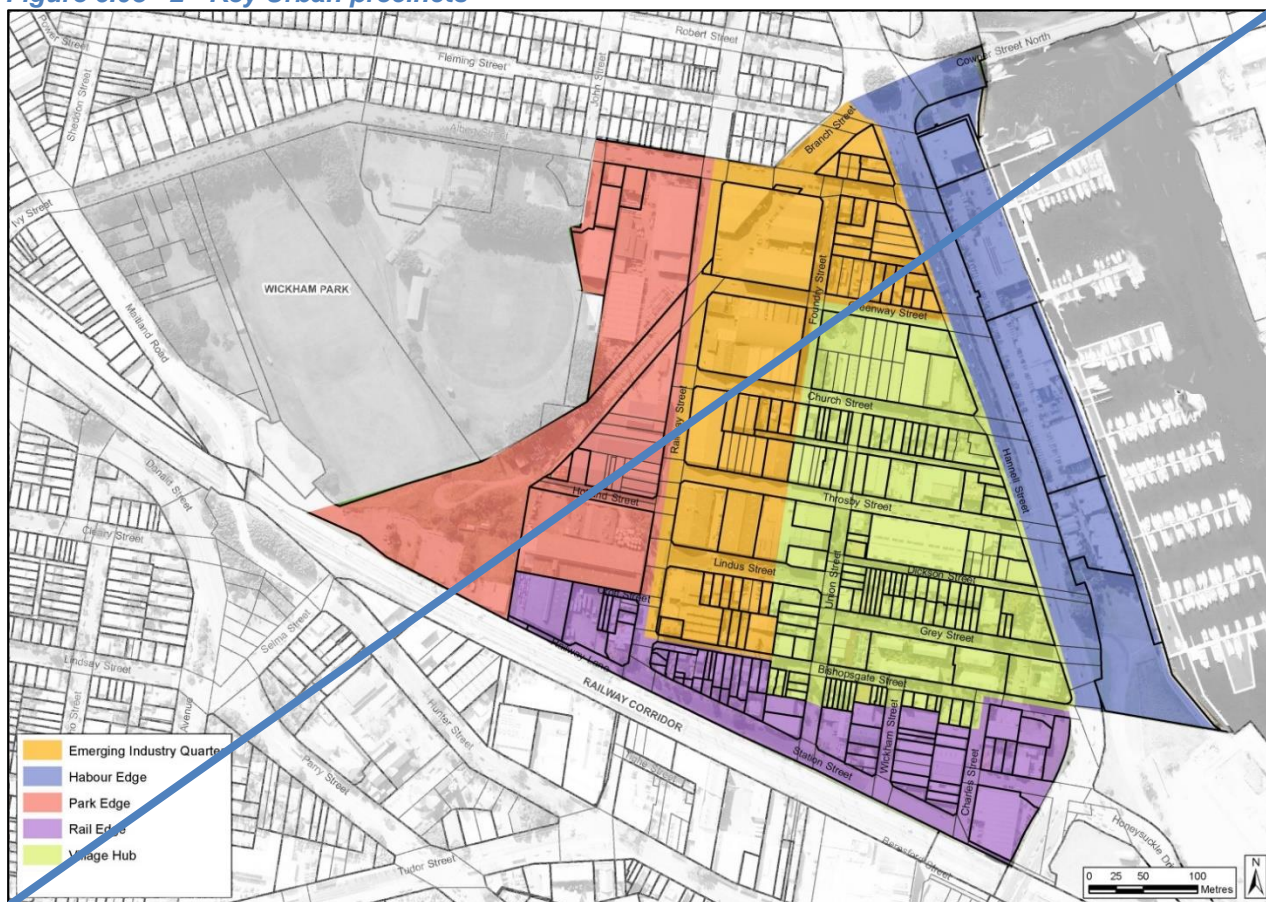
Urban renewal is envisaged to build on the existing urban structure to deliver greater connectivity, improved public domain amenity and built form which reflects the function and character of the area.

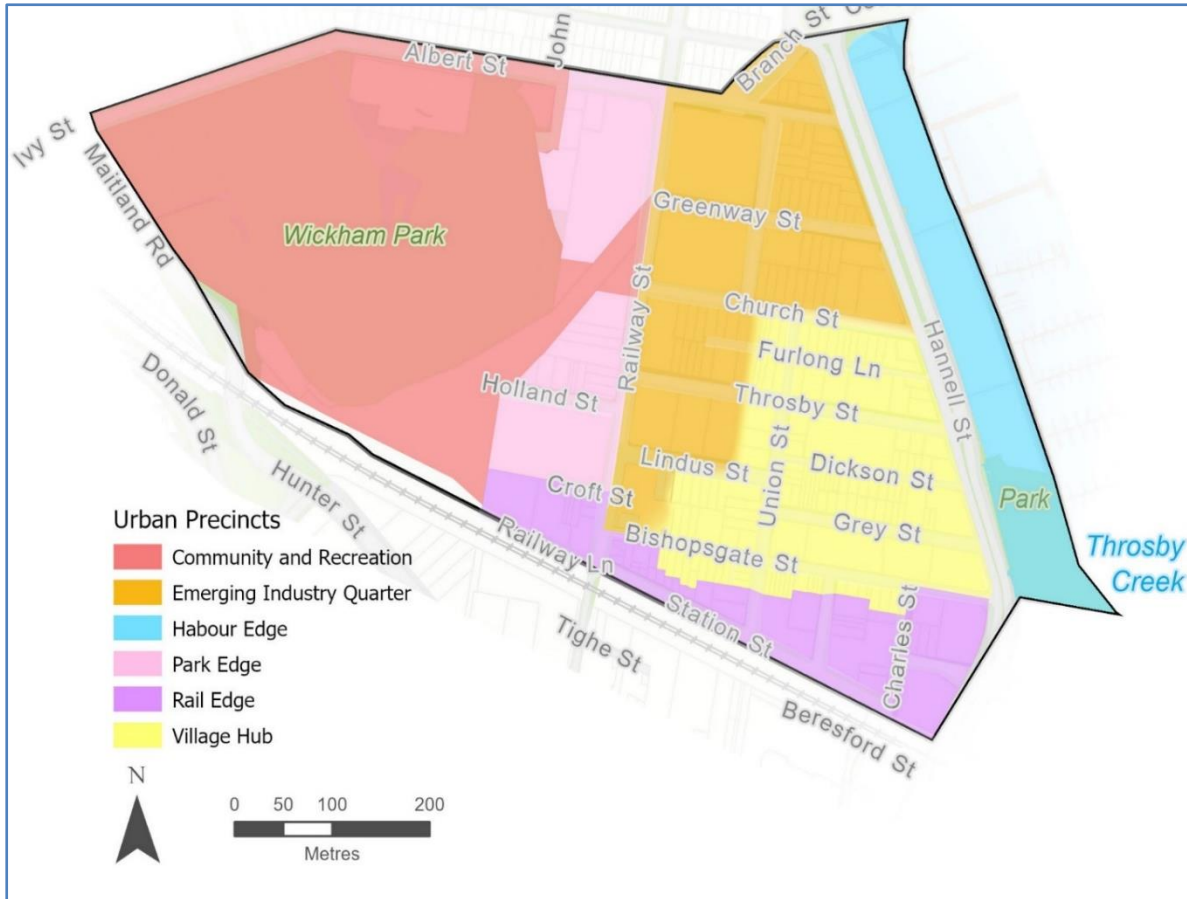
#### Key Urban Precincts

The controls applying to this section of the DCP are based on achieving the intended future character of each **key urban** precinct, as identified in *Figure 6.03 - 2 Key Urban precincts*, consistent with the Vision of the Wickham Master Plan (2017).

Any variation to the '*acceptable solutions*' proposed as an alternative means of meeting the specific '*performance criteria*,' will need to be justified having regard to achieving the future character of the relevant precinct.

**Figure 6.03 - 2 - Key Urban precincts**





## A. Rail Edge

### *Existing character*

The Rail Edge precinct contains a mix of uses and building types and provides an interface to the emerging commercial core of Newcastle West.

The majority of this precinct has already been redeveloped given the proximity to the Transport Interchange and the already generous development standards.

The Rail Edge precinct is predominantly characterised by higher density residential development with a mix of uses at street level. The larger podium tower building types reflect the precinct's location at the interface to the emerging commercial core of Newcastle West.

### *Future character*

The precinct is envisaged to support high density residential development that capitalises on its location adjacent to Newcastle Transport Interchange and provide ground level commercial uses, with neighbourhood level retail and services activating street corners. Building scale and form transitions down to integrate with the lower scale Village Hub precinct fronting Bishopsgate Street.

*Figure 6.03 - 3 - Potential future built form of the Rail Edge precinct*



## **B. Village Hub**

### *Existing character*

The Village Hub retains much of the original residential subdivision patterns established in the 1800s, which is characterised by narrow streets and a mix of lower scale residential building typologies. Buildings are set back from the front boundary and the front setback typically contains landscaping and forecourts.

The existing scale of the precinct allows for 3 storey buildings. The building height along the southern side of Bishopsgate Street is currently 24m.

### *Future character*

~~Redevelopment and infill development is envisaged to include terrace style housing, shop top housing and smaller residential apartment buildings up to three storeys in height which incorporate design elements complementary to existing housing stock. Opportunities for onsite car parking and driveway access are limited to ensure priority to pedestrian amenity and safety.~~

~~Union Street provides the main north-south pedestrian connection with wide footpaths and street trees, linking the predominantly residential precinct the Newcastle Transport Interchange. Retail and commercial activity are focused along Union Street while the east-west orientated streets maintain a residential focus.~~

Redevelopment and infill development is envisaged to continue and include terrace style housing, shop top housing and smaller residential apartment buildings with a street wall height of up to three storeys along each street fronting setback, which incorporate design elements that complements that of existing housing stock.

Redevelopment of small residual sites for infill housing will also enable urban renewal where amalgamation of sites is not possible or unlikely to result in increased residential densities.

Opportunities for onsite car parking and driveway access are limited to ensure priority to pedestrian amenity and safety.

Union Street provides the main north-south pedestrian connection with wide footpaths and street trees, linking the predominantly residential precinct to the Newcastle Transport Interchange. Retail and commercial activity are focused on corner sites along Union Street while the east west orientated streets maintain a residential focus, except for Throsby Street which continues to support a mix of business uses at street level.

The interface to the adjoining Emerging Industry Quarter precinct mid-block along Bishopsgate, Church, Lindus and Throsby Streets focuses on creating a consistent character along the street edge by continuation of identified front setbacks, landscape provision, use of design elements that emphasise the lower levels, with upper levels setback from the street.

Where additional building height is currently permissible within this precinct, the use of upper-level setbacks and design elements will ensure development presents at a consistent scale and character when viewed from street level. Tree planting and other landscape elements within urban activation areas of the public domain will also help to soften the visual dominance of larger development and improve the visual amenity for pedestrians.

**Figure 6.03 - 4 - Potential future built form of the Village Hub precinct**



*Figure 6.03 - 3 - Envisaged character of the Village Hub based on permissible scale and densities*



## C. Harbour Edge

### *Existing character*

The precinct is characterised by predominately three storey high buildings with uses that reflect the mixed residential, maritime, tourism and entertainment activities along the water edge.

The precinct is characterised by predominately three storey high buildings with uses that reflect the mixed residential, maritime, tourism and entertainment activities along Throsby Creek.

### *Future character*

The Harbour Edge Precinct builds on the recreational and economic opportunities on offer within this prime waterfront location, by supporting intensification of use while retaining vistas and connections between Hannell Street and Throsby Creek.

The Harbour Edge Precinct will continue to build on the recreational and economic opportunities within this prime waterfront location, by supporting intensification of use that respect the operational function of the Port of Newcastle and allow for vistas and connections between Hannell Street and Throsby Creek.

The parkland at the southern end of this precinct will connect to the public domain areas of the final stage of Honeysuckle redevelopment area currently being planned for release.

*Figure 6.03 - 5 - Potential future built form of the Harbour Edge precinct*





## D. Emerging Industry Quarter

### *Existing character*

~~The Emerging Industry Quarter is characterised by larger development sites and wider streets. The Precinct predominately accommodates employment uses including service industries, small scale niche manufacturing and research and development technologies.~~

The Emerging Industry Quarter to the east of Railway Street has been extended to incorporate land north of Church Street due to its characteristics of being larger sites that accommodate a range of remnant light industrial buildings with high occupancy rates of employment uses including service industries, small scale niche manufacturing, research and development technologies.

Redevelopment within this precinct is likely to occur on land unrestricted by mine subsidence, based on the feasibility and availability of land for current businesses to relocate, particularly where owner-occupied.

### *Future character*

~~Redevelopment is envisaged to provide opportunities for fostering business and employment generation uses.~~

~~The former Bullock Island corridor is adapted as open space and embellished to form a publicly accessible landscape element within the redevelopment site.~~

Redevelopment is envisaged to foster business and employment generation, particularly on sites less conducive to residential amenity, such as Hannell Street and where residential densities are restricted by mine subsidence risk.

Where residential uses are accommodated within the precinct as part of a mixed-use development, the challenge is to ensure these provide genuine economic generating uses on ground level, rather than provision of a token commercial space sleeving at grade car parking.

Ground level floor areas are of an area and dimensions conducive to supporting a range of low impact and clean business uses, including high technology industries, manufacturing and creative industries.

Development on land within this precinct adjoining the Village Hub, will be designed to address the scale and character it presents along the streetscape, using architectural elements, articulation of setbacks and upper levels set further back from the street.

City of Newcastle will seek to acquire the former rail corridor passing through this precinct to deliver a public space incorporating active transport that links to adjoining areas.

### ***Figure 6.03 – 6 – Potential future built form of the Emerging Industry Quarter precinct***



## E. Park Edge

### *Existing character*

The Park Edge precinct is characterised by large sites containing commercial, light industrial, storage and warehouse uses backing onto the eastern side of Wickham Park.

Land within this Precinct is likely to redevelop within the next development cycle when market demand increases, particularly if City of Newcastle acquires and improves the former rail corridor land.

### *Future character*

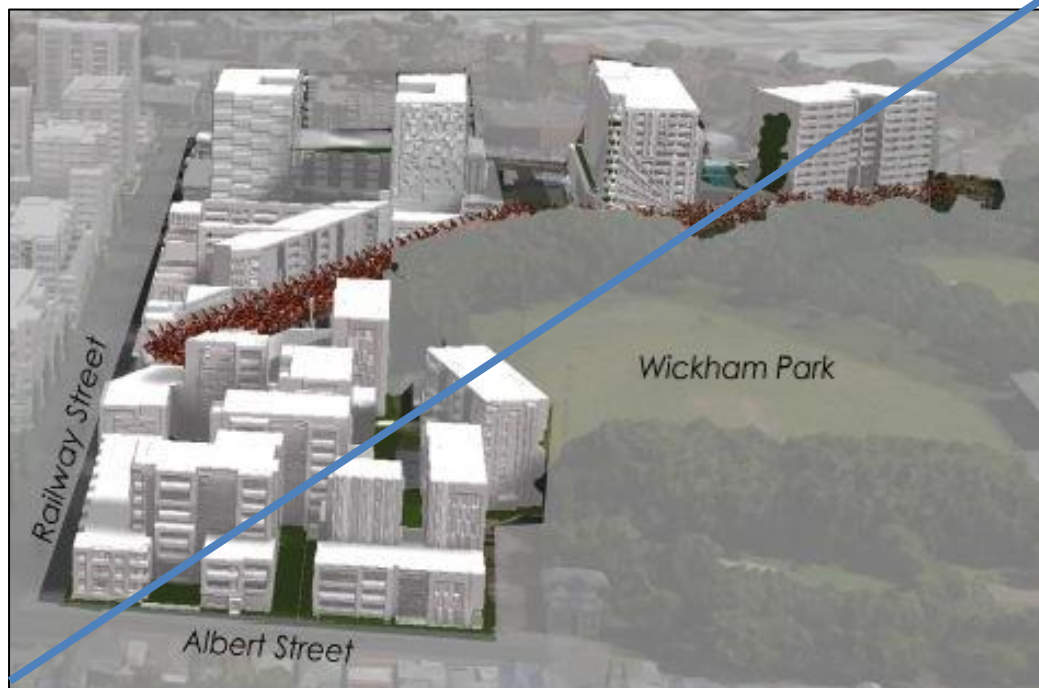
~~The Park Edge precinct will provide activation and natural surveillance to Wickham Park from a mix of uses. The precinct may also contain public parking facilities integrated into development parcels.~~

~~The precinct will provide key connections for pedestrians and cyclists through the extension to Holland Street and the opening of the former Bullock Island rail corridor for public access. The precinct will include the creation of a new development parcel in the former railway lands, and the construction of a new one way street extending along the southern boundary of Wickham Park from Maitland Road to Railway Lane.~~

The Park Edge precinct is envisaged to transform into a mixed-use area including medium to high density residential development with building scales reflective of mine subsidence restrictions.

The precinct will activate the eastern edge of Wickham Park and provide natural surveillance to the active transport corridor diagonally dissecting the precinct. There are opportunities to improve public access through to Wickham Park with a key connection for pedestrians and cyclists being proposed through a widened Holland Street, the extension of Crofts Street, the end of railway lane and a wide opening to the former Bullock Island rail corridor and through to Wickham Park on land opposite from Church Street along the western side of Railway Street.

***Figure 6.03 - 7 - Potential future built form of the Park Edge precinct***



## F. Community and Recreation

### *Existing character*

This precinct combines land previously identified in WMP as 'Wickham Park' with part of the adjacent 'Park Edge', being the land known as the former Wickham to Bullock Island Railway Corridor. This land continues to act as a physical barrier between the City Centre and Wickham Park. The land contains some rail infrastructure along its southern extent, is partly leased to adjoining landowners along Railway Street but has otherwise remained vacant since it was last used as a works depot during the construction of the Newcastle Transport Interchange.

City of Newcastle has validated its intention to acquire majority of the former rail corridor land from its current owner, through its inclusion on the Land Reservation Acquisition (LRA) map within Newcastle LEP 2012.

Wickham Park continues to cater for the recreational and social needs of both local residents and the wider Newcastle community. City of Newcastle will prepare a comprehensive plan of management for Wickham Park to improve amenity, connectivity, and surveillance, as identified in the WMP and reiterated within the Newcastle Strategic Sports Plan 2020.

### *Future character*

The precinct will continue to cater for sporting, community events, and festivals, which will benefit from improved pedestrian and cycle links to public transport and adjoining areas.

The former rail corridor will support active transport including shared pedestrian and cycleways that extend from Maitland Road alongside a new roadway at the southern boundary of the precinct, to connect with existing cycleways east of the intersection of Cowper and Hannell Streets at Throsby Creek, as shown in Map 4 - Traffic and Transport, Wickham Master Plan (2021 Update).

The rail corridor will include appropriate interpretive treatments acknowledging its local heritage listing within Newcastle LEP 2012 and lined by distinctive planting to differentiate it from other street tree planting within the area.

Redevelopment of the larger triangle shaped part of the former railway corridor lands is significantly restricted due to former mine workings. If acquired by City of Newcastle, this land will provide a vital role in supporting the precinct through provision of community facilities, formalised parking areas that can cater for both commuters and city workers during the week and park users on weekends, as well as infrastructure that supports a range of events and activities.

## 6.03.02 Building Envelopes

### A. Setbacks to streets

#### Performance criteria

- P1. Building setbacks define the street edge and public domain and reinforce the envisaged character of each precinct.

#### Acceptable solutions

- A1. **Ground level building** setbacks to street boundaries are consistent with Figure 6.03 - 84
- A2. Where land is identified for acquisition by Council, in 6.03 - 84, the minimum setback includes the land to be acquired plus any additional identified setback.
- A3. Where building setbacks are not specified in 6.03 - 84, buildings may be built to the street edge (zero setback) at ground level but only for:
- non-residential uses where the street facing façade has a minimum of 50% windows and /or other openings; or
  - residential uses consisting of the covered private open space (outdoor living) component and where screened and/or elevated from the adjacent footpath/public domain area.

Note: Further design criteria for development interface to the public domain are provided in Section [compliance with section 6.03.03 Urban Design](#).

- A4. ~~Minimum setbacks to the street front for upper levels are consistent with the ground level setbacks, except where identified in the table below:~~

Precinct	Minimum street setback above 4.2m building height
Rail Edge	6m
Village Hub	N/A
Harbour Edge	N/A
Emerging Industry Quarter	6m
Park Edge	6m

The upper levels for any development in an identified Urban Precinct (Column 1), which is located at a height above that described in Column 2, is setback at the minimum distance identified in Column 3 from the street front boundary (measured along the horizontal) as identified in *Table 6.03 - 1*, below:

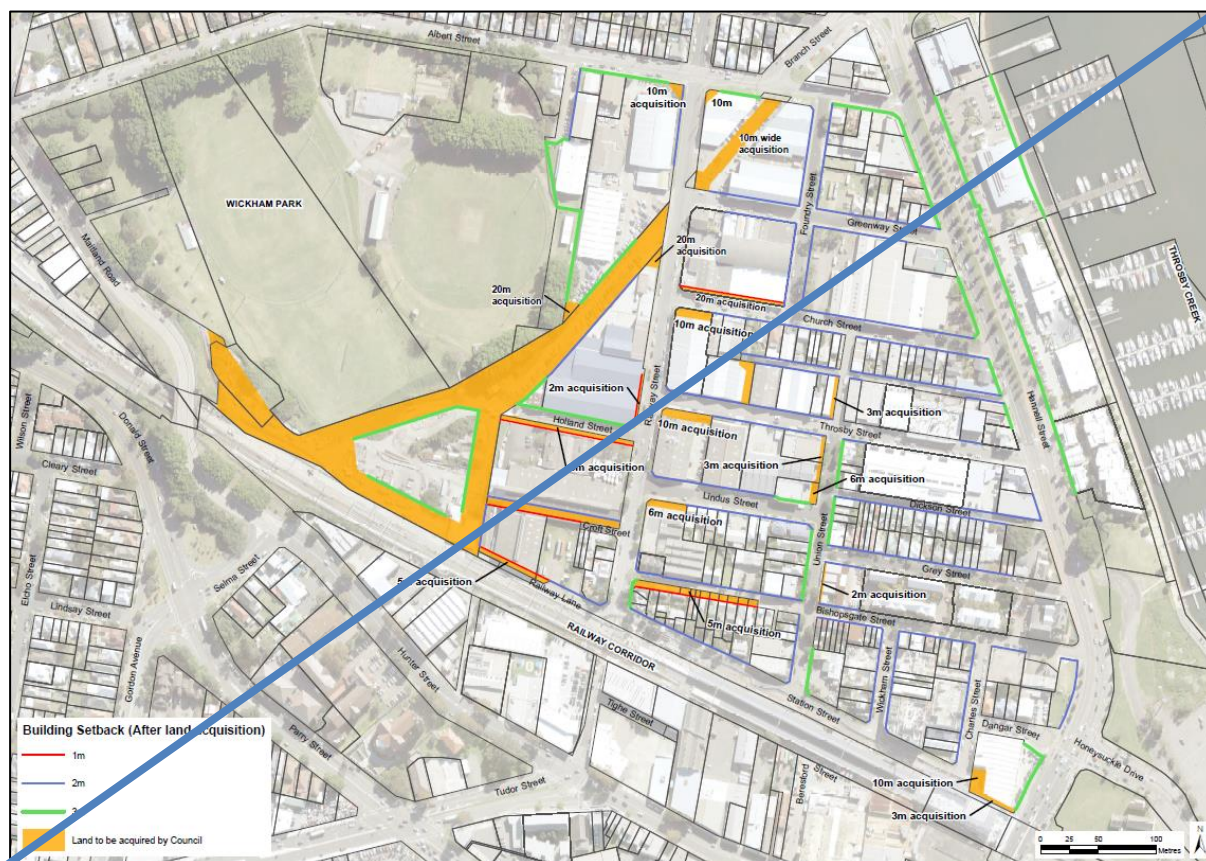
**Table 6.03 - 1 - Upper level setbacks**

Urban Precinct	Upper-level setback applies to any part of the building above the following height:	Minimum setback to street front (for the upper-level setback)
Rail Edge	12m	6m
Village Hub	10m	6m*
Harbour Edge	12m	N/A
Emerging Industry Quarter	12m	6m
Park Edge	12m	6m

\*Refer to A7 for land at 29 Bishopsgate Street.

Note: Where the requirements of SEPP 65 and/or the Department of Planning, Industry and Environment's 'Apartment Design Guide' apply to a development proposals subject to this section, any inconsistencies in minimum setbacks will be resolved by the greater of the two setbacks applying.

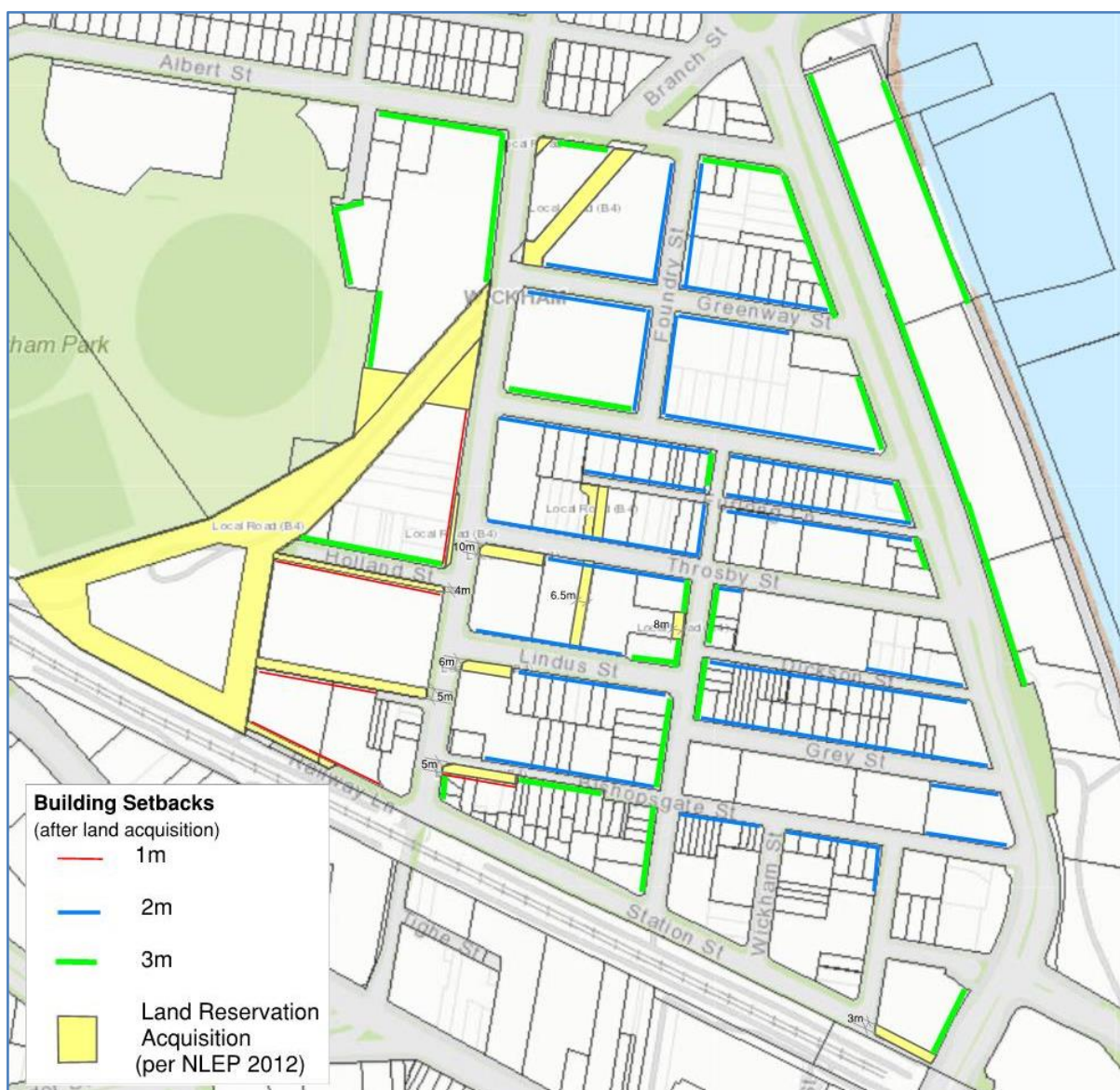
**Figure 6.03 - 8 - Building setbacks**



*Additional acceptable solutions applying to development within the Village Hub Precinct*

- A5. Within the Village Hub precinct development may encroach into the minimum street setback at the first level (i.e. second storey) for 50% of the frontage but only where the encroachment is for private open space such as a veranda, balcony, pergola or deck.
- A6. ~~Development fronting Bishopsgate Street has an upper level setback of 6m from the street boundary for parts of the building above 9m.~~
- A7 6. Large scale development incorporates building articulation such that the building form is broken into smaller elements that relate to the fine grain pattern of development along Bishopsgate Street.
- A7. Notwithstanding the upper level setbacks identified in A4, Development on land at 29 Bishopsgate Street has an upper level setback of 15m from the street boundary for parts of the building above 10m.

**Figure 6.03 - 4 - Ground level building setbacks to street boundaries**



## B. Setbacks to neighbouring sites

### *Performance criteria*

- P1. Side setbacks provide opportunity for landscaping and protect amenity to adjoining sites.
- P2. Development provides natural surveillance to side and rear setback areas
- P3. Redevelopment within the Harbour Edge precinct provides for public access and views to Throsby Creek.

### *Acceptable solutions for all precincts, except the Village Hub*

- A1. Development may be built to the side boundary (zero setback) for a height up to 8.5m where a landscaped setback of at least 3m from the side boundary is provided within the first 6m from any street fronting boundary, as shown in ~~Figure 6.03—09~~ *Figures 6.03 - 5 and 6.03 - 6*.
- A2. The landscaped side setback (described above):
  - (a) consists of deep root planting with suitable trees, shrubs and groundcovers; and
  - (b) is visible from adjoining uses (within the site) through the placement of windows and open space areas.
- A3. Development adjoining the Village Hub precinct has an upper level setback for any part of the development above 12m, of 8m to the side or rear boundary that adjoins the Village Hub precinct.

### *Additional acceptable solutions for the Harbour Edge precinct*

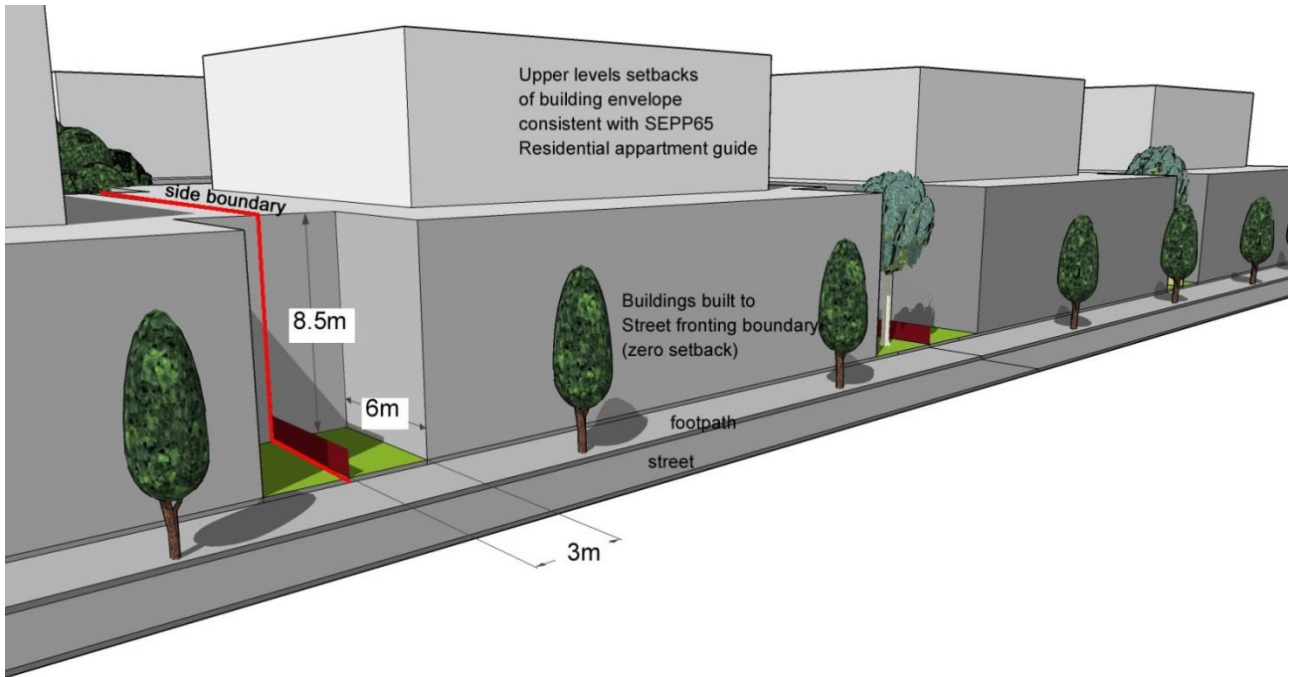
- ~~A3~~ 4. Development provides pedestrian and cycling links between Hannell Street and Throsby Creek.
- ~~A4~~ 5. Built form within the Harbour Edge precinct enables view lines to Throsby Creek from the east-west orientated streets to the west of Hannell Street.

### *Additional acceptable solutions for the Village Hub precinct*

- A6. Development within the Village Hub that has a building height (HOB) greater than 10m, has an upper level setback for any part of the development above 10m of 8m to the side or rear boundary of any land that is also within the Village Hub precinct.

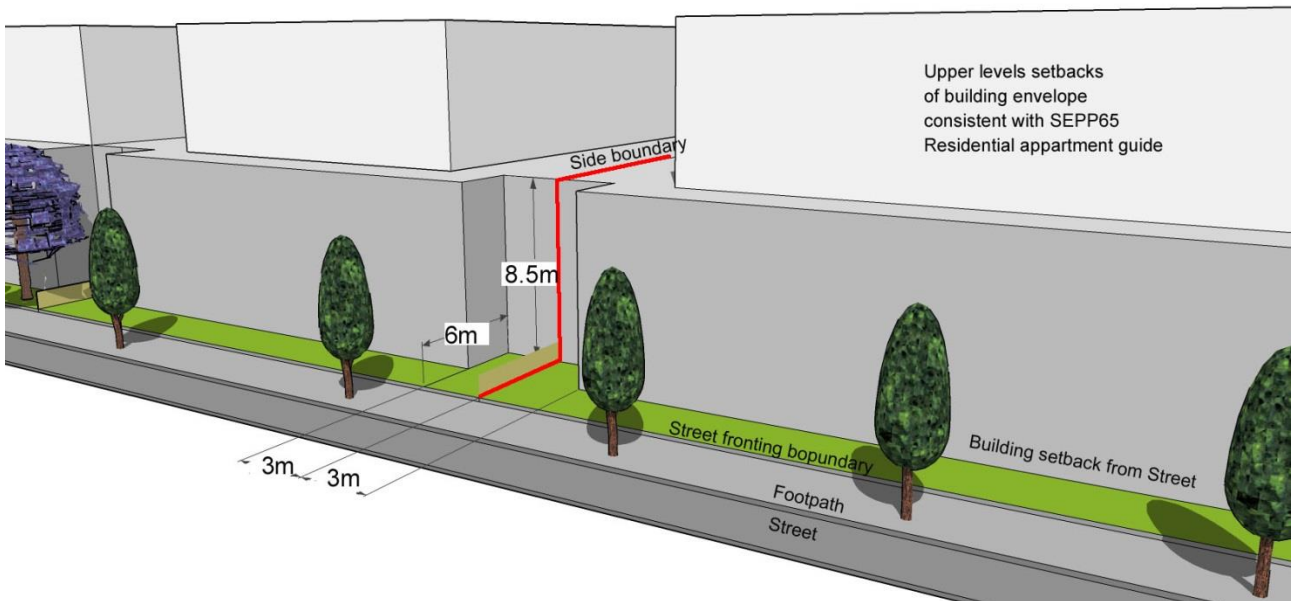
*Figure 6.03 - 9 - Side setbacks*

*Figure 6.03 - 5 - Example of building envelopes with no setback to street front (zero setback)*



*Where building envelopes have no setback to street front (zero setback)*

*Figure 6.03 - 6 - Example of building envelopes with front setback to street boundary*



*Where building envelopes are setback from street front*



### 6.03.03 Urban Design

#### A. Interface to the street

##### *Performance criteria*

- P1. Ground level uses promote pedestrian activation of the public domain
- P2. Development facilitates natural surveillance of the public domain.
- P3. Building form reflects the envisaged precinct character and takes design cues from existing built elements within the streetscape.

##### *Acceptable solutions*

- A1. The following design elements are incorporated in development facing a street or public domain area:
  - (a) building name and/or street number signage are easily identifiable;
  - (b) building entries are well-lit;
  - (c) individual ground floor uses have direct pedestrian access to footpath;
  - (d) universal access is provided to non-residential ground floor uses where the finished floor level is above or below the footpath;
  - (e) non-residential ground floor uses are visible from the street;
  - (f) the floor level of residential ground floor uses may be elevated not more than 1m above the footpath;
  - (g) building street setbacks incorporate gardens and/or landscaped forecourts; and
  - (i) green walls and/or street art (e.g. murals) are provided to reduce and/or break up non active building facades (i.e. blank walls, screened areas, services and utility cabinets, and/or garage doors).
- A2. Development on corner sites activate at least 50% each façade.
- A3. Residential development at ground level has a minimum 4m ceiling height and is designed to enable change of use in the future.

## B. Urban activation spaces

### *Performance criteria*

- P1. Development incorporates space that provides relief from the hard surfaces of the urban environment and for residents and the local community to gather or participate in activities.

### *Acceptable solutions*

- A1. Urban activation spaces are located:

- (a) In central locations along identified pedestrian and cycle routes and at street corners as identified in Figure 6.03 - ~~43~~ 11 - **Map of Nominated Community Infrastructure Projects in Wickham**; and
- (b) Within the front setback of larger development sites and partly incorporated into the road reserve; and
- (c) Adjoining supporting retail or community activities that provide natural surveillance, but do not commercialise the space for their own business.

- A2. ~~Urban activation spaces incorporate uses or facilities such as:~~

- ~~(a) shade and tree plantings;~~
- ~~(b) community gardens;~~
- ~~(c) rain gardens;~~
- ~~(d) furnishings such as seats, bins and drinking fountains.~~
- ~~(e) play equipment;~~
- ~~(f) lawns and paved areas;~~
- ~~(g) small stage areas with plugin facilities for open air music, performance or screenings;~~
- ~~(h) lighting;~~
- ~~(i) Wi-Fi;~~
- ~~(j) public facilities~~

Urban activation spaces incorporate landscape elements or facilities as identified within Table 6.03 - 2 - **Schedule of Community Infrastructure Projects in Wickham**.

**Figure 6.03 - ~~42~~ 7 - Urban activation space examples**



**Figure 6.03-13-Location of Urban activation spaces**



## C. Vehicle access to land

### *Performance criteria*

P1. Vehicle and service entry ensure the safety and amenity of pedestrians.

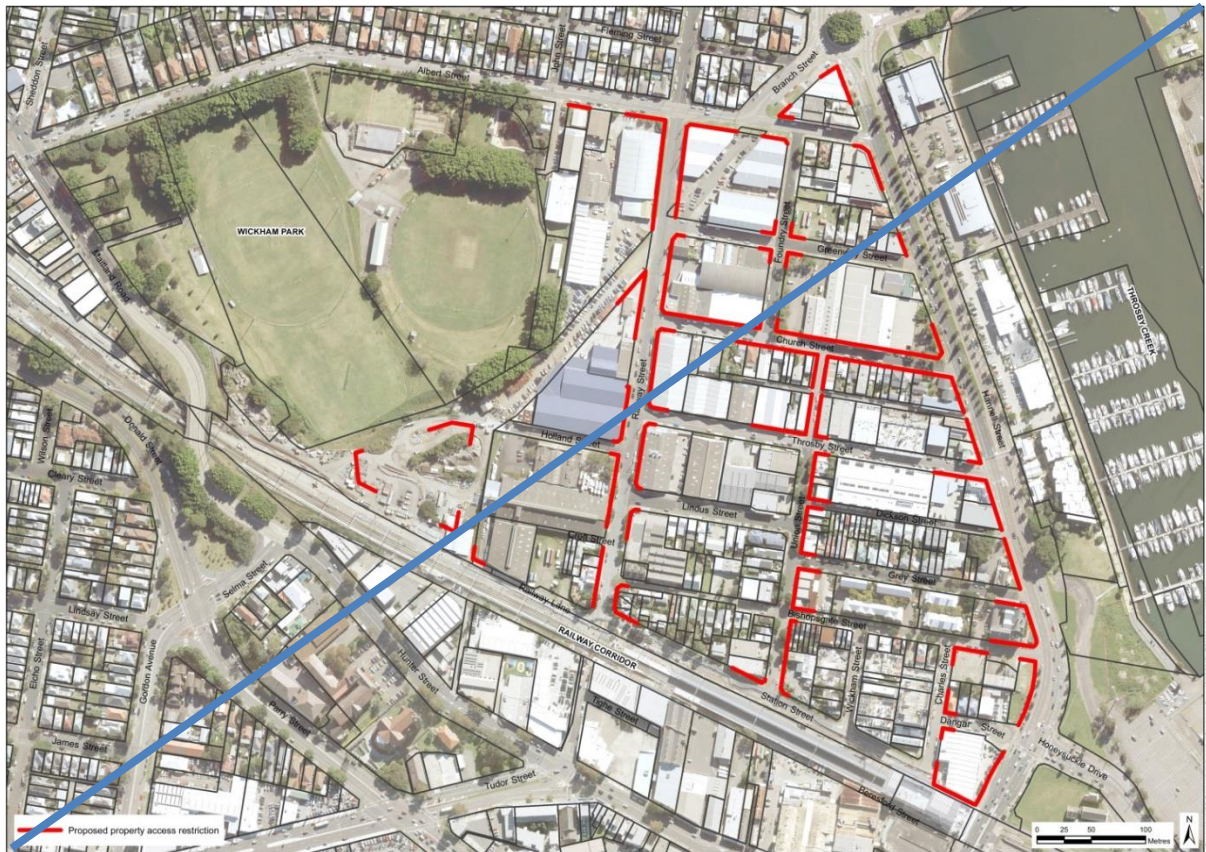
### *Acceptable solutions*

- A1. Vehicle access and service entries are located consistent with Figure 6.03-10 8.
- A2. Driveway crossings are consolidated or eliminated along the primary frontage of new developments.

### *Acceptable solutions - Village Hub*

- A3. For development consisting of two or more dwellings, on-site car parking is consolidated to minimise the number of driveways.
- A4. Driveway access is single vehicle width at the footpath crossover.

Figure 6.03 – 40 8 - Vehicle and service entry points-access restrictions to new development





## 6.03.04 Car Parking

### A. Car parking demand management

#### *Performance criteria*

- P1. Provision of car parking caters for the demands of different uses and reflects the proximity to the city centre and active and public transport options.
- P2. Consumer choice and affordability is provided in the ownership of car parking spaces.

#### *Acceptable solutions*

- A1. Car parking spaces are created as separate lots in the strata plan and are not allocated to individual units.

Note: Residential parking permits are not available to owners or occupants of new developments and this information is required to be provided by the developer to all potential owners and occupants.

- A2. Designated car sharing spaces are retained as common property in the strata plan and are:
  - (a) clearly marked and sign-posted as car share spaces; and
  - (b) located so that they accessible to the public at all times.

### B. Design of parking structures

#### *Performance criteria*

- P1. Parking structures are integrated into new buildings and are not visually prominent from the public domain.
- P2. The design and construction method of at grade and above ground car parking areas enable adaptable reuse in the future for residential or commercial uses.
- P3. Car parking areas are able to be adapted in response to changing future transport mode or demands

#### *Acceptable solutions*

- A1. All parking is located within the building footprint, either in a basement or integrated into the building.
- A2. Ground level or above ground parking areas are not visible from the public domain by:
  - (a) being located behind other uses; or
  - (b) using green walls and roofs; or
  - (c) using architecturally designed façade treatment or artwork.

A3. Car parking is located on level flooring and has a minimum ceiling height of:

- (a) 4m where located on ground level; and
- (b) 3m where located on any upper levels.

### 6.03.05 Constraints on development

#### A. Flooding

##### *Performance criteria*

P1 Basement car parks minimise the entry of flood water and include information on emergency egress.

##### *Acceptable solution*

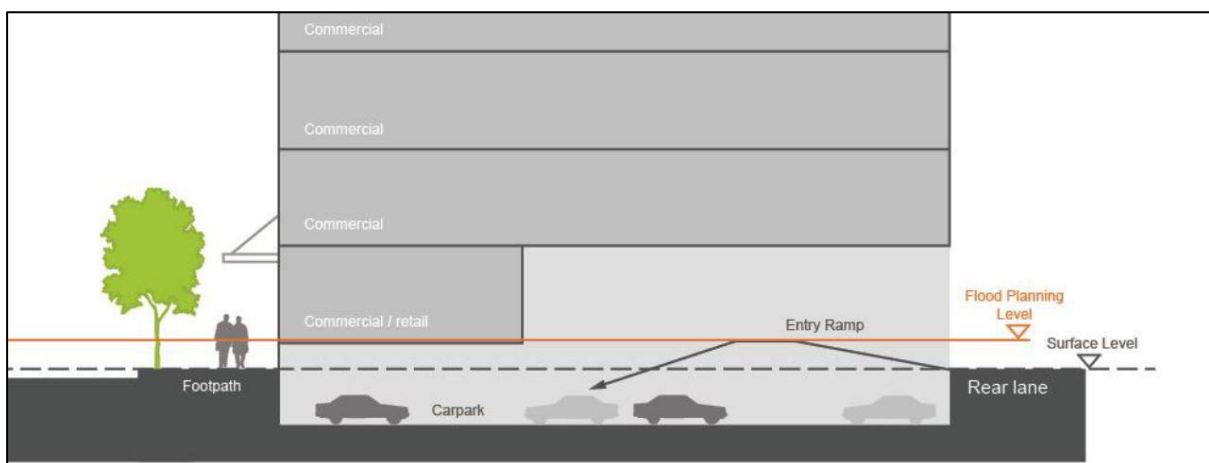
~~A1. Entry ramps, ventilation points and pedestrian exits prevent flood water entering the a basement carpark until the last possible moment in a flood event as shown in Figure 6.03-11.~~

A1. The development is designed to minimise flood waters from entering car parking levels by:

- a) orienting access points away from overland flow paths;
- b) designing access points to be above the 1 in 100 year flood level plus freeboard as shown in *Figure 6.03 - 9*; and
- c) ensuring any aboveground perimeter walls are impermeable up to the 1 in 100 year flood level plus freeboard.

A2. A plan is developed detailing emergency egress procedures during a flood, as well as any refuge areas in reasonable proximity of the development. The plan is to be positioned in the basement car park in an easily recognisable location/s.

**Figure 6.03 - 11 9 - Basement ramp design to minimise inundation**



*Additional performance criteria for land in Park Edge precinct*

- P2 Development on land bounded by the former Bullock Island rail corridor, Railway and Holland Streets does not adversely impact on the local hydrology or increase the risk of localised flooding on adjoining land in a stormwater event.

*Additional acceptable solution for land in Park Edge precinct*

- A2. Where the area to be filled and/or built upon exceeds 20% of the land, development includes and overland flow path (designed and certified by a suitably qualified engineer) for the relief of stormwater from Railway Street to Wickham Park.

## **B. Mine Subsidence**

Note: All proposed development on land in Wickham identified within the Newcastle Mine Subsidence District will need to be assessed on application by Subsidence Advisory NSW. Due to the nature of the old mine workings in the area, redevelopment is likely include significant and costly engineering controls including extensive grouting.

Council advises prospective applicant to first contact Subsidence Advisory NSW to gain an understanding of the potential risks, limitations and financial costs associated with developing over the old mine workings.

## **C. Operational requirements of Port of Newcastle**

Note: Applicants for development within the Harbour Edge precinct are advised to engage with Port of Newcastle prior to lodgement regarding the location and requirements for maintaining navigation aids in this locality to ensure the safe and efficient operation of the Port.

### **6.03.06 Community infrastructure incentives in Wickham**

This section provides controls to determine the level of incentive that may be provided to development proposals in Wickham, under Clause 4.3A Exceptions to Height of Buildings on certain land; and/or Clause 4.4A Exceptions to Floor Space Ratio on certain land of Newcastle LEP 2012.

Applicants seeking to access an available incentive will attend a pre development application (pre-DA) meeting to discuss the particulars of their proposal including the incentive sought and the community infrastructure to be provided.

#### **A. Development incentives**

*Performance criteria*

- P1. The additional gross floor area (GFA), made available as an incentive to individual development is based on:
- (a) planning grounds;
  - (b) regard for the net public benefit to Wickham;



- (c) the monetary value (\$) of community infrastructure proposed; and
- (d) the 'Incentive GFA rate' (\$/sqm) for Wickham.

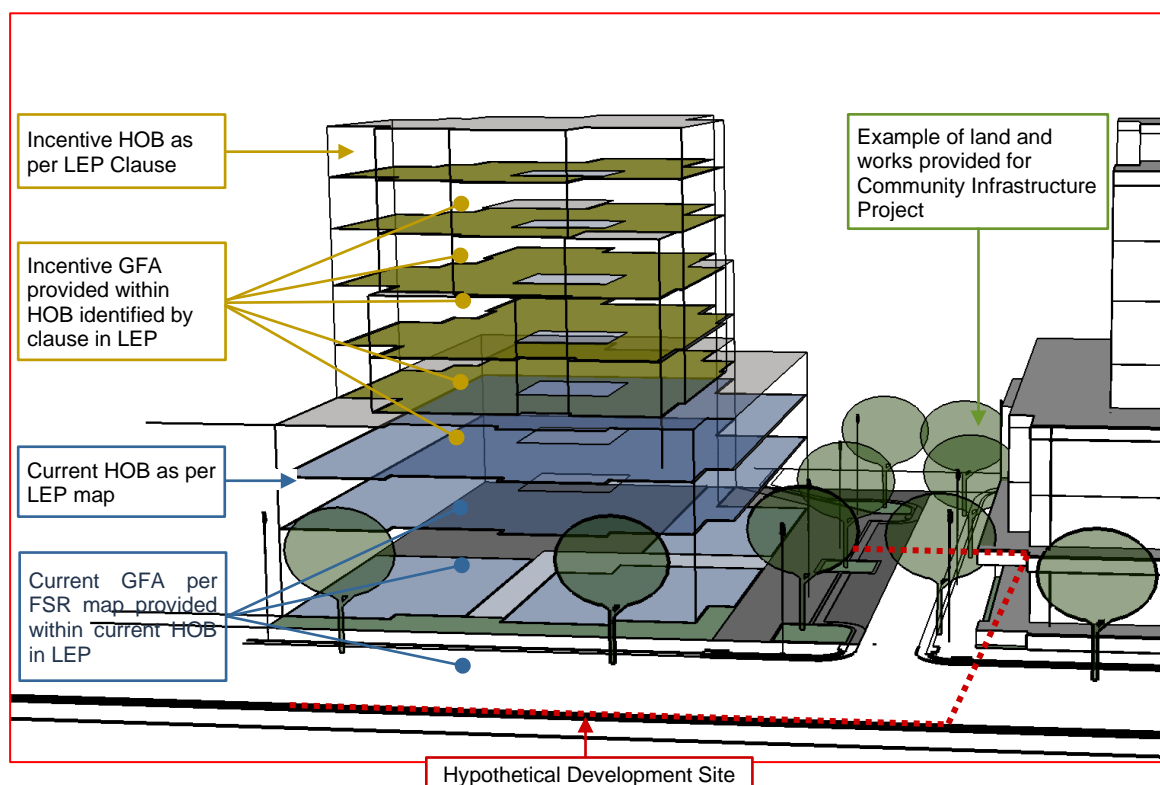
#### Acceptable solution

- A1. The additional GFA available to an individual development, as an incentive, is determined by dividing the agreed value of community infrastructure being offered as part of the development application (DA) by the 'Incentive GFA rate' for Wickham.

#### Note:

1. City of Newcastle has determined an 'Incentive GFA rate' for Wickham by dividing the combined estimated cost (\$) of all nominated 'community infrastructure' projects (as summarised in Table 6.03 - 2 - Schedule of Community Infrastructure Projects in Wickham) by the potential combined increase in GFA (sqm) available to development in Wickham.
2. The 'Incentive GFA rate' for Wickham is published within the Schedule of Fees and Charges of the Newcastle Operational Plan and represents the value applied per square metre (\$/m<sup>2</sup>) of additional GFA achieved by development.
3. Despite A1, the resultant HOB and FSR of development cannot exceed the maximum identified for the land within Newcastle LEP 2012.
4. An example of how incentive GFA is applied to development is illustrated in Figure 6.03 - 10 - Development Incentives.
5. Where development does not seek an available incentive in full or part but is situated on land that is identified on Figure 6.03 - 11 - Map of Nominated Community Infrastructure Projects in Wickham, the applicant will make the full required land available to City of Newcastle for acquisition.

**Figure 6.03 - 10 - Diagram showing how incentives are applied to development**



## **B. Provision of Community Infrastructure**

### *Performance criteria*

- P1. Community infrastructure may be provided to City of Newcastle in the form of land, capital works, cash contribution, or a combination of these, which will deliver the nominated community infrastructure projects identified in Table 6.03 - 2 - Schedule of Community Infrastructure Projects in Wickham.
- P2. Applicants will obtain in principle agreement from City of Newcastle to the provision of community infrastructure being offered prior to lodging a formal DA.

### *Acceptable solutions*

- A1. Notwithstanding the merits of the development proposal, City of Newcastle will consider the following prior to accepting an offer of community infrastructure in the form of capital works and improvements:
- (a) the value of the works and embellishment is based on the cost to City of Newcastle for undertaking the same works to the required standard. The cost of works and embellishment will be verified by an independent quantity surveyor (at no cost to City of Newcastle); and
  - (b) the design and functionality of any proposed improvements or capital works being delivered by or on behalf of the developer, to ensure these are fit for their intended purpose having regard to:
    - i. any public domain plans or guidelines prepared;
    - ii. compliance with City of Newcastle nominated technical specifications and standards; and
    - iii. the full cost of the project's lifecycle and any anticipated recurring cost to City of Newcastle.
- A2. Community Infrastructure provided in relation to a development incentive will always include the offer of land, comprising the entire area identified on Figure 6.03 - 11 - Map of Nominated Community Infrastructure Projects in Wickham and supported by the LRA map in the LEP.
- A3. Community Infrastructure provided as a cash contribution will be collected by City of Newcastle and only allocated toward the delivery projects nominated in Table 6.03 -2 - Schedule of Community Infrastructure Projects in Wickham. All monies are payable prior to an Occupation Certificate being issued for the development. City of Newcastle will impose a condition on any consent granted for provision of a bond or bank guarantee to the required amount, being provided by the applicant to City of Newcastle prior to issue of a Construction Certificate.
- A4. The component of land provided as Community Infrastructure for a development incentive will be dedicated to City of Newcastle, at no cost subject to the available GFA being made available to the development at a factor of 1.25 (i.e. GFA x 1.25).

**Note:**

1. Acceptable solution A4 (above) is based on the assumption that despite the GFA of land dedicated to Council being transferred to the development. The residual land still has a nominal value (despite having no development potential). It is an acceptable practice to assign a value of 25% of the value of the GFA transferred from the land; hence the total value of the land was 125% (or 1.25 times) the achievable GFA. GFA being the land area times by the applicable FSR.

For example:

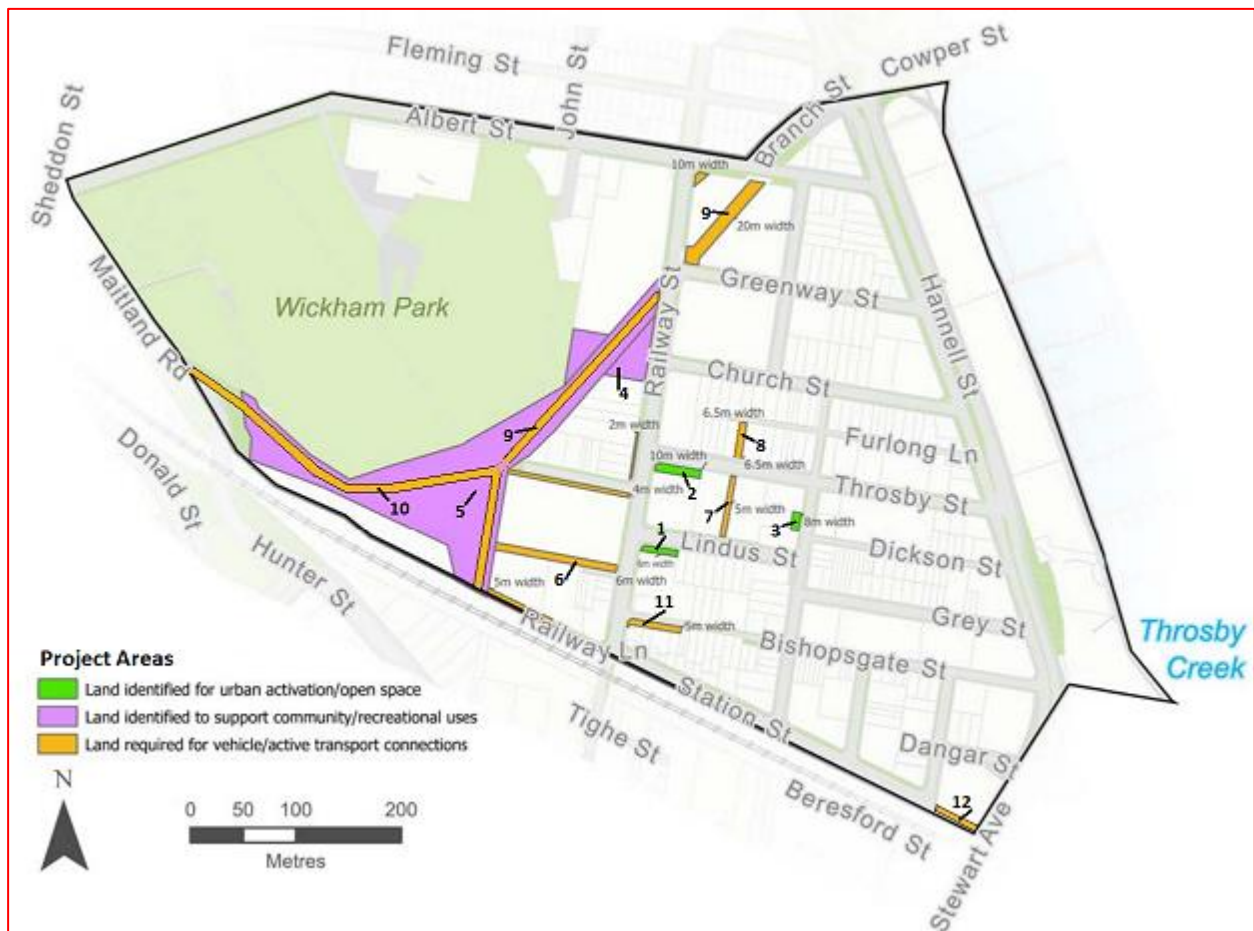
A development parcel of 1200sqm with an existing FSR of 1.5:1, includes an identified community infrastructure project with an area of 200sqm. If the applicant dedicates the 200sqm area to Council as part of the DA, then in return the available GFA applying to the dedicated land is provided to the development at a rate of 1.25.

That is; GFA transferred to development =  $1.25 \times (200\text{sqm} \times \text{FSR of } 1.5) = 375\text{sqm}$ .

2. Hence the residual development land parcel will have a GFA =  $[(1200 - 200) \times 1.5] + 375$   
 =  $1500 + 375$   
 =  $1875\text{sqm}$

This being an additional 75sqm to the development from what would have otherwise been achieved.

**Figure 6.03 - 11 - Map of Nominated Community Infrastructure Projects in Wickham**



**Table 6.03 - 2 - Schedule of Community Infrastructure Projects in Wickham**

Ref	Location	Category	Approx. area	Approx. dimensions	Description
1.	29 Bishopsgate Street (corner of Railway and Lindus Street)	Public domain activation	210m <sup>2</sup>	6m x 35m	Wickham green - consisting of lawn/paved areas/landscaping and shade trees, furniture, potential small podium/stage. See note below.
2.	52 Throsby Street, (corner of Railway and Throsby Street)	Public domain activation	440m <sup>2</sup>	10m x 43.91m	Rain and play garden - consisting of WSUD and robust landscaping elements including dry creek bed with feature boulders, logs, steppingstones, and siting areas.
3.	46 Union Street	Public domain activation	145m <sup>2</sup>	8m x 17.84m	Village vegie patch - community garden consisting raised garden beds with irrigation, and other items typically included for such a facility.
4.	30 Railway Street (Railway Street opposite Church Street intersection)	Public domain activation	830m <sup>2</sup>	32m x 50m	Outdoor fitness area -gym/equipment and open space area creating link that extends to Wickham Park.
5.	In corridor west of Holland Street	Public domain activation	200m <sup>2</sup>		Rail heritage interpretation - public art space.
6.	2-10 Holland Street (extension of Croft Street)	New laneway	590m <sup>2</sup>	5m x 117m	Laneway for slow one-way local traffic to parking areas/potential loading zones.
7.	48 Throsby Street, (between Lindus and Throsby Streets)	Active transport link	380m <sup>2</sup>	6.5m x 60m	Pedestrian connection including footpath, lighting, and open landscaping elements that enable clear line of sight for surveillance from street and adjoining uses.
8.	55 Throsby Street (between Throsby Street and Furlong Lane)	New laneway and public domain activation	290m <sup>2</sup>	6.5m x 36.5m	Widening laneway - adjacent to potential one-way traffic lane and footpath on 47 Throsby. Widening to consist row of parallel parking on western side of traffic lane plus wide pedestrian area with street trees/soft landscape area, lighting, and furniture.
9.	Former Bullock Island Rail corridor	Active transport link		470m length	Promenade - pavement and interpretive elements identifying path of railway tracks, adjacent landscape area including trees species with distinctive/coloured foliage, lighting, furniture.
10.	Southern edge of Wickham Park	New laneway	TBD	450m length	Park edge laneway - one-way travel lane, potential parking lane, adjacent shared pedestrian cycleway, and suitable shade trees.
11.	80 Bishopsgate Street (corner with Railway Street)	Road widening	321.5m <sup>2</sup>	5m x 51m	Street widening - parallel parking lane and footpath.
12.	10 Dangar Street	Active transport link	131 m <sup>2</sup>	3m wide	Pedestrian/cycle lane - paved laneway with activated edge at corners. Lighting and public art.
13.*	Various locations connecting footpaths between developments	Active transport link	Up to 1000m	Detail subject to Public Domain Plan	Public domain improvements - areas where redevelopment is unlikely to occur. See note below.

\* Implementation of community infrastructure projects is subject to redevelopment accessing the available incentive increases in scale and density.

**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**CCL 22/03/22 - SUPPLEMENTARY REPORT - ENDORSEMENT OF  
PLANNING PROPOSAL AND DEVELOPMENT CONTROL PLAN FOR  
COMMUNITY INFRASTRUCTURE INCENTIVES AT WICKHAM**

**Attachment D:** Draft Section 9.00 Glossary – Newcastle Development Control  
Plan 2012

**DISTRIBUTED UNDER SEPARATE COVER**



## 9.00 Glossary

**Red text** – Proposed amendments to NDCP 2012 to implement WMP Update 2021 actions for Community Infrastructure Incentives and associated with Planning Proposal to amend the Newcastle Local Environmental Plan 2012.

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	17/07/2012	30/07/2012	Amended
3	28/05/2013	10/06/2013	Amended
4	28/10/2014	10/11/2014	Amended
5	27/09/2016	24/10/2016	Amended
6	14/03/2017	03/04/2017	Amended
7	27/06/2017	10/07/2017	Amended
8	28/11/2017	11/12/2017	Amended
9	12/12/2017	19/02/2018	Amended
10	24/10/2017	17/04/2018	Amended
11	24/07/2018	12/11/2018	Amended
12	23/10/2018	16/11/2018	Amended
13	26/03/2019	24/06/2019	Amended
14	23/07/2019	06/08/2019	Amended
15	26/03/2019	16/09/2019	Amended
16	27/10/2020	02/11/2020	Amended
17	TBC	TBC	Amended

**Aboriginal cultural heritage** - means Aboriginal objects and declared Aboriginal places as defined under the *National Parks and Wildlife Act, 1974*.

Note: *The National Parks and Wildlife Act, 1974* defines **Aboriginal objects** as: any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

**Aboriginal place** means any place declared to be an Aboriginal place under Section 84.

**Aboriginal object** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

**Aboriginal place of heritage significance** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

**Absorption trench** - a trench excavated into the ground for the purpose of storing an initial volume of rainfall before that water seeps into the soil in which the trench is excavated.

**Act of prostitution** - has the meaning ascribed to it under Section 20 of the *Summary Offences Act, 1988*.

**The Act** - the *Environmental Planning and Assessment Act 1979*.

**Active solar energy systems** - systems which combine the sun's energy with local climatic conditions to achieve thermal comfort inside buildings with the use of mechanical devices. An example is sub-floor heating which uses a pump to circulate hot water from a tank through the floor and back to solar collectors.

**Activity centres** - areas where commercial, retail and entertainment facilities are focused.

**Activity nodes** - see Activity centres.

**Accessible path of travel** - a continuous accessible path of travel is an uninterrupted part of travel to or within a building, providing access to all required facilities. It does not incorporate any step, stairway, turnstile, revolving door, escalator or other impediment which would prevent it from being safely negotiated by people with disabilities.

**Adaptable Housing** - refers to the means of designing a house/unit that enables easy and relatively cheap adaptation to make it comply fully with access standards (refer AS 4299 Adaptable Housing - Class C). This housing is designed in such a way that it can be easily modified in the future to meet changing needs of occupants.

**Adjoining occupiers** - persons who appear to the Council to occupy land abutting a development proposal.

**Adjoining owners** - persons who appear to the Council to own land abutting a development proposal.

**Advertised development** - has the same meaning as in the *Act*.

Note: The term is defined as development, other than designated development, that is identified as advertised development by the regulations, an environmental planning instrument or a development control plan.

Advertised development includes any development for the purposes of a scheduled activity at any premises under the *Protection of the Environment Operations Act 1997* that is not designated development.

**Advertisement** - has the same meaning as in the *Act*.

Note: The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

**Advertising area** - the entire surface area of a sign face, including any margin, frame or embellishment which forms an integral part of the sign. In the case of an advertising structure with more than one sign face, the maximum surface area of the combined faces. The area of skeleton letter signs shall be the total area within which the letters and associated graphics are displayed and not the area of the individual letters added together.

**Advertising panel** - any other advertising structure which is unilluminated, including a hoarding or bulletin board.



**Advertising sign** - a sign, notice, device or representation in the nature of an advertisement, whether illuminated or not, which is visible from any public place or public reserve, or from any navigable waterway, and is not a road traffic signal or sign.

**Advertising structure** - has the same meaning as in the *Act*.

Note: The term is defined as a structure used or to be used principally for the display of an advertisement.

**Affordable housing** - has the same meaning as in the *Act*.

Note: The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

**Allotment** - the legal parcel of land which has been created via subdivision and registered with the Land Property Information service, normally having a Lot Number and Deposited Plan (ie Torrens Title subdivision).

**Alter** - in relation to a heritage item, or to a building or work within a heritage conservation area, means:

- (a) make structural changes to the outside of the heritage item, building or work; or
- (b) make non-structural changes (other than maintenance) to the detail, fabric, finish or appearance of the outside of the heritage item, building or work.

**Amenity** - is the term used to describe the features, facilities or services that make for a comfortable and pleasant life. Amenity is not only enjoyed by residents in their homes and gardens but also in the street and public places.

**Annual exceedance probability (AEP)** - is the probability that a flood event being equalled or exceeded within a period of one year

**Archaeological Assessment** - a report prepared by a qualified archaeologist that conforms to the current reporting requirements of the NSW Office of Environment and Heritage.

**Archaeological site** - a site identified in the Newcastle Archaeological Management Plan 1997; or the place or site of a relic or relics as defined in the *NSW Heritage Act 1977* as amended and has the same meaning as in the Newcastle Local Environmental Plan 2012.

**Architectural character** - includes massing, articulation, composition of building elements, material use and details including building entrances, fenestration, balconies and balustrades, awnings, planters, pergolas, boundary walls, fences etc.

**Articulation zone** - building articulation is the treatment of a facade of a building which forms part of the public domain (ie the relation to streets, view corridors, open space, the harbour foreshore) and how it is emphasised architecturally. The facade of a building can be articulated using distinctive building treatments including:

- balconies
- verandahs and porches
- recessed terraces
- bay windows and French (or juliet) balconies

- external sun shading
- building facades can also be articulated using
- variations in setbacks
- fenestration
- materials and detailing
- entrances at ground level
- punctuated walls with recognisable patterns and features.

**Australian Height Datum (AHD)** - a standard datum for expressing vertical information.

**Average recurrence interval (ARI)** - the average period between the recurrence of a storm event of at least a given rainfall intensity. The ARI represents a statistical probability. For example, a 10 year ARI indicates an average of 10 events over 100 years. The ARI is not the period between actual events.

**Awning** - is a predominantly horizontal structure that projects over a footpath from the host building to provide weather protection for pedestrians.

**Balcony** - is an open area, not being an enclosed room or area, attached to or integrated with and used for the exclusive enjoyment of the occupant or occupants of a dwelling.

**BASIX** - Building Sustainability Index (BASIX) is an online rating system used to ensure residential buildings are designed to use less potable water and be responsible for fewer greenhouse gas emissions by setting energy and water reduction targets for house and units.

**Basement garage** - is a garage normally used for the parking of vehicles with the floor constructed below the street level.

**Battle-axe lot** - means a lot that has access to a road by an access laneway.

**Bioretention rain garden (or biobasin)** - is a vegetated bed of filter media for the purpose of capturing stormwater runoff for water quality treatment through the filtration of sediment and biological uptake of nutrients.

**Bioretention swales (or bioswales)** - are deliberately formed surface depressions for the conveyance of stormwater runoff that include a vegetated infiltration trench within the channel invert for the purpose of water quality treatment through the filtration of sediment and biological uptake of nutrients.

**Broad Scale Development** - includes all development types other than dual occupancy and single dwelling houses.

**Building** - has the same meaning as in the *Act*.

Note: The term is defined to include part of a building, and also includes any structure or part of a structure (including any temporary structure or part of a temporary structure), but does not include a manufactured home, moveable dwelling or associated structure or part of a manufactured home, moveable dwelling or associated structure.

**Building Code of Australia** - has the same meaning as in the *Act*.

Note: The term is defined as the document, published by or on behalf of the Australian Building Codes Board, that is prescribed for purposes of this definition by the regulations, together with:

- (a) such amendments made by the Board
- (b) such variations approved by the Board in relation to New South Wales, as are prescribed by the regulations.

**Building envelope** - the three dimensional space that limits the extent of a building on an allotment. The building envelope is defined by building height and front, side and rear boundary setbacks. Refer to definitions for building height and setback for inclusions and exclusions.

**Building envelope** (*for heritage purposes*) - the volume of the building on the site of the heritage item.

**Building elements** (*for heritage purposes*) - doors, windows, gutters, downpipes, chimneys, walls, shopfronts, roofs, and stairs.

**Building line** or **setback** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

**Building height** (or **height of building**) - has the same meaning as in Newcastle Local Environmental Plan 2012.

Note: The term is defined as the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

**Building line** or **setback** - has the same meaning as in Newcastle Local Environmental Plan 2012.

Note: The term is defined as the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall
- (b) the outside face of any balcony, deck or the like
- (c) the supporting posts of a carport or verandah roof

whichever distance is the shortest.

**Bulk** - the total effect of the arrangement, volume, size and shape of the building.

**Bush fire prone land** - has the same meaning as in the Act.

Note: The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 10.3 (2) of the Act.

Note 2: In general, bush fire prone land identifies a range of vegetation types and associated buffer zones. Bush fire prone land is described as Category 1, Category 2, Category 3 or associated vegetation buffer. Factors that determine the level of bush fire threat include elevation, slope, orientation, the vegetation type and distance to or proximity to the subject property.

**Bush fire prone mapping** – identifies a property’s potential to be threatened by bush fire and to initiate an assessment under the NSW Rural Fire Service *Guideline Bush Fire Prone Land Mapping*, 2015 to determine whether land management and building construction measures need to be adopted to help safeguard a development from bush fire.

Note: Detailed Bush Fire Prone Land maps for specific parts of the Newcastle Local Government Area are available for viewing on Council’s web site or at its Customer Enquiry Centre.

**Car pooling** - car pooling (also known as ride-sharing or lift-sharing) is a system by which participants coordinate their trips (for example, trips to work) so that they can travel in a single car, thereby reducing the volume of traffic on the roads and associated impacts.

**Car sharing** - car sharing allows a member of the car sharing scheme (such as an individual or a business) to access a fleet of shared vehicles, as needed, paying a usage fee each time. Characteristics of a typical car sharing scheme include a provider with a centralised system for booking and billing, clients (individuals/organisations), a fleet of vehicles, and parking spaces at key locations within a defined catchment area.

**Carriageway** - that portion of a road or bridge devoted to the use of vehicles, inclusive of shoulders and auxiliary lanes.

**Catchment** - is the entire area of land drained by a river and its tributaries.

**Category 1 remediation work** - remediation work that needs development consent under State Environmental Planning Policy No. 55 - Remediation of Land.

**Category 2 remediation work** - remediation work that does not need development consent under State Environmental Planning Policy No. 55 - Remediation of Land.

**Category 1 vegetation** - appears as red on the Bush Fire Prone Land Map and represents forests, woodlands, heathlands, pine plantations and wetlands. Land within 100m of this category (indicated by the Vegetation Buffer on the map) is also captured by the Bush Fire Prone Land Map due to the likelihood of bush fire attack.

**Category 2 vegetation** - appears as light orange on the Bush Fire Prone Land Map and represents grasslands, scrublands, rainforests, open woodlands and mallee. The land within 30m of Category 2 vegetation (ie as indicated by the Vegetation Buffer on the map) is also captured by the Bush Fire Prone Land Map due to the likelihood of bush fire attack.

**Category 3 vegetation** - appears as yellow on the Bush Fire Prone Land Map and represents grasslands, freshwater wetlands, semi-arid woodlands, alpine complex and arid shrublands. The land within 30m of Category 3 vegetation (i.e. as indicated by the Vegetation Buffer on the map) is also captured by the Bush Fire Prone Land Map due to the likelihood of bush fire attack.

**Certifying authority** - has the same meaning as in the Act.

Note: The term is defined as a person who:

- (a) is authorised by or under section 85A to issue complying development certificates, or
- (b) is authorised by or under section 109D to issue Part 4A certificates.

**Character** - the combination of the individual characteristics or qualities of a neighbourhood, precinct or street.

**Circumference breast height** - the girth of the supporting stem of a tree at a height of 1.4m above ground level (existing) measured at the trunk centre, and so as to contain the outermost projection of any flanges or buttresses.

**City Centre** - area defined on the Newcastle City Centre map of the Newcastle Local Environmental Plan 2012.

**City of Newcastle** - means Newcastle City Council.

**Classified advertisement** - a notice appearing in the public notices section of a newspaper.

**Clear vegetation** - has the same meaning as in *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*

This term is defined to include:

- (a) cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or
- (b) lop or otherwise remove a substantial part of the vegetation.

**Coastal Wetland** - The wetlands identified in the Coastal Management SEPP, previously known as SEPP 14 wetlands.

**Community Infrastructure Incentives** - as described within the Newcastle Community Infrastructure Incentives Policy (July 2021) development incentives provided to development, by way of additional Gross Floor Area under Newcastle LEP 2021, where development provides for identified community infrastructure.

**Community land** - has the same meaning as in the *Local Government Act 1993*.

**Community title subdivision** - form of title created under the *Community Land Development Act 1989* and the *Community Land Management Act 1989*. Community title provides individual ownership of lots (with buildings and structures erected on the lots as in conventional subdivision) and a share in the association property. Association property is a lot in the scheme on which community facilities may be erected. Association property can include land for roads and driveways, swimming pools and other common facilities, common open space areas and common infrastructure facilities, such as water treatment plants and the like.

**Compliance certificate** - has the same meaning as in the Act.

Note: Refer to section 109C (1) (a) of the Act.

**Complying development** - has the same meaning as in the Act.

Note: Development for which provision is made as referred to in section 76A (5) of the *Act*.

**Complying development certificate** - means a complying development certificate referred to in section 85 of the *Act*.

**Conventional or Torrens title subdivision** - the traditional or 'single lot' form of subdivision, common in many residential estates. The Torrens title system is based on a plan of survey, or a plan compiled from survey, which defines the boundaries of a parcel of land at the date upon which it was registered.

**Consent authority** - has the same meaning as in the *Act*.

Note: The term is defined in relation to a development application or an application for a complying development certificate, means:

- (a) the council having the function to determine the application, or
- (b) if a provision of this *Act*, the regulations or an environmental planning instrument specifies a Minister, the Planning Assessment Commission, a joint regional planning panel or public authority (other than a council) as having the function to determine the application—that Minister, Commission, panel or authority, as the case may be.

**Conservation** (in relation to heritage) - all of the processes of conserving a place to retain heritage significance.

**Conservation Management Plan** - a document prepared to conform with the publication *The Conservation Plan; A Guide to the Preparation of Conservation Plans for Places of European Cultural Significance*, 1990, J.S.Kerr.

**Construction certificate** - means a certificate referred to in section 109C (1) (b) of the *Act*.

**Contaminated land** - land in, on or under which any substance is present at a concentration above that naturally present in, on or under the land and that poses, or is likely to pose, an immediate or long term risk to human health or the environment.

**Contaminated Land Planning Guidelines** - guidelines notified in accordance with Section 145C of the *Act* (See Reference Section Managing Land Contamination: Planning Guidelines SEPP 55 - Remediation of Land).

**Contamination** - concentration of substances above that which should be naturally present, and which poses, or is likely to pose, an immediate or long-term risk to human health or the environment.

**Contaminated wastes** - includes any substance or item that has become or may have become contaminated by body fluids (refers to Sex Services Establishments section).

**Contributions plans** - plans specify the circumstances in which the Council may impose developer contributions (generally known as 'Section 7.11/7.12 contributions'). These plans may apply to the whole of the Council area, to a particular district or to a specific site.

**Contributory buildings** - are buildings that contribute to the character of the heritage conservation area. They are:

- (i) **Heritage item** – buildings that are listed as a heritage item in the Newcastle Local Environmental Plan 2012; or
- (ii) **Contributory 1** – buildings that clearly reflect a Key Period of Significance for the heritage conservation area and are key elements of the heritage conservation area. This ranking is assigned where the main front portion of the building is largely unaltered as viewed from the street. Includes buildings with rear additions which do not affect the main front roof; or
- (iii) **Contributory 2** – buildings that have been altered but are still identifiable as dating from a Key Period of Significance for the heritage conservation area. They retain their overall form from the original date of construction and, even though altered, are contributory to the heritage conservation area character. This ranking is assigned where a building has alterations such as cement rendering to Federation or Inter-war period brickwork or a first floor addition which affects the main front roof form, yet the period and style of the building remains discernible.

**Contributory buildings map** - means a map of the heritage conservation area which identifies buildings and sites as being contributory, neutral or non-contributory. Refer to the Contributory Buildings Maps of the Technical Manual Heritage.

**Contributory item** - a feature, including a building, work, relic, tree or place within a conservation area which in the opinion of the Council has cultural significance and whose loss would be detrimental to the overall heritage significance of the conservation area.

**Council** - means Newcastle City Council.

**Covenant** - a restriction on the use of land recorded on the property title and binding upon successive landowners. Covenants may be 'negative' (imposing restrictions) or 'positive' (imposing positive obligations). Covenants are imposed under the *Conveyancing Act 1919*.

**Curtilage** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

**Dead tree** - is where the biological function of the tree has ceased, no leaves are present and visible evidence of trunk, root plate and canopy desiccation.

**Declared vegetation** - trees and shrubs to which Part 3 of *State Environmental Planning Policy (Vegetation in Urban Areas) 2017* applies.

**Deep soil zone** - an area of natural ground with relatively natural soil profiles within a development. Deep soil zones should be designed in such a way that is free of conflicts with infrastructure, services and drainage pipes.

**Demolish** – has the same meaning as in the Newcastle Local Environmental Plan 2012.

**Designated development** - has the meaning given by Section 77A of the *Act*.

**Detailed investigation** - an investigation to define the extent and degree of contamination, to assess potential risk posed by contaminants to human health and the environment, and to obtain sufficient information for the development of a remedial action plan if required. Reporting requirements for a detailed investigation are as outlined in the publication *Guidelines for Consultants Reporting on Contaminated Sites (EPA, 1997)*.

**Development** - has the same meaning as in the *Act*.

Note: The term is defined as:

- (a) the use of land, and
- (b) the subdivision of land, and
- (c) the erection of a building, and
- (d) the carrying out of a work, and
- (e) the demolition of a building or work, and
- (f) any other act, matter or thing referred to in section 26 that is controlled by an environmental planning instrument, but does not include any development of a class or description prescribed by the regulations for the purposes of this definition.

**Development application** - has the same meaning as in the *Act*.

Note: The term is defined as an application for consent under Part 4 to carry out development but does not include an application for a complying development certificate.

**Development control plan (or DCP)** - has the same meaning as in the *Act*.

Note: The term is defined as a development control plan made, or taken to have been made, under Division 6 of Part 3 and in force.

**Development site** - includes all area within which the development will occur and can extend across several lots or development blocks.

**Discharge control** - a device that stores water and limits the rate of discharge from the development site.

**Dispersion trench** - a 600mm x 600mm trench, 1m long for every 25m<sup>2</sup> of catchment draining to it (regardless of whether or not a discharge control is used) excavated into the ground for the purpose of dispersing overflows and discharges from stormwater systems. Dispersion trenches are only for single dwellings that drain to the rear.

**Drainage** - means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

**Dying tree** - demonstrates reduced growth rates, sparse foliage and reduced response to damage or stress over subsequent growing seasons.



**Easement** - a legal right held by an owner of land or public authority in respect of another land parcel. Easements are commonly created to enable access across other properties, such as for drainage, pipelines, footways, etc.

**Ecologically sustainable development** - has the same meaning it has in Section 6 (2) of the *Protection of the Environment Administration Act 1991*.

**Edges** - define the boundaries of precincts and areas of special character.

**Environmental amenity** - the harmony of urban life provided through compatible land uses, sensitive design and the control of activities and processes that impinge on the wellbeing of reasonable people.

**Environmental impact statement** - a document describing the likely impacts of proposed development on the environment and prepared in accordance with clauses 71-76 of the *Environmental Planning and Assessment Regulation 2000*. Environmental impact statements are required to be prepared in the following instances:

- development applications relating to 'designated development';
- activities subject to Part 5 of the *Environmental Planning and Assessment Act 1979* that are likely to significantly affect the environment.

**Environmental planning instrument** - has the same meaning as in the Act.

Note: The definition is defined as an environmental planning instrument (including a SEPP or LEP but not including a DCP) made, or taken to have been made, under Part 3 and in force.

**Erosion and Sediment Control Plan** - a plan lodged with a development application that illustrates how erosion and sediment control will be managed during the construction phase of the development.

**Excavation Permit** - a permit provided under section 140 or section 60 of the *NSW Heritage Act 1977*.

**Exempt development** - is development for which provision is made as referred to in Section 76 (2) of the *Act*.

**Exceedances per Year (EY)** - term used for events more frequent than 50% AEP. For example, 2 EY is equivalent to a design event with a six month recurrence interval when there is no seasonality in flood occurrence'

**Exemption Notification Form S57(2)** - a permit provided under Section 57 of the *NSW Heritage Act 1977*.

**Exhibition period** - the period during which a person may inspect exhibited documents relating to a notifiable matter.

**Fabric** - the physical material of the place (including the building, site or area).

**Facade** - the exterior walls of a building.

**Facadism** - the practice of demolition of a building, retaining only the facade.

**Fenestration** - arrangement of windows and other patterns on a building.

**Fill** - means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

**Fine Grain** - a variety of different land uses in proximity to one another or a series of narrow building elements as opposed to a large consolidated land use or a broad, unbroken building form.

**Flashing sign** - illuminated (as to any part of the advertising area) at frequent intervals by an internal source of artificial light and whether or not included in any other class of advertising structure.

**Floodlit sign illuminated** - (as to any part of the advertising area) by an external source of artificial light and whether or not included in any other class of advertising structure.

**Flood fringe areas** - the remaining area of the Hunter River Floodplain not included in flood storage areas and floodways. Flood fringe areas can usually be developed without reference to how that development will affect the flood behaviour either upstream or downstream.

**Flood information certificate** - is a certificate issued by Council that provides information about the likelihood, extent or other characteristics of flooding known to affect a specified parcel of land.

**Flooding** - is relatively high stream flow which overtops the natural or artificial banks in any part of a stream, river estuary, lake or dam, and/or local overland flooding associated with major drainage, and/or coastal inundation resulting from super-elevated sea levels and/or waves, excluding tsunamis. Accordingly, flooding may occur due to a variety of reasons, either separately or in combination including:

- river flooding - caused by a river or stream overtopping its banks onto the surrounding floodplain
- urban flooding - caused by urban stormwater flows during an intense rainfall event, such as surface flows, surcharge from piped drainage systems or overflow from man-made stormwater channels.
- coastal inundation - caused by sea water inundation due to king tides, storm surge, barometric effects, shoreline recession, subsidence, the enhanced greenhouse effect or other causes.

**Flood liable land** - is synonymous with flood prone land (ie) land susceptible to flooding by the PMF event on the basis of flood information held by Council. Note that the term flood liable land covers the whole floodplain, not just that part below the FPL (see flood planning area).

**Floodplain** - an area of land along the course of a river that is subject to periodic inundation due to the river overtopping its bank. It is commonly delineated by the area that would be flooded by an event with a given average recurrence interval.

**Flood planning area** - the area of land below the FPL. Note that development controls that mainly relate to risk to property apply to the flood planning area, but other development controls mainly relating to risk to life and floodways and flood storages may apply to the remainder of flood liable (prone) land.

**Flood planning level (FPL)** - is the level of the planning flood plus an additional freeboard as advocated in the NSW Floodplain Development Manual. For purposes of this element, the planning flood is the 1% Annual Exceedance Flood, and the freeboard is generally 500mm.

**Flood prone land** - is land that, on the basis of flood information held by Council, is estimated to be inundated by the probable maximum flood.

**Flood refuge** - is an area free of flooding. It can be either higher ground or it could be in the form of an area of the building, either constructed specifically for the purpose or as an intrinsic part of the building.

**Flood storage area** - is an area where flood water accumulates and the displacement of that floodwater will cause a significant redistribution of floodwaters, or a significant increase in flood levels, or a significant increase in flood frequency. Flood storage areas are often aligned with floodplains and usually characterised by deep and slow moving floodwater.

**Floodway** - those areas of the floodplain where a significant discharge of water flows during floods; often aligned with obvious naturally defined channels. Floodways are areas which, even if only partially blocked, would cause a significant redistribution of flood flow or increase in flood levels, which may in turn adversely affect other areas.

**Floorplate** - total enclosed area of a floor measured from the outside of the external walls, inclusive of all internal walls, service areas, stores, ducts, circulation and the like.

**Footpath** - the paved area in a footway.

**Footway** - that part of the road reserve between the carriageway and the road reserve boundary, reserved for the movement of pedestrians and legal cyclists. It may also accommodate utilities, footpaths, stormwater flows, street lighting poles and plantings.

**Fonzie flat** - self-contained flat above a garage.

**Form** - the overall shape and volume of the building and the arrangement of its parts.

**Formed void absorption trench** - an absorption trench formed by installing a series of void formers, usually plastic or fibreglass that maximise the storage volume of the absorption trench while supporting the surface of the trench such that it can be treated and used similarly to the surrounding surface.

**Freeboard** - is a margin applied to the estimation of flood levels to compensate for factors such as wave action, localised hydraulic behaviour, climatic change and modelling confidence.

**Frontage** - the street alignment at the front of a lot and, in the case of a lot that abuts two or more streets, the boundary of which, when chosen, would enable the lot to comply with this document.

**Gateways** - areas containing structures and/or fauna, which provide a sense of entry to the city through access and visual impact.

**Geodiversity** - soils and geology. Management of geodiversity is essential to sustain biodiversity and human ecology.

**Gravel filled absorption trench** - an absorption trench filled with gravel so as to achieve a minimum 30% void ratio and allowing the surface of the trench to be treated and used similarly to the surrounding surface.

**Greenfield site** - undeveloped land that has been identified, through land use zoning, as having potential for future urban, commercial or industrial development. It is generally found on the fringes of existing developed areas and may contain a large amount of existing vegetation.

**Green Travel Plan** - a Green Travel Plan is a package of initiatives aimed at reducing car travel, particularly single occupant car trips. A Green Travel Plan encourages greater use of public transport, walking and cycling by residents, employees and visitors.

**Gross Display Area (GDA)** - the sum of the area intended to be used for the display or showing of product, including all access ways within these areas and any storage areas where the products can be viewed by the public/customers.

**Gross floor area** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined by the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4m above the floor, and includes:

- (a) the area of a mezzanine, and
  - (b) habitable rooms in a basement or an attic, and
  - (c) any shop, auditorium, cinema, and the like, in a basement or attic,
- but excludes:
- (d) any area for common vertical circulation, such as lifts and stairs, and
  - (e) any basement:
    - (i) storage, and
    - (ii) vehicular access, loading areas, garbage and services, and
  - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
  - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
  - (h) any space used for the loading or unloading of goods (including access to it), and
  - (i) terraces and balconies with outer walls less than 1.4m high, and
  - (j) voids above a floor at the level of a storey or storey above.

**Gross leasable floor area (GLFA)** - GLFA is the sum of the area of each floor of a building where the area of each floor is taken to be the area within the internal faces of the walls, excluding stairs, amenities, lifts, corridors and other public areas but including stock storage areas. Gross leasable floor area relates to the sum of the commercially leasable floor area and is also often referred to as Net Floor Area.

**Ground level (existing)** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as the existing level of a site at any point.

**Ground level (finished)** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

**Ground level (mean)** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

**Habitable room** - a room used for normal domestic activities including a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom and sunroom. A habitable room excludes a bathroom, laundry, water closet, food-storage pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods. In commercial buildings a habitable room means any room used for normal commercial activities, including offices, kitchens, lunch rooms, common rooms and any other rooms occupied frequently.

**Height of building** - refer to 'Building height'.

**Heritage Act 1977** - an Act of the NSW Parliament providing for conservation orders and other controls over items having heritage significance. The Act is administered by the Heritage Council of NSW.

Note. The definition is defined as historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

**Heritage buildings, sites and elements** - heritage items (including landscape and archaeological items, and building elements), buildings, works, relics, trees and sites within heritage conservation areas and heritage streetscapes.

**Heritage conservation area** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note. The definition is defined as an area of land of heritage significance:

- (a) shown on the Heritage Map as a heritage conservation area, and
  - (b) the location and nature of which is described in Schedule 5,
- and includes any heritage items situated on or within that area.

**Heritage conservation management plan** - also includes "Conservation Management Plan" - a document prepared to conform with the publication *The Conservation Plan; a guide to the preparation of conservation plans for places of European cultural significance*, J.S.Kerr, Australia ICOMOS, 2013, ACT, and has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as a document prepared in accordance with guidelines prepared by the Department of Planning that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**Heritage Council of NSW** - the NSW Government's heritage advisory body established under the Heritage Act 1977. It provides advice to the Minister for Heritage and others on heritage issues. It is also the determining authority for s.60 applications.

**Heritage impact statement** - also includes "Statements of Heritage Impact" – a document that conforms to the standards contained in the NSW Heritage Branch publication *Statements of Heritage Impact, 1996, revised 2002*, and has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note. The definition is defined as a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

**Heritage item** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

**Heritage management document** – has the same meaning as in the Newcastle Local Environmental Plan 2012.

**Heritage significance** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

**Historic parking deficiency** - the historic parking deficiency is determined by calculating the number of parking spaces required under the provisions of this DCP for an existing building or use and subtracting the number of spaces currently provided for that building or use.

**Hydraulic behaviour threshold** - is a set of circumstances (that may or may not be present at some locations at some time in any particular sized flood) that constitutes a particular level of hydraulic impact.

**Host building** - the existing building on the land that is the subject of an alteration or addition.

**Human scale streetscape** - means a streetscape that is scaled for the pedestrian.

**Impermeable surface** - a surface that does not allow rainwater to infiltrate to the soil, such as buildings (roofs), roads, parking areas and courtyards.

**Impervious area** – an area of impermeable surface (excluding pools and porous paving).

**Infill development** – a new building in an established neighbourhood or precinct.

**In the vicinity** - the surrounding context, environment or setting of a heritage item.

**Infiltration** - the practice of discharging drainage water to the ground.

**Infiltration trench** - a trench excavated into the soil for the purpose of dispersing all stormwater up to the 5% AEP event. Infiltration trenches will vary in volume depending on the permeability of the parent soil and should be designed by a qualified Civil Engineer based on soil permeability testing.

**Initial evaluation** - an assessment of readily available factual information to determine whether contamination is an issue requiring further investigation prior to:

- the preparation of a local environmental plan, development control plan or plan of management for community land; or
- the determination of a development application or Council activity assessed under Part 5 of the *Act*

that would have the effect of authorising a proposed change of use of land or the carrying out of earthworks.

**Intactness** - the degree of original elements, or elements from a significant period of development, which demonstrate the heritage significance of the building or group of buildings.

**Integrated development** - has the meaning given by section 91 of the Act.

**Internal fabric** - the interior fittings such as fireplaces, ceilings, joinery, walls, lifts, galleries, stairs, hardware and moveable items.

**Interpretation Plan** - a plan that presents the significant archaeological heritage of a site or property that is the subject of a development application.

**Intrusive building** - a building that has a negative effect on the character or heritage significance of a heritage conservation area.

**Investigation area** - land declared to be an investigation area by a declaration in force under Division 2 of Part 3 of the *Contaminated Land Management Act 1997*.

**Investigation order** - an order issued by the Environment Protection Authority under Division 2 of Part 3 of the *Contaminated Land Management Act 1997* to investigate contamination within an investigation area.

**Landmarks** - prominent or distinguishing buildings or features by which people orient themselves and identify places within the City.

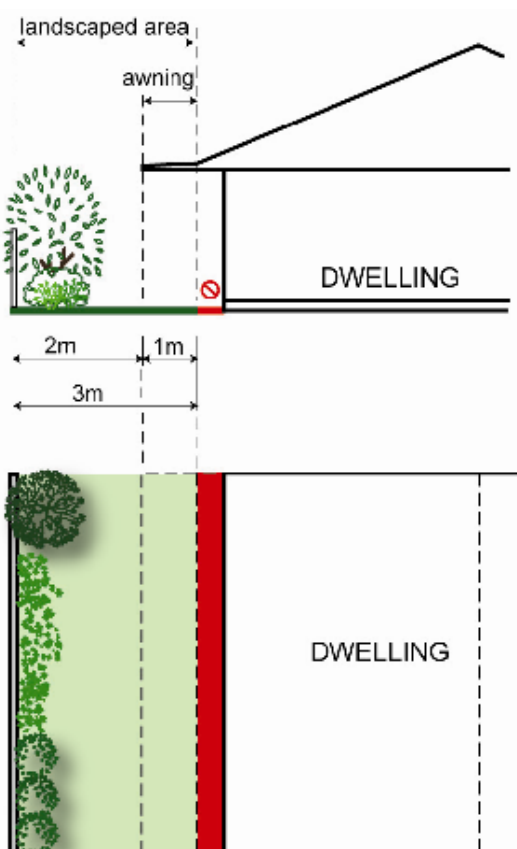
**Landscaped area** - has the same **meaning** as in the Newcastle Local Environmental Plan 2012.

Note: The Landscape Area is defined as a part of the site used for growing plants, grasses and trees, is open to the sky<sup>1</sup> but does not include any building, structure or hard paved area. The landscaped area should be designed in such a way that is free of conflicts with infrastructure, services and drainage pipes.

Under this DCP paving wider than 1m, impervious or otherwise, will not be considered as landscaping. Structures include, but are not limited to, such features as air conditioning systems, awnings, cubby houses, decks, fixed clotheslines, garden sheds, hot water systems, LPG storage tanks, patios, swimming pools, tennis courts, verandas, water tanks (eg. rainwater) and the like.

<sup>1</sup> The first metre (ie. 1m) of a landscape area which falls under an awning, overhang, under croft (or similar) may be included within the landscape area calculations where it forms part of continuous landscape area 3m wide or greater, with the remaining larger portion being open to the sky and the development is supported by a comprehensive landscape plan (ie. '2m plus 1m') (see **Figure 1**-Landscape area and awnings).

**Figure 1: Landscape area and awnings**





**Laneway** – means a narrow road and is either a:

- (i) **Council Laneway** - a laneway that has been dedicated as public road or one which Council has resolved to accept responsibility for 'care and control'.
- (ii) **Private Laneway** - a laneway that is not a council laneway.

**Large Scale Development** - development sites that are larger than 5,000m<sup>2</sup>.

**Licensed premises** - means premises licensed under the *Liquor Act 2007*.

**Living area** - of a dwelling includes habitable rooms frequently used for general recreation, entertainment and dining and includes living rooms, dining, family, lounge, rumpus room and the like but excludes non-habitable rooms, bedrooms, study, kitchen and other areas that are less frequently used.

**Local Environmental Plan** - is a type of environmental planning instrument under Part 3 of the *Environmental Planning and Assessment Act 1979*. Local environmental plans regulate development having local environmental significance. They are prepared by the Council and approved by the Minister for Planning.

**Lot** - refer to 'Allotment'.

**Maintenance** – has the same meaning as in the Newcastle Local Environmental Plan 2012.

**Major alteration and addition** - any alteration and addition where the area of the building which is the subject of the application, equals or exceeds 40% of the floor area of the existing building when measured to the outside surface of the existing walls. This includes areas of the existing building such as kitchens and bathrooms when these are included in the works within the application.

**Major development** - major development means residential development of any kind containing more than 50 dwellings; any new hospital, or additions to an existing hospital, where the new building or addition contains more than 100 beds; any new educational or training facility, or additions to an existing facility, that will cater for more than 50 students; any other form or type of development where the gross floor area will be more than 2000m<sup>2</sup> and/or involve more than 50 employees.

**Major drainage system** - the part of the public drainage system that carries relatively large flows. It consists of the system of streams, floodways, stormwater channels, retarding basins and street pavements. It is generally designed to protect people and indoor property from the effects of an extreme flood with an annual exceedance probability (AEP) of 1%.

**Massing** - the size and volume of a building.

**Mean high water mark** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

**Microgram** - unit of mass equal to 1 millionth of a gram or 1 thousandth of a milligram.

**Micron** - unit of length equal to 1 millionth of a metre or 1 thousandth of a millimetre.

**Milligram** - unit of mass equal to 1 thousandth of a gram.

**Minor drainage system** - the part of the public drainage system that carries relatively minor flows. It consists of the system of kerbs, gutters, roadside channels, swales, sumps and underground pipes. It is generally designed to control 'nuisance flows' which occur on a day-to-day basis typically with an annual exceedance probability (AEP) of 10%.

**Mine subsidence district** - means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

**Manufactured home** - has the same meaning as in the *Local Government Act 1993*.

**Movement network** - refers to access ways for pedestrian, cycles and vehicles.

**Moving sign** - Attached to a building and capable (as to any part of the advertisement or advertising structure) of movement by any source of power (whether or not included in any other class of advertising structure).

**NABERS** - NABERS (the National Australian Built Environment Rating System) is a performance-based rating system for existing buildings. NABERS rates a commercial office, hotel or residential building on the basis of its measured operational impacts on the environment.

**NatHERS or equivalent** - a computer simulation tool for rating the thermal performance of houses across Australia. The Energy Management Task Force is responsible for delivering a NatHERS compliance protocol. Any software or paper checklist which passes under this protocol is deemed 'NatHERS or equivalent'.

**Native vegetation** - has the same meaning as in *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*

This term has the same meaning as in Part 5A of the *Local Land Services Act 2013* and means:

any of the following types of plants native to New South Wales:

- (a) trees (including any sapling or shrub or any scrub),
- (b) understorey plants,
- (c) groundcover (being any type of herbaceous vegetation),
- (d) plants occurring in a wetland.

**Natural Light** – daylight received into a building

**Neutral buildings** – are buildings that are either heavily altered to an extent where the construction period is uncertain, or are from a construction period which falls outside any Key Period of Significance for the heritage conservation area, but which reflect the predominant scale and form of other buildings within the heritage conservation area, and therefore do not detract from the character of the heritage conservation area. This ranking is assigned where the building is either so altered the period and style is no longer evident, or it is a recent building which is of a height, form and scale which is consistent with the streetscape.

**Nominated integrated development** - integrated development that fits into 1 of 3 categories. The first category is if it requires approval by the Heritage Council under the *Heritage Act 1977*. The second category is if it requires an environmental protection licence from the Environment Protection Authority under the *Protection of the Environment Operations Act 1997*. The third category is if it requires certain licences or approvals from the Department of Planning and Infrastructure.

**Nominated State heritage item** – has the same meaning as in the Newcastle Local Environmental Plan 2012.

**Non-habitable room** - means spaces of specialised nature not occupied frequently or for extended periods, including bathrooms, toilets, pantries, walk-in wardrobes, corridors, lobbies, photographic darkrooms and clothes drying rooms.

**Non-contributory buildings** - are buildings from a construction period which falls outside any Key Period of Significance for the heritage conservation area and that have scale or form that is not consistent with the key characteristics of the heritage conservation area. This ranking is assigned where the building is recent or late 20th century and is out of scale, not consistent with the height, form and scale of buildings within the streetscape.

**North point** - in any discussion relating to orientation of a dwelling or part thereof, a reference to 'north' is a reference to true solar north and not magnetic, or compass north. True solar north varies from magnetic north depending upon the location. In Sydney, for example, magnetic north is approximately 12° east of true solar north.

**Notice of completion** - a notice, required under State Environmental Planning Policy No.55, that is given to the consent authority when remediation work has been completed.

**Notification plan** - a plan showing:

- the height and external configuration of a proposed building in relation to the site and adjoining buildings; or
- in the case of a development proposal that does not involve the erection of a building, the general arrangement of the proposed development in relation to the site and adjoining buildings.

**Objectives** - statements describing desired outcomes.

**Occupation certificate** - means a certificate referred to in section 109C (1) (c) of the Act.

**Occupiable rooms** (from flooding perspective) - rooms of buildings where people may be present in the normal use of the building.

**Occupier** - has the same meaning as in the Act.

Note: The definition is defined as a tenant or other lawful occupant of premises, not being the owner.

**On-site stormwater detention (OSD)** - a stormwater management practice that limits the rate of discharge from a site using outlet restriction devices. Stormwater flows in excess of the capacity of the outflow control device is temporarily stored either in tanks or surface depressions until the storm event recedes. Stormwater flows are therefore released at a controlled rate into the public drainage system.

**On-site stormwater retention** - stormwater management practices where on-site stormwater runoff is actually captured and retained within the site for re-use or infiltration and is not released to the downstream drainage system.

**Open space** - is defined as an area external to a building (including an area of land, terrace, balcony or deck) that is used for outdoor purposes.

**Operational land** - has the same meaning as in the *Local Government Act 1993*.

**Organic material** - any matter that is comprised in part of carbon. It includes, but is not limited to garden waste such as grass clippings and leaves, animal wastes such as faeces, and any foodstuffs or their wastes.

**Other advertised development** - advertised development that is not nominated integrated development.

**Other occupiers** - persons who appear to the Council to occupy land, but who are not adjoining occupiers. This includes persons who occupy land directly across a public road from the site of a development proposal.

**Other owners** - persons who appear to the Council to own land, but who are not adjoining owners. This includes persons who own land directly across a public road from the site of a development proposal.

**Overflow disposal** - the disposal of flows that occur when the capacity of the site discharge controls is reached and such overflow. -

**Owner** - has the same meaning as in the *Local Government Act 1993* and includes, in Division 2A of Part 6, in relation to a building, the owner of the building or the owner of the land on which the building is erected.

**Owner-builder** - has the same meaning as in the *Home Building Act 1989*.

**Parapet height** - the parapet level is the horizontal plane in which at least 2/3 of the length of the top of the facade of the building adjacent to the street is situated.

**Passive solar energy systems** - systems which combine the sun's energy with local climate characteristics, to achieve thermal comfort inside buildings without the use of mechanical devices. In a passive system, the building itself is a solar collector, as well as a heat storage and transfer medium.

**Pedestrian amenity** - the capacity of walking routes, usually public footpaths on streets, to be comfortable along their entire lengths, with frontage development that is inviting and interesting to pedestrians.

**Permeable surface** - a surface treatment that allows rainwater to infiltrate to the soil, such as grass, landscaping, gravel, porous pavement and coarse sand.

**Permissible site discharge (PSD)** - the maximum rate at which stormwater is permitted to be discharged from a given site area.

**Plan depth** - means the width of a building measured from the inside face of wall to inside face of wall or from the inside face of glass to inside face of glass. Plan depth is measured along the shortest axis, ie from front to back or side to side depending on the shape of building.

**Plan of management** - means a document that provides a framework for the management of a particular development/event.

**Planning flood** - is the flood event from which the flood planning level is derived. It is expressed in terms of the probability of the event being exceeded, usually within any given year (see annual exceedance probability).

**Porous Paving** - paving that maintains a high degree of permeability to allow rainfall to infiltrate the substrate and not produce runoff in common rainfall events.

**Porte cochere** - a covered drive-through porch, often used in **hotel** development, large enough to accommodate vehicles such as tourist coaches.

**Port of Newcastle Lease Area** - land identified as "Port of Newcastle Lease Area" on the Lease Area Map contained in the Three Ports SEPP.

**Potential archaeological site** - a place or site suspected of having a relic or relics present.

**Preliminary Archaeological Assessment** - a report that investigates the archaeological potential and levels of significance of land prior to determination of development consent.

**Principal area of private open space** - is a 4m x 4m level area of private open space directly accessible from the main living area of the dwelling.

**Principal area of private open space for single dwellings** - is a 3m x 4m level area of private open space directly accessible from the main living area of the dwelling.

Note: Private open space areas are able to be covered. If private open space areas are enclosed on all sides with walls greater than 1.4m they will not be considered private open space but form part of the gross floor area.

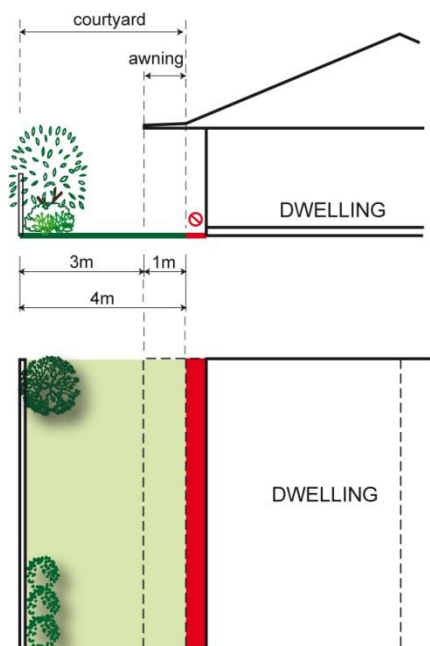
**Private open space** - has the same meaning as in Newcastle Local Environmental Plan 2012. The term is defined as an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

Note: Under this DCP the definition excludes from private open space features such as, but not limited to awnings/overhangs<sup>1</sup>, conditioning systems, cubby houses, fixed clotheslines, garden sheds, hot water systems, LPG storage tanks, swimming pools, tennis courts, water tanks (eg rainwater) and the like.

<sup>1</sup> The first metre (ie. 1m) of private open space area which falls under an awning, overhang, under croft (or similar) can be included as private open space and where it forms part of continuous private open space area 4m\*\* wide or greater, with the remaining larger portion being open to the sky and the development is supported by a comprehensive landscape plan (see **Figure 2: Private open space and awnings**).

\*\* Private open space areas need to be at least 3m wide unobstructed and open to the sky. The first metre adjacent this 3m is allowed – '3m plus 1m'.

**Figure 2: Private open space and awnings**



**Preliminary investigation** - an investigation to identify any past or present potentially contaminating activities, provide a preliminary assessment of any site contamination, and if required, provide a basis for a detailed investigation. Reporting requirements for a preliminary investigation are as outlined in the publication Guidelines for Consultants Reporting on Contaminated Sites (EPA, 1997).

**Principal certifying authority** - means a principal certifying authority appointed under section 109E of the Act.

**Principal contractor** - for building work means the person responsible for the overall co-ordination and control of the carrying out of the building work.

Note: If any residential building work is involved, the principal contractor must be the holder of a contractor licence under the Home Building Act 1989.

**Proponent** - a person or body seeking to carry out development on land.

**Probable maximum flood (PMF)** - is the largest flood that could conceivably occur at a particular location.

**Probable maximum flood level** - the flood level calculated to be the maximum which is likely to occur.

**Property hazard** - is the 'risk to property hazard category' as a combination of hydraulic behaviour threshold and its effect on property. The risk to property hazards are based on the peak hydraulic behaviour thresholds ( $H_1$ - $H_5$ ) determined for the 1 in 100 annual chance flood.

**Public art** - (also known as town art or environmental art) is artwork that is commissioned to enrich the public domain.

**Publicly accessible space** - private or public land, which allows 24-hour access to the public in the form of walkways, outdoor dining or gardens.

**Public domain** - means the sum of public and private places and space including streets, roads, footways, plazas, promenades, squares, parks, beaches and reserves.

**Public drainage system** - a drainage system owned and operated by the Council or the Hunter Water Corporation Ltd.

**Published notice** - an advertisement placed in a newspaper.

**Public open space** - land used or intended for use for recreational purposes by the public and includes parks, public gardens, riverside reserves, pedestrian and cyclist access ways, playgrounds and sports grounds.

**Public place** - has the same meaning as in the *Local Government Act 1993*.

**Public reserve** - has the same meaning as in the *Local Government Act 1993*.

**Public Tree** - trees/shrubs located on land managed by Council (trees under Council's care and control).

**Public road** - has the same meaning as in the *Roads Act 1993*.

**Rainwater tank** - has the same meaning as in the *Newcastle Local Environmental Plan 2012*.

Note: The definition is defined as a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

**Recyclable** - any matter capable of being reprocessed into useable material or re-used providing facilities exist to do so.

**Reduced Level (RL)** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as the height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

**Registered community group** - a community group which is registered with the Council under the Public Participation Section.

**Remedial action plan** - a plan which sets remediation goals and documents the process by which it is proposed to remediate a site. Reporting requirements for a remedial action plan are as outlined in the publication Guidelines for Consultants Reporting on Contaminated Sites (EPA, 1997).

**Remediation** - works carried out for the purpose of:

- removing, dispersing, destroying, reducing, mitigating or containing the contamination of any land; or
- eliminating or reducing any hazard arising from the contamination of the land (including by preventing the entry of persons or animals on the land).

**Remediation order** - a remediation order made by the Environment Protection Authority and in force under Part 3 of the *Contaminated Land Management Act 1997*.

**Remediation site** - a site that is land declared to be a remediation site by a declaration in force under Division 3 of Part 3 of the *Contaminated Land Management Act 1997*.

**Regulation** - means a regulation made under the *Act*.

**Relic** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

**Remediation site** - a site that is land declared to be a remediation site by a declaration in force under Division 3 of Part 3 of the *Contaminated Land Management Act 1997*.

**Residential Infill Development** - refers to the development of land by the erection of, alteration or addition to, a dwelling which does not require the spatial extension of services including public roads, electricity, water or sewerage and is within an existing lot.

**Research Design** - refers to the set of research questions and methodology developed for a site within a wider research framework.

**Restoration** - means returning the existing fabric of a building or work to a known earlier state by removing accretions or by reassembling existing components without the introduction of new materials.

**Retainable tree** - a tree that has been subjected to and passed the relevant assessment tests noted in Section 4 of the Technical Manual.

Note: that these tests are to be undertaken by a suitably qualified arborist.

**Retention tank** - a water tank, whether above ground or below ground designed to retard the discharge of runoff from an impervious surface to a rate not harmful to the environment.



**RFB** - Residential Flat Building

**Riparian Zone** - is an area of river or creek bank that supports, or has at one time supported a unique ecosystem pertaining to the river microenvironment. Generally, a width of 40m is considered to be the minimum viable riparian zone.

**Road** - means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

**Road/street reserve** - the land incorporating the full width from property line to opposite property line.

**Roof terrace** - the flat roof of a lower level building, which is both directly accessible for the exclusive use from the dwelling it adjoins and also open to the sky except for a pergola or similar sun control devices.

**Routes** - roads or paths along which major movements occur and which provide the framework within which individual project sites are accessed.

**Runoff** - the portion of rainfall that flows across the ground surface as water.

**Row housing** - a form of multi dwelling housing consisting of three or more detached and/or semi-detached dwellings that are arranged in a lineal fashion with a single driveway along one side of the site or a central driveway with dwellings on each side.

**Scale** - the size of a building in relation to its surroundings.

**Section 7.11 and 7.12 Local Infrastructure Contributions** - Section 7.11 and 7.12 of the Environmental Planning and Assessment Act 1979 is the principal legislation enabling Council to levy contributions for amenities and services. Contributions are imposed by way of a condition of consent and can be satisfied by either:

- (a) dedication of land
- (b) monetary contribution
- (c) material public benefit
- (d) combination of the above.

**Setback** - refer to 'Building line'.

**Setting** – the context within which a building or structure is situated in relation to the surroundings. For example, buildings, roof scapes, chimneys, valleys, ridges, view corridors, trees, parks, gardens, view corridors, vantage points and landmarks may contribute to the setting of a building.

**Shrub** - a woody perennial plant that is generally smaller than a tree species at maturity and has many main stems or trunks.

**Significance assessment** - an assessment of the heritage significance of predicted or known archaeological features.

**Single Dwelling Houses** - a dwelling house on a block of land with no other dwellings.

**Site audit** - an independent review by a site auditor:

- (a) that relates to investigation or remediation carried out in respect of the actual or possible contamination of land; and
- (b) that is conducted for the purpose of determining any 1 or more of the following matters:
  - the nature and extent of any contamination of the land
  - the nature and extent of the investigation or remediation
  - what investigation or remediation remains necessary before the land is suitable for any specified use or range of uses.

Site audits are conducted in accordance with the Guidelines for the NSW Site Auditor Scheme (EPA, 1998).

**Site auditor** - a person accredited under the *Contaminated Land Management Act 1997* as a site auditor.

**Site audit statement** - a written statement by a site auditor that summarises the findings of a site audit. Site audit statements are prepared according to a standardised format prescribed in the *Contaminated Land Management Regulation 1998*.

**Site drainage line** - a piped drain that conveys stormwater from a development site to the public drainage system.

**Site History** - is a land use history of a site which identifies activities or land uses which may have contaminated the site, establishes the geographical location of particular processes within the site, and determines the approximate time periods over which these activities took place.

**Site investigation process** - the process of investigating land that is or may be contaminated. The purpose of the site investigation is to provide the Council with sufficient information for it to make an informed decision as to whether it should authorise a proposed change of use of land. A site investigation may include up to 4 stages:

- stage 1-preliminary investigation;
- stage 2-detailed investigation;
- stage 3-remedial action plan;
- stage 4-validation and site monitoring.

**Site investigation report** - includes one or more of the following: a preliminary investigation report, detailed investigation report, remedial action plan and validation and site monitoring report.

**Small Scale Development** - development sites that are smaller than 5,000m<sup>2</sup>.

**Social impact** - changes that occur in:

- people's way of life (how they live, work, play and interact with one another on a day-to-day basis)
- their culture (shared beliefs, customs and values), and
- their community (its cohesion, stability, character, services and facilities).

**Soil and Water Management Plan** - a plan lodged with a development application that illustrates how stormwater, runoff and soils will be managed on the site. The plan should demonstrate the feasibility of both the proposed stormwater management system, including water quality, conveyance and discharge controls. The plan should also demonstrate any proposed pre, during and post construction phase measures for the management of all site water including ground and surface waters. This will include ~~and the~~ proposed erosion, sediment and water quality control measures and dewatering controls as required. The plan should be supported by preliminary hydrological calculations and other information in the accompanying Statement of Environmental Effects.

**Solar collectors** - any building treatment or appliance specifically designed to capture or collect the sun's rays for the benefit of the occupants eg. windows including clerestory (or highlight) windows, solar hot water collector panels, photovoltaic (solar-electricity) cells/panels.

**Spa bath** - a domestic type bath fitted with a water recirculation system and/or an air injection system. A water heater may be incorporated in the system, but a water filter is not required.

**Spa pool** - has the same meaning as in the *Swimming Pools Act 1992*.

Note: The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

**Special Fire Protection Purpose development** - is one which is occupied by people who are at-risk members of the community. In a bush fire event, these occupants may be more susceptible to the impacts of bush fire. Evacuating at-risk members of the community is more challenging because they may be physically or psychologically less able to relocate themselves or are unfamiliar with their surroundings.

**State Heritage Inventory** - is an online database of all statutory listed heritage items and heritage conservation areas in New South Wales including Aboriginal Places, State Heritage Register, Interim Heritage Orders, State Agency Heritage Registers and Local Environmental Plans. Each listing may include a description of the item or area, a Statement of Heritage Significance and recommended management provisions to guide future development. The information is provided by local councils and State government agencies.

**Statement of environmental effects** - is a document that outlines the environmental impacts of a proposed development and outlines any steps taken to protect the environment and to manage impacts.

**Statutory requirement** - a requirement under the provisions of an Act, Regulation, State Environmental Planning Policy, Regional Environmental Plan, Local Environmental Plan or other statutory instrument.

**Stormwater** - the runoff from rainfall events.

**Stormwater harvesting** - the collection, storage and use of stormwater for domestic, industrial, irrigation or other purposes.

**Stormwater Management Plan** - a plan lodged with a development application that details the proposed use of structural infrastructure and treatment techniques to both improve stormwater quality and mitigate excessive flows.

**Stormwater surface flowpath** - land that carries concentrated surface flow during a rainfall event, the width, shape and gradient of which is designed to cater for the flow produced by a 1% annual exceedance probability (AEP) rainfall event. Includes a flowpath from the spillway of an on-site detention system.

**Strata subdivision** - defined as 'subdivision' in the *Environmental Planning and Assessment Act 1979*. Strata subdivision can subdivide buildings and land into separate lots capable of individual ownership, with additional areas of land designated as common property. Those owning lots within the scheme have a proportional entitlement to use the common property and also a proportional responsibility for its maintenance. Examples are buildings such as townhouses, flats, industrial units and shops, with outside areas such as gardens, driveways and car parking spaces usually being part of the common property lot, owned and managed by the 'Owners Corporation'.

**Street alignment** - the boundary between land allotments and a street or lane.

**Street frontage height** - the vertical distance measured in metres at the centre of the street frontage from the average of the street levels at each end of the frontage to the parapet level of the frontage. The parapet level is the horizontal plane in which at least two thirds of the length of the top of the facade is situated. No part of the facade is to be less than 80 per cent of the height.

**Streetscape** - means the form, character and visual amenity of the street environment.

**Street tree vacancy site** - sites identified by Council for future tree planting. The sites have been identified from analysis of the Local Government Area based on criteria in the Tree Asset Management System (TAMS). The information on locations of street tree vacancy sites is available on request from Council.

**Streetscape** - means the form, character and visual amenity of the street environment.

**Subdivision certificate** - means a certificate referred to in section 109C (1) (d) of the Act.

**Subdivision of land** - has the meaning given by section 4B of the Act.

**Subdivision work** - means any physical activity authorised to be carried out under the conditions of a development consent for the subdivision of land, as referred to in section 81A (3) of the Act.

**Subsidence** - due to:

- (a) the extraction of coal or shale;
- (b) the prospecting for coal or shale carried out within a colliery holding by the proprietor of the holding;

and includes all vibrations or other movements of the ground related to any such extraction or prospecting (whether or not the movements result in actual subsidence), but does not include vibrations or other movements of the ground that are due to blasting operations in an open cut mine and that do not result in actual subsidence.

**Summary site audit report** - a report prepared by a site auditor containing key information and considerations concerning the conduct and findings of a site audit.

**Sunlight** - direct sunlight onto the ground or into a building.

**Swale** - a deliberately formed surface depression for the storage of stormwater runoff. Some swales also have a delayed conveyance function.

**SWMMP** - Site Waste Minimisation and Management Plan.

**The Code** (for heritage purposes only) - refers to the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.

**Thermal mass** - the heat storage capacity of a given assembly or system. Generally, the heavier and more dense a material is, the more heat it will store, and the longer it will take to release it. A concrete floor is an example of high thermal mass.

**Three Ports SEPP** - State Environmental Planning Policy (Three Ports) 2013.

**Through site link** - a pedestrian arcade or link that can be open to the air or enclosed and has a public character, providing a pedestrian right of way that is open and accessible at each end, at least during normal business hours.

**Travel demand management** - travel demand management is intervention (excluding the provision of major infrastructure) to modify travel decisions so that more desirable transport, social, economic and/or environmental objectives can be achieved, and the adverse impacts of travel can be reduced.

**Tree** - a long lived woody perennial plant greater than 3m height (or will be at maturity), with one or relatively few main stems or trunks.

**Tree retention values** - weighted combination of tree sustainability and landscape significance used to determine how retainable a tree/s is to guide the site analysis and site planning stages of development. Tree retention values are determined using the following three steps further outlined within the Newcastle Urban Forest Technical Manual:

1. Assess Tree Sustainability
2. Assess Landscape Significance.
3. Weigh Sustainability and Landscape Significance.

**Tsunami** - a series of ocean waves with very long wavelengths (typically hundreds of kilometres) caused by large-scale disturbances of the ocean, such as:

- earthquakes
- landslide
- volcanic eruptions
- explosions
- meteorites.

**Urban activation space** - a small public space that acts as a 'micro-scale' neighbourhood park that contributes to the public domain through plantings and/or specific use or functions (e.g. small playground, community garden, or gathering space). Urban activation space is usually provided on corner sites within the development setback to the street and is incorporated into the road reserve.

**Urban forest** - the totality of trees and shrubs on all public and private land in and around urban areas (including bushland, parkland, gardens and street trees) measured as a canopy cover percentage of the total area and is recognised as a primary component of the urban ecosystem.

**Urban structure** - those features of the urban area which give identity and legibility of the city to people passing through its various districts. Structures include gateways, landmarks, edges, and routes.

**Urban village** - urban villages are essentially pedestrian scale, medium to high density, mixed use concentrations of urban development served by efficient public transport and often derived from traditional town centre planning principles. An appropriate example of an urban village is Glebe in Sydney. The urban village concept places a high value on the importance of human interaction and sense of community by providing places and activities for local interchange.

**Urban heat island** - The areas of a metropolitan area which are significantly warmer than suburban or rural areas due to less vegetation and more land coverage.

**Validation and site monitoring** - the process of determining whether the objectives for remediation and any conditions of development consent have been achieved. Reporting requirements for validation and site monitoring are as outlined in the publication *Guidelines for Consultants Reporting on Contaminated Sites*, 2000, EPA.

**Vegetation** - has the same meaning as in *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*.

This term means

*A tree or other vegetation, whether or not it is native vegetation.*

**VENM** - virgin excavated natural material is natural material, such as clay, gravel, sand, soil or rock fines that:

- has been excavated or quarried from areas that are not contaminated with manufactured chemicals or process residues, as a result of industrial, commercial, mining or agricultural activities
- does not contain any sulfidic ores or soils or any other waste.

**Verandahs** - located on the ground floor. Commonly seen on terrace houses and bungalows.

**Verge** - means the part of the street reserve between the carriageway and the boundary of adjacent lots (or other limit to street reserve). It may accommodate public utilities, footpaths, stormwater flows, street lighting poles and planting.

**View** - an extensive or long range outlook towards a particular urban aspect or topographical feature of interest.

**View corridor** - generally take the form of cones of vision extending from a selected point towards the valued view.

**Vista** - a narrow view along a street terminated by a notable building or structure.

**Voluntary Planning Agreements** - an alternative to the payment of a Section 7.11 or Section 7.12 levy whereby the applicant may offer to enter into a Voluntary Planning Agreement with Council to fund or provide works in kind for providing infrastructure or facilities not otherwise required as part of the development. Acceptance of an offer is at the sole discretion of Council and where Council decides not to accept the offer, payment of the Section 7.11 or Section 7.12 levy will be required.

**Waste** - includes any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment; or any discarded, rejected, unwanted, surplus or abandoned substance; or any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, reprocessing, recovery or purification by a separate operation from that which produced the substance; or any substance prescribed by the regulation to be waste for the purpose of the *Waste Minimisation and Management Act 1995*.

**Waterfront land** - has the same meaning as in the *Water Management Act 2000*.

Note: The definition of waterfront land in the *Water Management Act 2000* is:

- (a) the bed of any river, together with any land lying between the bed of the river and a line drawn parallel to, and the prescribed distance inland of, the highest bank of the river, or
- (a1) the bed of any lake, together with any land lying between the bed of the lake and a line drawn parallel to, and the prescribed distance inland of, the shore of the lake, or
- (a2) the bed of an estuary, together with any land lying between the bed of the estuary and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the estuary, or
- (b) if the regulations so provide, the bed of the coastal waters of the State, and any land lying between the shoreline of the coastal waters and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the coastal waters,

where the prescribed distance is 40m or (if the regulations prescribed a lesser distance, either generally or in relation to a particular location or class of locations) that lesser distance. Land that falls into two or more of the categories referred to in paragraphs (a), (a1) and (a2) may be waterfront land by virtue of any of the paragraphs relevant to that land.

**Water cycle management plan** - a plan that identifies additional opportunities to minimise reticulated mains water use. The plan should detail the whole of the water cycle and any public health issues. It may also include consideration of the storage and use of grey water and the installation of water efficient appliances.

**Water sensitive urban design** - the consideration of the water cycle, the incorporation of the values of natural aquatic systems and the recognition of the principles of the resource conservation and reuse in planning and design of the urban and built form.

**Window** - includes a roof skylight, glass panel, glass brick, glass louvre, glazed sash, glazed door, translucent sheeting or other device which transmits natural light directly from outside a building to the room concerned.

**Written notice** - a letter served on a person by post or personal delivery.

**Zero lot line** - a dwelling with no side boundary setback on one side of the lot - ie. the dwelling is built to the boundary. The wall of the dwelling on the lot line has no windows and is constructed in accordance with the Building Code of Australia (BCA).



**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**CCL 22/03/22 - SUPPLEMENTARY REPORT - ENDORSEMENT OF  
PLANNING PROPOSAL AND DEVELOPMENT CONTROL PLAN FOR  
COMMUNITY INFRASTRUCTURE INCENTIVES AT WICKHAM**

**Attachment E:** Draft Incentive Gross Floor Area (GFA) Rate for Wickham

**DISTRIBUTED UNDER SEPARATE COVER**



## Attachment E

### The draft Incentive GFA Rate for Wickham within the Schedule of Fees and Charges, of the Newcastle Operational Plan 2021/22

Proposed within the Schedule of Fees and Charges, of the Newcastle Operational Plan 2021/22

Name	Year 20/21 Fee (incl. GST)	Year 21/22 Fee (incl. GST)	Unit	GST	Pricing Policy
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## Regulatory, Planning & Assessment

### Community Infrastructure Incentives - Incentive GFA Rates

Identifies the value of community infrastructure provided for each square metre of Gross Floor Area (GFA) made available to DAs on land identified under Clause 4.3A 'Exceptions to Height of Buildings on certain land' and/or Clause 4.4A 'Exceptions to Floor Space Ratio on certain land of Newcastle LEP 2012, as described.

Incentive GFA Rate for Wickham	NA	\$518.10	Square metre of incentive GFA	Y	F
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