

**SUBJECT: REPORT ON NOTICE OF MOTION - ITEM-14 NOM 26/07/16 -
 ZONING OF RAIL CORRIDOR FOR PUBLIC USE**

REPORT BY: PLANNING AND REGULATORY

CONTACT: DIRECTOR PLANNING AND REGULATORY

DIRECTOR COMMENT

Preparation of a planning proposal for the former heavy rail corridor is a lengthy and complex project that is estimated to take 18-24 months to complete and comes with considerable cost for technical studies and staff time.

Before reporting any planning proposal to Council for recommendation to the State Government's Gateway process, Council officers require the land owner / proponent to submit for assessment, appropriately detailed preliminary investigations of site specific relevant issues including contamination, flooding, geotechnical, drainage, heritage, social and economic impact and traffic, to justify the land use change and new development controls (if applicable).

These investigations would be required to be completed and assessed by staff to support the uses identified in the Notice of Motion. These studies have not been provided and would likely cost Council up to \$100,000 to obtain. No budget is available for these studies and Council is not able to require the landowner to fund these works.

The land in question is currently owned by State Rail Authority and with its consent, UrbanGrowth NSW (UGNSW) has lodged a planning proposal for part of the former rail corridor with Council in early July 2016. That proposal is seeking different land use outcomes than those proposed in this NOM.

The UGNSW application is currently being assessed and it is estimated this proposal will be reported to Council later in 2016 pending the receipt of additional information requested by Council.

Council has entered into a Memorandum of Understanding (MOU) with UrbanGrowth NSW that sets out how the two organisations will work together over the life of the NSW Government's Newcastle Urban Transformation and Transport Program. Whilst Council retains its unfettered legal obligations regarding planning proposals, the MOU nevertheless sets out the intention that the parties are to work co-operatively.

While the decision is a matter for Council it is suggested that the proposal within this NOM is premature. Council may wish to lay the matter on the table pending the initial Council report on the UGNSW planning proposal.

RECOMMENDATION

The information be noted.