

Planning Services

Gateway Determination Report

LGA	Newcastle
PPA	Newcastle City Council
NAME	Wickham Master Plan
NUMBER	PP_2018_NEWCA_007_00
LEP TO BE AMENDED	Newcastle Local Environmental Plan 2012
ADDRESS	Various
DESCRIPTION	Various
RECEIVED	8 June 2018
FILE NO.	EF18/8317
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of planning proposal

The planning proposal (**Attachment A**) seeks to implement certain aspects of the Wickham Master Plan adopted by Council in November 2017, by amending the Newcastle Local Environmental Plan 2012 (NLEP) in six ways:

- A.** Include the term 'High Technology Industries' as a land use 'permitted with consent' in the B4 Mixed Use Zone
- B.** Amend the Land Reservation Acquisition map for local roads on certain sites in Wickham;
- C.** Amend the Floor Space Ratio Map on land within Wickham from 1 to 1.5;
- D.** Amend the planning controls at 18 Albert Street, Wickham to align zoning with neighbouring properties by rezoning from RE1 Public Recreation to B4 Mixed Use and changing height, FSR and minimum lot size controls;
- E.** Amend the Height of Building Map on all land within Wickham that has a current maximum height of building of 10 metres to 11 metres.
- F.** List part of the Former Wickham and Bullock Island Railway Corridor as a local Heritage Item.

Site description

Wickham is a suburb undergoing transition from historical industrial / light industrial land uses interspersed with residential land uses, to a mixed use high density inner city suburb.

Wickham is bound by the Newcastle Transport Interchange and railway corridor to the south, Maitland Road, Albert Street and Branch Street to the west and north, and Throsby Creek to the east.

With the exception of the proposed new land use definition which would apply to all B4 zoned land in the Newcastle LGA, the planning proposal applies to sites within land identified in red in the Wickham Master Plan, as shown in **Figure 1**.



Figure 1 – Wickham Masterplan Area

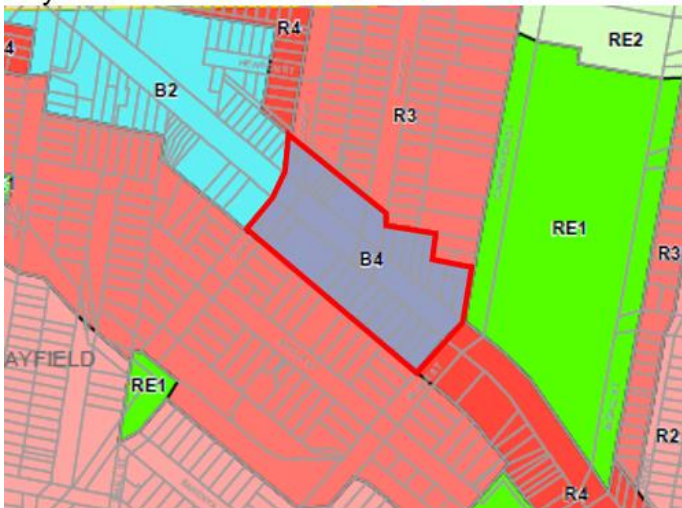
Applicable land and existing planning controls

A High Technology Industries to be permitted in B4

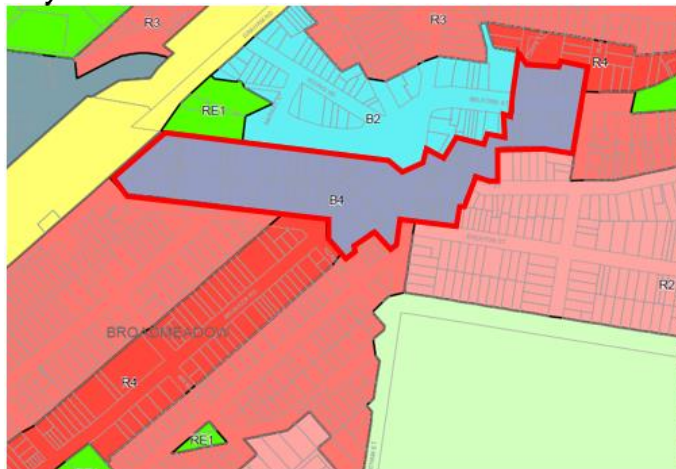
This component of the planning proposal applies to all land in the NLEP zoned B4 including the suburbs of Mayfield, Mayfield East, Broadmeadow, Adamstown, Islington, Wickham, Newcastle West and Newcastle City Centre (**Figure 2**).



Mayfield B4 zoned land



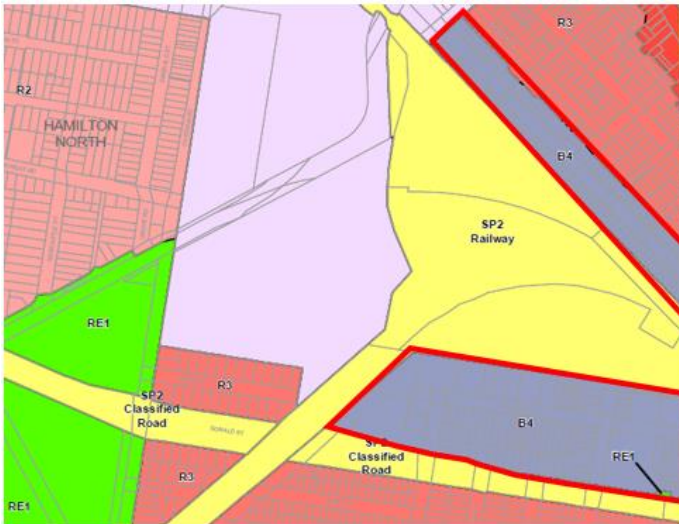
Mayfield East B4 zoned land



Broadmeadow B4 zoned land



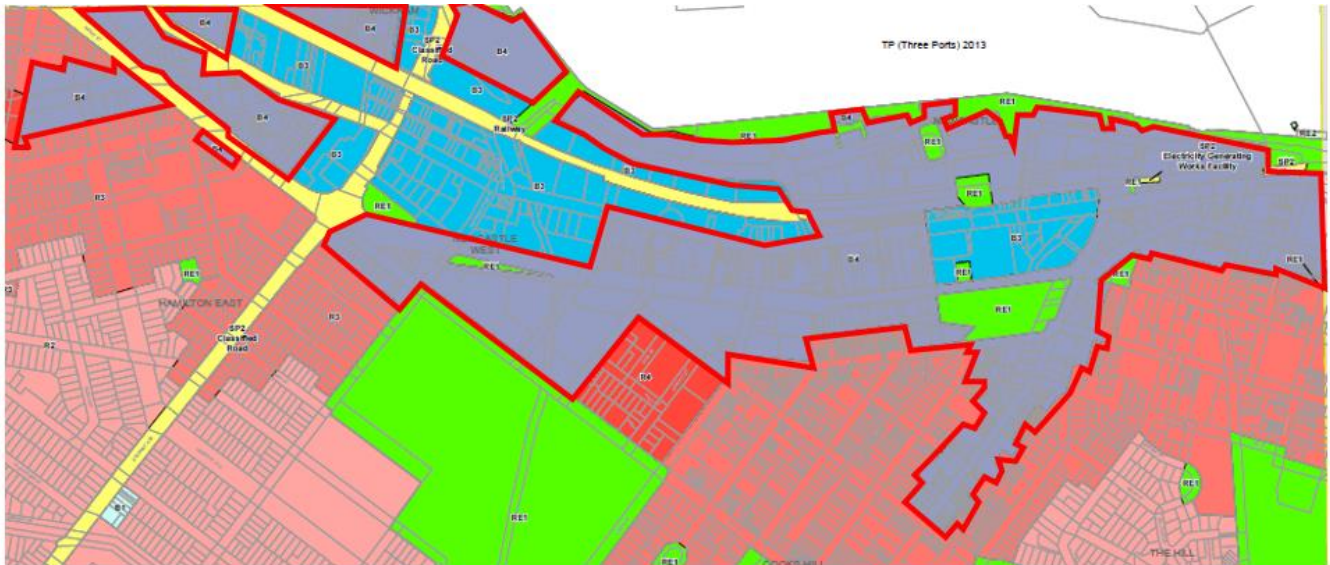
Adamstown B4 zoned land



Islington B4 zoned land



Islington / Hamilton B4 zoned land



Newcastle West / Newcastle City Centre B4 zoned land

Figure 2 – Location of B4 zoned land

The NLEP land use table for the B4 zone currently prohibits ‘High technology industries’.
‘High technology industries’ are only permissible with consent in the IN1 General Industrial; IN2 Light Industrial; and SP3 Tourist zones.

B Land Reservation Acquisition (LRA) to include new land

The LRA component of the planning proposal applies to the land identified in **Figure 3**. The land consists of a mix of road verges, footpaths, government property and private property.

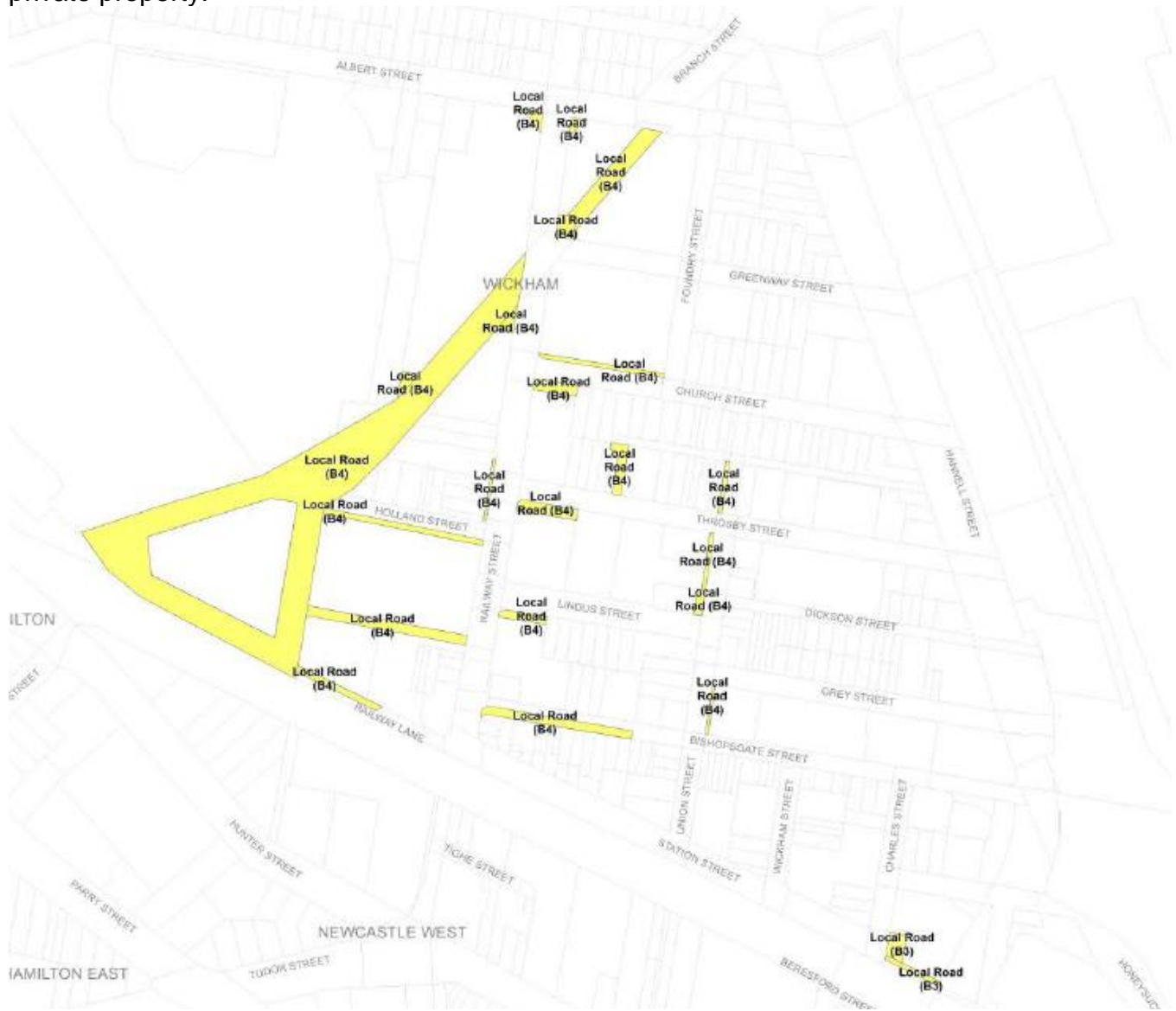


Figure 3 – Proposed Land Reservation Acquisition

The current LRA map LRA_004G applies to part of the suburb, but does not identify any land reservation acquisition. The remaining areas of Wickham are not subject to a current LRA map.

C Floor Space Ratio (FSR) to change to 1.5

The FSR component of the planning proposal applies to land identified in **Figure 4**. The site has a FSR of 1:1 and a Height of Building (HOB) of 14 metres (**Figure 9**) and is zoned B4 Mixed Use.

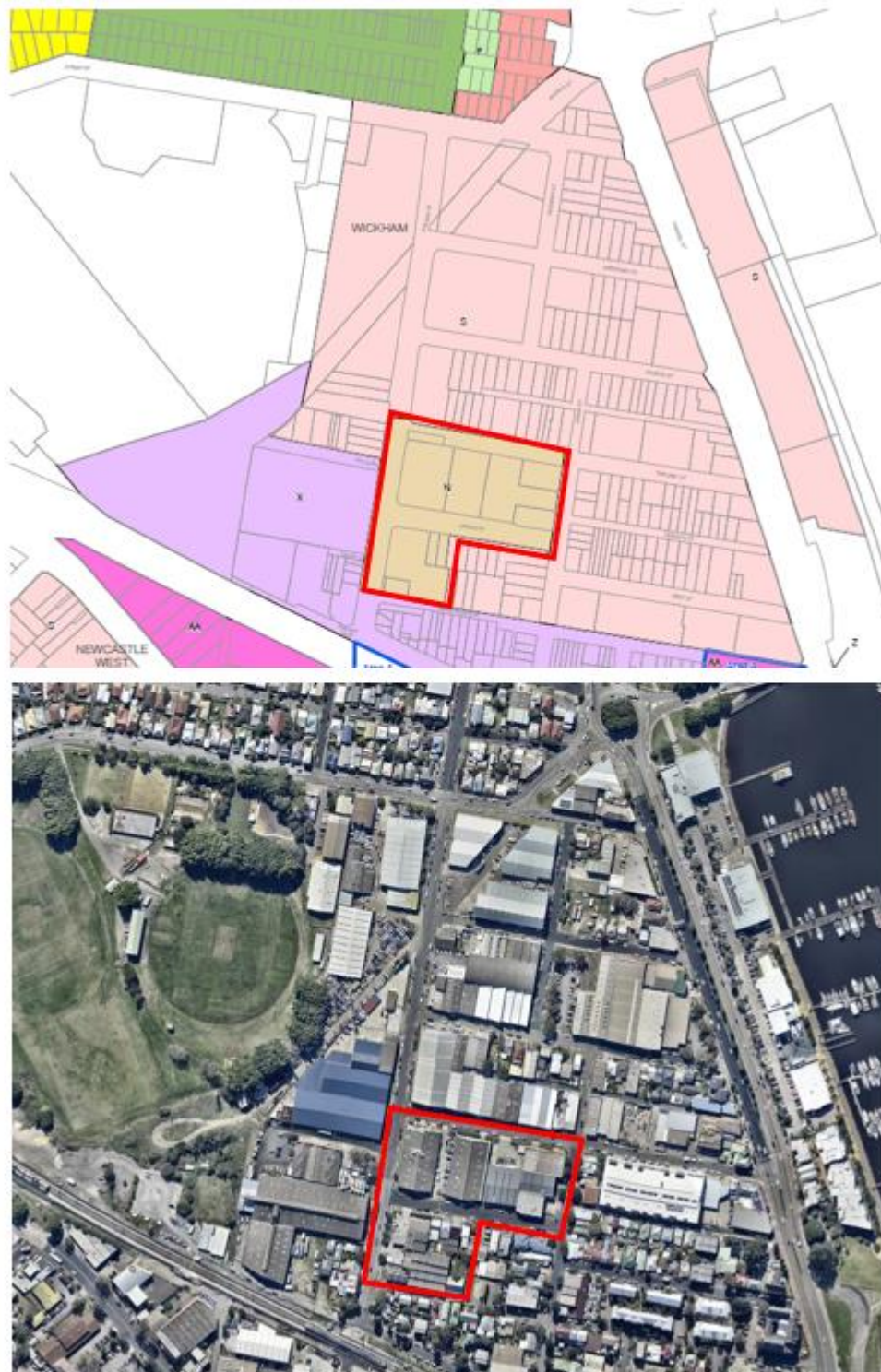


Figure 4 – Existing Floor Space Ratio and site locality

The adjoining land has a FSR of 1.5:1 to the north, and 4:1 to the south and west. A HOB of 10 metres is to the north and east, and 24 metres to the south and west (**Figure 9**). The adjoining land is zoned B4 Mixed Use.

D 18 Albert Street, Wickham to be rezoned from RE1 to B4

The site is identified as 18 Albert Street, Wickham - Lot 3212 DP725530 (**Figure 5**). The site is privately owned, zoned RE1, and has a minimum lot size of 40 hectares. FSR and HOB do not apply to the site.

To the west of the site is Wickham Park (Passmore Oval), to the north is Albert Street, an indoor recreation facility (Badminton) and a scout hall which are leased under ownership by the Crown. To the east and south of the site are light industrial uses (motor vehicle parts and distribution).

The site is currently used as a Community Facility / Place of Public Worship (the "Good Life Church").



Figure 5 – 18 Albert Street

The land is zoned RE1 Public Recreation (**Figure 6**) and has a minimum lot size of 40 hectares (**Figure 7**). No FSR or HOB standards apply to the site.

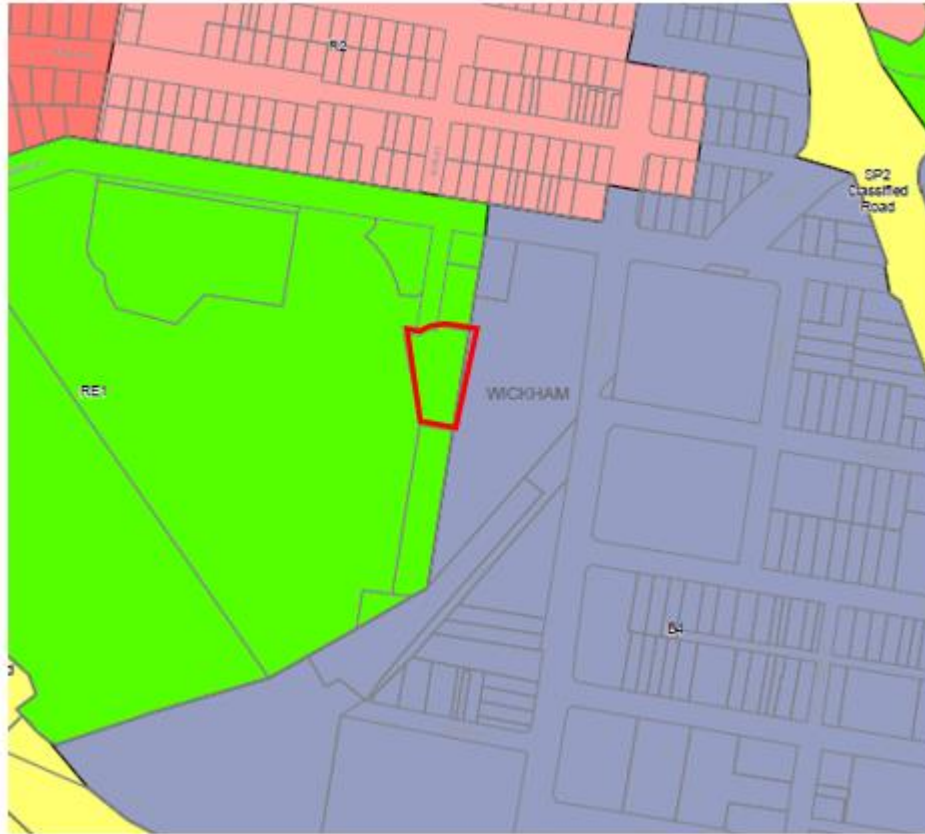


Figure 6 – Existing land zoning – 18 Albert Street



Figure 7 – Existing minimum lot size – 18 Albert Street

E Height of Building (HOB) to change from 10 m to 11 m

This component of the planning proposal seeks changes to the HOB map on land in Wickham that has a 10 metre height limit (**Figure 9**).



Figure 9 – Existing Height of Building and locality

This land is zoned B4 Mixed Use and has an FSR of 1.5:1. There is no minimum lot size applicable to the land.

Adjoining land to the south has a HOB of 24 metres and 45 metres, and to the north, 14 metres and 8 metres. Adjoining land to the east and west has no HOB. (**Figure 9**).

F Former Wickham and Bullock Island Railway Corridor to be listed as a heritage item

This component of the planning proposal applies to part of the former Wickham and Bullock Island Railway Corridor identified in **Figure 10**.

The former Wickham and Bullock Island Railway corridor contains the following planning controls:

- Land Zoning NLEP (**Figure 11**):
 - B4 Mixed Use;
 - SP2 Infrastructure – Railway;
 - SP2 Infrastructure - Classified Road; and
 - RE1 Public Recreation
- HOB of 10m, 24m and no height (**Figure 9**); and
- FSR of 1.5:1, 4:1 and no FSR (**Figure 4**).



Figure 10 - Former Wickham and Bullock Island Railway Corridor



Figure 11 – Land zoning of former Wickham and Bullock Island Railway Corridor

Surrounding area

Wickham is an inner city suburb of Newcastle bound by a variety of urban land uses and infrastructure as shown in **Figure 12**.

North

To the north west lies the suburb of Islington, with low to medium density residential development, and Maryville/Wickham, with low density residential development immediately to the north and light industrial, warehousing and fuel storage/terminal land uses further north.

East

To the east across Throsby Creek and associated marina is the Newcastle Port and industrial port related uses in the suburb of Carrington. The Port extends further to the east and north-east.

South

To the south is the Newcastle Interchange, Newcastle rail corridor and Maitland Road and the new Newcastle CBD area. The CBD extends from here to the east towards the former Newcastle Train Station and Newcastle Beach. Further to the south across the rail corridor is Newcastle West, a mixed use business and residential precinct identified for significant urban renewal and intensification.

West

To the south west of Wickham Park across Maitland Road there are a range of small scale commercial and mixed use land uses. To the north west in the suburb of Islington is low density residential development with medium to high density residential in the future.



Figure 12 – Location Plan (Newcastle Interchange yellow)

Summary of recommendation

It is recommended that the planning proposal proceed with conditions requiring description of applicable land, correction of FSR Figures 6 and 7, provision of a Statement of Heritage Significance and updating relevant SEPPs, prior to exhibition.

PROPOSAL

Objectives or intended outcomes

The objectives and intended outcomes of the proposal to facilitate Council's Wickham Master Plan are clear and do not require amendment prior to community consultation. They are:

- A. Include the term 'High Technology Industries' as a permitted land use in the B4 Mixed Use Zone;
- B. Acquisition of land required for local roads;
- C. Provision of addition floor space for the redevelopment of land;
- D. Rezoning of land and removal of minimum lot size to reflect current land likely future land use;
- E. Provision of additional height for the redevelopment of land; and
- F. Protect the heritage significance of the former Wickham and Bullock Island Railway Corridor.

Explanation of provisions

The explanation of provisions within the planning proposal are clearly identified by Council through wording and associated maps and only require minor amendment with a provision of a Statement of Heritage Significance prior to community consultation.

The detailed provisions of the six amendments to the NLEP are:

A. High Technology Industries to be permitted in the B4 zone

Move 'High Technology Industries' from prohibited to permissible with consent in the land use table for the B4 Mixed Use zone.

B. Land Reservation Acquisition to include new areas

Add and include the following land for Land Reservation Acquisition – Local Roads (see also **Figure 3**)

- Part of 10 Dangar Street, Wickham – Lot 1 DP1197377
- Part of 18 Grey Street, Wickham – Lot 1 DP198579
- Part of 24 Lindus Street, Wickham – Lot 1 DP735462
- Part of 46 Union Street, Wickham – Lot 1 DP815254
- Part of 34 Throsby Street, Wickham – Lot 1314 DP621178
- Part of 37 Throsby Street, Wickham – Lot 1 DP799952
- Part of 62, 64, 66, 68, 72, 74, 76 and 80 Bishopsgate Street, Wickham – Lot 1 and 2 DP1085561, Lots 1 and 2 DP348072, Lot 1 DP124963, Lot 1 DP191305, Lot 1 DP860471, Lot 1 DP126310, Lot 1 DP904361, and Lot 1 DP904368.
- Part of 29 Bishopsgate Street, Wickham – Lot 1 DP801618
- Part of 55 Throsby Street, Wickham – Lot 1 DP982092
- Part of 71 Throsby Street, Wickham – SP0074472
- Part of 20 Greenway Street, Wickham – SP0031620
- Part of 8-10 Albert Street, Wickham – Lot 100 DP1185607
- Part of 12 Albert Street, Wickham – Lot 165 DP669083
- Part of 30 Railway Street, Wickham – Lot 165 DP669084, Lot 1A DP755247, Lots 1, 3 and 4 DP949529, Lot 2 DP949528
- Part of 2-10 Holland Street, Wickham – Lot 137 DP789376

- Part of 73 and 79 Railway Lane, Wickham – Lot 11 DP1106378 and Lot 110 DP1018454, and
- Part of 50 Railway Street, Wickham – Lot 100 DP1073974

C. Floor Space Ratio to increase to be increased from 1 to 1.5

Amend the FSR of the following lots from 1:1 to 1.5:1. See **Figure 4** for site locality.

- 29 Bishopsgate Street, Wickham – Lot 1 DP801618
- 33 Bishopsgate Street, Wickham – SP0073020
- 37 Bishopsgate Street, Wickham – Lot 13 DP131687
- 5 and 7 Lindus Street, Wickham – Lots 6 and 7 DP1766
- 24 Lindus Street, Wickham – Lot 1 DP735462
- 34 Throsby Street, Wickham – Lot 1314 DP621178
- 48 and 52 Throsby Street, Wickham – Lots 201 and 202 DP785303
- 46 Union Street, Wickham – Lot 1 DP815254, and
- Adjoining roads

D. 18 Albert Street, Wickham to be rezoned from RE1 to B4

On Lot 3212, DP725530 (see also **Figures 5-7**):

- amend the FSR from 1:1 to 1.5:1;
- rezone from RE1 Public Recreation to B4 Mixed Use;
- amend the Minimum Lot Size from 40 hectares to none; and
- amend the HOB from no height, to 11 metres.

E. Height of Building to be increased from 10 m to 11 m

Increase the height limit on all land within Wickham with a 10 metre height limit, to 11 metres. See **Figure 9**.

F. Former Wickham and Bullock Island Railway Corridor to be listed as a heritage item

List the following land as a heritage item under Schedule 5 Part 1 of NLEP as a local heritage item I692. See also **Figures 10 and 13**:

- Lot 100, DP1073974
- Lot 100, DP1185607, and
- Lots 51 and 53, DP830679.

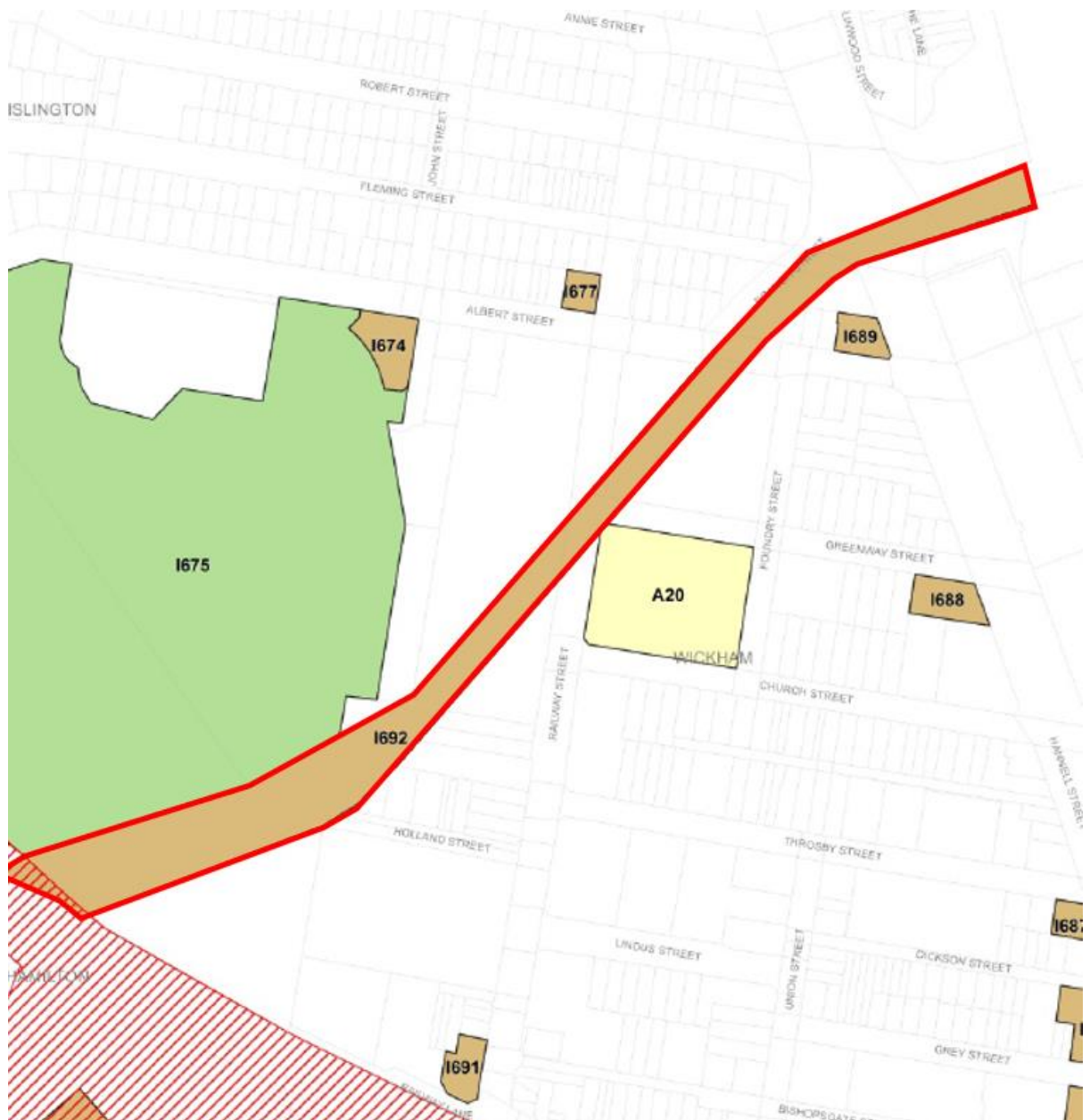


Figure 13 – Proposed Heritage Item I692

Mapping

The planning proposal includes amendments to NLEP maps as follows:

- Land Use Zoning Map Sheet LZN_004FA
- Height of Building Map HOB_004FA
- Floor Space Ratio Map FSR_004FA
- Minimum Lot Size Map LSZ_004FA
- Land Reservation Acquisition Map LRA_004G
- Heritage Map HER_004FA

The planning proposal also requires a new map to be introduced for Land Reservation Acquisition (LRA_004F).

With the exception of FSR, the maps included show the current and proposed controls and do not require updating prior to community consultation.

The FSR maps in the planning proposal (Figures 6 and 7) are incorrect as they show an 'Area A' that is not on the current LEP mapping. The FSR maps require updating prior to community consultation.

NEED FOR THE PLANNING PROPOSAL

The planning proposal seeks to implement the Wickham Master Plan (WMP) adopted by Newcastle City Council on 28 November 2017 (**Attachment E**).

The WMP is a place-based strategy that seeks to guide the future redevelopment of land within Wickham through land use mix, connectivity, public domain and built form.

The WMP identifies strategies and actions including the need to amend the NLEP in the manner identified in the planning proposal.

A. High Technology Industries to be permitted in the B4 zone

High technology industries are permissible in the IN1 General Industrial and IN2 Light Industrial zones, and prohibited in all other zones, in Newcastle.

Council states that high technology industries are an emerging land use and land within the B4 Mixed Use zone is identified as appropriate to enable diverse and dynamic mixed use neighbourhoods supporting economic and employment generating uses.

Council identifies that growth in emerging smart clean high technology industry, research and development is supported within the "Smart Economy" strategies of the Newcastle Smart City Strategy 2017-2021: Program 1: Innovation Ecosystem; Program 2: City Digital Precinct; and Program 3: Collaborative Living Lab. The Smart City Strategy may be found at **Attachment F**.

An emerging industry quarter is identified in the WMP and the B4 zone applies to most of Wickham. Continued prohibition in other areas of Newcastle zoned B4 is not desirable as this land includes much of the Newcastle urban renewal corridors and where land fronts major transport corridors (see **Figure 2**).

The Department supports the proposed change. Permitting high technology industries in the B4 zone will support emerging industries and technology consistent with Council's Smart City strategy and the WMP. It also recognises the changing nature of high technology industries. These activities are diverse and are considered compatible with denser urban areas, which no longer need to be limited to solely traditional industrial areas as provided for in the LEP currently.

B. Land Reservation Acquisition to include new land

The WMP identifies 'urban activation' areas in Wickham to provide small public spaces within the road reserve that will have a defined public use. These areas will be achieved by the upgrading of intersections and the widening of streets and laneways.

Other areas are identified as actions to improving traffic management by a Traffic and Transport Assessment by Bitzios Consulting (**Attachment G**).

The WMP provides background on creating safe, attractive and inclusive public spaces (section 5.2) which investigates streetscapes, urban activation and land acquisitions. The proposed acquisition lands are consistent with the WMP Map

14 – Potential land acquisitions. The WMP also provides public domain elements (Map 13) that are consistent with the proposed acquisitions.

The proposed land acquisition changes are supported. Both the WMP and Traffic and Transport Assessment provide evidence that the acquisitions are required to support desired traffic and urban activation outcomes.

Council has considered alternative mechanisms for achieving the desired outcomes i.e. relying on a DCP for land dedication however it has not had success with this method previously. The LEP land acquisition process provides greater certainty to the land owner and Council than a DCP provision.

Part of the land to be acquired (part of the former Wickham and Bullock Island Railway Corridor) is owned by Transport for NSW (formerly City Rail). Approval from Transport for NSW will be required.

C. Floor Space Ratio to be increased from 1 to 1.5

The planning proposal notes that the genesis of the current FSR of 1:1 to land subject to a building height of 14 metres is not clear, noting that the adjoining land has a FSR of 1.5:1.

Council advises it commissioned an economic and market analysis by AEC Group (**Attachment H**) which concluded that an FSR of 1:1 was not feasible and that an FSR of 1.5:1 should be implemented. The FSR of 1:1 is only feasible on sites that have an existing-use value of less than \$900/m², and is problematic in Wickham as existing-use land values are generally above \$1000/m².

The planning proposal considered an alternative of reliance on Clause 4.6 Exceptions to development standards, however this would not result in consistency of built form in the locality.

The proposed change is supported. As Wickham is an area identified for urban renewal and increased infill development, it is important that the planning controls facilitate redevelopment. A FSR of 1.5 would be required to provide intended built form outcomes for this site. This is consistent with the WMP.

D. 18 Albert Street, Wickham to be rezoned from RE1 to B4

The current RE1 zoning of the land reflects its past ownership as Crown land and its use as an indoor sports centre (basketball) until the 1980s. The land is now privately owned and used under development consent as a Community Facility / Place of Public Worship (The “Good Life Church”) and a B4 zone consistent with neighbouring land to the east is proposed. The current use is an ‘existing use’ as defined by the Act.

The planning proposal considered rezoning to RE2 Private Recreation however this does not permit the current use.

The proposed HOB, FSR and minimum lot size reflect the proposed zoning and are consistent with neighbouring land to the east.

Rezoning of the site from RE1 to B4 and associated HOB, FSR and Minimum lot size is supported as it reflects the private ownership of the land, is consistent with adjoining zoning, permits the existing use and is consistent with the WMP. The proposal is the best means of achieving the intended outcome.

As these changes would facilitate an increase in density on land affected by mine subsidence, consultation with Subsidence Advisory NSW would be required.

Recent advice from Subsidence Advisory NSW is at **Attachment I**.

E. Height of Building to be increased from 10 m to 11 m

The planning proposal identifies desirable floor to ceiling heights and possible need to raise floors due to flooding as the rationale for increasing the height of buildings from 10 metres to 11 metres. The increase in height still caters for a three storey built form, but with elevated floor heights (4m for ground level retail/business premises and 3m for residential levels) to allow for potential flood mitigation.

The planning proposal considered an alternative of reliance on Clause 4.6 Exceptions to development standards, however this would not result in consistency of built form in the locality.

The proposed changes are supported as they seek to better manage flood impacts as the suburb redevelops, while maintaining the desired three storey built form.

As these changes would facilitate an increase in height on land affected by mine subsidence, consultation with Subsidence Advisory NSW would be required.

F. Former Wickham and Bullock Island Railway Corridor to be listed as a heritage item

The planning proposal intends to protect, conserve and ensure heritage significance of the part of the former Wickham and Bullock Island Railway. Council states that no alternative is available to heritage listing under the NLEP.

It is agreed that heritage listing is the most suitable method of protecting items with heritage value. However, at this stage Council has not undertaken a study to determine the values of the proposed item. It intends to do this following the Gateway determination.

This approach can be supported with a condition included in the determination which allows the item to progress provided the study identifies the item as having sufficient heritage significance to merit protection by the LEP.

STRATEGIC ASSESSMENT

Hunter Regional Plan 2036 (HRP)

The HRP seeks to promote the growth and renewal of Newcastle City Centre (Direction 3); implement initiatives to promote small business growth and innovation, particularly in Newcastle City Centre, and facilitate opportunities for incubator spaces for technology early stage businesses (Direction 8); and to identify and protect the region's heritage (Direction 19). It is considered consistent with these directions:

Direction 3: Revitalise Newcastle City Centre

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

The objectives of the planning proposal to enable high technology industries; to provide additional floor space and height for the redevelopment of land within Wickham; and to acquire land for local roads, are consistent with this action.

Action 3.4 Focus investment in developing infrastructure to enhance public domain ... to make it easier to get around the city centre ...

The objective of the planning proposal to acquire land for local roads and urban spaces to enhance the public domain and make it easier to get around Wickham is consistent with this action.

Direction 8: Promote innovative small business and growth in the service sectors

Action 8.1 Implement initiatives to promote small business growth and innovation, particularly in Newcastle City Centre and other strategic centres.

Action 8.2 Facilitate opportunities for incubator spaces for technology and non-technology early stage businesses, and ensure opportunities for new and emerging enterprises are encouraged.

The objective of the planning proposal to enable high technology industries in Wickham and other areas in Newcastle promotes small business growth, innovation and opportunities and is consistent with these actions.

Direction 19: Identify and protect the region's heritage

Action 19.2 Assist the preparation of appropriate heritage studies to inform the development of strategic plans...

The objective of the planning proposal to protect the heritage significance of the former Wickham and Bullock Island Railway Corridor is consistent with this action.

Draft Greater Newcastle Metropolitan Plan 2036 (GNMP)

The draft GNMP seeks to reinforce the revitalisation of the Newcastle City Centre and identifies the Wickham Precinct as a catalyst area. The objective of this precinct is to facilitate the long-term expansion of the City Centre towards Wickham; increase opportunities for transit oriented development around Newcastle Interchange; align local plans to respond to development constraints including mine subsidence and flooding; and to provide floorspace for emerging new economy industries and business.

The objective of the planning proposal to enable high technology industries; to provide additional floor space and height for the redevelopment of land within Wickham; and to acquire land for local roads, are consistent with the objectives for the catalyst area of Wickham in the draft GNMP.

Newcastle Urban Renewal Strategy 2012 (NURS)

The NURS provides strategic direction for encouraging the urban renewal and investment in the Newcastle City Centre including Wickham.

The planning proposal is not consistent with the height of building, FSR or zoning maps identified in the NURS.

However, an implementation action of the NURS was for planning controls and urban outcomes to be reviewed through the Wickham Master Plan process. This has now occurred and the changes proposed are consistent with the Wickham Master Plan outcomes.

Newcastle 2030 Community Strategic Plan (CSP)

The planning proposal identifies consistency with the CSP strategic directions:

- Connected City

- Vibrant and activated public spaces
- Protected and enhanced environments
- Caring and inclusive community
- Liveable and distinctive built environment
- Smart and innovative city

The planning proposal is consistent with the CSP strategic directions.

Local Planning Strategy (LPS)

The LPS was adopted by Newcastle City Council in 2015 and was prepared in accordance with the CSP. The LNP is not endorsed by Department.

Although not focussed on the Wickham locality specifically, the planning proposal is not inconsistent with the LPS.

Wickham Master Plan (WMP)

Council states that the planning proposal is a result of Council adopting the WMP on 28 November 2017. The WMP identifies strategies and actions for achieving the vision of how Wickham will develop over the next 25 years and beyond. One of the strategies is to amend the NLEP 2012 as outlines in the planning proposal.

The planning proposal is supported by a number of studies and strategies including an economic and market analysis, traffic and transport assessment and stakeholder consultation and collaboration.

The planning proposal as it relates to Wickham reflects the actions and objectives of the WMP regarding height of building, floor space ratio, and road acquisition, and is consistent with this plan.

As the WMP is central to the planning proposal it is considered appropriate to require the planning proposal to append the WMP prior to exhibition.

Section 9.1 Ministerial Directions

The following Ministerial directions are discussed because the proposal is either inconsistent with the direction or further work is required before consistency can be determined:

1.1 Business and Industrial Zones

The planning proposal is inconsistent with this direction as it increases FSR and rezones land to create new employment areas that are not endorsed by an approved strategy (5).

The increase in FSR is justified by an economic analysis and is consistent with adjoining FSR. The rezoning of 18 Albert Street to B4 is to recognise the private ownership of the land and its existing use. Rezoning it to B4 is consistent with the planning controls that apply to the adjoining privately owned land. Both inconsistencies are of minor significance.

2.2 Coastal Management

The planning proposal affects land within the coastal zone. Council's assessment refers to the now superseded direction 2.2 Coastal Protection. The planning proposal should be updated and Council include its consideration of the relevant matters.

2.3 Heritage Conservation

The planning proposal is inconsistent with this direction as it contains provisions that facilitate the conservation of an item that may have environmental heritage however no study has been provided to demonstrate heritage values. Council needs to complete its heritage significance assessment of the proposed item before consistency with this direction can be fully determined.

4.2 Mine Subsidence and Unstable Land

The planning proposal includes land that is in a Mine Subsidence Area. The impacts of the proposal on mine subsidence are not clear and further consultation with Subsidence Advisory NSW will be required.

4.3 Flood Prone Land

The planning proposal is not consistent with direction 4.3(5) as it seeks the rezoning of land from Recreation (RE1) to Business (B4).

This inconsistency is considered of minor significance due to the land being located in a flood fringe area and not a floodway, thereby allowing built form adjustments including raised floor heights, to mitigate the flooding impacts. The proposed zone is also consistent with that applying to adjoining land which is similarly flood affected.

6.2 Reserving land for Public Purposes

The creation of reservations of land for public purposes (road reserve acquisition) and rezoning of 18 Albert Street from RE1 to B4 requires the Secretary's approval (4). Council has provided sufficient justification for both and so it is recommended that the approval be given.

However, part of the lands to be acquired are owned by Transport for NSW and Council has not provided evidence indicating Transport for NSW's support. This and the Secretary's approval per this direction will be required before the plan could be finalised.

State environmental planning policies

The following SEPPs are relevant to the planning proposal:

SEPP 55 – Remediation of Land

The proposed rezoning of 18 Albert Street Wickham from RE1 to B4 requires consideration of Clause 6 of the SEPP.

The planning proposal identifies a review of the history of the site by Council revealing the site's historical use as Crown land for recreation and community purposes since the early 1900's. Council also advises that the site is not identified as being used for a purpose in Tale 1 to the Contaminated Land Planning Guidelines.

Council is satisfied that no further consideration of contamination is required. The Department concurs with this assessment.

SEPP (Coastal Management) 2018

The planning proposal refers to SEPP 14 Coastal Wetlands and SEPP 71 Coastal Protection which have now been superseded by the SEPP (Coastal Management) 2018. Council should update the proposal accordingly.

SITE-SPECIFIC ASSESSMENT

Social

The planning proposal identifies positive social outcomes including the heritage listing of the former Wickham and Bullock Island Rail Corridor to confirm its heritage significance and conservation, and the acquisition of land to deliver public, community and urban design outcomes.

It is agreed that the planning propose will result in positive social benefits.

Environmental

The planning proposal does not affect critical, threatened or endangered flora and fauna populations or communities.

The proposed increase in height of buildings from 10 metres to 11 metres is in part associated with the flooding characteristics of the site and the need to mitigate impacts through the raising of floor levels. This approach to the natural hazard constraint is considered appropriate.

Economic

The addition of land zoned B4, and an increase in FSR and height limits will have a positive economic benefit through the provision of additional mixed use floor space and possibility of better urban design outcomes.

The addition of the high technology industries as a permissible use in the B4 zone across the city is also likely to have a positive economic effect.

Infrastructure

The planning proposal indicates that the existing local infrastructure is adequate to meet the development arising from the planning proposal. It is agreed that the outcomes of the planning proposal will be catered for by existing local infrastructure.

CONSULTATION

Community

It is agreed that the planning proposal is low impact and a community consultation period of 14 days is appropriate in this instance.

Agencies

Council identifies the following agencies for consultation:

- Mines Advisory NSW (increase in HOB and FSR)
- Office of Environment and Heritage (heritage listing)
- City Rail (heritage listing and acquisition of railway lands).

It is agreed that these agencies be consulted with, noting that City Rail is now known as Transport for NSW, and Mines Advisory is known as Subsidence Advisory NSW.

In addition, the following agency is also recommended for consultation:

- Roads and Maritime Services (heritage listing of part of Main Road 316 - Hannell Street)

TIME FRAME

The Council identifies completing the LEP at the end of March 2019. A 12 month timeframe to complete the LEP, taking into consideration heritage investigation requirements, is considered appropriate for this proposal.

LOCAL PLAN-MAKING AUTHORITY

Council has previously advised that it does not want to be authorised to be the local plan-making authority.

In addition, the land reservation acquisition component of the planning proposal includes land to which Council has an interest and the local plan making should be undertaken by the Department in this instance.

CONCLUSION

Preparation of the planning proposal is supported to proceed with conditions.

The planning proposal implements the outcomes of Council's Wickham Master Plan which provides detailed guidance on how Wickham is to develop as it undergoes urban renewal.

The planning proposal is consistent with the Hunter Regional Plan 2036, the Draft Greater Newcastle Metropolitan Plan 2036, the Newcastle Community Strategic Plan and Local Planning Strategy.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with the following section 9.1 Directions are minor or justified:
 - 1.1 Business and Industrial Zones; and
 - 4.3 Flood Prone Land.
2. note that the consistency with the following section 9.1 Directions are unresolved and will require justification.
 - 2.3 Heritage Conservation;
 - 4.2 Mine Subsidence and Unstable Land; and
 - 6.2 Reserving Land for Public Purposes.
3. approve the proposed reservation of land for public purposes in accordance with section 9.1 Direction 6.2 Reserving Land for Public Purposes excepting those lands owned by Transport for NSW.

It is recommended that the delegate of the Minister for Planning determine that the planning proposal should proceed subject to the following conditions:

1. The proposed listing of the former Wickham and Bullock Island Railway as a heritage item in Schedule 5 of the LEP may proceed provided a Statement of Heritage Significance concludes that the proposed item has sufficient heritage value to warrant protection by the LEP.
2. Prior to public exhibition the planning proposal shall be updated to:
 - (a) include relevant version and date on the cover sheet;

- (b) refer to the current legislation references by replacing SEPP 14 and SEPP 71 with SEPP (Coastal Management) 2018, and replacing Ministerial direction 2.2 Coastal Protection with 2.2 Coastal Management. Consistency assessments are to be revised accordingly;
 - (c) remove reference to the Newcastle City Centre map when describing Height of Building land;
 - (d) amend Figure 6 and Figure 7 to reflect the correct FSRs for the locality as shown on the NSW legislation website;
 - (e) include the Statement of Heritage Significance undertaken in accordance with 'Assessing Heritage Significance', NSW Heritage Office July 2001, for the former Wickham and Bullock Island Railway Corridor; and
 - (f) include the Wickham Master Plan (November 2017) as an Appendix.
3. The planning proposal should be made available for community consultation for a minimum of 14 days.
 4. Consultation is required with the following public authorities for a minimum of 21 days:
 - Subsidence Advisory NSW
 - Office of Environment and Heritage (Heritage Item listing)
 - Transport for NSW (Heritage Item listing and acquisition of railway lands)
 - Roads and Maritime Services (Heritage Item listing)
 5. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
 6. Council should not be authorised to be the local plan-making authority to make this plan.

Ben Holmes

30/8/2018
Ben Holmes
 Acting Team Leader, Hunter



31/08/2018
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Attachment A	Planning Proposal
Attachment E	Wickham Master Plan November 2017
Attachment F	Newcastle Smart City Strategy 2017-2021
Attachment G	Wickham Master Plan Traffic and Transport Assessment
Attachment H	Wickham Master Plan Economic Analysis
Attachment I	Subsidence Advisory NSW advice