

Planning Proposal - Wickham

Proposed Amendments to Newcastle Local Environmental Plan 2012
Instrument | Schedule | Mapping

Version 1 | Council endorsement
April 2018

Version	Description	Date
1.	Council endorsement	
2.	Public exhibition	
3.	Final adoption	

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Summary of proposal

Proposed amendment to Newcastle LEP 2012	Instrument <ul style="list-style-type: none"> – Clause 2.3 Zone objectives and Land Use Table Mapping <ul style="list-style-type: none"> – Land Reservation Acquisition (LRA) map – Land zoning (LNZ) – Height of building (HOB) – Floor space ratio (FSR) – Lot size map (LSZ) Schedule <ul style="list-style-type: none"> – Schedule 5 Environmental Heritage.
Land application	Land within the suburb of Wickham to which Newcastle City Centre Map (CL1) applies
Initiated by	Newcastle City Council

Overview

Council has prepared this planning proposal in order to facilitate the implementation of the strategies and actions outlined within the Wickham Master Plan (WMP) November 2017. The planning proposal outlines amendments to Newcastle LEP 2012 which seek to implement the community's vision for Wickham (depicted in **Figure 1**) and correct discrepancies identified during the preparation and exhibition of the WMP.

This planning proposal does not include any amendments relating to the proposed community benefit scheme identified in the WMP for achieving bonus density and scale of development. Council will undertake further investigation and consultation to determine the best mechanism/s for introducing these and to provide sufficient level of justification for these.

The planning proposal was prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (NSW) and is consistent with the Department of Planning and Environment's guidelines, 'A guide to preparing planning proposals'.

Planning proposals are not a static document hence this planning proposal will be updated at various stages of the amendment process.



Figure 1 Wickham Master Plan underpins this planning proposal

Context

The land applying to the proposed amendments is consistent with the WMP project area and consists of Wickham Park zoned RE1 Public Recreation, some B3 Commercial Core zoned land north of the Newcastle Transport Interchange, and the remaining land being zoned B4 Mixed Use. The land forms part of the Newcastle City Centre, as shown in **Figure 2 – Context of Wickham Master Plan area within Newcastle City Centre**.

The area has experienced increased investor interest and new developments, due to its proximity to the new Newcastle transport interchange, the emerging commercial core within Newcastle West, proximity to Newcastle Harbour, the availability of large sites zoned for a mix of use including residential apartments.

Hence, the area character continues to evolve from a once semi-industrial area at the outer fringe of the Newcastle City Centre into a mixed use urban neighbourhood supporting the emerging commercial core within Newcastle West.

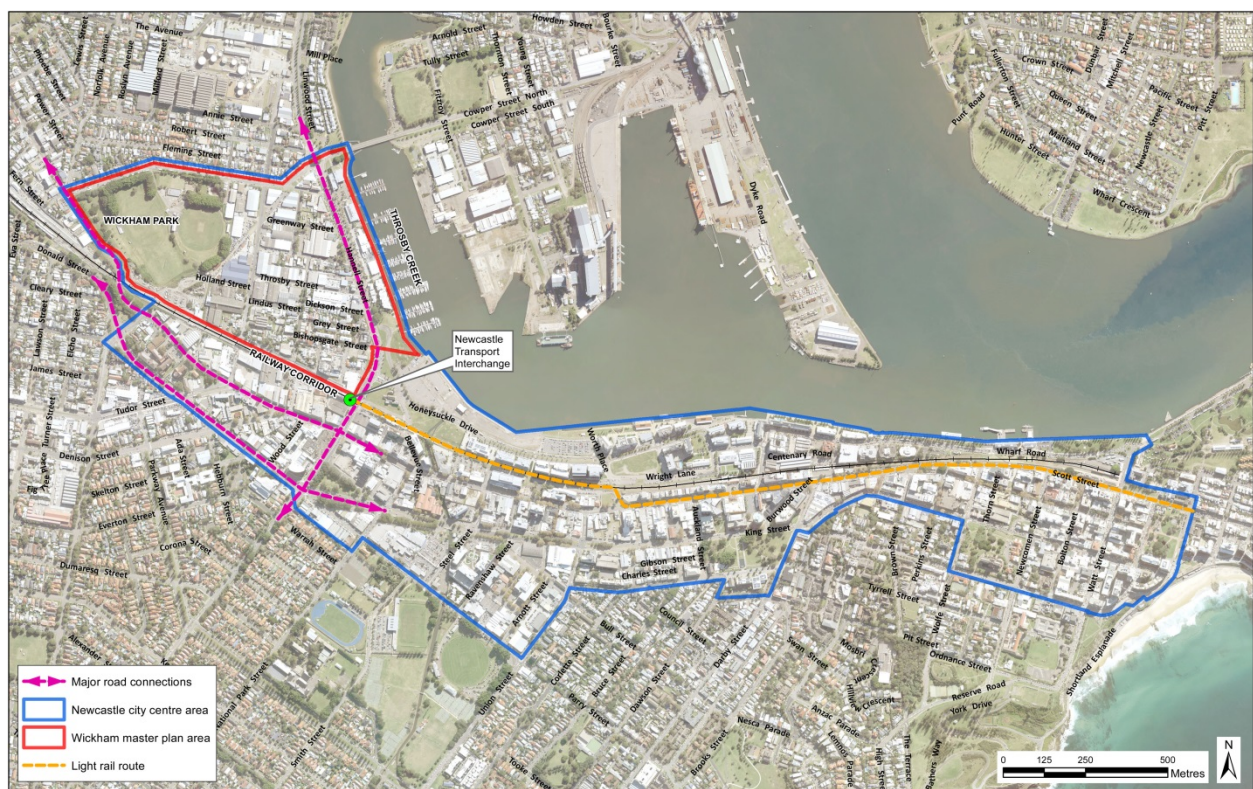


Figure 2 Context of Wickham Master Plan area within Newcastle City Centre.

Part 1 - Objectives or intended outcomes

To amend Newcastle Local Environmental Plan 2012 to enable:

- 'Technological industries' within the B4 Mixed Use Zone
- acquisition of land required for local roads
- rezoning of land to reflect current and envisaged future use and private ownership
- delivery of sufficient gross floor area for the feasible redevelopment of land
- improved built form outcomes on land reflective of the character envisaged within Council's adopted Wickham Master Plan
- protecting the local heritage significance of the former Bullock Island Rail Corridor.

Part 2 - Explanation of provisions

The intended outcome will be achieved by the following amendments to Newcastle LEP 2012:

- a. Include the term '*Technological industries*' as a land use 'permitted with consent' in the B4 Mixed Use Zone under Clause 2.3 Zone objectives and Land Use Table.
- b. Amend the Land Reservation Acquisition (LRA) map, as shown in **Figure 3**, to include the following land, which Council seeks to acquire for the purpose of local road reservation:
 - 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 DP 621178
 - Part of 37 Throsby Street, Wickham - Lot 1 DP DP799952
 - Part of 62, 64, 66, 68, 72, 74, 76 and 80 Bishopsgate Street Wickham - Lots 1 and 2 DP1085561, Lots 1 and 2 DP DP348072, Lot 1 DP124963, Lot 1 DP191305, Lot 1 DP860471, Lot 1 DP126310, Lot 1 DP904361, Lot 1 DP904638
 - 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
 - Part of 50 Railway Street, Wickham - Lot 100 DP1073974

- d Amend the Floor Space Ratio (FSR) map on land listed below to reflect an increase in the minimum FSR from N (1) to S (1.5):
- 29 Bishopsgate Street, Wickham, described as Lot 1 DP 801618
 - 33 Bishopsgate Street, Wickham, described as SP0073020
 - 37 Bishopsgate Street, Wickham, described as Lot 13 DP 131687
 - 5 and 7 Lindus Street, Wickham, described as Lots 6 and 7 DP 1766
 - 24 Lindus Street, Wickham, described as Lot 1 DP 735462
 - 34 Throsby Street, Wickham, described as Lot 1314 DP 621178
 - 48 and 52 Throsby Street, Wickham, described as Lots 201 and 202 DP785303
 - 46 Union Street, Wickham, described as Lot 1 DP 815254
 - and adjoining roads.



Figure 6 Existing Floor Space Ratio



Figure 3 *Proposed Land Reservation Acquisition*

- c. Rezone land at 18 Albert Street, Wickham described as Lot 3212 DP 725530 from RE1 Public Recreation to B4 Mixed Use, by amending the maps listed below consistent with the development standards applied to adjoining land within the B4 Mixed Use Zone:
- Land zoning (LNZ), shown in Figure 5
 - Floor space ratio (FSR), shown in Figure 7
 - Height of building (HOB), shown in Figure 9
 - Lot size map (LSZ), shown in Figure 11.

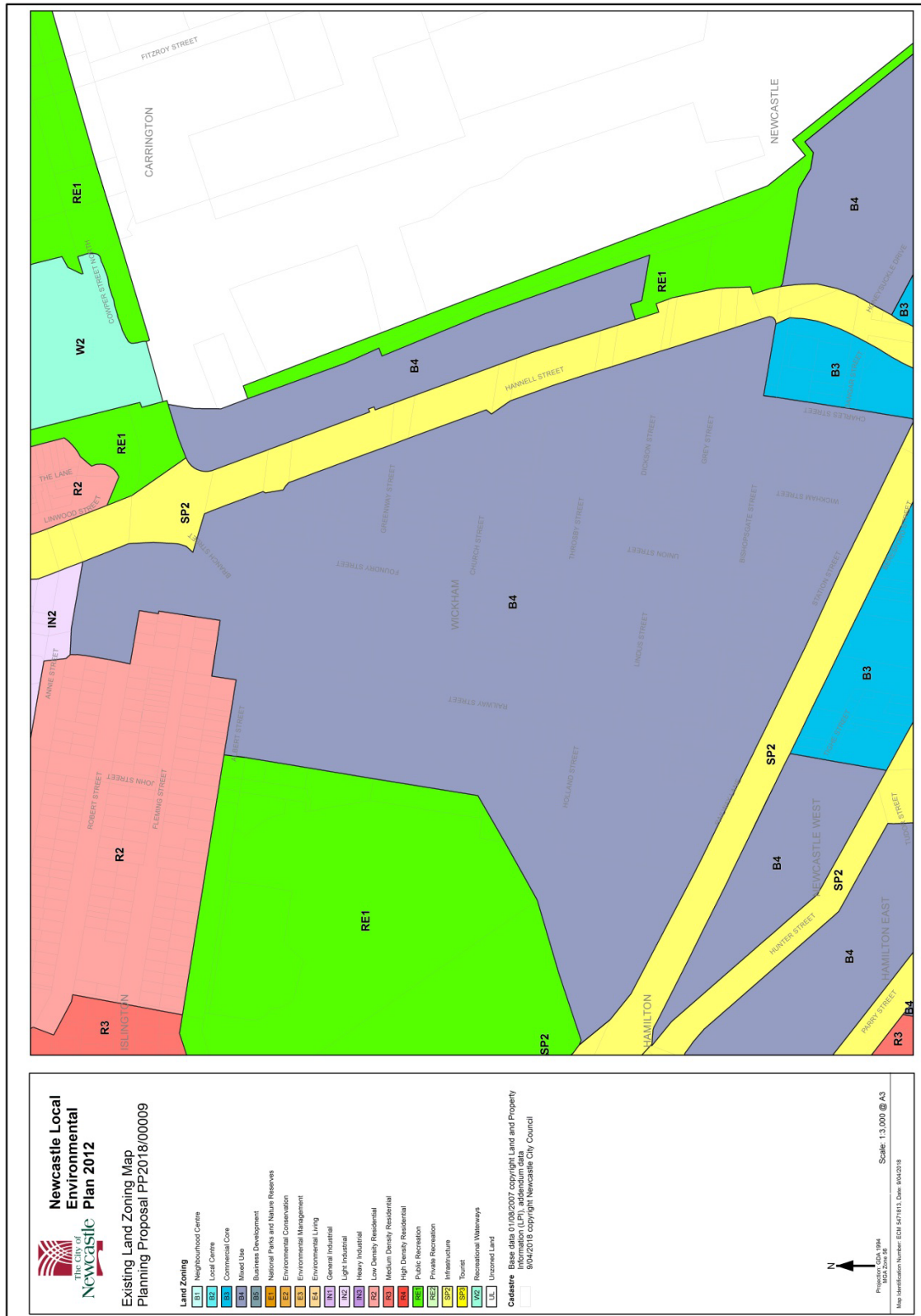


Figure 4 Existing Land Zoning

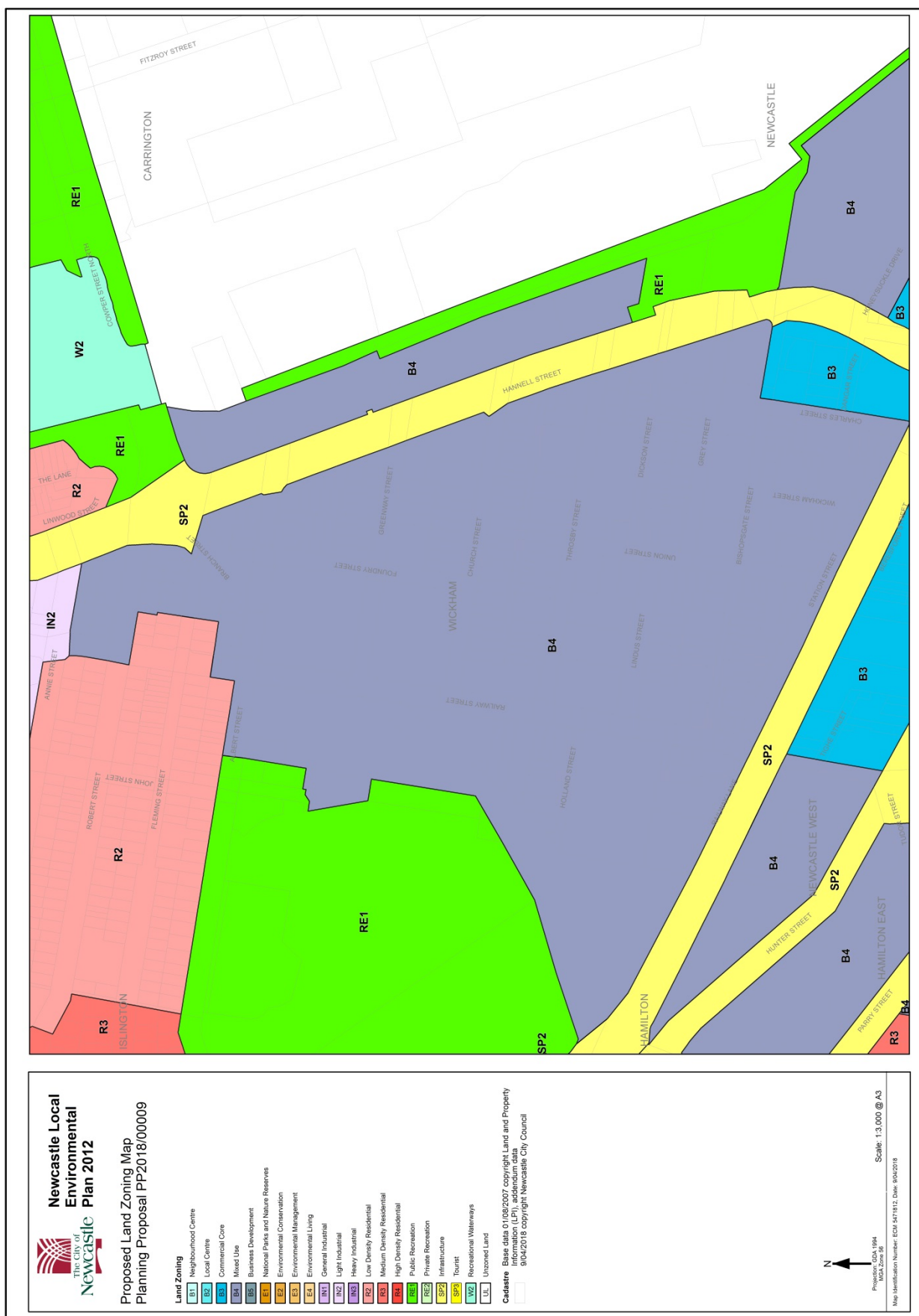


Figure 5 *Proposed Land Zoning*

- e. Amend the Height of Building (HOB) map on any land within Wickham to which the Newcastle City Centre map of Newcastle LEP 2012 applies that has a current HOB of 10m by increasing the minimum HOB to 11m.

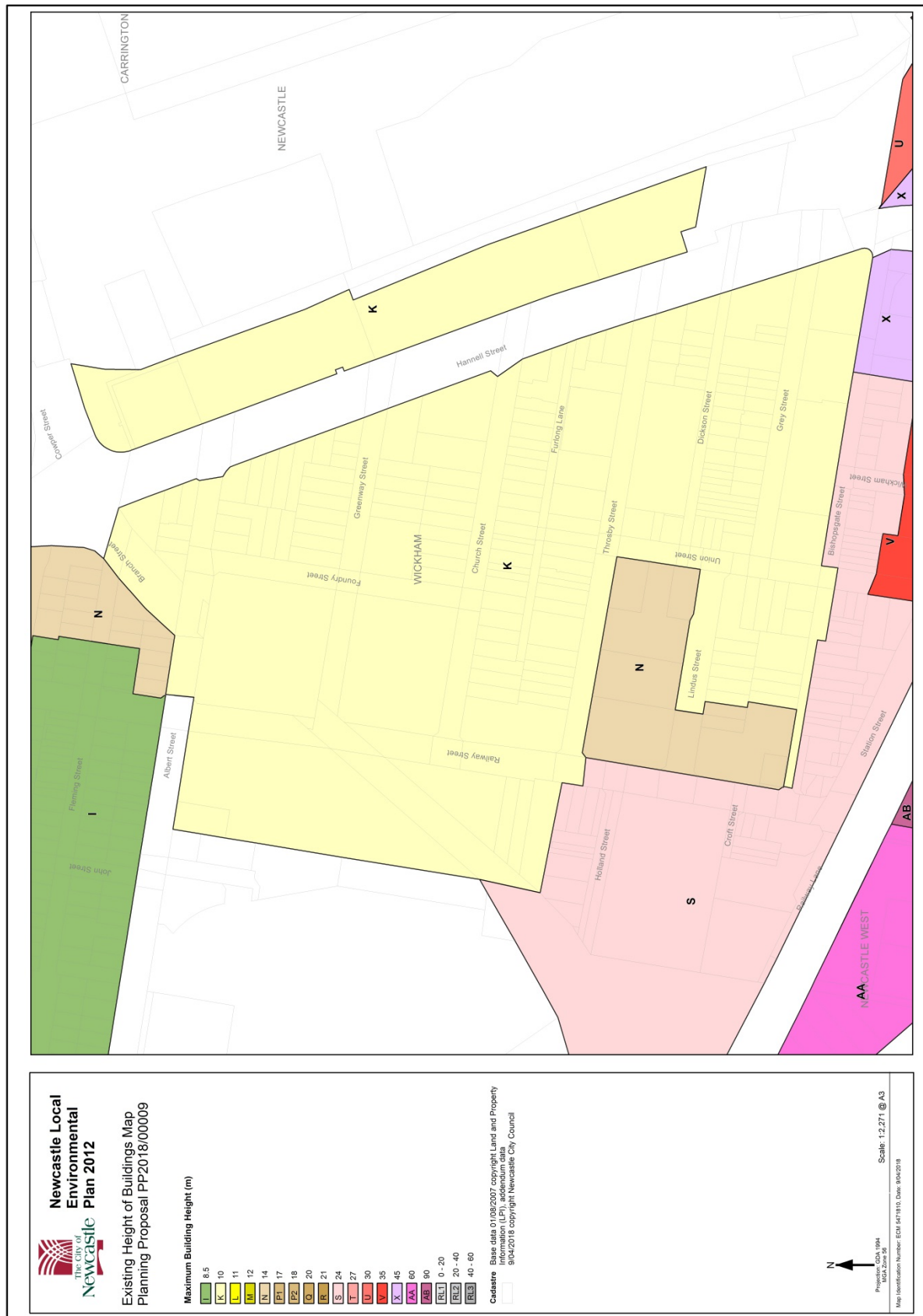


Figure 8 Existing Height of Building

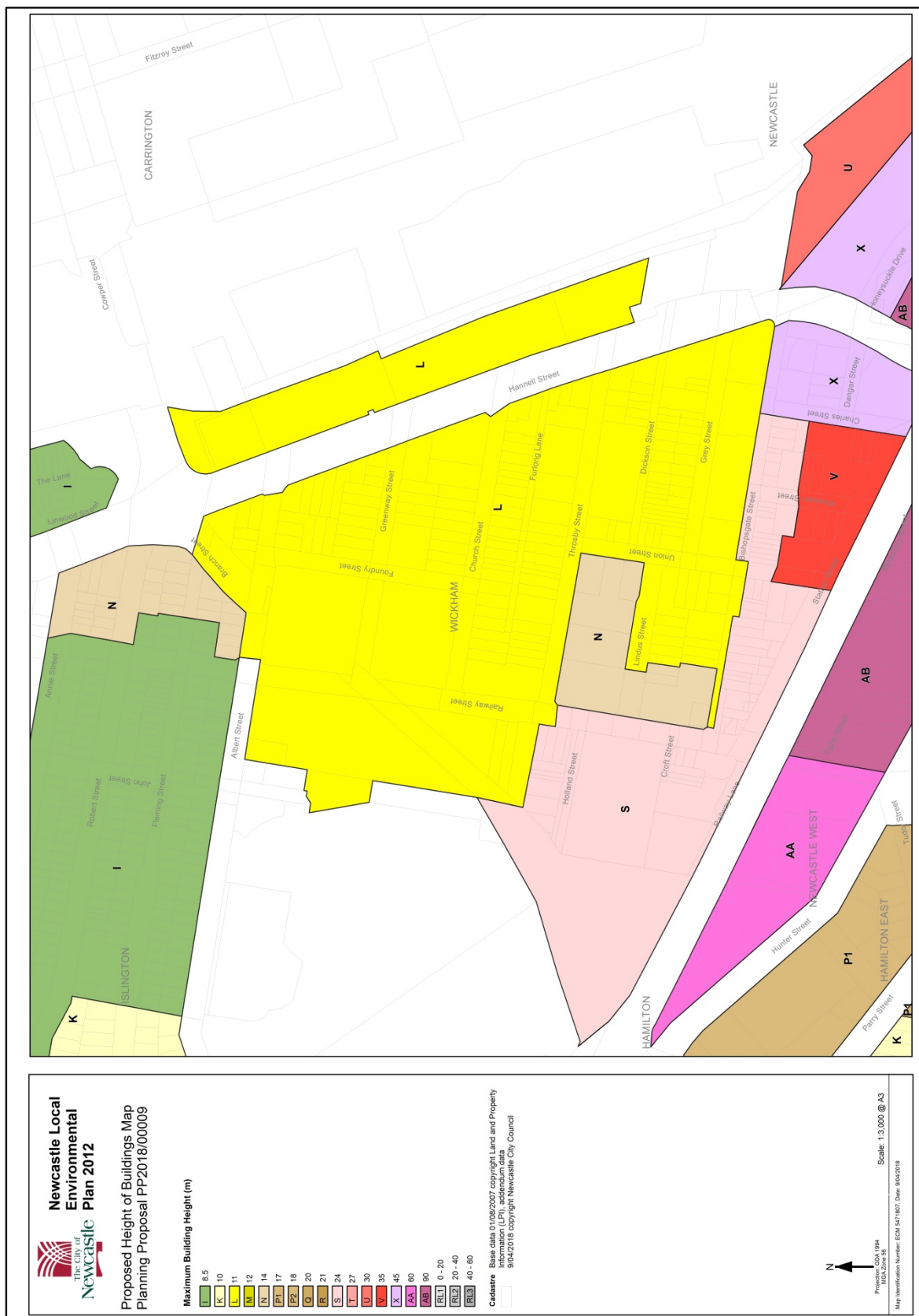


Figure 9 *Proposed Height of Building*



Figure 10 Existing Minimum Lot Size



Figure 11 *Proposed Minimum Lot Size*

- f. Listing part of the Former Bullock Island Railway Corridor within Part 1 Heritage Items within Schedule 5 Environmental Heritage. This listing is proposed to appear as follows:

Suburb	Item name	Address	Property description	Significance	Item no
Wickham	Former Wickham and Bullock Island Railway Corridor	50 Railway Street, 8A and 8-10 Albert Street, 161 Railway Street, and part of Railway and Greenway Streets	Lot 100, DP1073974 Lot 100, DP1185607 Lot 51, DP830679 Lot 53, DP830679	local	I692



Figure 12 Existing Heritage



Figure 13 Proposed Heritage

Part 3 - Justification

Section A - Need for the planning proposal

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

Yes, the planning proposal is the result of Council adopting the Wickham Master Plan (WMP) on 28 November 2017. The Wickham Master Plan sets the vision of how the area will redevelop within the coming 25 years and beyond. Furthermore the WMP identified various strategies and actions for achieving the vision, including the need to amend Newcastle LEP 2012 as outlined in this planning proposal.

The WMP is underpinned by review of studies and strategies previously already carried out by Council, an economic and market analysis by the AEC Group, Traffic and Transport Assessment by Bitzios Consulting, and comprehensive stakeholder consultation and collaboration.

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

Yes, amending the Newcastle LEP 2012 is considered the best means of achieving the objectives of the planning proposal.

a. Permit (with consent) 'Technological industries' within the B4 Mixed Use Zone.

'Technological industries' are currently prohibited by default within the B4 Mixed Use zone, given the use is not listed under subclause 2 (Permitted without consent) or subclause 3 (Permitted with consent) of the 'Land Use Table' of Newcastle LEP 2012.

The uses included within B4 Mixed Use Zone during the preparation of Newcastle LEP 2012 were nominated as they best reflected the uses within Zone 3 (d) Mixed Use Zone of the former Newcastle LEP 2003. Technological industries was not previously defined given this sector has only recently emerged as a recognised land use in its own right.

The WMP vision identifies the area continuing to evolve as a diverse and dynamic mixed-use neighbourhood which supports economic and employment generating uses that compliment and support the emerging commercial core within Newcastle West.

The area was identified as an opportune location for supporting growth in emerging smart clean technological industry, research and development, due to access to technological infrastructure and the piloting of 'smart city' initiatives within the city centre area.

Consideration was given to including the use *'Technological industries'* as an additional use only within land zoned B4 Mixed Use within Wickham. However, this would result in this use continuing to be prohibited elsewhere within the city where the B4 Mixed Use zone applies. This is not a desirable approach given that *'Technological industries'* are considered to be a compatible use within other parts of the city where the B4 Mixed Use zone applies. This includes much of the Newcastle City Centre area, and parts of the Newcastle urban renewal corridors where land fronts major transport corridors (i.e. Tudor Street, Lambton Road, Brunner Road, and Maitland Road).

Hence an amendment is required to include this use under subclause 3 (Permitted with consent).

b. Include land within the Land Reservation Acquisition (LRA) map for local roads

The WMP identified strategies and actions for improving traffic management based on a Traffic and Transport Assessment by Bitzios Consulting. This included the upgrading of various intersections and the widening of select streets/laneways when warranted. The WMP also identified areas that enable opportunities for public domain improvements. These areas were identified as 'urban activation areas' within the WMP.

The purpose of introducing 'urban activation' areas into Wickham is to provide small public spaces that will have a defined public use, such as a small playground, a community garden, or a green area for the community to gather or meet. These spaces are not proposed in lieu of embellishing greater areas of open space within Wickham Park and foreshore but are envisaged to be complementary in their function of activating the otherwise narrow streetscapes within Wickham. These spaces are envisaged to hold greater importance to the community as the urban area densifies. It is necessary for these parcels to be maintained under public ownership to ensure social inclusion for all potential users and not just occupants or clients of the adjoining land uses.

Council has a limited opportunity to acquire the required land before the land is redeveloped; hence it is imperative that this planning proposal includes all land Council requires to implement the actions of the WMP. Whilst the details of acquisition may be negotiated at the time of the land being redeveloped or sold, the location of the nominated reservations were included in the WMP as exhibited to the community and current landowners.

Council did consider the alternative option of relying on the DCP to identify land to be dedicated to Council. However, this approach was attempted in the previous Wickham DCP and the Newcastle City Centre LEP 2008, without success. The DCP is only a guide it does not offer the same level of certainty that the desired outcomes will be achieved, hence the land reservation acquisitions are proposed to be included in the LRA map of Newcastle LEP 2012.

c. Rezone land, known as the Good Life Church from zone RE1 Public Recreation to zone B4 Mixed Use

The current zoning is a legacy of the land previously being leased from the Crown and used as an indoor sports centre (basketball) from the early 1960s until the late 1980s.

The land became freehold in 2005 when the current owners acquired it from the Crown. The land operates under a consent granted in 1989 for a *community centre* (the actual use being covered by a component of the definition at the time that included 'any other like facility or service of a non-profit nature'). However, under the current LEP, *places of public worship* are not listed as permissible within zone RE 1 Public Recreation and the church relies on its existing use rights to operate.

A RE2 Private Recreation zone was considered but also does not permit the current use of the land, nor enable the potential of the land as envisaged within the WMP to be realised. Hence this planning proposal nominates the land zoning, HOB and FSR to be consistent with the adjoining land.

d. Amend the FSR on land within the planning proposal area where 1 to a minimum of 1.5.

The FSR for the majority of the land zoned B4 in Wickham, north of Bishopsgate Street, is 1.5 with the exception of some larger parcels fronting Lindus Street which have an FSR of 1. This anomaly appears to have carried over from Newcastle City Centre LEP 2008 but there is no available documented rationale as to why a lower FSR was chosen, especially as the HOB exceeds the surrounding area by three metres (one storey) to a total of 14m. This combination of controls would result a built form that is taller but smaller footprint, which is inconsistent with the surrounding built form and less feasible to develop.

Preparation of the WMP included economic and market analysis by AEC group to ensure the vision for Wickham may be realised through the redevelopment of existing former industrial uses. The study included feasibility testing of various scenarios across the study area. From this it was concluded that land consisting an FSR of 1:1 was not feasible for redevelopment and that a FSR of 1.5:1 should be applied as a minimum.

An alternate approach may involve reliance of Clause 4.6 Exceptions to development standards. This approach would put the onus back on individual applicants to demonstrate why the standard should be altered. However this approach is not strategic and is unlikely to result in a consistent density reflecting the WMP, as each applicant is likely to argue for the highest possible yield on their site.

e. Amend the Height of Building (HOB) map on land within the planning proposal area where 10m to 11m.

The WMP identified several character precincts, including the 'Village Hub', which includes much of the existing housing stock interspersed with remnant smaller scale industrial sites.

The WMP envisages a scale of three storeys of medium density residential infill where redevelopment occurs in this precinct. A mix of business uses are envisaged along the main pedestrian routes including Railway and Union Streets, as well as development fronting Hannell Street.

In order to elevate floor levels (where needed for flooding) and achieve a desirable ceiling height (4m for ground level retail/business premises and 3m for residential levels) 11m is considered a suitable minimum HOB.

As noted above, an alternate approach may involve reliance of Clause 4.6 Exceptions to development standards. This approach would put the onus back on individual applicants to demonstrate why the standard should be altered. However this approach is not strategic and is unlikely to result in a consistent density reflecting the WMP, as each applicant is likely to argue for greater height in order to achieve additional floors.

Preparation of the WMP included consultation with Mines Advisory NSW regarding potential risks with increasing the scale and density of buildings located on a mines subsidence district. Mines Advisory NSW identified that whilst they had no objection to an increase in HOB per se resultant development applications will require referral to Mines Advisory NSW to ensure suitable investigation and remediation works are carried out prior to commencement of construction. Council intends on consulting further with Mines Advisory NSW post gateway determination.

f. Protecting the local heritage significance of the former Bullock Island Rail Corridor

The Bullock Island railway corridor remains a prominent element in the existing urban structure within Wickham which provides strong ties to the area's past land uses and connection to adjoining areas. The railway corridor operated between 1883 -1905 by Wickham & Bullock Island Coal Company which operated the Bullock Island Colliery in Carrington. The railway also contributed to the expansion and concentration of shipping wharves to Carrington reducing the reliance on Honeysuckle for the loading of coal ships.

The railway corridor also enabled industry to develop within Wickham, including manufacture of trains at R A Ritchie & Sons and Hudson Bros Engineering, which is a listed archaeological site under Part 3 of Schedule 5 Environmental Heritage within Newcastle LEP 2012.

Remnants of the railway tracks remain within the corridor and its significance is maintained at present due to the absence of any building over the corridors alignment.

Whilst this corridor is identified in the WMP and reflected in the draft development controls for the area, adequate protection is required to ensure continuity of the corridor is maintained and not compromised by redevelopment where located on private land.

Hence listing the former Wickham & Bullock Island Railway Corridor as a heritage item under Part 1 of Schedule 5 Environmental Heritage within Newcastle LEP 2012 will ensure its significance is considered and protected through any future redevelopment within the vicinity.

No other suitable alternative mechanism is available.

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 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.

The planning proposal is consistent with the Directions of this plan, in particularly Direction 3 - Revitalise Newcastle City Centre; this direction applies to the planning proposal area which is identified as part of the Newcastle City Centre area.

Greater Newcastle Metropolitan Plan 2036

The Hunter Regional Plan 2036 set the vision for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart. Furthermore the plan sets out four outcomes to be achieved and identifies catalyst area, including Newcastle City Centre.

The Plan provides specific directions for the 'Wickham Precinct', 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 this plan in that it:

- seeks to facilitate redevelopment to support and compliment the emerging city centre
- focuses mixed use development around the Newcastle interchange
- addresses flooding through recognition of floor height controls affecting HOB
- acknowledging mine subsidence risk through consultation with Mines Advisory NSW in developing the WMP,
- ensuring sufficient FSR to ensure feasibility of mixed use development,
- enabling *technological industries* to support the emerging new economy industries and businesses.

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

Newcastle 2030 Community Strategic Plan

The Newcastle Community Strategic Plan (CSP) was adopted by Council in February 2011 and updated in 2013. The plan identifies the community's vision for the City, outlines actions and strategies for Council to achieve, as well as indicators for monitoring implementation.

Compliance with the LEP amendment process, in particular Section 57 – Community Consultation of the *EP&A Act 1979* ensures consistency with the strategic direction '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, or at a minimum does not result in any inconsistencies with the following:

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

Local Planning Strategy

The Local Planning Strategy was adopted by Council in 2015, and was prepared in accordance with the Community Strategic Plan.

The Strategy was not endorsed by the Secretary of the Department of Planning and Environment but provides a comprehensive guide for the future growth and development of Newcastle to 2030 and beyond.

The planning proposal is generally consistent with the principles of the strategy however the strategy focuses its detailed neighbourhood visions and/or objectives for areas outside of the Newcastle City Centre given the layers of planning otherwise undertaken.

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

The table below provides an assessment of the proposed amendment against each State Environmental Planning Policy (SEPP) applying at the time of preparing this planning proposal.

The assessment undertaken firstly identified which SEPP applies to the proposal, determined by the SEPP applying to both:

- a. the land; and
- b. the preparation of environmental planning Instruments.

Where applicable, the table identifies how the planning proposal addresses the requirements of the SEPP.

Table 1 - Relevant State Environmental Planning Policies

State Environmental Planning Policies	Applicable	Consistency and Implications
SEPP No 1—Development Standards	No	
SEPP No 14—Coastal Wetlands	No	
SEPP No 19—Bushland in Urban Areas	No	
SEPP No 21—Caravan Parks	No	
SEPP No 26—Littoral Rainforests	No	
SEPP No 30—Intensive Agriculture	No	
SEPP No 33—Hazardous and Offensive Development	No	
SEPP No 36—Manufactured Home Estates	No	
SEPP No 44—Koala Habitat Protection	Yes	Whilst this policy applies to the land, there is potential koala habitat within the vicinity of the planning proposal area hence the requirements of this SEPP are not applicable.
SEPP No 47—Moore Park Showground	No	
SEPP No 50—Canal Estate Development	No	
SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	No	
SEPP No 55—Remediation of Land	Yes	<p>Clause 6 requires Council to consider potential land contamination when preparing an Environmental Planning Instrument (e.g. LEP amendment). Subclause (2), requires Council to obtain and consider a report on the findings of a preliminary investigation of the land (carried out in accordance with the contaminated land planning guidelines) where the amendment will permit certain land uses, as specified in subclause (4)(c), to be permitted.</p> <p>This planning proposal includes the rezoning of land from RE1 Public Recreation to B4 Mixed Use, which permits the uses specified by subclause (4)(c). However, the requirements of subclause (2) will not apply in this case given Council is satisfied that the land is not contaminated nor was previously used for purpose referred to in Table 1 to the contaminated land planning guidelines.</p> <p>The land being rezoned was previously Crown land which has historically been used for recreation and community uses since the land was first subdivided in the early 1900's.</p>
SEPP No 62—Sustainable Aquaculture	No	
SEPP No 64—Advertising and Signage	No	
SEPP No 65—Design Quality of Residential Apartment Development	Yes	<p>The amendment of land zoning from RE1 Public Open Space to B4 Mixed Use will permit the land to be developed for uses to which this policy applies (residential apartment development). However, the proposed amendments do not include any development standards that are inconsistent with this policy.</p> <p>Council has a design review panel under this SEPP. Despite clause 27 (c) Council has not sought the advice of this panel in relation to this planning proposal given no</p>

State Environmental Planning Policies	Applicable	Consistency and Implications
		specific standards relating to residential apartment development are proposed.
SEPP No 70—Affordable Housing (Revised Schemes)	No	
SEPP No 71—Coastal Protection	Yes	The Planning proposal area is located wholly within the Coastal Zone. Hence in accordance with Clause 7(a) Council is required to take into account matters for consideration within Clause 8. The proposed LEP amendments are considered consistent with the aims of this policy as set out in Clause 2 and do not raise any conflicts with respect to the matters listed under clause 8.
SEPP (Affordable Rental Housing) 2009	No	
SEPP (Building Sustainability Index: BASIX) 2004	No	
SEPP (Educational Establishments and Child Care Facilities) 2017	No	
SEPP (Exempt and Complying Development Codes) 2008	No	
SEPP (Housing for Seniors or People with a Disability) 2004	No	
SEPP (Infrastructure) 2007	No	
SEPP (Integration and Repeals) 2016	No	
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	No	
SEPP (Kurnell Peninsula) 1989	No	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	No	
SEPP (Miscellaneous Consent Provisions) 2007	No	
SEPP (Penrith Lakes Scheme) 1989	No	
SEPP (Rural Lands) 2008	No	
SEPP (State and Regional Development) 2011	No	
SEPP (State Significant Precincts) 2005	No	
SEPP (Sydney Drinking Water Catchment) 2011	No	
SEPP (Sydney Region Growth Centres) 2006	No	
SEPP (Three Ports) 2013	No	
SEPP (Urban Renewal) 2010	Yes	The area subject to this planning proposal is wholly within land to which Newcastle Potential Precinct Map applies. The requirements of Clause 9 <i>Proposals for potential precincts</i> 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 Council. This planning proposal is consistent with the WMP.
SEPP (Vegetation in Non-Rural Areas) 2017	No	
SEPP (Western Sydney Employment Area) 2009	No	
SEPP (Western Sydney Parklands) 2009	No	

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The table below documents Council's assessment of the planning proposal against the relevant Ministerial Directions made under Section 9.1 of the EP&A Act 1979 (formerly known as Section 117 Directions).

Table 2 - Relevant Ministerial Directions

Relevant Section 9.1 Directions	Applicable	Consistency and implications
1. Employment and Resources		
1.1 Business and Industrial Zones	Yes	The Planning proposal not only retains the existing opportunities for business uses but seeks to expand this by: <ol style="list-style-type: none"> 1. Introducing <i>Technological industries</i> as a use (permitted with consent) within the B4 Mixed Use Zone. 2. Increasing the area of land zoned B4 by rezoning a land parcel currently zoned RE1 Public Recreation.
1.2 Rural Zones	No	
1.3 Mining, Petroleum Production and Extractive Industries	No	
1.4 Oyster Aquaculture	No	
1.5 Rural Lands	No	
2. Environment and Heritage		
2.1 Environment Protection Zones	Yes	Whilst the Direction applies, the planning proposal will have no effect on, or be affected by areas of environmental sensitivity. Hence the proposal is of minor significance.
2.2 Coastal Protection	Yes	The planning proposal area is within the coastal zone however, the proposed amendments are considered to be of minor significance with respect to their potential impact or consequence on the NSW coast line.
2.3 Heritage Conservation	Yes	The Planning proposal will consist of provisions to facilitate conservation of an identified place of environmental heritage significance in relation to the historical and social heritage of the area. This is to be achieved through inclusion of the former Wickham and Bullock Island Railway Corridor as a heritage item in Schedule 5 of Newcastle LEP 2012.
2.4 Recreation Vehicle Areas	No	
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	No	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Yes	This direction applies to the planning proposal as the B4 Mixed Use zone permits significant residential development. The planning proposal will not reduce the permissibility of residential uses but rather increase their feasibility due to an increase in FSR and HOB within parts of the land.

Relevant Section 9.1 Directions	Applicable	Consistency and implications
3.2 Caravan Parks and Manufactured Home Estates	No	
3.3 Home Occupations	Yes	The B4 zone within Newcastle LEP 2012 already permits Home Occupation as a use permitted without consent, hence is consistent with this direction.
3.4 Integrating Land Use and Transport	Yes	The planning proposal includes provision of additional land zoned for business and residential through the rezoning of land to B4 Mixed Use. The land subject to rezoning 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).
3.5 Development Near Licensed Aerodromes	No	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Yes	The land is located within Categories 3 and 4 of the ASS map of the LEP. However, the planning proposal 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.
4.2 Mine Subsidence and Unstable Land	Yes	Part of the planning proposal area is within a proclaimed Mine Subsidence District. Mine Advisory NSW were consulted in the preparation and exhibition of the WMP to consider if the area could support a greater level of development than is currently permitted. Mines Advisory 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. Council proposes to consult further with Mines Advisory NSW on this planning proposal following gateway determination.
4.3 Flood Prone Land	Yes	The planning proposal is inconsistent with direction 4.3(5) as it includes the rezoning of land within a flood planning area from a Recreation zone to a B4 Mixed Use zone (which permits both business and residential uses. However, according to the Newcastle City-wide Floodplain Risk Management Study and Plan 2012 maps the land does not consist of 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.
4.4 Planning for Bushfire Protection	No	
5. Regional Planning		
5.1 Implementation of Regional Strategies	No	

Relevant Section 9.1 Directions	Applicable	Consistency and implications
5.2 Sydney Drinking Water Catchments	No	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	No	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.8 Second Sydney Airport: Badgerys Creek	No	
5.9 North West Rail Link Corridor Strategy	No	
5.10 Implementation of Regional Plans	Yes	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.
6. Local Plan Making		
6.1 Approval and Referral Requirements	Yes	The planning proposal does not include any provisions that will require development application to seek approval or referral from any other public authority. Council will consult with public authorities prior to public exhibition in accordance with any conditions imposed on the planning proposal during Gateway determination.
6.2 Reserving Land for Public Purposes	Yes	The planning proposal does include the rezoning of land currently zoned RE1 Public recreation, however, this land is privately owned and not part of a crown reserve or land owned by Council. The rezoning is intended to address a historical anomaly and hence will not result in any inconsistency with this direction.
6.3 Site Specific Provisions	Yes	The planning proposal includes provisions to enable the use <i>Technological industries</i> to be carried out on land zoned B4 Mixed Use. The planning proposal meets the requirements of this direction by applying this use to all land zoned B4 within Newcastle LEP 2012 and not just that in Wickham.
7. Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	No	

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?

The planning proposal will not result in any other environmental effects not already considered above.

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

The planning proposal will have positive social effects through inclusion of the former Wickham and Bullock Island Rail Corridor as a heritage item and this will facilitate its protection for the community to have a connection to the area's past as well as enabling its reuse for passive recreational uses. The addition of land within certain road reserves (through amendment to the LRA map) will enable improvements to the public domain areas for community purposes.

Furthermore the planning proposal will provide positive economic impacts through the addition of *Technological industries*, increase in FSR on land to ensure feasibility of redevelopment and a minor adjustment to the HOB map to allow a better built outcome.

Section D - State and Commonwealth interests

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

Existing infrastructure within the City Centre is adequate to meet the needs of development potentially resulting from the proposal planning.

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

The following State and Commonwealth public authorities should be consulted with prior to public exhibition:

1. Mines Advisory NSW regarding the 1m increase to the HOB on land within a proclaimed mine subsidence district.
2. Office of Environment and Heritage regarding the proposed listing of a heritage item.
3. City Rail with respect to the partial acquisition and heritage listing of land under their ownership/control.

Part 4 - Mapping

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

- ✓ Land Zoning Map
- ✓ Height of Buildings Map
- ✓ Floor Space Ratio Map
- ✓ Minimum Lot Size Map
- ✓ Land Reservation Acquisition Map
- ✓ Heritage Map

The Matrix below indicates 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	✓		✓			✓	✓			✓	
004G											
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

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 local environmental plans'. It is proposed that the planning proposal will be publicly exhibited for a minimum 14 day period.

Part 6 - Project timeline

The plan making process is anticipated to take ten months as shown in the timeline below. It will be undertaken in accordance with the Gateway determination.

Task	Planning Proposal Timeline											
	Jun 18	Jul 18	Aug 18	Sep 18	Oct 18	Nov 18	Dec 18	Jan 19	Feb 19	Mar 19	Apr 19	May 19
Anticipated commencement date (date of Gateway determination)												
Anticipated timeframe for the completion of required studies												
Timeframe for government agency consultation												
Commencement and completion dates for public exhibition period												
Dates for public hearing (if required)												
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 (if delegated) or for finalisation (if not delegated)												

*RPA Relevant Planning Authority