

## Planning and Assessment

IRF20/4311

### Gateway determination report

<b>LGA</b>	Newcastle
<b>PPA</b>	City of Newcastle
<b>NAME</b>	41 and 47 Throsby Street, Wickham (27 homes, 115 jobs)
<b>NUMBER</b>	PP_2020_NEWCA_001_00
<b>LEP TO BE AMENDED</b>	<i>Newcastle Local Environmental Plan 2012</i>
<b>ADDRESS</b>	41 and 47 Throsby Street, Wickham
<b>DESCRIPTION</b>	Lots 62 and 63 DP 579890, Lots 1 and 2 DP 112816, Lot 200 DP 534787
<b>RECEIVED</b>	5 August 2020
<b>FILE NO.</b>	IRF20/4311
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal.

## 1. INTRODUCTION

### 1.1 Site description

The planning proposal relates to two sites (approximately 1,930m<sup>2</sup>):

- 41 Throsby Street, Wickham (Lot 63 DP579890, Lots 1/2 DP 112816 and Lot 200 DP 534787); and
- 47 Throsby Street, Wickham (Lot 62 DP 579890).

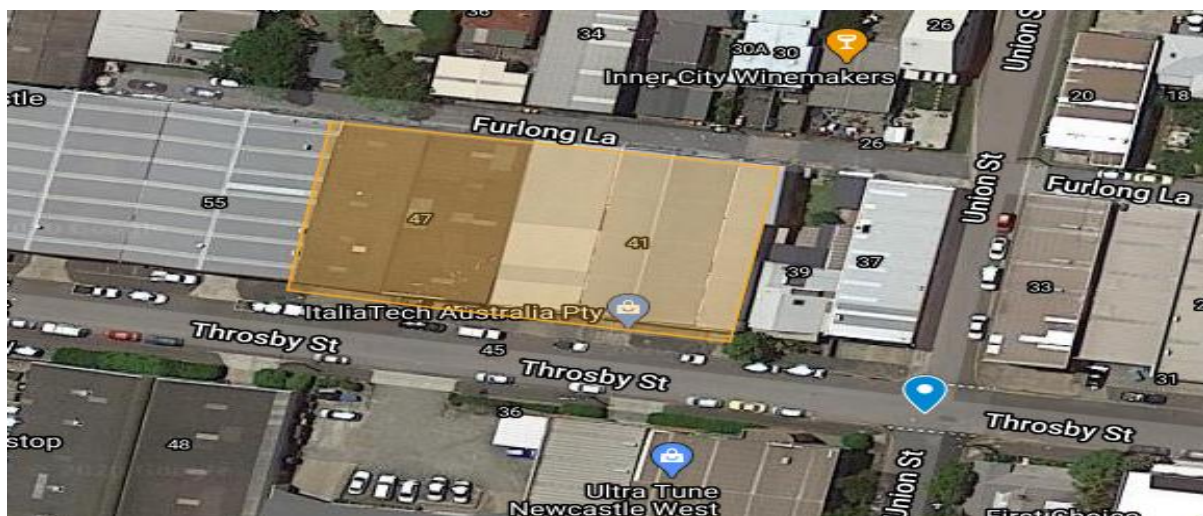


Figure 1: Site location



Figure 2: Current development of the site

## 1.2 Existing planning controls

The site is zoned B4 Mixed Use. It is not intended to change existing zoning.

The current permissible height of buildings is 10m and floor space ratio is 1.5:1

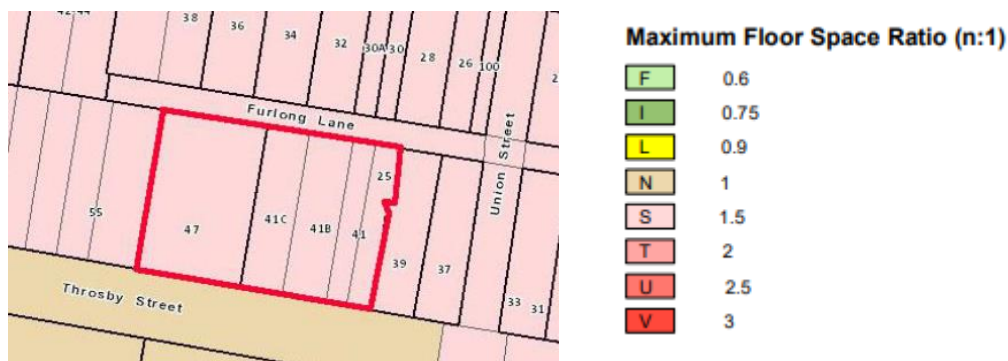


Figure 3: Current FSR 1.5:1



Figure 4: Current maximum height of buildings 10m

## 1.3 Surrounding area

Wickham is at the western end of Newcastle City and adjoins Throsby Creek on its north eastern boundary.

The immediate local area for 41 and 47 Throsby Street is characterised by warehousing and light industry on large blocks. Nearby there are some detached



Wickham Park, a local recreational area is a 265m walk to the west. The waterfront area is a 250m walk to the east.

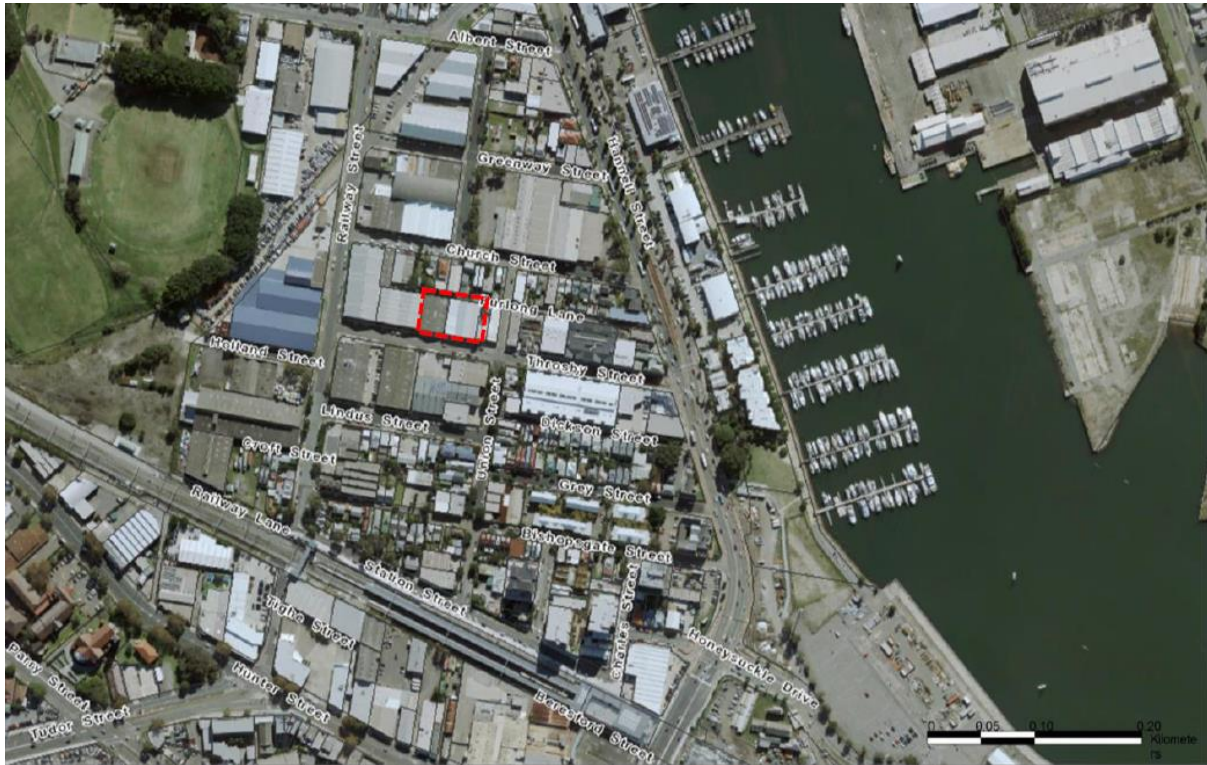


Figure 5: Site context

## 2. PROPOSAL

The planning proposal seeks to increase development standards contained in *Newcastle Local Environmental Plan 2012* to enable redevelopment of the site in a way that is consistent with the *Wickham Master Plan 2017*.

The planning proposal states this will make development of the site more feasible, given the need to address mine subsidence as well as provide improved accessibility through a new street connection and public domain improvements for pedestrians.

It is intended to amend *Newcastle Local Environmental Plan 2012* to increase floor space ration. The objectives are clear and no change is required.

The explanation of provisions notes the proposal would amend the local environmental plan by:

- amending floor space ratio from 1.5:1 to 3:1 for the whole site; and
- amending the maximum height of buildings from 10m to apply:
  - a 22m height limit to part of number 41 Throsby Street; and

- a 28m height limit to the remainder of number 41 and the all of number 47 Throsby Street.

The explanation of provisions are clear and no changes are required.

## **2.4 Mapping**

The planning proposal identifies that the floor space ration and height of buildings maps will be amended.

The planning proposal includes existing and proposed local environmental plan maps to demonstrate the amendments that would occur.

The mapping is clear and no changes are required.

## **3. NEED FOR THE PLANNING PROPOSAL**

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Newcastle City Council advised the planning proposal has been prepared in response to the *Wickham Master Plan 2017*, which seeks to increase density across the Wickham area to encourage redevelopment and fund necessary works and infrastructure.

To date, redevelopment of sites as part of the *Wickham Master Plan 2017* has been done by variation of development standards for individual proposals. Amending the development standards by way of a planning proposal provides for community consultation that acknowledges the development standard is no longer appropriate and provides transparency and certainty.

Streetscape controls and consistency will be achieved through development controls contained in Part 6.03 Wickham of the *Newcastle Development Control Plan 2012*.

## **4. STRATEGIC ASSESSMENT**

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### **4.1 State**

There are no State strategies that are relevant to this planning proposal.

### **4.2 Regional / District**

#### *Hunter Regional Plan 2036*

The planning proposal states it is consistent with the goals and directions of the *Hunter Regional Plan 2036*, notably:

- Direction 3 Revitalise Newcastle City Centre.

Wickham forms a key component of West Newcastle and is close to the harbour and public transport interchange. Action 3.1 seeks to promote the growth and renewal of Newcastle City Centre through local strategies and controls. The planning proposal is consistent with this action and in line with the *Wickham Master Plan 2017*.

- Direction 16 Increase resilience to hazards and climate change.

The amendments to the heights of buildings have taken into account the need to raise floor levels by up to 1m and avoid later variations of standards as part of a development application.

- Direction 20 Revitalise existing communities.  
Enabling redevelopment of Wickham will address place-making for main streets and centres and enhance amenity and attractiveness of a locality where growth will occur.
- Direction 23 Growth centres and renewal corridors.  
Action 23.1 seeks to concentrate growth in strategic centres to support economic and population growth and a mix of uses. The proposed precinct development and mixed use will achieve this outcome .

#### Greater Newcastle Metropolitan Plan 2036

The planning proposal states it is consistent with this plan's identified outcomes for the Newcastle City Centre Catalyst Area through:

- facilitating the long term expansion of the City Centre towards Wickham;
- increasing opportunities for transit oriented development around the Newcastle Interchange by increasing densities and walkability;
- responding to development constraints including mine subsidence and flooding by enabling increased redevelopment densities to fund subsidence management and elevated floor levels; and
- providing floor space for emerging new economies and businesses.

The planning proposal is also consistent with Action 1.3 – Newcastle City Council to align local plans to enable continued investment in Newcastle City Centre, of which Wickham is located.

### **4.3 Local**

#### Newcastle 2030 Community Strategic Plan

The planning proposal of itself ensures consistency with the strategic objective to consider decision-making based on collaborative, transparent and accountable leadership. The Community Strategic Plan is a high level plan which does not provide any specific direction for this site.

#### Newcastle Local Strategic Planning Statement (LSPS)

The planning proposal supports the LSPS by enabling the redevelopment of part of Wickham which is part of the Newcastle City Centre Catalyst Area. The planning proposal supports an increase in the provision of housing and jobs close to public transport and supports urban renewal and implements Action 8.6 Review the actions and continue to implement the Wickham Master Plan.

#### Wickham Master Plan 2017

The *Wickham Master Plan 2017* was prepared as a recommendation of the Newcastle Urban Renewal strategy, which was prepared by the NSW Government in 2012 and updated in 2014.

The planning proposal implements the vision in the *Wickham Master Plan 2017*, which includes:

- evolution of a diverse and dynamic mixed-use neighbourhood.



- redevelopment to support increased residential densities and employment generating uses that compliment and support the Newcastle City Centre commercial core.

the master plan identified potential future development densities based on both envisaged character precincts and potential developer incentives to deliver infrastructure, improvement of public domain and traffic and pedestrian connections. This site straddles two of those precincts:

- Emerging Industry Quarter
- Village Hub



Figure 6: Wickham Precincts and subject site

Increased height and floor space ratio will make it financially viable to redevelop these sites in accordance with the urban design principles of the master plan and manage the constraints of mine subsidence and flooding.

Redevelopment of the site will implement a key link, identified in the master plan, between Throsby Street and Furlong Lane through a voluntary planning agreement.

#### **4.5 State environmental planning policies (SEPPs)**

The planning proposal identifies four SEPPs being applicable and potentially relevant to the site. Their relevance is discussed below.

##### **SEPP 55 Remediation of Land**

Clause 6 of the SEPP previously required councils to consider potential land contamination when preparing a planning proposal and where the planning proposal was to permit certain sensitive land uses including residential.

The planning proposal does not introduce new land uses and clause 6 of the SEPP has been revoked on 17 April 2020. Any land contamination issues are required to be considered in the development application.

#### SEPP 65 Design Quality of Residential Apartment Development

The SEPP does not apply to the preparation of planning proposals and is strictly not relevant. Additionally, the site is already zoned B4 Mixed Use, which permits the land to be development for residential apartments.

Council has advised it is satisfied the proposed maximum heights and floor space ratio will enable development that is compliant with the SEPP and associated apartment design guidelines.

The *Wickham Master Plan 2017* and *Newcastle Development Control Plan 2012* adequately address design issues for apartment buildings. In addition, any new development applications for this site will be referred to council's design review panel, set up under the SEPP.

#### SEPP (Coastal Management) 2018

The planning proposal is amending development standards and enabling development that can adjust to flooding and coastal hazards.

The planning proposal applies to land that is within the areas identified as 'Coastal Environment Area' and a small part within the 'Coastal Use Area'. The SEPP applies to development applications lodged within those areas and any development application will need to address the issues in the SEPP, including coastal hazards and processes; environmental impacts; coastal access and amenity.

Council advised it is satisfied the proposed amendments to development standards will not result in development applications being inconsistent with the SEPP.

The *Wickham Master Plan 2017* responds to coastal access and amenity issues of the SEPP.

#### SEPP (Urban Renewal) 2010

The SEPP applies and the site is within the Newcastle Potential Precinct Map area.

The issues applying to development applications have been addressed by the preparation of the *Wickham Master Plan 2017*, with which the planning proposal is considered to be consistent.

### **4.4 Section 9.1 Ministerial directions**

The planning proposal is consistent with section 9.1 Ministerial directions or any inconsistencies are of minor significance.

#### 1.1 Business and Industrial Zones

The direction seeks to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified centres.

The planning proposal retains existing opportunities under the B4 Mixed Use zone. The proposed amendments to development standards will enable potential expanded opportunities in line with the *Wickham Master Plan 2017*.

The planning proposal is consistent with the direction.

## 2.2 Coastal Management

The site falls within the Coastal Environment and Coastal Use Areas within the *Coastal Management Act 2016*. Clause 4 applies and is satisfied by the design provisions of the *Wickham Master Plan 2017* and *Newcastle Development Control Plan 2012*.

The planning proposal is consistent with the direction.

## 2.6 Remediation of Contaminated Land

Prior to the current zoning of B4 Mixed Use, the site was previously zoned to allow for light industrial uses. However, it does not appear on Newcastle City Council's contaminated land register. The planning proposal does not seek to introduce new land uses and a preliminary report was not sought.

The planning proposal is consistent with the direction.

## 3.1 Residential Zones

The planning proposal is consistent the direction as it includes provisions that will broaden the choice of building types, make efficient use of existing infrastructure and services, reduce the consumption of land for housing on the urban fringe and be of good design.

The planning proposal is consistent with the direction.

## 3.4 Integrating Land Use and Transport

The planning proposal is close to the Newcastle Transport Interchange and will improve density of homes and jobs and improve the connectivity and walkability of the Wickham area.

The planning proposal is consistent with the direction.

## 4.1 Acid Sulfate Soils

The planning proposal identifies the site as being within Category 3 of the acid sulfate soils map in the *Newcastle Local Environmental Plan 2012*.

The planning proposal does not seek to change land uses. Clause 6.1 in the *Newcastle Local Environmental Plan 2012* requires acid sulfate soils management to be considered in the development application.

Any inconsistency with the direction is considered to be of minor significance.

## 4.2 Mine Subsidence and Unstable Land

The planning proposal identifies the land as within a proclaimed Mine Subsidence District and subject to the Subsidence Advisory NSW Guidelines.

Newcastle City Council intends to consult with Subsidence Advisory NSW prior to community consultation.

Consistent with section 4(c) of the direction, Council will need to include a copy of any information received from Subsidence Advisory NSW to the Department of Planning, Industry and Environment prior to undertaking community consultation in satisfaction of section 57 of the *Environmental Planning and Assessment Act 1979*.



#### 4.3 Flood Prone Land

The planning proposal applies to land identified as a flood planning area in the Newcastle City-wide Floodplain Risk Management Study and Plan.

Under the direction, a planning proposal must not contain provisions that apply to flood planning area that permit development in floodway areas, result in significant flood impacts to other properties, permit a significant increase in the development of the land or are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services.

The planning proposal does not propose a change of land uses and is not within a floodway or flood storage area. The proposed amendments to development standards are not considered to be substantial in the context of the direction.

#### 5.10 Implementation of Regional Plans

The planning proposal is consistent with the *Hunter Regional Plan 2036*.

### **5. SITE-SPECIFIC ASSESSMENT**

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#### **5.1 Social**

New transport infrastructure has connected Newcastle East to Wickham by light rail and strengthened Wickham's role in the renewal process. The *Wickham Master Plan 2017* responds to demographic and economic changes and proposes redevelopment that will help address residential densities and housing choice close to the emerging commercial centre of the city and in the vicinity of public transport. It will also provide other social benefits in access to quality open space and foreshore areas along Throsby Creek.

Residents will have access to jobs, improved services and more affordable quality apartment style housing within an improved urban environment.

#### **5.2 Environmental**

The planning proposal states the site does not contain critical habitat or threatened species, populations or ecological communities, or their habitats.

the proposed amendments to development standards may increase visual impact above existing warehouse type development. However, this will be within the context of improved streetscapes, urban design controls. When considered against current permissible building heights and those proposed in the *Wickham Master Plan 2017*, they will not have a significant visual impact in the longer term.

#### **5.3 Economic**

The planning proposal will aid the redevelopment of a remnant industrial site, currently generating a small number of jobs.

Its location close to the public transport interchange will enable residents to connect to jobs within the city centre.

#### **5.4 Infrastructure**

The existing infrastructure can meet the needs of the development that the planning proposal will generate. Redevelopment will support existing transport infrastructure.

## 6. CONSULTATION

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### 6.1 Community

Newcastle City Council proposes to exhibit the planning proposal for 28 days.

While the planning proposal is considered low impact in accordance with *A guide to preparing local environmental plans*, the 28 day period is considered appropriate as the exhibition will include a voluntary planning agreement which will include the laneway connection between Throsby Street and Furlong Lane.

It is also the first site within the *Wickham Master Plan 2017* to be implemented by way of a planning proposal.

### 6.2 Agencies

Consultation is proposed with Subsidence Advisory NSW.

## 7. TIME FRAME

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Council has proposed a 12 month timeframe for the planning proposal. This is considered an appropriate timeframe.

## 8. LOCAL PLAN-MAKING AUTHORITY

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Newcastle City Council has not sought to exercise delegations under Section 3.36 of the *Environmental Planning and Assessment Act 1979* in this instance.

Given this is the first planning proposal to implement the *Wickham Master Plan 2017* and includes some flexibility in relation to precinct boundaries and the location of a proposed laneway, it is appropriate the Minister (or delegate) should be the local plan-making authority.

## 9. CONCLUSION

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The planning proposal should proceed for the following reasons:

- it implements the *Wickham Master Plan 2017*;
- it increases the feasibility of managing mine subsidence issues for the site;
- a planning proposal is a transparent process that provides certainty to the community and the proponent, and is a better option than seeking to vary development standards.

## 10. RECOMMENDATION

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It is recommended that the delegate of the Secretary:

1. agree any inconsistencies with section 9.1 Ministerial directions 1.1 Business and Industrial Zones; 2.2 Coastal Management; 2.6 Remediation of Contaminated Land; 3.1 Residential Zones; 3.4 Integrating Land Use and Transport; 4.1 Acid Sulfate Soils; 4.3 Flood Prone Land; and 5.10 Implementation of Regional Plans are minor or justified.

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

1. The planning proposal should be made available for community consultation for a minimum of 28 days.

2. Consultation is required with Subsidence Advisory NSW prior to community consultation. Any response from Subsidence Advisory NSW is to be forwarded to the Department prior to community consultation.
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination. Council is to be advised that any delays in finalising the voluntary planning agreement for the site should not delay the timeline of the planning proposal or its finalisation.
4. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.



01/01/2021

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