



IRF NUMBER

## Plan Finalisation report – PP-2021-328

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41 & 47 Throsby Street, Wickham

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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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# 1 Introduction

## 1.1 Overview

### 1.1.1 Name of draft LEP

Newcastle Local Environmental Plan 2012 (Map amendment No. 2).

### 1.1.2 Site description

**Table 1 Site description**

Site Description	The planning proposal applies to land at:  41 Throsby Street, Wickham (Lot 63 on DP579890; Lots 1 & 2 on DP112816; Lot 200 on DP534787); & 47 Throsby Street, Wickham (Lot 62 on 579890). The site is 1,930sqm in area.
Type	Site
Council / LGA	City of Newcastle
LGA	Newcastle



**Figure 1 Subject site (source: Planning Proposal)**

### 1.1.3 Purpose of plan

The table below outlines the current and proposed controls for the LEP.

Table 2: Current and proposed controls

Control	Site	Current LEP	Wickham Masterplan (2017)	Wickham Masterplan (Sept 2021)	Exhibited PP (Oct-Nov 2021)	Draft Wickham Masterplan (March 2022)	Council endorsed PP (March 2022)	Final
Maximum building height	Lots 1 and 2 on DP112816 & Lot 200 on DP534787	10m	13m	14m (where site is >1,000sqm) 24m (where site is >2,000sqm)	22m	14m (where site is >1,000sqm)	14m	14m
	Lot 62 & 63 on DP579890	10m			28m	14m (where site is >1,000sqm) 24m (where site is >2,000sqm)	28m	28m
Floor space ratio	Lots 1 and 2 on DP112816 & Lot 200 on DP534787	1.5:1	2:1	2:1 (where site is >1,000sqm) 3:1 (where site is >2,000sqm)	3:1	2:1 (where site is >1,000sqm)	3:1	3:1
	Lot 62 & 63 on DP579890					2:1 (where site is >1,000sqm) 3:1 (where site is >2,000sqm)		
Number of dwellings	41 & 47 Throsby St, Wickham	27	Unknown	Unknown	76	Unknown	69	69

### 1.1.4 State electorate and local member

The site falls within the Newcastle state electorate. Mr Tim Crakanthorp MP is the State Member.

The site falls within the Newcastle federal electorate. Ms Sharon Claydon MP is the Federal Member.

To the Central Coast and Hunter team's knowledge, neither MP has made any written representations regarding the planning proposal.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this planning proposal.

## 2 Gateway determination and alterations

The Gateway determination issued on 1/01/2021 determined the planning proposal should proceed subject to conditions. Council has met all the Gateway determination conditions.

The Gateway determination was altered on 20 May 2021 to identify public exhibition must commence by 1 August 2021.

The Gateway determination was further altered on 6 September 2021 to identify public exhibition must commence by 1 November 2021 and the timeframe for completing the LEP is to be 18 months from the Gateway determination.

In accordance with the Gateway determination (as altered) the planning proposal is due to be finalised by 1 June 2022.

## 3 Public exhibition and post-exhibition changes

In accordance with the revised Gateway determination, the planning proposal was publicly exhibited by Council from 1/10/2021 to 29/11/2021, as required by Schedule 1 of the *Environmental Planning and Assessment Act 1979*.

A total of 76 community submissions were received, comprising 71 objections and 5 supporting the planning proposal.

### 3.1 Submissions during exhibition

#### 3.1.1 Submissions supporting the proposal

Five submissions supported the planning proposal, noting:

- the development will enhance the community values of Wickham as envisaged by the Wickham Master Plan,
- the planning agreement provides a balance between community infrastructure in-line with the Wickham Master Plan, and
- the planning proposal will deliver better commercial amenities and connectivity by activating a key laneway.

#### 3.1.2 Submissions objecting to and/or raising issues about the proposal

Of the individual submissions, 71 objected to the proposal (93% of total).

Table 3 includes a summary of key issues, Council's response, and a Department assessment of adequacy of response.

Table 3 Summary of Key Issues

Issue raised	Submissions (%)	Council response and Department assessment of adequacy of response
The proposal varies to the Wickham Master Plan.	43%	<p><u>Council Response:</u></p> <p>Following exhibition, the planning proposal has been amended with the height of building controls for part 41 Throsby Street reduced to 14m, reflective of its siting within the Village Hub. This responds to the envisaged scale and future character of the Village Hub as set out in <i>Wickham Master Plan 2021</i>.</p> <p>The height of building for 47 and part 41 Throsby Street remains at 28m as previously exhibited. While the 28m height of building is above what is envisaged for the site in the <i>Wickham Master Plan 2021</i>, this variation is considered acceptable. The site is located within the Emerging Industry Quarter, which has an envisaged higher density future character per the master plan.</p> <p>The draft development control plan is proposing development at 41 Throsby Street above 10m would have an 8m side setback to 39 Throsby Street, as well as a 6m front and rear setback.</p> <p>No changes are proposed to the overall floor space ratio for the amalgamated site. Meaning the proposed laneway (to be delivered via a planning agreement) can still be delivered as part of future development on the site.</p> <p>It is noted the planning proposal is subject to a separate planning process as it was initiated before the drafting and endorsement of the <i>Wickham Master Plan 2021</i> and Community Infrastructure Incentives Policy.</p> <p>The final design of the built form will require detailed assessment during the DA process to ensure consistency with the planning controls.</p> <p><u>Department's Response:</u></p> <p>The 2017 Wickham Master Plan envisaged the site as providing a maximum height of 13m and a floor space ratio of 2:1.</p> <p>Prior to the exhibition of the planning proposal, Council updated the 2017 master plan and provided an incentive height of up to 24m where a site met minimum site requirements. The site at 41 &amp; 47 Throsby St, Wickham did not meet the required standards to achieve the incentive height limit of up to 24m.</p> <p>Although the site did not meet the required standards of the 2017 master plan to facilitate an incentive uplift of 24m, the ability to achieve and deliver a feasible development on a site is based on a range of factors, including site dimensions and characteristics.</p> <p>The reduction in height to 14m on part of the site is supported as the re-development potential of sites further to the east on Throsby St are limited by their site area. The 14m height will provide a transition in scale and bulk from Union St, whilst being</p>

Issue raised	Submissions (%)	Council response and Department assessment of adequacy of response
		<p>of a scale that allows for smaller residential buildings at approximately three storeys, terrace style housing, or shop top housing.</p> <p>Since the exhibition of the planning proposal, the Department has released the draft Hunter Regional Plan 2041. The draft plan seeks to support greater infill development in locations such as Wickham to provide opportunities for walking, connectivity, and greater use of public transport. The draft plan identifies development of a scale that achieves an optimum density of 75 dwellings per hectare in urban locations, such as Newcastle City Centre. This scale can be achieved in many differing forms, including buildings of a height between 3-4 storeys.</p> <p>There were a large number of submissions on the draft plan in relation to the proposed density targets, including the proposal to make them mandated. The Department is currently considering these submissions to inform a final plan.</p> <p>Council's response addresses the issue raised.</p>
<p>The proposed height is inconsistent with the Wickham Master Plan and the character of the Village Hub area.</p>	<p>78%</p>	<p><u>Council Response:</u></p> <p>Council made amendments to the planning proposal post exhibition that address community concerns about higher built forms at 41 Throsby Street which is within the Village Hub area.</p> <p>The height of building controls for part 41 Throsby Street has been reduced to 14m, reflective of its siting within the Village Hub. This responds to the envisaged scale and future character of the Village Hub as set out in <i>Wickham Master Plan 2021</i>.</p> <p>The height of building controls for 47 and part 41 Throsby Street remains at 28m as was exhibited. This area of the site sits within the Emerging Industry Quarter.</p> <p>Furthermore, it is proposed an update development control plan will apply to future development at the site.</p> <p>The subsequent development application process will identify and manage impacts arising from development at the site including overshadowing and privacy.</p> <p>The proposed increase in development is consistent with the <i>Hunter Regional Plan 2036</i> and the <i>Greater Newcastle Metropolitan Plan 2036</i> and reflects Wickham's positioning adjacent to the new CBD at Newcastle West and in proximity to the Newcastle Interchange.</p> <p>The planning proposal aligns with the <i>Wickham Master Plan 2021</i> in that it will facilitate the provision of community infrastructure (proposed laneway) as part of the future redevelopment and urban renewal of the Wickham area.</p> <p><u>Department Response:</u></p>

Issue raised	Submissions (%)	Council response and Department assessment of adequacy of response
		<p>The 2017 Wickham Master Plan identified a height limit of up to 13m and a floor-space ratio of 2:1 for the site. The planning proposal was prepared having regard to the 2017 master plan and opportunity to facilitate increased community infrastructure.</p> <p>The <i>Wickham Master Plan 2021</i> was finalised during the progression of this planning proposal and provided an incentive height up to 24m for part of the site where the site area is greater than 2,000m<sup>2</sup>.</p> <p>Council initially supported the planning proposal to proceed to public exhibition despite the site having an area of 1,930m<sup>2</sup> (70m<sup>2</sup> below the incentive height).</p> <p>The specific precincts and their corresponding character outcomes are ultimately a matter for Council to determine. In this case, this has been amended following community feedback.</p> <p>Council's response addresses the issue raised.</p>
The proposed laneway was not mentioned in WMP.	14%	<p><u>Council Response:</u></p> <p>The 2017 Wickham Master Plan had identified the proposed laneway to be provided within the adjoining land at 55 Throsby Street. This is reflected on Council's Land Reservation Acquisition Map.</p> <p>Notwithstanding, Council has identified a greater benefit in supporting the delivery of a laneway within 47 Throsby Street while maintaining the opportunity to widen this laneway when 55 Throsby Street redevelops in the future.</p> <p>The provision of the laneway is consistent with the Wickham Local Area Traffic Management Plan prepared and adopted together with the 2017 Wickham Master Plan.</p> <p><u>Department Response:</u></p> <p>Council's response addresses the issue raised.</p>
No laneway will offset the impact of altering the character of the Village Hub	34%	<p><u>Council Response:</u></p> <p>A laneway between Throsby Street and Furlong Lane was identified in the 2017 Wickham Master Plan and the Traffic and Transport Assessment, which was prepared and endorsed by Council as part of the 2017 master plan. It is one of three 'circulation laneways' identified to alleviate traffic management and safety concerns in Wickham.</p> <p>Council acknowledges the proposed laneway will benefit the development in that it provides building separation between the site and the adjoining 55 Throsby Street.</p> <p>The laneway will provide direct vehicle access to the site and will benefit other properties in the area as these are redeveloped in the future. Furthermore, the laneway will also serve to:</p>

Issue raised	Submissions (%)	Council response and Department assessment of adequacy of response
		<ul style="list-style-type: none"> <li>• reduce the number of vehicle crossovers along Throsby Street, improving pedestrian safety in the area;</li> <li>• improve vehicle circulation in the area and alleviate some local traffic pressure along Throsby Street; and</li> <li>• allow waste collection services to service the site and properties fronting Church Street without having to rely on reverse manoeuvres along Furlong Lane and Union Street.</li> </ul> <p>The land acquisition existing on the adjoining 55 Throsby Street will allow for the future widening of the laneway if this site develops in the future. This could allow for an additional parking lane and public domain fronting as well as increased building separation and solar amenity.</p> <p><u>Department Response:</u></p> <p>Councils are responsible for the design and provision of local infrastructure. Council's response addresses the issue raised.</p>
The laneway design is insufficient to cater for larger vehicles and only supports the residents of the proposed building	14%	<p><u>Council Response:</u></p> <p>The conceptual design of the laneway and adjacent public domain has been designed in accordance with Council's specifications.</p> <p>All laneway works will be designed and constructed to relevant Australian and Industry Standards for Roads, Verge Works and Public Links applicable at the time of issuing the Construction Certificate, including relevant AUS-SPEC Technical Specifications, standard drawings as published on Council's website, and/or Council's public domain technical manual.</p> <p>As per the planning agreement, the 6.5m wide laneway will consist of a roadway of up to 4m wide supporting one-way travel in a northerly direction from Throsby Street to Furlong Lane. The intersections to both Throsby Street and Furlong Lane will be designed to accommodate the travel and turning path of larger vehicles including Council garbage trucks and delivery vehicles.</p> <p>The land acquisition existing on the adjoining 55 Throsby Street will allow for the future widening of the laneway to 6.5m. This could allow for an additional parking lane and public domain fronting as well as increase building separation and increase solar amenity.</p> <p>No widening to Furlong Lane is proposed as part of the development.</p> <p><u>Department Response:</u></p> <p>Councils are responsible for the design and provision of local infrastructure. Council's response addresses the issue raised.</p>

Issue raised	Submissions (%)	Council response and Department assessment of adequacy of response
The planning proposal will create unacceptable traffic impacts.	49%	<p><u>Council Response:</u></p> <p>Council acknowledges the planning proposal will facilitate a higher development yield than is currently permissible. Notwithstanding, the increase in development is consistent with the <i>Hunter Regional Plan 2036</i> and the <i>Greater Newcastle Metropolitan Plan 2036</i> and reflects Wickham's positioning adjacent to the new CBD at Newcastle West and in proximity to the Newcastle Interchange.</p> <p>The 2017 and 2021 Wickham Master Plans also identify Wickham as a location for increased residential densities.</p> <p><u>Department Response:</u></p> <p>The planning proposal is consistent with the <i>Hunter Regional Plan 2036</i> and the <i>Greater Newcastle Metropolitan Plan 2036</i>.</p> <p>Councils are responsible for the design and provision of local infrastructure, including the safety and efficiency of local roads.</p> <p>Council's response addresses the issue raised.</p>
The planning proposal will further congest narrow streets with on-street car parking.	14%	<p><u>Council Response:</u></p> <p>The <i>Wickham Master Plan 2021</i> includes an action to "investigate and plan for the provision of public car parking and other complementary uses within the formal rail corridor to cater for users of Wickham Park and the broader area". These investigations will proceed independently to this planning proposal.</p> <p>The carparking requirements of the proposed development will be considered as part of the development application process. This will include an assessment against the relevant carparking standards set out in <i>Newcastle Development Control Plan 2012</i>.</p> <p>Subsequent development of the site will reduce the need for vehicle crossovers along Throsby Street. This may alleviate some local carparking pressures. Further, the potential future widening of the proposed laneway through the redevelopment of 55 Throsby Street will include a row of parallel parking spaces that also may alleviate some local carparking pressures.</p> <p><u>Department Response:</u></p> <p>Councils are responsible for the design and provision of local infrastructure, including local roads and local car-parking through planning standards, such as the <i>Newcastle Development Control Plan 2012</i>.</p> <p>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 Wickham.</p> <p>Council's response addresses the issue raised.</p>

Issue raised	Submissions (%)	Council response and Department assessment of adequacy of response
Increase demand on services/utilities	28%	<p><u>Council Response:</u></p> <p>Council acknowledges the planning proposal will facilitate a higher development yield than is currently permissible. Notwithstanding, the increase in development is consistent with the <i>Hunter Regional Plan 2036</i> and the <i>Greater Newcastle Metropolitan Plan 2036</i>.</p> <p>The capacity for local infrastructure and services to cater for additional development has been considered at a strategic level when the 2017 Wickham Master Plan was adopted.</p> <p><u>Department Response:</u></p> <p>The planning proposal is consistent with the <i>Hunter Regional Plan 2036</i> and the <i>Greater Newcastle Metropolitan Plan 2036</i>.</p> <p>Council's response addresses the issue raised.</p>
The planning proposal does not provide community infrastructure and should not be considered against the community infrastructure incentives policy	21%	<p><u>Council Response:</u></p> <p>The need for a laneway between Throsby Street and Furlong Lane was identified in the 2017 Wickham Master Plan and Traffic and Transport Assessment, which was prepared and endorsed as part of the master plan. It is one of three 'circulation laneways' identified to alleviate traffic management and safety concerns in the Wickham area.</p> <p>The planning agreement is generally consistent with the principles of Council's endorsed Community Infrastructure Incentives Policy. While the planning proposal varies from the height of building standards proposed in the <i>Wickham Master Plan 2021</i>, it is consistent with the mechanisms described in the Community Infrastructure Incentives Policy in that the increased height and floor space ratio corresponds with an agreed gross floor area rate, having regard for the value of the laneway offered as community infrastructure per the planning agreement.</p> <p>The planning agreement will legally require any future redevelopment of the site to deliver the laneway. As such, there is no requirement to amend the land acquisition map. The land acquisition will remain on 55 Throsby Street which will allow for the future widening of the laneway should that site redevelop in the future.</p> <p><u>Department Response:</u></p> <p>Council is responsible for the design and provision of local infrastructure, including voluntary planning agreements with proponents.</p> <p>Council's response addresses the issue raised.</p>

### 3.1.3 Other issues raised

Other matters of concern raised in submissions included:

- additional density is not required;
- impacts of potential loss of amenity and privacy;
- impacts of potential overshadowing and wind tunnel effects;
- concerns the planning proposal will set a precedent to vary the Wickham Master Plan;
- concerns with garbage collection; and
- concerns with flooding, heritage and mine subsidence.

Council's response to these matters is considered adequate.

## 3.2 Advice from agencies

In accordance with the Gateway determination, Council was required to consult with agencies listed below in Table 4 who have provided the following feedback.

**Table 4 Advice from public authorities**

Agency	Advice raised	Council response
Subsidence Advisory NSW	<p>The site is located within an area of influence of historical mine workings. It is also located within the Newcastle Mine Subsidence District.</p> <p>The planning proposal will need a geotechnical investigation to align with the agencies' NSW Merit Assessment Policy.</p>	<p>A mine subsidence assessment was prepared to support the planning proposal. The analysis considered an appropriate 'safe' design, and the factors were within the economical design for buildings.</p> <p>Council identified that SANSW advised this assessment is sufficient to allow the planning proposal to proceed and that further assessment will be required in the development application.</p> <p>As a result, Council is satisfied the planning proposal can proceed.</p>

The Department considers Council has adequately addressed matters raised in submissions from public authorities.

## 3.3 Post-exhibition changes

### 3.3.1 Council resolved changes

At Council's Ordinary Meeting on 26/04/2022, Council resolved to proceed with the following post-exhibition changes:

- reduce the height limit on Lots 1 and 2 on DP112816 & Lot 200 on DP534787 (41 Thorsby Street) from the exhibited 22m to 14m.

Council considered the proposed changes better reflects the desired future character of the Village Hub Urban Precinct and its lower-scale urban mixed-use typologies as per the Wickham Master Plan.

### 3.3.2 The Department's recommended changes

Following the receipt of the revised planning proposal from Council, the Department did not recommend further changes.

### 3.3.3 Justification for post-exhibition changes

The Department considers the post-exhibition changes do not require re-exhibition as they would be considered a potential reduction in development impact.

The post-exhibition changes:

- still achieve the intent of the multiple iterations of the Wickham Master Plan; and
- do not alter the intent of the planning proposal; and
- are amendments in response to community consultation.

## 4 Department's assessment

The planning proposal has been subject to detailed review and assessment through the Department's Gateway determination and subsequent planning proposal processes. It has also been subject to a high level of public consultation and engagement.

The following reassesses the proposal against relevant section 9.1 Ministerial directions, SEPPs, *Hunter Regional Plan 2036* and Council's Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the planning proposal (as modified).

As outlined in the Gateway determination report, the planning proposal submitted to the Department for finalisation:

- remains consistent with the *Hunter Regional Plan 2036* and *Greater Newcastle Metropolitan Plan 2036*;
- remains consistent with the Council's Local Strategic Planning Statement;
- remains consistent with all relevant section 9.1 Ministerial directions; and
- remains consistent with all relevant SEPPs.

The following tables identify whether the planning proposal is consistent with the assessment undertaken at the Gateway determination stage. Where the planning proposal is inconsistent with this assessment, requires further analysis or requires reconsideration of any unresolved matters these are addressed in Section 4.1

**Table 5 Summary of strategic assessment**

	Consistent with Gateway determination report Assessment	
<i>Hunter Regional Plan 2036</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Strategic Planning Statement	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Plans	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1
Section 9.1 Ministerial directions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
State Environmental Planning Policies (SEPPs)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

**Table 6 Summary of site-specific assessment**

Site-specific assessment	Consistent with Gateway determination report Assessment	
Social and economic impacts	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1
Environmental impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Infrastructure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

## 4.1 Detailed assessment – Post-exhibition changes

The following section provides details of the Department's assessment of key matters and any recommended revisions to the planning proposal post-exhibition. The Department has undertaken a detailed assessment of the planning proposal during the post-exhibition phase, given the Department is identified as the Local Plan-Making Authority.

In undertaking this assessment, the Department did not consider the planning agreement. The planning agreement is a matter for consideration between Council and the proponent.

### Mine subsidence

The site is located within an area of influence of historical mine workings. It is also located within the Newcastle Mine Subsidence District. The Department understands a reason why the Wickham Master Plan has been amended over time is in relation to better understanding of mine subsidence constraints and feasibility of mine grouting in the area.

Given the range of constraints, Subsidence Advisory NSW were consulted on the planning proposal. The agency requested additional investigations be undertaken.

The proponent prepared detailed technical investigations to support the merit of the planning proposal. The investigations considered an appropriate 'safe' design, and the factors were within the economical design for buildings.

Council identified the planning proposal was adequate to proceed to finalisation after considering this advice.

### Wickham Master Plan

The Wickham area has undergone significant planning policy changes since 2017 and most recently, a revised master plan was exhibited.

Although various iterations of the master plan have occurred over time, the Department's review of the planning proposal considered both strategic merit and site-specific merit. While the master plan may have changed since the planning proposal was exhibited, it is one of several considerations in determining the overall merit of the planning proposal.

### Urban design

Given the number of iterations to the Wickham Master Plan and the strategic importance of the Wickham area, including the opportunity it presents to support increased densities in proximity to the Wickham Interchange and Newcastle CBD, the Department undertook an internal urban design review of the proposed heights and bulk envisaged in the planning proposal.

Additionally, the desired future character can vary from preserving the existing look to establishing a completely new character. In light of several iterations of the Wickham Master Plan being prepared, it appears the character intent through height controls has varied over time. However,

common features, such as human scale, overshadowing, and site scale (being the site in relation to neighbouring properties) all play important roles to define and guide future development.

The review considered the applicant's planning proposal, associated planning controls, the character of the Village Hub and the Emerging Industry Quarter, as well as the design intent and transition in heights from the Wickham Transport Interchange.

The proposed floor space ratio (FSR) of 3:1 has remained the same and does not form a critical component of this assessment. The ability to achieve an FSR is commonly determined by a range of factors such as the Development Control Plan, the Apartment Design Guide, or other site-specific factors that may need to be addressed during the Development Application stage. Reliance on achieving the FSR will have to be considered in light of many other factors that impact on the bulk and scale of a building.

The internal design review noted the design character and the differing height impacts of:

- (i) buildings with a height of 24m across the site,
- (ii) heights envisaged in the 2017 Wickham Master Plan, and
- (iii) the proponent's development concept.

The character intent of the Emerging Industry Quarter in the 2017 Wickham Master Plan envisages a larger scale development than the Village Hub. The 2017 Wickham Master Plan envisages the Village Hub for terrace style housing, shop top housing and smaller residential building up to three storeys in height. The review noted this intent in its review.

The review advised the overshadowing impacts of the proponent's development concept was minimal compared to the 24m height limit envisaged in the *Wickham Master Plan 2021*. However, the review identified the merit in the post-exhibition height reduction to the corner of Throsby and Union Street and that the delivery of the laneway is necessary for the overall precinct.

As noted by the Apartment Design Guide, character is not easily defined and the transition of buildings on a single block is required to consider the height in relation to its surrounds, its economic importance and future desired intent. Although differences in overshadowing impacts of the various heights proposed for the site over time are considered minimal, the transition of 35m to 28m and then down to 14m provides an opportunity to consider site-specific development potential alongside the character intent and vision for the area.

The post-exhibition reduction in height to 14m on part of the site is supported, given the re-development potential of sites further to the east on Throsby Street are limited by their area and the sites to the west still facilitate alignment with the density targets and opportunity for urban renewal outlined in strategic planning documents. The reduced height limit will provide a transition from Union Street to support a human scale and reduced bulk, whilst also being of a height that allows for smaller residential buildings at approximately three storeys, terrace style housing, or shop top housing which is consistent with the minimum density the area should be accommodating.

### **Draft Hunter Regional Plan 2041**

Since the exhibition of the planning proposal, the Department released for public exhibition the draft Hunter Regional Plan 2041.

The draft regional plan seeks to support greater infill development in locations such as Wickham to provide opportunities for walking, connectivity, and greater use of public transport. The draft plan identifies development of a scale that achieves an optimum density of 75 dwellings per hectare in urban locations such as Newcastle City Centre. This scale can be achieved in many differing forms including buildings of a height between 3-4 storeys.

It also promotes more housing that can access everyday needs within 15 minutes, including by walking, cycling or public transport.

The post exhibition changes to the planning proposal would have been considered in light of the above. However, in this case the planning proposal is consistent with the current *Hunter Regional Plan 2036*. Additionally, there were a large number of submissions on the draft plan in relation to the proposed density targets, including the proposal to make them mandated. The Department is currently considering these submissions to inform a final plan.

## 5 Post-assessment consultation

The Department consulted with the following stakeholders after the assessment.

**Table 7 Consultation following the Department's assessment**

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Mapping	Two maps have been reviewed by the Department's ePlanning team and meet the technical requirements.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Council	<p>Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i></p> <p>Council confirmed on 27/06/2022 that it approved the draft and that the plan should be made.</p> <p>Council was also consulted during the finalisation of the planning proposal to understand the context to the revised Wickham Masterplans and their relationship to the merit of the planning proposal for 41 &amp; 47 Thorsby St, Wickham.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Applicant	The applicant was consulted during the finalisation of the planning proposal. The applicant made representation to the Department for a revised building height to be re-instated for 41 & 47 Thorsby St, Wickham.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

## 6 Recommendation


It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- the draft LEP has strategic merit being consistent with the Wickham Master Plan and *Hunter Regional Plan 2036* and *Greater Newcastle Metropolitan Plan 2036*;
- issues raised during consultation have been addressed; and
- there are no outstanding agency objections to the planning proposal.



Daniel Starreveld

Manager, Local and Regional Planning



01/07/2022

Dan Simpkins

Director, Central Coast and Hunter Region

### Assessment officer

Thomas Holmes

Senior Planning Officer, Planning & Land Use Strategy

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