

Planning Proposal 233 Wharf Road, 150 & 150A Scott Street, Newcastle

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

Version	Description	Date
1.	Council endorsement	
2.	DPE requested changes	
3.	Public exhibition	
4.	Final adoption	

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Summary of proposal

Proposed amendment to Newcastle LEP 2012	<p>Amend mapping with respect to the land:</p> <ul style="list-style-type: none"> – Apply Height of Building of 14 metres – Apply Floor Space Ratio of 2:1 – Change the zone from RE1 Public Recreation and SP2 Infrastructure to SP3 Tourism – Include site on Key Site Map <p>Amend Schedule 4, Part 1 to include 233 Wharf Road, Newcastle</p>
Land application	<p>233 Wharf Road, Newcastle (described as Lot 1 DP 1158422, and</p> <p>Part 150 Scott Street, Newcastle (described as part Lot 4 DP 1226551), and</p> <p>Part 150A Scott Street, Newcastle (described as part Lot 3DP 1226551),</p>
Land Ownership	<p>233 Wharf Road Newcastle – City of Newcastle</p> <p>Part 150 Scott Street, Newcastle – Hunter Central Coast Development Corporation</p> <p>Part 150A Scott Street, Newcastle – Transport for NSW</p>
Initiated by	City of Newcastle

Overview

Council resolved on 27 September 2016 to endorse a Planning Proposal for surplus rail corridor land between Worth Place and Watt Street, Newcastle and to forward the Planning Proposal to the Minister for Planning and Environment for Gateway Determination. On 13 December 2016, Gateway Determination was issued by the NSW Department of Planning and Environment.

The Gateway Determination included several conditions, including the removal of Parcel 12 (Part 150 Scott Street, Newcastle) from the Planning Proposal; the DPE provided the following reasons for their decision:

"In making this determination, I have carefully considered the proposed rezoning of Parcel 12. I understand the challenges that this site has posed for Council when determining planning controls, particularly considering the uncertainty regarding the longer term future of the adjacent land. As such I have determined not to support Parcel 12 proceeding as part of the broader planning proposal. I am of the opinion that Parcel 12 should not proceed separately but as a consolidated proposal for both the site and the adjacent council owned land."

Newcastle Local Environmental Plan 2012 (Amendment No 32) in relation to the rezoning of the Rail Corridor, was Gazetted on the 17 April 2018.

Further investigation into the future use of Parcel 12 (currently owned by Hunter Central Coast Development Corporation HCCDC) and 233 Wharf Road Newcastle has been undertaken by staff in consultation with HCCDC. It is proposed to include the consolidated site on the key sites map to ensure a high-quality design outcome is achieved.

Development application DA2012/00463 was approved under delegation on 7 February 2019 for the subdivision of the land to provide for separate allotments for the Newcastle Station, Market Street Lawn, the Signal Box and Parcel 12. The subdivision would facilitate the dedication of Parcel 12 and Market Street Lawn to CN.

233 Wharf Road, Newcastle will continue to be used as a car park in the short to medium term.

Following the deferral of Parcel 12, the lot was subdivided to facilitate the light rail works. 150A Scott Street Newcastle is currently owned by Transport for NSW but will be dedicated to City of Newcastle as the site comprises, footpath, light poles and street trees. This site is also zoned SP2 Infrastructure and as such is proposed to be included in this Planning Proposal to ensure an appropriate zone is applied to the site.

Context

Figure 1 Local of site



Part 1 - Objectives or intended outcomes

To amend Newcastle Local Environmental Plan 2012 (NLEP2012) to enable:

- a. rezoning of land to reflect current and envisaged future use
- b. Reclassification of 233 Wharf Road Newcastle from Community to Operational land
- c. redevelopment of the site as a multi purpose community space that complements the surrounding land uses.

Part 2 - Explanation of provisions

It is proposed to amend the NLEP2012by:

- Including 233 Wharf Road Newcastle within Part 1 – Land classified or reclassified, as operational land – no interests changed within Schedule 4 Classification and reclassification of public land, as follows:
 - a) Column 1 to read “*Newcastle*”
 - b) Column 2 to read “Lot 1, DP 1158422, 233 Wharf Road”.
- Amending Map LZN_004G by rezoning 233 Wharf Road Newcastle from RE1 Public Recreation to SP3 Tourist and rezone part 150 and 150A Scott Street from SP2 Infrastructure (Railway) to SP3 Tourist.
- Amending Map HOB_004G by including a maximum building height of 14 metres to all sites.
- Amending Map FSR_004G to include a maximum permissible floor space ratio of 2:1 to all sites
- Amending Map LSZ _004G to remove the minimum lot size for 233 Wharf Road Newcastle
- Amending Map CL1_004G to include 233 Wharf Road and Part 150A Scott Street Newcastle on the Key Sites Map.

Figure 2 – Existing Land Classification

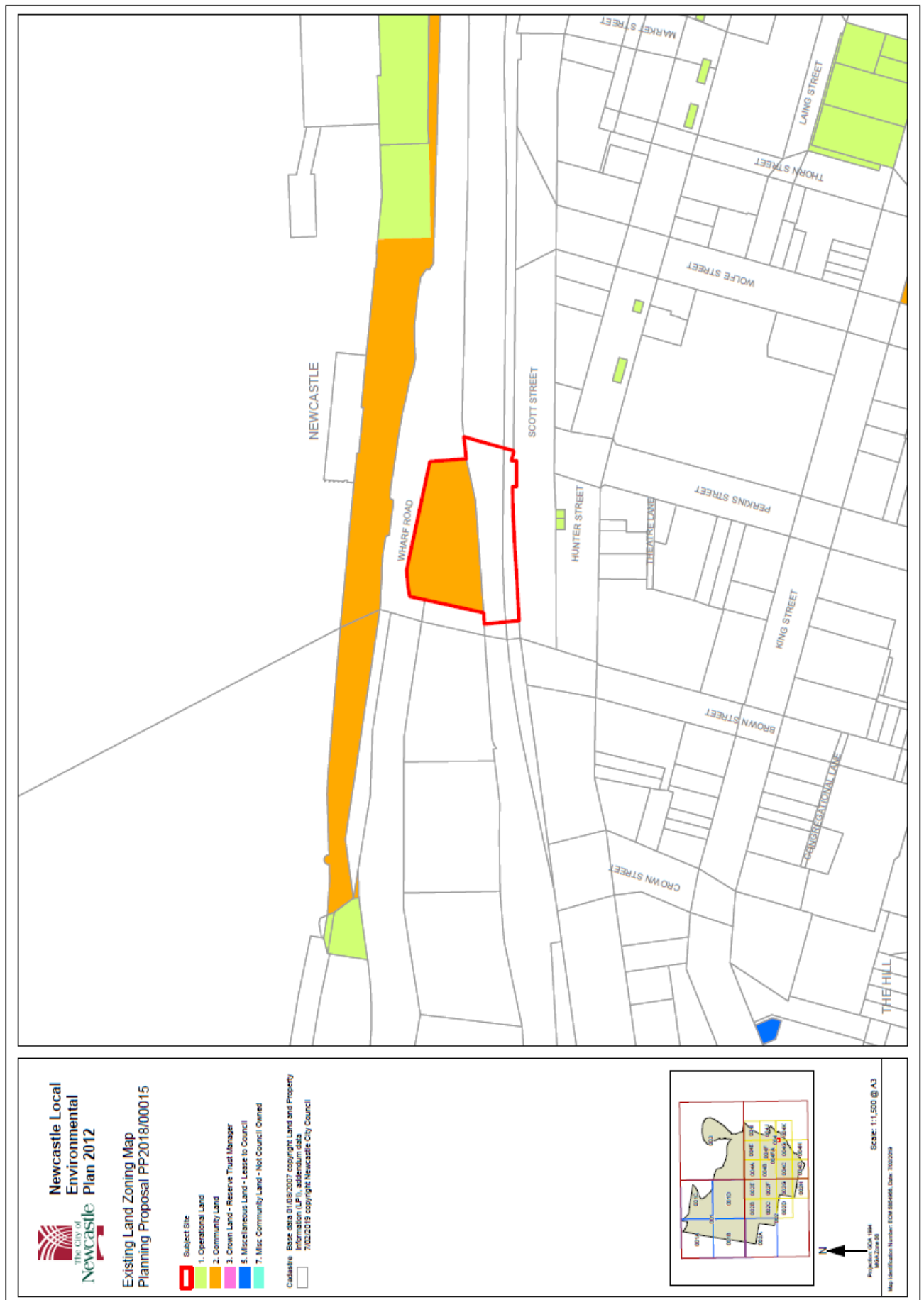


Figure 3 – Proposed Land Classification

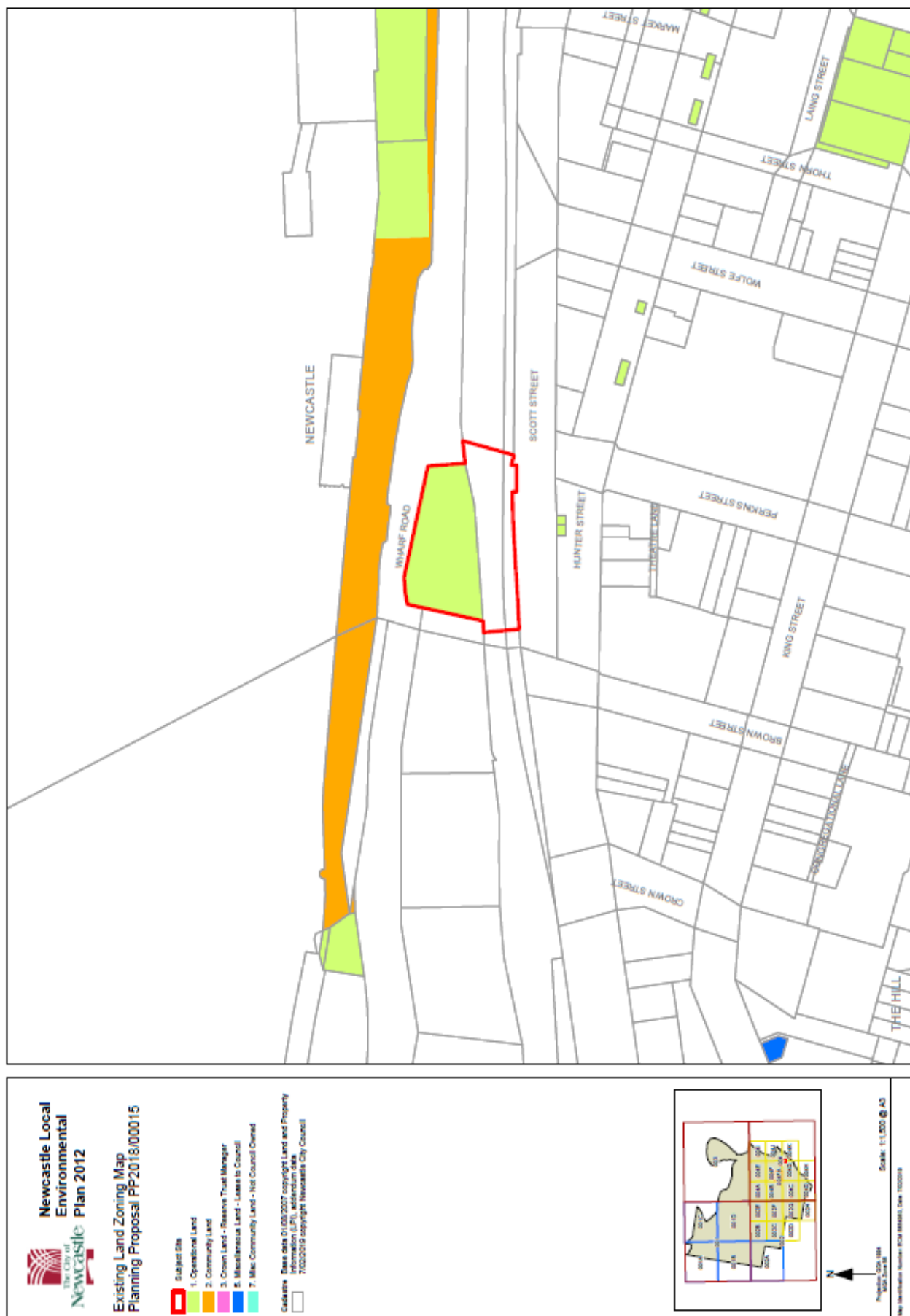


Figure 4 – Existing Zone

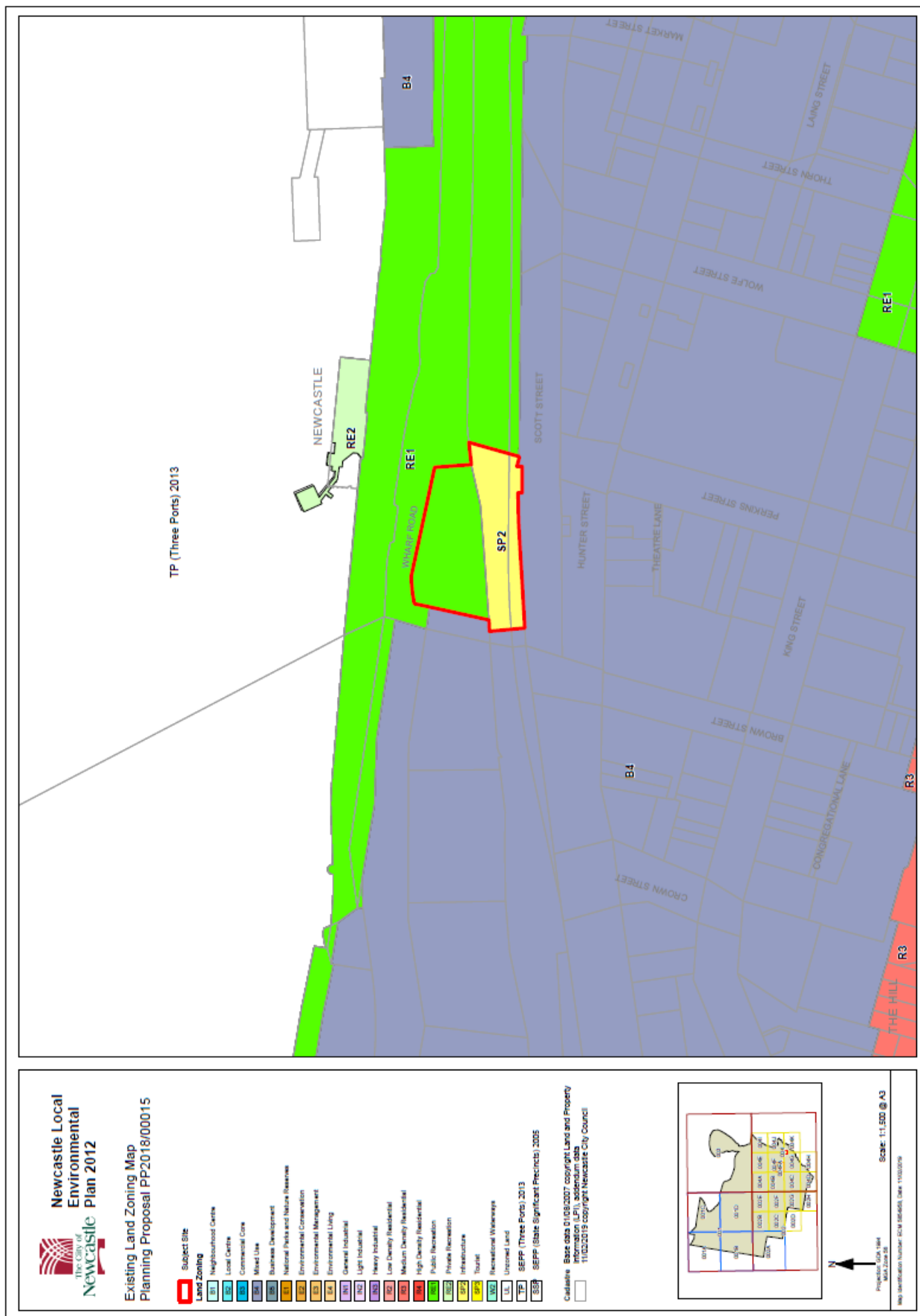


Figure 5 – Proposed Zone

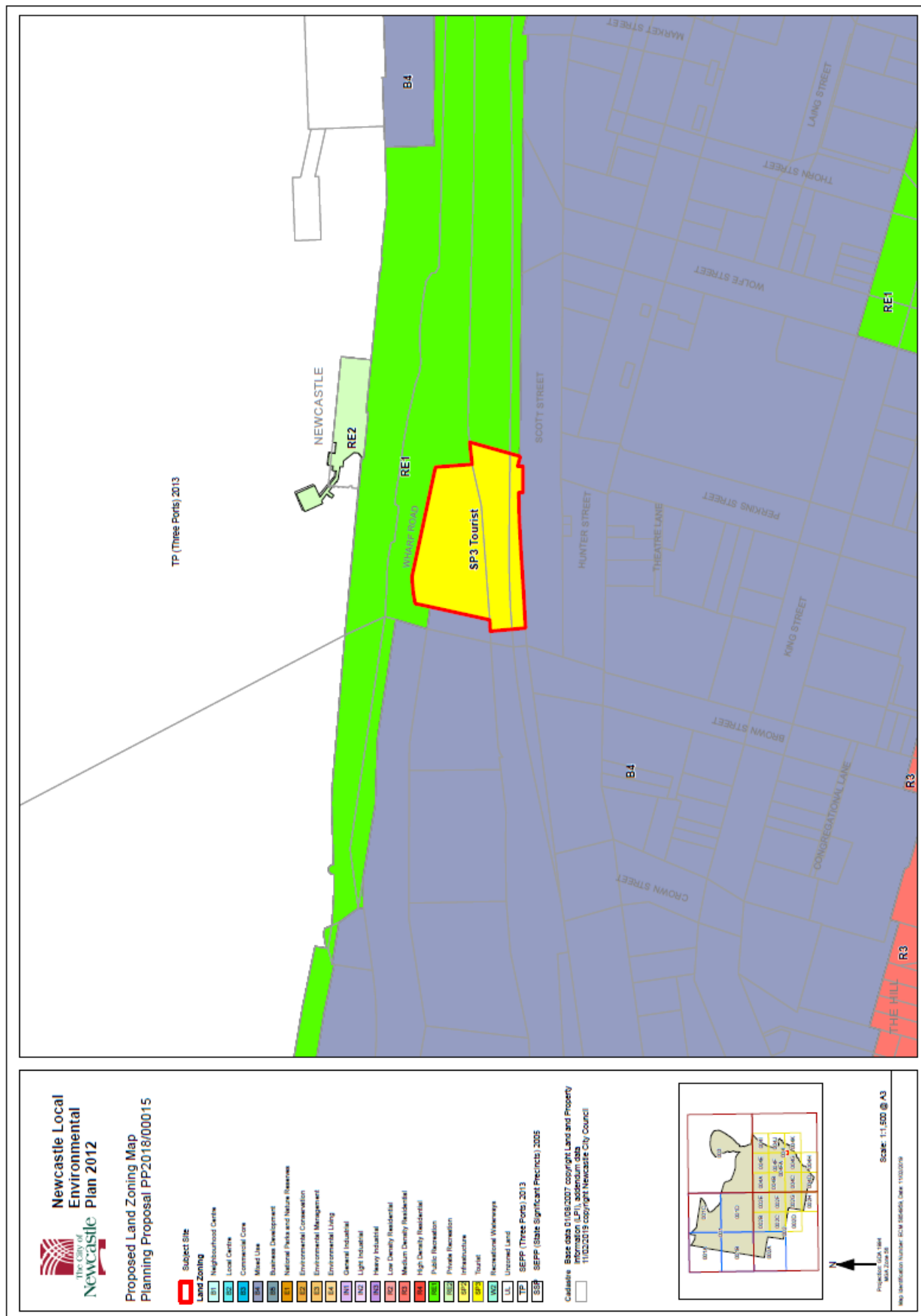


Figure 6 – Existing Height of Building

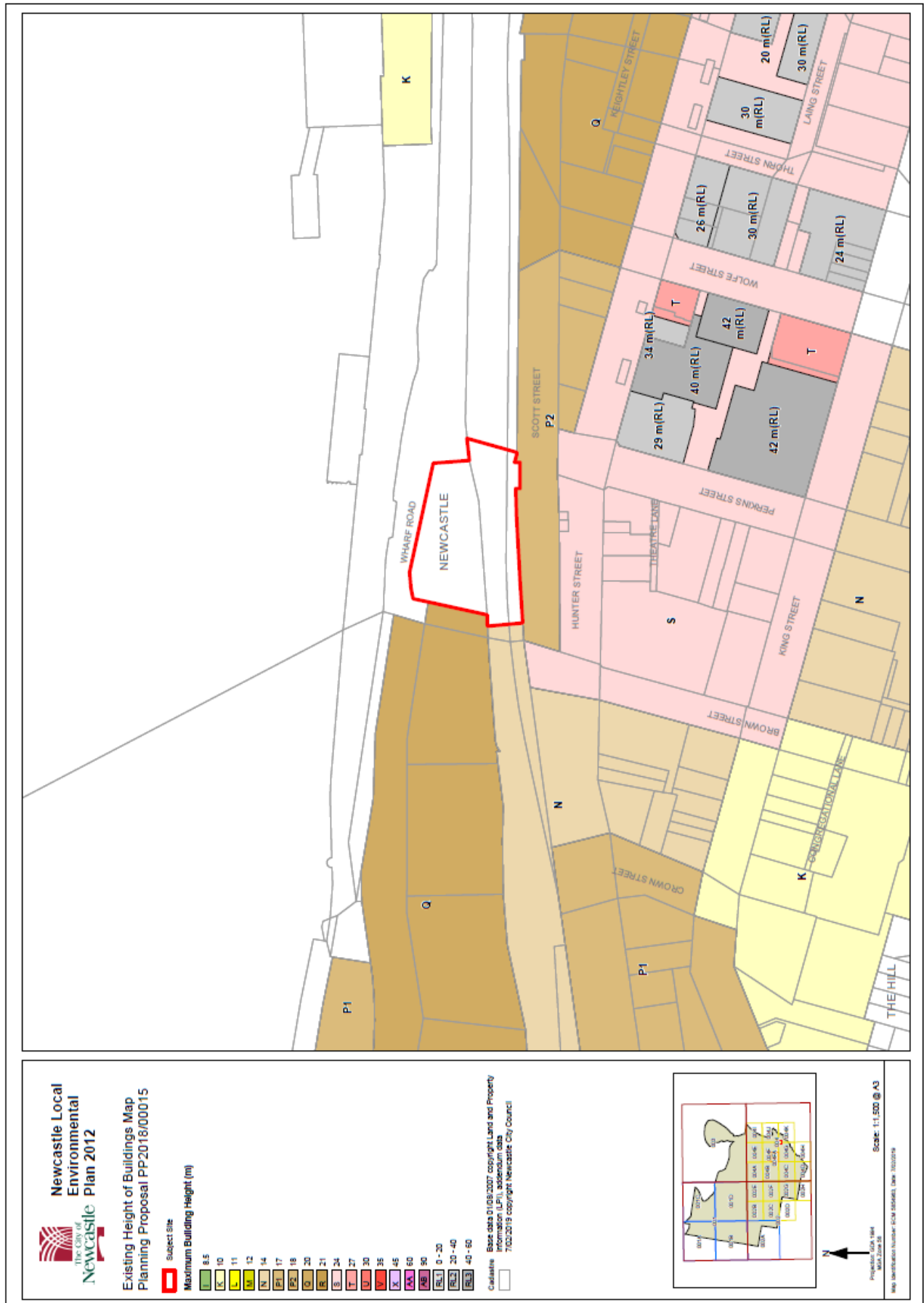
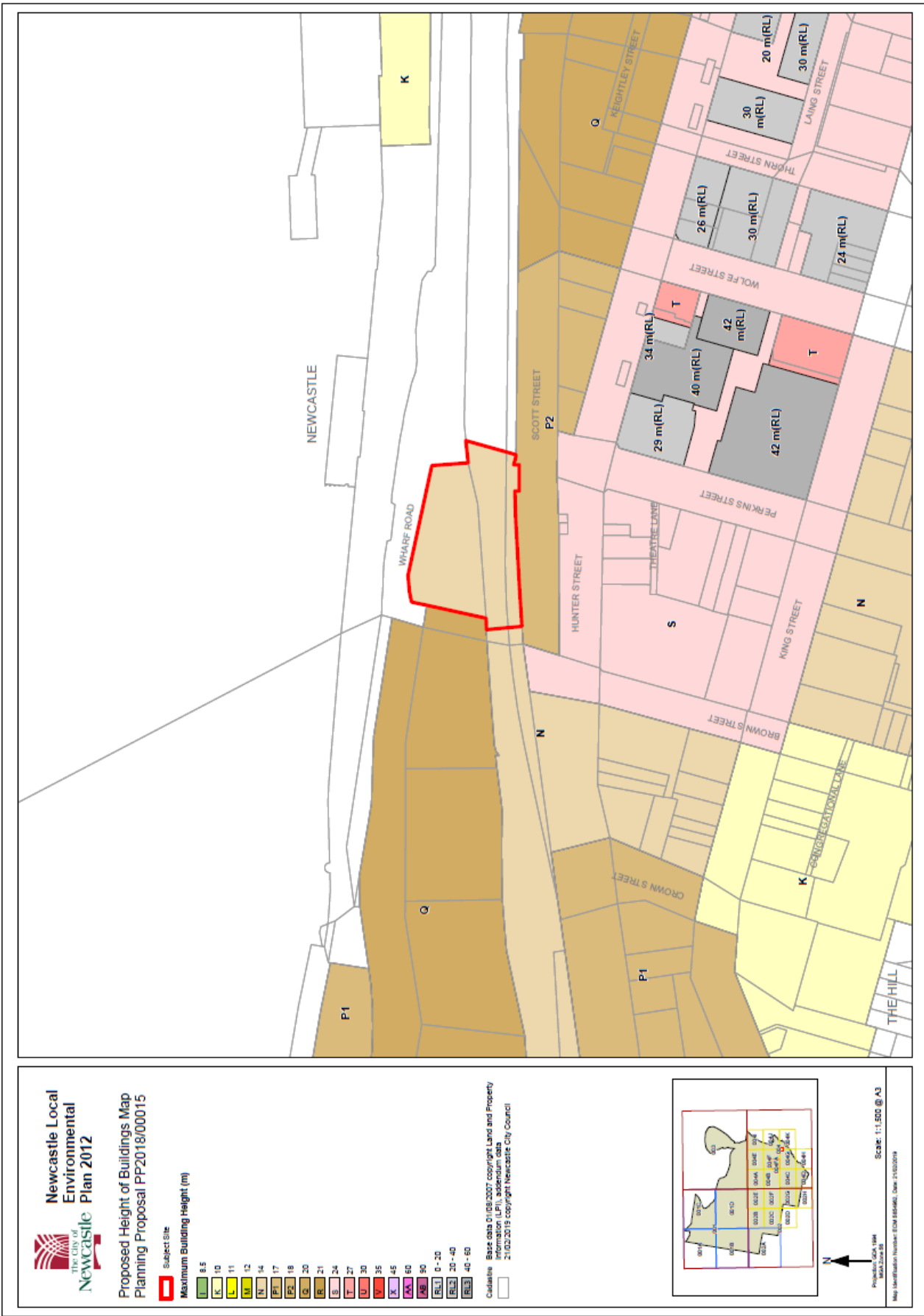


Figure 7 – Proposed Height of Building



Planning Proposal – 233 Wharf Road and part 150 and 150A Scott Street Newcastle



Figure 9 – Proposed Floor Space Ratio

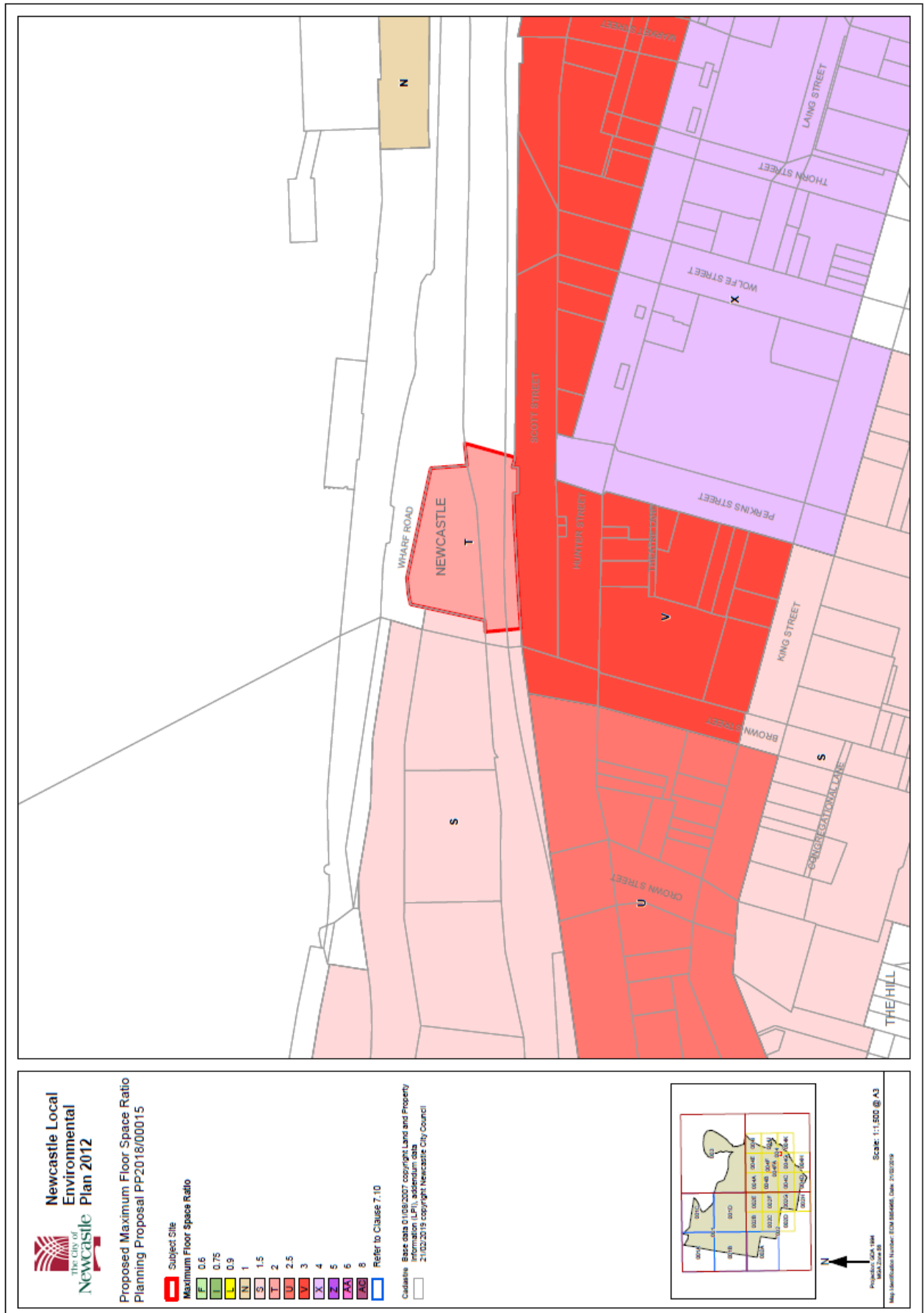


Figure 10 – Existing Minimum Lot Size

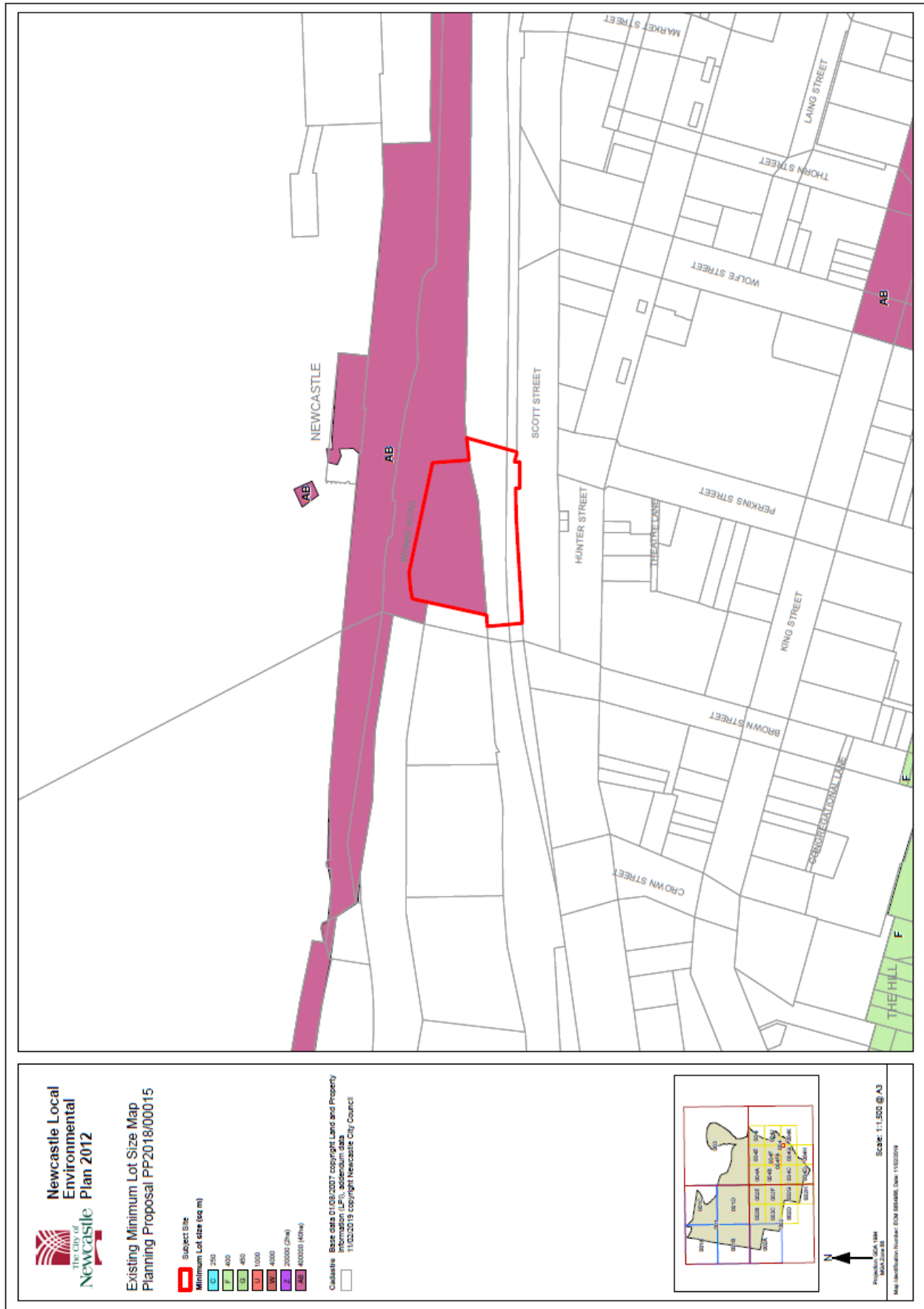


Figure 11 – Proposed Minimum Lot Size

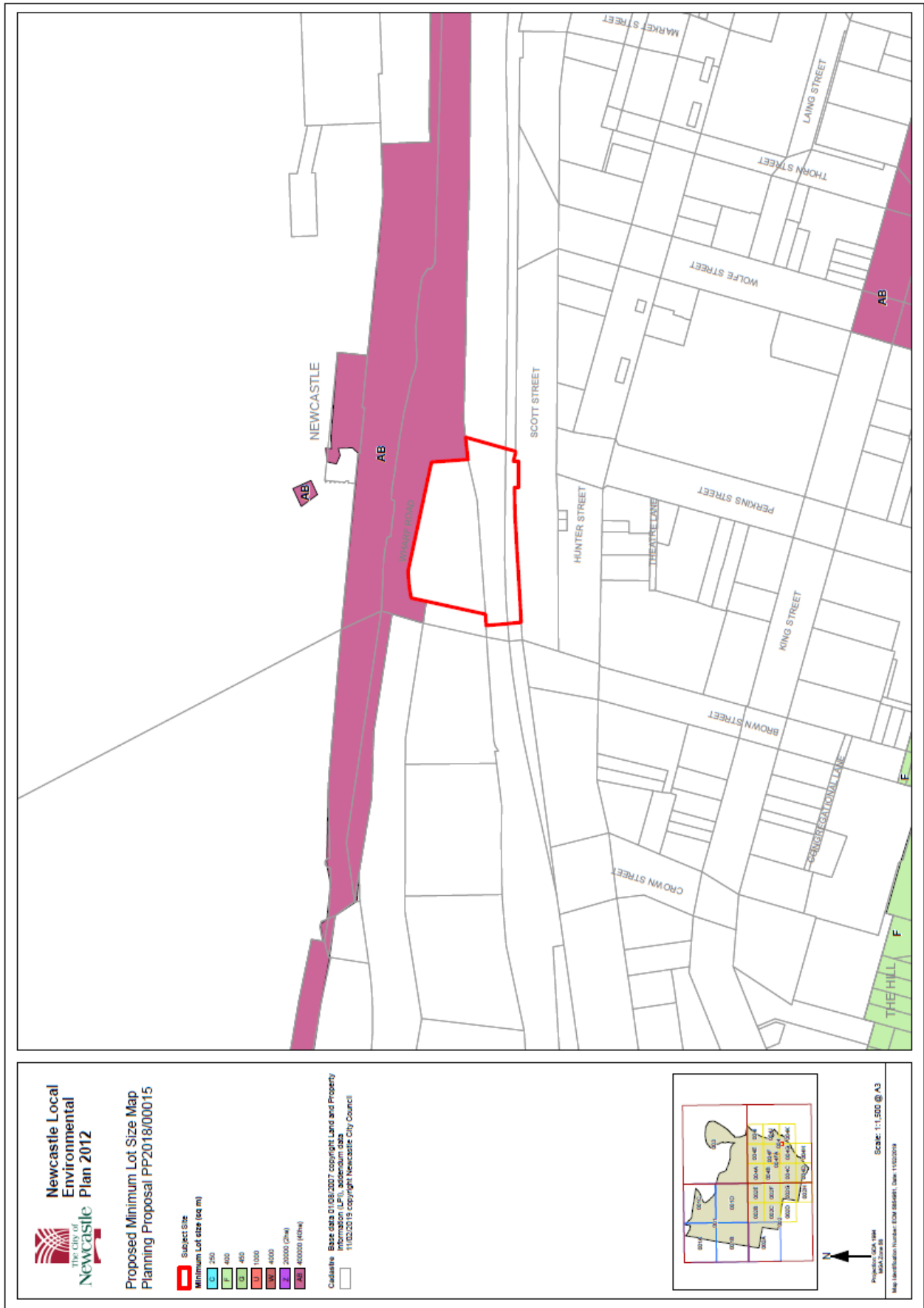


Figure 12 – Existing Key Site Map



Figure 13 – Proposed Key Site Map



Part 3 - Justification

Section A - Need for the planning proposal

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

UrbanGrowth NSW prepared the Newcastle Urban Transformation and Transport Program which provides the following objectives.

1. *Bring people back to the city centre*

Re-imagine the city centre as an enhanced destination, supported by new employment, educational and housing opportunities and public domain that will attract people.

2. *Connect the city to its waterfront*

Unite the city centre and the harbour to improve the experience of being in and moving around the city.

3. *Help grow new jobs in the city centre*

Invest in initiatives that create jobs, with a focus on innovative industries, higher education and initiatives to encourage a range of businesses to the city centre.

4. *Create great places linked to new transport*

Integrate urban transformation with new, efficient transport to activate Hunter and Scott Streets and return them to thriving main streets.

5. *Creating economically sustainable public domain and community assets*

Leave a positive legacy for the people of Newcastle. Ensure that new public domain and community facilities can be maintained to a high standard into the future.

6. *Preserve and enhance heritage and culture*

Respect, maintain and enhance the unique heritage and character of Newcastle city centre through the revitalisation activities."

As part of this program an amendment to the NLEP2012 was made to rezone the surplus rail corridor land between Worth Place and Watt Street. During this process the Department of Planning and Environment decided as part of the Gateway Determination to defer Parcel 12 (part 150 Scott Street Newcastle), to allow for the long term use of the site to be considered in conjunction with 233 Wharf Road Newcastle (City of Newcastle's adjacent car park).

This planning proposal has been prepared in response the Gateway Determination issued as part of the previous rezoning.

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.

The rezoning and reclassification of the land will allow for the future planning and delivery of a multi purpose community space that is compatible with surrounding land uses and meets the needs of the future population.

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 was released by the NSW Government in October 2016. The Plan contains an overarching vision for the Hunter Region, supported by four goals, 27 directions and associated actions. It also contains local government narratives.

The Planning Proposal is consistent with plan and the proposed rezoning supports the role of the Newcastle City Centre provided within the Hunter Regional Plan 2036:

"Newcastle City Centre is the heart of Greater Newcastle and the capital of the region. The city centre has been transformed by capitalising on its active port, vibrant waterfront and heritage. It hosts more residents, students, businesses, researchers, educators and entrepreneurs than ever before."

The relevant goals and directions are outlined below:

Goal	Directions
The planning proposal particularly supports Goal 1 - The leading regional economy in Australia. This goal includes a priority for revitalisation of the Newcastle City Centre.	The planning proposal supports Direction 3 - Revitalise Newcastle City Centre.
The planning proposal supports Goal 3 - Thriving communities	The planning proposal includes additional community space that will support the adjacent public recreation zoned land and supports Direction 18 - Enhance access to recreational and connect open space.

- Newcastle - Local Government Narrative

The narrative of the Regional Plan builds upon the above vision, goals and directions and applies these to the Newcastle Local Government Area. The planning proposal supports the priorities for the Newcastle City Centre. The proposal includes areas that will *"Strengthen connections between the city and the waterfront and improve civic spaces"*.

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. The Greater Newcastle Metropolitan Plan sets out outcomes to be achieved within the Newcastle local government area and identifies Newcastle City Centre as catalyst area, highlighting the importance of the area to the broader Hunter Region.

The planning proposal is consistent with the following outcomes for the Newcastle City Centre Catalyst area:

- transform spaces for public open space, new shops and residential opportunities, and connecting the city to the waterfront
- encourage additional civic and cultural activities that reinforce the cultural axis from Civic Park to the waterfront.

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 and 2018. 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 3.4 of the *EP&A Act 1979* ensures consistency with the strategic direction 'Open and Collaborative Leadership' and the strategic objective to "Active citizen engagement in local planning decision-making processes and a shared responsibility for achieving goals".

Furthermore the planning proposal is consistent with the following strategic directions and objectives:

- Vibrant, safe and active public places
- Inclusive Community
- Smart and innovative
- Open and Collaborative Leadership

Newcastle Urban Renewal Strategy (NURS)

The Newcastle Urban Renewal Strategy (NURS) 2012 and 2014 update is the principal land use strategy for the Newcastle City Centre. It is guided by nine guiding principles outlined below:

- 1. Opportunities to grow and expand*
- 2. Economic viability and competition*
- 3. Busy and vibrant city centre*
- 4. Integrity and viability*

5. *Investment, employment and growth*

6. *Transport, access and connectivity*

7. *Housing mix and affordability*

8. *Retail variety and choice*

9. *Provide for future employment growth*

A specific initiative of the NURS 2014 update was to connect the city with its waterfront. The proposal to rezone the subject land to SP3 Tourist will provide the opportunity for a multi purpose community space to be investigated that will facilitate connections to the waterfront and provide a compatible use to the adjacent Market Street Lawn.

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.

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 19—Bushland in Urban Areas	No	
SEPP No 21—Caravan Parks	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	The SEPP applies to the entire LGA, however, the land is urban and does not consist of areas of koala habitat.
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>A preliminary geotechnical assessment by Douglas Partners has been carried out of the former rail corridor between Worth Place and Watt Street.</p> <p>In accordance with Clause 6 Contamination and remediation to be considered in zoning or rezoning proposal, of the SEPP.</p> <ul style="list-style-type: none"> • The land is identified as contaminated and the SEPP applies. • As per the recommendations of the geotechnical assessment the land can be made suitable after remediation for all the purposes for which the land is permitted to be used. <p>See Section 8 of this planning proposal for further details.</p>
SEPP No 62—Sustainable Aquaculture	No	
SEPP No 64—Advertising and Signage	No	
SEPP No 65—Design Quality of Residential Apartment Development	No	
SEPP No 70—Affordable Housing (Revised Schemes)	No	
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	

State Environmental Planning Policies	Applicable	Consistency and Implications
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).
SEPP (Vegetation in Non-Rural Areas) 2017	No	
SEPP (Western Sydney Employment Area) 2009	No	
SEPP (Western Sydney Parklands) 2009	No	
SEPP (Coastal Management) 2018	Yes	<p>The subject land is within the Coastal Use Area. The planning proposal is acceptable in relation to the matters for consideration specified under Clause 14 as applying to the preparation of a draft LEP with regard to future use of the land.</p> <p>The more detailed matters of this SEPP will also be considered during the assessment of any future DA.</p>

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 does not reduce existing business and industrial zones, or the total potential floorspace area for employment uses in business or industrial zones
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 Proposal is within the Coastal Use Area but does not impact or would be impacted by coastal processes or hazards. The proposed HOB is compatible with the context of the area.
2.3 Heritage Conservation	Yes	<p>The planning proposal relates to land potentially containing aboriginal and archaeological items culture items as detailed under the Heritage Assessment Report.</p> <p>This planning proposal does not propose to alter the heritage conservation provisions of the LEP.</p> <p>The proposed HOB map has had regard to heritage items, including scale interface with built heritage items.</p> <p>A heritage interpretation framework has been included in the heritage assessment to guide a consistent interpretation strategy across the rail corridor, which will be developed at development application stage.</p> <p>Refer to Section C, clause 8 for further discussion.</p>
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	no	

Relevant Section 9.1 Directions	Applicable	Consistency and implications
3.2 Caravan Parks and Manufactured Home Estates	No	
3.3 Home Occupations	No	
3.4 Integrating Land Use and Transport	Yes	The proposal will facilitate new development within walking distance to transport and services and is therefore consistent with the objectives.
3.5 Development Near Licensed Aerodromes	No	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Yes	<p>The planning proposal relates to land affected by Acid Sulfate Soils (ASS) under Newcastle LEP 2012.</p> <p>Any potential impact from ASS can be managed with the remediation works to be carried out and with the implementation of an ASS management plan.</p> <p>The Department of Planning and Environment has advised that the inconsistency with this Direction is of minor significance and no further approval is required.</p>
4.2 Mine Subsidence and Unstable Land	Yes	<p>The site is within the Newcastle Mines Subsidence District. The submitted geotechnical and contamination assessment by Douglas Partners, includes a letter from Mine Subsidence Board (MSB), dated 14 January 2016, outlining preliminary consultation with the MSB for works within the surplus rail corridor between Worth Place and Watt Street.</p> <p>The letter confirms that future development would require approval from the MSB and that larger scale development would be subject to merit assessment based upon engineered solutions having regards to further detailed investigations. The letter from MSB does not indicate that future development would be precluded.</p> <p>The gateway determination issued 22 December 2016 for the rezoning of the rail corridor between Worth Place and Watt Street required no further consultation with MSB. Future development would require approval from MSB at the development application stage.</p>

Relevant Section 9.1 Directions	Applicable	Consistency and implications
4.3 Flood Prone Land	Yes	<p>Generally consistent.</p> <p>A Flood Risk Assessment by BMT WBM is at Appendix D which details consistency with the direction in detail.</p> <p>The Newcastle LEP does not contain flood management provisions and this is not proposed to be altered. Flood management provisions are contained in the Newcastle DCP 2012 and these will continue to apply and are consistent with the NSW Flood Prone Land Policy and Floodplain Development Manual 2005, as required by the direction.</p>
4.4 Planning for Bushfire Protection	No	
5. Regional Planning		
5.1 Implementation of Regional Strategies	No	
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	<p>The Hunter Regional Plan 2036 applies to the land. As outlined under section 3 previously, this planning proposal is consistent with the vision, goals, directions and actions, along with the narrative for Newcastle Local Government Area, within the Regional Plan. In summary the planning proposal supports the role for the Newcastle City Centre within the overall vision for the Hunter Region by capitalising on the vibrant waterfront and heritage, facilitating more residents, businesses and education uses, within an existing urban area to maximise use of infrastructure and services.</p>
6. Local Plan Making		

Relevant Section 9.1 Directions	Applicable	Consistency and implications
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	No	
6.3 Site Specific Provisions	No	
7. Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	No	

The Department of Planning and Environment's Practice Note PN 10-001 includes a checklist for proposals to classify or reclassify public land through an LEP. The information required to be addressed in the checklist for 233 Wharf Road, Newcastle is included in the table below:

Criteria	Comment
The current and proposed classification of the land.	Current: Community Proposed: Operational
Whether the land is a 'public reserve' as defined in the LG Act	Yes the land is defined as a public reserve under the Local Government Act
The strategic and site specific merits of the reclassification and evidence to support this.	Refer to part 3 (justification of the planning proposal for further information)
Whether the planning proposal is consistent with Council's community plan or other local strategic plan	Yes the planning proposal is consistent with Council's strategies
A summary of Council's interests in the land: <ul style="list-style-type: none"> How and when the land was first acquired If Council does not own the land, the land owners consent The nature of any trusts, dedications etc. 	The Land was conveyed to CN from the Commissioner for Railways in March 1940. There are no other trusts or dedications
Whether any interests in the land are proposed to be discharged and if so an explanation of the reasons why.	There are no known easements or other encumbrances affecting the site.
The effect the reclassification (including the loss of public open space, the land ceased to be a public reserve or particular interests will be discharged).	The effect of the reclassification is to enable the site to be developed by the City of Newcastle as a multi purpose community space. The land is used as a car park and not part of Council's formally managed parklands.
Evidence of public reserve status or relevant interests, or lack thereof applying to the land. (eg. electronic searches, notice in Government Gazette, trust documents).	The sale of the parcel of land to Council is noted in Deed (Book 1866 No 844).
Current use(s) of the land and whether uses are authorised or unauthorised.	The site is used as an approved car park.
Current or proposed lease or agreements applying to the land, together with their duration, terms and controls.	NIL
Current or proposed business dealings (eg. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time).	NIL – there are no plans for CN to dispose of this asset.

Any rezoning associated with reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or Strategy).	The site is proposed to be rezoned to SP3 Tourist to form a consolidated development site with 150 Scott Street Newcastle. The rezoning is consistent with CNs strategies. Refer to the Planning Proposal for further detail.
How Council may or will benefit financially, and how these funds will be used.	CN is not intending to sell the site.
How Council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal.	N/A
A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot.	N/A
Preliminary comments by a relevant government agency, including an agency that dedicated the land to Council, if applicable.	N/A

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?

233 Wharf Road, is currently used as a car park with 150 & 150A Scott Street formerly developed for railway purposes. The planning proposal has no potential for critical habitat or threatened species, populations or ecological communities, or their habitats, to be adversely affected.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Heritage

A Heritage Assessment Report (Appendix A) was completed for the surplus rail corridor lands between Worth Place and Watt Street.

The Report considered the potential impact of works on potential Aboriginal sites, built heritage structures and archaeological and potential archaeological sites with the study area. The Report also provided advice on the planning approval process required and provides recommendations for mitigation against adverse heritage impact.

A search undertaken of the Aboriginal Heritage Information Management System (AHIMS) identified that no Aboriginal sites are present in the Rezoning Study Area. However, the literature review and previous archaeological work suggests that subsurface Aboriginal heritage will be present within the surplus corridor between Worth Place and Watt Street Newcastle.

In reference to built heritage there are six heritage places in close proximity to the proposed site; the Newcastle Railway Station and the Newcastle Railway Station Additional Group (both on the State Heritage Register and of State heritage significance); the Civic Railway Workshop Group (Newcastle Museum); the remains of AA Co. Bridge and Fence and the former Tramway Substation (NLEP 2012 Schedule 5 and of local heritage significance). The Civic Station (Section 170 Register) is not listed under NLEP.

There are a number of archaeological sites and potential archaeological sites in the surplus rail corridor land between Worth Place and Watt Street including the: Mortuary Station; Civic Railway Station; Civic Railway Workshops curtilage; Newcastle Railway Station; and Convict Huts.

The Report's recommendations are supported and have demonstrated that heritage matters can be addressed under future development by:

- Mitigation methods for Aboriginal archaeological sites including that a heritage interpretation strategy be prepared.
- The mitigation for built heritage including visual analysis, construction considerations, adaptive reuse and full consideration of any demolition.

The report indicates that *"Any new buildings should be designed in accordance with the requirements of the Newcastle City Council requirements for the Newcastle City Centre Heritage Conservation Area."*

Additional assessment will occur at development application (DA) stage, however the appropriate built form (bulk and scale) cannot be entirely deferred until assessment of a DA. A review of the

Section 6.01 City Centre of the Newcastle Development Control Plan is being undertaken to determine appropriate planning controls for the site.

Traffic and Parking

A Traffic Impact Assessment (Appendix B) was prepared for the surplus rail corridor between Worth Place and Watt Street, based on demand generated by approximately 585 dwellings and 5,200m² of gross floor area for non-residential uses. The Traffic Impact Assessment over estimated the impacts from development, due to the development foot print being reduced during the assessment of the previous rezoning.

While the traffic impact assessment did not assess development on 233 Wharf Road, it did overestimate the amount of development within the rail corridor and as such the traffic impacts are considered acceptable. The TIA predicted 3,900 (two-way) additional traffic movements, which modelling shows could be accommodated within the existing road network.

Future development would be subject to the requirements of the Newcastle DCP 2012 and would be required to undertake a detailed traffic and transport assessment.

233 Wharf Road, Newcastle operates as a public car park, the use of this site in the short term is not proposed to change. The parking requirements for any future development will be assessed as part of any detailed design of the site which will be subject to a Development Application.

Services

CN's Infrastructure Planning Section has identified a need to ensure that there is sufficient room within the corridor for 'future proofing' of services, in particular adequate space for stormwater infrastructure and overland flow paths. The critical aspect will be to ensure future building footprints provide space between for these services to be accommodated.

The comments from CN staff will be incorporated into the review of NDCP 2012 Section 6.01 Newcastle City Centre.

Geotechnical and Contamination

Douglas Partners prepared a geotechnical and contamination assessment (Appendix C) for the surplus rail corridor between Worth Place and Watt Street. The Assessment outlined that Douglas Partners has conducted contamination investigations within the rail corridor between Newcastle Station in the east and Worth Place in the west.

The results of the investigation indicated the following with respect to contamination at the site:

- The presence of hydrocarbon contamination in soil associated with the former gas works in the eastern portion of the site (ie. current bus interchange).
- The presence of hydrocarbon contamination in near-surface soils in the vicinity of Newcastle Station and the Newcastle Signal Box as a results of historical train use.

- The presence of heavy metal-impacted near-surface soils to the west of Civic Station, likely to be as a result of impacted historical filling and/or historical ash dumping in the area.
- The presence of minor soil contamination in filling across the site, likely due to historical use as a railway and historical filling of the site. The Assessment recommends that contamination in soil at the site should be addressed due to the potential for impacts on human health and the environment, including groundwater impact. The Assessment proposes a remediation strategy for the site for localised removal and/or remediation of impacted soils, with capping of the remainder of the site with structures, pavements or soils. The contamination assessment and Remediation Action Plan (RAP) will be subject to review and approval by a NSW EPA accredited auditor.

CN's Compliance Services Unit has reviewed the Assessment and are satisfied that the land can be made suitable after remediation for all the purposes for which the land is to be used. Further details and agreement of contaminants remaining in-situ will be established for land intended to be dedicated to CN.

In terms of geotechnical suitability of the site for future development the Assessment identifies that the rail corridor land is considered to be geotechnically suitable for residential, community and commercial type developments. The Assessment adds that prior to the detailed design of any proposed developments specific geotechnical investigation will be required, appropriate to the nature of the proposed development. Investigation and design will need to consider some or all of the following matters:

- The presence and depth of uncontrolled fill.
- The presence, depth and likely variation in groundwater levels.
- Appropriate treatment and management of acid sulphate soils where encountered.
- Excavation conditions and shoring requirements, if relevant.
- Earthworks procedures and whether any ground improvement measures (such as removal and compaction) are required, taking into account the requirements of the Remediation Action Plan (RAP).
- Suitable footing options and design parameters for support of structures.
- Requirements relating to potential mine subsidence, where relevant.

The Assessment identified that it could be expected that with suitable investigation, design and construction in accordance with accepted engineering practice, that the above matters can be readily managed.

Having regards to the above, the land is acceptable from a contamination and geotechnical perspective for the intended land uses proposed.

Mine Subsidence

The site is within the Newcastle Mine Subsidence District. The submitted geotechnical and contamination assessment by Douglas Partners (Appendix C), includes a letter from Mine Subsidence Board (MSB), dated 14 January 2016, outlining preliminary consultation with the MSB. The letter confirms that future development would require approval from the NSW MSB and that larger scale development would be subject to merit assessment based upon engineered solutions having regards to further detailed investigations.

Flooding

The land is subject to flooding, any future development of the land will need to comply with the requirements in the Newcastle DCP in relation to flooding. A Flood Risk Assessment by BMT WBM (Appendix D) noted the area could accommodate future development.

Bushfire

According to Newcastle Bush Fire Hazard Map the land is not affected by bushfire risk or in the vicinity of such a risk.

Acid Sulphate Soils (ASS)

The land is identified as Class 3 ASS under the Newcastle LEP 2012. Future development must comply with the provisions of the Newcastle LEP 2012 relating to ASS.

Zoning and Planning Controls

Prior to the Department of Planning and Environment removing Parcel 12 from the rail corridor Planning Proposal, Council endorsed as part of the Planning Proposal to rezone the site part SP3 Tourist (with a HOB of 17 metres and FSR of 2.5:1) and Part RE1 Public Recreation. The proposed zoning and planning controls were chosen to ensure residential flat buildings were not constructed on this site and to establish a more suitable interface between any future development and Market Street Lawn, as the future owner/developer of the site was not yet known.

As the future ownership has been resolved and use of the land for a multi purpose community space is now being investigated, a detailed assessment of the consolidated site has been undertaken, taking into consideration existing view corridors, impact on surrounding development and the interface with Market Street Lawn and the waterfront.

A Visual Impact Statement was completed by Moir Landscape Architects as part of the previous rail corridor rezoning which modelled a 17-metre building height for Parcel 12. The assessment noted the importance of protecting view corridors along Brown and Perkins Street as well as fragmented view to the harbor from Hunter Street. The visual impact (at a height of 17 metres) would be greatest felt from buildings fronting Hunter and Scott Street as well as properties from higher elevations to the south (i.e Church Street) as the proposed development may be visible.

Now that the site has been consolidated with 233 Wharf Road Newcastle and includes all of Parcel 12; the initial proposed 17 metre height limit height limit has been lowered to 14 metres and FSR to 2:1 to better complement surrounding development and protect view corridors from Hunter Street and from higher elevations to the south.

The following images show the existing height of building and proposed height of building for the entire parcel of land. The images do not take into consideration NDCP controls and site specific controls such as setbacks, building separation and public access to the waterfront.



Figure 14 – Existing development showing maximum building height



Figure 15 – Proposed maximum Height of Building (Looking East)



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
- ✓ Key Sites Map

The Matrix below indicates which map sheets (of Newcastle LEP 2012) are to be amended as a result of this planning proposal.

	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 high 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 28 days.

Part 6 - Project timeline

The plan making process is anticipated to take 10 months as shown in the timeline below. It will be undertaken in accordance with the Gateway determination.

Task	Planning Proposal Timeline											
	Jun 19	Jul 19	Aug 19	Sep 19	Oct 19	Nov 19	Dec 19	Jan 20	Feb 20	Mar 20	Apr 20	May 20
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