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**CCL 26/10/2021 - ENDORSEMENT OF PLANNING PROPOSAL AND
DEVELOPMENT CONTROL PLAN FOR COMMUNITY
INFRASTRUCTURE INCENTIVES AT WICKHAM**

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INFRASTRUCTURE INCENTIVES AT WICKHAM**

ITEM-100 **Attachment A:** Planning Proposal – Community Infrastructure
Incentives for land at Wickham

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PLANNING PROPOSAL

Community Infrastructure Incentives for land at Wickham

Version 1.0 - Council Endorsement

April 2021

For enquiries please call 4974 2000

For more information:
www.newcastle.nsw.gov.au



City of
Newcastle

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Community Infrastructure Incentives for land at Wickham

Introduction

City of Newcastle (CN) has prepared this planning proposal in order to establish a transparent and equitable means of facilitating increased density for housing and employment, through provision of incentives to development that deliver the urban renewal outcomes identified in the Wickham Masterplan (WMP) 2021 Update, including improved connectivity and amenity of the public domain.

The proposed amendments to Newcastle Local Environmental Plan (LEP) 2012 provide the mechanisms necessary to implement CN's *Community Infrastructure Incentives Policy*, on land identified suitable for supporting increased residential and/or employment density while facilitating the provision of necessary community infrastructure. Once implemented, the proposed amendments will facilitate successful urban transformation by bringing people back to the Newcastle city centre through renewal initiatives that deliver safe, vibrant, and connected places where people will want to visit, live and work.

This planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (NSW). It explains the intended effect of the proposed Local Environmental Plan (LEP) amendment and sets out the justification for making the plan.

'A guide to preparing planning proposals' has guided and informed the preparation of this planning proposal. The planning proposal may evolve over time due to various reasons, such as feedback during exhibition. It will be updated at key stages in the plan making process.

Summary of proposal

The Newcastle Local Strategic Planning Statement (LSPS) 2020 identifies that Newcastle local government area, has limited remaining sites available for greenfield development, hence future demands for housing and jobs will rely on growth through infill redevelopment of increased densities. To ensure this is achieved in the most efficient and effective way, Planning Priority 8 of the LSPS advocates for CN to "Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas". The provided rationale being that this will "improve infrastructure and land use sequencing to capitalise on the opportunities for jobs and housing growth".

CN proposes to apply incentives within the existing planning framework by delivery of the following mechanisms:

1. A Community Infrastructure Incentives Policy that identifies CN's intention to introduce incentives to development where this assists in the provision of community infrastructure identified in connection to delivering urban renewal within the Strategic Centres identified in the Greater Newcastle Metropolitan Plan, including catalyst areas and urban renewal corridors.
2. Provision of a new clause and mapping within Newcastle LEP 2012, described further in this Planning Proposal, that identifies the land that is applicable for seeking an incentive and the maximum incentive that may be provided on the land.
3. Additional place-based development controls that identify the community infrastructure projects, the method for determining the value of these, and the method for determining the appropriate level of incentive based on the value of the community infrastructure.

The amendments to NLEP 2012 will expedite the delivery of community infrastructure complementary to traditional funding sources, while incentivising development that promotes urban renewal and delivers new housing and floorspace for business in a transit-oriented location.

Land at 41 and 47 Throsby Street, Wickham is subject to a separate Planning Proposal (PP-2021-328), which seeks to amend the Height of Building (HOB) map and the Floor Space Ratio (FSR) maps within Newcastle LEP 2012.

Upon PP-2021-328 proceeding to 'making of local environmental plan by local plan-making authority', under Section 3.36 of the Environmental Planning and Assessment Act 1979, CN will seek to remove the land (41 and 47 Throsby Street Wickham) from the amendments proposed to Newcastle LEP 2012 under this Planning Proposal (pursuant to Section 3.35 'Planning proposal authority may vary proposals or not proceed' under the same Act). Should the amendments related to Planning Proposal (PP-2021-328) not be made, then the proposed amendments of this Planning Proposal will prevail.

Background

On 15 December 2010, part of Wickham was included within the [Newcastle Potential Precinct Map](#) under *State Environmental Planning Policy (Urban Renewal) 2010* in order to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts. To initiate urban renewal, the NSW State Government prepared a Newcastle Urban Renewal Strategy (NURS) which aimed to make the Newcastle city centre a vibrant and innovative regional hub and an attractive and viable destination for business, residents and visitors. The NURS identified the need for further planning and urban design guidance within the Wickham Area to facilitate the transformation from a post-industrial suburb to an urban village that facilitates a mix of uses and densities.

Council adopted the Wickham Masterplan 2017 (WMP 2017) on 28 October 2017, following extensive engagement with stakeholders to identify a vision for the desired future character of Wickham, as well as outlining the strategies and actions to achieve the vision. The WMP 2017 provides strategic guidance for CN's planning decisions and coordinated delivery of urban renewal within Wickham.

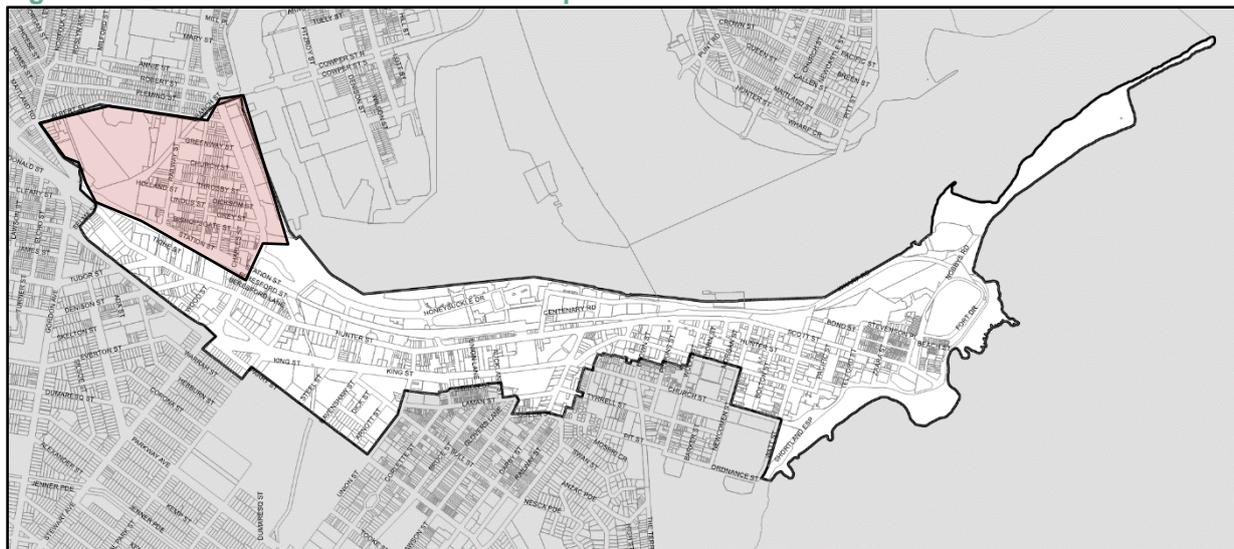
On 27 July 2021 Council adopted a Community Infrastructure Incentives Policy that identified the approach CN would take to delivering urban renewal through development incentives mechanisms with its LEP, where based on sound strategic planning justification, having regard to the principles of the NSW State Government's reforms of the planning system.

To deliver the redevelopment opportunities within Wickham and deliver the community infrastructure identified within WMP 2021, Council adopted the Wickham Masterplan 2021 Update (WMP 2021) in September 2021 which provided further guidance as the land suitable on planning grounds to achieve a development incentive and also identified the community infrastructure projects to be delivered through redevelopment to achieve interventions within the urban structure that improve connectivity to facilitate walkability and promote active transport options and deliver opportunities for 'greening' and activation of the public domain.

In order to ensure fairness and equity among landholdings and not unduly impose a burden on land identified for community infrastructure, the WMP 2017 advocated an incentives approach on sites with capacity to support a variation to development standards, by enabling increased Gross Floor Area (GFA) where development delivers identified community infrastructure.

The WMP area is shown in context to the Newcastle City Centre within Figure 1 - *Local context of Wickham Masterplan Area*.

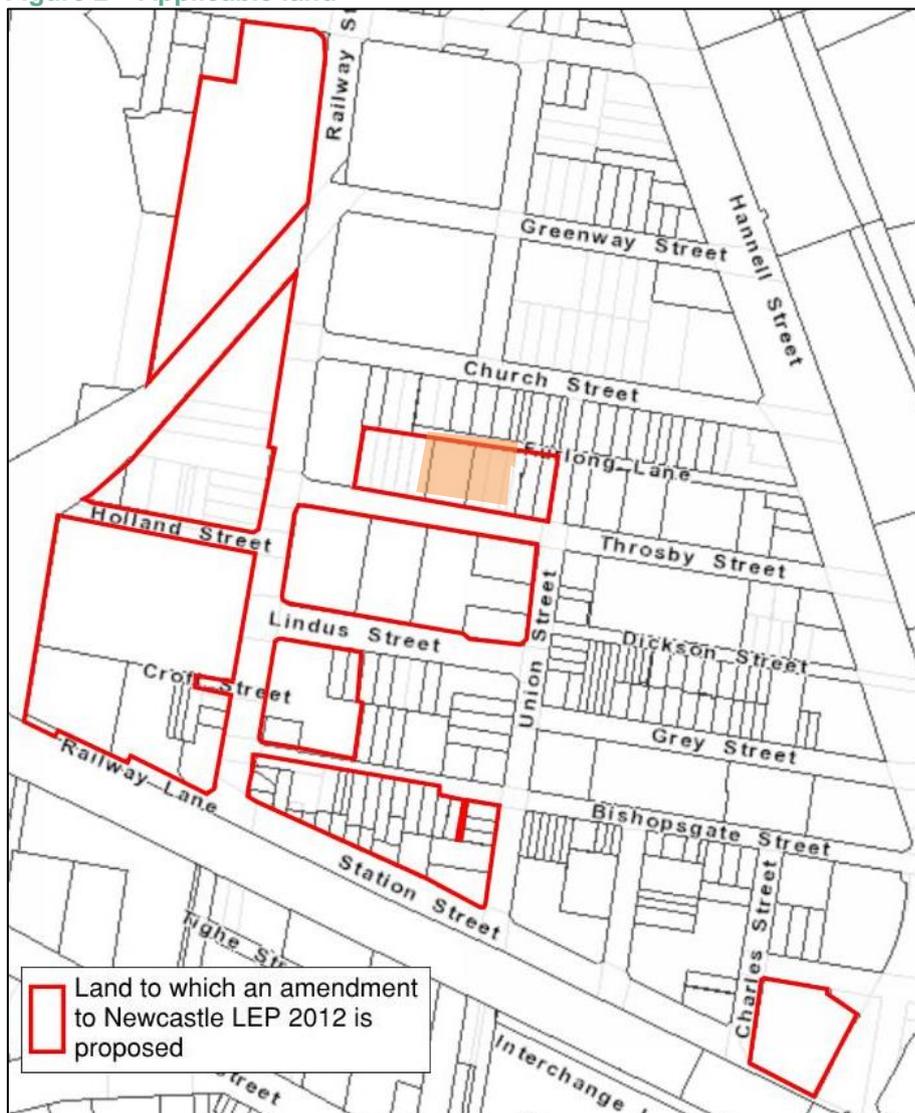
Figure 1 – Local context of Wickham Masterplan Area



Applicable land

The proposal comprises amendments to Newcastle LEP 2012 on land in Wickham, identified in Figure 2 – *Applicable land*.

Figure 2 – Applicable land

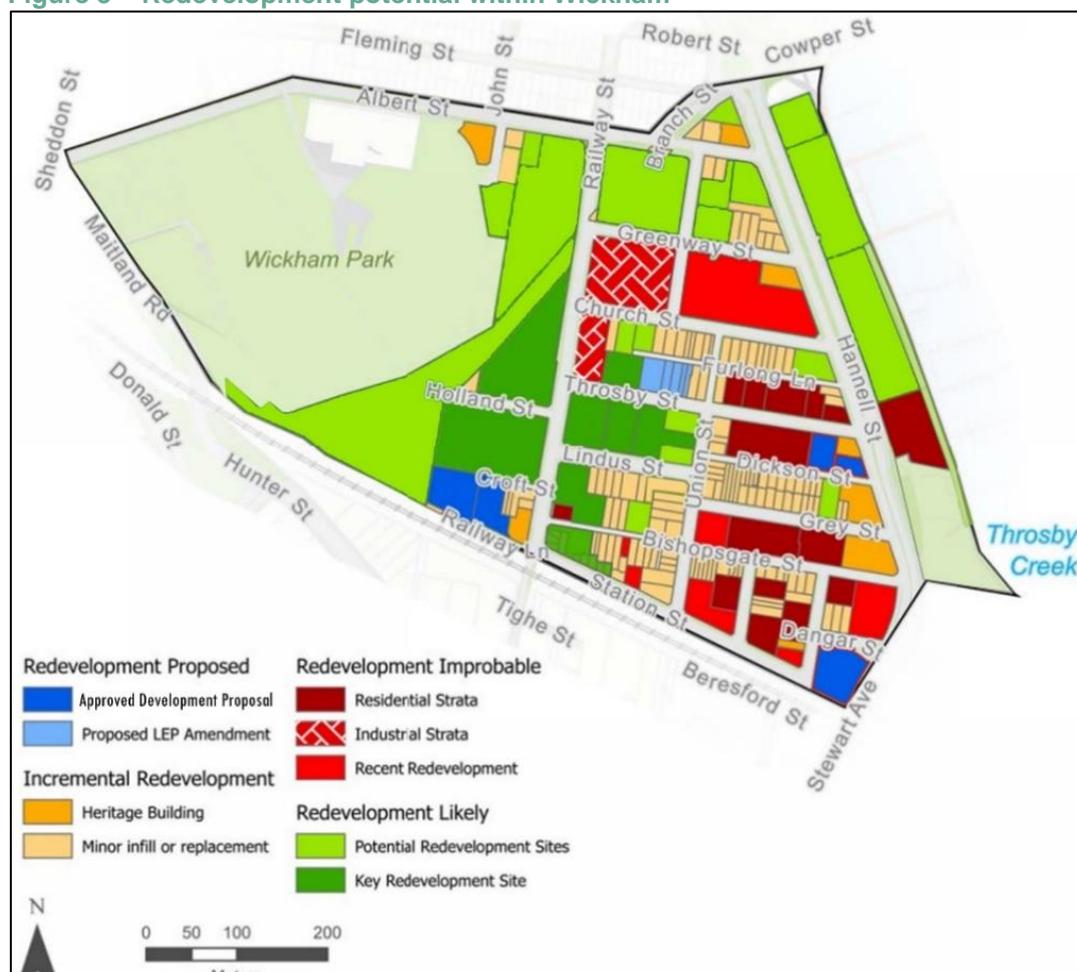


The land shown in orange on the map is from left to right 47 and 41 Throsby Street Wickham, which are subject to a separate Planning Proposal PP-2021-328. Should the amendments to Newcastle LEP 2021 as proposed by PP – 2021-328 be made under Section 3.36 of the Environmental Planning and Assessment Act 1979, CN will seek to remove the land from this planning proposal in accordance with Section 3.35 of the same Act.

The land identified within this Planning Proposal, for which the nominated development incentives will apply was determined having regard to the following criteria:

1. Land envisaged for increased densities (FSR and/or HOB) within WMP 2017, was based on an urban design and planning analysis of the area, consideration of traffic generation through independent modelling, feasibility assessment of development scenarios and market factors. This established that a minimum density of FSR 1.5:1 is required to ensure development is viable where additional density is not sought on individual sites. As a result CN amended Newcastle LEP 2012 (Amendment 48) on land previously restricted to an FSR of 1:1.
2. Land not restricted by subsidence risk or where the identified risk able to be addressed by feasible remediation or addressed by additional design parameters as identified by Subsidence Advisory NSW (SANSW) within the Newcastle City Centre
3. Land identified as having a current potential to redevelop, or be amalgamated as part of a future redevelopment site, as identified in Figure 3 – Redevelopment potential within Wickham; being sites identified as:
 - a. Key redevelopment sites
 - b. Approved Development Proposals (where the land has not yet been redeveloped)
 - c. Proposed LEP Amendment (being Land at 41 and 47 Throsby Street, Wickham that is subject to a separate Planning Proposal (PP-2021-328), noting that this land will be removed from the Planning Proposal, subject to the amendments proposed in PP – 2021-328 being made .

Figure 3 – Redevelopment potential within Wickham



Part 1 - Objectives or intended outcomes

The intended outcome of this planning proposal is to facilitate urban renewal in Wickham by:

1. utilising the existing GFA derived from the development standards applying on land dedicated to CN, to be utilised in the development of the residual land.
2. enabling an incentive increase in density to development, consistent with Wickham Masterplan 2021 Update, where:
 - a. Development involves the timely delivery of identified community infrastructure projects
 - b. The incentive to development correlates to the quantifiable value that the community infrastructure represents to the Council
3. identifying land CN seeks to acquire for the public domain improvements within the local road reservation and for improving pedestrian connectivity.
4. remedying an existing anomaly within Part 7 Additional local provisions—Newcastle City Centre of Newcastle LEP 2012.
5. ensuring that nominated incentive increases to development standards are not subject to variation.

Part 2 - Explanation of provisions

The proposed outcomes will be achieved by:

- Introducing a new subclause of Clause 4.5 Calculation of floor space ratio and site area under Part 4 Principal development standards, under the heading of ‘Dedication of land’ that enables the site area of any land or part of land proposed to be dedicated to the CN to be included as part of the overall site area for calculation of floor space available to proposed development on the remaining part of the land. Furthermore, the consent authority may allow an additional 25% of the area of land being dedicated to be applied to the calculation of floor space where:
 - a. the land being dedicated is identified on the Land Reservation Acquisition (LRA) map.
 - b. the landowner has not otherwise been compensated; and
 - c. the value of the land, or part thereof is not otherwise used to offset the payment of a contribution under Section 7.11 or Section 7.12 of the Act.
- Introducing a new Clause 4.3A *Exceptions to Height of Buildings on certain land* under Part 4 Principal development standards, that enables the consent authority to allow an incentive increase in height of building on certain land nominated on the HOB Map, up to a maximum incentive HOB but only where the consent authority is satisfied that the proposed development will enable the provision of community infrastructure, as identified within a development control plan applying to the land. The proposed Clause may include words to the effect:

Clause 4.3A Exceptions to height of buildings on certain land

(1) The objectives of this clause are—

- (a) to facilitate the urban renewal of areas identified for strategic growth in housing and employment within the Greater Newcastle metropolitan area.
- (b) to allow an increase in the maximum height of building on certain land within the City of Newcastle, where community infrastructure is provided.

(2) This clause applies to land identified as Area A, Area B, Area C and Area D on the Height of Buildings Map.

(3) Despite Clause 4.3, the consent authority may consent to development on land to which this clause applies (including the erection of a new building or external alteration to an existing building) that exceeds the maximum height shown for the land on the Height of Buildings Map, if the proposed development includes community infrastructure.

(4) In subclause (3), the consent authority must not consent to development on land as identified on the Height of Buildings Map as per Column 1, with an existing maximum Height of Buildings as shown on the map as per Column 2, unless the site area is equal to or greater than that in Column 3, and the development will have a height of building that does not exceed the incentive Height of Building identified in Column 4 of the table.

Column 1 Land identified on HOB map as:	Column 2 Where maximum HOB is shown on map as:	Column 3 With site area equal or greater than:	Column 4 The incentive HOB is a maximum of:
Area A	24m	2000 m ² 2500 m ²	35m 45m
Area B	10m or 14m 10m, 14m or 24m 24m	1500 m ² 2000 m ² 2500 m ²	24m 35m 40m
Area C	10m	1500 m ² 2000 m ²	14m 24m
Area D	45m	2500 m ²	60m

- (5) In deciding whether to grant development consent, the consent authority must—
- (a) have regard for the objectives of this clause, and
 - (b) be satisfied that the proposed development will provide community infrastructure as identified within a development control plan applying to the land
 - (c) take into account the nature of the community infrastructure and its value to the community.
- (6) In this clause, **Community infrastructure** means development for any of the following purposes—
- (a) community facilities,
 - (b) community garden,
 - (c) drainage,
 - (d) public car parks,
 - (e) public domain improvement,
 - (f) public roads,
 - (g) public walkway,
 - (h) recreation areas,

but does not comprise local infrastructure for which development contributions apply within a Plan of City of Newcastle under Part 7 of the EP&A Act.

- Introducing a new Clause 4.4A *Exceptions to Floor Space Ratio on certain land* under Part 4 Principal development standards, that enables the consent authority to allow an incentive increase in floor space ratio on certain land nominated on the FSR Map, up to a maximum incentive FSR but only where the consent authority is satisfied that the proposed development will enable the provision of community infrastructure, as identified within a development control plan applying to the land.

Clause 4.4A *Exceptions to Floor Space Ratio on certain land*

- (1) The objectives of this clause are—
- (c) to facilitate the urban renewal of areas identified for strategic growth in housing and employment within the Greater Newcastle metropolitan area.
 - (d) to allow an increase in the maximum floor space ratio on certain land within the City of Newcastle, where community infrastructure is provided.
- (2) This clause applies to land identified as Area B and Area C on the Floor Space Ratio Map.
- (3) Despite Clause 4.4, the consent authority may consent to development on land to which this clause applies (including the erection of a new building or external alteration to an existing building) that exceeds the maximum floor space ratio shown for the land on the Floor Space Ratio Map, if the proposed development includes community infrastructure.
- (4) In subclause (3), the consent authority must not consent to development on land as identified on the Floor Space Ratio Map as per Column 1, with an existing maximum Floor Space Ratio as shown on the map as per Column 2, unless the site area is equal to or greater than that in Column 3, and the development will have a floor space ratio that does not exceed that identified in Column 4 of the table below.

Column 1	Column 2	Column 3	Column 4
Land identified on FSR map as:	Where maximum FSR is shown on map as:	With site area equal or greater than:	The incentive FSR is a maximum of:
Area B	1.5	1500 m ² 2000 m ²	2 2.5
Area C	1.5	1500 m ² 2000 m ²	2 3
Area D	6	2500m ²	7

(5) In deciding whether to grant development consent, the consent authority must—

- (a) have regard for the objectives of this clause, and
- (b) be satisfied that the proposed development will provide community infrastructure as identified within a development control plan applying to the land
- (c) take into account the nature of the community infrastructure and its value to the community.

(6) In this clause, **Community infrastructure** means development for any of the following purposes—

- (a) community facilities,
- (b) community garden,
- (c) drainage,
- (d) public car parks,
- (e) public domain improvement,
- (f) public roads,
- (g) public walkway,
- (h) recreation areas,

but does not comprise local infrastructure for which development contributions apply within a Plan of City of Newcastle under Part 7 of the EP&A Act.

- Repeal current Clause 7.9 Height of buildings
- Amend the Land Reservation Acquisition (LRA) map to incorporate additional land identified for inclusion, in order for CN to deliver community infrastructure projects.
- Add the wording, 'development standards on land to which Clauses 4.3A and 4.4A applies' under subclause (8) of 4.6 *Exceptions to development standards*.

Land at 41 and 47 Throsby Street Wickham

The land to which the proposed amendments to Newcastle LEP 2012 will apply encompasses land that is subject to Planning Proposal (PP-2021-328), which seeks to amend the Height of Building (HOB) map and the Floor Space Ratio (FSR) maps within Newcastle LEP 2012.

However, CN propose to exclude the land applying to PP-2021-328 upon the 'making of local environmental plan by local plan-making authority', under Section 3.36 of the Environmental Planning and Assessment Act 1979, as per Section 3.35 'Planning proposal authority may vary proposals or not proceed' under the same Act.

However, in the circumstance that the amendments proposed to Newcastle LEP 2012 under PP-2021-328 are not made, then the amendments of this Planning Proposal shall prevail.

Part 3 - Justification

Section A - Need for the planning proposal

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

Wickham Master Plan 2017

The Wickham Master Plan 2017 (WMP 2017) was prepared as a recommendation of the Newcastle Urban Renewal Strategy, prepared by the NSW State Government, which identified Wickham as an area requiring further planning to inform future redevelopment decisions.

WMP 2017 identified Strategies and Actions to implement the key objectives:

1. Improve accessibility and connectivity within Wickham and to adjoining areas
2. Create safe, attractive, and inclusive public places
3. Ensure built environment is functional, responsive, and resilient

The WMP 2017 vision identified six interconnecting character precincts. The intent of the precincts is to determine the envisaged character for different parts of Wickham based on their location, physical attributes of the built environment, redevelopment opportunity and density.

The WMP 2017 also includes strategies and actions for achieving provision of community infrastructure through developer incentives (including an increase in development standards within in NLEP 2012) where development provides for improvements to connectivity and the public domain, above what may otherwise be achieved through standard conditions of consent or Council's contributions framework but that achieve urban renewal.

Community Infrastructure Incentives Policy

On 27 July 2021, Council adopted a Community Infrastructure Incentives Policy, which identified the approach CN would take in areas of urban renewal to achieve the desired outcomes within the built environment through incentives mechanisms within Newcastle LEP 2012 that delivers a transparent, equitable and evidence based approach based on community engagement at the strategic level to deliver improved development outcomes.

Wickham Masterplan 2021 Update

The Wickham Masterplan 2021 Update (WMP 2021) adopted by Council on 28 September 2021 provided further strategic guidance for CN's planning decisions and coordinated delivery of urban renewal within Wickham.

This planning proposal is prepared in response to the WMP 2021 identified potential increased densities (via incentive increases in HOB and FSR) where this delivers identified community infrastructure project.

Newcastle Local Strategic Planning Statement

The City of Newcastle Local Strategic Planning Statement (LSPS) is CN's plan to guide our land use planning over the next 20 years. The LSPS outlines Planning Priorities to achieve our land use planning vision and will inform our decisions on any changes to the planning rules in Newcastle Local Environmental Plan 2012 and the Development Control Plan 2012.

Relevant LSPS priorities include:

- Prioritise active transport in our City –
 - We will walk or cycle on our network of footpaths and separated cycleways

- Encourage uptake of active transport by planning for short trips (distance of 400m to 4km).
- Support emerging transport opportunities and public transport improvements with continued integration of land use and transport planning –
 - Plan for concentrated growth around transport and activity nodes.
- Green our neighbourhoods –
 - Investigate additional public green spaces in the strategic planning of mixed-use Catalyst Areas, Strategic Centres and Urban Renewal Corridors.
 - Investigate opportunities to reduce hard surfaces and increase gardens in local centres and in our residential streets.
- Plan for growth and change in Catalyst Areas, Strategic Centres and Urban Renewal Corridors –
 - A planned approach to growth and change will improve infrastructure and land use sequencing to capitalise on the opportunities for jobs and housing growth.
 - Continue to implement the Wickham Master Plan.
- Sustainable, accessible and inclusive housing
 - Housing at appropriate densities will be located to support effective and integrated public transport.

Newcastle Housing Needs and Local Character Evidence Report

The Newcastle Housing Needs and Local Character Evidence Report (2019) identified Maryville-Wickham as an area likely to experience the third highest rate of population growth in Newcastle LGA, with a projected population growth of 2,650 by 2041. This report also identified the Maryville-Wickham area as experiencing significantly more residential development than previous forecasts had expected, with a development rate 38% higher than was forecast between 2016-2018. A market opportunity for student housing was also identified, with an unmet demand for student housing within City Centre suburbs including Wickham, coinciding with substantial investment by University of Newcastle in the city centre campus. A key factor in meeting this demand is identified as the provision of better cycling networks linked to education centres.

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

Yes, the transfer of site area for floor space calculations ensures the unlocked potential of the land is not forfeited where land is dedicated to CN for a public use.

CN contends that the provision of an incentive mechanism provides greater certainty to both the community and the development industry of the potential community infrastructure that may be delivered where applicants seek to achieve increased density within their development proposal. This approach is favoured over the alternative piecemeal approach of preparing individual planning proposals and planning agreements for each remaining potential redevelopment parcel within Wickham.

The current incentives mechanism is not proposed to be included in Part 7 Additional local provisions – Newcastle City Centre, of the NLEP 2012, as CN intends to introduce similar measures within other urban renewal and catalyst areas in the future, once the background strategic planning framework is in place to identify both potential densities and community infrastructure to facilitate urban renewal consistent with the intent of the Greater Newcastle Metropolitan Plan.

The removal of clause 7.9 *Height of buildings* has no material effect but ensures that NLEP 2012 does not contain obsolete provisions that are unnecessary and confusing to users. The HOB maps were amended to remove Area A on the 29 July 2014 under the State Environmental Planning Policy Amendment (Newcastle City Centre) 2014, however the amendment failed to repeal the clause from the instrument. Specific upper level setbacks and street wall design

controls were previously included in the city centre development controls introduced by the State government following endorsement of the NURS.

Clause 7.9 is now an anomaly and CN seeks to remedy this by proposing its repeal.

The inclusion of land required for providing community infrastructure on the Land Reservation Acquisition (LRA) map ensures that the land is available to CN, if the land is not redeveloped to a density requiring to access the available incentive GFA.

CN contends that excluding CI 4.6 Exceptions to development standards from land subject to incentives will ensure development standards applying to incentives are not subject to further variation, resulting in an incremental creep of density beyond what Council has determined suitable for the land.

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 (HRP) 2036 is the NSW government's plan to guide land use planning and infrastructure priorities and decisions over the next 20 years. The plan identifies regionally important natural resources, transport networks and social infrastructure and provides a framework to guide more detailed land use plans, development proposals and infrastructure funding decisions. The plan includes overarching directions, goals and actions as well as specific priorities for each local government area in the Hunter region.

By facilitating well serviced, additional density in the Newcastle city centre, the planning proposal is consistent with:

Direction 1 of the Hunter Regional Plan – *Grow Greater Newcastle as Australia's next metropolitan city.*

Action 1.1 Focus development to create compact communities that allow 95 per cent of people to live within 30 minutes of a strategic centre.

Direction 3 - *Revitalise Newcastle city centre.*

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

Action 3.2 Leverage the increased presence of the University of Newcastle in the city centre.

Action 3.4 Focus investment in developing infrastructure to: enhance the public domain and relevant services to make it easier to get around the city centre, recognising Wickham as the public transport gateway into the centre.

Greater Newcastle Metropolitan Plan 2036

NSW Department of Planning, Industry and Environment's (DPIE) Greater Newcastle Metropolitan Plan 2036 (GNMP) recognises the Newcastle city centre and Wickham as the heart of Greater Newcastle, set to benefit from both public and private investment and planning through *Revitalising Newcastle* and the *Urban Transformation and Transport Program* to enhance the City Centre's appeal.

The GNMP recognises the importance of collaborative partnerships in optimising opportunities for transformation and driving the emergence of Greater Newcastle as a metropolitan city on the global stage. Further to this, the GNMP acknowledges the importance of continued revitalisation, improved transport connectivity, and high-quality buildings and places to attract new small business start-ups.

The GNMP provides specific directions for the 'Wickham Precinct', within the Newcastle City Centre Catalyst Area, which aligns with the planning proposal area and sets out the following:

"Newcastle City Council will align local plans to:

- facilitate the long-term expansion of the City Centre towards Wickham
- increase opportunities for transit oriented development around Newcastle Interchange
- respond to development constraints including mine subsidence and flooding
- provide floor space for emerging new economy industries and businesses."

The planning proposal is consistent with the GNMP in that it:

- seeks to facilitate and incentivise redevelopment to support and compliment the emerging city centre;
- supports mixed use development around the Newcastle interchange;
- addresses flooding through recognition of floor height controls affecting HOB;
- acknowledges mine subsidence risk through consultation with Subsidence Advisory NSW in developing the WMP; and
- ensuring sufficient FSR to ensure feasibility of mixed use development and new economy industries and businesses such as *High Technology Industry*.

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

Newcastle 2030 Community Strategic Plan

The Planning Proposal is consistent with the Newcastle 2030 - Community Strategic Plan (CSP) 2018 update, which identifies the community's vision for the city, outlines actions and strategies for CN to achieve, as well as indicators for monitoring implementation.

Compliance with the LEP amendment process, identified in section 3.34 Gateway determination of the *EP&A Act 1979* ensures consistency with the CSP's sustainable development goal of 'Open and Collaborative Leadership' and the strategic objective to "Consider decision-making based on collaborative, transparent and accountable leadership"

Furthermore, the Planning Proposal is consistent with the remaining strategic directions and objectives of the CSP, or at a minimum does not result in any inconsistencies with the following:

- Integrated and Accessible Transport
- Vibrant, Safe and Active Public Places
- Protected Environment
- Inclusive community
- Liveable built environment
- Smart and innovative.

Local Strategic Planning Statement

The Local Strategic Planning Statement (LSPS) was adopted by CN in May 2020. It complements the Newcastle 2030 Community Strategic Plan.

The LSPS is a 20-year land use vision prepared to guide the future growth and development in Newcastle consistent with the GNMP. It informs changes to the Newcastle Local Environmental Plan 2012, Newcastle Development Control Plan 2012 and other land use strategies.

The LSPS advocates redevelopment in Wickham as part of the Newcastle City Centre Catalyst Area. This Planning Proposal supports an increase in provision of housing and jobs close to public transport and supports urban renewal and delivers on the following relevant Planning Priorities:

- Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas
- Sustainable, healthy and inclusive streets, neighbourhoods and local centres
- Development responds to the desired local character of our communities
- Enable the transition to new economy job and grow creative industries.

Local Housing Strategy

The Local Housing Strategy 2020 (LHS) was adopted by Council in October 2020 and sets a framework for the provision of housing across CN over the next 20 years. The LHS is a local response to the housing actions within the HRP, GNMP and the Newcastle LSPS. The LHS is accompanied by an Implementation Plan.

This Planning Proposal is consistent with the delivery of the following strategic priorities:

- Maintain and encourage housing supply in the right locations
- Diversify housing type and tenure across the LGA to provide for a range of housing needs
- Increase the availability of accessible and adaptable housing
- Increase the supply of affordable rental housing
- Ensure new housing and changes to existing housing reflect the desired future local character of the area.

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

An assessment of the planning proposal against the relevant SEPPs is provided in the table below.

Table 1 - Relevant State Environmental Planning Policies

Relevant SEPPs	Consistency and Implications
SEPP 19 (Bushland in Urban Areas)	Not applicable
SEPP 21 (Caravan Parks)	Not applicable
SEPP 33 (Hazardous and Offensive Development)	Not applicable
SEPP 36 (Manufactured Home Estates)	Not applicable
SEPP 50 (Canal Estate Development)	Not applicable
SEPP 64 (Advertising and Signage)	Not applicable
SEPP 65 (Design Quality of Residential Flat Development)	Most of the land within the proposal area is zoned B4 Mixed Use, which permits the land to be developed for uses to which this policy applies (residential apartment development). CN is satisfied that the planning controls proposed will enable development that is compliant with this policy and associated apartment design guidelines. CN has sought advice the advice of its design review panel under clause 27 (c) of this SEPP. The panel raised no objection to this proposal. Any subsequent development proposal will be referred to this panel as a matter of due course.
SEPP (Coastal Management) 2018	The SEPP (Coastal Management) 2018 applies to the PP area. Most of the PP area is situated within the Coastal Environment Area. CN is satisfied that the proposed LEP amendments will not result in subsequent development proposals being inconsistent with the aims of this policy, or the controls under Division 3 Coastal environment area, Division 4 Coastal use area, and Division 5 General
P (Affordable Rental Housing) 2009	Not applicable
SEPP (Building Sustainability Index: BASIX) 2004	Not applicable
SEPP (Educational Establishments and Child Care Facilities) 2017	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Not applicable
SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable
SEPP (Infrastructure) 2007	Not applicable
SEPP (Integration and Repeals) 2016	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable

Relevant SEPPs	Consistency and Implications
SEPP (Primary Production and Rural Development) 2019	Not applicable
SEPP (State and Regional Development) 2011	Not applicable
SEPP (State Significant Precincts) 2005	Not applicable
SEPP (Three Ports) 2013	Not applicable
SEPP (Urban Renewal) 2010	The area subject to this PP is wholly within land to which Newcastle Potential Precinct Map applies. The requirements of Clause 9 Proposals for potential precincts were satisfied by the preparation of the Newcastle Urban Renewal Strategy (NURS). The NURS identified the need for further planning to be undertaken in relation to the renewal of the Wickham area; hence the WMP was prepared and adopted by CN. This PP is consistent with the WMP.
SEPP (Vegetation in Non-Rural Areas) 2017	Not applicable
SEPP (Koala Habitat Protection) 2019	Whilst this policy applies to the land, there is no potential for Koala habitat within the vicinity of the PP area hence the requirements of this SEPP are not applicable.

6. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

An assessment of the planning proposal against the relevant Ministerial Directions is provided in the table below.

Table 2 - relevant Ministerial Directions (Section 9.1 directions)

Relevant Section 9.1 Directions	Consistency and implications
1. Employment and Resources	
1.1 Business and Industrial Zones	Consistent. The PP not only retains the existing opportunities for business uses within the B4 Mixed Use zone but seeks to expand this by offering an increase in Height and FSR by way of incentives, thereby allowing a greater potential floor space for permitted uses including business uses.
1.2 Rural Zones	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable
1.4 Oyster Aquaculture	Not applicable
1.5 Rural Lands	Not applicable
2. Environment and Heritage	
2.1 Environment Protection Zones	Not applicable
2.2 Coastal Management	Consistent. The PP area is within the coastal zone as defined under the Coastal Management Act 2016. The PP is consistent with clause 4 of this ministerial direction. Clauses 5, 6 and 7 of this ministerial direction do not apply to this PP. The PP is therefore considered to be consistent with this ministerial direction.

Relevant Section 9.1 Directions	Consistency and implications
2.3 Heritage Conservation	This planning proposal will facilitate conservation of an identified place of environmental heritage significance in relation to the historical and social heritage of the area. This will be achieved via uptake of the proposed development incentives included in this proposal, which will require a contribution towards community infrastructure projects, including the former Wickham and Bullock Island Railway Corridor. Additional funding received through this mechanism will allow the establishment of appropriate interpretive treatments acknowledging Bullock Island Railway Corridor heritage significance and to differentiate it from the remaining public domain of the area.
2.4 Recreation Vehicle Areas	Not applicable
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
2.6 Remediation of Contaminated Land	Consistent. This direction applies to the proposal, since it is possible that development for a purpose referred to in Table 1 of the Managing Land Contamination – Planning Guidelines – SEPP 55 – Remediation of Land may have been carried out on the land covered by this PP, as Wickham has previously been zoned to allow light industry in the past, however, the Planning Proposal only facilitates potential increases in FSR and HOB, with no changes to the current zoning of the land or the permissibility of land uses. Hence, CN has not sought to obtain a preliminary investigation in accordance with the contaminated land planning guidelines.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent. This direction applies to the PP as the B4 Mixed Use zone permits residential development. The PP will not reduce the permissibility of residential uses but rather increase their feasibility due to a potential increase in FSR and HOB.
3.2 Caravan Parks and Manufactured Home Estates	Not applicable
3.3 Home Occupations	Consistent. The B4 zone within Newcastle LEP 2012 already permits Home Occupation as a use permitted without consent, hence is consistent with this direction.
3.4 Integrating Land Use and Transport	Consistent. The PP facilitates additional GFA for business and residential development through the offering of development incentives. The land subject to this PP is within the Newcastle City Centre Area boundary and hence is consistent with the aims, objectives and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).
3.6 Shooting Ranges	Not applicable
3.7 Reduction in non-hosted short term rental accommodation period	Not applicable

Relevant Section 9.1 Directions	Consistency and implications
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Consistent. The land is located within category 3 of the ASS map in NLEP2012. However, the PP does not include provisions or amendments that will increase the risk or hazard from the current potential, hence it is considered to be of minor significance and does not require any further study
4.2 Mine Subsidence and Unstable Land	Part of the planning proposal area is within a proclaimed Mine Subsidence District. Subsidence Advisory (SA) NSW were consulted in the preparation and exhibition of WMP 2017 to consider if the subject area could support a greater level of development than is currently permitted. SA NSW did not raise any objection in principle to an increase in the scale of built form but confirmed that any future development would trigger the need for further investigation which is likely to result in the need for remediation/stabilisation works. The extent of Development Incentives, and the suitable locations for these have been revised from those earlier proposed in the WMP 2017. This is to reflect updated information provided by Subsidence Advisory NSW (SA NSW) on the current development potential of sites affected by mines subsidence.
4.3 Flood Prone Land	Consistent. The PP applies to land identified as being within a flood planning area according to the Newcastle City-wide Floodplain Risk Management Study and Plan 2012 maps. However, the land is not within a floodway or considered flood storage but is in the flood fringe. This direction does not apply given that the planning proposal will not result in a provision that affects flood prone land.
4.4 Planning for Bushfire Protection	Not applicable
5. Regional Planning	
5.1 Implementation of Regional Strategies	Not applicable
5.10 Implementation of Regional Plans	The planning proposal applies to land within the Hunter Regional Plan. The planning proposal is consistent with the regional plan, as outlined in Section B 3 above.
5.11 Development of Aboriginal Land Council land	Not applicable
6. Local Plan Making	
6.1 Approval and Referral Requirements	The PP does not include any provisions that will require development applications to seek approval or referral from any other public authority. CN will consult with public authorities prior to public exhibition in accordance with any conditions included in the Gateway determination.
6.2 Reserving Land for Public Purposes	Not applicable
6.3 Site Specific Provisions	Not applicable

Section C - Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The land subject to the proposal does not contain critical habitat or threatened species, populations or ecological community, or their habitats.

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

Traffic and Transport Considerations

Local traffic and transport

The increased densities proposed here are a direct reflection of the higher densities identified in the WMP. The WMP 2017 was adopted concurrently with the Wickham Local Area Traffic Management Plan (LATM) to ensure traffic management measures and interventions are implemented based on traffic thresholds set by Transport for NSW that improve safety and amenity of local streets. Community infrastructure facilitated by this proposal will assist with Land Reservation Acquisitions (LRA) identified for local roads (i.e. identified intersection works, road widening, providing new connections and enabling public domain improvements). This will allow widening of the road reserve in select streets to enable adequate capacity of traffic, parking and the establishment of new footpaths and shared paths.

Public transport

This proposal recognises the strategic location of Wickham, due to its close proximity to the emerging Newcastle CBD in Newcastle West and the new Newcastle Transport Interchange located in Wickham. This location creates potential for the area to accommodate a range of increased densities to capitalise on Wickham's proximity to excellent public transport options. This is strongly supported by the strategic framework for the Hunter region, by enhancing the public domain and relevant services to make it easier to get around the city centre, recognising Wickham as the public transport gateway into the centre.

Cycle and pedestrian movement

Community infrastructure facilitated by this proposal will include the establishment of new footpaths and shared paths throughout Wickham and linking to adjoining areas, in accordance with the vision of the WMP and the revised Newcastle Cycling Strategy and Action Plan. These interventions are expected to encourage uptake of active transport planning, by contributing key components at the hub of a city-wide network of footpaths and separated cycleways.

Environmental Considerations

Bushfire hazard

The land is not identified as bush fire-prone land in the Newcastle Bush Fire Hazard Map (2018)

Noise impact

This proposal will allow the continued development of a mix of compatible permissible land uses, with noise impacts anticipated to be adequately addressed during the design and assessment of individual developments.

Flooding

According to the Newcastle City-wide Floodplain Risk Management Study and Plan 2012 maps, the subject land is not within a floodway but is in the flood fringe. Hence future development may require an elevated floor height at ground level but is otherwise considered to be of minor significance.

Sea level rise

Resilience to potential hazards from sea level rise is being addressed at a broader scale through CN's 2017 *Strategic Position for the Management of Low-Lying Areas of Newcastle - Wickham - Maryville - Carrington – Islington*, which supports the ongoing redevelopment of these areas combined with various mitigation measures. In the case of this PP, suitable mitigation measures have been considered, such as raising the ground level floor height. This additional height (up to 1m) above natural ground level has been taken into account in determining the HOB to ensure no further variation under clause 4.6 of NLEP2012 is required (in relation to this issue) in any subsequent DA on the land.

Urban Design Considerations

The maximum proposed increase in density (HOB and/or FSR) is consistent with the urban design assessment and 3D modelling provided as part of the WMP 2017.

However, the incentives proposed are dependent on-site area, which responds to concern raised by CN's Urban Design Review Panel with how development standards are applied across the Newcastle City Centre, when large, tall development occurs on narrow lots with minimal side boundary setbacks resulting in tall buildings close to one another. This delivers an extremely dense urban form that is atypical of Newcastle's context. The site areas and predetermined densities will ensure resultant development in Wickham is able to comply with the requirements of the Apartment Design Guidelines and locality specific development controls, including setbacks, opportunities for landscaping, and car parking requirements, while also providing an incentive for site amalgamation.

CN has estimated that the hypothetical additional GFA from development accessing the available incentive GFA, under this proposal, to be in the order of 28 thousand square meters, not taking into consideration additional incentives GFA being made available from amalgamation of sites.

Assuming that additional GFA is taken up as additional residential apartments (at an average GFA of 90sqm per dwelling), this would create an additional 311 households within the city centre, from what is currently achievable. Furthermore, this additional development will enable the delivery of the community infrastructure projects not otherwise achievable by Council and at no additional cost to development under the current development standards.

Social and Cultural Considerations

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

Social and Cultural Considerations (not addressed above)

Open space management

This proposal facilitates various interventions within the urban structure that will deliver the community's desire for increasing opportunities for 'greening' and open space within the public domain.

Social and cultural impacts

The improved community infrastructure facilitated by this proposal will cater for the social and recreational needs of both local residents and the wider Newcastle community. The Wickham area will continue to cater for sporting, community events, and festivals, which will benefit from improved pedestrian and cycle links to public transport and adjoining areas.

Stakeholder engagement

In November 2017 CN adopted the WMP 2017 following extensive engagement with stakeholders to identify a vision for the desired future character of Wickham, as well as outlining the strategies and actions to achieve the vision. This proposal is one of the key actions identified in the WMP.

Economic Considerations

Economic impact assessment

The 'incentive GFA rate', proposed for Wickham by Council (based on the dividing the total cost of nominated community infrastructure projects by the max potential incentive GFA available, consistent with the WMP), was reviewed on behalf of CN by economic and valuation consultancy HillPDA.

HillPDA tested the potential development scenarios using a feasibility modelling approach to ensure that the potential rate is not only feasible but represents an incentive to development, based on a positive result to the potential rate of return. HillPDA identified a potential range for the 'Incentive GFA Rate', based on the variation in individual site factors and likely building types resulting from the range of incentive densities tested.

CN has determined a rate that represents the middle to upper end of the identified range but that would deliver all of the community infrastructure projects identified within WMP to support the increased densities. CN propose to exhibit the proposed 'Incentive GFA Rate' for Wickham alongside this Planning Proposal to obtain feedback from industry to ensure this will incentivise further urban renewal. Should the rate be adjusted, CN will need to consider the scope or priority of the projects sought to be delivered.

Employment Land

This proposal will increase the development potential of land currently zoned B4 Mixed Use, furthering the objectives of this key area of employment land, in particular: *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling*

Section D - State and Commonwealth interests

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

New development contributes toward the provision of essential community infrastructure, as a condition of consent being applied under Section 7.11 or 7.12 of the Act, however in areas of rapid growth local government is limited by:

- the amount able to be charged in comparison to the full cost of providing the infrastructure and services required by the community
- the type of items that may be funded by contributions in comparison to the expanded range of facilities and services local government is responsible for providing
- The timeframe to collect or recoup adequate funds necessary for delivering community infrastructure.

This Planning Proposal seeks to implement an alternative means of delivering community infrastructure, through development incentives, that are complementary but completely independent to contributions made under Section 7.11 and 7.12 of the Act.

Applicants may opt to access the available incentives (similar to other provisions within NLEP 2012, including Clause 7.10, that provide additional FSR based on an applicant's choice made having weighed up the economic implications) where the DA identifies the delivery of community infrastructure to be provided to support urban renewal.

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

CN has consulted with the following State public authorities in preparing this planning proposal:

- Subsidence Advisory NSW with respect to the limitations on redevelopment due to the nature of old mine workings within Wickham as identified by the Newcastle City Centre Mine Subsidence Risk Model and the remediation requirements to enable a potential increase in densities. As a result of the advice received, CN has only sought to apply an incentive increase in density through this Planning Proposal on land that is either not undermined and not impacted by mine subsidence and land not undermined but that is within the area of influence and may require some intervention (i.e. remediation at the edge of the workings and/or addressed through the design parameters of development.
- CN wrote to the NSW Independent Commission Against Corruption (ICAC) on 4 May 2021 to seek feedback in relation to any risks with implementing the draft Community Infrastructure Incentive Policy, if adopted by Council. A written response was received from ICAC's Principal Officer Corruption Prevention on 1 June 2021 to advise that the ICAC did not ordinarily provide a formal response in relation to draft Council Policy. However, at a subsequent conversation on 2 June 2021 the Officer confirmed that while the ICAC could not provide surety in relation to the potential corrupt conduct, it had not flagged any grounds for concern with the draft Policy.
- The ICAC advised CN to ensure probity in reporting and accounting how and where monies collected for community infrastructure are held and spent, consistent with how other funding for infrastructure is administered (for example funding collected through developer contributions or planning agreements). These probity requirements are provided for in the draft Policy.
- CN consulted with DPIE during the exhibition of the draft Policy to inform this planning proposal. While the Infrastructure Funding Policy team raised initial concern with the approach proposed within this Planning Proposal and its consistency with the current infrastructure contribution reform, CN have detailed to DPIE that the proposed incentives are not seeking to deliver items of 'local infrastructure', which is already provided for under CN's contribution framework but instead seeks to deliver those improvements and interventions to the local urban structure that will facilitate urban renewal outcomes as identified within the adopted WMP 2017, and amended WMP 2021. CN has outlined consistency between the Planning Proposal and other existing LEP provisions and trusts that all previous concerns have now been addressed to allow support through gateway determination.

Prior to public exhibition CN proposes to consult further with Subsidence Advisory NSW, in a formal capacity, given part of the Land falls within the bounds of the declared Newcastle Mines Subsidence District.

Part 4 - Mapping

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

- Land Zoning Map
- Height of Buildings Map
- Floor Space Ratio Map
- Minimum Lot Size Map
- Land Classification Map

The Matrix below indicates (with an “X”), which map sheets (of Newcastle LEP 2012) are to be amended as a result of this planning proposal (eg. FSR_001C)

	FSR	LAP	LZN	WRA	ASS	HOB	LSZ	LRA	CL1	HER	URA
001											
001A											
001B											
001C											
001D											
002											
002A											
002B											
002C											
002D											
002E											
002F											
002G											
002H											
003											
004											
004A											
004B											
004C											
004D											
004E											
004F											
004FA	X					X		X			
004G	X					X		X			
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

Figure 3: Existing Max Height of Buildings Map

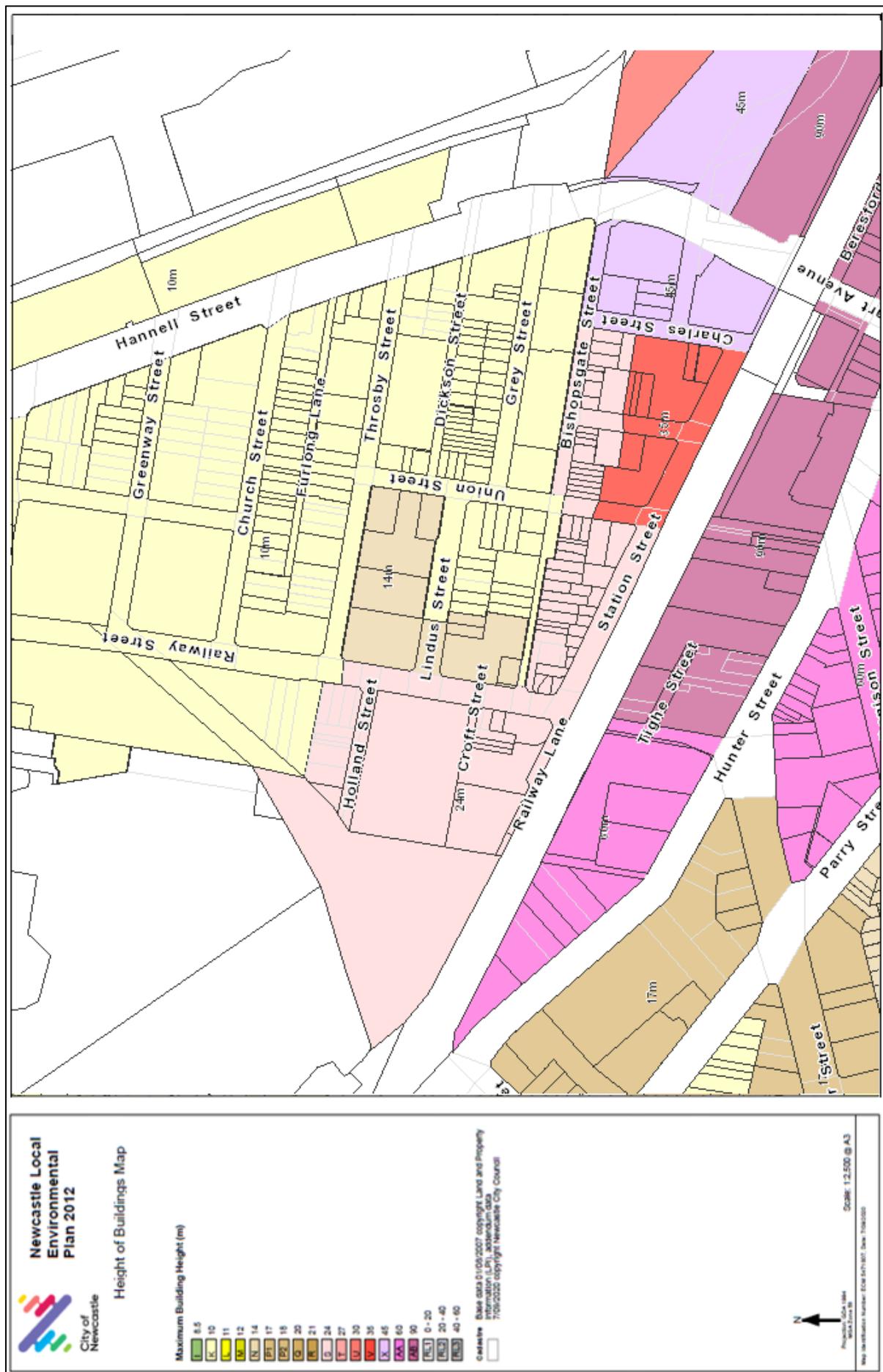


Figure 4: Proposed Max Height of Buildings Map

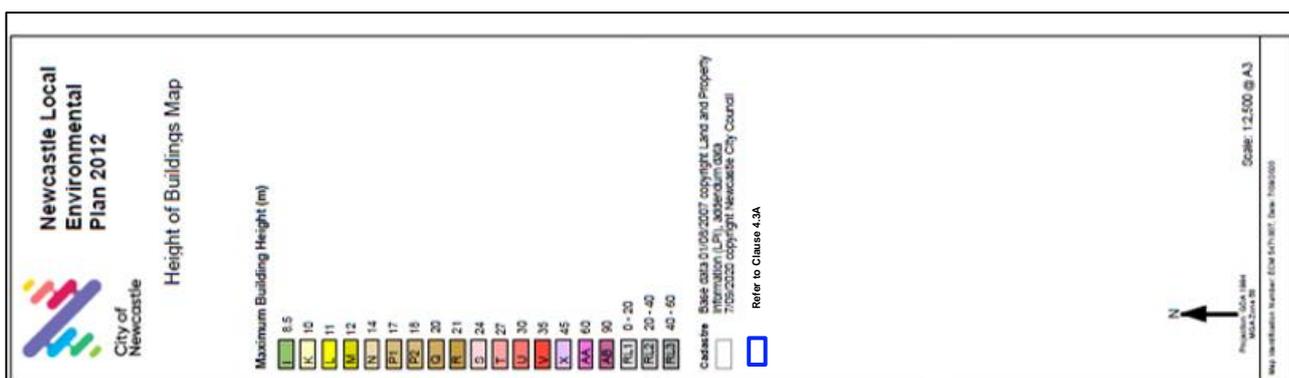
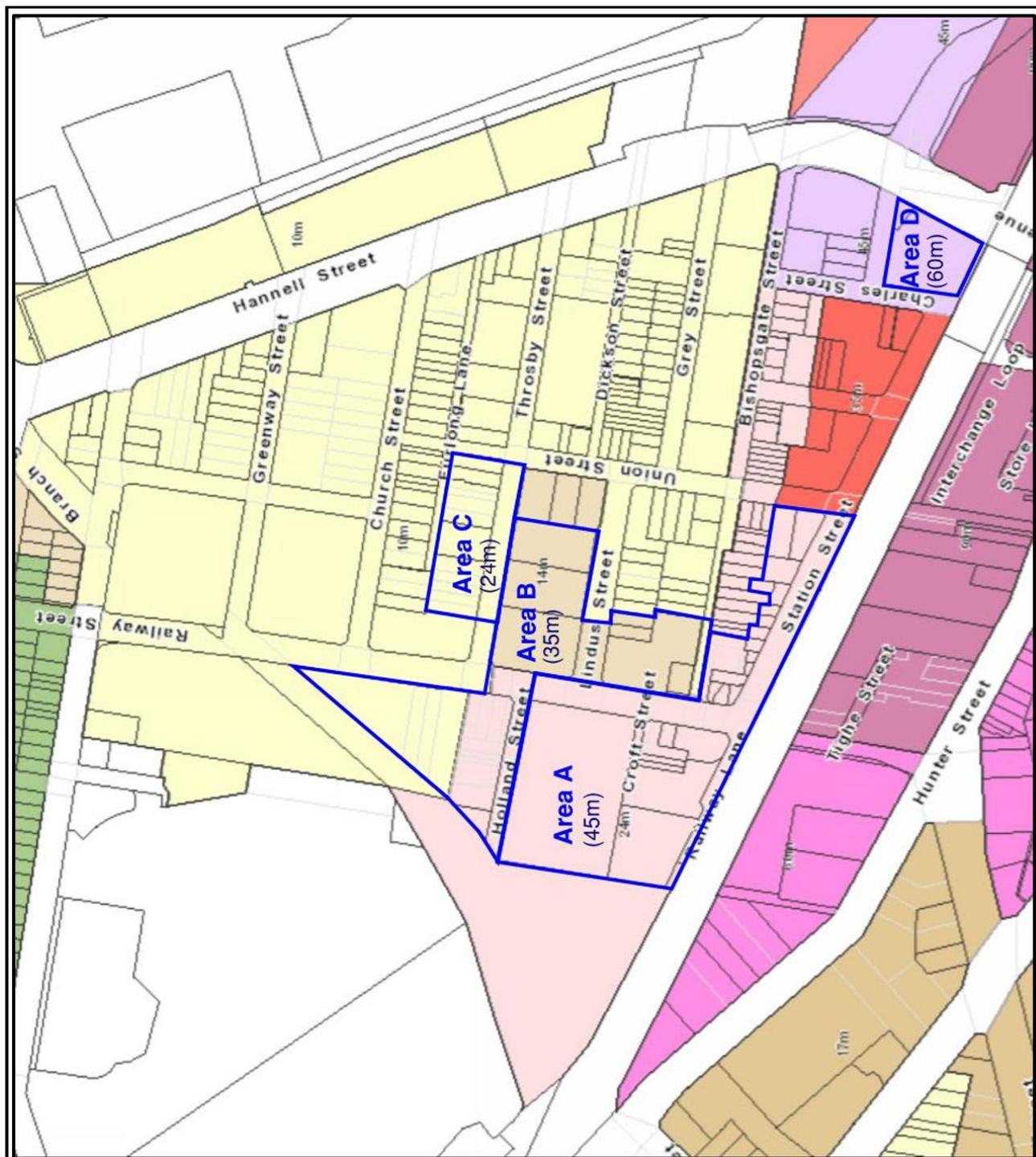


Figure 5: Existing Floor Space Ratio Map

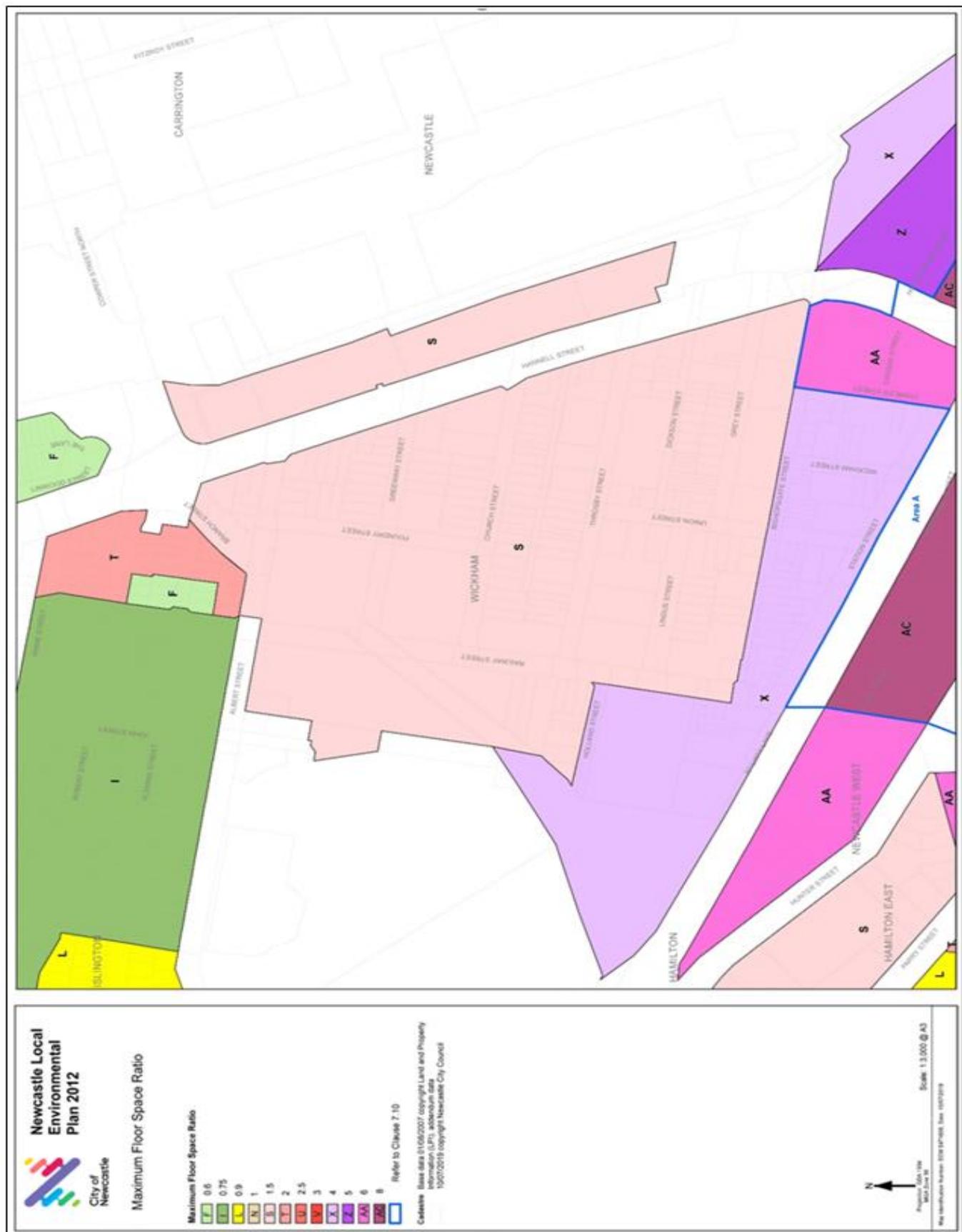


Figure 6: Proposed Floor Space Ratio Map

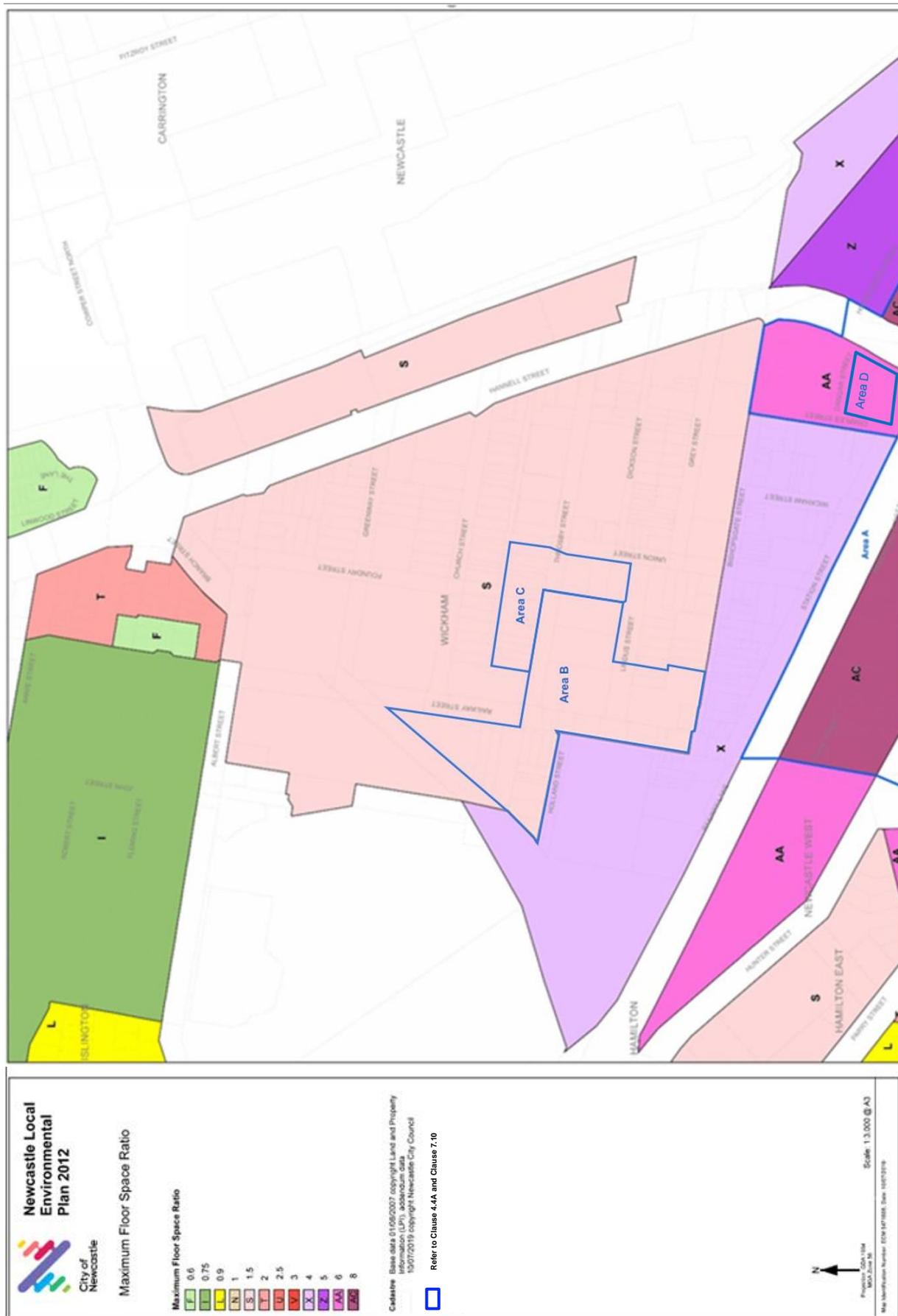


Figure 7: Existing Land Reservation Acquisition Map

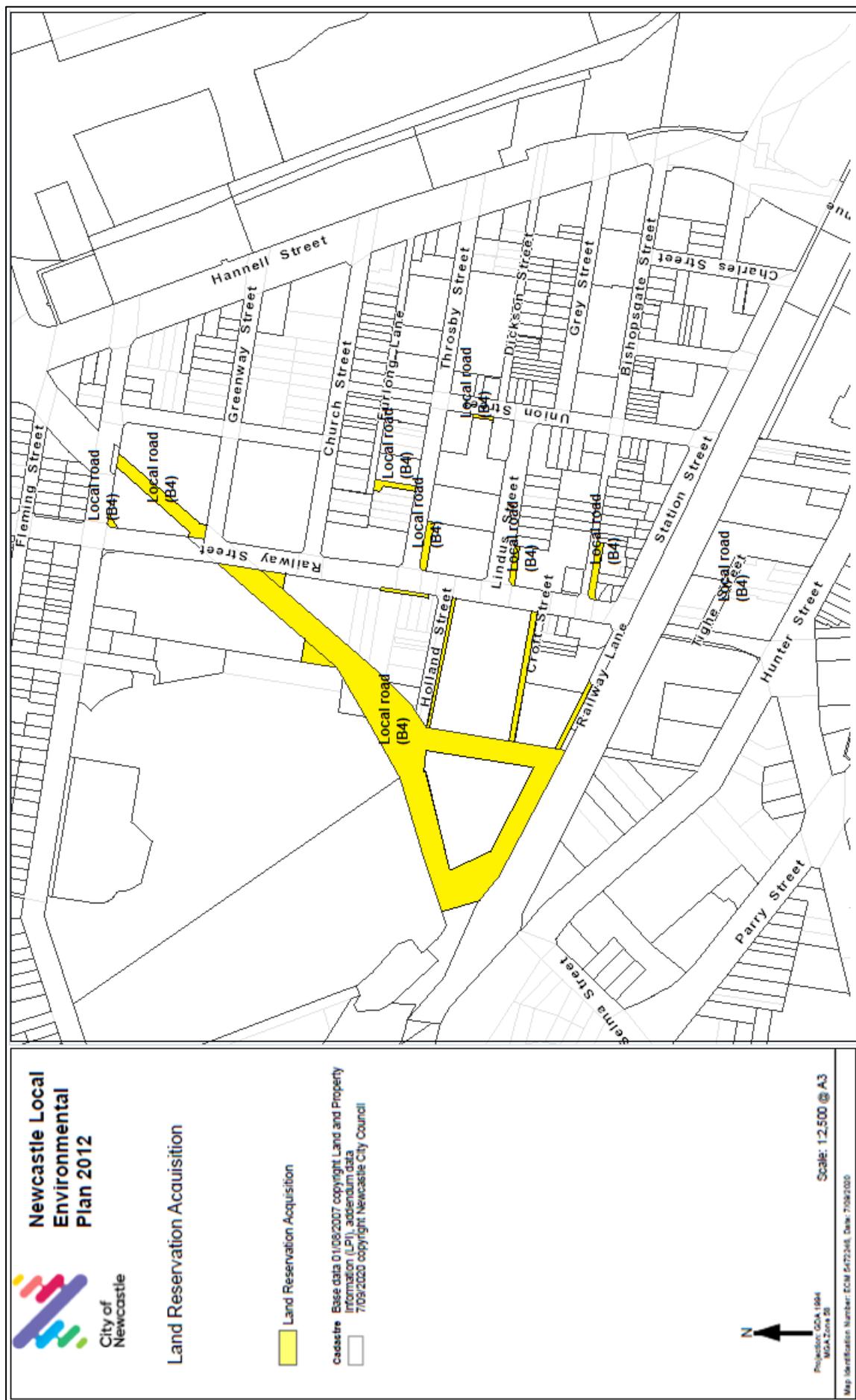
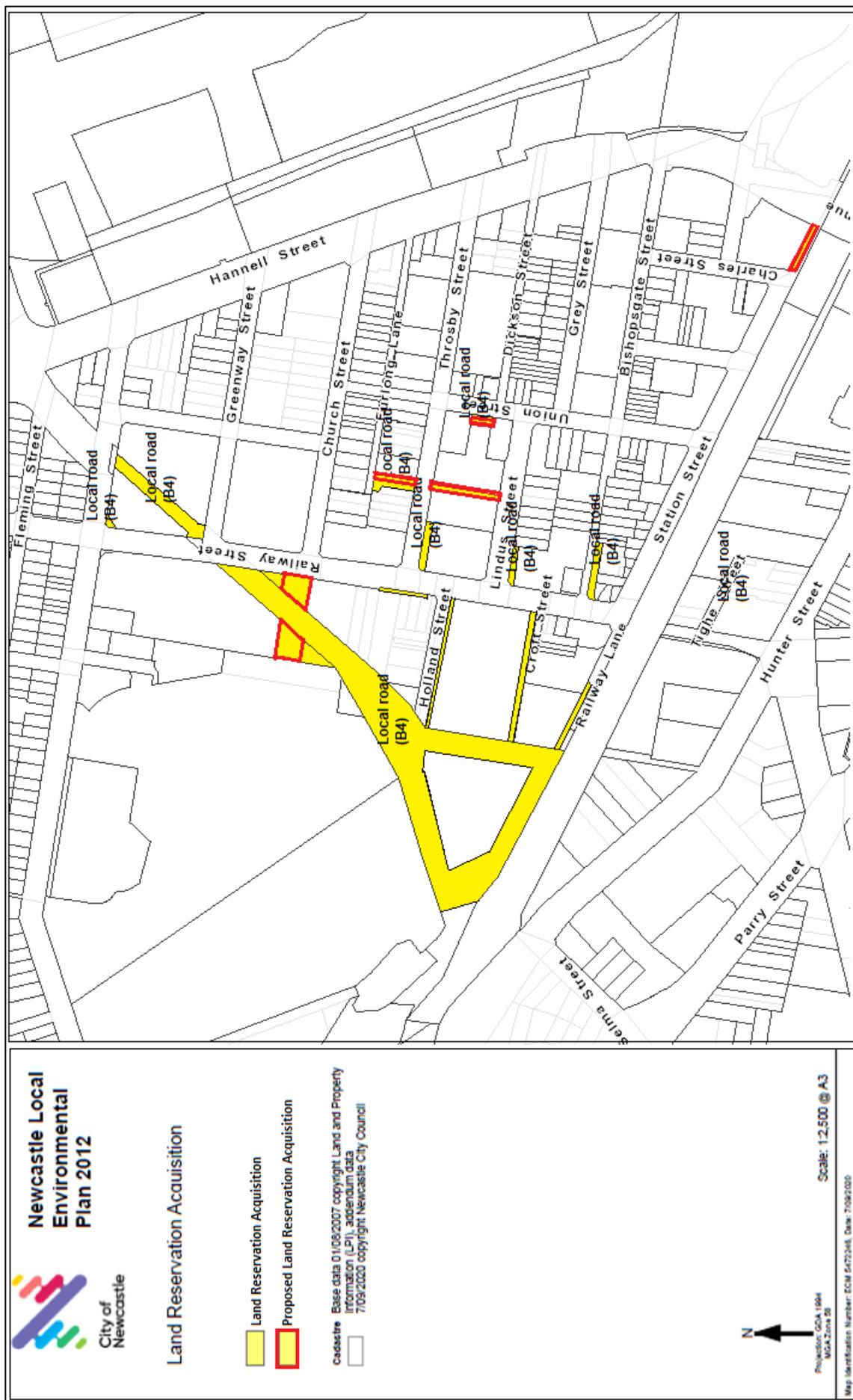


Figure 8: Proposed Land Reservation Acquisition Map



Part 5 - Community consultation

The planning proposal is considered as low impact in accordance with the Department of Planning and Environment's guidelines, 'A guide to preparing planning proposals.

However, CN propose to exhibit the Planning Proposal for a 28-day period, together with:

- draft Newcastle DCP Section 6.03.6 Community Infrastructure Incentives (for Wickham)
- draft 'Incentive GFA Rate' for Wickham, within the schedule of fees and charges of the Newcastle Operational Plan 2021/22.

Relevant authorities will be consulted in accordance with the requirements of the Gateway determination.

CN has engaged with the local Wickham Community, landowners and industry stakeholders on the proposed Community Infrastructure Incentives, as follows:

- Pre-engagement on the Wickham Masterplan 2021 Update throughout December 2020 and January 2021, which outlined the proposed incentives and the community infrastructure projects.
- 28 day public exhibition of the draft Community Infrastructure Incentives Policy, which outlined the proposed approach.
- 28 day public exhibition of the draft Wickham Masterplan 2021 Update which detailed the development incentives and envisaged community infrastructure envisaged for Wickham.

Part 6 - Project timeline

The plan making process is shown in the timeline below. It will be undertaken in accordance with the Gateway determination.

Task	Planning Proposal Timeline									
	Oct 21	Nov 21	Dec 21	Jan 22	Feb 22	Mar 22	Apr 22	May 22	Jun 22	Jul 22
Anticipated Council endorsement	Council decision									
Anticipated commencement date (date of Gateway determination)		DPIE								
Anticipated timeframe for the completion of required studies	N/A									
Timeframe for government agency consultation										
Commencement and completion dates for public exhibition period						Exhibition				
Dates for public hearing (if required)	N/A									
Timeframe for consideration of submissions										
Timeframe for the consideration of a proposal post exhibition								Council decision		
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

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**CCL 26/10/2021 - ENDORSEMENT OF PLANNING PROPOSAL AND
DEVELOPMENT CONTROL PLAN FOR COMMUNITY
INFRASTRUCTURE INCENTIVES AT WICKHAM**

ITEM-100 **Attachment B:** Draft Section 6.03.06 Community Infrastructure
Incentives in Wickham - Newcastle Development
Control Plan 2012

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Attachment B - Newcastle DCP 2012 - Section 6.03 Wickham

6.03.06 Community infrastructure incentives in Wickham

This section provides controls to help determine the level of incentive provided to development proposals in Wickham, under Clause 4.3A Exceptions to Height of buildings on certain land; and/or Clause 4.4A Exceptions to Floor Space Ratio on certain land of [Newcastle LEP 2012](#) (LEP).

Applicants seeking to access an available incentive will attend a pre-DA meeting to discuss the particulars of their proposal including the incentive sought and the community infrastructure to be provided.

Development incentives

Performance criteria

- P1 The additional gross floor area (GFA), made available as an incentive to individual development is based on:
- (a) planning grounds
 - (b) regard for the net public benefit to Wickham
 - (c) the monetary value (\$) of community infrastructure proposed
 - (d) the 'Incentive GFA rate' (\$/sqm) for Wickham.

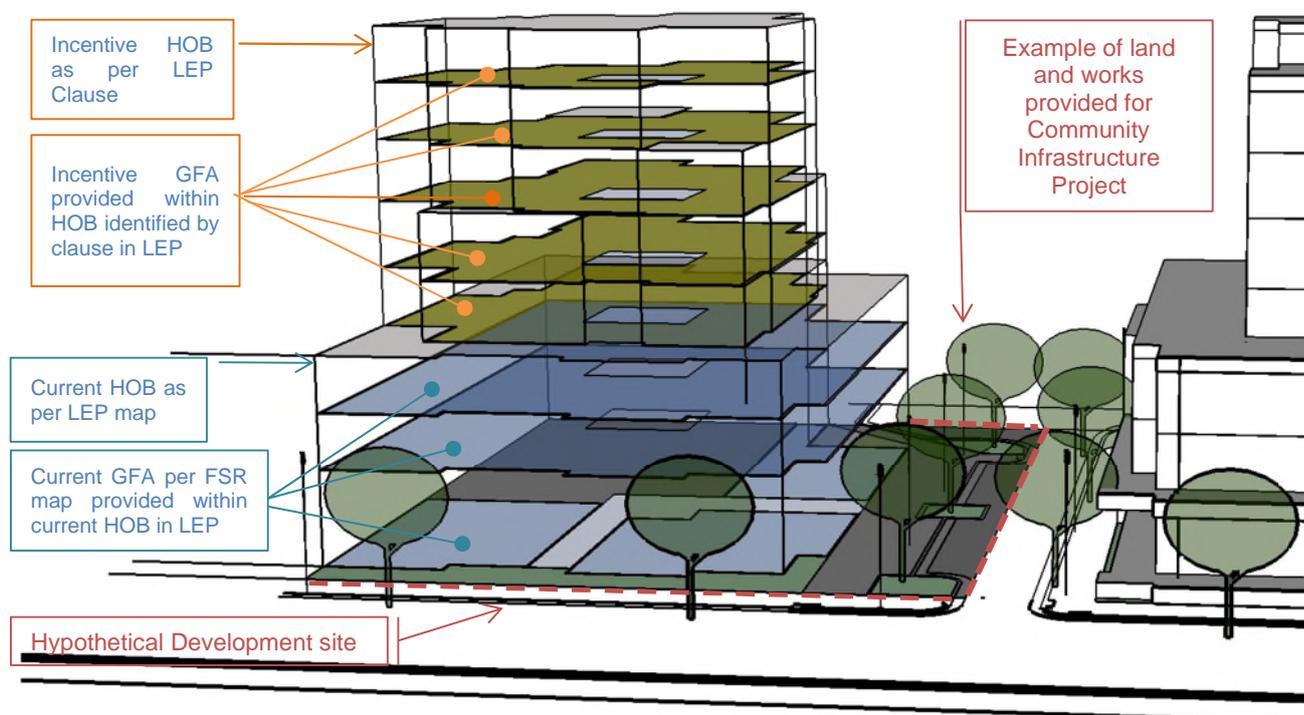
Acceptable solution

- A1 The additional GFA available to an individual development, as an incentive, is determined by dividing the agreed value of community infrastructure being offered as part of the DA by the 'Incentive GFA rate' for Wickham.

Notes

1. CN has determined an 'Incentive GFA rate' for Wickham by dividing the combined estimated cost (\$) of all nominated 'community infrastructure' projects (as summarised in Table 6.03.06 - 1 - Schedule of Community Infrastructure Projects in Wickham) by the potential combined increase in GFA (sqm) available to development in Wickham, in accordance with the Newcastle Community Infrastructure Incentives Policy 2021.
2. The 'Incentive GFA rate' for Wickham is published within the Schedule of Fees and Charges of the Newcastle Operational Plan and represents the value applied per square metre (\$/m²) of additional GFA achieved by development.
3. Despite A1, the resultant HOB and FSR of development cannot exceed the maximum identified for the land within [Newcastle LEP 2012](#).
4. An example of how incentive GFA is applied to development is illustrated in Figure 6.03.06 - 2 – Development Incentives.
5. Where development does not seek an available incentive in full or part but is situated on land that is identified on Figure 6.03.06 - 2 – Map of nominated community infrastructure projects in Wickham, the applicant will make the full required land available to CN for acquisition.

Figure 6.03.06 - 2 – Diagram showing how incentives are applied to development



Provision of community infrastructure

Performance criteria

- P1. Community infrastructure may be provided to CN in the form of Land, Capital Works, Cash contribution, or a combination of these, which will deliver the nominated community infrastructure projects identified in Table 6.03.06 - 1 - Schedule of community infrastructure projects in Wickham.
- P2. Applicants will obtain in principle agreement from CN to the provision of community infrastructure being offered prior to lodging a formal DA.

Acceptable solutions

- A1. Notwithstanding the merits of the development proposal, CN will consider the following prior to accepting an offer of community infrastructure in the form of capital works and improvements:
- (a) the value of the works and embellishment is based on the cost to CN for undertaking the same works to the required standard. The cost of works and embellishment will be verified by an independent quantity surveyor (at no cost to CN).

- (b) the design and functionality of any proposed improvements or capital works being delivered by or on behalf of the developer, to ensure these are fit for their intended purpose having regard to:
- i. any public domain plans or guidelines prepared
 - ii. compliance with CN nominated technical specifications and standards
 - iii. the full cost of the project's lifecycle and any anticipated recurring cost to CN.
- A2. Community infrastructure provided in relation to a development incentive will always include the offer of land, comprising the entire area identified on Figure 6.03.06 - 2 – Map of nominated community infrastructure projects in Wickham and supported by the Land Reservation Acquisition (LRA) map in the LEP.
- A3. Community infrastructure provided as cash contribution will be collected by CN and only allocated toward the delivery projects nominated in Table 6.03.06 - 1 - Schedule of community infrastructure projects in Wickham. All monies are payable prior to an Occupation Certificate being issued for the development. CN will condition consent on provision of a bond or bank guarantee to the required amount, being provided by the applicant to CN prior to issue of a Construction Certificate.
- A4. The component of land provided as community infrastructure for a development incentive will be dedicated to CN, at no cost subject to the available GFA being made available to the development at a factor of 1.25 (i.e. $GFA \times 1.25$).

Note box

1. Acceptable solution A4 (above) is based on the assumption that despite the GFA of land dedicated to Council being transferred to the development. The residual land still has a nominal value (despite having no development potential). It is an acceptable practice to assign a value of 25% of the value of the GFA transferred from the land; hence the total value of the land was 125% (or 1.25 times) the achievable GFA. GFA being the land area times by the applicable FSR.

For example:

A development parcel of 1200sqm with an existing FSR of 1.5:1, includes an identified community infrastructure project with an area of 200sqm. If the applicant dedicates the 200sqm area to Council as part of the DA, then in return the available GFA applying to the dedicated land is provided to the development at a rate of 1.25.

That is; $GFA \text{ transferred to development} = 1.25 \times (200\text{sqm} \times \text{FSR of } 1.5) = 375\text{sqm}$.

2. Hence the residual development land parcel will have a $GFA = [(1200 - 200) \times 1.5] + 375$
 $= 1500 + 375$
 $= 1875\text{sqm}$

This being an additional 75sqm to the development from what would have otherwise been achieved.

Figure 6.03.06 - 2 – Map of nominated community infrastructure projects in Wickham



Table 6.03.06 - 1 - Schedule of community infrastructure projects in Wickham

Ref	Location	Category	Approx. area	Approx. dimensions	Description
1.	29 Bishopsgate Street (Corner of Railway and Lindus Street)	Public domain activation	210m ²	6m x 35m	Wickham green – consisting of lawn/paved areas/landscaping and shade trees, furniture, potential small podium/stage.
2.	52 Throsby Street, (Corner of Railway and Throsby Street)	Public domain activation	440m ²	10m x 43.91m	Rain and play garden – consisting of WSUD and robust landscaping elements including dry creek bed with feature boulders, logs, steppingstones, and siting areas.
3.	46 Union Street	Public domain activation	145m ²	8m x 17.84m	Village veggie patch - community garden consisting raised garden beds with irrigation, and other items typically included for such a facility.
4.	30 Railway Street (Railway Street opposite Church Street intersection)	Public domain activation	830m ²	32m x 50m	Outdoor fitness area - gym/equipment and open space area creating link that extends to Wickham Park.
5.	In corridor west of Holland Street	Public domain activation	200m ²		Rail heritage interpretation - public art space
6.	2-10 Holland Street (extension of Croft Street)	New laneway	590m ²	5m x 117m	Laneway for slow one-way local traffic to parking areas / potential loading zones.
7.	48 Throsby Street, (Between Lindus and Throsby streets)	Active transport link	380m ²	6.5m x 60m	Pedestrian connection including footpath, lighting, and open landscaping elements that enable clear line of sight for surveillance from street and adjoining uses.
8.	55 Throsby Street (between Throsby Street and Furlong lane)	New laneway and Public domain activation	290m ²	6.5m x 36.5m	Widening laneway – adjacent to one-way traffic lane and footpath on 47 Throsby. Widening to consist row of parallel parking on western side of traffic lane plus wide pedestrian area with street trees/soft landscape area, lighting, and furniture.
9.	Former Bullock Island Rail corridor	Active transport link		470m length	Promenade - pavement and interpretive elements identifying path of railway tracks, adjacent landscape area including trees species with distinctive/coloured foliage, lighting, furniture.
10.	Southern edge of Wickham Park	New laneway	TBD	450m length	Park edge laneway - One-way travel lane, potentially parking lane, adjacent shared pedestrian cycleway, and suitable shade trees.
11.	80 Bishopsgate Street (cnr with Railway Street)	Road widening	321.5m ²	5m x 51m	Street widening – parallel parking lane and footpath
12.	10 Dangar Street	Active transport link	131 m ²	3m wide	Pedestrian/cycle lane – paved laneway with activated edge at corners. Lighting and public art
13.	Various locations connecting footpaths between developments	Active transport link	Up to 1000m	Detail subject to Public Domain Plan	Public Domain Improvements – Areas where redevelopment is unlikely to occur

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**CCL 26/10/2021 - ENDORSEMENT OF PLANNING PROPOSAL AND
DEVELOPMENT CONTROL PLAN FOR COMMUNITY
INFRASTRUCTURE INCENTIVES AT WICKHAM**

ITEM-100 **Attachment C:** Draft Incentive Gross Floor Area (GFA) Rate for
Wickham

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Attachment C

The draft Incentive GFA Rate for Wickham within the Schedule of Fees and Charges, of the Newcastle Operational Plan 2021/22

Proposed within the Schedule of Fees and Charges, of the Newcastle Operational Plan 2021/22

Name	Year 20/21 Fee (incl. GST)	Year 21/22 Fee (incl. GST)	Unit	GST	Pricing Policy
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Regulatory, Planning & Assessment

Community Infrastructure Incentives - Incentive GFA Rates

Identifies the value of community infrastructure provided for each square metre of Gross Floor Area (GFA) made available to DAs on land identified under Clause 4.3A 'Exceptions to Height of Buildings on certain land' and/or Clause 4.4A 'Exceptions to Floor Space Ratio on certain land of Newcastle LEP 2012, as described.

Incentive GFA Rate for Wickham	NA	\$518.10	Square metre of incentive GFA	Y	F
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