

ITEM-74 CCL 27/09/22 - PUBLIC EXHIBITION OF DRAFT PLANNING AGREEMENT FOR 10 DANGAR STREET, WICKHAM

REPORT BY: GOVERNANCE
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MANAGER REGULATORY, PLANNING AND ASSESSMENT

PURPOSE

To place the draft Planning Agreement and Explanatory Note for 10 Dangar Street, Wickham on public exhibition.

RECOMMENDATION

That Council:

- 1 Places the draft Planning Agreement (**Attachment A**) and Explanatory Note (**Attachment B**) for 10 Dangar Street, Wickham on public exhibition for 28 days.
- 2 Considers a report on the draft Planning Agreement and Explanatory Note following public exhibition.

KEY ISSUES

- 3 DA2022/00448 was lodged with Council on 20 May 2022 seeking alterations and additions to an approved development (DA2018/01197.02) at 10 Dangar Street, Wickham. The original DA was approved by the Hunter and Central Coast Regional Planning Panel. The current application includes an offer to enter into a Planning Agreement with Council.
- 4 DA2022/00448 proposes to increase the Floor Space Ratio (FSR) from the approved 5.87:1 to 6.9:1 and increase the Height of Buildings (HOB) from the approved 47.65m to 58.75m through a variation to the existing controls in Newcastle Local Environmental Plan 2012 (NLEP 2012).
- 5 These changes add approximately 3,065m² of gross floor area (GFA) above that approved on the site. This would create three additional residential storeys above the approved fourteen storey development.
- 6 The variation is consistent with the adopted Wickham Masterplan (WMP) 2021 and the Community Infrastructure Incentives Planning Proposal. In these documents the site has a maximum incentive HOB of 60m and a maximum incentive FSR of 7:1.
- 7 The draft Planning Agreement proposes a monetary contribution of \$1,587,976.50 (inclusive of GST) paid to CN in connection with the proposed development at the site. The contribution will be used towards the provision of local public amenities or infrastructure that supports the implementation of the WMP 2021 and the Wickham Public Domain Plan (in progress).

- 8 The proposed monetary contribution is based on the floorspace above that approved at the site under DA2018/01197.02. It is consistent with the Draft GFA Rate in the Community Infrastructure Incentives Planning Proposal (\$518.10 per sqm of additional floorspace).
- 9 The Explanatory Note supports the draft Planning Agreement with a plain English summary as required by clause 205 of the Environmental Planning and Assessment Act Regulation 2021 (EP&A Regulation). The Explanatory Note contains an assessment of the merits of the draft Planning Agreement and how it promotes the public interest.
- 10 CN will continue to assess the development application on its merits. It is expected to be reported to the Development Application Committee (DAC) later in 2022.

FINANCIAL IMPACT

- 11 The applicant has funded the preparation of the draft Planning Agreement and will fund CN's legal review of the draft Planning Agreement and public exhibition.
- 12 The draft Planning Agreement will assist CN in providing community infrastructure in Wickham not otherwise able to be funded through section 7.12 infrastructure contributions.

NEWCASTLE 2040 ALIGNMENT

- 13 The draft Planning Agreement and Explanatory Note is consistent with Newcastle 2040 Community Strategic Plan and will contribute to the implementation of the following objectives:

1. Liveable Newcastle

1.1 Enriched neighbourhoods and places

1.1.1 Great spaces

1.1.2 Well-designed places

1.3 Safe, active and linked movement across the city

1.3.1 Connected cycleways and pedestrian networks

3. Creative Newcastle

3.4 City-shaping partnerships

3.4.1 Optimise city opportunities

4. Achieving Together

4.2 Trust and transparency

4.2.1 Genuine engagement

IMPLEMENTATION PLAN/IMPLICATIONS

14 The draft Planning Agreement seeks to implement outcomes from the following adopted strategies, plans and policies of Council:

- i) Newcastle 2040 Community Strategic Plan, as identified above.
- ii) Newcastle Local Strategic Planning Statement, including the following planning priorities:
 - a) **Planning Priority 8:** Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas.
 - b) **Planning Priority 9:** Sustainable, healthy and inclusive streets, neighbourhoods and local centres.
 - c) **Planning Priority 10:** Development responds to the desired local character of our communities.
 - d) **Planning Priority 14:** Enable the transition to new economy jobs and grow creative industries.
- iii) Wickham Masterplan 2021, including the following key priorities:
 - a) Improve accessibility and connectivity within Wickham and to adjoining areas.
 - b) Create safe, attractive and inclusive public spaces.
 - c) Ensure built environment is functional, responsive and resilient.
 - iv) Community Infrastructure Incentives Policy.

RISK ASSESSMENT AND MITIGATION

15 An independent legal review of the draft Planning Agreement and Explanatory Note was undertaken prior to reporting and public exhibition.

16 The negotiation and preparation of the draft Planning Agreement is consistent with CN's Planning Agreements Policy and Planning Agreements Procedure. These documents outline how CN will consider, accept and implement offers made by developers to enter into Planning Agreements.

17 Adherence with the legislative framework outlined in the Environmental Planning and Assessment Act 1979 (EP&A Act) and the EP&A Regulation reduces the risk to both CN and the applicant.

- 18 The draft Planning Agreement includes a requirement that the monetary contribution must be paid to CN in full prior to the issuing of the Occupation Certificate for the development.

RELATED PREVIOUS DECISIONS

- 19 Nil.

CONSULTATION

- 20 Formal public consultation on the draft Planning Agreement and Explanatory Note will occur during the exhibition period. Exhibition material will be placed on the CN website in accordance with the EP&A Regulation and consistent with CN's adopted Community Participation Plan.
- 21 DA2022/00448 was publicly notified between 26 May 2022 and 9 June 2022. It has not yet been determined. CN received one submission during the notification period. DA2022/00448 will be renotified concurrently with the draft Planning Agreement and Explanatory Note.

BACKGROUND

- 22 DA2018/01197 was approved by the Hunter and Central Coast Regional Planning Panel on 30 April 2019. The application sought the demolition of all structures and the construction of a 14-storey mixed-use development at 10 Dangar Street, Wickham (known as the Bowline Development).
- 23 DA2018/01197.02 sought amendments to the approved DA2018/01197 in the form of an additional basement level, additional office space and other amendments. This application was approved by the Hunter and Central Coast Regional Planning Panel on 6 May 2021.

Wickham Masterplan 2021 (July 2022)

- 24 The subject site is within Area E in Map 9 of WMP 2021. Area E is afforded a maximum incentive FSR of 7:1 and a maximum incentive HOB of 60m should development provide identified community infrastructure.
- 25 The FSR control for Area E was amended from 6:1 to 7:1 as part of the WMP 2021 (2022 Amendment).
- 26 WMP 2021 (2022 Amendment) was endorsed by Council at the July 2022 Council meeting. It replaced the previous version of WMP 2021 and is known as the WMP 2021 (July 2022).

Community Infrastructure Incentives in Wickham Planning Proposal

- 27 The Community Infrastructure Incentives in Wickham Planning Proposal seeks to amend NLEP 2012 to implement the Community Infrastructure Incentives Policy in Wickham, consistent with the WMP 2021 (July 2022).

28 The Planning Proposal is currently with the Department of Planning and Environment for Gateway Determination. CN is seeking further advice to assist the Department with its assessment.

OPTIONS

Option 1

29 The recommendation as at Paragraphs 1 – 2. This is the recommended option.

Option 2

30 That Council does not endorse the draft Planning Agreement and Explanatory Note for public exhibition. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 74 Attachment A: Draft Planning Agreement – 10 Dangar Street, Wickham

Item 74 Attachment B: Explanatory Note – 10 Dangar Street, Wickham

Item 74 Attachments A - B distributed under separate cover