

SUBJECT: CCL 22/03/22 - SUPPLEMENTARY REPORT - EXHIBITION OF PLANNING PROPOSAL AND DEVELOPMENT CONTROL PLAN FOR COMMUNITY INFRASTRUCTURE INCENTIVES AT WICKHAM

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL OFFICER / MANAGER REGULATORY, PLANNING AND ASSESSMENT

PURPOSE

To provide a supplementary report following Item 100 – Endorsement of Planning Proposal and Development Control Plan for Community Infrastructure Incentives in Wickham (**Attachment A**) being laid on the table at the Ordinary Council Meeting on 26 October 2021.

RECOMMENDATION

That Council:

- 1 Endorses the Planning Proposal (**Attachment B**) to amend the Newcastle Local Environmental Plan 2012 (NLEP 2012) to implement the Draft Wickham Masterplan 2021 Update (WMP 2021) (2022 Amendment).
- 2 Forwards the Planning Proposal to the Minister for Planning for 'Gateway Determination' pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).
- 3 Publicly exhibits the Planning Proposal, subject to Gateway Determination, for a minimum of 28 days together with the following:
 - i) Amended Newcastle Development Control Plan 2012 (NDCP 2021) Section 6.03 Wickham (**Attachment C**).
 - ii) Amended NDCP 2012 Section 9.00 Glossary (**Attachment D**).
 - iii) The Draft Incentives Gross Floor Area (GFA) Rate for Wickham (**Attachment E**), within the Schedule of Fees and Charges, of the Newcastle Operational Plan 2021/22.
- 4 Receives a report on submissions following public exhibition and considers any amendments made in response to submissions and make a final determination on the Planning Proposal and draft Section 6.03 of the NDCP 2012.

KEY ISSUES

- 5 A Planning Proposal to amend NLEP 2012 and draft amendment to NDCP 2012 to implement the Community Infrastructure Incentives Policy (CIIP) for Wickham

was reported to Council for endorsement at the Ordinary Council Meeting held on 26 October 2021.

- 6 Council resolved that the matter lay on the table *"...until the accompanying NDCP 2012 amendments can be brought back to Council simultaneously with changes to the NLEP 2012."*
- 7 The amendments to NDCP 2012 to implement the relevant actions of the WMP 2021 have been prepared and are included as a separate item on the business paper for March 2022.
- 8 The amendments to implement the CIIP are shown in red text within the amended NDCP Section 6.03 Wickham (**Attachment C**). A definition for Community Infrastructure Incentives has been included in Section 9.00 Glossary, shown in red text. The amendments to Section 6.03 Wickham to implement the other actions of the WMP 2021 are shown in blue text and are dealt with in a separate item on the business paper for March 2022.
- 9 The Planning Proposal has been amended since it was reported to Council on 26 October 2021 to be consistent with recent NSW Government's planning reform, changes to legislation and the draft Hunter Regional Plan 2041 which was on public exhibition from 1 December 2021 to 4 March 2022. These changes are minor and administrative in nature.

Draft WMP 2021 (2022 Amendment)

- 10 The WMP 2021 (2022 Amendment) has been prepared following further analysis and monitoring of the WMP 2021.
- 11 The WMP 2021 (2022 amendment) proposes changes to Map 9 – Areas proposed for development incentive and Table 4 – Potential development incentives for provision of community infrastructure (page 18).
- 12 The amended mapping and provisions are consistent with the Urban Precincts mapping in the WMP 2017 and provide a better built transition between the Emerging Industry Quarter and the lower-scale Village Hub Urban Precinct should these sites develop in the future.
- 13 The Planning Proposal has been amended to reflect the updated mapping and provisions contained within WMP 2021 (2022 Amendment) which is being reported to Council as a separate item on the business paper.

Amendments to NDCP 2012 Section 6.03 Wickham to implement Community Infrastructure Incentives

- 14 The amendments to Section 6.03 Wickham to implement the Community Infrastructure incentives are shown at Attachment C in red text. These amendments are aimed at implementing the following actions contained in the WMP Update 2021:
 - i) Create safe, attractive, and inclusive public places.

Action 5: Implement the CIIP through NLEP 2012 and NDCP 2012 for Wickham.

- ii) Ensure built environment is functional, responsive and resilient.

Action 2: Amend NDCP 2012 to include the community infrastructure projects sought to be delivered through development incentive, as identified Map 6 – Location of proposed community infrastructure projects and described on Table 3 – Description of proposed community infrastructure projects.

- 15 New subsection *6.03.06 Community infrastructure incentives in Wickham* has been added to implement Actions 5 and 2 of the WMP Update 2021.
- 16 Section 6.03.03 Urban Design, *B. Urban activation spaces*, Acceptable Solution A1(a) has been amended to include reference to new *Figure 6.03 - 11 - Map of Nominated Community Infrastructure Projects in Wickham*.
- 17 Section 6.03.03 Urban Design, *B. Urban activation spaces*, Acceptable Solution A2 has been amended to include reference to *Table 6.03 - 2 - Schedule of Community Infrastructure Projects in Wickham* and now requires urban activation spaces to incorporate or use facilities such as those identified in the table. Existing *Figure 6.03 - 13 - Location of Urban activation spaces* has been superseded by *Figure 6.03 - 11 - Map of Nominated Community Infrastructure Projects in Wickham*.
- 18 Draft NDCP 2012 Section 6.03 Wickham has been updated to reflect the implementation of relevant actions identified in the WMP Update 2021. These amendments have been shown at Attachment C with blue text to distinguish them from the amendments required to implement the Community Infrastructure Incentives Scheme.

Amendments to NDCP 2012 Section 9.00 Glossary to implement Community Infrastructure Incentives

- 19 The definition for Community Infrastructure Incentives has been included in the draft NDCP 2012 Section 9.00 (Attachment D) to be consistent with the inclusion of the term in Section 6.03 Wickham.
- 20 The definition for City of Newcastle has been included in the draft NDCP 2012 Section 9.00 (Attachment D).

Draft Incentives Gross Floor Area (GFA) Rate for Wickham

- 21 The draft Incentives GFA rate for Wickham has not been amended since it was last reported to Council and is included at Attachment E.

OPTIONS

Option 1

- 22 The recommendations as at paragraphs 1 to 4. These are the recommended options.

Option 2

- 23 Not support the recommendations. This is not the recommended option.

REFERENCES

Nil

ATTACHMENTS

- ItemXX Attachment A:** Original Report and Attachments A, B and C of CCL 26/10/21 – Endorsement of Planning Proposal and Development Control Plan for Community Infrastructure Incentives at Wickham
- ItemXX Attachment B:** Amended Planning Proposal – Community Infrastructure Incentives for land at Wickham
- ItemXX Attachment C:** Amended Draft Section 6.03 Wickham – Newcastle Development Control Plan 2012
- ItemXX Attachment D:** Draft Section 9.00 Glossary – Newcastle Development Control Plan 2012
- ItemXX Attachment E:** Draft Incentive Gross Floor Area (GFA) Rate for Wickham

Attachments A to E distributed under separate cover.