

# Draft Wickham Community Infrastructure Plan

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City of  
Newcastle

# Table of Contents

<b>1. Introduction .....</b>	<b>1</b>
<b>2. Purpose of this plan.....</b>	<b>1</b>
<b>3. Why is community infrastructure needed in Wickham? .....</b>	<b>2</b>
<b>4. What is community Infrastructure? .....</b>	<b>2</b>
<b>5. The planning framework.....</b>	<b>3</b>
<b>6. How is the contribution towards community infrastructure determined? .....</b>	<b>4</b>
<b>7. How is the monetary contribution indexed? .....</b>	<b>7</b>
<b>8. What is the community infrastructure process? .....</b>	<b>7</b>
<b>9. Timing and implementation.....</b>	<b>8</b>
<b>Appendix 1 – Schedule of Community Infrastructure .....</b>	<b>9</b>

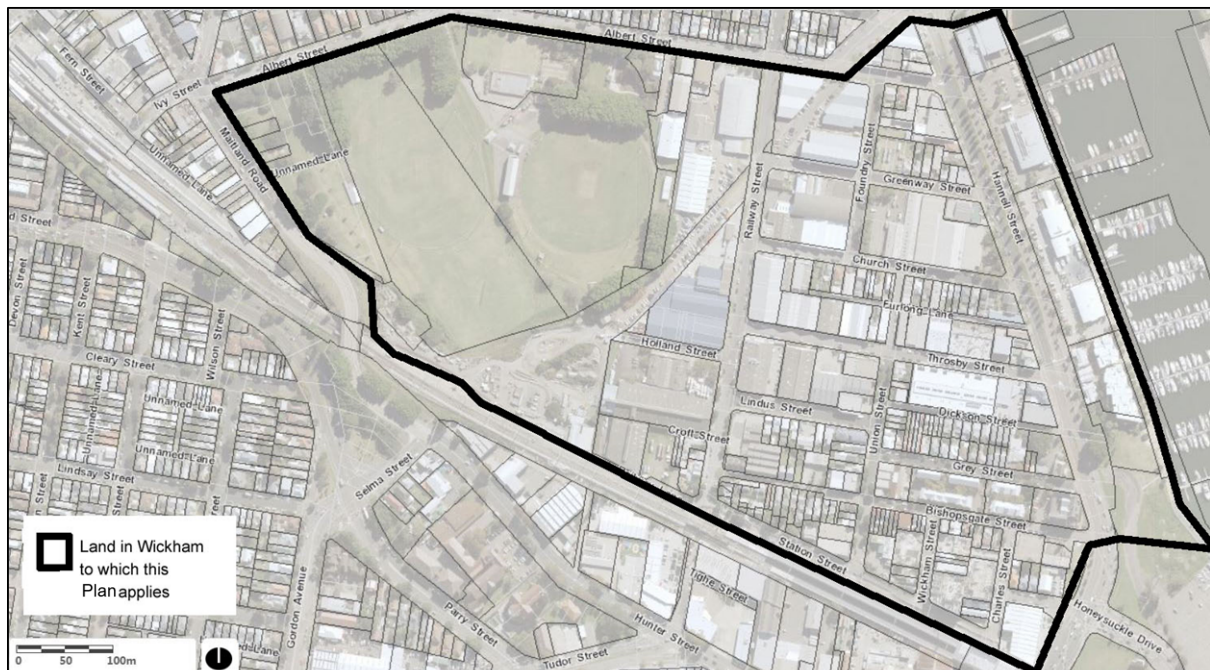
## 1. INTRODUCTION

The Wickham Community Infrastructure Plan provides details on how community infrastructure is to be delivered as part of the urban renewal of Wickham.

The Wickham Masterplan 2021 adopted July 2022 (WMP 2021) outlines the vision for Wickham, building on vision established in the Wickham Master Plan 2017 (WMP 2017).

This plan supports clause 7.11 of the *Newcastle Local Environmental Plan 2012* (NLEP 2012) and should be read in conjunction with Section 6.03 Wickham of *Newcastle Development Control Plan 2012* (DCP 2012).

The Wickham area to which this plan applies is shown in Figure 1:



**Figure 1: Wickham**

## 2. PURPOSE OF THIS PLAN

The purpose of this plan is to:

- Explain why community infrastructure is needed to support the growth and function of Wickham as part of its urban renewal
- Detail the community infrastructure needed to support redevelopment
- Describe how community infrastructure can be delivered through the development process and Planning Agreements
- Outline how the value of the community infrastructure works is calculated

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### 3. WHY IS COMMUNITY INFRASTRUCTURE NEEDED IN WICKHAM?

Wickham is undergoing significant change as it transitions from a post-industrial suburb at the fringe of Newcastle City Centre into a mixed-use urban neighbourhood supporting the new commercial core of Newcastle West. It takes advantage of significant State government investment such as the Newcastle Transport Interchange.

The *Wickham Masterplan 2021* identifies community infrastructure needed in Wickham beyond that delivered under City of Newcastle's (CN) infrastructure contributions framework. This community infrastructure will support the envisaged urban renewal outcomes in Wickham while incentivising development that delivers new housing and business floorspace in a strategic location.

The community infrastructure outlined in this plan will support the existing and new residents in Wickham, as well as the wider Newcastle community.

### 4. WHAT IS COMMUNITY INFRASTRUCTURE?

Community infrastructure in Wickham refers to the infrastructure, public domain and physical facilities that support the growth and function of Wickham and benefit the existing and new population as well as the wider Newcastle population.

The community infrastructure described in this plan is additional to the Newcastle s7.11 and s7.12 contributions plans requirements. It is not being levied under any other contributions scheme or planning instrument.

The following community infrastructure contribution will be considered by CN:

- A monetary contribution
- Dedication of land or property
- Carrying out works
- A combination of the above

A full schedule of works to be delivered in Wickham including mapping and specifications is at **Appendix 1**.

Any community infrastructure contribution must be consistent with this plan, NLEP 2012 and NDCP 2012.

Other forms of community infrastructure in Wickham may be considered by CN, consistent with the Community Infrastructure Incentives Policy. Such forms may include affordable housing and is to be negotiated via a Planning Agreement.

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## 5. THE PLANNING FRAMEWORK

### Newcastle Local Environmental Plan 2012

The *Newcastle Local Environmental Plan 2012* (NLEP 2012) is the principal document that controls development and regulates land use in the Newcastle Local Government Area (LGA). It is supported by a series of maps including land use zoning, height of buildings and floor space ratio.

Clause 4.3 *Height of buildings* of NLEP 2012 sets out the maximum height of buildings (HOB) for development shown on the Height of Buildings Map.

Clause 4.4 *Floor space ratio* of NLEP 2012 sets out the maximum floor space ratio (FSR) for development shown on the Floor Space Ratio Map.

Clause 7.11 *Community Infrastructure height of buildings and floor space at Wickham* refers to the provision of community infrastructure in Wickham. It aims to allow greater building heights and densities in Wickham where community infrastructure is also provided. Sites subject to clause 7.11 are identified on the HOB and FSR maps of NLEP 2012.

### Newcastle Development Control Plan 2012

The *Newcastle Development Control Plan 2012* (NDCP 2012) contains detailed planning and design guidelines to support the provisions in NLEP 2012.

Section 6.03 relates to Wickham. NLEP 2012 contains controls for community infrastructure provision and the achievement of additional height and floor space on identified sites in Wickham.

### Community Infrastructure Incentives Policy

The *Community Infrastructure Incentives Policy* (2021) outlines the approach and mechanisms to enhance the delivery of community infrastructure in the City of Newcastle. It uses a transparent, equitable and evidence-based approach based on community engagement.

The Community Infrastructure Incentives in Wickham Planning Proposal seeks to implement the *Community Infrastructure Incentives Policy* in Wickham in select areas identified in the *Wickham Masterplan 2021*.

### Wickham Master Plan

The NSW Government's *Newcastle Urban Renewal Strategy* (2014) identified Wickham as an area requiring further planning to inform future redevelopment decisions and recommended preparing the *Wickham Master Plan 2017* (WMP 2017).

The WMP 2017 includes strategies and actions for achieving the provision of community infrastructure. It uses developer incentives (including an increase in development standards within NLEP 2012) where development provides for improvements to connectivity and the public domain, above what may be achieved through CN's contributions framework.

The Wickham Masterplan 2021 Update (WMP 2021) provides further strategic guidance for CN's planning decisions and coordinated delivery of urban renewal within Wickham. WMP 2021 provides further guidance on the land suitable to achieve a development incentive and identifies the community infrastructure projects to be delivered through redevelopment.

CN made minor amendments to the WMP 2021 in July 2022.

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### Planning Agreements

Planning Agreements (PAs) are governed by Section 7.4 of the *Environmental Planning and Assessment Act 1979*. Planning Agreements are legal agreements between a consent authority (e.g. City of Newcastle) and a developer, under which the developer voluntarily agrees to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit to be used towards a public purpose. Planning Agreements are required to consider and be consistent with CN's *Planning Agreements Policy* (2022) and Planning Agreements Procedure (2021), which are available on the CN website.

### Infrastructure Contributions

Under Section 7.11 and 7.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), CN can impose conditions of consent requiring monetary contributions from development for the provision of transport and social infrastructure required to meet the demands of that development.

The Community Infrastructure Incentives in Wickham planning proposal seeks to implement an additional means of delivering community infrastructure in Wickham through development incentives. These are complementary and completely independent to contributions made under Section 7.11 and 7.12 of the EP&A Act.

## **6. HOW IS THE CONTRIBUTION TOWARDS COMMUNITY INFRASTRUCTURE DETERMINED?**

### Provision of community infrastructure

The additional gross floor area (GFA) available to a development, up to the maximum HOB/FSR under Clause 7.11, is determined by dividing the agreed value of the identified community infrastructure by the 'Incentive GFA Rate' for Wickham.

The additional GFA made available as an incentive to individual development is based on:

- Planning grounds
- Regard for the net public benefit to Wickham
- The monetary value (\$) of community infrastructure proposed
- The 'incentive GFA rate' (\$/sqm) for Wickham

CN has determined the incentive GFA rate by dividing the combined estimated cost (\$) of all nominated community infrastructure projects (see Appendix A) by the potential combined increase in GFA available to development in Wickham.

**The community infrastructure incentive GFA rate in Wickham is \$519.10\* per square metre of additional residential floor space.**

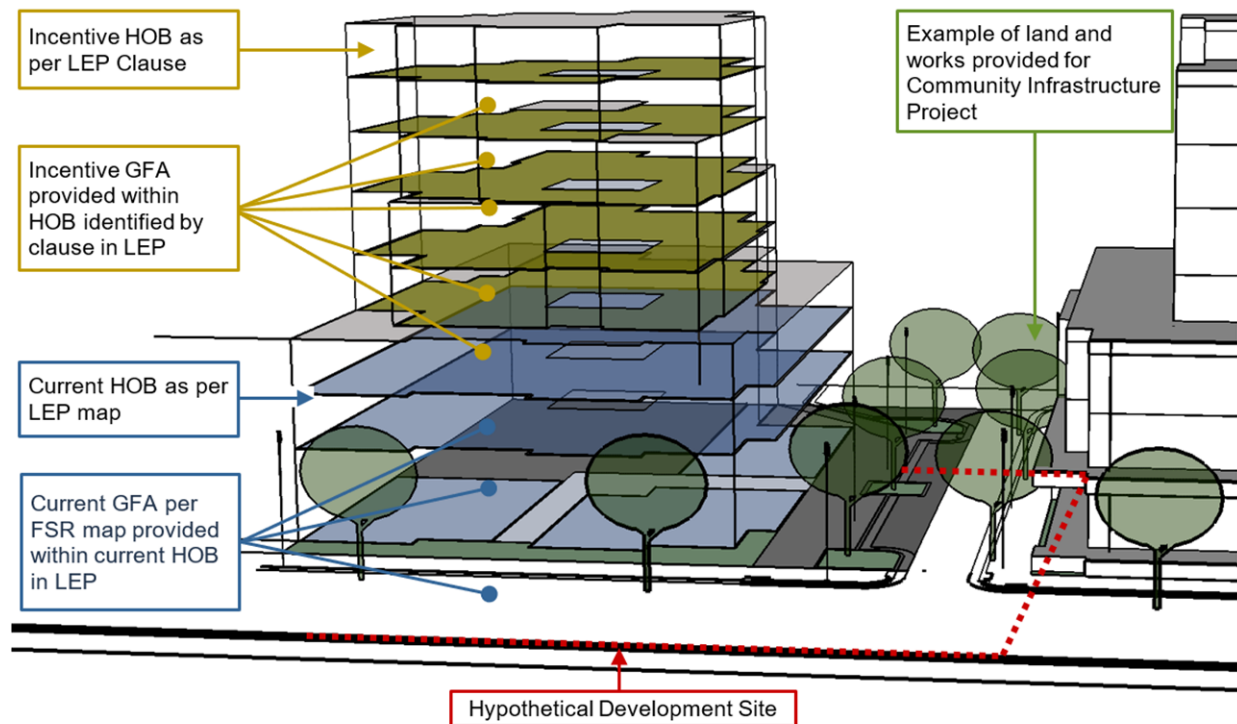
The incentive GFA rate represents the value applied per square metre (\$/sqm) of additional GFA achieved by development.

\*The \$519.10 per square metre GFA rate is subject to indexation from when it was endorsed by Council, being March 2022.

For the purposes of calculating the community infrastructure contribution, additional GFA must be rounded to the nearest whole number. The definition of GFA is the same as the definition within NLEP 2012.



**Figure 2 – Diagram showing how incentives are applied to development under this plan**



The resulting HOB and FSR of development cannot exceed the maximum as identified in Clause 7.11 of NLEP 2012. Any development is to ensure its consistency with the place-based controls contained within Section 6.03 Wickham of NDGP 2012.

Notwithstanding the merits of the development proposal, CN will consider the following prior to accepting any offer of community infrastructure in the form of capital works and improvements via a Planning Agreement:

- The value of works and embellishment is based on the cost to CN for undertaking the same works to the required standard. An independent quantity surveyor (at no cost to CN) will verify the cost of works and embellishment.
- 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:
  - Any public domain plan or guidelines prepared for Wickham
  - Compliance with CN nominated technical specifications and standards
  - The full cost of the project's lifecycle and any anticipated recurring cost to CN

Community infrastructure provided in relation to a development incentive will always include the offer of land, comprising the entire area identified in Appendix A of this plan at no cost to CN.

#### Dedication of land

CN may allow an additional 25% of the area of land to be dedicated to CN to be included as additional GFA, where:

- The land being dedicated to CN is identified in this plan
- The landowner has not otherwise been compensated for the land
- The value of 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 EP&A Act
- The resultant HOB and FSR of the development does not exceed the maximum identified for the land under Clause 7.11 within NLEP 2012

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.  $GFA \times 1.25$ ).

This is based on the assumption that despite the GFA of land dedicated to CN being transferred to the development, the residual land still has a nominal value (despite having no development potential).

CN will assign a value of 25% of the value of the GFA transferred from the land to be dedicated to CN at no cost. As such, the total value of the land is 125% (or 1.25 times) the achievable GFA.

This GFA is calculated using the existing (non-incentive) FSR for that land. An example of how this is calculated is shown below:

A development site with a site area of 1200sqm with an existing, non-incentive FSR of 1.5:1 has an identified community infrastructure project with an area of 200sqm.

If the applicant dedicates the 200sqm area to CN, the available GFA applying to the dedicated land is provided to the development at a rate of 1.25.

The GFA transferred to development =  $1.25 \times (200\text{sqm} \times 1.5:1 \text{ FSR}) = 375\text{sqm}$

The residual development land (development site) will have a GFA =

$[(1200\text{sqm} - 200\text{sqm}) \times 1.5:1 \text{ FSR}] + 375\text{sqm}$

=  $1500\text{sqm} + 375\text{sqm}$

= 1875sqm

This equates to an additional 75sqm to the development from what would have otherwise been achieved. ( $1200 \times 1.5:1 \text{ FSR} = 1800\text{sqm}$ )

This additional GFA based on the existing, non-incentive FSR applicable to a site is provided in addition to that calculated using the incentive GFA rate.

#### Monetary contributions

Community infrastructure provided as a cash contribution will be collected by CN and allocated toward the delivery of projects nominated in Appendix A.

Monetary contributions payable are to be calculated based on the increase in GFA above what would be allowed if the incentive heights and FSRs afforded under Clause 7.11 of NLEP 2012 were not applied.



## 7. HOW IS THE MONETARY CONTRIBUTION INDEXED?

The rate is to be indexed to reflect quarterly variations in the Consumer Price Index, All Group Index Number for Sydney.

All monies are payable to CN prior to an Occupation Certificate being issued for the development.

The formula governing indexation of a community infrastructure contribution is to be paid as follows:

$$\text{IDC} = \text{ODC} \times \text{CP2/CP1}$$

Where:

**IDC** = the indexed community infrastructure contribution to be paid

**ODC** = the original community infrastructure contribution determined by City of Newcastle

**CP2** = the Consumer Price Index, All Groups, Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of payment.

**CP1** = the Consumer Price Index, All Groups, Sydney as published by the ABS as of <date of Council endorsement>).

## 8. WHAT IS THE COMMUNITY INFRASTRUCTURE PROCESS?

A Planning Agreement (PA) is the legal instrument that sets out the applicant's offer to contribute towards community infrastructure in association with a development proposal. The offer is made voluntarily by the applicant so as to access additional floor space and height achievable under Clause 7.11 of NLEP 2012. The details of any community infrastructure contribution made under this plan is to be prepared and finalised consistent with the EPA Act, the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) and CN's *Planning Agreement Policy* (2021) and Planning Agreements Procedure (2021).

**Table 1** shows the process to deliver community infrastructure in association with the development application (DA):

Step 1:	The applicant/landowner calculates the total dollar value of the additional gross floor area sought using the Incentive GFA Rate for Wickham and guided by the provisions contained in NLEP 2012.
Step 2:	The applicant/landowner makes an offer to Council outlining their willingness to enter into a Planning Agreement to provide community infrastructure (works, land or monetary contribution, or a combination of these).
Step 3:	The applicant/landowner and Council negotiate the terms of the Planning Agreement and prepare a draft Planning Agreement and Explanatory Note
Step 4:	The development application (DA) is lodged. Refer to draft Planning Agreement and Explanatory Note.
Step 5:	The draft Planning Agreement and Explanatory Note are reported to Council for public exhibition.
Step 6:	The DA and draft Planning Agreement and Explanatory Note are placed on public exhibition for minimum of 28 days.
Step 7:	The Planning Agreement and Explanatory Note are reported to Council for finalisation and reflect submissions received.
Step 8:	If endorsed by Council, the PA is either executed before the relevant application is determined or not long after (as agreed by the parties), the application is determined. The applicant is to register the PA on Title.

For further information on this process, please refer to CN's Planning Agreements Procedure (2021).

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## 9. TIMING AND IMPLEMENTATION

Any Planning Agreement is required to be registered on the title of land prior to the issue of any Construction Certificate.

Payment of monetary contributions are required prior to the issue of any Occupation Certificate for development the subject of the development consent.

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## APPENDIX 1 – SCHEDULE OF COMMUNITY INFRASTRUCTURE

**Table 2: 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 <sup>2</sup>	6m x 35m	Wickham green - consisting of lawn/paved areas/landscaping and shade trees, furniture, potential small podium/stage. See note below.
2.	52 Throsby Street, (corner of Railway and Throsby Street)	Public domain activation	440m <sup>2</sup>	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 <sup>2</sup>	8m x 17.84m	Village vegie 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 <sup>2</sup>	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 <sup>2</sup>		Rail heritage interpretation - public art space.
6.	2-10 Holland Street (extension of Croft Street)	New laneway	590m <sup>2</sup>	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 <sup>2</sup>	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 <sup>2</sup>	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, potential parking lane, adjacent shared pedestrian cycleway, and suitable shade trees.
11.	80 Bishopsgate Street (corner with Railway Street)	Road widening	321.5m <sup>2</sup>	5m x 51m	Street widening - parallel parking lane and footpath.
12.	10 Dangar Street	Active transport link	131 m <sup>2</sup>	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 Wickham Public Domain Plan	Public domain improvements - areas where redevelopment is unlikely to occur.

Figure 3: Map of community infrastructure projects in Wickham

