

Explanation of intended effect

Proposed amendment to Newcastle Local Environmental Plan

It is proposed to make a State Environmental Planning Policy (the proposed instrument) to introduce amended planning and land use controls for the Newcastle city centre (see map for affected area).

The proposed instrument will amend existing controls set out in *Newcastle Local Environmental Plan 2012* (the Newcastle LEP). In general, the proposed amendments will apply only to the Newcastle city centre, with some minor amendments applying across the Newcastle local government area.

The proposed instrument will also amend *State Environmental Planning Policy (Urban Renewal) 2010* (the Urban Renewal SEPP) so that the Newcastle city centre area (identified in the map entitled "State Environmental Planning Policy (Urban Renewal) 2010 Newcastle Potential Precinct Map) will no longer be a potential precinct under the Urban Renewal SEPP.

1. Objectives or intended outcomes

The proposed instrument will make amendments to the Newcastle LEP. There will be amendments to the main body of Newcastle LEP and new planning maps will be prepared for the city centre.

Newcastle LEP is the principal local environmental planning instrument that regulates development in the city centre. The majority of the land is currently zoned B4 Mixed Use under the LEP, although there are significant areas zoned B3 Commercial Core, R3 Medium Density Residential, RE 1 Public Recreation and SP2 Infrastructure.

The proposed instrument will define the land to which planning controls will apply, establish objectives for development of that land, specify permissible and prohibited uses, and will establish new development control provisions, including principal development standards for future urban development within the city centre.

The City of Newcastle will continue to be the consent authority for development under the amendments to be introduced by the proposed instrument. However, as is currently the case, where a proposed development is State significant development or infrastructure, the Minister for Planning and Infrastructure, or the Planning Assessment Commission will be the consent authority, or where a proposed development is Regional development the relevant Joint Regional Planning Panel may exercise the council's functions as a consent authority. In most instances, council will retain responsibility for the assessment and determination of development applications in accordance with the planning controls.

The aims of the proposed instrument are to:

- Zone land and provide appropriate controls for the Newcastle city centre that will promote urban renewal, the creation of a quality urban environment, good urban design outcomes, and the realisation of jobs and housing targets for the Newcastle city centre in accordance with the *Lower Hunter Regional Strategy*;
- Provide for development in the Newcastle city centre that encourages employment and economic growth, consistent with its status as a Regional City;
- Promote pedestrian and vehicle connectivity with adjoining areas and within the city centre;
- Promote housing choice and affordability in the city centre; and
- Provide for the sustainable development of the city centre.

The proposed instrument also intends:

- To rezone the land within the city centre to allow for urban development to occur in the manner envisaged by the Newcastle Urban Renewal Strategy by establishing new commercial, mixed use and high density residential land use zones;
- To control the bulk and scale of future development by setting maximum building heights and floor space ratios for commercial, residential and mixed use development; and
- To deliver housing choice and affordability by accommodating a wide range of residential dwelling types and densities that facilitates housing diversity.

2. Explanation of provisions

This section provides an explanation of the proposed zoning and development controls to be introduced into the Newcastle LEP by the proposed instrument. Terms used in this description have the same meaning as in the *Environmental Planning and Assessment Act 1979* ('EP&A Act') and the *Standard Instrument Local Environmental Plan*.

2.1 Land to which the proposed instrument will apply

The proposed instrument will apply to the Newcastle city centre as defined in the attached Land Application Map.

2.2 Land use table and zones

The proposed instrument will apply the following zones to land within the Newcastle city centre:

- B3 Commercial Core, providing for commercial development in defined locations within the Newcastle city centre;
- B4 Mixed Use, allowing for appropriate retail, commercial and residential developments across the Newcastle city centre;
- R3 Medium Density Residential, to provide for areas of medium density development in the east end of the city centre and in Wickham;
- R4 High Density Residential, to provide for areas of high density development in the east end and between King Street and National Park.

The attached zoning map shows the proposed locations of the zones. The major changes to the application of these zones include the introduction of a new R4 High Density Residential Zone in the city centre, a small reduction in the areas zoned B3 Commercial Core, and amendment and reduction in the areas zoned B4 Mixed Use.

The proposed zoning seeks to:

- align the commercial core with areas of existing and future commercial activity;
- recognise the east end of Hunter Street as a mixed use area;
- reduce the extent of areas zoned commercial core away from Hunter Street;
- reduce the extent of areas zoned for mixed uses to ensure the commercial core is supported; and
- promote high density housing at the edges of the city.

Further details explaining the rationale and justification for the proposed changes to the existing land use zones can be found in the Newcastle Urban Renewal Strategy.

The proposed instrument will only change the objectives and land use table for development in the B3 Commercial Core Zone, as outlined in the table below.

Zone	Proposed Change Newcastle LEP
B3 Commercial Core	<p>Deletion of Objective 4</p> <p>Deletion of the following uses that are permitted with consent:</p> <ul style="list-style-type: none">• Residential flat buildings;• Seniors housing;• Boat launching ramps• Charter and tourism boating facilities• Jetties• Marinas• Moorings• Port facilities• Water recreation structures

2.3 Principal development standards

The proposed instrument will introduce amended principal development standards for heights of buildings and for floor space ratio into Newcastle LEP.

2.3.1 Heights of Buildings

The attached Height of Buildings map shows the proposed differing height controls across the Newcastle city centre.

There are 5 key areas where the proposed heights will differ from the current Newcastle LEP controls, as outlined in the table below. Further details explaining the rationale and justification for the changes to building height controls can be found in the Newcastle Urban Renewal Strategy.

Location	Current Height	Proposed Height
Bolton Street, between King and Church Street	10 metres	24 metres
Hunter Street between Perkins and Wolfe Street	24 metres	27 metres
Hunter Street between Perkins and Wolfe Street	30 metres	45 metres
Hunter Street between Auckland and Steel Streets	60 metres	45 metres
Wickham	45 and 60 metres	24 metres

2.3.1.1 Additional provisions relating to height

Clause 7.9 in the Newcastle LEP contains objectives and specific height controls for some parts of the city centre. Clause 7.9(4) of Newcastle LEP provides for additional height in the block bounded by Hunter, King, Newcomen and Perkins Streets in the east end, subject to certain criteria. These criteria are difficult to achieve, and the increased height will create an undesirable urban design outcome, including creating uncertainty about retention of key view corridors. In addition, the expression of height in AHD in this sub clause is inconsistent with the remainder of the LEP. For these reasons, the proposed instrument will delete sub-clause 7.9(4) of Newcastle LEP. Further details explaining this proposed change can be found in the Newcastle Urban Renewal Strategy.

2.3.2 Floor Space Ratio Controls

Under Newcastle LEP, FSR in the city centre is controlled via a series of maps. Additionally, a separate provision containing a complex formula determines the FSR in certain locations and for certain development categories.

The proposed instrument will introduce revised FSR controls for development in the city centre. Furthermore, existing local clause 7.10 used to determine FSR in certain locations will be deleted and replaced with a simplified control that will be easier to interpret.

The attached FSR map shows the differing FSR controls that are proposed to apply across the Newcastle city centre under the proposed instrument.

2.4 Additional local provisions

Residential Flat buildings in Zone B3 Commercial Core

Clause 7.7 in the Newcastle LEP ensures that residential flat buildings within the B3 Commercial Core zone are part of a mixed use development involving non-residential uses.

The proposed instrument will have the effect that a residential flat building will not be permissible in this zone, and so it is proposed that this clause be deleted. Further information about the proposed changes to this local clause can be found in the Newcastle Urban Renewal Strategy.

Local clause for land in zone B3 Commercial Core

It is very important that the commercial core zone be the predominant location for new commercial development in the city centre, and that where a mixed use building is proposed within this zone, it contains a minimum proportion of commercial uses.

It is proposed to introduce a new local clause to require that the minimum commercial component in a building must be at least 25% of the gross floor area of the building. Further information about the proposed introduction of this local clause can be found in the Newcastle Urban Renewal Strategy.

Amended clause for land in zone R4 High Density Residential

The proposed amendments introduce some high density residential zoning in two areas in the city centre. Clause 6.4 of the Newcastle LEP requires 75% of the development to be residential and limits any non-residential land use to 25% of the development.

The clause currently restricts any permitted non-residential development to a maximum of 25% of any development, which would restrict uses like tourist and visitor accommodation, educational establishments and health services facilities. It is important that existing commercial uses not currently part of a mixed use development are not disadvantaged while the zone transitions over time. The following amended clause is proposed, and would apply to land zoned R4 High Density Residential across the entire local government area:

"Land in zone R4 High Density Residential

- (1) The objective of this clause is to achieve a reasonable proportion of residential accommodation within mixed use development in Zone R4 High Density Residential.*
- (2) This clause applies to land in Zone R4 High Density Residential.*
- (3) Despite any other provision of this Plan, the consent authority must not grant consent to the erection of a building for the purposes of commercial premises unless it is satisfied that the development includes residential accommodation and the residential accommodation comprises at least 75% of the gross floor area of the building."*

R4 zoned land outside the city centre is included in renewal corridors and the existing uses comprise mainly residential uses with a mix of service industry and warehouses uses.

Wickham redevelopment area

The local clause relating to the Wickham Redevelopment Area (clause 7.8 of the Newcastle LEP), along with the Wickham Redevelopment Area Map, is proposed to be removed from the LEP. Further information about the proposed changes to this local clause can be found in the Newcastle Urban Renewal Strategy.

Design Excellence

The existing design excellence clause in the Newcastle LEP requires an architectural design competition for certain development. It is proposed to revise the criteria that would trigger the need for an architectural design competition to include development that is:

- Higher than 45 metres or 13 storeys (or both); or
- Has a capital investment value of greater than \$5 million in an area identified on the key site map (proposed key sites map is attached); or
- The applicant chooses to have a competition.

Further information about the proposed changes to this local clause can be found in the Newcastle Urban Renewal Strategy.

Proposed exempt development type - low impact signage in the B3 Commercial Core and B4 Mixed Use zones



Under *State Environmental Planning Policy 64 – Advertising and Signage* (SEPP64), most types of signage are prohibited in heritage areas, including the city centre. The only exceptions to this are for business and building identification signage or where an environmental planning instrument makes signage exempt development.

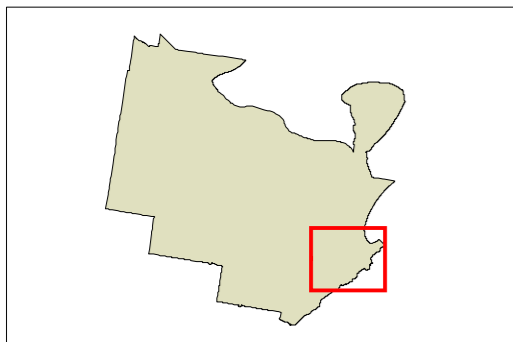
There is a range of signage that is of low impact and which would contribute to the character and vitality of the city centre, that is currently prohibited by SEPP64. To accommodate such signage, it is proposed to include some new types of signage as exempt development under Schedule 2 of the Newcastle LEP, complementing the existing exemption for building and business identification signage under SEPP 64. This exemption will cover a range of small scale signs such as under awning signs and window signs, as well as

public notices by a public authority and temporary signage for purposes such as recreational events. Criteria that this signage must satisfy in order to be exempt development will include limits on size and location, and the signage must also be relevant to the activity carried out in the building and must not be moving or flashing. Except for temporary signs and public notices giving information about a service, signage will not be allowed on land that contains a heritage item. This amendment to the LEP will apply across the entire local government area.

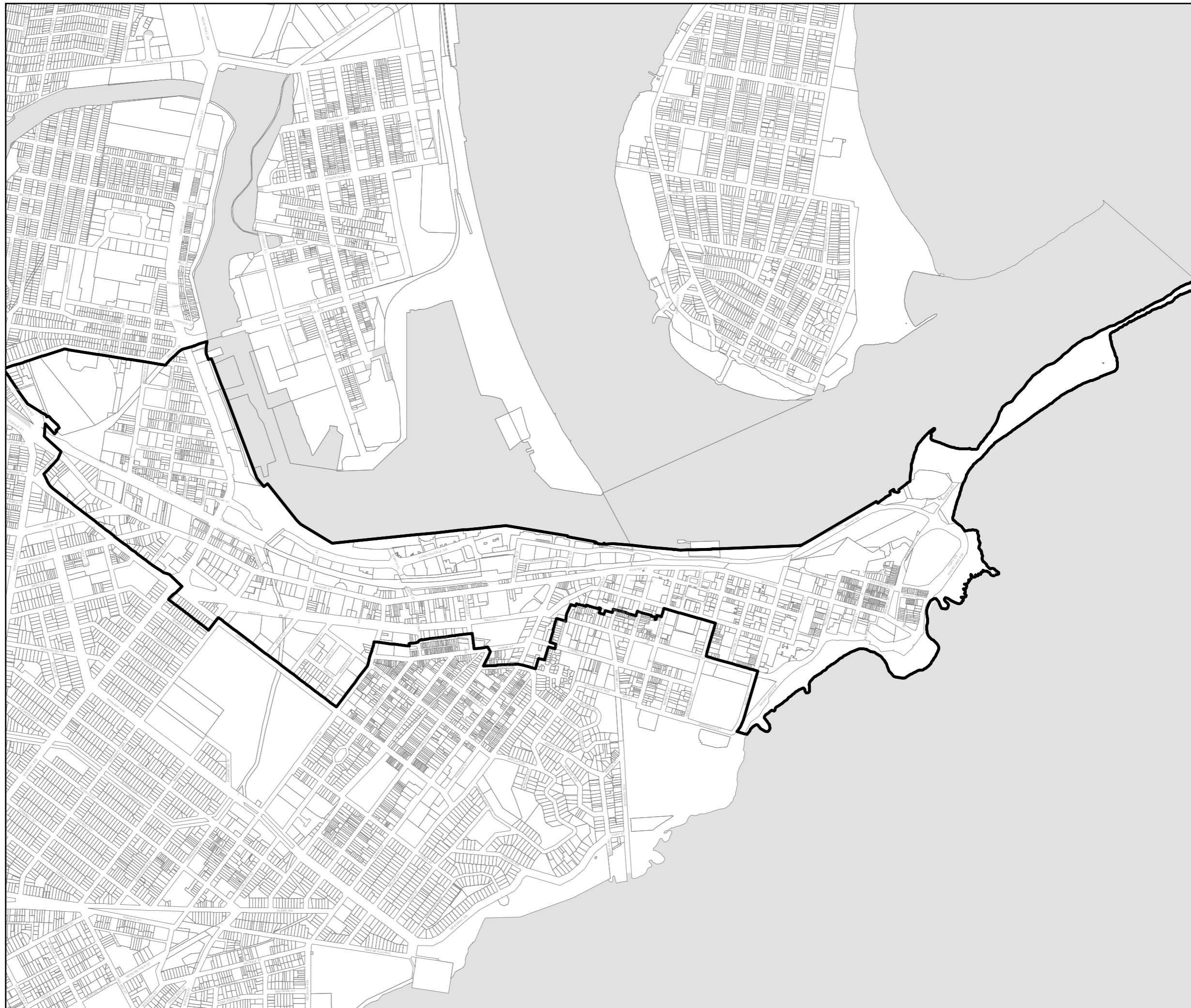
Further information about the proposed changes to this local clause can be found in the Newcastle Urban Renewal Strategy.

Land Application Map
Sheet LAP_001

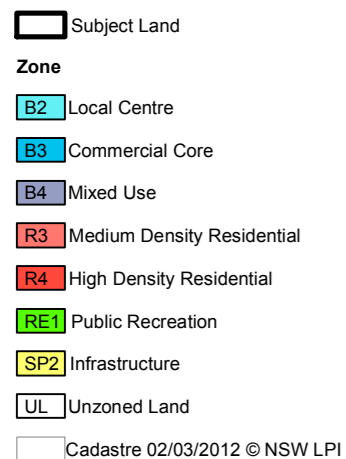
 Subject Land
 Cadastre 12/05/2012 © NSW LPI



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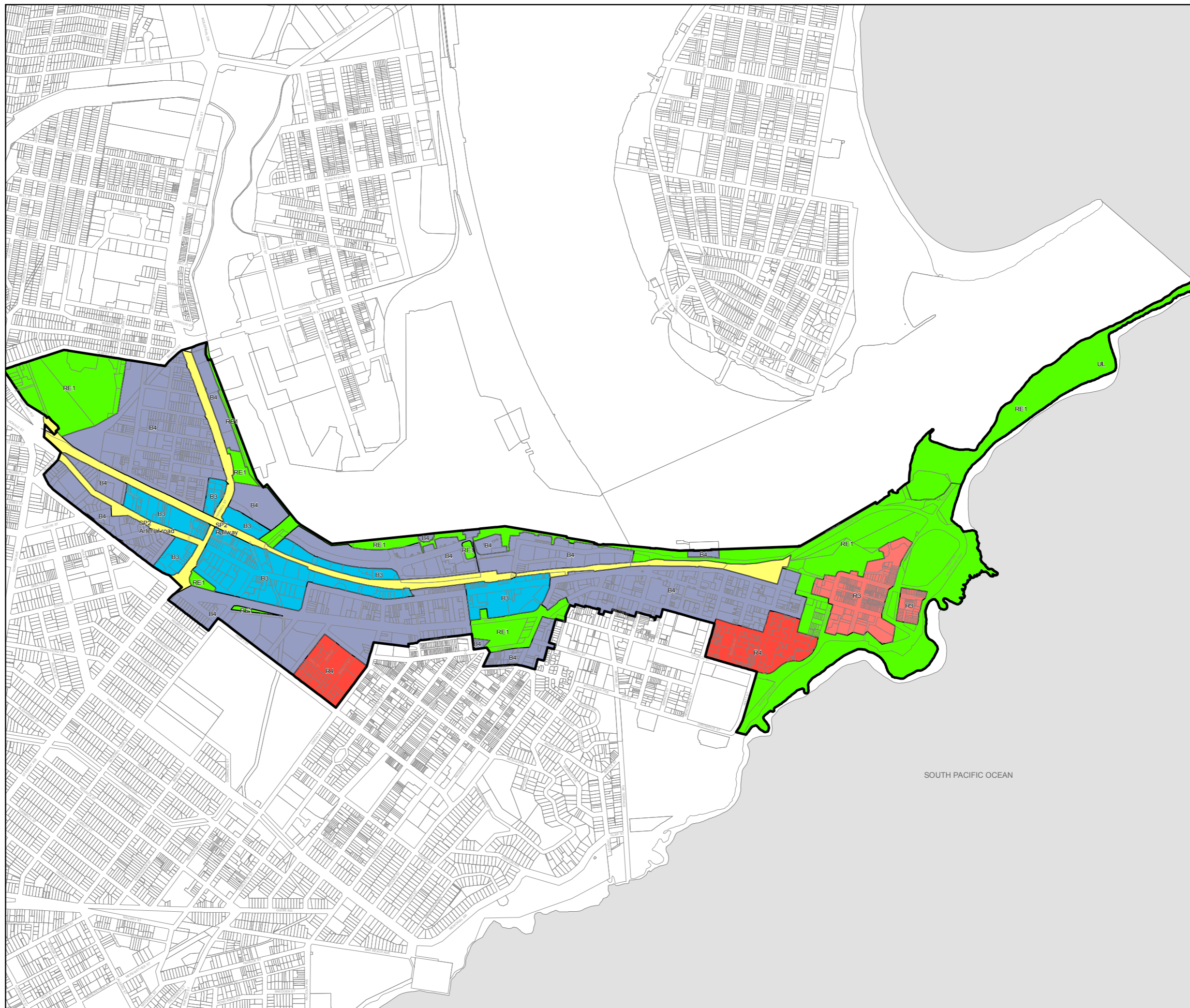
Land Zoning Map - Sheet LZN_001



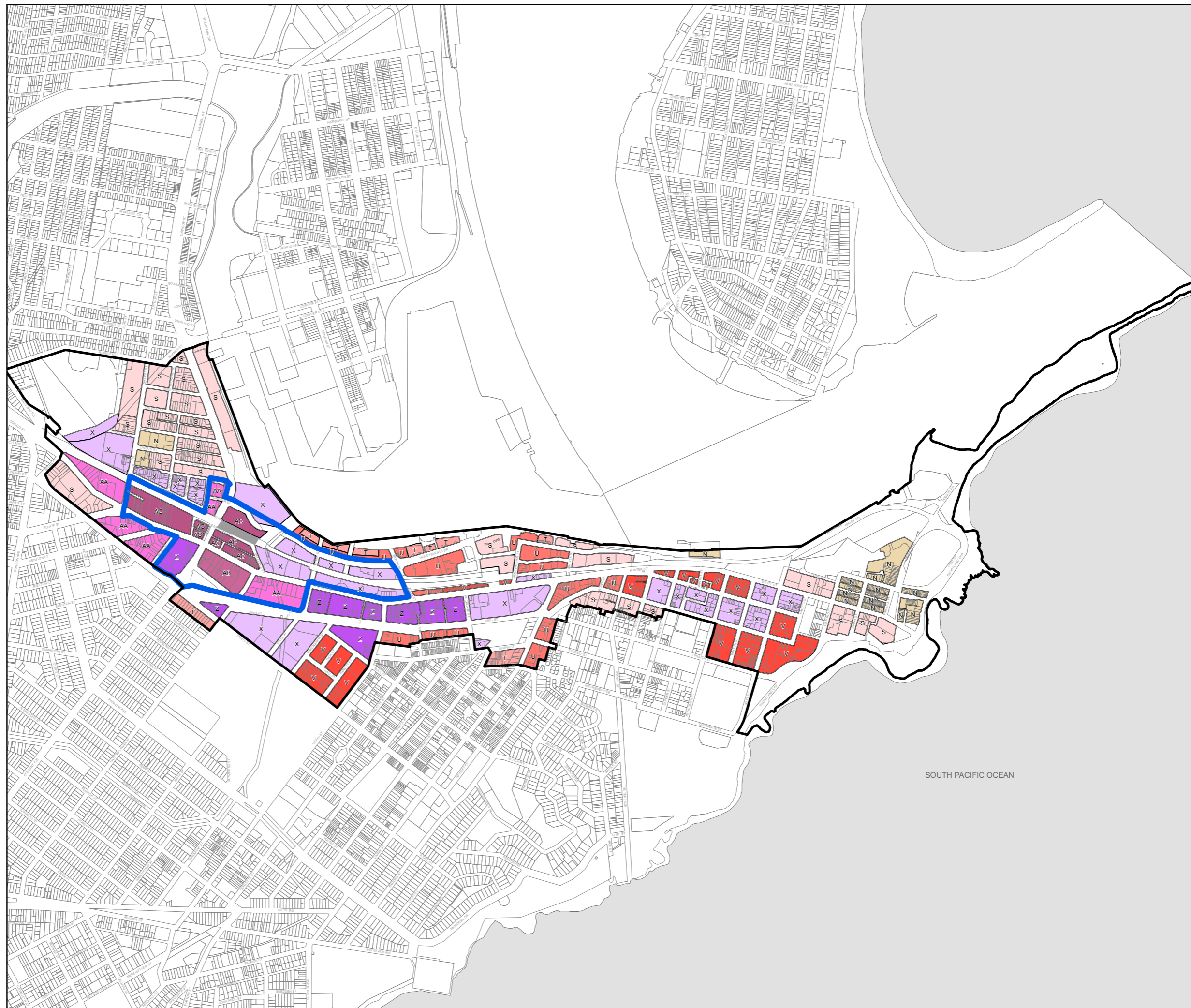
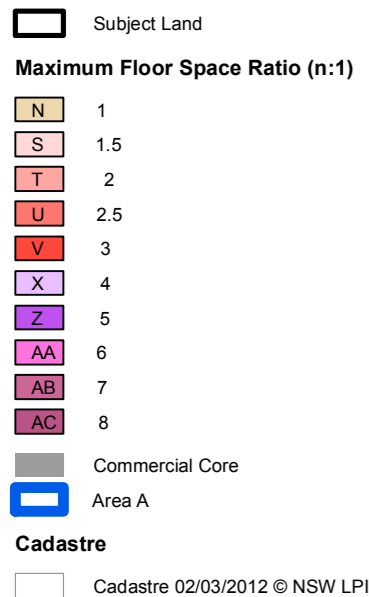
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MGA Zone 56

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Floor Space Ratio Map
Sheet FSR_001



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 Scale: 1:15,000 @ A3



Planning & Infrastructure



Proposed Amendment to Newcastle Local Environmental Plan

Height of Buildings Map Sheet HOB_001

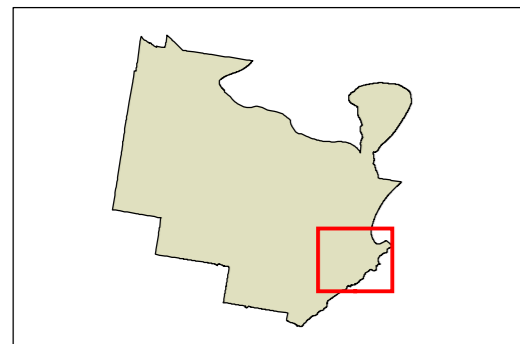
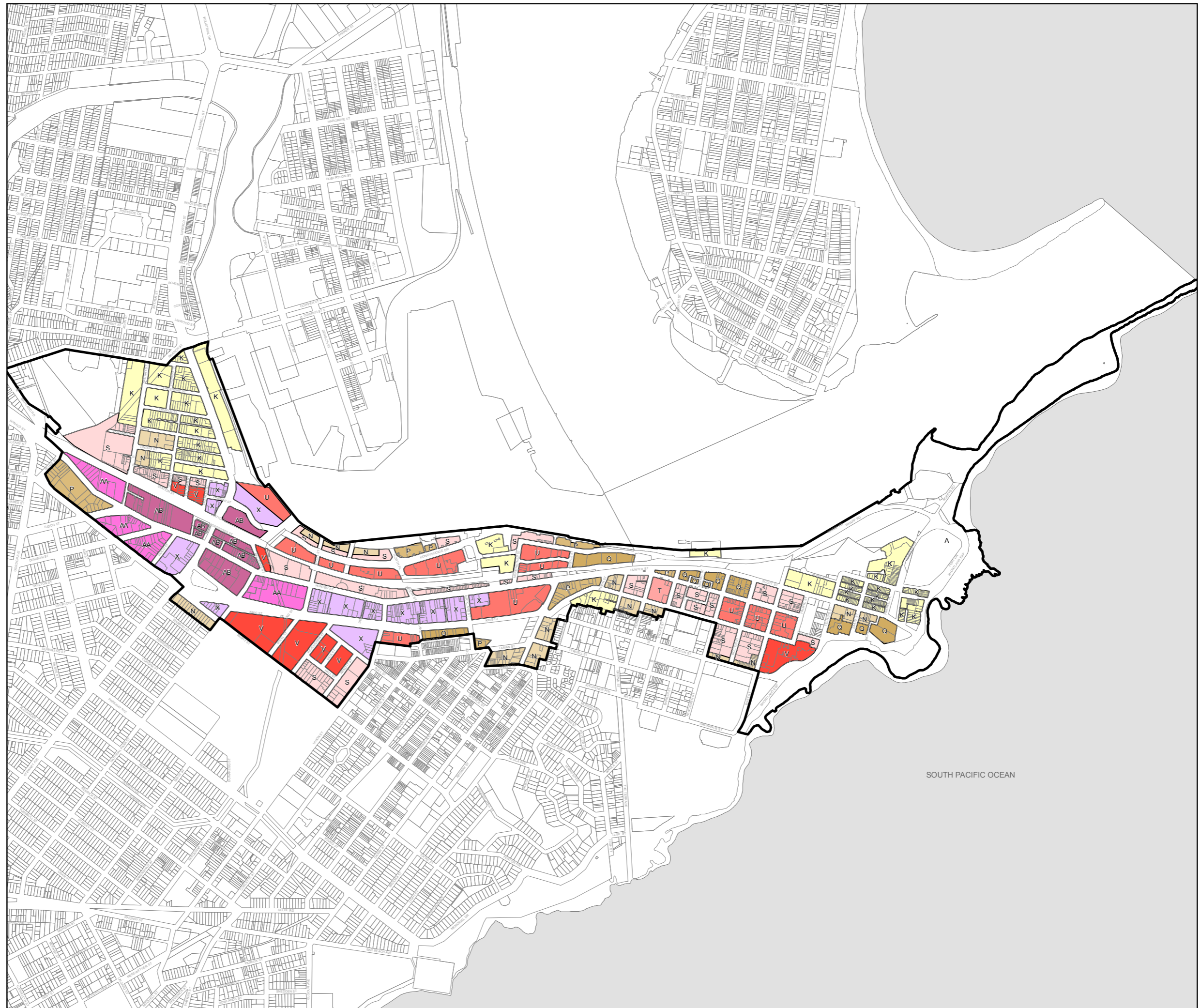
Subject Land

Maximum Building Height (m)

K	10
N	14
P	18
Q	20
S	24
T	27
U	30
V	35
X	45
AA	60
AB	90

Cadastre

Cadastre 02/03/2012 © NSW LPI



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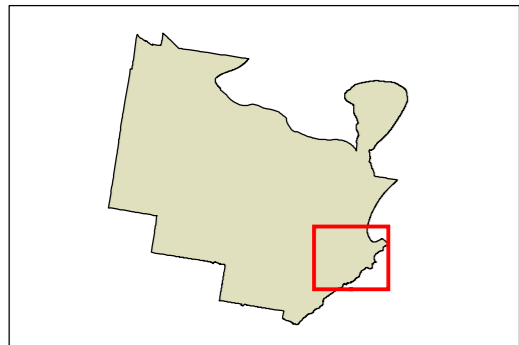
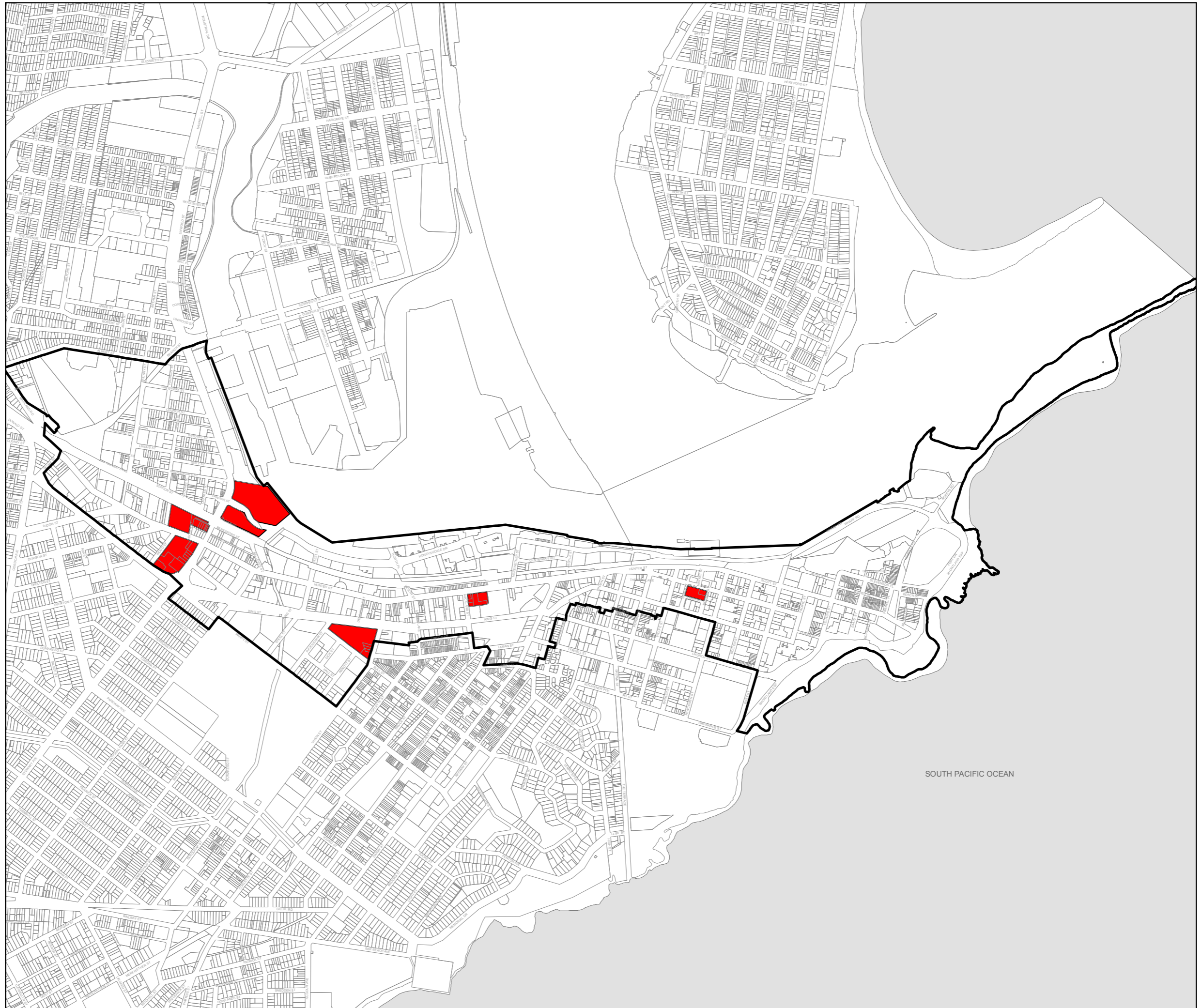
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Projection: GDA 1994
MGA Zone 56

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Key Sites Map - Sheet KYS_001

-  Subject Land
-  Key Sites
- Cadastral**
-  Cadastral 02/03/2012 © NSW LPI



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Projection: GDA 1994
MGA Zone 56

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