

Explanatory note – State Environmental Planning Policy Amendment (Newcastle City Centre) 2014

State Environmental Planning Policy Amendment (Newcastle City Centre) 2014 (the planning instrument) introduces amended planning and land use controls for the Newcastle city centre.

The planning instrument amends the existing controls set out in *Newcastle Local Environmental Plan 2012* (the Newcastle LEP). In general, the proposed amendments apply to the Newcastle city centre only.

The planning instrument also amends *States Environmental Planning Policy (Urban Renewal) 2010* (the Urban Renewal SEPP) so that the Newcastle city centre area will no longer be a potential precinct under the Urban Renewal SEPP.

1. Objectives or intended outcomes

The Newcastle LEP is the principal local environmental planning instrument that regulates development in the Newcastle city centre. The majority of the land is currently zoned B4 Mixed Use. There are also areas of the city centre zoned B3 Commercial Core, R3 Medium Density Residential, RE1 Public Recreation and SP2 Infrastructure.

The planning instrument amends the Newcastle LEP and introduces new planning maps and controls for the Newcastle City Centre. The planning instrument defines the land to which planning controls will apply, establishes objectives for development of that land, specifies permissible and prohibited uses, and establishes new development control provisions, including principal development standards for future urban development within the city centre.

The aims of the planning 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 planning 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 zoning and development controls to be introduced into the Newcastle LEP by the planning 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 planning instrument applies to the Newcastle city centre as defined in the Newcastle LEP.

2.2 Land use table and zones

The planning instrument applies to 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 planning instrument introduces new R4 High Density Residential zones in the city centre, reduces the area zoned B3 Commercial Core, and amends and reduces the extent of land 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
- promote high density housing at the edges of the city.

The planning instrument inserts a new objective for Zone R4 High Density Residential, which is to promote a balance of residential accommodation within mixed use development.

The planning instrument replaces the objective for Zone B3 Commercial Core relating to development in mixed use development with a new objective “to provide commercial floor space within a mixed use development”.

The planning instrument omits the following development from the table of uses permitted with consent in Zone B3 Commercial Core:– residential flat buildings, seniors housing boat launching ramps, charter and tourism boating facilities, jetties, marinas, moorings, port facilities, and water recreation structures. Shop top housing continues to be a permissible use with consent in Zone B3 Commercial Core.

2.3 Principal development standards

The planning instrument amends the principal development standards for the height of buildings and maximum floor space ratios in the Newcastle LEP.

2.3.1 Heights of Buildings

The proposed instrument amends the height controls in the Newcastle LEP including:

Location	Current Height	Proposed Height
Bolton Street, between King and Church Street	10 metres	10, 12, 14 and 24 metres
Hunter Street between Perkins and Wolfe Street	24 metres	24 and 35 metres
Corner of Perkins and King Street	24 metres	58.9 RL
Midblock Wolfe Street between Hunter and King Street	30 metres	54.5 RL
Corner of King Street and Newcomen Street	30 metres	58.9 RL
Corner of Hunter and Auckland Street	30 metres	49.1 RL
Hunter Street between Auckland and Steel Street	60 metres	45 metres
Wickham 45 and 60 metres 24 metres	45 and 60 metres	24 metres

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 the Newcastle LEP permits additional building height up to RL 40 AHD in

the block bounded by Hunter, King, Newcomen and Perkins Streets in the East End, subject to significant view corridors being maintained.

The height of buildings maps in the proposed instrument define exactly where additional building height can be located within this block and therefore the provisions in clause 7.9(4) will no longer apply.

2.3.2 Floor Space Ratio

The planning instrument introduces revised FSR controls for development in the city centre. The existing clause 7.10 in the Newcastle LEP is replaced with a simplified control that is easier to interpret.

2.4 Additional local provisions

2.4.1 Land in Zone R4 High Density Residential

The planning instrument introduces R4 High Density Residential zones in two areas in the city centre. Clause 6.4 of the Newcastle LEP requires that non-residential land uses in Zone R4 High Density Residential include residential accommodation for at least 75% of the floor area of the building.

This clause unnecessarily restricts non-residential uses (eg neighbourhood shops, community centres, childcare centres) that otherwise would be permissible with consent in the zone and would contribute positively to renewal and activation of the city centre. Therefore, clause 6.4 of the Newcastle LEP will no longer apply to the city centre.

2.4.2 Wickham redevelopment area

The planning instrument omits the provisions in clause 7.8 of Newcastle LEP relating to the Wickham Redevelopment Area.

2.4.3 Design excellence

The proposed instrument amends the design excellence provisions in clause 7.5 of Newcastle LEP, such that development with a capital value greater than \$5 million (previously \$1 million) in an area identified on the key site map requires an architectural design competition.