



New South Wales

# **Newcastle Local Environmental Plan 2012 (Amendment No 53)**

under the

**Environmental Planning and Assessment Act 1979**

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

**DANIEL SIMPKINS**

As delegate for the Minister for Planning and Public Spaces

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### **1 Name of plan**

This plan is *Newcastle Local Environmental Plan 2012 (Amendment No 53)*.

### **2 Commencement**

This plan commences on the day on which it is published on the NSW legislation website.

### **3 Land to which plan applies**

This plan applies to certain land to which *Newcastle Local Environmental Plan 2012* applies, including certain land in Wickham.

### **4 Maps**

The maps adopted by *Newcastle Local Environmental Plan 2012* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this plan.

## **Schedule 1      Amendment of Newcastle Local Environmental Plan 2012**

**[1]    Clause 4.3 Height of buildings**

Omit the note.

**[2]    Clause 4.6 Exceptions to development standards**

Insert “clause 7.9, clause 7.9A or” before “clause 8.2” in clause 4.6(8)(ca).

**[3]    Clause 7.5 Design excellence**

Insert after clause 7.5(6)—

(6A)    This clause does not apply to development to which clause 7.9 or 7.9A applies.

**[4]    Clause 7.9**

Omit the clause. Insert instead—

**7.9    Additional building height for certain land in Wickham**

- (1)    This clause applies to development on land identified as “Area A”, “Area B”, “Area C”, “Area D” or “Area E” on the Height of Buildings Map.
- (2)    The objectives of this clause are as follows—
  - (a)    to allow greater building heights in Wickham where community infrastructure is also provided,
  - (b)    to ensure the greater heights reflect the desired character of the localities in which they are allowed and minimise adverse impacts on the amenity of those localities,
  - (c)    to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure.
- (3)    A building on land in “Area A” may have a building height of up to—
  - (a)    35m if—
    - (i)    the maximum permissible HOB for the land is 24m, and
    - (ii)   the site area is at least 2,000m<sup>2</sup> but less than 2,500m<sup>2</sup>, or
  - (b)    45m if—
    - (i)    the maximum permissible HOB for the land is 24m, and
    - (ii)   the site area is at least 2,500m<sup>2</sup>.
- (4)    A building on land in “Area B” may have a building height of up to—
  - (a)    14m if—
    - (i)    the maximum permissible HOB for the land is 10m, and
    - (ii)   the site area is at least 1,000m<sup>2</sup> but less than 1,500m<sup>2</sup>, or
  - (b)    24m if—
    - (i)    the maximum permissible HOB for the land is 10m or 14m, and
    - (ii)   the site area is at least 1,500m<sup>2</sup> but less than 2,000m<sup>2</sup>, or
  - (c)    35m if—
    - (i)    the maximum permissible HOB for the land is 10m, 14m, or 24m, and
    - (ii)   the site area is at least 2,000m<sup>2</sup>.

- (5) A building on land in “Area C” may have a building height of up to 14m if—
  - (a) the maximum permissible HOB for the land is 10m, and
  - (b) the site area is at least 1,000m<sup>2</sup>.
- (6) A building on land in “Area D” may have a building height of up to—
  - (a) 14m if—
    - (i) the maximum permissible HOB for the land is 10m, and
    - (ii) the site area is at least 1,000m<sup>2</sup> but less than 2,000m<sup>2</sup>, or
  - (b) 24m if—
    - (i) the maximum permissible HOB for the land is 10m, and
    - (ii) the site area is at least 2,000m<sup>2</sup>.
- (7) A building on land in “Area E” may have a building height of up to 60m if—
  - (a) the maximum permissible HOB for the land is 45m, and
  - (b) the site area is at least 1,000m<sup>2</sup>.
- (8) Subclauses (3)–(7) do not apply unless the consent authority is satisfied—
  - (a) the development includes community infrastructure that is reasonably necessary in Wickham, and
  - (b) the development is consistent with the objectives of this clause.
- (9) In this clause—

**community infrastructure** means development for the purposes of community facilities, recreation areas, recreation facilities (indoor), recreation facilities (outdoor), public roads or drainage.

**maximum permissible HOB** for a building on land means the maximum height of buildings shown for the land on the Height of Buildings Map.

#### **7.9A Additional floor space ratio for certain land in Wickham**

- (1) This clause applies to development on land identified as “Area B”, “Area C”, “Area D” or “Area E” on the Floor Space Ratio Map.
- (2) The objectives of this clause are as follows—
  - (a) to allow greater building densities in Wickham where community infrastructure is also provided,
  - (b) to ensure the greater building densities reflect the desired character of the localities in which they are allowed and minimise adverse impacts on the amenity of those localities,
  - (c) to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure.
- (3) A building on land in “Area B” may have a floor space ratio of up to—
  - (a) 2:1 if—
    - (i) the maximum permissible FSR for the land is 1.5:1, and
    - (ii) the site area is at least 1,500m<sup>2</sup> but less than 2,000m<sup>2</sup>, or
  - (b) 2.5:1 if—
    - (i) the maximum permissible FSR for the land is 1.5:1, and
    - (ii) the site area is at least 2,000m<sup>2</sup>.
- (4) A building on land in “Area C” may have a floor space ratio of up to 2:1 if—
  - (a) the maximum permissible FSR for the land is 1.5:1, and

- (b) the site area is at least 1,000m<sup>2</sup>.
- (5) A building on land in “Area D” may have a floor space ratio of up to—
  - (a) 2:1 if—
    - (i) the maximum permissible FSR for the land is 1.5:1, and
    - (ii) the site area is at least 1,000m<sup>2</sup>, or
  - (b) 3:1 if—
    - (i) the maximum permissible FSR for the land is 1.5:1, and
    - (ii) the site area is at least 2,000m<sup>2</sup>.
- (6) A building on land in “Area E” may have a floor space ratio of up to 7:1 if—
  - (a) the maximum permissible FSR for the land is 6:1, and
  - (b) the site area is at least 1,000m<sup>2</sup>.
- (7) Subclauses (3)–(6) do not apply unless the consent authority is satisfied—
  - (a) the development includes community infrastructure that is reasonably necessary in Wickham, and
  - (b) the development is consistent with the objectives of this clause.
- (8) In this clause—
  - community infrastructure* has the same meaning as in clause 7.9.
  - maximum permissible FSR*, for a building on land, means the maximum floor space ratio shown for the land on the Floor Space Ratio Map.

**[5] Clause 7.10A Floor space ratio for certain other development**

Insert at the end of the clause—

- (2) This clause does not apply to development to which clause 7.9A applies.