

Newcastle LEP 2012 Amendment- Heritage

Proposal Title : **Newcastle LEP 2012 Amendment- Heritage**

Proposal Summary : **Additions, deletions and amendments to Schedule 5 and related heritage maps**

PP Number : **PP_2016_NEWCA_004_00**

Dop File No : **16/06478**

Proposal Details

Date Planning Proposal Received : **13-May-2016**

LGA covered : **Newcastle**

Region : **Hunter**

RPA : **Newcastle City Council**

State Electorate : **NEWCASTLE**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street : **0 Various**

Suburb : **Various**

City : **Newcastle**

Postcode :

Land Parcel : **Various land parcels**

DoP Planning Officer Contact Details

Contact Name : **Ken Phelan**

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RPA Contact Details

Contact Name : **Samantha Cross**

Contact Number : **0249742893**

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A**

Release Area Name :

Regional / Sub Regional Strategy : **Lower Hunter Regional Strategy**

Consistent with Strategy : **Yes**

MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
 If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**
 If Yes, comment :

Supporting notes

Internal Supporting Notes :	The proposal seeks to add six newly identified heritage items to Schedule 5, remove two that have become compromised, include the building interiors of 576 items and amend item details/ descriptions or level of significance (Local or State) as per their State Heritage Register (SHR) status.
External Supporting Notes :	Newcastle City Council initially submitted the proposal on 3 May 2016, additional information was requested and the last information was received 13 May 2016. It is this date that the proposal was considered adequate.

Adequacy Assessment**Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? **Yes**

Comment : **The objectives are to:**

- 1) correct several anomalies and update the Heritage Maps and Schedule 5 Environmental Heritage of Newcastle LEP 2012 to reflect current heritage in Newcastle, consistent with the SHR,**
 - 2) remove those items from Schedule 5 which no longer hold heritage significance, and,**
 - 3) recommend a small number of items and archaeological sites be considered for inclusion in the schedule to the LEP.**
- Additionally, an extensive amendment is proposed involving the inclusion of building interiors for 576 Schedule 5 items.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The following items are the subject of other current LEP amendments and are therefore unnecessary so are to be removed from the proposal:**

- Item 88: St Andrews Church Group, 12 Laman Street, Cooks Hill**
Item 201: Former Regent Theatre, 80 Maitland Road, Islington

Item 371: Former Newcastle East Public School, 58 Bolton Street, Newcastle
Item 418: Civic Theatre, Wheeler Place, Newcastle

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA : **1.1 Business and Industrial Zones**
2.3 Heritage Conservation
* May need the Director General's agreement **3.1 Residential Zones**
6.1 Approval and Referral Requirements

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified? **SEPP No 60—Exempt and Complying Development**

e) List any other matters that need to be considered : **The submitted PP is not clear as to whether the inclusion of all building interiors is supported by studies or assessments of interiors or as part of the general heritage evaluation of each building that led to its statement of heritage significance.**

Adding the 'including interiors' notation to the SHR items in NLEP Sch.5 extends the scope of assessments to be undertaken by OEHL on referral to OEHL, triggering Direction 6.1 Approval and Referral Requirements.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **Council has advised that not all interiors of locally-significant items have been assessed for heritage significance and suggest that the matter will be determined through development assessment.**

In respect of State-significant items OEHL has informally advised that it supports the 'including interiors' notation and that all such items have for some time been required to have specific assessments undertaken of the heritage significance of interiors.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Map sheets proposed to be amended are:**
HER 001C
HER 002C
HER 002F
HER 004A
HER 004C
HER 004FA
HER 004G
HER 004J
HER 004K

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council intends to exhibit for 28 days.**
This is supported given the nature of the amendments and range of stakeholders involved in these heritage matters.
A condition of the Gateway determination requires Council to correspond to all owners of the listed heritage items to ensure that they are informed of the 'interior' listing proposal, particularly in the absence of any assessment.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **Although the interiors proposal is not supported by assessment it is adequate to proceed to public exhibition and consideration of the PP. The extent of available 'interiors' heritage assessments will determine which Schedule 5 items can justifiably have 'including interiors' notation added to the item description.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Newcastle Local Environmental Plan 2012 was given effect on 15 June 2012.**

Assessment Criteria

Need for planning proposal : **The amendments required to Schedule 5 can only be achieved through a Planning Proposal. These amendments have been identified as necessary by council's heritage specialist. Although clause 5.10 of the Newcastle LEP provides heritage conservation considerations and requires development consent for making structural changes to interior or by making changes to anything inside the item that is specified in Schedule 5, Council is of the opinion that interiors need to be specifically listed in the schedule to ensure adequate protection.**

Consistency with strategic planning framework :

Lower Hunter Regional Strategy 2006

The strategy contains the following references to cultural heritage (dot-points added):

- there is a sense of community spirit and regional identity

Chapter 12- Heritage-

- Continued growth of the Lower Hunter population and industry will raise challenges for the conservation of cultural heritage.
- In urban renewal projects there will be challenges to protect buildings of cultural significance.(p.41)
- The sympathetic conservation of heritage assets is encouraged through detailed design requirements in local environmental plans, development control plans and other planning documents and strategies.(p.42)
- The cultural heritage values of major regional centres and major towns that will be the focus of urban renewal projects will be reviewed, with the aim of protecting cultural heritage.(p.42)

OUTCOMES

- The importance of the historic cultural landscapes of the Region and their contribution to the Lower Hunter's unique sense of place are recognised and protected throughout the planning process.
- All places, precincts and landscapes of cultural heritage significance in the Region are identified and protected in planning instruments.

The proposal assists implementation of these policies and therefore is consistent with the Lower Hunter Regional Strategy.

Draft Plan for Growing Hunter City 2015

There is reference to cultural heritage in the draft plan:

'....identify the best ways of accommodating infill (housing) – while protecting or enhancing amenity, privacy, character and heritage'

The proposal is consistent with this plan.

State Environmental Planning Policies (SEPP)

SEPP 60—Exempt and Complying Development

The change of address of some items may impact on land to which this SEPP applies.

In regard to the 'including interiors' annotation the Department's Codes Team has advised that the proposed reference to 'interiors' in the Newcastle LEP should not affect the application for undertaking internal alterations as exempt or complying development under the State Policy, as heritage items and draft heritage items are already excluded from these works if they are listed and mapped in the LEP.

The proposal is therefore consistent with this SEPP.

Section 117 Planning Directions

1.1 Business and Industrial Zones

There are minor impacts from the addition or removal of items from Schedule 5. New listings becoming subject, or no longer subject, to the LEP heritage incentive clause (cl.5.10) which permits any use regardless of zone/ permissible uses if, in the RPA's opinion, neighbourhood amenity and heritage conservation objectives are met. Any inconsistency is considered minor.

It is recommended that the Delegate accept the degree of inconsistency as being of a minor nature.

2.3 Heritage Conservation

The proposal aims to ensure that the Newcastle LEP heritage protections remain current pursuant to the objectives of this Direction.

Interiors protections should be provided in the LEP for all state items consistent with their listing details in the NSW State Heritage Inventory.

With these inclusions, the proposal is consistent with this Direction.

3.1 Residential Zones

There are minor impacts from the addition or removal of items from Schedule 5. New listings becoming subject, or no longer subject, to the LEP heritage incentive clause (cl.5.10) which permits any use regardless of zone/ permissible uses if, in the RPA's opinion, neighbourhood amenity and heritage conservation objectives are met. Any inconsistency is considered minor.

It is recommended that the Delegate accept the degree of inconsistency as being of a minor nature.

6.1 Approval and Referral Requirements

The 'interiors' notation proposed for each building listed in Schedule 5 extends the scope of assessment to be undertaken by OEH in respect of State-significant items. Heritage Branch of OEH has informally confirmed its support for this approach having regard to the availability of heritage assessments for most, if not all, interiors of buildings of State heritage-significance in the Newcastle LEP. Formal consultation is required as a condition of the Gateway Determination.

Environmental social economic impacts :

Environmental Impacts

Retention and adaptive re-use of heritage buildings in Newcastle can reduce carbon emissions and demands on building construction resources. Typically the materials and skills in conserved buildings represent large amounts of physical and human embodied-energy via the materials, training, effort and historic (perhaps extinct) skills/ craftsmanship involved in their creation.

Diverse stocks of heritage items add value to tourism and the visitor experience of places. Newcastle hospitality and tourism businesses trade extensively on both generalised and specific heritage inputs.

Social Impacts

Conservation of buildings from various functions and eras in an area contribute to residents' identity and their orientation in space and time, both of themselves and their family associations with place. They also have educational value in terms of the historic uses of buildings as workplaces, habitation, commerce or recreation.

Economic Impacts

Buildings proposed here for protection embody examples of arts and crafts of value in the education and training of future generations of students/ trades-persons. Conserved items add interest, points-of-difference and backdrops for entertainment/ education and various forms of tourism and commerce.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage		

Newcastle LEP 2012 Amendment- Heritage

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
2016 05 03 NCC to DP&E - Gateway Request for Heritage Amendment_Attachment - Planning Proposal.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
 2.3 Heritage Conservation
 3.1 Residential Zones
 6.1 Approval and Referral Requirements

Additional Information : **It is recommended that Gateway approval be granted subject to the conditions:**

- 1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:**
 - (a) Owners of the respective heritage items are to be notified of the proposed amendment.**
 - (b) the planning proposal is not classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013) and therefore must be made publicly available for a minimum of 28 days; and**
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).**
- 2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act.**

Office of Environment and Heritage (Heritage Branch)

- 3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).**

4. The following items being deleted from the proposal before exhibition:
- Item 88: St Andrews Church Group, 12 Laman Street, Cooks Hill
 - Item 201: Former Regent Theatre, 80 Maitland Road, Islington
 - Item 371: Former Newcastle East Public School, 58 Bolton Street, Newcastle
 - Item 418: Civic Theatre, Wheeler Place, Newcastle

5. Available evidence from a heritage study to be exhibited alongside the proposal that supports the proposed 'including interiors' notation.

6. Listing of State Heritage items to be consistent with the State Heritage Inventory and any other relevant state registers for example the Railcorps Section 170 (Heritage Act) Register

7. The timeframe for completing the LEP is to be 9 months.

Supporting Reasons :

The amendments are generally of a housekeeping nature which do not significantly change controls over heritage items.

Council has been requested to identify evidence of the assessment of building item interiors which would strengthen support for adding the proposed 'including interiors' notation to these Schedule 5 items.

Extending 'interiors' LEP control over items of State Heritage Significance (State Heritage Register) is to be formally considered by Office of Environment and Heritage. (Heritage Branch).

Signature:

Printed Name:

Date:
