

## Planning Services

### Plan Finalisation Report

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**Local Government Area:** Newcastle

#### 1. NAME OF DRAFT LEP

Newcastle Local Environmental Plan 2012 (Amendment No 38) (draft LEP).

#### 2. SITE DESCRIPTION

The planning proposal applies to land at 195 and 195a to 197 Denison Street, Hamilton.

#### 3. PURPOSE OF PLAN

The draft LEP seeks to amend Schedule 5 Environmental Heritage to recognise the State heritage significance of AA Company House at 195 Denison Street, Hamilton. The draft LEP also retains a local listing for two adjoining properties; 195a to 197 Denison Street, Hamilton.

#### 4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Newcastle State Electorate. Tim Crakanthorp MP is the State Member for Newcastle.

The site falls within the Newcastle Federal Electorate. Sharon Claydon MP is the Federal Member for Newcastle.

To the regional planning team's knowledge, neither MP has made any written representations regarding the proposal.

**NSW Government Lobbyist Code of Conduct:** There have been no meetings or communications with registered lobbyists with respect to this proposal.

**NSW Government reportable political donation:** There are no donations or gifts to disclose and a political donation disclosure is not required.

#### 5. GATEWAY DETERMINATION AND ALTERATIONS

The Gateway determination issued on 22 January 2018 (**Attachment C**) determined that the proposal should proceed. The Gateway determination was altered on 13 December 2018 to extend the timeframe for completion. The LEP is due to be completed by 22 March 2019.

#### 6. PUBLIC EXHIBITION

The planning proposal was exhibited from 2 July 2018 to 16 July 2018 in accordance with the Gateway determination. No submissions were received.

## 7. ADVICE FROM PUBLIC AUTHORITY

Agency consultation was not required under the Gateway determination.

Prior to seeking a Gateway determination, Council consulted the Office of Environment and Heritage (Heritage) about the heritage significance of the two properties adjoining AA Company House. OEH advised that the adjoining properties 195A and 197 should be shown as being of local heritage significance having regard to the iron fence shared by 197 with the Manager's House, and, the drinking water tank (c.1850 and still functional) beneath the rear yard of 195, as well as for the archaeological potential of 195 for buried artefacts associated with the Manager's House.

The planning proposal adopts the OEH heritage recommendation and retains the local heritage significance of these items under Schedule 5 of NLEP2012.

## 8. POST-EXHIBITION CHANGES

There were no post-exhibition changes to the proposal.

## 9. ASSESSMENT

This is a minor amendment to the NLEP 2012, consequential upon the listing, by the NSW Heritage Council, of part of the original curtilage of the AA Company Mine Manager's House on the State Heritage Register. The balance of the land (195A and 197 Denison Street, Hamilton) will retain local heritage significance under the NLEP 2012.

### State environmental planning policies

The proposal is consistent with all relevant SEPPs.

### State, regional and district plans

The proposal is consistent with the Hunter Regional Plan 2036 and the Greater Newcastle Metropolitan Plan.

## 10. MAPPING

The proposal amends map sheet 5900\_COM\_HER\_004C\_010\_20180912 to distinguish between the state significant and locally significant components of the original AA Company Mine Manager's House and curtilage.

## 11. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument under clause 3.36(1) of the *Environmental Planning and Assessment Act 1979* and confirmed on 29 November 2018 of its acceptance of the draft LEP and that the plan should be made (**Attachment D**)

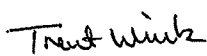
## 12. PARLIAMENTARY COUNSEL OPINION

On 6 December 2018, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

### **13. RECOMMENDATION**

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because it is minor and consequential upon the decision of the NSW Heritage to list AA Company House on the State Heritage Register.

**Damien Pfeiffer**  
**Director Regions, Western**  
**Planning Services**

 13/12/18  
Contact Officer: Trent Wink  
Acting Team Leader, Hunter  
Phone: 4904 2716