

Planning Services

Gateway Determination Report

LGA	Newcastle
RPA	Newcastle City Council
NAME	Planning Proposal to amend Schedule 5 – Environmental Heritage as a consequence of an item of heritage significance being listed on the State Heritage Register (0 dwellings, 0 new jobs)
NUMBER	PP_2017_NEWCA_004_00
LEP TO BE AMENDED	Newcastle LEP 2012
ADDRESS	195 and 195A – 197A Denison Street, Hamilton
DESCRIPTION	Lots 211 and 212, DP 1122139 and Lot 3 DP 153592
RECEIVED	Adequate 19.12.2018
FILE NO.	OBJ17/13545
QA NUMBER	
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of Planning Proposal

To amend Schedule 5 of the Newcastle LEP 2012 to update the heritage significance status of a heritage item in Hamilton known as AA Company House.

Site Description

The proposal to amend the LEP applies to land over three separate lots, being 195, 195A and 197A Denison Street, Hamilton. The land includes a state heritage listed site known as AA Company House which is located on a battle axe block at 195 Denison Street Hamilton. The two other adjoining properties are to remain on Schedule 5 as local significance.

Surrounding Area

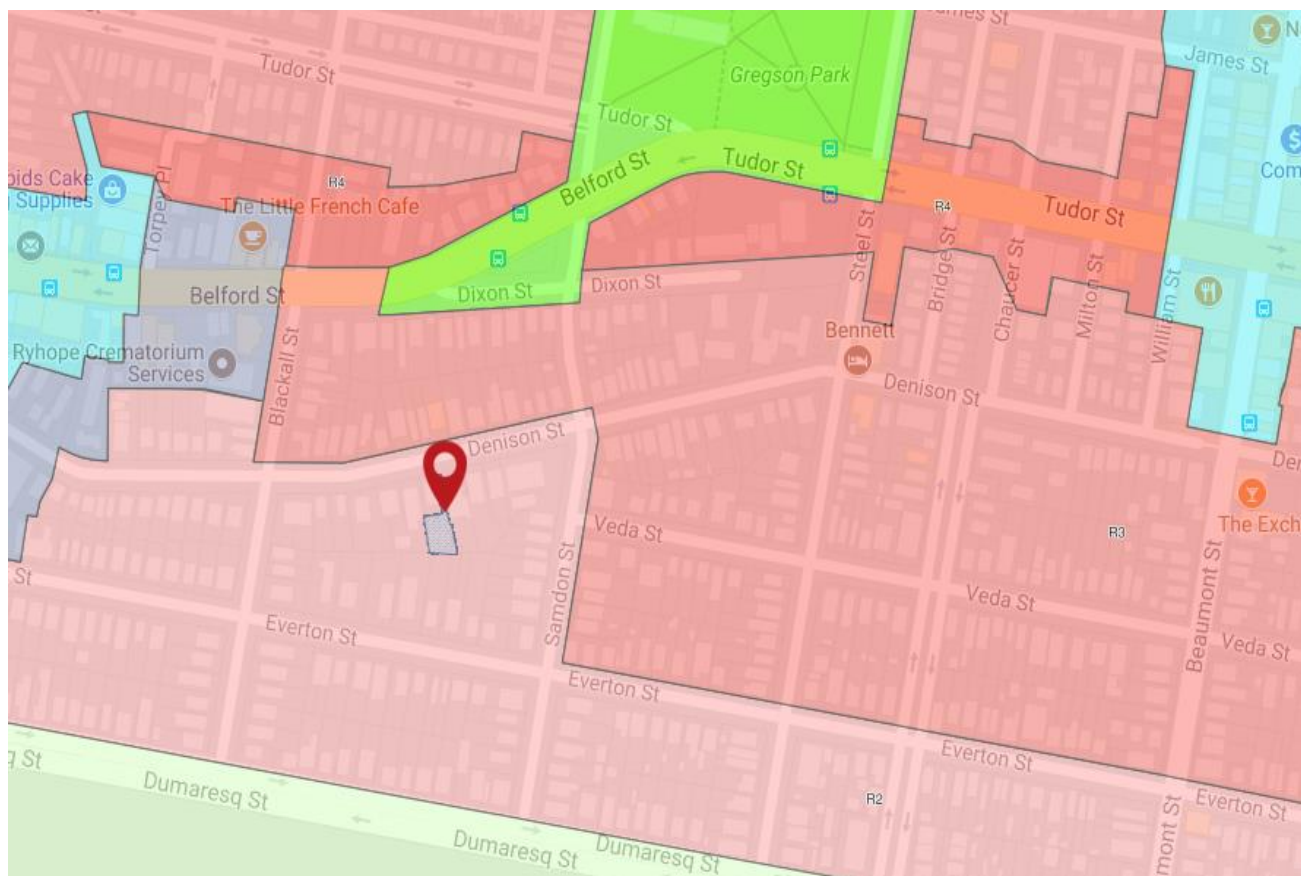
The site is surrounded on all sides by typical middle-ring residential development of single story development, including pools and sheds. The site is zoned R2 Low Density Residential with R3 Medium Density Residential land on adjoining street blocks to the north and east.

The site is close to the commercial centres at Hamilton and 'The Nineways' Broadmeadow.

Summary of Recommendation

The Planning Proposal was requested by Council to be considered under Section 73A as it addresses matters that are consequently (i.e. the site is now listed on the State Heritage Register and so the LEP needs to be updated accordingly), and deals with matters that would not have any significant adverse impact on the environment or adjoining land.

However, as the heritage item includes two other properties of local significance, new heritage items will need to be created to distinguish them from the state item. This will require naming these adjoining sites and community consultation, hence the proposal does not meet the s.73A criteria.



PROPOSAL

Objectives or Intended Outcomes

The objectives of the proposal are to update the heritage schedule to change the heritage status of an item from State nominated to State significance following part of the site being nominated as a State Heritage Item (195 Denison Street Hamilton). The other parts of the site are to be retained as items of local heritage significance being the house's associated historic iron fence (between 195A and 197 Denison Street Hamilton), house curtilage (195A) and underground drinking water tank (197).

Explanation of Provisions

The proposal is to amend Schedule 5 of the LEP to update the heritage significance status of a heritage item known as AA Company House. It will also include the creation of new items for the other local heritage significance items.

Mapping

The proposal will require amendments to the heritage maps.

NEED FOR THE PLANNING PROPOSAL

The planning proposal will update the heritage significance status for this site which will reaffirm its significance and add further protection for the site into the future. The Office of Environment and Heritage (Heritage Division) advised that the Heritage Act 1977 was amended on 21 August 2017 (**Attachment F**) to include the site as having state significance. The proposal is the best and most appropriate means for achieving the intended outcome.

The building already has heritage significance, being of local significance with a state nomination. This amendment will elevate the importance and conservation status for 195 Denison Street to that of State significance with the surrounding buildings of 195A and 197 Denison Street remaining of local significance.

STRATEGIC ASSESSMENT

State

The proposal is of a minor nature and is consistent with the State strategic planning framework.

Regional / District

The proposal is of a minor nature and is consistent with the directions of the Hunter Regional Plan 2016 and draft Newcastle Metropolitan Plan State as they apply to the conservation of heritage.

Local

The proposal is of a minor nature and is consistent with the directions of the Newcastle Local Planning Strategy 2015 as it applies to the conservation of heritage.

Section 117(2) Ministerial Directions

The Proposal is consistent with all relevant Section 117 Directions.

State Environmental Planning Policies

The Proposal is consistent with all relevant SEPP's.

SITE SPECIFIC ASSESSMENT

Social

The reaffirming of the state heritage status for the site will potentially provide a positive social impact.

Environmental

No known issues.

Economic

No known issues.

Infrastructure

No known issues.

CONSULTATION

Community

The proposal is considered to meet the criteria of a minor matter, and hence a 14 day consultation period is recommended.

Agencies

There is no State agency consultation proposed for this amendment as the proposal responds to the advice of the NSW Heritage office.

TIMEFRAME

As this proposal is of minor nature hence a 6 month timeframe is proposed.

DELEGATION

Council has not requested the use of plan making delegations.

CONCLUSION

The planning proposal does not meet the criteria of 73A, hence will be issued under Section 56(2) of the *Environmental Planning and Assessment Act, 1979*. The planning proposal is supported to proceed with conditions as it will implement the outcomes of a determination under the NSW Heritage Act 1977 to increase the status of an existing heritage item to State significance.

RECOMMENDATION

It is recommended that the delegate of the Minister for Planning determine that the planning proposal should proceed subject to the following conditions:

1. The Planning Proposal shall be updated to include:
 - (a) details of the amendment to Schedule 5 of the LEP in relation to the separation of the previous Heritage item (I126) into two or three separate items and the description/naming of the local significance items.
 - (b) Relevant correspondence from the Office of Environment and Heritage
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of **14 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 local environmental plans* (Department of Planning and Environment 2016).

3. No consultation is required with public authorities/organisation under section 56(2)(d) of the Act
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the 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).
5. The timeframe for completing the LEP is to be **6 months** following the date of the Gateway determination.



22/1/2018

Katrine O'Flaherty
Team Leader, Hunter

Monica Gibson
Director Regions, Hunter
Planning Services

Contact Officer: James Shelton
Senior Planner, Hunter
Phone: 02 4904 2713