

Planning Services

EF18/33474

Gateway determination report

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| LGA | Newcastle |
| PPA | City of Newcastle |
| NAME | Variations to existing Heritage Conservation Areas - Cooks Hill, Hamilton South Garden Suburb and The Hill (0 homes, 0 jobs) |
| NUMBER | PP_2018_NEWCA_015_00 |
| LEP TO BE AMENDED | Newcastle Local Environmental Plan 2012 |
| ADDRESS | Various properties at Cooks Hill, Hamilton South and The Hill |
| DESCRIPTION | Various |
| RECEIVED | 20 December 2018 |
| FILE NO. | EF18/33474 |
| 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

The planning proposal seeks to make boundary adjustments to three heritage conservation areas (HCAs) of local significance identified in Schedule 5 of the Newcastle Local Environmental Plan (LEP) 2012. It involves adding three new areas and removing an existing area which no longer demonstrates heritage values. Changes to the development standards are proposed for those areas to be included in the HCAs, consistent with the approach taken to development standards for the existing HCAs.

Site description

Land to be included in the Cooks Hill HCA

The land to be included in the Cooks Hill HCA is 11, 13, 15-24 and 26 Anzac Parade, and 2, 6, 8, 10, 1-10/10, and 13-23 Kitchener Parade, Cooks Hill (Figure 1). Council states that the precinct to be added is 2.68 hectares in size and is predominantly residential (one-two storey dwelling houses).

Council notes that the precinct contains several intact inter-war period bungalows that produce a streetscape that is uniform and reflect its history of construction typologies following the First World War, consistent with the HCA values and character.



Figure 2: Land to be removed from the Cooks Hill HCA

Land to be included in the Hamilton South Garden Suburb HCA

The land to be included in the Hamilton South Garden Suburb HCA is 54-62 (even), 63, 64, 66, 68-71 Denison Street, 2-4, 8 and 10 Ada Street, and 302-308 (even) and 317-321 (odd) Parkway Avenue, Hamilton East (Figure 3). Council advise that the precinct to be added is 2.12 hectares in size and predominantly residential (single storey dwelling houses).

Council notes the precinct to be consistent with the heritage significance of the HCA which embodies the garden suburb movement in terms of its housing styles, streetscape and layout. Further, that it represents a pattern of urban settlement being the gradual urban infill of the Newcastle coal field after 1900.



Figure 3: Land to be included in the Hamilton South Garden Suburb HCA

Land to be included in The Hill HCA

The land to be included in The Hill HCA is 1, 2, 4 and 5-9 (odd) Anzac Parade, 13 and 15 Lemnos Parade; 3, 5, 7, 16, 18 and 20 Bingle Street, 1-4, 6-11, 11A, 12, 14-18, 1-6/18, 19, 21-25, 1-8/21-25, 22, 2-5/22, 24, 25B, 26-31, 1-2/31 High Street, 38 and 40 The Terrace, The Hill (Figure 3). Council states that the precinct to be added is 3.64 hectares in size and is predominantly residential (one-two storey dwelling houses).

It states that this area is representative of land released by the Australian Agricultural Company for residential development at the end of the First World War. Council considers the precinct to demonstrate the gradual urbanisation of Newcastle (from a coal settlement to an urban area), to have a highly intact streetscape, and have a subdivision and street layout similar to other areas of The Hill HCA.



Figure 4: Land to be included in The Hill HCA

Existing planning controls

Land to be included in the Cooks Hill HCA

The land to be included in the Cooks Hill HCA is zoned R2 Low Density Residential and has a maximum building height of 8.5 m and floor space ratio (FSR) of 0.65:1 and 0.75:1. A 400 sqm minimum lot size applies.

Land to be removed from the Cooks Hill HCA

The land to be excluded from the Cooks Hill HCA is zoned B2 Local Centre and has a maximum building height of 11 m and FSR of 1.5:1. This site is mapped as being included in the Cooks Hill HCA on the LEP heritage map.

Land to be included in the Hamilton South Garden Suburb HCA

The land to be included in the Hamilton South Garden Suburb HCA is zoned R3 Medium Density Residential and has a maximum building height of 10 m and 14 m, and FSR of 0.9 and 1.5:1. A 400 sqm minimum lot size applies.

Land to be included in The Hill HCA

The land to be included in The Hill HCA is zoned R2 Low Density Residential and has a maximum building height of 8.5 m and FSR of 0.65:1 and 0.75:1. A 400 sqm minimum lot size applies.

Surrounding area

Land to be included in the Cooks Hill HCA

The land is surrounded by low density residential. It is within approximately 300 m east of Darby Street which is a business and entertainment precinct (Figure 5). The Newcastle City Centre (Civic precinct) is located within 600 m to the north. The site adjoins the western edge of the existing Cooks Hill HCA which extends over the broader Cooks Hill suburb to the west and south-west (Figure 8).



Figure 5: Locality map showing changes proposed to the Cooks Hill HCA

Land to be excluded from the Cooks Hill HCA

The land is surrounded to the west and north by low density residential. A place of public worship and associated grounds is also to the north (Figure 5). Opposite the site to the east is a commercial centre, retail/ business premises and a five-storey residential flat building. More broadly, the Darby Street business and entertainment precinct is located approximately 350 m to the north east. The site is bounded by land included in the HCA to the north, west and south (Figure 8).

Land to be included in the Hamilton South Garden Suburb HCA

The land is surrounded by low density residential to the south, east and west. A secondary school also bounds part of the site to the south. The site adjoins low density residential and vehicle sales and repairs businesses to the north which form part of the Tudor Street business corridor (Figure 6). Approximately 400 m to the

east is the Newcastle City Centre (West End) and 600 m to the west is Beaumont Street, a business and entertainment district. The site adjoins the northern edge of the existing Hamilton South Garden Suburb HCA which extends over Hamilton South and Hamilton East to the south of the site (Figure 8).



Figure 6: Locality map showing land to be included in the Hamilton South Garden Suburb HCA

Land to be included in The Hill HCA

The land is surrounded by low density residential to the north, east and west. Open space (coastal headland) and ocean bound the site to the south. More broadly, King Edward Park is located approximately 50 m to the east, Bar Beach 1.5 km to the south west and the Newcastle City Centre (East End) within 700m to the north. The site adjoins the south western edge of the existing The Hill HCA (Figure 8).



Figure 7: Locality map showing land to be included in The Hill HCA

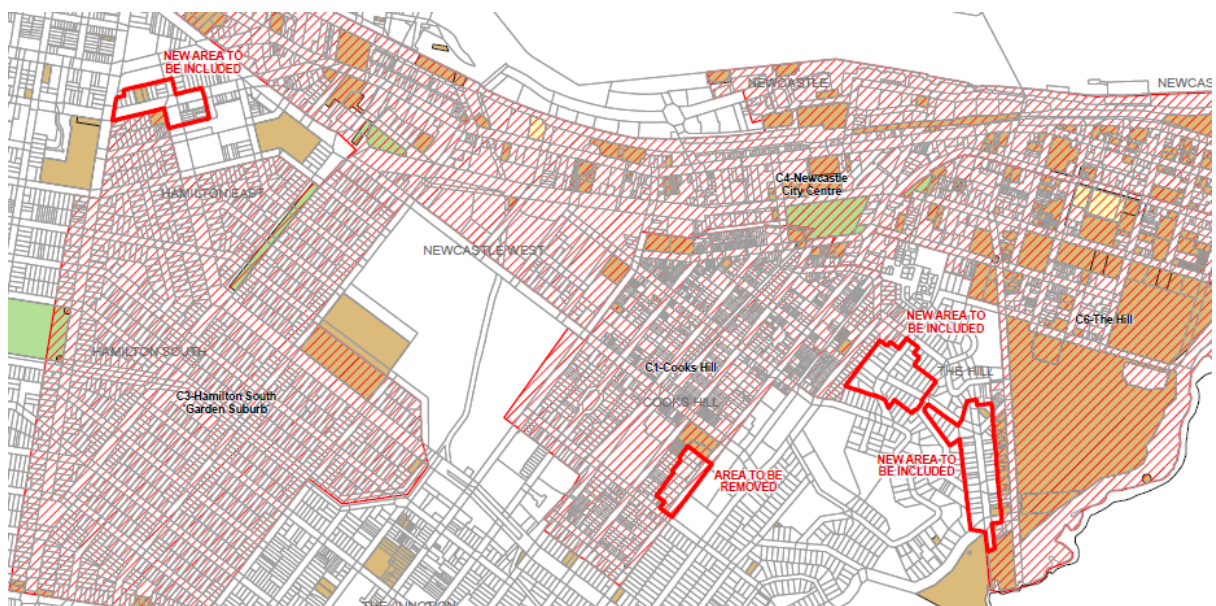


Figure 8: Locality map showing location of sites in the context of adjoining HCAs

Summary of recommendation

It is recommended that the proposal proceed, subject to conditions. Consultation with the community is required so that it may consider the potential impacts of the proposed changes. Conditions are proposed to assist with this process.

The proposal is supported by a heritage study which recommends the proposed changes, and the outcomes are consistent with the relevant heritage directions of the regional strategies and Council's local strategy.

There is insufficient evidence however to determine whether the proposal is consistent with Strategy 16 of the Greater Newcastle Metropolitan Plan which seeks to achieve increased urban densities in urban renewal corridors.

The land to be included in the Hamilton South Garden Suburb HCA is in a renewal corridor and it is unclear whether including the site in the HCA may limit its ability to provide increased housing as required by the Metropolitan Plan.

A condition is proposed to ensure that consistency can be evaluated by Council. Further discussion on this component of the proposal is provided later in this report.

PROPOSAL

Objectives or intended outcomes

The objectives of the planning proposal are to amend the boundaries of the three HCAs identified to ensure that their heritage values are protected, and that the existing and desired future character is maintained. Conversely, it proposes to also remove an area from an HCA because this land no longer warrants protection.

The objectives are clear and no changes are required.

Explanation of provisions

The proposal seeks to amend the Newcastle LEP 2012 by:

- a) introducing various properties into three HCAs of local significance at Cooks Hill, Hamilton South Garden Suburb and The Hill;
- b) removing height and floorspace ratio controls from the introduced properties; and
- c) removing various properties from the Cooks Hill HCA.

The explanation of provisions are clear and no changes are required.

Mapping

The planning proposal includes map which show the land to be included in the heritage conservation areas, including the existing and proposed LEP maps (HER, FSR, HOB). Maps are also provided to demonstrate how individual properties have been considered in terms of their contribution to each HCA.

Aerial photos of each site have been included. These should be updated to clearly identify the land affected.

NEED FOR THE PLANNING PROPOSAL

The need for the planning proposal comes from a Heritage Study (2016) undertaken by Council. The study responds to actions in Council's Newcastle Heritage Strategy 2013-2017 and is included as an appendix to the planning proposal.

The study reviewed existing heritage conservation areas, defined their current heritage significance, examined boundaries and contributory items, reviewed planning controls and produced desired future character statements. Through this process potential additions to HCAs were also identified, including those that are the subject of this planning proposal. Similarly, it identified that the land on Darby Street in the Cooks Hill HCA could be removed.

For each site, the study identified that it demonstrates a distinctive character and has potential heritage significance. Field inspections and a cultural significance assessment undertaken as part of the study concluded that each area was highly intact and satisfied several of the State Heritage Inventory criteria as heritage areas of local heritage significance (a summary of which has been included in the earlier site description section of this report). The study recommended the inclusion of the sites in the LEP as a heritage conservation area of local significance.

The Department is satisfied that the need for the planning proposal is adequately justified. The Greater Newcastle Metropolitan Plan recognises the important role that heritage provides in creating a sense of place, particularly in Newcastle's neighbourhoods. This planning proposal helps safeguard these areas. Their inclusion has been informed through a detailed study consistent with the relevant NSW heritage guidelines.

Changes proposed to the building height and floor space ratio maps are also supported. This approach is consistent with the approach taken by Council for the other land within each HCA. Matters of height, bulk and scale would be considered through the provisions of the Development Control Plan and Council's associated policies.

It is noted however that some of the land proposed for inclusion in the Hamilton South Garden Suburb HCA should not proceed. A modern residential flat building has recently been constructed on Lot 1 DP 1227964, inconsistent with the heritage values of the HCA. As this development is on the fringe of the proposed area, it should be removed. It also serves to isolate the adjoining properties to the south, undermining their contribution to the HCA. These lots (Lot 100 DP 1128420, Lot 141 DP 814111, Lot 1 DP 797430) should therefore be removed (Figure 9).



Figure 9: Land to be removed from proposed extension to the Hamilton South Garden Suburb HCA

STRATEGIC ASSESSMENT

State

The proposal does not involve any State significant heritage items or places listed in the NSW State Heritage Register.

Regional / District

Hunter Regional Plan (HRP)

Direction 19 - Identify and protect the region's heritage of the HRP is relevant to the proposal. The direction recognises the importance of cultural heritage to communities as it provides a connection to the past and can generate tourism.

The planning proposal seeks to recognise areas that has been identified as having cultural heritage. It is consistent with the direction.

Greater Newcastle Metropolitan Plan (GNMP)

The GNMP recognises the importance of Greater Newcastle's heritage as a unique and attractive element of the city which can be used to enhance its emergence as a metropolitan city with global appeal.

Strategy 10 of the GNMP seeks to create better buildings and great places and acknowledges that Greater Newcastle's heritage is fundamental to its cultural economy. The planning proposal is consistent with this outcome because it seeks to protect the heritage values of local places.

The GNMP also recognises the need to provide housing close to jobs and services, particularly along existing major transport corridors which would also benefit from urban renewal.

Strategy 16.2 requires Council to amend its local plans to achieve urban densities of 50-75 jobs and people per hectare in Stage 1 urban renewal corridors. The land to be included in the Hamilton South Garden Suburb HCA is located within a Stage 1 corridor (Tudor Street, Wickham to Broadmeadow) (Figure 10).

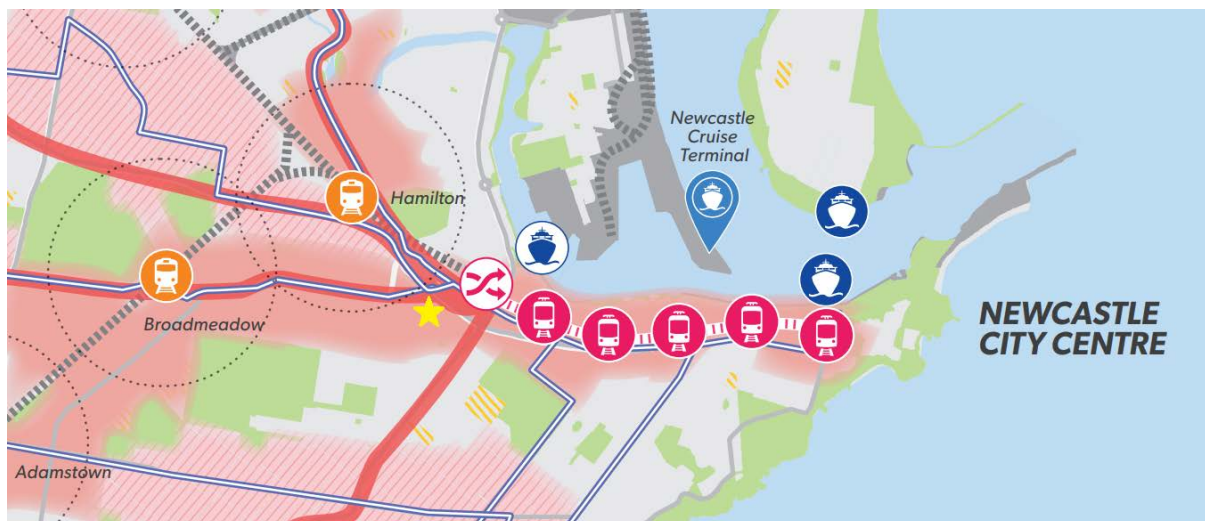


Figure 10: Site in proximity to GNMP Stage 1 urban renewal corridor (shaded pink, no stripes)

The planning proposal does not refer to this strategy action and no evidence is provided to demonstrate how the desired urban densities would be achieved. The desired future character for the HCA (to maintain existing original subdivision layout,

single storey dwellings, setbacks and gardens) potentially limits the ability to increase housing opportunities and to support urban renewal.

Council is currently preparing a housing strategy for the local government area which will respond to the GNMP action 16.2. Consistency with this action can be evaluated once this work has progressed. The Gateway determination has been conditioned accordingly.

Local

Newcastle Community Strategic Plan (CSP)

The CSP generally supports the proposal. Council identifies that the proposal aligns with the CSP principle to provide vibrant, safe and active places. In particular, it is consistent with the desired outcome associated with this principle to ensure “culture, heritage and place are valued, shared and celebrated”.

Council advises that the proposal is also consistent with the CSP liveable built environment principle. In protecting the built form of the precinct, Council considers the proposal consistent with this principle’s desired outcome to provide “a built environment that maintains and enhances our sense of identity”.

This assessment is supported.

Newcastle Local Planning Strategy (LPS)

The LPS implements the CSP and general adopts the desired outcomes of the CSP. It seeks to achieve the outcomes detailed above through putting in place appropriate heritage guidelines and controls within the Newcastle LEP 2012 and Newcastle DCP 2012 to safeguard heritage. It identifies strategic directions including:

- Ensure heritage schedules are regularly reviewed and updated;
- Ensure development controls and zoning protect the heritage significance of items and conservation areas; and
- Apply a flexible approach to development provisions in order to support the adaptive reuse of heritage items where it achieves their ongoing preservation and use.

The planning proposal is considered to be consistent with the LPS.

Newcastle Heritage Strategy (2013-2017)

This strategy sets out sub-strategies to ensure that heritage values are recognised, protected and promoted. This includes:

- Strategy 1 - Knowing our heritage - enhancing our community's knowledge of and regard for local heritage items and places;
- Strategy 2 - Protecting our heritage - Council will protect and conserve the City’s heritage places for the benefit of everyone;
- Strategy 3 - Supporting our heritage - Council will protect the integrity of heritage places by ensuring consistent and sympathetic uses, physical and aesthetic treatments and outstanding interpretations; and
- Strategy 4 - Promoting our heritage – Newcastle’s significant heritage places are a unique historical resource and represent an asset for the continuing educational, cultural and economic enrichment of the region.

The planning proposal is considered to be consistent with this strategy.

Section 9.1 Ministerial Directions

The proposal is consistent with the relevant Ministerial directions except the following which require further discussion:

Direction 5.10 Implementation of Regional Plans

As discussed, the proposal is inconsistent with Strategy 16 of the Greater Newcastle Metropolitan Plan. A Gateway determination condition is proposed to require Council to undertake further analysis before consistency with the action can be evaluated.

State environmental planning policies (SEPPs)

The planning proposal is consistent with the relevant SEPPs.

SITE-SPECIFIC ASSESSMENT

Social

The proposal would facilitate the protection of areas identified as having heritage value. These areas help create a sense of place and a distinctive local identity. This is likely to have a positive social impact.

This said, the proposal would also facilitate the application of planning controls which have not previously applied to the sites (e.g. LEP clause 5.10 Heritage Conservation and DCP provisions relating to heritage). These controls may restrict the capacity for landowners to develop their land, particularly where that land is zoned R3 Medium Density Residential (Hamilton South Garden Suburb HCA).

Limited community consultation has been undertaken however formal consultation through the planning proposal process with affected landowners would be beneficial. This would allow landowners to evaluate whether their land should be included and to understand the potential impacts of their land being included in an HCA. To assist with this, Council should include the existing and proposed DCP provisions (recently exhibited) as part of the planning proposal consultation package.

A Gateway determination condition is proposed accordingly.

Environmental

The proposal does not change permissible land uses, just recognises heritage values consistent with adjoining lands. Adverse environmental impacts are not anticipated as a result of the planning proposal.

Economic

There are no known economic impacts associated with the proposal.

Infrastructure

There are no known infrastructure impacts associated with the proposal.

CONSULTATION

Community

The planning proposal indicates that Council intends to exhibit the planning proposal for two months. A minimum period of 28 days is recommended.

Agencies

The proposal does not affect the interests of any authorities or agencies.

TIME FRAME

Council nominates seven months to complete the planning proposal. Given the scope of the amendment and as the Department may be requested to finalise the plan, a nine month period is recommended.

LOCAL PLAN-MAKING AUTHORITY

City of Newcastle has advised that it does not want to be provided with local plan-making delegation. As a result, delegation is not recommended for this planning proposal.

CONCLUSION

The progression of the planning proposal is supported because it is consistent with the heritage outcomes of the HRP and GNMP, Council's local strategy and is justified by a detailed heritage study. The approach taken to development standards is consistent with the approach used elsewhere in the local government area for predominantly residential HCAs.

Notwithstanding this, further analysis is required to evaluate the proposal's consistency with the GNMP urban renewal corridor outcomes for the proposed extension to the Hamilton South Garden Suburb HCA. This may occur post-Gateway.

RECOMMENDATION

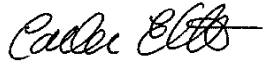
It is recommended that the delegate of the Secretary:

1. note that the consistency with section 9.1 Direction 5.10 Implementation of Regional Plans is unresolved and will require justification.

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

1. The planning proposal is to be updated to
 - (a) detail consistency with section 9.1 direction 5.10 Implementation of Regional Plans and the Greater Newcastle Metropolitan Plan (specifically Strategy 16) following further analysis regarding housing provision in renewal corridors; and
 - (b) omit Lot 1 DP 1227964, Lot 100 DP 1128420, Lot 141 DP 814111 and Lot 1 DP 797430 from the proposed extension to the Hamilton South Garden Suburb HCA.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. The time frame for completing the LEP is to be nine months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.

5. Council is to include both the existing and proposed heritage Development Control Plan provisions as part of the exhibited planning proposal package.



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