

[CCL 11/12/18 - COOKS HILL, THE HILL AND HAMIL...](#)

**SUBJECT: CCL 11/12/18 - COOKS HILL, THE HILL AND HAMILTON
SOUTH HERITAGE CONSERVATION AREAS BOUNDARY
ADJUSTMENTS - ENDORSEMENT OF AMENDMENT TO
NEWCASTLE LEP 2012**

RESOLVED: (Councillors Duncan/Mackenzie)

Council resolves to:

- i) Endorse the attached Planning Proposal (**Attachment A**), prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to amend the Newcastle Local Environmental Plan 2012 (LEP) to enable boundary adjustments to the existing Cooks Hill, Hamilton South Garden Suburb and the Hill Heritage Conservation Areas (HCA).
- ii) Forward the Planning Proposal to the Minister for Planning for Gateway determination pursuant to Section 3.34 of the EP&A Act.
- iii) Advise the Secretary of the Department of Planning and Environment that Council does not seek to exercise delegations for undertaking Section 3.36(1) of the EP&A Act.
- iv) Consult with the community and relevant government agencies as instructed by the Gateway determination.
- v) Receive a report back on the Planning Proposal as per the requirements of Section 3.34 of the EP&A Act.

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**REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / MANAGER REGULATORY,
PLANNING AND ASSESSMENT**

PURPOSE

This report seeks Council's endorsement of a Planning Proposal to commence the statutory process to prepare an amendment to the Newcastle Local Environmental Plan 2012 for boundary adjustments to the existing Cooks Hill, Hamilton South Garden Suburb and The Hill Heritage Conservation Areas.

RECOMMENDATION

- 1 Council resolves to:
 - i) Endorse the attached Planning Proposal (**Attachment A**), prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to amend the Newcastle Local Environmental Plan 2012 (LEP) to enable boundary adjustments to the existing Cooks Hill, Hamilton South Garden Suburb and the Hill Heritage Conservation Areas (HCA).
 - ii) Forward the Planning Proposal to the Minister for Planning for Gateway determination pursuant to Section 3.34 of the EP&A Act.
 - iii) Advise the Secretary of the Department of Planning and Environment that Council does not seek to exercise delegations for undertaking Section 3.36(1) of the EP&A Act.
 - iv) Consult with the community and relevant government agencies as instructed by the Gateway determination.
 - v) Receive a report back on the Planning Proposal as per the requirements of Section 3.34 of the EP&A Act.

KEY ISSUES

- 2 The Review of Heritage Conservation Areas Report adopted by Council at the Ordinary Council Meeting held on 28 June 2016 recommended preparation of a Planning Proposal to adjust the boundaries of existing Cooks Hill, Hamilton South Garden Suburb and The Hill HCAs.
- 3 The Planning Proposal proposes to designate additional sites within the existing HCAs to preserve heritage significance. The lands to be added to the existing

HCA's are currently zoned either R2 Low Density Residential or R3 Medium Density Residential. The additional sites are (**refer Attachment B**):

- i) Cooks Hill HCA - the lower part of Anzac and Kitchener Parades
 - ii) Hamilton South Garden Suburb HCA - parts of Denison Street, Parkway Avenue and Ada Street
 - iii) The Hill HCA - parts of High Street, Anzac, Lemnos and Kitchener Parades.
- 4 The Planning Proposal proposes to remove the floor space ratio and maximum building height for the sites added to the existing HCA's. City of Newcastle (CN) does not currently apply numeric building height or floor space ratio controls to residential zoned land in its HCA's given these controls do not adequately dictate the desired building envelope outcomes, nor would they necessarily result in a built form that respects the character and significance of the existing building stock. The objective of the Planning Proposal is to ensure the heritage significance of the existing and desired future character of the site is protected.
- 5 The land to be removed from the existing Cooks Hill HCA - the Darby Street block between Tooke and Parry Streets - is currently zoned B2 Local Centre. The Planning Proposal proposes to adjust the boundary to remove the site from the HCA as it has been fragmented by recent development and considered at odds with the identified heritage significance of this area, no longer warranting such protection. As the site is within a commercial zone it already has a designated floor space ratio and maximum building height by the LEP and so this remains unchanged by the proposal.

FINANCIAL IMPACT

- 6 Work will be undertaken by CN's staff within current allocated work program and budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 7 The Planning Proposal is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan (CSP), including:

Vibrant and Activated Public Spaces

- i) 3.2a Celebrate Newcastle's cultural heritage and diversity.
- ii) 3.2b Celebrate Newcastle's identity by sharing local stories, both historical and contemporary, through arts and cultural programs.

Liveable and Distinctive Built Environment

- iii) 5.1a Protect and promote our unique built and cultural heritage.

- iv) 5.1b Ensure our suburbs are preserved, enhanced and promoted, while also creating opportunities for growth.
 - v) 5.1c Facilitate well designed and appropriate scale development that complements Newcastle's unique character.
- 8 A detailed discussion of the Planning Proposal and its relationship with the CSP is provided within the planning proposal.

Local Planning Strategy

- 9 The Local Planning Strategy (LPS) is CN's comprehensive land use strategy to guide the future growth and development of Newcastle to 2030 and beyond. The LPS seeks to ensure development will protect culture, heritage and place and aims to ensure the built environment will maintain and enhance the city's identity by protecting and enhancing heritage buildings, streetscapes, views and key features, as well as, encouraging building innovation that respects the scale and bulk of the existing urban fabric. The Planning Proposal is consistent with the strategic directions of the LPS relating to heritage.
- 10 A detailed discussion of the Planning Proposal and its relationship with the LPS is provided within the Planning Proposal.

IMPLEMENTATION PLAN/IMPLICATIONS

- 11 The preparation of the Planning Proposal was undertaken in accordance with CN's Local Environmental Plan – Request for Amendment Policy (2012). This policy identifies CN's processes and responsibilities in applying the requirements of Part 3 of the EP&A Act 1979 for amending an LEP.
- 12 If endorsed by Council, the Planning Proposal will be forwarded to the Minister for Planning for a Gateway determination. The Gateway determination will confirm initial support for the Planning Proposal and identify any further technical studies and community consultation required prior to the proposed amendments being finalised and reported to Council for determination.

RISK ASSESSMENT AND MITIGATION

- 13 The process of amending an LEP is prescribed by Part 3 of the EP&A Act. Adherence to the legislative framework reduces the risk by ensuring that a Planning Proposal is considered with regard to relevant strategic planning documents and is determined in an appropriate timeframe.
- 14 Justification has been provided for the formal LEP amendment request within the Planning Proposal.
- 15 Further consultation with stakeholders (including the broader community) will occur in accordance with the Minister's requirements following Gateway determination. This will ensure all relevant parties are able to consider and comment on the Planning Proposal prior to it being reported back to Council for final consideration of the proposed amendment.

RELATED PREVIOUS DECISIONS

- 16 Council resolved to endorse the Review of Heritage Conservation Areas Report at the Ordinary Council Meeting held on 28 June 2016.

CONSULTATION

- 17 Consultation with stakeholders (including the community) will occur in accordance with the Minister's requirements following Gateway determination.
- 18 In accordance with the Department of Planning and Environment's Guide to Preparing Local Environmental Plans, it is proposed that the Planning Proposal be publicly exhibited for 28 days, unless otherwise advised by the Gateway determination.
- 19 The Gateway determination will confirm the consultation requirements however, it is envisaged that this will include, at a minimum, public notice in the local newspaper, publication on the CN web page and letters to owners of adjoining and nearby properties.

BACKGROUND

- 20 The Review of Heritage Conservation Areas Report of June 2016 reviewed the boundaries of existing HCAs. It recommended Cooks Hill HCA be adjusted to remove a block of Darby Street between Tooke and Parry Streets and revisited the findings of a CN commissioned heritage assessment of this area in 2005, which considered it warranted to preserve heritage significance by expanding the boundary to include a small section around Anzac and Kitchener Parade. It also recommended the northern boundary of Hamilton South HCA be expanded to include properties on the north side of Denison Street, 302-308 Parkway Avenue and 2-10 Ada Street, and The Hill HCA be expanded to include High and Bingle Streets, as well as a small section of Anzac Parade. Fieldwork was undertaken to examine the extent of contributory buildings and research into the history and heritage significance of this place was undertaken, in accordance with the guidelines for assessing heritage significance.
- 21 The site to be included within the Cooks Hill HCA - the lower part of Anzac and Kitchener Parades - consists of several inter-war period bungalows that are intact and produce a streetscape that is uniform and reflects its history of construction typologies following the Australian Agricultural Company's land release after the First World War. The properties within this site are consistent and complement the identified heritage significance of Cooks Hill HCA and as such should be preserved and incorporated into the HCA.
- 22 The site to be removed from Cooks Hill HCA - the Darby Street block between Tooke and Parry Streets - has been fragmented by recent development including three storey residential flat buildings and a typical development such as a large aged care complex, and large townhouse developments that are at odds with the identified heritage significance of Cooks Hill. The properties

within this site are inconsistent and detract from the identified heritage significance of Cooks Hill HCA and as such should be removed from the HCA.

- 23 The site to be included within the Hamilton South Garden Suburb HCA - Denison Street, Parkway Avenue and Ada Street - consists of several early 20th Century 'Garden Suburb' style bungalows that are intact and produce a streetscape that is uniform and consistent with the predominant building typology of the neighbourhood. The properties within this site are consistent and complement the identified heritage significance of the Hamilton South Garden Suburb HCA and as such should be preserved and incorporated into the HCA.
- 24 The site to be included within The Hill HCA - High Street, Anzac, Lemnos and Kitchener Parades - consists of an area released by the Australian Agricultural Company for residential development at the end of the First World War mixed with cohesive groups of late nineteenth century residential terraces and early twentieth century bungalows. Furthermore, the site includes the St Ronans residence at 18 Bingle Street, a heritage item of State significance primarily due to its association with the Australian Agricultural Company Newcastle mining group and as the company's earliest surviving colliery building. The properties within this site are consistent and complement the identified heritage significance of The Hill HCA and as such should be preserved and incorporated into the HCA.
- 25 Early consultation was undertaken by CN in February 2016 to March 2016 as part of the Review of Heritage Conservation Areas Report process for all four sites. A number of methods of community consultation were undertaken, including a public survey, meetings, newsletters, online activities, phone calls, emails and community information and feedback sessions. During this process the Review of Heritage Conservation Areas Report for the four sites was made available for comment. The process and outcomes of early consultation is documented in the Consultation Report (which is attached to the Planning Proposal).
- 26 The review defined the current heritage significance of each area, produced desired future character statements, assessed the appropriateness of boundaries, examined the relevant planning controls and identified items that contributed to or detract from each area and documented what the community valued about these areas.
- 27 The Review of Heritage Conservation Areas Report included a list of recommendations, including preparation of the Planning Proposal. Council adopted the report at the Ordinary Council Meeting held on 28 June 2016.

OPTIONS

Option 1

- 28 The recommendation as at Paragraph 1. This is the recommended option.

Option 2

- 29 Council resolves not to proceed with the Planning Proposal. This is not the recommended option.

REFERENCES

ATTACHMENTS

Attachment A: Endorsement Planning Proposal - boundary adjustments to Cooks Hill, Hamilton South Garden Suburb and The Hill Heritage Conservation Areas

Attachment B: Site Location and Existing Heritage Plan

All attachments distributed under separate cover