

Gateway determination report

LGA	City of Newcastle
PPA	City of Newcastle Council
NAME	Amendments to Schedule 5 Environmental Heritage (0 homes, 0 jobs)
NUMBER	PP_2020_NEWCA_004_00
LEP TO BE AMENDED	<i>Newcastle Local Environmental Plan 2012</i>
ADDRESS	Various
DESCRIPTION	Various
RECEIVED	11 November 2020
FILE NO.	IRF20/5217
POLITICAL DONATIONS	There are no donations or gifts to the knowledge of the Regional Team
LOBBYIST CODE OF CONDUCT	There have been no communications with registered lobbyists to the knowledge of the Regional Team

1. INTRODUCTION

1.1 Site description

The planning proposal applies to various sites across the Newcastle local government area. Refer to Section 1 of the planning proposal for the list of items included in this planning proposal.

1.2 Existing planning controls

All of the items, with the exception of one are all individually listed items in Schedule 5 (Environmental Heritage) of the *Newcastle Local Environmental Plan 2012* due to their local heritage significance. Due to the large number of administrative amendments proposed, a description of the planning controls for each item is not provided.

The planning proposal seeks to include a new item in Schedule 5, Newcastle Railway Station located at 110, 110A, 130, 150 and 150A Scott Street and 155 Wharf Road due to its State heritage significance. The site is currently listed on the State Heritage Register.

Part of this site is subject to a planning proposal (PP_2019_NEWCA_001_02) that seeks to reclassify and rezone the site.

2. PROPOSAL

2.1 Description of planning proposal

The planning proposal seeks to make various housekeeping amendments to correct anomalies, errors and misdescriptions of items listed in Schedule 5 (Environmental Heritage) of the *Newcastle Local Environmental Plan 2012*.

Since the publication of the *Newcastle Local Environmental Plan 2012*, the City of Newcastle Council has identified a number of incorrect property descriptions and item names, inconsistencies with items listed on the State Heritage Register and items that are no longer of heritage significance that should be removed due to the

building been compromised by its demolition. In addition, one new item is proposed to be included in the Schedule 5 of the local environmental plan.

2.2 Objectives or intended outcomes

The stated objectives of the planning proposal are to amend Schedule 5 of the *Newcastle Local Environmental Plan 2012* to:

- correct anomalies, errors and misdescriptions;
- update to make consistent with the State Heritage Register or removal of items no longer holding heritage significance; and
- add Newcastle Railway Station .

The objectives are clear and no changes are required.

2.3 Explanation of provisions

The planning proposal seeks to amend the *Newcastle Local Environmental Plan 2012* as follows:

- amendments to 31 items listed in Schedule 5 to correct and be consistent with the naming and property details in the State Heritage Register and State Heritage Inventory;
- amendments to 7 items to change significance from State nominated to local as confirmed by Heritage NSW as not nominated for State heritage listing, including:
 - Former signalman's cottage, 12 Laman Street;
 - Former Regent Picture Theatre, 80 Maitland Road;
 - Former migrant camp, 609 Maitland Road;
 - No 1 Lee Warf Building A, 3C Honeysuckle Drive;
 - No 2 Lee Warf Building C, 13 Honeysuckle Drive;
 - Theatre Royal, 669 Hunter Street; and
 - St Ronans, 18 Bingle Street;
- removal of five items from Schedule 5 as the heritage significance of these items has been compromised by demolition, including
 - 10 Parkway Avenue;
 - TPI House, 231 King Street;
 - Former Newcastle Co-operative Store;
 - Wickham Railway Station; and
 - Wickham Signal Box; and
- inclusion of an additional item (Item 705), Newcastle Railway Station (additional group) to Part 1 of Schedule 5.

Table 1: Summary of proposed LEP amendments

Change to Heritage Item	Schedule 5 NLEP 2012 Item No (Heritage items of 'State' and 'State nominated' significance on the SHR)																												
	46	126	369	370	371	372	374	375	376-386	387	400	417	418	433	434	443	450	455	465 - 472	476	478	501	506	579	692	705	A7		
1. Change to Item Name	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x		x	x	x		x	x			x		
2. Change to Address									x								x		x					x			x		
3. Change to Property Description			x	x					x								x	x	x			x			x		x		
4. Change to Significance				x																x									
5. Change to Item No									x										x										
6. Change to LEP Heritage Map			x	x					x				x	x			x	x	x			x				x			
7. Create new heritage item in LEP																										x			
Change to Heritage Item		Schedule 5 NLEP 2012 Item no (Heritage items of 'Local' significance on the SHI)																											
		29	88	201	291	356	357	389	390	415	430	432	498	504	555	683	684	692	703										
8. Remove heritage item		x										x		x		x	x												
9. Change to Address						x	x			x															x		x		
10. Change to Property Description						x	x						x	x											x		x		
11. Change to Significance				x	x	x				x	x					x			x										
12. Change to LEP Heritage Map		x												x	x	x			x				x	x	x				

2.3 Mapping

The planning proposal seeks to update heritage maps to reflect the changes in heritage item identification and status. Heritage maps 004A, 004F, 004G and 004K are proposed to be amended.

The maps do not require updating prior to community consultation.

3. NEED FOR THE PLANNING PROPOSAL

The need for the planning proposal is a result of a number of errors identified by Newcastle City Council and changes to the heritage items. The subject heritage items were the result of various heritage reports prepared by or on behalf of Council.

4. STRATEGIC ASSESSMENT

4.1 State

The planning proposal involves changes to items listed in the *Newcastle Local Environmental Plan 2012* as being 'State Nominated' for listing on the State Heritage Register.

Where these have been recommended for listing by the NSW Heritage Council and included in the State Heritage Register, Schedule 5 entries are proposed to be amended to indicate their State significance. Where State-significant nominations have lapsed, been declined or withdrawn, the items' Schedule 5 listings are proposed to be amended to indicate 'Local' heritage significance.

4.2 State environmental planning policies (SEPPs)

SEPP (Exempt and Complying Development Codes) 2008

Changes to addresses and the inclusion of a new item in Schedule 5 will make exempt and complying provisions inapplicable to some land, while the planning proposal will make this State Environmental Planning Policy provisions applicable to the five properties to be removed from the local environmental plan.

4.3 Section 9.1 Ministerial directions

The planning proposal is consistent with the relevant section 9.1 Ministerial directions.

Direction 2.3 Heritage Conservation

This direction requires that environmental planning instruments include provisions to protect cultural heritage. The planning proposal is consistent with this direction.

4.4 Regional

Hunter Regional Plan 2036

Direction 19 - Identify and protect the region's heritage is relevant to the planning 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 and protect an area adjoining Newcastle Railway Station as important curtilage in providing the setting of that heritage group of buildings. The administrative changes proposed also improve the specificity and currency of heritage protections.

The planning proposal is consistent with the direction.

Greater Newcastle Metropolitan Plan 2036

The *Greater Newcastle Metropolitan Plan 2036* recognises the uniqueness and attractiveness of heritage to Greater Newcastle and its potential contribution to the emergence of the city as a visitor destination with global appeal. *Strategy 10 - Create better buildings and great places* aims to create enhanced identity and amenity for residents and visitors via the actions.

The planning proposal is consistent with the plan as it protects buildings and places of heritage significance while removing controls from properties no longer carrying heritage value such that they may be developed and used for more intensive contemporary urban development.

4.5 Local

The following documents contribute to heritage policy and this planning proposal:

- Newcastle Local Strategic Planning Statement
- Newcastle Community Strategic Plan
- *Heritage Strategy 2020-2030*
- *Newcastle Heritage Policy 2013*
- *Newcastle Archaeological Management Strategy 2015*
- Newcastle CBD Heritage and Urban Design Study
- Review of Heritage Conservation Areas Report (adopted June 2016)

The housekeeping nature of the planning proposal are all justified by reference to authoritative sources in the submitted planning proposal. The proposal is consistent with the above local planning policies.

Newcastle Local Strategic Planning Statement (LSPS)

Priority 10 of the LSPS is to *ensure known and potential heritage places and values are conserved and contribute to local character and sense of place.*

This planning proposal is consistent with this priority.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

Updating heritage provisions, including the removal of redundant items and ensuring consistency with the State Heritage Register, will ensure the local environmental plan remains current and accurate.

The planning proposal would facilitate the protection of the Newcastle Railway Station building group. This would help create a sense of place and is likely to have a positive social impact.

5.2 Environmental

The planning proposal does not change permissible land uses, in respect to the additional item it recognises the heritage value of the Newcastle Railway Station. As the majority of the amendments are housekeeping in nature, adverse environmental impacts are not anticipated as a result of the planning proposal.

5.3 Economic

There are no known economic impacts associated with the planning proposal.

5.4 Infrastructure

There are no known economic impacts associated with the planning proposal.

6. CONSULTATION

6.1 Community

As the planning proposal is largely housekeeping in nature, it is considered that a minimum **14-day public exhibition** period is appropriate.

6.2 Agencies

It is recommended that Council consult with Heritage NSW and the Hunter Central Coast Development Corporation who manages part of the precinct for the site proposed to be listed.

7. TIME FRAME

Council nominated eight months to complete the planning proposal, to be finalised in June 2021. Given the nature of the planning proposal, this is supported, however an additional two months is provided to account for any unforeseen delays.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested to be the local plan-making authority and this is supported by the Department.

9. CONCLUSION

The progression of the planning proposal is supported because it is consistent with the heritage outcomes of the *Hunter Regional Plan 2036* and *Greater Newcastle Metropolitan Plan 2036* and is largely housekeeping in nature and ensure the local environmental plan accurately reflects current listings and remove items that are no longer of heritage significance.

10. RECOMMENDATION

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

1. The planning proposal be made available for community consultation for a minimum of **14 days**.
2. Consultation is required with the following public authorities:
 - Heritage NSW; and
 - Hunter Central Coast Development Corporation
3. The time frame for completing the LEP is to be **9 months**.
4. Given the nature of the planning proposal, Council should be authorised to be the local plan-making authority to make this plan.



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