

SUBJECT: CCL 27/10/20 - ENDORSEMENT OF HERITAGE AMENDMENTS TO NEWCASTLE LEP 2012

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

PURPOSE

This report seeks endorsement of a Planning Proposal to commence the statutory process to amend the Newcastle Local Environmental Plan 2012 (NLEP 2012) to address various heritage matters.

RECOMMENDATION

- 1 That Council:
 - 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 in order to address various heritage matters.
 - ii) Forward to the Minister for Planning the Planning Proposal for Gateway determination pursuant to section 3.34 of the EP&A Act.
 - iii) Consult with the community and relevant government agencies as instructed by the Gateway Determination.
 - iv) Receive a report on the Planning Proposal following the exhibition period.

KEY ISSUES

- 2 The Planning Proposal details amendments required to address a number of heritage matters that have been identified in the NLEP 2012. The matters are of a minor and administrative nature that correct obvious errors and will reduce risk by keeping the heritage schedule up to date.
- 3 The proposed amendments include corrections to schedule 5 Environmental Heritage and the Heritage Maps of the NLEP 2012 that address matters including:
 - i) Removal of five items from Part 1 of schedule 5 as the heritage significance of these built items have been compromised by their demolition.
 - ii) Update the level of significance of items where items have been nominated to be on the State Heritage Register (SHR), have been included on the SHR, or are no longer nominated to be on the SHR.

- iii) Update various item names, addresses / property descriptions and or heritage maps to better reflect the item.
 - iv) Include an item listed on the SHR as a new heritage item in Part 1 of schedule 5. The new NLEP 2012 item is consistent with the heritage listing on the SHR, and incorporates most of the existing NLEP 2012 heritage item for Newcastle Railway Station, being all parts of the Newcastle Railway Station (buildings, platforms, former rail track and former Newcastle Bus Station) located to the north and west of the station buildings fronting Scott Street and the covered section of the southern platform (with this excluded part of the Newcastle Railway Station fronting Scott Street subject to a separate and existing heritage listing in the NLEP 2012). The new item also includes the Newcastle Signal Box which, although listed as a heritage item in the SHR, is not identified as a heritage item by the NLEP 2012.
- 4 The Planning Proposal is consistent with CN's Heritage Strategy 2020-2030 in relation to assessing potential heritage items and undertaking reviews of the Heritage Schedule to the NLEP 2012.

FINANCIAL IMPACT

- 5 There is no financial impact with the matter to be undertaken within current work program and budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 6 The Planning Proposal is consistent with the strategic directions of the Newcastle Community Strategic Plan 2030 including:

Vibrant and Activated Public Spaces

3.2a Celebrate Newcastle's cultural heritage and diversity.

3.2b Celebrate Newcastle's identity by sharing local stories, both historical and contemporary, through arts and cultural programs.

Liveable and Distinctive Built Environment

5.1a Protect and promote our unique built and cultural heritage.

5.1b Ensure our suburbs are preserved, enhanced and promoted, while also creating opportunities for growth.

5.1c Facilitate well designed and appropriate scale development that complements Newcastle's unique character.

IMPLEMENTATION PLAN/IMPLICATIONS

- 7 The Planning Proposal has been undertaken in accordance with CN's Local Environmental Plan – Request for Amendment Policy (2012) which identifies the

processes and responsibilities for amending an LEP in accordance with Part 3 of the EP&A Act.

- 8 With Council's endorsement, the Planning Proposal will be forwarded for a Gateway Determination to the Minister for Planning. 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 amendment being finalised and reported to Council for determination.

RISK ASSESSMENT AND MITIGATION

- 9 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.

RELATED PREVIOUS DECISIONS

- 10 At the Ordinary Council Meeting held on 21 June 2011, Council adopted the NLEP 2012.
- 11 At the Ordinary Council Meeting held on 25 March 2014, Council adopted the Heritage Strategy 2013-2017.
- 12 At the Ordinary Council Meeting held on 26 May 2020, Council resolved to place the Heritage Strategy 2020-2030 on public exhibition for 28 days.

CONSULTATION

- 13 Consultation with stakeholders (including the community) will occur in accordance with the Minister's requirements following Gateway Determination.
- 14 The Planning Proposal is considered low impact under the Department of Planning Industry and Environment's (DPIE) Guide to Preparing LEP's and will be publicly exhibited for 14 days, unless otherwise advised by the Gateway Determination.
- 15 The Gateway Determination will confirm consultation requirements, however, it is envisaged that this will include, at a minimum, publication on the CN website and letters to owners of adjoining and nearby properties.

BACKGROUND

- 16 Schedule 5 Environmental Heritage of the NLEP 2012 is kept under regular review to ensure item descriptions and listings are up to date.

OPTIONS

Option 1

- 17 The recommendation as at paragraph 1. This is the recommended option.

Option 2

- 18 Council resolves not to proceed with the Planning Proposal. This would not enable the necessary amendments to allow efficient administration of the NLEP 2012. This is not the recommended option.

REFERENCES

Nil.

ATTACHMENTS

Item 78 Attachment A: Planning Proposal - Heritage Amendments

Item 78 Attachment A distributed under separate cover

**SUBJECT: CCL 27/10/20 - ENDORSEMENT OF HERITAGE
AMENDMENTS TO NEWCASTLE LEP 2012**

RESOLVED: (Councillors Duncan/Byrne)

1 That Council:

- 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 in order to address various heritage matters.
- ii) Forward to the Minister for Planning the Planning Proposal for Gateway determination pursuant to section 3.34 of the EP&A Act.
- iii) Consult with the community and relevant government agencies as instructed by the Gateway Determination.
- iv) Receive a report on the Planning Proposal following the exhibition period.
- v) That City of Newcastle provided councillors with a report on the merits of adding Newcastle Ocean Baths to the State Heritage Register.