

Planning Services

Gateway Determination Report

LGA	Newcastle
RPA	Glebe Road Federation Cottages HCA, The Junction
NAME	Glebe Road Federation Cottages (0 homes, 0 jobs)
NUMBER	PP_2018_NEWCA_002_00
LEP TO BE AMENDED	Newcastle Local Environmental Plan 2012
ADDRESS	53 to 75 Glebe Road and 4 Watkins Street, The Junction
DESCRIPTION	Lot 1 DP 735435, Lots 10 & 11 DP 1049694, Lot 1 DP 1188026, Lot 0 SP 0053274, & Lots 112 to 117 & 120 to 121 DP 95005
RECEIVED	9 April 2018
FILE NO.	EF18/5149
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 proposal involves the creation of a discrete heritage conservation area of around a dozen houses in The Junction and the removal of building height and floor space ratio planning controls within the area.

Site description

The site is outlined on the maps below with the majority of the houses fronting Glebe Road. The houses are over a century old, described as being relatively intact and considered fine representative examples of the era of construction – i.e. between 1909 and 1915.

Surrounding area

The site is close to schools and The Junction shopping centre. It is around 1km from the Newcastle City Centre and in close proximity to local beaches and amenities.

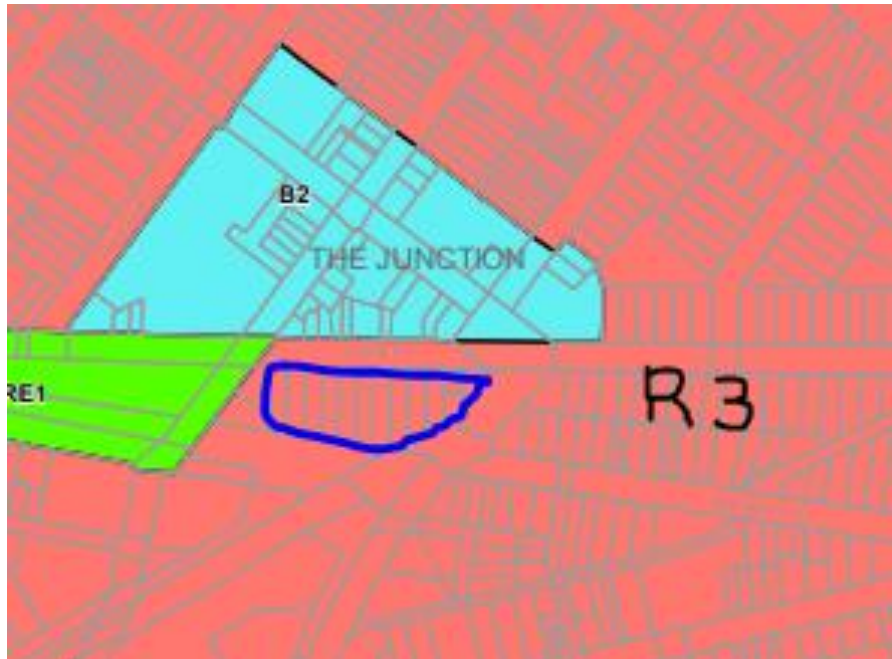
The proposed conservation area adjoins existing local heritage items of:

- The Junction Public School to the south;
- War memorial to the north; and
- Rowland Park to the west.



Existing planning controls

The site is currently zoned R3 Medium Density Residential (see map under) with a minimum lot size of 400 sq/m. The site has a maximum building height of 10m and a maximum floor space ratio of 0.9:1.



Summary of recommendation

Proceed with conditions as the proposal has strategic merit and is consistent with local strategies and a previous court case that recognised that the area has potential heritage significance as a group of intact Federation houses.

PROPOSAL

Objectives or intended outcomes

To amend the Newcastle Local Environmental Plan 2012 to enable 53 to 75 Glebe Road and 4 Watkins Street, The Junction to be included within a new heritage conservation area. Floor space ratio and building height controls for the site will be deleted.

The amendment will ensure the heritage significance and the existing and desired future character of the Glebe Road Federation Cottages site is protected.

Explanation of provisions

The proposal introduces a new conservation area known as 'Glebe Road Federation Cottages Heritage Conservation Area' for the site by amending the Heritage map and Schedule 5 of the LEP.

The proposal retains the existing R3 zone but removes the floor space ratio and building height controls consistent with other heritage conservation areas in the City.

The provisions to achieve the objectives of the proposal are clear and do not require amendment prior to community consultation.

Mapping

The proposal includes amendments to the following LEP maps which are included in the current proposal and are suitable for public exhibition.

- Height of Buildings
- Floor Space Ratio
- Heritage

NEED FOR THE PLANNING PROPOSAL

Council have been investigating the need for this site as a heritage conservation for some time. The supporting report, court case and community feedback provide a good evidence base to support the need for this Amendment to Newcastle LEP 2012.

The Review of Heritage Conservation Areas Report, June 2016 (relevant extract **Attachment B**) prepared by Newcastle City Council presented the findings of a review of the five existing heritage conservation areas (HCAs) and investigated a number of potential new HCAs within the LGA including Glebe Road Federation Cottages. The report noted:

The proposed Glebe Road Federation Cottages Heritage Conservation Area is important at the local level in demonstrating the principal characteristics of the Federation period and the nature of residential building construction in Newcastle between 1909 and 1915. The narrow window of time in which the precinct developed is significant in providing evidence of the key features of the Federation period including construction and building technologies, fashions and key elements of the Federation style, including the single storey scale of these modest dwellings, a symmetrical street frontage, open verandah, pyramidal roof form, hip and gable roofs, bearer and joist construction with lightweight cladding material (weatherboard), and the absence of garaging.

The proposed conservation area has adjoining heritage items to the north, south and west. The proposal will also influence the broader urban setting of the neighbouring heritage items to form a more contiguous grouping of heritage significance and so contribute to ensuring the overall heritage character of The Junction are protected.

The Heritage Study recommends that a:

Heritage Conservation Area be proposed in recognition of the heritage significance of this group of Federation era cottages. It is proposed that this area is called the "Glebe Road Federation cottages Heritage Conservation Area". It is suggested that locality specific development controls are devised to retain the single storey scale of the group, including prescribing stringent envelope and heights controls imposed by the LEP. An amendment to the heritage schedule should be undertaken as this will create the necessary statutory controls to preserve the group.



Direction 21: Create a compact settlement

Direction 22: Promote housing diversity

Direction 19 is potentially in conflict with Directions 21 and 22 as the identification of this area as heritage conservation limits the ability of the site to provide a greater housing density outcome. However, the opportunities for greater density in many other areas of the region, let alone other areas of the Junction are available to achieve the outcomes in Directions 21 and 22.

The identification of these houses in a Conservation Area is considered more valuable to the community than urban intensification. The houses provide a quality example of the design and settlement pattern of the time that significantly contributes to the urban character and liveability of The Junction.

The draft Greater Newcastle Metropolitan Plan identifies The Junction as being in longer term urban renewal corridor (Stage 2). The action in the draft Plan states:

“For the stage 2 urban renewal corridors, Newcastle City Council and Lake Macquarie City Council will ensure that proposals do not prevent redevelopment opportunities.”

The identification of this small conservation area (12 houses) is not considered to prevent further redevelopment opportunities given the heritage significance of this area and the previous Land and Environment Court case that refused further intensification (town houses). The proposal provides greater certainty for the development outcomes within this discrete area.

Local

This planning proposal aligns with the Newcastle 2030 Community Strategic Plan (CSP) principles and the Heritage Strategy 2013-2017. The proposal will contribute to a liveable and distinctive built environment, vibrant and activated public places and open and collaborative leadership.

The proposal is also consistent with, The 2015 Local Planning Strategy, which:

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.

Section 9.1 Ministerial Directions

Direction 2.3 Heritage Conservation applies to this proposal.

The proposal is considered to be CONSISTENT with this Direction as it contains provisions that facilitate the conservation of heritage items.

Direction 3.1 Residential Zones applies to this proposal.

The proposal is considered to be potentially INCONSISTENT with this Direction as it does not broaden the choice of building types and locations available in the housing market.

While the R3 zoning will not change, the removal of floor space ratio and height of buildings development controls along with the mapping of the site as a heritage conservation area sends a signal that development potential under the zone may not be able to be achieved as a result of the heritage characteristics. This assumption is

supported by the Land and Environment Court decision to refuse an application for townhouses in 2005.

Recommendation: The Secretary can be satisfied that the inconsistency is justified by a study that gives consideration to the objective of this direction; and is of minor significance.

Direction 3.3 Home Occupations applies to this proposal.

The proposal is considered to be CONSISTENT with this Direction.

Direction 3.4 Integrating Land Use and Transport applies to this proposal.

The proposal is considered to be CONSISTENT with this Direction.

Direction 4.1 Acid Sulfate Soils applies to this proposal.

The proposal is considered to be CONSISTENT with this Direction.

Direction 4.2 Mine subsidence and Unstable Land applies to this proposal.

The proposal is considered to be CONSISTENT with this Direction.

Direction 4.3 Flood Prone Land applies to this proposal.

The proposal is considered to be CONSISTENT with this Direction as the proposal does not create the opportunity for greater urban density than already exists.

Direction 5.10 Implementation of Regional Plans applies to this proposal.

The proposal is considered to be CONSISTENT with this Direction.

State environmental planning policies

The proposal outlines that it will continue to zone the site R3 Medium Density Residential. The following key SEPP's apply to the site and the proposal is considered to be consistent with or can satisfy the requirements of these SEPP's.

SEPP 55 (Remediation of Land)

SEPP 64 (Advertising and Signage)

SEPP 65 (Design Quality of Residential Apartment Development)

SEPP (Coastal Management)

SEPP (Affordable Rental Housing)

SEPP (BASIX)

SEPP (Exempt and Complying Development Codes)

SEPP (Housing for Seniors and People with a Disability)

SITE-SPECIFIC ASSESSMENT

Social

The planning proposal aims to ensure the heritage significance and the existing and desired future character of the Glebe Road Federation Cottages site is protected.

The assessment of the proposal agrees with Council that it will deliver some important social benefits including protecting a built environment that maintains and enhances the community's sense of identity. Council advised of a community survey

in February 2016 and March 2016 regarding the proposed conservation area. The results of the survey confirmed:

- the majority (14 of 17 people) were in agreement that a new heritage conservation area should be established to include all of the properties 55 to 75 Glebe Road, The Junction; and
- the majority (14 of 17 people) were in agreement that a locally specific set of development guidelines should be prepared to protect the single storey character of the potential new Glebe Road The Junction HCA.

Environmental

The land subject to the proposal does not contain critical habitat or threatened species, populations or ecological community, or their habitats.

Economic

There are no known economic impacts associate with this proposal.

Infrastructure

The planning proposal is not likely to result in development that will create any significant adverse traffic/transport and infrastructure demand.

CONSULTATION

Community

Council have suggested that it is a 'low impact proposal' that should have a 14 day consultation period. Given that a Development Application over part of the site was involved in a Land and Environment Court case and that the evidence of this case has influenced the conservation area nomination, it is not considered low impact.

A 28 day community consultation period is recommended.

Agencies

Council have identified Roads and Maritime Services and Office of Environment and Heritage (Heritage) for agency consultation. As discussed with Council's Heritage Officer, it is agreed that these are considered unnecessary in this instance.

There are no agency consultation requirements.

TIME FRAME

Council has outlined a 9 month timeframe which is realistic, even when considering a 28 day exhibition. A **9 month** timeframe is agreed.

LOCAL PLAN-MAKING AUTHORITY

Council in its cover letter requested to not accepted plan making delegations.

CONCLUSION

The planning proposal is supported to proceed subject to conditions to correct some minor errors in the written planning proposal.

The proposal is consistent with applicable Regional and local strategies and plans and implements the outcomes of a heritage study over the site.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistency with section 9.1 Direction 3.1 Residential Zones is minor.

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 prior to public exhibition to refer to the current legislation references, for example Section 117 Directions are now known as 9.1 Directions.
2. Community consultation is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 any public authorities.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(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 time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
6. The final LEP maps shall be prepared in accordance with the requirements of the Department's Standard Technical Requirements for Spatial Datasets and Maps Vers: 2.0 August 2017.

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