

Planning Proposal

Amendments to the significance of heritage items in the Newcastle LEP 2003 and the Newcastle City Centre LEP 2008

Prepared by Newcastle City Council

Part 1 - Objectives or Intended Outcomes

To clarify the heritage status of items currently listed as having state heritage significance under the Newcastle LEP 2003 and the Newcastle City Centre LEP 2008 that are not on the State Heritage Register.

Part 2 - Explanation of Provisions

Update in *Schedule 5 Environmental Heritage* of the Newcastle City Centre LEP 2008 the significance of the following items from 'state' to 'local':

Suburb	Item name	Address	Property Description	Significance
Newcastle	AMP Building	55 Hunter Street	SP 53607	State Local
Newcastle	ANZ Bank	102 Hunter Street	Lot 1, DP 131741	State Local
Cooks Hill	Baptist Tabernacle	25 Laman Street	Pt Lot 19, Sec G, DP 978941	State Local
Newcastle	CML Building	108–112 Hunter Street	Lot 1, DP 331485	State Local
Newcastle East	Former Newcastle East Police Station	63 Scott Street	Lot 328, DP 758769	State Local
Newcastle	National Australia Bank	73 Hunter Street	Lot A, DP 60510	State Local
Newcastle	Newcastle Hospital North Wing	21 Pacific Street	Lot 22, DP 880526	State Local
Newcastle	Newcastle Post Office Annex	5 Bolton Street	Lot 1, DP 430746	State Local
Newcastle	Newcastle War Memorial Cultural Centre	1 Laman Street	Lots 18 and 19, Sec G, DP 978941	State Local
Cooks Hill	St Andrews Presbyterian Church	12 Laman Street	Lot 10, DP 95189	State Local
Newcastle East	Stone Boat Harbour (Relic)	48 Wharf Road	Pt Lot 52, DP 791037	State Local

Update in *Schedule 6 Heritage items and heritage conservation areas* of the Newcastle LEP 2003 the significance of the following items from 'state' to 'local':

Suburb	Item name	Address	Property Description	Significance
The Hill	Beacon Tower (Landmark)	76 Tyrrell Street (cnr Brown and Tyrrell Streets)	Lot 102 DP 1020129	State Local
Waratah	Catholic Centre for Deaf Education	30 Lorna Street	Lots 1–18 Sec A DP 192666	State Local
Waratah	Former Western Suburbs Hospital	149 Turton Road	Lot 3 DP 852177	State Local
The Hill	Jesmond House (Residence)	10 Barker street	Lots A and B DP 153708	State Local
Beresfield	Newcastle Crematorium	176 Anderson Drive	Lot 1 DP 186908, Lot 1 DP 221744, Lot 11 DP 553141, Lot 29 DP 29481	State Local
The Hill	Obelisk	3 Ordnance Street	Pt DP 54152	State Local
Mayfield	Remnant Monastery Garden	68 Woodstock Street	Lot 4 DP 546404	State Local
Sandgate	Sandgate Cemetery	108 Maitland Road	Pt DP 755247	State Local
The Hill	St Mary's Star of Sea Church	54 Perkins Street	Lot 103 DP 713990	State Local
Hamilton	St Peters Anglican Church	148 Denison Street	Lot 2 Sec F DP 192808	State Local
The Hill	Terrace House (Hill House)	40 The Terrace	Lot 1 DP 735348	State Local
Stockton	The Laurels (Residence)	48 Fullerton Street	Lot 1 DP 731739	State Local
The Hill	Three Storey House (also known as Corlette's Cottage)	2 The Terrace	Lot 1 DP 198906	State Local

Tighes Hill	Tighes Hill TAFE College	266 Maitland Road	Lot 100 DP 1004331	State Local
Cooks Hill	Von Bertouch Galleries	61 Laman Street	Lot 1 DP 851075, Lot 21 DP 825796	State Local
Wallsend	Wallsend Precinct— Police Station	12 Tyrrell Street	Pt B DP 111245	State Local
Wallsend	Wallsend Precinct—Post Office	14 Tyrrell Street	Lots 1–4 DP 724548	State Local
Wallsend	Wallsend Precinct— Courthouse	18 Harris Street	Lot 1 DP 199628	State Local

Part 3 – Justification

Section A - Need for the planning proposal.

1. Is the planning proposal a result of any strategic study or report?

Council received funding from the Heritage Branch of the Department of Planning to determine whether items listed as having State heritage significance in the Newcastle LEP 2003 and not on the State Heritage Register (SHR) should be included on the SHR.

In order to clarify the status of items listed as having state significance in the NLEP 2003, the Heritage Branch offered Council a \$50,000 grant to review the potential significance of these items in accordance with current Heritage Council requirements for SHR listing. Council has also contributed \$15,000 to assist this project.

The consultants, Heritage Assessment and History (HAAH), engaged to undertake the review, completed an assessment of 68 items in total and have nominated 37 items for inclusion on the SHR and have recommended that 31 items have their listing changed from 'State' to 'Local' significance.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

To enable the recommendations of the heritage consultants report of having the 'State' significance 31 items changed to 'local' (20 items in the Newcastle LEP 2003 and 11 items from the Newcastle City Centre LEP 2008) a planning proposal is required.

3. Is there a net community benefit?

The planning proposal will clarify the heritage status of these items which will alleviate the current confusion / time delays when a development application is made regarding the potential for development of the items.

Section B - Relationship to strategic planning framework.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The planning proposal is consistent with the objectives and actions contained in the Lower Hunter Regional Strategy. In particular the planning proposal is consistent with the outcome that:

All places, precincts and landscapes of cultural heritage significance in the Region are identified and protected in planning instruments.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The Newcastle Urban Strategy is Council's local strategic planning document. The planning proposal is consistent with the document in that

6. Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal is consistent with State Environmental Planning Policies (refer to Appendix 2).

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with Section 117 directions (refer to Appendix 2).

Section C - Environmental, social and economic impact.

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposal intends to protect a number of existing buildings and items, and as such there is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No other environmental effects not already discussed have been identified.

10. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal intends to protect a number of items and buildings of heritage significance by placing them on the heritage schedule of the Newcastle LEP 2003.

Section D - State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?

The planning proposal involves minor administrative changes to the instrument.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

No consultation has been carried out at this stage. Consultation will occur with relevant State and Commonwealth Public Authorities identified as part of the gateway determination.

Part 4 – Community Consultation

The planning proposal is considered to be of low impact, in that:

- it is consistent with the pattern of surrounding land uses;
- is consistent with the strategic planning framework;
- presents no issues with regard to infrastructure servicing;
- is not a principle LEP; and
- does not reclassify public land.

In accordance with “A guide to preparing local environmental plans” it is proposed to publicly exhibit the planning proposal for a period of 14 days.

Appendix 2: Consideration of State Environmental Planning Policies

	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy No 1—Development Standards	No	n/a	
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	Yes	Yes	
State Environmental Planning Policy No 6—Number of Storeys in a Building	No	n/a	
State Environmental Planning Policy No 14—Coastal Wetlands	No	n/a	
State Environmental Planning Policy No 15—Rural Landsharing Communities	No	n/a	
State Environmental Planning Policy No 19—Bushland in Urban Areas	No	n/a	
State Environmental Planning Policy No 21—Caravan Parks	No	n/a	
State Environmental Planning Policy No 22—Shops and Commercial Premises	No	n/a	
State Environmental Planning Policy No 26—Littoral Rainforests	No	n/a	
State Environmental Planning Policy No 29—Western Sydney Recreation Area	No	n/a	
State Environmental Planning Policy No 30—Intensive Agriculture	No	n/a	
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	No	n/a	
State Environmental Planning Policy No 33—Hazardous and Offensive Development	No	n/a	
State Environmental Planning Policy No 36—Manufactured Home Estates	No	n/a	
State Environmental Planning Policy No 39—Spit Island Bird Habitat	No	n/a	
State Environmental Planning Policy No 41—Casino Entertainment Complex	No	n/a	
State Environmental Planning Policy No 44—Koala Habitat Protection	No	n/a	

State Environmental Planning Policy No 47—Moore Park Showground	No	n/a	
State Environmental Planning Policy No 50—Canal Estate Development	No	n/a	
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	No	n/a	
State Environmental Planning Policy No 53—Metropolitan Residential Development	No	n/a	
State Environmental Planning Policy No 55—Remediation of Land	No	n/a	
State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area	No	n/a	
State Environmental Planning Policy No 60—Exempt and Complying Development	No	n/a	
State Environmental Planning Policy No 62—Sustainable Aquaculture	No	n/a	
State Environmental Planning Policy No 64—Advertising and Signage	No	n/a	
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	No	n/a	
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	No	n/a	
State Environmental Planning Policy No 71—Coastal Protection	No	n/a	
State Environmental Planning Policy (Affordable Rental Housing) 2009	No	n/a	
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No	n/a	
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No	n/a	
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Yes	Yes	
State Environmental Planning Policy (Infrastructure) 2007	Yes	Yes	
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	No	n/a	
State Environmental Planning Policy (Major Development) 2005	Yes	Yes	

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Yes	Yes	
State Environmental Planning Policy (Rural Lands) 2008	No	n/a	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	n/a	
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007	No	n/a	
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	n/a	

Appendix 3: Consistency with Section 117 Directions

	Applicable	Consistent	Reason for inconsistency
1. Employment and Resources			
1.1 Business and Industrial Zones	No	Not applicable	
1.2 Rural Zones	No	Not applicable	
1.3 Mining, Petroleum Production and Extractive Industries	No	Not applicable	
1.4 Oyster Aquaculture	No	Not applicable	
1.5 Rural Lands	No	Not applicable	
2. Environment and Heritage			
2.1 Environment Protection Zones	No	Not applicable	
2.2 Coastal Protection	No	Not applicable	
2.3 Heritage Conservation	Yes	Yes	
2.4 Recreation Vehicle Areas	No	Not applicable	
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	No	Not applicable	
3.2 Caravan Parks and Manufactured Home Estates	No	Not applicable	
3.3 Home Occupations	No	Not applicable	
3.4 Integrating Land Use and Transport	No	Not applicable	
3.5 Development Near Licensed Aerodromes	No	Not applicable	
4. Hazard and Risk			

4.1 Acid Sulfate Soils	No	Not applicable	
4.2 Mine Subsidence and Unstable Land	No	Not applicable	
4.3 Flood Prone Land	No	Not applicable	
4.4 Planning for Bushfire Protection	No	Not applicable	
5. Regional Planning			
5.1 Implementation of Regional Strategies	Yes	Yes	
5.2 Sydney Drinking Water Catchments	No	Not applicable	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	Not applicable	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	Not applicable	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	Not applicable	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No	Not applicable	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No	Not applicable	
5.8 Second Sydney Airport: Badgerys Creek	No	Not applicable	
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	
6.2 Reserving Land for Public Purposes	Yes	Yes	
6.3 Site Specific Provisions	Yes	Yes	