

Planning Proposal

Amendments to the Environmental Heritage Schedule of the Newcastle City Centre LEP 2008

Prepared by Newcastle City Council

Part 1 - Objectives or Intended Outcomes

To amend the heritage schedule of the Newcastle City Centre LEP 2008 to:

- insert additional heritage items previously exhibited; and
- delete listed heritage items which are outside the area to which the plan applies.

Part 2 - Explanation of Provisions

Amendment of the Newcastle City Centre LEP 2008 to insert in *Schedule 5 Environmental Heritage* the following items:

Suburb	Item name	Address	Property Description	Significance
Newcastle	Northumberland County Council Building	20 Auckland Street	Lot A DP 369052 PLO 1 DP 999494	Local
Newcastle	Commercial Building	6 Bolton Street	Lot 1 DP 1022156	Local
Newcastle	Newcastle Herald Building	28 Bolton Street	Lot 1 DP 1036640	Local
Newcastle	The Bowery	37 Bolton Street	Lot 1 DP 743148	Local
Newcastle	Remains of AA Co. Bridge and Fence	280 Hunter Street	Lot 1001 DP 1095836	Local
Newcastle	Former Lyrique Theatre	98 King Street (Wolfe Street)	Lot 500 DP 879162	Local
Newcastle	Former Volunteer Fire Station	115 King Street	Lot 1 DP 742814	Local
Newcastle	Central Hall	141 King Street	Lot 1 DP 995712	Local
Newcastle	Former Wool Exchange	149 King Street	Lot 10 DP 64384	Local
Newcastle	TPI House (Former Mackie's Warehouse)	231 King Street	Lot B DP 502464	Local

Newcastle	City Arcade and Former Corporation Baths	11 Newcomen Street	Lot 1 DP 128998	Local
Newcastle	Former Primitive Methodist Manse	29 Perkins Street	Lot 1 DP 321540	Local
Newcastle	Union Steamship Building	31-33 Watt Street	Lot 1 - 5 SP 34152	Local
Newcastle East	The Cowrie Hole (rock platform)	Off Shortland Esplanade		Local
Newcastle West	Cambridge Hotel	791 Hunter Street	Lot 47 DP 95273	Local
The Hill	Newcastle Synagogue	122 Tyrrell Street	Lot 150 DP 582406	Local
Wickham	Residence	15 Charles Street	Lot 1 DP 195977	Local

Amendment of the Newcastle City Centre LEP 2008 to delete from *Schedule 5 Environmental Heritage* the following items:

Suburb	Item name	Address	Property Description	Significance
Newcastle	Courthouse	9 Church Street	Pt DP 755247	State
Newcastle	Former Military Hospital	72 Watt Street	Lot 1, DP 1069317	State
Newcastle	Former Barracks	72 Watt Street	Lot 1, DP 1069317	State
Newcastle West	Hamilton College of TAFE	91 Parry Street	Lot 1, DP 584429	Local
Wickham	Former Police Lock-up	25 Albert Street	Lot 12, DP 1005516	Local
Wickham	Dalgety Warehouse	49 Annie Street	Lot 2, DP 346352	Local

Amendment of the Newcastle City Centre LEP 2008 Heritage Map as shown in Appendix 3.

Part 3 – Justification

Section A - Need for the planning proposal.

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

The planning proposal is the result of a need to list items identified as heritage significant in the *Review of Potential Heritage Items - Group 1* undertaken by consultants Eco-lecture. The study reviewed potential heritage items identified previously during the public exhibition of the Newcastle LEP 2003 and was completed in September 2005. The study is attached in Appendix 2.

The potential heritage items were previously exhibited by Council as part of Amendment 4 to the Newcastle LEP 2003. A number of submissions were received objecting to the listing of properties. A heritage expert reviewed these objections and recommended a number of items not proceed as part of the draft Amendment. The remaining items were included in the Amendment 4 and forwarded to the Minister for Gazettal.

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

A planning proposal is required to ensure the potential heritage items are protected by an environmental planning instrument.

The potential heritage items were previously exhibited by Council as part of Amendment 4 to the Newcastle LEP 2003. However, with the gazettal of the Newcastle City Centre LEP 2008, the draft items were no longer in the area covered by Newcastle LEP 2003. Due to an oversight in drafting the Newcastle City Centre LEP 2008, the draft items from Amendment 4 were omitted from the Heritage Schedule of the Newcastle City Centre LEP 2008. The Department of Planning's legal branch advised that Amendment 4 to the Newcastle LEP 2003 could not amend the Newcastle City Centre Plan 2008 to include the items. To protect the potential items a new planning proposal is required.

3. Is there a net community benefit?

The planning proposal will result in a number of items identified as significant to the community protected under an environmental planning instrument.

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.

The potential heritage items were previously identified as part of the Group 1 Heritage Review and were previously exhibited. The planning proposal will enable the items to be protected under the relevant planning instrument.

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 the built character and the identity, and sense of place of Newcastle are preserved.

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 1).

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 planning proposal involves minor administrative changes to the instrument with no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected.

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

The planning proposal involves minor administrative changes to the instrument.

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

The planning proposal seeks to amend the Newcastle City Centre LEP 2008 to have buildings identified through the previous Ecotecture study listed as significant under an environmental planning instrument.

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. Additional public infrastructure is not required.

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 1: 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	Yes	Yes	
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)	Yes	Yes	
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 2: Consistency with Section 117 Directions

	Applicable	Consistent	Reason for inconsistency
1. Employment and Resources			
1.1 Business and Industrial Zones	Yes	Yes	
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	Yes	Yes	
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	

