

Planning Services

Plan Finalisation Report

Local Government Area: Newcastle

1. NAME OF DRAFT LEP

Newcastle Local Environmental Plan 2012 Amendment No. 35 (draft LEP) -
PP_2018_NEWCA_005_00.

2. SITE DESCRIPTION

The site is on the corner of Brown and Tyrell streets in The Hill and is adjoined to the south and east by land developed for low density residential. It contains two water supply reservoirs and is known as the Newcastle Reservoirs (1 and 2). Brick structures are built up to the site boundary and vary in height between 1-2 storeys. The roof of the reservoirs is grassed.

The reservoirs were constructed in the late 19th century and early 20th century and formed part of a water supply network which serviced early Newcastle. Reservoir 1 is no longer operating however reservoir 2 continues to operate.

The site sits within The Hill heritage conservation area (local significance).

3. PURPOSE OF PLAN

To amend the heritage significance and name of item no. I558 Newcastle Hill Reservoir in Schedule 5 of the Newcastle LEP 2012 to be consistent with the State Heritage Register.

STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Newcastle State Electorate. Timothy Crakanthorp MP is the State Member for Newcastle.

The site falls within the Newcastle Federal Electorate. Sharon Claydon MP is the Federal Member for Newcastle.

To the regional planning team's knowledge, neither MP has made any written representations regarding the proposal.

NSW Government Lobbyist Code of Conduct: There have been no meetings or communications with registered lobbyists with respect to this proposal

NSW Government reportable political donation: There are no donations or gifts to disclose and a political donation disclosure is not required.

4. GATEWAY DETERMINATION

The section 3.22 LEP amendment does not require a Gateway determination to make these amendments to the Newcastle LEP 2012.

5. ADVICE FROM PUBLIC AUTHORITIES

No community or agency consultation was required due to the minor nature of the proposal under section 3.22 of the EP&A Act.

6. POST-EXHIBITION CHANGES

The proposal was not publicly exhibited due to the minor nature of the proposal. The final amendment is consistent with the section 3.22 application.

7. ASSESSMENT

The Heritage Council of NSW resolved on 26 April 2018 to amend the State Heritage Register to upgrade the subject heritage items from local to state heritage significance. Additionally, the name of the heritage item needs to be amended to reflect the correct name as listed on the State Heritage Register, which is the Newcastle Reservoirs Site.

As a result the listing of this heritage item, I558, listed in Schedule 5 of the Newcastle LEP 2012 requires an amendment to ensure that the heritage significance and name is consistent with the State Heritage Register.

The section 3.22 LEP amendment is suitable to proceed and be made under section 3.22(1)(c) of the Act given the administrative nature of the amendments which will not have any significant adverse impact on the environment or adjoining land. The use of Clause 3.22(1)(c) was confirmed in advice from the legal service branch provided on 21 June 2018.

8. MAPPING

No Mapping is required for this amendment.

9. CONSULTATION WITH COUNCIL

Council was consulted in an email sent on the 28 August 2018 on the terms of the draft instrument under clause 3.36(1) of the *Environmental Planning and Assessment Act 1979* (**Attachment 1**). Council confirmed on 28 August 2018 that it was satisfied with the draft LEP (**Attachment 2**).

10. PARLIAMENTARY COUNSEL OPINION

On 6 September 2018 legal services branch provided the final Opinion that the draft LEP could legally be made. The Opinion and final LEP is provided at **Attachment C**.

11. RECOMMENDATION

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.22(1) of the Act because:

- The proposed LEP amendment (Amendment 35) complies with section 3.22(1)(c) in that the amendment will not have any known significant adverse impacts on the environment and surrounding land, and
- The amendment will provide consistency between the State Heritage Register and Schedule 5 Environmental Heritage in the Newcastle LEP 2012.



3/10/2018

Katrine O'Flaherty
Team Leader, Hunter

Damien Pfeiffer
Director Regions, Western
Planning Services

Contact Officer: Tim Collins
Planning Officer, Western
Phone: 68412180