

Planning Services

Gateway Determination Report

LGA	Newcastle
PPA	Newcastle City Council
NAME	51 Brown Street, The Hill (Newcastle Reservoirs Site) (0 homes, 0 jobs)
NUMBER	PP_2018_NEWCA_005_00
LEP TO BE AMENDED	Newcastle Local Environmental Plan 2012
ADDRESS	51 Brown Street Newcastle
DESCRIPTION	Lots 1 to 5 inclusive DP1141417 and Lots 346 and 347 DP 758769
RECEIVED	31 May 2018
FILE NO.	EF18/7063
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

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.

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 is zoned R3 Medium Density Residential. No LEP height or floor space limit applies. A minimum lot size of 400 m² applies. The site sits within The Hill heritage conservation area (local significance).



Figure 1: Site (outlined red) and its surrounds (Nearmap 7 June 2018)

Existing planning controls

The item is currently listed in Schedule 5 Environmental Heritage in the Newcastle LEP 2012. It is identified as being an item of local heritage significance and is referred to in the schedule as the Newcastle Hill Reservoir. The item is mapped on the relevant LEP heritage map.

Surrounding area

The site is situated within the Newcastle suburb of The Hill. It is located on the north-western side of The Hill situated towards the top of the physical hill upon which the suburb derives its name. The Hill has generally been developed for residential purposes, generally consisting of a mix of detached and semi-detached housing of one and two storeys in height.

Opposite the site to the west is the Newcastle East Primary School and an apartment complex to the north. Within walking distance however is a mix of community facilities, open space, places of public worship, the Newcastle Grammar School, public recreation areas, the Darby Street entertainment precinct and the Newcastle CBD east end.

The development controls that apply to the site also apply to the land in this vicinity.

Summary of recommendation

The proposal should proceed as submitted. As Council has requested section 3.22 be used, and this is supported, conditions are recommended to recognise that community/ agency consultation and a public hearing are not required, and that the proposal be completed within three months.

PROPOSAL

Objectives or intended outcomes

The objectives or intended outcomes is to align the LEP with the State Heritage Register following the listing of the Newcastle Reservoirs Site on the register.

Explanation of provisions

The amendment would change both the name and heritage significance of item I558 in Schedule 5 Environmental Heritage. The name would change from “Newcastle Hill Reservoir” to “Newcastle Reservoirs Site” as listed on the State Heritage Register. The heritage significance would also change from “Local” to “State”.

Mapping

No mapping changes are required for this amendment. The item is already identified on the LEP heritage maps.

NEED FOR THE PLANNING PROPOSAL

The Newcastle Reservoirs Site has recently been listed on the State Heritage Register in recognition of its importance to the heritage of NSW. In this instance, the reservoirs site demonstrates State level historical, associative, aesthetic, research potential, rarity and representativeness significance.

Council has requested that the Newcastle LEP 2012 be updated to reflect the change in heritage significance of the reservoirs and a minor name change, thereby bringing the LEP into line with the State Heritage Register. These changes are supported.

Council has also requested that this amendment occur as an expedited amendment using section 3.22 of the Act. It asserts that use of section 3.22 is appropriate because the change corrects an obvious error being a misdescription or wrong cross-reference (s3.22(1)(a)).

The use of section 3.22 is supported. The change may be considered an obvious misdescription now that the heritage status has changed (s 3.22(1)(a)) or as a consequential change (s3.22(1)(b)) following on from the State Heritage Register listing. In either case, the amendment is also consistent with section 3.22(1)(c) because it deals with minor matters that are unlikely to have an adverse impact and so do not warrant adherence to the normal plan-making procedures.

STRATEGIC ASSESSMENT

State

The proposal is consistent with the State heritage framework. The heritage significance of the site has been assessed, with the Heritage Council determining that the item is of State heritage significance by listing it on the State Heritage Register.

Amending the LEP to align with the register is consistent with this framework. It is also consistent with the heritage advice contained in the Department’s practice note PN11-001 Preparing LEPs using the Standard Instrument: Standard Clauses.

Regional / District

The proposal is consistent with the Hunter Regional Plan, specifically Direction 19 which seeks to identify and protect the region's heritage. The proposal is consistent with the draft Greater Newcastle Metropolitan Plan including outcome 2 - Enhance environment, amenity and resilience for quality of life.

Local

The proposal is consistent with Council's Newcastle 2030 Community Strategic Plan (CSP). The CSP recognises the importance of heritage to Newcastle and identifies the need for land use planning to ensure heritage items are protected.

Section 9.1 Ministerial Directions

This is not relevant to a section 3.22 amendment.

State environmental planning policies

This is not relevant to a section 3.22 amendment.

SITE-SPECIFIC ASSESSMENT

Social

No adverse social impacts are anticipated. The proposal simply changes the heritage status of the site in the LEP such that it is consistent with the State Heritage Register.

Environmental

No adverse environmental impacts are anticipated. The proposal simply changes the heritage status of the site in the LEP such that it is consistent with the State Heritage Register.

Economic

No adverse economic impacts are anticipated. The proposal simply changes the heritage status of the site in the LEP such that it is consistent with the State Heritage Register.

Infrastructure

While Hunter Water Corporation owns the site and reservoir 2 remains in use, no adverse infrastructure impacts are anticipated. Both standard and site-specific exemptions are in place to allow for the site's continued use, consistent with a conservation management plan endorsed by the Heritage Council.

CONSULTATION

Community

Community consultation is not necessary because consultation has already occurred through the State Heritage Register listing process.

Agencies

Agency consultation is not necessary because consultation with the relevant agencies has already occurred through the State Heritage Register listing process.

TIME FRAME

As an expedited amendment under section 3.22, a three month timeframe is sufficient time to finalise the LEP change.

LOCAL PLAN-MAKING AUTHORITY

Newcastle City Council has previously advised that it does not want to be the local plan-making authority for any proposals.

CONCLUSION

The proposal is supported because it aligns the LEP with the State Heritage Register. The use of section 3.22 is also supported because the circumstances are consistent with the use of this section of the Act.

RECOMMENDATION

It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should proceed subject to the following conditions:

1. No community consultation is required under sections 3.34(2)(c) of the Act.
2. No public agency consultation is required under section 3.34(2)(d) of the Act.
3. 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).
4. The timeframe for completing the LEP is to be 3 months following the date of the Gateway determination.



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Monica Gibson
Director Regions, Hunter
Planning Services

Katrine O'Flaherty
Team Leader, Hunter

Contact Officer: Ben Holmes
Senior Planner, Hunter
Phone: 02 4904 2709