

**SUBJECT: CCL 26/11/19 - ENDORSEMENT OF AMENDMENT TO  
NEWCASTLE LEP 2012 - CREATE NEW HERITAGE ITEM  
FOR PARKWAY AVENUE, NEWCASTLE**

**REPORT BY: GOVERNANCE**  
**CONTACT: DIRECTOR GOVERNANCE / MANAGER REGULATORY,  
PLANNING AND ASSESSMENT**

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## **PURPOSE**

To endorse a Planning Proposal to commence the statutory process to prepare an amendment to the Newcastle Local Environmental Plan 2012 (NLEP 2012) to list Parkway Avenue from Denison Street, Hamilton East to Memorial Drive, Bar Beach as a Heritage Item of Local Significance.

## **RECOMMENDATION**

- 1 That Council:
  - i) Endorses the attached Planning Proposal (**Attachment A**), prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to amend the NLEP 2012 to create a new heritage item for Parkway Avenue, Newcastle.
  - ii) Forwards the Planning Proposal to the Minister for Planning for Gateway determination pursuant to Section 3.34 of the EP&A Act.
  - iii) Consults with the community and relevant government agencies as instructed by the Gateway Determination.
  - iv) Receives a report on the Planning Proposal following the close of the exhibition period.

## **KEY ISSUES**

- 2 The Review of Heritage Conservation Areas Report adopted by Council at the Ordinary Council Meeting held on 28 June 2016 recommended preparation of a Planning Proposal to create a landscape heritage item for Parkway Avenue from Hamilton East to Bar Beach. See site map at **Attachment B**.
- 3 The objectives or intended outcomes of the planning proposal are to include Parkway Avenue as a landscape heritage item of local significance to ensure the heritage significance of the site will be protected. In particular, the avenue with its central median, is protected by its listing as a heritage item, to minimise any loss of intactness, or changes to street design, layout or form that could impact on the heritage integrity of this important street.
- 4 The planning proposal only relates to the public domain elements of Parkway Avenue (being the avenue itself and its central median). It does not apply to private property along Parkway Avenue, noting that the northern end of

Parkway Avenue is already included in the Hamilton South 'Garden Suburb' Heritage Conservation Area.

## **FINANCIAL IMPACT**

- 5 Work will be undertaken by CN within current allocated work programs and budget.

## **COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 6 The Planning Proposal is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan (CSP), including:

### **Vibrant and Activated Public Spaces**

- 3.2a Celebrate Newcastle's cultural heritage and diversity.
- 3.2b Celebrate Newcastle's identity by sharing local stories, both historical and contemporary, through arts and cultural programs.

### **Liveable and Distinctive Built Environment**

- 5.1a Protect and promote our unique built and cultural heritage.
- 5.1b Ensure our suburbs are preserved, enhanced and promoted, while also creating opportunities for growth.
- 5.1c Facilitate well designed and appropriate scale development that complements Newcastle's unique character.

## **IMPLEMENTATION PLAN/IMPLICATIONS**

- 7 The preparation of the Planning Proposal was undertaken in accordance with CN's Local Environmental Plan – Request for Amendment Policy (2012). This policy identifies CN's processes and responsibilities in applying the requirements of Part 3 of the EP&A Act 1979 for amending an LEP.
- 8 If endorsed by Council, the Planning Proposal will be forwarded to the Minister for Planning for a Gateway Determination. The Gateway Determination will confirm initial support for the Planning Proposal and identify any further technical studies and community consultation required prior to the proposed amendment being finalised and reported to Council for determination.

## **RISK ASSESSMENT AND MITIGATION**

- 9 The process of amending an LEP is prescribed by Part 3 of the EP&A Act. Adherence to the legislative framework reduces the risk by ensuring that a Planning Proposal is considered with regard to relevant strategic planning documents and is determined in an appropriate timeframe.

- 10 Justification has been provided for the formal LEP amendment request within the Planning Proposal.
- 11 Further consultation with stakeholders (including the broader community) will occur in accordance with the Minister's requirements following Gateway Determination. This will ensure all relevant parties are able to consider and comment on the Planning Proposal prior to it being reported back to Council for final consideration of the proposed amendment.

## **RELATED PREVIOUS DECISIONS**

- 12 Council resolved to endorse the Review of Heritage Conservation Areas Report at the Ordinary Council Meeting held on 28 June 2016.

## **CONSULTATION**

- 13 Consultation with stakeholders (including the community) will occur in accordance with the Minister's requirements following Gateway Determination.
- 14 In accordance with the DPIE's Guide to Preparing Local Environmental Plans, it is proposed that the Planning Proposal be publicly exhibited for 28 days, unless otherwise advised by the Gateway Determination.
- 15 The Gateway Determination will confirm the consultation requirements, however, it is envisaged that this will include, at a minimum, public notice in the local newspaper, publication on the CN web page and letters to owners of adjoining and nearby properties and notice to CN's Heritage Working Party.

## **BACKGROUND**

- 16 The Review of Conservation Areas Report of June 2016 reviewed the boundaries of existing HCAs and the need to establish new HCAs. In the chapter concerning the Hamilton South 'Garden Suburb' HCA, it discussed the heritage significance of Parkway Avenue and recommended that this avenue with its central median, be protected by listing as a heritage item, to minimise any loss of intactness, or changes to street design, layout or form that impacts on the heritage integrity of this important street.
- 17 The site to be included within the heritage item is almost the entire length of Parkway Avenue. That being from Denison Street in Hamilton East to Memorial Drive in Bar Beach. The northern section of Parkway Avenue in Hamilton East between Tudor Street and Denison Street is excluded from the planning proposal site, as although planned as part of the main avenue, it is incomplete and has remained as a narrow suburban street. A map showing the section of Parkway Avenue proposed to be heritage listed is included in the Planning Proposal.
- 18 Parkway Avenue is culturally significant on a number of levels and is suitable for inclusion in Schedule 5 of the NLEP 2012. The draft Statement of Significance is:

***'Parkway Avenue, Denison Street to Union Street***

*Parkway Avenue, between Denison Street and Union Street, marks the northern boundary of the first subdivision of Hamilton and records the development of suburban Newcastle on land sold by the Australian Agricultural Company (A.A.Co) in May 1914. It records both the sale of A.A.Co land as the company closed coal mining interests in Newcastle and Hamilton and the economic and urban growth of Newcastle as other industries and the port developed. Worters Pulver, appointed in 1913 as Chief Surveyor of the A.A.Co, was a timely influence having an interest in planning and commissioned the architect, John Sulman of Sulman and Hennessy to design the suburb of Hamilton including Parkway Avenue.*

*Parkway Avenue between Denison Street and Union Street and the surrounding suburban area of Hamilton was influenced by the Garden Suburb Movement and the ideals of the English philosopher planner Ebenezer Howard. John Sulman designed Parkway Avenue and the suburb of Hamilton based on the principles of the Garden Suburb Movement. It is however a record of John Sulman's planning and his diversion from the ideals of the English Garden City Movement with its attention to the grid pattern, linear avenues as opposed to the curvilinear streets and increased density without small park areas. This early section of Parkway Avenue is representative of garden suburb planning in Australia in the early 20th century and it is typical of other city plans at the time including Daceyville, Sydney and the 1920s suburbs of Canberra (both designed by John Sulman) with axial avenues lined with trees. Typical qualities of this Garden Suburb Planning movement in Australia included wide grassed areas allowing for avenues of trees, a hierarchy of streets including grand linear avenues intersected with wide arced and narrower curvilinear streets, a consistency of house type (which in Australia was the detached bungalow type), and this consistency included the detail of fences, driveways, pathways and street signs. Changes to Parkway Avenue including alterations to detached bungalows, roadway, intersections, median strip, road verges, driveways, pathways and fences have diminished this significance to an extent and further alterations will have a cumulative effect on the consistent detail of the garden suburb planning, vistas, axial qualities and ability to interpret the garden suburb planning.*

***Parkway Avenue, Denison Street to Memorial Drive***

*The whole of Parkway Avenue between Denison Street to Memorial Drive, is important as a main axis between Bar Beach and Denison Street, Hamilton. Its aesthetic qualities include the vistas along the grand open avenue enhanced by the mature Norfolk Island Pines. The extension of Parkway Avenue is consistent in design and detail and continues the linear form of the earlier section of Parkway Avenue and the recent planting of Norfolk Island Pines has the potential to enhance this part of the avenue.*

*Parkway Avenue when viewed as a whole from Denison Street to Memorial Drive is aesthetically significant. Its qualities include the vistas along the grand open avenue enhanced by the mature Norfolk Island Pines. The extension of Parkway Avenue is consistent in design and detail and continues the linear form*

*of the earlier section of Parkway Avenue and the Norfolk Island Pines have the potential to enhance this part of the avenue. Other significant details of Parkway Avenue include the concrete kerbs and the curved plan form of the median strips and verges intersections. The inter-War and post WWII houses and residential flats provide an important historical and aesthetic context for the extension of Parkway Avenue between Union Street and Memorial Drive. Changes to these buildings and demolition will cumulatively diminish the significance of the vistas and axial qualities of Parkway Avenue.*

*The whole of Parkway Avenue, Denison Street to Memorial Drive is held in high esteem by the current residents of this avenue and the local community of Newcastle.'*

- 19 A draft State Heritage Inventory for the proposed item including the Statement of Significance and Assessment of Significance is provided in the Planning Proposal.
- 20 The Planning Proposal includes the site as a heritage item in Schedule 5 of the NLEP 2012. The heritage listing of Parkway Avenue will complement the identified heritage significance of the Hamilton South 'Garden Suburb' HCA within which it partly sits. The suburb is one of Newcastle's earliest and largest examples of a planned garden suburb, and the evidence of Sir John Sulman's original design is reflected in the road layout, allotment shape and pattern, and form of housing – with a strong symmetrical and hierarchical pattern of streets including Parkway, Gordon and Stewart Avenues.
- 21 The Review of Heritage Conservation Areas Report includes a list of recommendations, including preparation of this Planning Proposal. Council adopted the report at the Ordinary Council Meeting held on 28 June 2016.

## **OPTIONS**

### **Option 1**

- 22 The recommendation as at paragraph 1. This is the recommended option.

### **Option 2**

- 23 Council resolves not to proceed with the Planning Proposal. This is not the recommended option.

## **REFERENCES**

## **ATTACHMENTS**

**Item 87 Attachment A:** Planning Proposal - new heritage item for Parkway Avenue, Newcastle

**Item 87 Attachment B:** Site Map

**Item 87 Attachments A and B distributed under separate cover.**

[Agenda Report](#)

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**RESOLVED:** (Councillors Duncan/Elliott)

1 That Council:

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