

Planning proposal to amend Newcastle LEP 2012



Minor Heritage Amendments

March 2014

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MINOR HERITAGE AMENDMENTS

Summary of Proposal

This planning proposal aims to correct various minor anomalies within Schedule 5 Environmental Heritage and the Heritage Map of Newcastle Local Environmental Plan (LEP) 2012.

Applicant Details

This planning proposal was initiated by City of Newcastle (Council).

Site

This planning proposal applies to multiple parcels of land, which are identified in 'Table One – List of Heritage Amendments to Newcastle LEP 2012', and are shown in 'Part 4 – Mapping' of this planning proposal.

Background

The Newcastle LEP 2012, gazetted in June 2012, lists over 700 heritage items and 6 heritage conservation areas under Schedule 5, Environmental Heritage.

Since gazettal of the NLEP 2012, minor anomalies within the listing descriptions in Schedule 5 have become apparent. Several items need to be amended to be consistent with new listings on the State Heritage Register and several heritage items have been demolished and hence deletion from Schedule 5 is recommended.

This planning proposal seeks to address these anomalies and undertake vital house keeping ensuring the LEP accurately reflects the heritage of the City of Newcastle at the current time.

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The intent of the planning proposal is to correct several anomalies to the Heritage Map and Schedule 5 Environmental Heritage of Newcastle Local Environmental Plan 2012, and enable the removal of several heritage items listed on Schedule 5 that have been demolished. These anomalies and the planning recommendations are detailed in Table 1.

PART 2 - EXPLANATION OF PROVISIONS

The proposal will legally correct property descriptions and mapping anomalies relating to several heritage items which are currently listed in Newcastle Local Environmental Plan 2012.

These anomalies have resulted due to changes to legal land descriptions from subdivisions, recent listings on the State Heritage Register, inaccuracies in mapping or street numbering, or from demolition. This will result in minor amendments, or the deletion of items and land parcels which should not be on the heritage schedule.

Details are set out in the following table

Table One – List of Heritage Amendments to Newcastle LEP 2012

Item Ref.	Address	Property Description	Issue	Recommendation
Item 54	1B Newton Street Broadmeadow	Lot 26 DP 114740	The item “Former Drivers’ Barracks” has had the building demolished in 2011. Archival record is housed in Newcastle Region Library.	Remove item I54 from Part 1 Heritage items within Schedule 5 Environmental Heritage. Delete item from map.
Item 88	12 Laman Street Cooks Hill	Lot 12 DP 150135	The item “Cooks Hill – former signalman’s cottage”, is currently listed in Schedule 5 as “local” significance but is endorsed by NSW Heritage Council as state significant but is not on State Heritage Register.	Amend Part 1 Heritage items within Schedule 5 Environmental Heritage to reflect the change in significance of this item from “local” to “State nominated”
Item 180	404 Maitland Road, Tarro	Lot 1 DP 974950	The item “Hexham Shipbuilding Yards” is wrongly listed as being in the suburb of Hexham but is actually located within the suburb of Tarro.	Amend Part 1 Heritage items within Schedule 5 Environmental Heritage to include the item within the suburb of “Tarro”.

Item Ref.	Address	Property Description	Issue	Recommendation
Item 201	80 Maitland Rd Islington	Lot 1 DP 88359	The item, "Former Regent Picture Theatre", is currently listed in Schedule 5 as "local" significance but is endorsed by NSW Heritage Council as state significant but is not on State Heritage Register.	Amend Part 1 Heritage items within Schedule 5 Environmental Heritage to reflect the change in significance of this item from "local" to "State nominated"
Item 254	41, 41A & 41B Elizabeth Street, Mayfield	Lots 10-12 DP 1079403	The Item, "House and Picket Fence" is no longer an accurate description given the picket fence has been removed. Furthermore the house numbers are not correct as house number 41 is lots 11 & 12, which contains the heritage listed house whereas number 41A is lot 10, which has no heritage significance. The map also reflects this anomaly.	Amend Part 1 Heritage items within Schedule 5 Environmental Heritage and the Heritage Map: Deleting the words "and picket fence" from the Item name. Change Property description to "Lots 11 and 12" (i.e. delete Lot 10) Change the house number in Address to "41" (i.e. delete 41A & 41B)
Item 256	3 Fitzroy Street, Mayfield	Lot 110 DP 1023101	The Item "Trees at site of Catholic School of Christ The King" have been removed from the site.	Remove this item from Part 1 Heritage items within Schedule 5 Environmental Heritage and from the Heritage Map
Item 302	5 Henderson Parade Merewether	Lot 100 DP 1130581	The Item "Merewether Beach Pavilion" was demolished in 2010. An archival record is housed in Newcastle Region Library.	Remove this item from Part 1 Heritage items within Schedule 5 Environmental Heritage and from the Heritage Map

Item Ref.	Address	Property Description	Issue	Recommendation
Item 324	Duckenfield Colliery Railway (Relics), Minmi	Lot 712 DP 1113237	The Item "Item Duckenfield Colliery Railway (Relics)" is actually an archaeological site but is listed incorrectly.	Move this item from Part 1 Heritage items within Schedule 5 Environmental Heritage to Part 3 Archaeological sites and issue a new item number (e.g. A13) Amend Heritage Map accordingly.
Item 371	58 Bolton Street, Newcastle	Lot 1 DP 709455	The item "Former Newcastle East Public School" is incorrectly identified within the significance column as "local". However this item was listed on the State Heritage Register on 2 April, 1999.	Amend Part 1 Heritage items within Schedule 5 Environmental Heritage by changing level of significance from "Local" to "State".
Item 418	373 Hunter Street, Newcastle	Pt Lot 1 DP 225689	The item "Civic Theatre" was added to State Heritage Register - SHR No. 1883 - GG on 27 September 2012 – Newcastle City Hall and Civic Theatre Precinct	Amend Part 1 Heritage items within Schedule 5 Environmental Heritage by changing the level of significance to "State" (i.e. Delete the word "nominated").

Item Ref.	Address	Property Description	Issue	Recommendation
Item 423	98 King Street, (Wolfe Street), Newcastle	Lot 500 DP 879162	The name of the item “Former Lyrique Theatre” should be “Former Masonic Hall and Former Lyrique Theatre”. Furthermore the map does not reflect the extent of the whole building, which extends out into footpath.	Amend Part 1 Heritage items within Schedule 5 Environmental Heritage by changing the item name to “Former Masonic Hall and Former Lyrique Theatre” Amend the Heritage Map to reflect that the item extends out into footpath.
Item 433	290 King St Newcastle NSW	Pt Lot 1 DP 225689	The Item “City Hall and lamp posts” is listed as “State nominated”. However this item was added to State Heritage Register - SHR No. 1883 - GG 27 September 2012 – Newcastle City Hall and Civic Theatre Precinct.	Amend Part 1 Heritage items within Schedule 5 Environmental Heritage by changing the level of significance to “State” (i.e. Delete the word “nominated”).
Item 434	292 King Street	Pt Lot 1 DP 225689	The Item “Christie Place (including fountain)” is listed as “State nominated”. However this item was added to State Heritage Register - SHR No. 1883 - GG 27 September 2012 – Newcastle City Hall and Civic Theatre Precinct	Amend Part 1 Heritage items within Schedule 5 Environmental Heritage by changing significance column to State. Delete the word nominated

Item Ref.	Address	Property Description	Issue	Recommendation
Item 443	30 Pacific Street Newcastle	Lot 100 DP 883220	This item "Former Nurses home" is listed as local but is listed on the State Heritage Register.	Amend Part 1 Heritage items within Schedule 5 Environmental Heritage by changing notation from "local" to "State".
Item 449	88 Scott Street Newcastle East	Formerly Lot 3211 DP 722246 Now Lot 2 DP 1156117	The item "Former Superintendent's Residence" is listed as being located on land with property description Lot 3211, DP 722246. However due to the subdivision of the land (new DP registered 8/9/10) hence new description is Lot 2 DP. 1156117. The Heritage Map also needs to reflect subdivision and identify item on correct new lot.	Amend Part 1 Heritage items within Schedule 5 Environmental Heritage by changing Property description to "Lot 2 DP 1156117".

Item Ref.	Address	Property Description	Issue	Recommendation
Item 450	88 Scott Street Newcastle East (facing Bond Street)	Formerly Lot 3211 DP 722246 Now lot 1 DP 1156117	The item "Former Coutts Sailor Home" is listed as being located on land with property description Lot 3211 DP 722246. However the land was subdivided (new DP registered 8/9/10) hence new description is Lot 1 DP. 1156117. The Heritage Map also needs to reflect subdivision and identify item on correct new lot. Furthermore the new lot faces Bond St.	Amend Part 1 Heritage items within Schedule 5 Environmental Heritage by changing Property description to "Lot 1 DP 1156117". Amend Heritage Map to only show item on Lot 1 DP 1156117 Update address of item to "16 Bond St".
Item 457	129 Scott Street Newcastle	Lot 100 DP 1036238	The item "Air Force Club (Wood Chambers)" was considered by the State Heritage Register Listings Committee on 7 May 2008 but was not supported as did not meet the criteria for state listing.	Amend Part 1 Heritage items within Schedule 5 Environmental Heritage by changing notations in significance column to "Local"

Item Ref.	Address	Property Description	Issue	Recommendation
Item 477	Wolfe Street & King Street Newcastle		The item “Retaining walls with sandstone steps” should be shown on the Heritage Map as including sections of steps on both sides of Wolfe Street between King and Hunter Streets, along the northern side of King Street between Perkins and Wolfe Streets.	Amend the Heritage Map to show sections of steps on both sides of Wolfe Street between King and Hunter Streets, along the northern side of King Street between Perkins and Wolfe Streets.
Item 528	Fullerton Street, Stockton		The item “Boat Harbour (Place)” is actually an archaeological site but is listed incorrectly. Also the site address is actually “Hunter St” rather than “Fullerton Street”.	Move this item from Part 1 Heritage items within Schedule 5 Environmental Heritage to Part 3 Archaeological sites and issue a new item number (e.g. A14) Amend the address to “Hunter Street” Amend Heritage Map accordingly.
Item 656	Whitton Street, Wallsend		The Item “Whitton Street Postal Pillar Box” was relocated to the corner of Thomas and Metcalf Street Wallsend (on Thomas Street), which is close to its original location.	Amend Part 1 Heritage items within Schedule 5 Environmental Heritage by changing the address to “Thomas Street” Wallsend. Also change the item name to “Historic Postal Pillar Box”. Amend Heritage Map accordingly.

Item Ref.	Address	Property Description	Issue	Recommendation
New Item	99 King Street, Newcastle	99 King Street, Newcastle	The site is a public reserve adjoining Cathedral Park, which is the location of "Former Mulimbah House Site". This site is not listed in Part 3 Archaeological sites of Schedule 5 Environmental Heritage.	Add new item to Part 3 Archaeological sites to Schedule 5 Environmental Heritage. Item description is as follows: Suburb is "Newcastle" Item Name is "Former Mulimbah House Site" Address is "99 King Street, Newcastle" Property description is "Lot 1 DP 76185" Significance is "Local" Add a new Item number (e.g. "A15") Also amend the 'Heritage Map' within Newcastle LEP 2012 to include this additional item.

PART 3 – JUSTIFICATION

Section A - Need for the planning proposal

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

The subject heritage listings and recommendations were the result of the City Wide heritage Study 1997 and reviews undertaken in 2001 and 2005. These studies followed the best practice model of the NSW Heritage Council and were conducted on behalf of Council by independent heritage consultants.

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

Yes the planning proposal is the best means of achieving the objectives and outcomes. Formal alteration of the Newcastle LEP 2012 is the only way of legally altering the schedule and maps. All the matters covered by the planning proposal relate to statutory issues under Part 3 of the Environmental Planning and Assessment Act.

Section B - Relationship to strategic planning framework

3. 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)?

Lower Hunter Regional Strategy (2006)

The Lower Hunter Regional Strategy applies to the land. The aim of this Strategy is to ensure that adequate land is available to accommodate the projected housing and employment growth in the Hunter Region over the next 25 years.

The protection of Cultural Heritage is outlined in section 12 of this strategy with two key actions including –

“The importance of the historic cultural landscapes of the Region and their contribution to the Lower Hunter’s unique sense of place are recognised and protected throughout the planning process.

All places, precincts and landscapes of cultural heritage significance in the Region are identified and protected in planning instruments” (page 41 LHRS).

This planning proposal is consistent with these actions.

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

Newcastle 2030 Community Strategic Plan

Council adopted the Newcastle 2030 Community Strategic Plan in February 2011. The planning proposal primarily aligns to the strategic direction 'Open and Collaborative Leadership' identified within the Newcastle Community Strategic Plan 2030.

The protection of cultural heritage is an important element of Council's plan and aligns with two of the strategic directions contained in the plan – to create a liveable and distinctive built environment and to be a caring and inclusive community.

Compliance with the LEP amendment process, in particular section 57 – community consultation of the Environmental Planning and Assessment (EP&A) Act 1979, will assist in achieving the strategic objective; "Consider decision-making based on collaborative, transparent and accountable leadership" and the identified strategy 7.2b, which states: "Provide opportunities for genuine and representative community engagement in local decision making".

Newcastle Urban Strategy (NUS)

The proposal is unlikely to have any impacts on the implementation of the NUS.

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

Consistency (of the planning proposal) with State Environmental Planning Policies is outlined in the table below.

Table 1 - Consideration of State Environmental Planning Policies

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 1—Development Standards	No	
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	No	
State Environmental Planning Policy No 6—Number of Storeys in a Building	No	
State Environmental Planning Policy No 14—Coastal Wetlands	No	
State Environmental Planning Policy No 15—Rural Landsharing Communities	No	
State Environmental Planning Policy No 19—Bushland in Urban Areas	No	

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 21—Caravan Parks	No	
State Environmental Planning Policy No 22—Shops and Commercial Premises	No	
State Environmental Planning Policy No 26—Littoral Rainforests	No	
State Environmental Planning Policy No 29—Western Sydney Recreation Area	No	
State Environmental Planning Policy No 30—Intensive Agriculture	No	
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	No	
State Environmental Planning Policy No 33—Hazardous and Offensive Development	No	
State Environmental Planning Policy No 36—Manufactured Home Estates	No	
State Environmental Planning Policy No 39—Spit Island Bird Habitat	No	
State Environmental Planning Policy No 41—Casino Entertainment Complex	No	
State Environmental Planning Policy No 44—Koala Habitat Protection	No	
State Environmental Planning Policy No 47—Moore Park Showground	No	
State Environmental Planning Policy No 50—Canal Estate Development	No	
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	No	
State Environmental Planning Policy No 53—Metropolitan Residential Development	No	
State Environmental Planning Policy No 55—Remediation of Land	No	
State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area	No	
State Environmental Planning Policy No 60—Exempt and Complying Development	No	
State Environmental Planning Policy No 62—Sustainable Aquaculture	No	
State Environmental Planning Policy No 64—Advertising and Signage	No	

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	No	
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	No	
State Environmental Planning Policy No 71—Coastal Protection	No	
State Environmental Planning Policy (Affordable Rental Housing) 2009	No	
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No	
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Yes	This planning proposal includes the change of address of some items listed with Schedule 5 Environmental Heritage, which may impact on the land to which the Exempt and Complying Development Codes apply. Furthermore this planning proposal removes some current items, meaning these sites may have additional codes applying.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	No	
State Environmental Planning Policy (Infrastructure) 2007	No	
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	No	
State Environmental Planning Policy (Major Development) 2005	No	
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No	
State Environmental Planning Policy (Rural Lands) 2008	No	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007	No	
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	
SEPP (State and Regional Development) 2011	No	

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

Consistency (of the planning proposal) with State Environmental Planning Policies is outlined in the table below.

Table 2 - Consideration of Section 117 Direction

S117 Direction	Applicable	Consistent
1. Employment and Resources		
1.1 Business and Industrial Zones	Yes	Yes, the planning proposal is of minor significance.
1.2 Rural Zones	No	
1.3 Mining, Petroleum Production and Extractive Industries	No	
1.4 Oyster Aquaculture	No	
1.5 Rural Lands	No	
2. Environment and Heritage		
2.1 Environment Protection Zones	No	
2.2 Coastal Protection	No	
2.3 Heritage Conservation	Yes	Yes, the planning proposal seeks to facilitate the conservation of items, places, buildings, works, and relics in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place.
2.4 Recreation Vehicle Areas	No	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	No	Yes, the planning proposal is of minor significance.
3.2 Caravan Parks and Manufactured Home Estates	No	
3.3 Home Occupations	No	
3.4 Integrating Land Use and Transport	No	
3.5 Development Near Licensed Aerodromes	No	
4. Hazard and Risk		

S117 Direction	Applicable	Consistent
4.1 Acid Sulfate Soils	No	
4.2 Mine Subsidence and Unstable Land	No	
4.3 Flood Prone Land	No	
4.4 Planning for Bushfire Protection	No	
5. Regional Planning		
5.1 Implementation of Regional Strategies	No	
5.2 Sydney Drinking Water Catchments	No	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.8 Second Sydney Airport: Badgerys Creek	No	
6. Local Plan Making		
6.1 Approval and Referral Requirements	Yes	Yes, the planning proposal does not include any provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.
6.2 Reserving Land for Public Purposes	No	
6.3 Site Specific Provisions	No	

Section C - Environmental, social, and economic impact

7. 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 is unlikely to have any impacts.

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

The proposal is unlikely to have any impacts.

9. Has the planning proposal adequately addressed any social and economic effects?

Only minor alterations are proposed which are not likely to have any adverse social or economic effects. The planning proposal seeks to ensure, that the future development and growth of the Newcastle LGA will be done in a manner that considers and provides for the overall social and economic wellbeing of the community.

Section D - State and Commonwealth interests

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

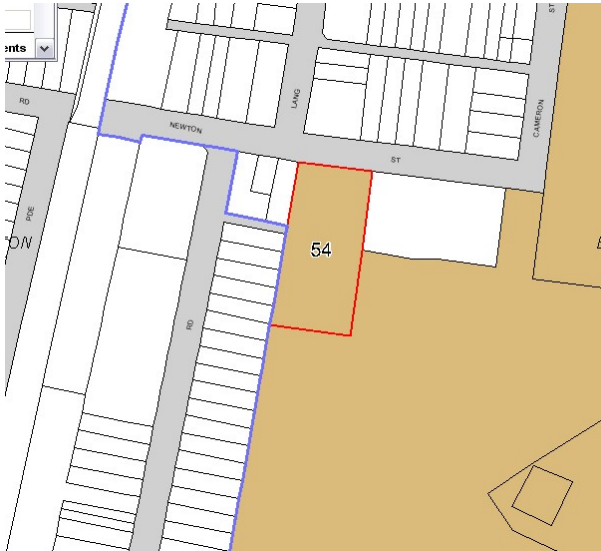
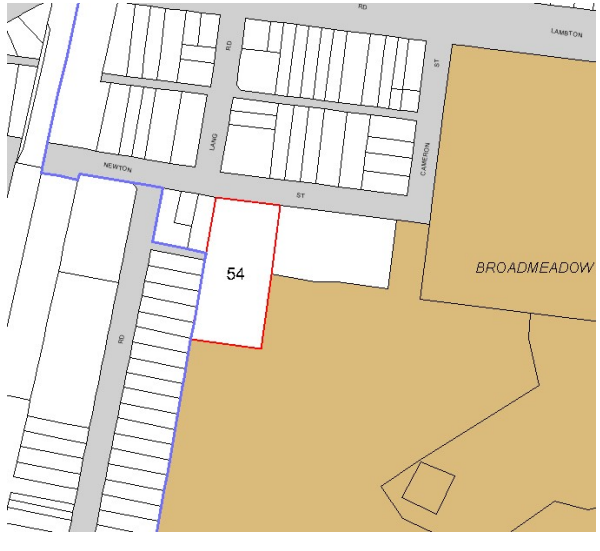
This is not relevant for this proposal.

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

No State and Commonwealth public authorities have been consulted at this stage but will be carried out in accordance with the requirements of the gateway determination.

PART 4 – MAPPING

The planning proposal seeks to amend the Heritage Map within Newcastle LEP 2012 as follows:

Item Number: 54	Item Name: Former Drivers' Barracks
Address: 1B Newton Street Broadmeadow	Property Description: Lot 26 DP 114740
Existing Heritage Map  The map shows a street grid with Newton Street running horizontally. To the left of Newton Street is a road labeled 'RD'. To the right of Newton Street is a road labeled 'CAMERON ST'. A large area to the right of CAMERON ST is labeled 'BROADMEADOW'. Lot 54 is a rectangular parcel located between Newton Street and CAMERON ST, highlighted with a red border. The number '54' is printed inside the lot. The surrounding area is shaded in light brown.	Proposed Heritage Map  The map shows the same street grid as the existing map. Lot 54 is a rectangular parcel located between Newton Street and CAMERON ST, highlighted with a red border. The number '54' is printed inside the lot. The surrounding area is shaded in light brown. The map is labeled 'BROADMEADOW' to the right of CAMERON ST.

Item Number: 254	Item Name: House
Address: 41 Elizabeth Street, Mayfield	Property Description: Lots 11 and 12 DP 1079403
Item Number: 256	Item Name: Trees at site of Catholic School of Christ The King
Address: 3 Fitzroy Street, Mayfield	Property Description: Lot 110 DP 1023101
Existing Heritage Map	Proposed Heritage Map
	

Item Number: 302

Item Name: Merewether Beach Pavilion

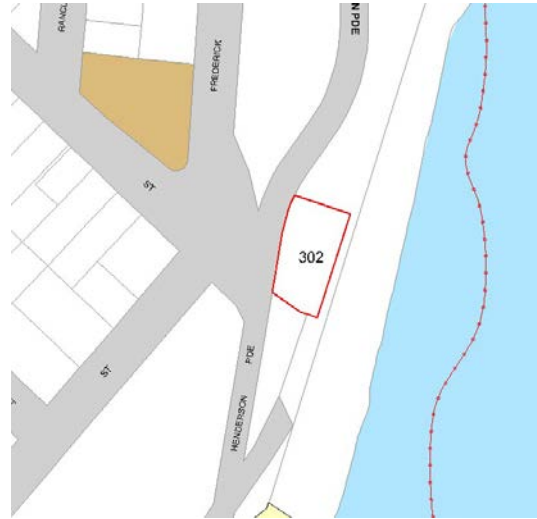
Address: 5 Henderson Parade Merewether

Property Description: Lot 100 DP 1130581

Existing Heritage Map



Proposed Heritage Map



Item Number: 324

Item Name: Item Duckenfield Colliery
Railway (Relics)

Address: Minmi

Property Description: Lot 712 DP 1113237

Existing Heritage Map



Proposed Heritage Map



Item Number: 423	Item Name: Former Lyrique Theatre
Address: 98 King Street, (Wolfe Street), Newcastle	Property Description: Lot 500 DP 879162
Item Number: 477	Item Name: Retaining walls with sandstone steps
Address: Wolfe Street & King Street Newcastle	Property Description: NA
Existing Heritage Map	Proposed Heritage Map
	

Item Number: 449

Item Name: Former Superintendent's
Residence

Address: 88 Scott Street, Newcastle East

Property Description: Lot 2 DP 1156117

Existing Heritage Map



Proposed Heritage Map



Item Number: 528

Item Name: Boat Harbour (Place)

Address: Hunter St, Stockton

Property Description:

Existing Heritage Map



Proposed Heritage Map



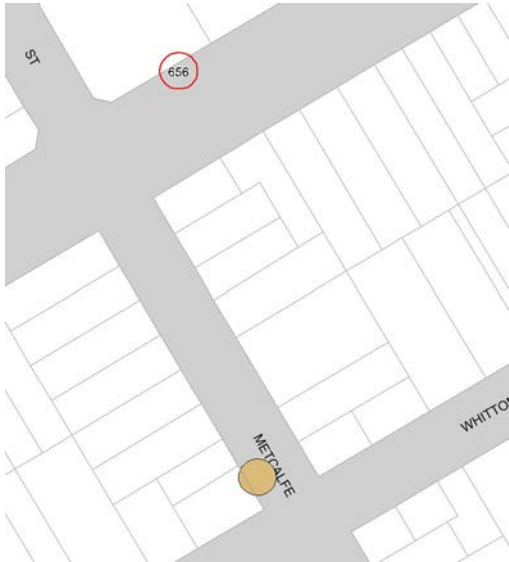
Item Number: 656

Item Name: Historic Postal Pillar Box

Address: Thomas Street" Wallsend

Property Description:

Existing Heritage Map



Proposed Heritage Map



Item Number: New

Item Name: Former Mulimbah House Site

Address: 99 King Street, Newcastle

Property Description: 99 King Street,
Newcastle

Existing Heritage Map



Proposed Heritage Map



PART 5 – COMMUNITY CONSULTATION

The planning proposal is considered as low impact in accordance with the Department of Planning's guidelines, 'A guide to preparing local environmental plans'. Hence it is proposed that the planning proposal will be publicly exhibited for a minimum 14 day period.

Consultation with owners of properties included in the proposal will be carried out as part of the public exhibition period to advise them of the changes/corrections that are proposed.

PART 6 – PROJECT TIMELINE

The project is expected to be completed within nine months from Gateway Determination. The following timetable is proposed:

Task	Apr 14	May 14	Jun 14	Jul 14	Aug 14	Sep 14	Oct 14	Nov 14	Dec 14	Jan 15	Feb 15
Issue of Gateway Determination											
Prepare any outstanding studies											
Consult with required State Agencies											
Exhibition of planning proposal and technical studies											
Review of submissions and preparation of report to Council											
Report to Council following exhibition											
Planning Proposal sent back to Department requesting that the draft LEP be prepared											