

Planning Services

Gateway Determination Report

LGA	Newcastle
PPA	Newcastle City Council
NAME	Hamilton Residential Precinct Heritage Conservation Area
NUMBER	PP_2018_NEWCA_010_00
LEP TO BE AMENDED	Newcastle Local Environmental Plan 2012
ADDRESS	Hamilton
DESCRIPTION	Multiple sites – see appendix A of the Planning Proposal
RECEIVED	27 July 2018
FILE NO.	EF18/31615
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

This proposal defines and seeks to protect the heritage values of a residential precinct in Hamilton by identifying it as a Heritage Conservation Area (HCA) of local level significance in the Newcastle Local Environmental Plan 2012. Controls for the site relating to floor space ratio and building height would be removed such that no development standard would apply.

The HCA would include properties on Cameron Street, Cleary Street, Devon Street, Donald Street, Elcho Street, Gordon Avenue, James Street, Kent Street, Lawson Street, Lindsay Street, Murray Street, Tudor Street, and Wilson Street, Hamilton.

Site description

The subject land for inclusion in the proposed conservation area is shown in Figure 1. It is bounded by Donald Street (north), Gordon Avenue (west), Tudor Street (south) and Beaumont Street commercial area (west). Specific property description and address details are provided in Appendix A of the Planning Proposal.

The site is substantially occupied by compact detached dwelling houses from the period following the opening of Hamilton railway station and mainly spanning the period 1897 to 1940.

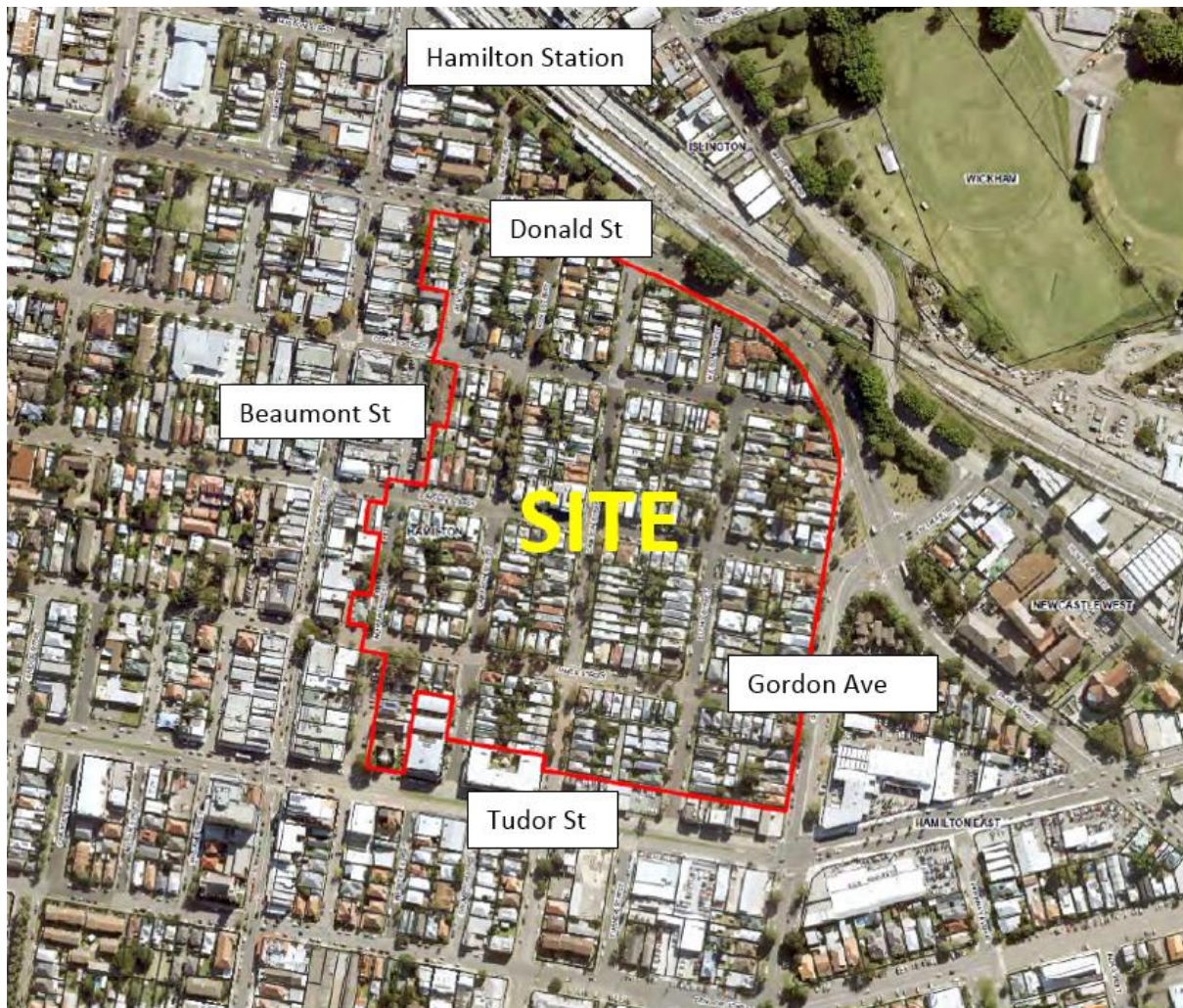


Figure 1: Aerial map of the site (outlined red) (Source: Planning Proposal)

Existing planning controls

The land is predominantly zoned R3 Medium Density Residential with development controls of 10m Height of Building and 0.9:1 Floor Space Ratio.

Several parcels are zoned B2 Local Centre with development controls of 14m Height of Building and 2:1 Floor Space Ratio

Surrounding area

Commercial strips flank the precinct along Beaumont (west) and Tudor Streets (south), with Beaumont Street providing a mix of business, retail and entertainment functions. Donald Street adjoins the site to the north, separating the site from the railway line and forms part of the main transport corridor between the Newcastle City centre and the western parts of the city. To the east of Gordon Ave is the western end of the Newcastle City Centre, with the Newcastle City Interchange (new CBD area for the city) being approximately 1 kilometre further east. Refer to Figure 2.

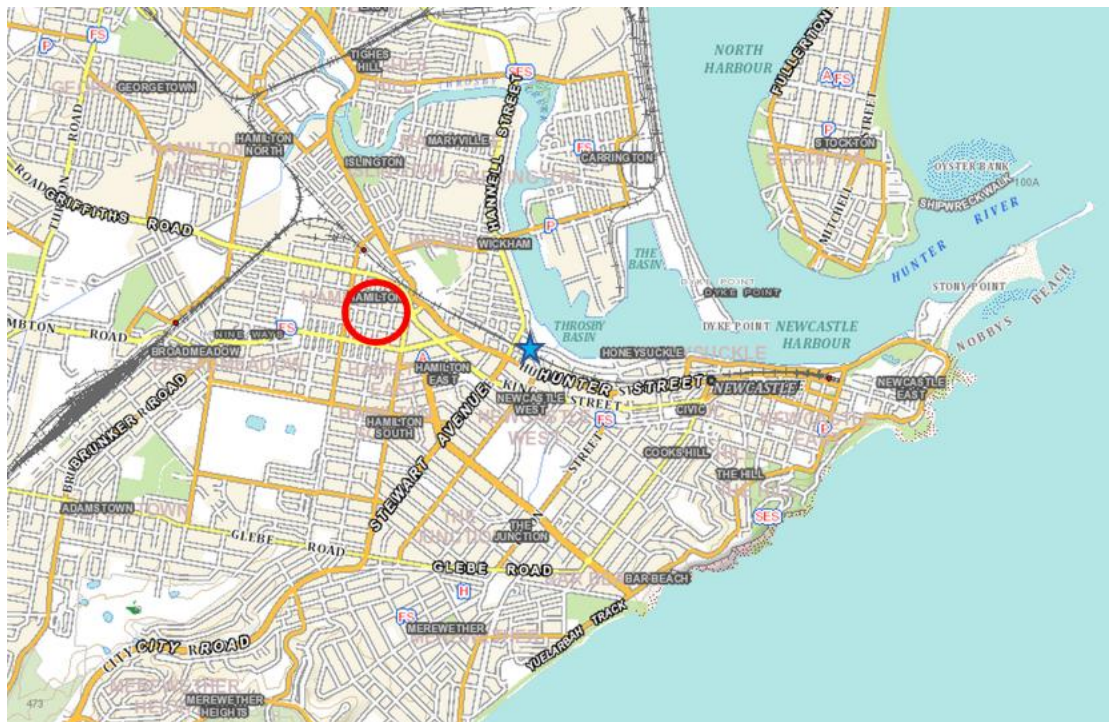


Figure 2: Locality map (site outlined red, interchange blue) (Source: Google maps, accessed 24/8/2018)

The surrounding area is also affected by heritage conservation areas of local heritage significance. Refer to Figure 3.

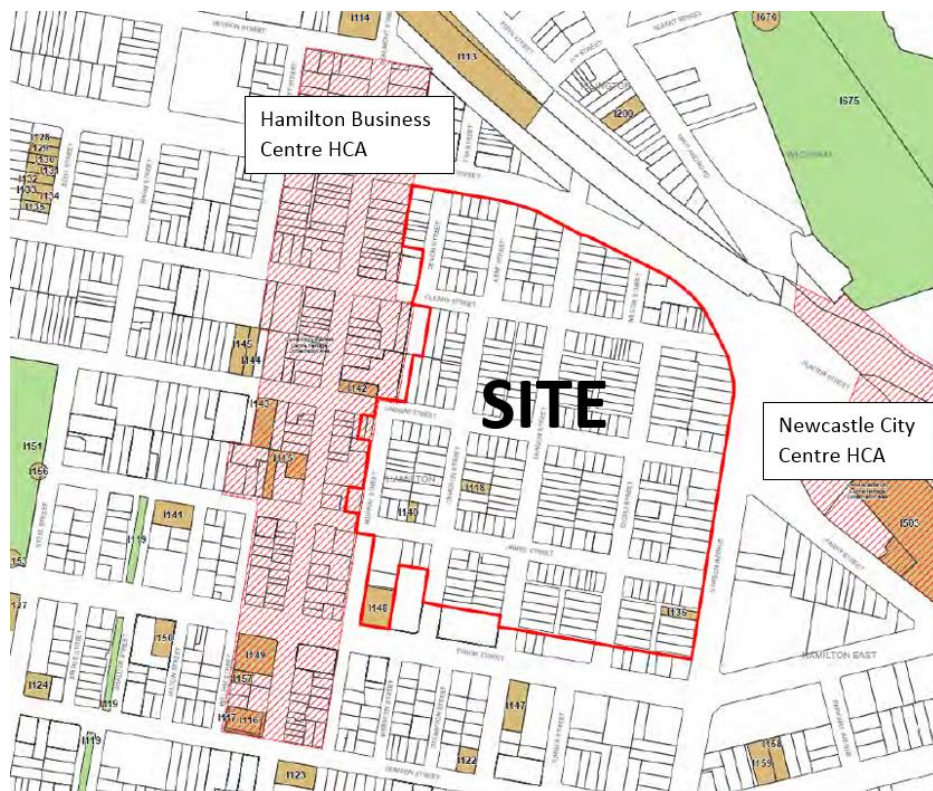


Figure 3: Adjoining existing heritage conservatoin areas (Source: Planning Proposal)

Summary of recommendation

The proposal should proceed to Gateway, public exhibition and agency consultation.

PROPOSAL

Objectives or intended outcomes

The proposal seeks to protect the heritage significance of the area and to safeguard existing and future character. It also seeks to remove development intensity controls.

Explanation of provisions

It is proposed to create a new heritage conservation area by mapping the precinct on the relevant LEP heritage map and listing it in the LEP Schedule 5 (Heritage) Part 2- Heritage conservation areas.

The proposal also transfers three properties from the Hamilton Business Centre HCA to this proposed HCA due to the properties being more consistent with the residential character of the proposed HCA.

As well as establishing the conservation area via NLEP mapping and a new Schedule 5, Part 2 entry, the proposal seeks to remove building height and floor space ratio controls from properties within the conservation area.

A number of the properties affected by the proposal are individually listed as heritage items of local significance in NLEP Schedule 5. This proposal would not change these individual listings.

Mapping

The proposal requires changes to LEP maps (Heritage, Floor Space Ratio, and Height of Building).

Justification for the changes to the LEP are also provided through maps in the planning proposal eg figure 3 of the proposal, which categorises all buildings in the precinct as being *contributory*, *neutral* or *non-contributory*. These maps will assist with community consultation.

NEED FOR THE PLANNING PROPOSAL

The need for the planning proposal comes from a heritage study undertaken by Council. The study responds to actions in Council's Newcastle Heritage Strategy 2013-2017.

The study reviewed existing heritage conservation areas, defined their current heritage significance, examined boundaries and contributory items, reviewed planning controls and produced desired future character statements. Through this process potential new HCAs were also identified, including this site.

For this site, the study identified that it demonstrates a distinctive character and has potential heritage significance. Field inspection and a cultural significance assessment concluded that the area was highly intact and satisfied several of the State Heritage Inventory criteria as an area of local heritage significance. The study recommended the inclusion of the site in the LEP as a heritage conservation area of local significance.

The Department is satisfied that the need for the planning proposal is adequately justified. The proposal is supported by a detailed study which considers the merits of the heritage conservation area per the relevant NSW heritage guidelines. Changes proposed to the building height and floor space ratio maps are supported also because this approach is consistent with the approach taken by Council for its other HCAs that are predominantly residential. Matters of height, bulk and scale would be considered through the provisions of the development control plan and Council's associated policies.

Limited community consultation (survey) has been undertaken however formal consultation through the planning proposal process with affected landowners would be beneficial.

STRATEGIC ASSESSMENT

State

The proposal does not involve any state-significant heritage items or places listed in the NSW State Heritage Register.

Regional / District

Hunter Regional Plan (HRP)

Direction 19 Identify and protect the region's heritage of the HRP is relevant to the proposal. The direction recognises the importance of cultural heritage to communities as it provides a connection to the past and can generate tourism.

The planning proposal seeks to recognise an area that has been identified as having cultural heritage. It is consistent with the direction.

Draft Greater Newcastle Metropolitan Plan (GNMP)

The draft GNMP recognises the importance of Greater Newcastle's heritage as a unique and attractive element of the city which can be used to enhance its emergence as a metropolitan city with global appeal.

Strategy 2.1 of the draft GNMP seeks to create better buildings and great places and acknowledges that Greater Newcastle's heritage is fundamental to its cultural economy. Further, that regeneration of heritage assets through adaptive re-use will deliver unique and exciting places, along with opportunities for investment and jobs.

The planning proposal is consistent with this outcome because it seeks to protect the heritage values of a local place.

Council's planning proposal does not address consistency with the Draft Greater Newcastle Metropolitan Plan and this should be required as a condition of the Gateway determination.

Local

Newcastle Community Strategic Plan (CSP)

The CSP generally supports the proposal. Council identifies that the proposal aligns with the CSP principle to provide vibrant, safe and active places. In particular, it is consistent with the desired outcome associated with this principle to ensure "culture, heritage and place are valued, shared and celebrated".

Council advises that the proposal is also consistent with the CSP liveable built environment principle. In protecting the built form of the precinct, Council considers the proposal consistent with this principle's desired outcome to provide "a built environment that maintains and enhances our sense of identity".

The Department concurs with this assessment.

Newcastle Local Planning Strategy (LPS)

The LPS implements the CSP and general adopts the desired outcomes of the CSP. It seeks to achieve the outcomes detailed above through putting in place appropriate heritage guidelines and controls within the Newcastle LEP 2012 and Newcastle DCP 2012 to safeguard heritage. It identifies strategic directions including:

- Ensure heritage schedules are regularly reviewed and updated.
- Ensure development controls and zoning protect the heritage significance of items and conservation areas.
- Apply a flexible approach to development provisions in order to support the adaptive reuse of heritage items where it achieves their ongoing preservation and use.

The Department considers the planning proposal to be consistent with the LPS.

Newcastle Heritage Strategy (2013-2017)

This strategy sets out sub-strategies to ensure that heritage values are recognised, protected and promoted. This includes:

- Strategy 1 - Knowing our heritage - enhancing our community's knowledge of and regard for local heritage items and places;
- Strategy 2 - Protecting our heritage - Council will protect and conserve the City's heritage places for the benefit of everyone;
- Strategy 3 - Supporting our heritage - Council will protect the integrity of heritage places by ensuring consistent and sympathetic uses, physical and aesthetic treatments and outstanding interpretations; and
- Strategy 4 - Promoting our heritage – Newcastle's significant heritage places are a unique historical resource and represent an asset for the continuing educational, cultural and economic enrichment of the region.

The Department considers the planning proposal to be consistent with this strategy.

Section 9.1 Ministerial Directions

Council has identified several Ministerial directions and advises that the proposal is consistent with these directions including 1.1 Business and Industrial Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 3.3 Home Occupations, 3.4 Integrating Land Use and Transport, 4.1 Acid Sulfate Soils, 4.2 Mine Subsidence and Unstable Land, 4.3 Flood Prone Land and 5.10 Implementation Regional Plans.

The Department considers there to be no inconsistencies or unresolved section 9.1 Directions associated with this proposal. Notwithstanding, further discussion is provided regarding the following directions as they are relevant to this proposal:

1.1 Business and Industrial Zones: The proposal affects several properties which are currently zoned B2 Local Centre. It would remove the height and floor space ratio limits that currently apply. As it would not reduce the potential permitted floor space, the proposal is consistent with this direction. Note that these properties are already included in a HCA (Hamilton Business Centre) and that the zone would not change.

2.3 Heritage Conservation: The proposal seeks to facilitate the conservation of a precinct due to its heritage values. This is consistent with the direction.

3.1 Residential Zones: The proposal affects land that is predominantly zoned R3 Medium Density Residential. Removing the height of building and floor space ratio controls is considered consistent with the direction because it does not reduce the permissible density. Retaining the R3 zoning and permitted uses ensure that the housing choice and variety objectives of the direction are maintained.

5.10 Implementation of Regional Plans

As discussed earlier in this report, the proposal is considered consistent with the Hunter Regional Plan.

State environmental planning policies

Council identifies the following SEPPs as being relevant to the proposal:

- SEPP 55 (Remediation of Land)
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP 64 (Advertising and Signage)
- SEPP 65 (Design Quality of Residential Apartment Development)
- SEPP 71 (Coastal Protection)
- SEPP (Affordable Rental Housing) 2009
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Housing for Seniors or People with a Disability) 2004
- Draft Coastal Management SEPP 2016

Except for SEPP 55 (Remediation of Land), the SEPPs do require any matters to be addressed by the planning proposal. In the instance of SEPP 55, as the site has been developed and is to retain its existing R3 zoning, the requirements of the SEPP are not considered relevant.

It is noted that the proposal may have the effect of changing the way the SEPPs identified by Council affect the site should the LEP be amended to apply a HCA. For example, complying development provisions under the SEPP (Exempt and Complying Development Codes) 2008 would be generally disabled. Council has detailed these circumstances and this will be beneficial for community consultation.

It is also noted that SEPP 71 and the Draft Coastal Management SEPP 2016 have been replaced by the SEPP (Coastal Management) 2018 and these references should be updated.

No other actions are required in relation to the SEPPs.

SITE-SPECIFIC ASSESSMENT

Social

It is noted that Council considers that the development potential provided by the R3 zone may be more difficult to achieve should the site become a HCA in the LEP. The community's views on this, including affected landowners, can be ascertained through community consultation.

Notwithstanding this, the proposal should facilitate the protection of an area of cultural and architectural heritage, sense of place and the distinctive local identity of the area.

Environmental

The proposal does not change permissible land uses, just recognises heritage values. Adverse environmental impacts are not anticipated as a result of the planning proposal.

Economic

The impacts on the local economy of applying a HCA are not anticipated to be substantial, notwithstanding the role of heritage broadly in supporting Newcastle's cultural tourism.

CONSULTATION

Community

The planning proposal indicates that Council intends to exhibit the planning proposal for two months. A minimum period of 28 days is recommended.

Agencies

The proposal does not affect the interests of any authorities or agencies.

TIME FRAME

Council nominates seven months to complete the planning proposal. Given the scope of the amendment and as the Department may be requested to finalise the plan, a nine month period is recommended.

LOCAL PLAN-MAKING AUTHORITY

Newcastle City Council has advised the Department that it does not want to be provided with local plan-making delegation. As a result, delegation is not recommended for this planning proposal.

CONCLUSION

The progression of the planning proposal is supported because it is justified by a detailed study, is consistent with local and regional strategic planning outcomes and the relevant section 9.1 Directions, and applies a similar approach to the planning controls as that used elsewhere for predominantly residential HCAs.

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. The planning proposal should be made available for community consultation for a minimum of 28 days,

2. Consultation is not required with any public authority,
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination,
4. Having regard to Council's resolution to not accept delegation for the finalisation of planning proposals, that responsibility is to remain with the Department in this case,
5. Council amend the planning proposal prior to exhibition to include an assessment against the draft Greater Newcastle Metropolitan Plan 2036 and SEPP (Coastal Management) 2018.



24/8/2018

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27/08/2018

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