



IRF24/1966

# Gateway determination report – PP-2024-1701

New heritage item at 13 Section Street, Mayfield

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Subtitle: New heritage item at 13 Section Street, Mayfield

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Heritage Significance Assessment (July 2024)

# 1 Planning proposal

## 1.1 Overview

Table 2 Planning proposal details

LGA	LGA name
PPA	Newcastle City Council
NAME	New heritage item at 13 Section Street Mayfield
NUMBER	PP-2024-1701
LEP TO BE AMENDED	Newcastle Local Environmental Plan 2012 to include a new local heritage item.
ADDRESS	13 Section Street, Mayfield
DESCRIPTION	Lot 62 DP 535575
RECEIVED	31/07/2024
FILE NO.	IRF24/1966
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

## 1.2 Objectives of planning proposal

The planning proposal seeks to include a new heritage item of local significance at 13 Section Street, Mayfield. The objective of the planning proposal is clear and appropriate.

## 1.3 Explanation of provisions

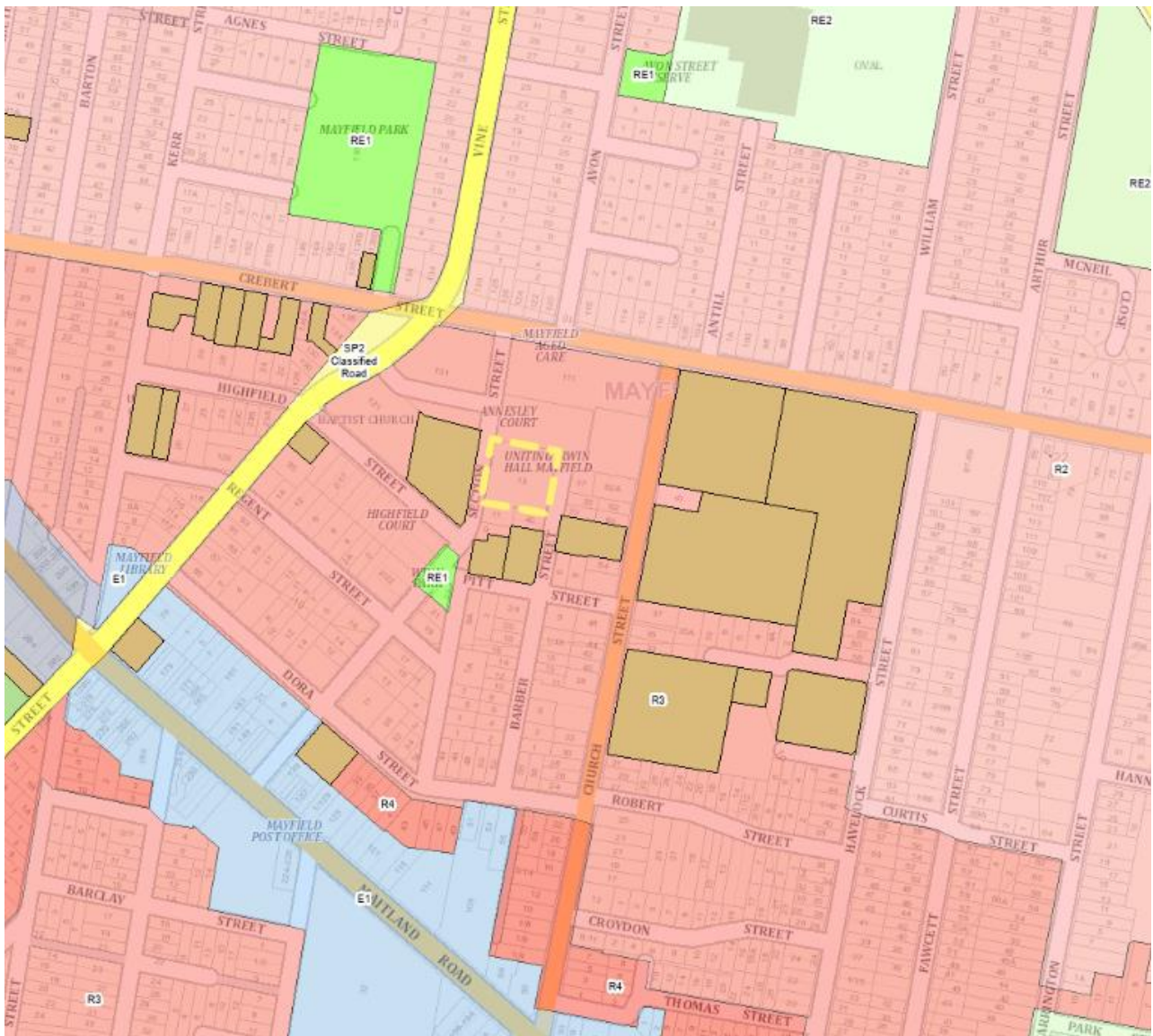
The explanation of provisions confirm that the objectives of the proposal will be achieved by amending Schedule 5 Environmental Heritage of Newcastle LEP 2012. This will include listing the site as a heritage item of local significance and will be referred to as ‘Annesley House (Former Residence)’. Newcastle LEP 2012 Heritage Map will also be amended to include the site.

The planning proposal contains an explanation of provisions that adequately explain how the objectives will be achieved.

## 1.4 Site description and surrounding area

The site is located at 13 Section Street Mayfield (Lot 62 DP 535575). It has an area of 3,200m<sup>2</sup> and is zoned R3 Medium Density Residential. The site has dual frontage to Section and Barber Streets and is square in shape. The subject site is north of Maitland Road and east off Hanbury Street.

It is in close proximity to the Mayfield local centre and multiple other heritage items. It currently contains a residential aged care facility known as Irwin Hall, a two-storey vacant building known as Annesley House and car park.



**Figure 1:** Site location, land zoning and surrounding area including Heritage Map layer (NSW Spatial Viewer 2024)



**Figure 2:** Aerial imagery of the site (NSW Spatial Viewer 2024)

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the heritage map, which is suitable for community consultation.



**Figure 3:** Existing Newcastle LEP 2012 Heritage map (planning proposal 2024)



**Figure 4:** Proposed Newcastle LEP 2012 Heritage map (planning proposal 2024)

## 1.6 Background

The City of Newcastle Council received a Development Application (DA2023/00147) on 2 March 2023 to demolish a two-storey building (Annesley House) and construct additional carparking facilities, which remains undetermined in August 2024. A preliminary heritage assessment was undertaken and found that the site is likely to have heritage significance. As a result, an Interim Heritage Order (IHO) was published in the NSW Government Gazette No. 73 – Planning and Heritage on 19 July 2024.

A Heritage Assessment Report prepared by EJE Heritage for the proponent concluded the existing building has little significance because of multiple alterations which have more than temporarily degraded the intactness of the building and the curtilage and numerous other buildings in the locality are able to demonstrate all aspects of significance at a greater level.

Council then commissioned a Heritage Significance Assessment for the property. The assessment found that the site has local heritage significance as the existing building (Annesley House) is associated with prominent local figures, and despite significant alterations, retains interpretive significance in its remaining form, scale, detail and identity.

## 2 Need for the planning proposal

A Heritage Significance Assessment for the property undertaken by Council (July 2024) recommended the subject site be listed in Schedule 5 Environmental Heritage of the Newcastle LEP 2012 as having local significance. This assessment was prepared in accordance with the NSW Heritage guidelines *Assessing Heritage Significance*.

A planning proposal is needed and the only means of listing a new local heritage item in Schedule 5 Environmental Heritage of Newcastle LEP 2012.

## 3 Strategic assessment

### 3.1 Regional and Subregion Plan

The planning proposal to provide heritage protection to a local item of significance is consistent with the relevant goals, objectives and intent of the Hunter Regional Plan 2041 and the Greater Newcastle Metropolitan Plan 2036.

### 3.2 Local Plan

The proposal to provide heritage protection to a local item of significance is consistent with the relevant objectives and planning priorities of Newcastle City Council's Local Strategic Planning Statement and Community Strategic Plan.

### 3.3 Section 9.1 Ministerial Directions

The planning proposal is consistent with the relevant 9.1 Ministerial Directions and therefore is considered satisfactory.

### 3.4 State environmental planning policies (SEPPs)

The proposal is in accordance with the relevant SEPPs.

## 4 Site-specific assessment

### 4.1 Environmental

The site is located in a well-established R3 Medium Density Residential area and is not located on bushfire prone or flood affected land. The subject site is located on Class 5 Acid Sulfate Soils. However, it is acknowledged that the proposal does not lead to an intensification of use rather the outcome will result in a higher level of protection. The planning proposal to identify the land as having local heritage significance will not have any adverse or additional impact on traffic, transport, noise, water quality, stormwater management, contamination or soil stability.

### 4.2 Social and economic

The planning proposal aims to strengthen the site-specific planning controls and will have a positive social benefit by conserving and protecting Newcastle's local heritage.

The heritage listing of the site could have economic implications for the landowner if its future redevelopment potential for demolition or more intensive development is affected. As noted above, the land owner submitted a heritage assessment report for DA2023/00147 concluding that the building has little heritage significance. The heritage listing impact would however be minimal if the heritage significance of the item is confirmed (as any development application for redevelopment would already have to consider and cater for the heritage significance of the existing building). It is recommended that consultation with Heritage NSW be undertaken to confirm the heritage significance of the building to justify its proposed listing.

### 4.3 Infrastructure

Existing infrastructure is adequate to serve and meet the needs of the proposal.

## 5 Consultation

### 5.1 Community

The planning proposal is categorised as a standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

### 5.2 Agencies

The proposal does not specifically raise which agencies will be consulted. It is recommended NSW Heritage be consulted on the planning proposal and given 30 working days to comment.

## 6 Timeframe

Council proposes a 10-month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as standard.

An LEP completion of 9 months from the date of the Gateway determination is recommended in accordance with the Department's commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Council has advised that it would like to exercise its function as a Local Plan-Making authority.

As the planning proposal has in part occurred due to a development application and Council imposing a IHO on the site as a result, it is recommended that Council not be authorised to be the local plan-making authority in order that the Department can undertake a final independent review of the proposal and the consultation outcomes.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- the proposal is consistent with the State, regional and local planning frameworks; and
- the proposal is supported by a Heritage Significance Assessment that confirms that the site has local heritage significance.

## 9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - a) The planning proposal is categorised as standard as described in the Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
  - b) The planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Local Environmental Plan Making Guidelines (Department of Planning and Environment, August 2023).
2. Consultation is required with Heritage NSW under section 3.34(2)(d) of the Act. Heritage NSW is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 working days to comment on the proposal.

Given the nature of the planning proposal, it is recommended that the Gateway not authorise council to be the local plan-making authority and that an LEP completion date of 9 months from the date of the Gateway determination.



19/8/24

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20/08/24

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