

ITEM 8.6 **CCL 23/04/24 – SUPPLEMENTARY REPORT -
NEWCASTLE CITY CENTRE HERITAGE CONSERVATION
AREAS REVIEW**

REPORT BY: **PLANNING AND ENVIRONMENT**
CONTACT: **EXECUTIVE DIRECTOR PLANNING AND ENVIRONMENT /
INTERIM EXECUTIVE MANAGER PLANNING AND
ENVIRONMENT**

PURPOSE

The Newcastle City Centre Heritage Conservations Areas Review Final Report (HCAs Review) was laid on the table at the March Council meeting (**Attachment A**) following receipt of late submissions. This supplementary report addresses key matters raised in those submissions and presents an amended HCA Review (**Attachment B**) for adoption.

RECOMMENDATION

That Council:

- 1 Adopts the HCAs Review, as amended (**Attachment B**).
- 2 Resolves to commence the planning process to investigate further the findings within the HCA Review report.
- 3 Notes no LEP amendment of HCA boundaries or development standards are being amended under this report.
- 4 Receives a report to Council to consider a planning proposal before exhibiting any LEP amendments.

KEY ISSUES

- 5 At the Council Meeting on 26 March 2024, Council resolved to lay the Council report on the HCAs Review (March Report) on the table for the next Ordinary Council meeting (refer to **Attachment A**). This was to allow time for Councillors to be briefed at a workshop on 9 April 2024, and to consider late submissions, and understand the community concerns.
- 6 Councillors received two submissions about the HCAs Review on the day of the Council Meeting of 26 March 2024. One was from the National Trust (Hunter Branch) and the other was from the Newcastle East Residents Group (NERG). CN has since contacted the relevant representatives of each group to better understand their concerns and to provide further clarity on the HCA Review.
- 7 The submissions reiterate concerns raised in submissions from these groups received during the exhibition of the HCAs Review. They are addressed in the Submissions Table, provided in the March Report. The National Trust's key concern relates to replacing the Newcastle City Centre HCA with smaller

tailored HCAs. NERG's key concern relates to planning controls for the Newcastle East HCA.

- 8 The amended HCA Review is a technical study that would be considered as part of future planning investigations that would propose amendments to the Newcastle Local Environmental Plan 2012 (LEP) for revised heritage standards. All future planning proposals require reporting to Council. No LEP amendment of HCA boundaries or development standards are being amended under this report.

National Trust (Hunter Branch) - Key Concerns

- 9 The National Trust questioned the HCA Review's recommendation to replace the Newcastle City Centre HCA with smaller tailored HCAs, based on shared development history and built character.
- 10 This concern relies on the assumption that larger HCAs afford stronger protection by including a buffer of sorts of land not necessarily needing HCA protection, and that smaller HCAs are not viable. CN discussed this concept of a buffer with the National Trust, and noted it is not a practice used in NSW.
- 11 Discussions raised the suggestion CN could use a clause like that in the Central Coast Development Control Plan (DCP) 2018 as it enables consideration of impacts on an HCA if a development is in the vicinity, but not in the HCA area. CN LEP Clause 5.10 provides this, and CN DCP reinforces this further with heritage controls.
- 12 The ICOMOS Burra Charter states the objective or principle of heritage conservation is to manage change by identifying and understanding the heritage significance of the place, designing policies to retain this heritage significance, and implementing these policies. This heritage conservation best practice is respected and accepted throughout Australia.
- 13 Heritage significance must inform an HCA boundary. Including non-contributory areas in an HCA undermines its heritage significance.
- 14 This review found the Newcastle City Centre HCA (NCC HCA) heritage Statement of Significance was not clear or strong enough due to the differing character areas that existed within the HCA. For the statement to hold relevance across such a large area, generic characteristics of the HCA are imposed, for example, it was found to be too broad and more relevant generally to the 'Old Town' area. This is not useful in protecting streetscapes in other parts of the HCA (e.g. Parry Street) which are significant for other reasons. An accurate and evidence-based Statement of Significance is critical for effective place management.
- 15 The review found small HCAs to be viable including a local example, the Glebe Road Federation Cottages (13 properties) in the Sydney local government area (LGA), and many other examples outside of the Newcastle LGA. In the City of Sydney, small HCAs are common and are effective at protecting the sense of place. Smaller areas are protected, with a clear, strong Statement of Significance that identifies the significant values of a place rather than trying to encompass a wide area.

16 The HCA Review is a technical report to inform future planning. Its recommendations require additional assessment, and any amendments require separate reporting to Council and public exhibition, under a future statutory process to amend the LEP.

Newcastle East Residents Group - Key Concerns

17 This residents group raised concern about the HCA Review recommendation to remove the height of building (HOB) planning control for the designated low-rise area of Newcastle East HCA (**refer to Image 1 below**). This is proposed to be undertaken with the recommendation to remove the floor space ratio (FSR) control. They did not have concerns about removing the FSR control.



Image 1: Newcastle East HCA low rise area. Source: CN

18 The recommendation to remove HOB and FSR is supported by the National Trust (Hunter Branch) and the Australian Institute of Architects.

19 NSW Government Guidance recommends applying HOB and FSR controls together and not HOB or FSR singularly.

20 Prescribing HOB and FSR standards have been found to encourage development to the building envelope extent, without sensitive and satisfactory consideration of a site's streetscape or heritage context. Removing HOB and FSR controls reflect best practice applied across NSW and in other HCAs within the Newcastle LGA. It is to ensure merit-based assessment and avoid the assumption that the maximum height can be achieved.

Amendments to the Draft HCAs Review - Council Meeting and Related Councillor Briefing

- 21 Several amendments have been made to the Draft HCAs Review in response to matters raised during the Council Meeting and the related Councillor workshop and are provided in a marked-up version at **Attachment C**. They are summarised below:
- a) Clarifying the recommendation that part of the Newcastle City Centre HCA is proposed to be replaced with the smaller Old Town, Civic and Honeysuckle, Hunter Street West, and Parry Street HCAs (**Attachment D**).
 - b) Confirming that no changes are to be made to the Newcastle City Centre HCA boundary. The HCA Review is the first stage, any changes will need further investigation, public exhibition and a Council resolution (**Attachment D**).
 - c) Clarifying the recommendation that further investigation is required to assess whether the proposed remnant land in Newcastle City Centre HCA meets NSW assessment criteria for an HCA (**Attachment D**).

OPTIONS

Option 1

- 22 The recommendation as at Paragraph 1 – 4. This recommended option allows for the continued revitalisation of Newcastle City Centre, while ensuring our rich and diverse cultural heritage remains protected and conserved.

Option 2

- 23 Council resolves not to adopt the HCAs Review as a technical report to inform future heritage planning. This is not the recommended option as the existing HCA boundaries and planning controls do not provide an effective balance of conservation and revitalisation of places within the Newcastle City Centre.

REFERENCES

ATTACHMENTS

Attachment A: [Ordinary Council Meeting Agenda - 26 March 2024 - Item 8.2 Original Report to Council](#)

Attachment B: Newcastle City Centre Heritage Conservations Areas Review Final Report, April 2024

Attachment C: Marked edits to Newcastle City Centre Heritage Conservations Areas Review Final Report, April 2024

Attachment D: Proposed amendment to Newcastle City Centre HCA, April 2024

Attachments B - D distributed under separate cover