

Planning Services

Gateway Determination Report

LGA	Mosman
RPA	Mosman Council
NAME	Proposal to revise listing of Archaeological Sites in Schedule 5 Part 1 and Part 3 of Mosman LEP 2012 (0 dwellings, 0 jobs)
NUMBER	PP_2017_MOSMA_001_00
LEP TO BE AMENDED	Mosman Local Environmental Plan (LEP) 2012
ADDRESS	Item A484: Avenue Road Item A485: 65A-69A Avenue Road Item A488: Harnett Avenue and Royalist Road
DESCRIPTION	Item A484: Road reserve at end of Avenue Road Item A485: Excavated indentation on eastern side of Avenue Road Item A488: Steep escarpment between Harnett Avenue and Royalist Road from end of Calliope Street to waterfront
RECEIVED	18 July 2017
FILE NO.	17/10189
QA NUMBER	qA415866
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 planning proposal seeks to remove two local archaeological heritage items, A485 and A488, listed in Schedule 5 Environmental Heritage Part 3 Archaeological Heritage of the Mosman LEP 2012 (LEP). The proposal also outlines the intention to remove the listing for local archaeological heritage item A484, and include part of this item under Schedule 5 Environmental Heritage, Part 1 Heritage Items.

Site Description

The three local archaeological heritage items are located within the suburb of Mosman across various locations. Maps have been included below, which depict the locations of the three items.



Figure 1: Location of Local Archaeological Heritage Items in Mosman
 Source: Archaeological Significance Assessment, Austral Archaeology

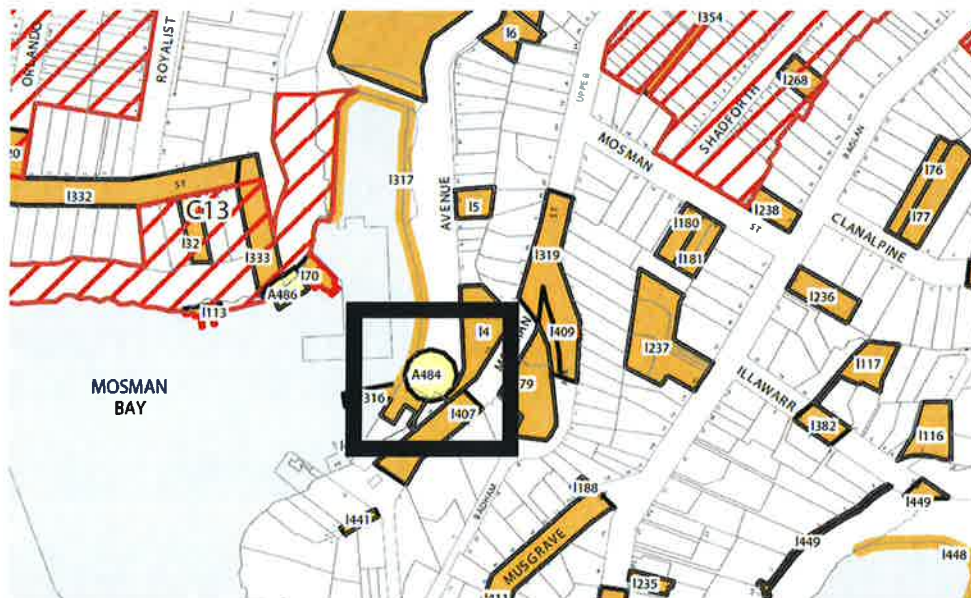


Figure 2: Location of Local Archaeological Heritage Item A484 (shown in black box)
 Source: Mosman LEP 2012

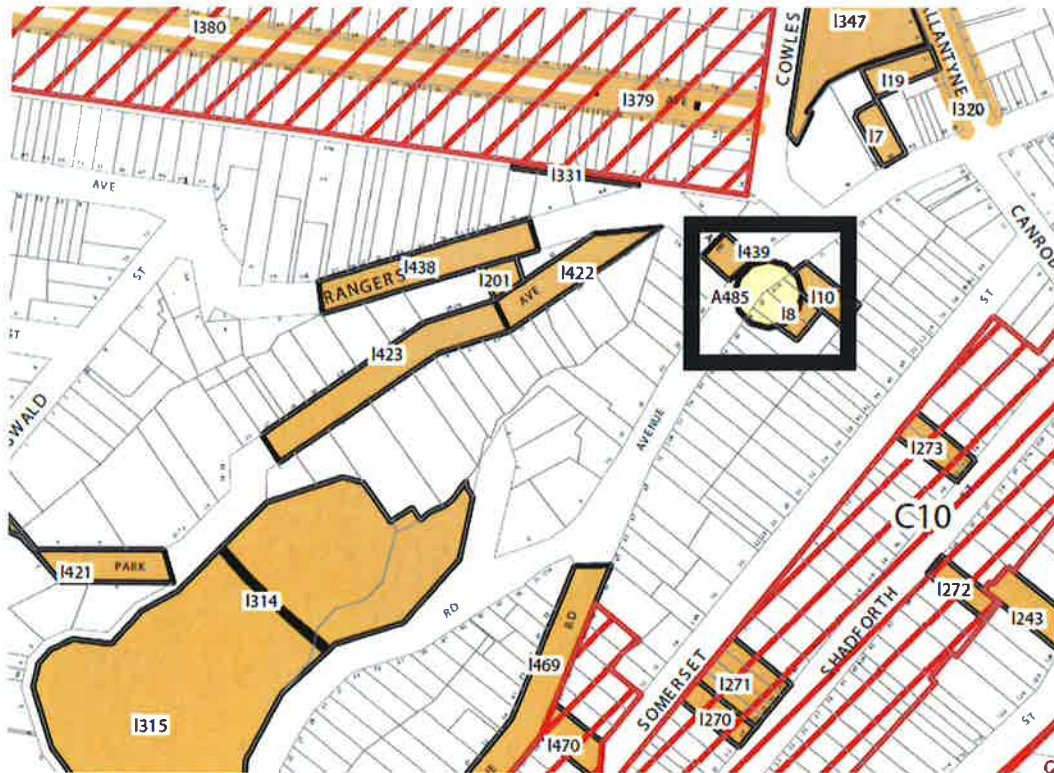


Figure 3: Location of Local Archaeological Heritage Item A485 (shown in black box)
Source: Mosman LEP 2012



Figure 4: Location of Local Archaeological Heritage Item A488 (shown in black box)
Source: Mosman LEP 2012

Former Tram Terminus (Item A484)

The Former Tram Terminus is located within the road reserve at the southern end of Avenue Road. The item is listed under the Schedule 5 of the LEP as *former tram terminus, including enclosing sandstone walls*.

The site was converted into a road for buses and cars in the 1950s and the tram tracks removed. The enclosing sandstone walls are the only remaining intact feature associated with the tram terminus. The site is currently used as a turning circle for buses and other vehicles.

Former Stone Quarry (Item A485)

The Former Stone Quarry is located at 65A-69A Avenue road and is described under Schedule 5 of the LEP as an *excavated indentation on the eastern side of Avenue Road*.

The site includes a sandstone escarpment that was once associated with a former stone quarry of the late 19th early twentieth Century. This is the only remaining intact feature associated with the stone quarry, which was shut-down and redeveloped in the 1920's. The site is currently occupied by multi dwelling housing and residential flat buildings, comprising 30 dwellings. The excavated wall of the former quarry is evident from the rear of the properties, but not highly visible from Avenue Road.

Site of Former Harnett's Quarry (Item A488)

The former Harnett's Quarry is located at Nos 11, 13 and 15 Royalist Road, the access way from Royalist Road to these properties and along part of Royalist Road. It is described under Schedule 5 of the LEP as *Steep escarpment between Harnett Avenue and Royalist Road from end of Calliope Street to waterfront*. The description does not accurately reflect the current mapping of the heritage item.

The site includes a quarry rock-face that remains largely intact and has been incorporated within the current streetscape of the area. The area underwent subdivision following its use as a quarry and houses were constructed on the site from the 1890s onwards. The site is currently occupied by multi dwelling housing (No. 11) a dwelling house (No. 15) and a vacant block (No. 13). While the excavated sandstone wall is evident from these properties, it is not highly visible from Royalist Road.

Surrounding Area

All three sites are located within R3 Medium Density Residential Zones and within the Scenic Protection Area of Clause 6.4 of the LEP.

Summary of Recommendation

It is recommended that the planning proposal proceed, subject to conditions.

The planning proposal will alter the existing heritage listings to provide a more appropriate reflection of the heritage significance of the items. It achieves a balance between recognising the history of the heritage items and use of the land for housing.

The planning proposal indicates Council's intention to concurrently amend Mosman Residential Development Control Plan 2012 (Mosman DCP) to identify the excavated quarry walls of Item A485 and Item A488 on the Significant Rock Faces and Retaining Walls Map, and apply the relevant Mosman DCP clauses to this land.

It is recommended that the proposed Mosman DCP changes are exhibited with the planning proposal, to ensure that the public understand the full extent of the altered heritage listings. The planning proposal should also be updated to explain consistency with section 117 Direction 2.3 Heritage Conservation.

PROPOSAL

Objectives or Intended Outcomes

The planning proposal does not accurately describe the intended outcomes of the proposal. It states that the objective of the planning proposal is to "amend Mosman LEP 2012 to include updated heritage listing information" for Items A484, A485 and A488, so as to

conserve the environmental heritage of Mosman in the most appropriate manner considering the nature of the relics and subject land.

The proposal is to remove Items A485 and A488 from Schedule 5 of the LEP and to identify the excavated quarry walls of those items in Mosman DCP. This should be accurately reflected in the intended outcomes of the planning proposal.

Explanation of Provisions

The objectives will be achieved by amending Mosman LEP 2012 in the following manner:

1. Removing from Schedule 5, Part 3 Archaeological sites the following:
 - a. Item A484: Former tram terminus including enclosing sandstone walls (Avenue Road);
 - b. Item A485: Former stone quarry (Avenue Road)
 - c. Item A488: Site of former Harnett's quarry (Royalist Road).
2. Including a new heritage item (Item I483) as a general non-archaeological item in Schedule 5, Part 1 of MLEP 2012, and on the LEP Heritage Map. This new item will apply only to the enclosing sandstone wall associated with the former tram terminus, located wholly within the public road reserve at the southern end of Avenue Road.
3. Amending the LEP Heritage Map accordingly.

Mapping

Indicative mapping has been provided with the proposal and is deemed sufficient. Mapping prepared in accordance with DPE technical guidelines will be required for submission at section 59 stage.

NEED FOR THE PLANNING PROPOSAL

The planning proposal outlines that the request to amend Schedule 5 of the Mosman LEP 2012 is the result of a study prepared to support the planning proposal by Austral Archaeology.

The heritage items were previously considered in Planning Proposal PP_2015_MOSMA_005_00, along with 13 other heritage items. The planning proposal was notified in two separate amendments in 2016, Amendment No. 8 (30 May 2016) and Amendment No. 9 (24 June 2016).

During the exhibition period of PP_2015_MOSMA_005_00, concerns were raised by land owners questioning the basis for the heritage items A484, A485 and A488, claiming the listings were discriminatory to private landowners. As a result, on 3 May 2016, Council resolved to defer consideration of these heritage items and commissioned a study by Austral Archaeology, which forms the basis of the current planning proposal.

The study found that the items do not meet NSW Heritage Council assessment criteria at the State or local level from an archaeological standpoint. It noted that limited archaeological material is likely to be present on the sites and their archaeological significance is low.

The study also found that the extant sandstone walls of all three items met some NSW Heritage Council assessment criteria at a local level from a historical perspective, retaining value as a direct link to the former use of the site. It recommends that these items remain in the LEP as a heritage item.

The planning proposal intends to recognise the significance of the walls under Schedule 5 Part 1 of the LEP (Item A484) and Mosman's DCP (Items A485 and A488).

A planning proposal is the only means to alter Schedule 5 of Mosman LEP 2012 to accurately reflect the heritage significance of the items and allow for appropriate provisions for conservation management.

STRATEGIC ASSESSMENT

State

A Plan for Growing Sydney

The planning proposal outlines that the proposed amendments are broadly consistent with *A Plan for Growing Sydney, in particular Action 3.4.4 (page 93)*, which outlines that "the government is committed to identifying, protecting and managing areas with heritage significance". The proposal demonstrates broad consistency with this Action as it outlines how the amendments propose to manage items of local heritage significance in the Mosman LGA.

Towards Our Greater Sydney 2056 (draft)

The planning proposal outlines that the proposed amendments are broadly consistent with the Liveable Greater Sydney, Metropolitan Priority Aim "respect and enhance heritage areas and assets". The proposal is generally consistent with this aim, as it will amend the LEP to provide a more accurate description of Item A484 (the Former Tram Terminus) and provide provisions for protection of Items A484 and A488 within Mosman DCP.

Regional / District

Draft North District Plan (District Plan)

The planning proposal outlines that the proposed amendments are consistent with Action L13 "conserve and enhance environmental heritage including Aboriginal, European and natural".

Liveability Priority 7 of the District Plan also indicates that a planning proposal must demonstrate how the protection of Aboriginal, cultural and natural heritage and places, spaces and qualities valued by the local community is achieved.

The proposal is consistent with the *draft North District plan*, in regards to Item A484, as it addresses Action L13 and Liveability Priority 7 by proposing to retain part of the listing of Item A484 "Enclosing sandstone wall associated with the former tram terminus" as Item I483 in Schedule 5, Part 1. Council have indicated its intention to identify the excavated quarry walls of Item A485 and Item A488 on the Significant Rock Faces and Retaining Walls Map of Mosman DCP. The planning proposal provides sufficient provisions for the protection of the heritage items, as described in further detail in relation to consideration of section 117 Directions.

Local

MOSPLAN Community Strategic Plan 2013-2023

The planning proposal outlines that the proposed amendments are consistent with *MOSPLAN Community Strategic Plan 2013-2023*, in particular the Built Environment Program, which outlines that effective management of the conservation of Mosman's heritage is a key strategy.

According to the planning proposal, accurate heritage content within the Mosman LEP 2012 is an essential element of this program.

Section 117(2) Ministerial Directions

Direction 2.3 Heritage Conservation

This Direction applies to the planning proposal as it affects items, areas, objects and places of environmental heritage significance. It requires that a planning proposal contain provisions that facilitate the conservation of items identified in a study of the environmental heritage of the area.

The heritage study, by Austral Archaeological, has identified the quarried rock faces of Items A485 and A488 and the enclosing sandstone wall of Item A484 to be of local historical heritage significance. The study recommends that the three sites be delisted as archaeological sites under Schedule 5 Part 3, and included as Heritage items under Schedule 5 Part 1.

The planning proposal requests the inclusion of Item A484 under Schedule 5 Part 1 only, and not Items A485 and A488. Council recognises the heritage significance of these items and intends to identify the rock faces on the Significant Rock Faces and Retaining Walls Map of Mosman DCP.

It is noted that all three sites are within the Scenic Protection Area of Clause 6.4 of the LEP. This excludes these sites from being developed under the Housing Code of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, providing a suitable level of assessment, with consideration of the provisions within Mosman DCP, for any major redevelopment of the site.

The planning proposal recognises the identification of heritage items within the heritage study and has proposed conservation provisions tailored to suit the needs of the LGA. It is considered that the proposed provisions are appropriate in facilitating the conservation of the heritage items.

It is recommended that the planning proposal is updated to demonstrate consistency with Direction 2.3 Heritage Conservation.

State Environmental Planning Policies

The Sydney REP (Sydney Harbour Catchment) 2005 State Environmental Planning Policy is considered relevant to, and consistent with the proposal.

SITE SPECIFIC ASSESSMENT

Environmental Heritage

In July 2016, Council engaged Austral Archaeology to undertake an assessment of the heritage significance of the three items. The recommendations of this assessment are discussed above under "Direction 2.3 Heritage Conservation".

Whilst it is considered that the proposed changes will continue to facilitate the conservation of the heritage items, consultation with the Office of Environment and Heritage will be required in relation to this matter.

Social and Economic

Accurate identification, description and listing of the heritage items within in MLEP 2012 and Mosman Development Control Plan will provide more certainty to landowners about the extent of these sites and therefore help to conserve the significance of these areas.

Where works have the potential to affect the significance of a heritage item on the site, a development application would need to be lodged with Council. Accurate and appropriate listings will provide a suitable balance between protecting the heritage items and providing the appropriate level of assessment within the development application process.

CONSULTATION

Community

Council have proposed a public exhibition period of 14 days. This period is considered to be appropriate as the proposal is of 'low impact' as described in A Guide to Preparing LEPs (Department of Planning and Environment 2016).

Agencies

The Office of Environment and Heritage should be consulted during public exhibition as the proposal relates to items of heritage significance.

TIMEFRAME

Council have proposed a timeframe for completion of the LEP of 9 months. This timeframe is considered to be appropriate.

DELEGATION

Council have requested delegation to make the plan. The planning proposal is deemed to be of local significance and Council is therefore authorised to exercise delegations.

CONCLUSION

The planning proposal is supported to proceed, subject to conditions as outlined below. The planning proposal is considered to have planning merit as it provides a suitable balance between protecting the heritage items and allowing for the orderly use and development of land.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Agree the proposal is consistent with section 117 Direction 2.3 Heritage Conservation.

It is recommended that the delegate of the Greater Sydney Commission, 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 14 days.
2. Consultation is required with the Office of Environment and Heritage.

3. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be authorised to exercise delegation to make this plan.
5. Prior to exhibition, the planning proposal to be updated to:
 - (a) accurately describe the intended outcomes of the planning proposal; and
 - (b) demonstrate consistency with section 117 Direction 2.3 Heritage Conservation.
6. An amended version of Mosman Residential Development Control Plan 2012, identifying the rock faces of the Former Stone Quarry and Former Harnett's Quarry, is to be exhibited with the planning proposal.


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