

PLANNING PROPOSAL TO AMEND SCHEDULE 5 ENVIRONMENTAL HERITAGE IN PARRAMATTA LOCAL ENVIRONMENTAL PLAN (LEP) 2011

INTRODUCTION

This planning proposal examines the impacts and justification for a proposed amendment to Schedule 5 Environmental Heritage of Parramatta LEP 2011. It is proposed to insert the former Moxham Quarry, located at 166A Windsor Road, Northmead, into Parramatta LEP 2011 Schedule 5. Council has undertaken an Assessment of Heritage Significance, which serves as the foundation of this planning proposal. This document has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment's '*A Guide to Preparing Planning Proposals*'.

OBJECTIVES OR INTENDED OUTCOMES

Council's objective is to protect the heritage significance of the former Moxham Quarry, located at 166A Windsor Road, Northmead. Amending Schedule 5 Environmental Heritage of Parramatta LEP 2011, to include this site as a local heritage item will achieve this goal.

EXPLANATION OF PROVISIONS

Council proposes to add an additional heritage item to Schedule 5 Environmental Heritage and associated Heritage Map of Parramatta LEP 2011. The amendment is outlined below and location map included as Figure 1 below.

Suburb	Item name	Address	Property description	Significance	Item number
Northmead	Former Moxham Quarry	166A Windsor Road	Lot 939 and 940, DP 1176567	Local	To be allocated

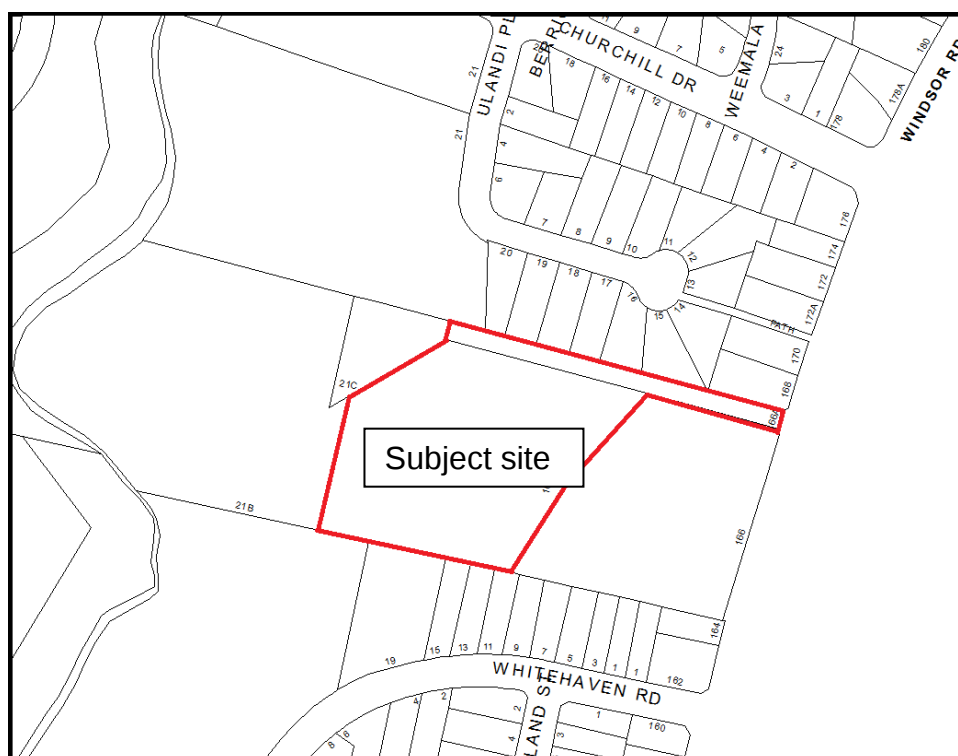


Figure 1: Location map

JUSTIFICATION

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

Council has prepared this planning proposal in response to a series of attempts to rezone and develop the former Moxham Quarry site. The necessity to protect the natural and cultural significance of the site is now apparent.

The former Minister for Heritage, the Hon. Robert Stokes MP, under delegation made an Interim Heritage Order, in accordance with Section 24 of the *Heritage Act 1977 (NSW)* over the subject site. The Minister undertook this process on recommendations from the Heritage Council of New South Wales (NSW). The order was gazetted on 9 March 2015. This order protects the site for a twelve month period. In the interim, Parramatta Council is pursuing the listing of the former Moxham Quarry site into Schedule 5 of its LEP to ensure the heritage significance is protected.

Council's heritage advisor prepared an Assessment of Heritage Significance for the former Moxham Quarry, dated May 2015. This document demonstrates the individual site qualifies for heritage listing under Schedule 5 of Parramatta LEP 2011. The findings of the assessment are as follows:

- The site serves as a niche habitat for six registered endangered species, including the remnant Sydney Turpentine Ironbark Forest.
- The Moxham Quarry was an integral business in the development of Parramatta. The site is recognised as having a pivotal role in the development of the building industry. The business provided essential building materials for the settlement of the area between the 1860s and 1950s.
- The former Moxham Quarry is strongly associated with the life works of the Moxham family. The family owned the Moxham Quarry from 1880 to 1910. Thomas Moxham was elected Mayor of Parramatta Council (1897-1901) and was a member of the Legislative Assembly for Parramatta (1901-1916).
- The site is a local landmark for residents and visitors, recognised for its aesthetic beauty and unique characteristics.

The former Moxham Quarry should be listed as an individual item of local heritage under Schedule 5 of Parramatta LEP 2011 due to its historical, aesthetic and scientific value.

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

Currently the site is protected from significant alterations through its E3 Environmental Management zone under Parramatta LEP 2011. However, a planning proposal potentially rezoning the site to R4 High Density Residential is proposed for the site with the Joint Regional Planning Panel as the Relevant Planning Authority. The possibility of the site undergoing a significant redevelopment, with high density residential development forms introduced, has the potential to impact on the sensitive heritage features of the site. A heritage listing of the site is proposed to ensure that any development that may be permitted under an alternate zone properly controls the heritage impacts.

The site can still potentially be developed for higher density residential development if listed as a heritage item. However, any application to alter the site will require a heritage assessment to minimise impacts on the elements of the site that contain heritage significance.

Listing the subject site as a local heritage item in Schedule 5 of Parramatta LEP 2011 is the most effective means of achieving Council's objective outlined in this planning proposal.

3. Is there a net community benefit?

The former Moxham Quarry demonstrates historical, aesthetic and scientific value. It was associated with a prominent local family, the Moxhams. The site is a landmark for the local community and possesses rare qualities worthy of preservation.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or subregional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

- A Plan for Growing Sydney

Direction 3.4 Promote Sydney's heritage, arts and culture

Identify and re-use heritage sites, including private sector re-use through the Priority Precincts program

This planning proposal is in keeping with Direction 3.4 of 'A Plan for Growing Sydney'. The intent of the proposal is to identify a heritage item and ensure any potential re-use of the site responds appropriately to its history, protecting the heritage features.

- Subregional strategy

The Department of Planning and Environment are currently preparing an updated Subregional Strategy for West Central to partner 'A Plan for Growing Sydney'. At this stage, the depth of detail excludes heritage issues. In lieu of the updated draft West Central Subregional Strategy Council has assessed this planning proposal against the 2007 edition of West Central Subregion, Draft Subregional Strategy.

Direction E2.2 Protect Sydney's unique diversity of plants and animals

E2.2.1 NSW Government to consider regional biodiversity matters to inform Principal LEPs

Parramatta City Council recognises the biodiversity value of the vegetation located on the former Moxham Quarry and utilised its LEP to protect the site through zoning. The current E3 Environmental Management zone applies to the site and limits significant development. It is proposed to rezone the site hence Council seeks its inclusion as a local heritage item under Schedule 5 of Parramatta LEP 2011. This will protect the threatened species and their habitats located on the subject site, in keeping with direction E2.2 of the Subregional Strategy.

Direction E6 Conserve Sydney's Cultural Heritage

E6.1 Provide a consistent approach to identify and protect Sydney's cultural heritage

E6.1.1 The NSW Government to work with other jurisdictions to develop standard criteria and threshold values

Council seeks to include the Moxham Quarry into Schedule 5 of Parramatta LEP 2011. The site is considered to be of local heritage status, consistent with existing criteria for listing of local heritage items.

E6.1.3 Local councils to review heritage studies as part of preparing their Principal LEPs

Council is committed to reviewing its local heritage register to ensure sites worthy of protection are included under Schedule 5 of Parramatta LEP 2011. The planning proposal seeks to amend Schedule 5 to include a site with historical, aesthetic and scientific value, as demonstrated by the accompanying Assessment of Heritage Significance.

Retention of the existing E3 Environmental Management zone would limit the uses permitted on this site and is a better method to protect the subject site's unique characteristics and history. Given the Joint Regional Planning Panel and State Government are considering amending the zoning to permit medium to high density development, a heritage listing at least ensures the heritage issues identified will be considered should any redevelopment proceed under the new zoning.

E6.1.4 The Heritage Office to support councils to develop the heritage components of their LEPs and Development Control Plans

The former Minister for Heritage, the Hon. Robert Stokes MP, under delegation made an Interim Heritage Order, under Section 24 of the *Heritage Act 1977 (NSW)* over the subject site. The Minister undertook this process on recommendations from the Heritage Council of NSW. The order was gazetted on 9 March 2015. This order protects the site for a twelve month period. Council recognises the Heritage Office's support and has actioned this planning proposal to ensure the protection of the former Moxham Quarry is continued.

5. Is the planning proposal consistent with local councils Community Strategic Plan, or other local strategic plan?

Parramatta 2038 – Community Strategic Plan demonstrates Council's commitment to protect environmental and cultural heritage. The relevant clauses are assessed below.

B1 Natural Environment:

Improve, protect and value our natural heritage and systems, including the extensive network of parks and bushland reserves; continue to protect biodiversity while improving connections between these areas and people; and focus on:

- Waterways rehabilitation
- Biodiversity and bushland management
- Local air quality
- Land and soil management

The former Moxham Quarry serves as a niche habitat for six registered endangered species, including the remnant Sydney Turpentine Ironbark Forest. Incorporating the subject site as a heritage item under Schedule 5 of Parramatta LEP 2011 will further protect the unique biodiversity and bushland.

E1 Distinct places:

Formulate great experiences and recognise, celebrate and promote our dynamic history and heritage and unique places.

The former Moxham Quarry demonstrates historical, aesthetic and scientific value. It was associated with a prevalent local family, the Moxhams. The site is a landmark for the local community and possesses rare qualities worthy of preservation as a distinct place.

This planning proposal seeks to amend Schedule 5 of Parramatta LEP 2011 to include the former Moxham Quarry. This is in keeping with Council's Parramatta 2038 - Community Strategic Plan as the amendment will protect a symbol of Parramatta's history and a unique place of biodiversity value.

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

The planning proposal is consistent with state environmental planning policies as these policies are not specifically applicable to this planning proposal. A detailed assessment is included at **Attachment 1**.

7. Is the planning proposal consistent with applicable Ministerial Directions (section 117 directions)?

2.3 Heritage Conservation

Objective

- (1) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance

The status of local heritage item ensures the historical, aesthetic and scientific value identified on the site will be considered as part of any development application or planning proposal under the jurisdiction of the Environmental Planning and Assessment Act 1979. The proposed addition of the former Moxham Quarry site to Schedule 5 of Parramatta LEP 2011 is in keeping with Ministerial Directions 117 objective.

What a council must do if this direction applies

(4) A draft LEP shall contain provisions that facilitate the conservation of: items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architecture, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area

The former Moxham Quarry is a place that contains environmental heritage of historical, scientific, cultural, social, natural and aesthetic value. Council seeks to protect the site for its community.

8. 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 seeks to further protect threatened species and their habitats by including the site as a heritage item under Schedule 5 of Parramatta LEP 2011.

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

The intent of the proposed amendment to Parramatta LEP 2011 is to protect the heritage features of the site. There are no detrimental environmental effects requiring management as a result of this planning proposal.

10. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal seeks to amend Schedule 5 of Parramatta LEP 2011 to include the former Moxham Quarry site. The site is a landmark to the local community. The proposal will protect the historical and natural heritage that contributes to the community's sense of place.

Including the site in Council's heritage schedule allows development to occur on the site as is permissible under the zoning prescribed by Parramatta LEP 2011. However, a heritage assessment will be required and help determine the development potential of the site.

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

The planning proposal will not place additional demands on public infrastructure.

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

The former Minister for Heritage, the Hon. Robert Stokes MP, under delegation made an Interim Heritage Order, under Section 24 of the *Heritage Act 1977 (NSW)* over the subject site. The Minister undertook this process on recommendations from the Heritage Council of New South Wales (NSW). The order was gazetted on 9 March 2015. This order protects the site for a twelve month period. A planning proposal to ensure the site is protected long term is supported by the former Minister for Heritage.

COMMUNITY CONSULTATION

It is proposed that consultation take place with the Heritage Branch of the Office of Environment and Heritage, Department of Trade and Investment and other authorities specified in any Gateway determination. In addition, consultation will take place with Council's Heritage Advisory Committee and adjoining residents.

It is proposed that the planning proposal be placed on exhibition for a period of 28 days.

PROJECT TIMELINE

The detail around the project timeline is expected to be prepared following the referral to the Minister for review of the Gateway Determination.

The following steps are anticipated:

- Referral to Minister for review of Gateway determination
- Commencement and completion dates for public exhibition period and government agency notification
- Consideration of submissions
- Consideration of proposal post exhibition and reporting to Council
- Submission to the Department to finalise the LEP
- Notification of instrument

ATTACHMENT 1

State Environmental Planning Policies

SEPP No. 1 – Development Standards	Not applicable
SEPP No. 14 – Coastal Wetlands	Not applicable
SEPP No. 15 – Rural Landsharing Communities	Not applicable
SEPP No. 19 – Bushland in Urban Areas	Not applicable
SEPP No. 21 – Caravan Parks	Not applicable
SEPP No. 26 – Littoral Rainforests	Not applicable
SEPP No. 29 – Western Sydney Recreation Area	Not applicable
SEPP No. 30 – Intensive Agriculture	Not applicable
SEPP No. 32 – Urban Consolidation (Redevelopment of Land)	Not applicable
SEPP No. 33 – Hazardous and Offensive Development	Not applicable
SEPP No. 36 – Manufactured Home Estates	Not applicable
SEPP No. 39 – Spit Island Bird Habitat	Not applicable
SEPP No. 44 – Koala Habitat Protection	Not applicable
SEPP No. 47 – Moore Park Showground	Not applicable
SEPP No. 50 – Canal Estate Development	Not applicable
SEPP No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable
SEPP No. 55 – Remediation of Land	Not applicable
SEPP No. 59 – Central Western Sydney Regional Open Space and Residential	Not applicable
SEPP No. 62 – Sustainable Aquaculture	Not applicable
SEPP No. 64 – Advertising and Signage	Not applicable
SEPP No. 65 – Design Quality of Residential Flat Development	Not applicable

SEPP No. 70 – Affordable Housing (Revised Scheme)	Not applicable
SEPP No. 71 – Coastal Protection	Not applicable
SEPP (Affordable Rental Housing) 2009	Not applicable
SEPP (Building Sustainability Index: BASIX) 2004	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Not applicable
SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable
SEPP (Infrastructure) 2007	Not applicable
SEPP (Kosciuszko National Park -- Alpine Resorts) 2007	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP (Major Development) 2005	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable
SEPP (Miscellaneous Consent Provisions) 2007	Not applicable
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Rural Lands) 2008	Not applicable
SEPP (SEPP 53 Transitional Provisions) 2011	Not applicable
SEPP (State and Regional Development) 2011	Not applicable
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Three Ports) 2013	Not applicable
SEPP (Urban Renewal) 2010	Not applicable
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable

Regional Environmental Plans

SREP No. 8 (Central Coast Plateau Areas)	Not applicable
SREP No. 9 - Extractive Industry	Not applicable
SREP No. 16 – Walsh Bay	Not applicable
SREP No. 18 – Public Transport Corridors	Not applicable
SREP No. 19 – Rouse Hill Development Area	Not applicable
SREP No. 20 – Hawkesbury – Nepean River	Not applicable
SREP No. 24 - Homebush Bay Area	Not applicable
SREP No. 26 – City West	Not applicable
SREP No. 30 – St Marys	Not applicable
SREP No. 33 – Cooks Cove	Not applicable
SREP (Sydney Harbour Catchment) 2005	Not applicable