

PLANNING PROPOSAL

HERITAGE REVIEW – STAGE 5



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BACKGROUND

The *HSLEP 1994*, gazetted in July 1994, includes heritage conservation provisions and lists over 800 heritage items and 6 heritage conservation areas. In response to requests for the deletion or inclusion of items in the heritage schedule, Council commenced a Heritage Review in 1995 which has been implemented over a number of stages as follows: -

- Stage 1 – Aboriginal Heritage Study, Brooklyn Cemetery draft LEP, review of heritage items and correction of anomalies within existing listings.
- Stage 2 – Review of the Beecroft-Cheltenham Heritage Conservation Area and Hornsby West Side Heritage Conservation Area, review of heritage items and correction of anomalies within existing listings.
- Stage 3 – Review of heritage items and correction of anomalies within existing listings.
- Stage 4 – Review of heritage items, heritage listed trees and correction of anomalies within existing listings.

The Heritage Review is an important periodical project carried out by Council to reassess the statutory protection and identified heritage values of locally heritage listed items and heritage conservation areas within Hornsby Shire. Each stage involved the inclusion and deletion of items from Schedule D (Heritage Items) of the *HSLEP 1994*.

Heritage Review Stage 5 commenced in 2011/2012 in accordance with the Strategic Planning Programme. At its meeting on 2 November 2011, Council considered Executive Manager's Report No PLN74/11 concerning the progression of Heritage Review Stage 5 to address the accuracy and completeness of Council's list of heritage items under Schedule D of the *HSLEP 1994*.

In accordance with Council's resolution, Council commissioned Godden Mackay Logan to undertake the Review and provide recommendations for the deletion, retention or inclusion of 36 properties and 42 gardens from the schedule of heritage items.

Council has recently prepared its Comprehensive LEP, which is a translation of controls within the *HSLEP 1994* in accordance with Department of Planning and Infrastructure's (DP&I) *Standard Instrument*. The *Hornsby Local Environmental Plan (HLEP) 2013* came into effect on 11 October 2013.

During the preparation of the *HLEP 2013* minor amendments were made to Council's schedule of heritage items to correct any anomalies within existing listings. Further minor anomalies are proposed to be corrected as part of this planning proposal following recently approved subdivisions.

Accordingly, this planning proposal has been prepared generally in accordance with the recommendations of the *Hornsby Heritage Study Review Stage 5* to form an amendment to Schedule 5 (Environmental Heritage) of the *HLEP 2013*.

At its meeting on 15 May 2013, Council considered Executive Manager's Report No PLN 33/13 (Appendix B) concerning the progression of the *Heritage Review Stage 5 Planning Proposal* and resolved to forward the *Planning Proposal* to the Minister of Planning and Infrastructure, seeking a Gateway Determination to progress the amendments to the *HLEP 2013* in accordance with Section 56(1) of the *Environment and Planning Assessment Act 1979*.

A copy of Council's resolution is provided (see Appendix B).

At its meeting on 20 November 2013, Council considered Group Manager's Report No. PL108/13 (Appendix C) which presented a report on submissions received to the exhibition of the Planning Proposal. Council resolved to adopt the Planning Proposal as amended, subject to the deferral of draft Heritage Item No. I828 (known as 311 Malton Road, Epping) and proceed to make the plan.

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The purpose of this *Planning Proposal* is to amend the *HLEP 2013* generally in accordance with the recommendations of the *Hornsby Heritage Study Review Stage 5*.

PART 2 - EXPLANATION OF THE PROVISIONS

Amendment of the *HLEP 2013* by:

- Inserting in Schedule 5 of the *HLEP 2013*, the amendments as shown in Appendix D; and
- Replacing the relevant map sheets of the Heritage Map to provide a revised spatial context for heritage items having regard to those items included, removed and retained by the amendment to Schedule 5 of the *HLEP 2013* as shown in Appendix E.

An explanation of the proposed amendments to the *HLEP 2013* is provided in the summary tables included in Appendix F.

PART 3 - JUSTIFICATION

Section A - Need for the planning proposal

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

Yes. The proposal is a result of the *Hornsby Heritage Study Review Stage 5 (Study)* undertaken by Godden Mackay Logan in 2012 (Appendix A).

The *Study* includes:

- The listing of 12 new items identified as having heritage significance;
- The removal of 23 heritage items that no longer warrant listing; and
- Updating 6 heritage item listings to reflect current significance.

Statements of significance have been prepared for all new items.

Four further amendments are proposed to update existing heritage item listings to reflect the current property description (Lot and DP) and/or property address resulting from approved subdivisions.

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

Yes. The Planning Proposal is the best means of achieving the protection of heritage assets in the long term. The *Planning Proposal* aims to update the statutory protection of Council's heritage items by inclusion, removal and amendment to better conserve items of heritage significance of the natural and built environment in the Hornsby Shire.

The Planning Proposal will assist assessment of development applications involving heritage items or properties located near heritage items, by ensuring that development is sympathetic to the identified heritage values.

The *Study* recommended the removal of a number of landscape heritage items as their heritage value has been substantially diminished or are adequately protected under Council's Tree Preservation Order or Heritage Conservation Areas.

3. Is there a net community benefit?

Yes. The proposal will clarify the heritage status of a number of properties. The Planning Proposal will also result in a number of items identified as significant to the community being protected under an environmental planning instrument that would contribute to the conservation of Hornsby Shire's heritage resources and the quality of the environment, assisting to create attractive streetscapes and providing an appealing place to live.

Section B - Relationship to strategic planning framework

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

Yes. The *Planning Proposal* is consistent with the objectives and actions contained in the *Sydney Metropolitan Strategy* and the *draft North Subregional Strategy*.

The *Planning Proposal* does not include land identified within the *Hornsby Shire Housing Strategy* which provides opportunities for new dwellings to assist in achieving Council's dwelling target under the *Metropolitan Strategy*.

5. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

Yes. The *Planning Proposal* is consistent with the *Hornsby Shire Management Plan 2011/12*. The Plan outlines Council's strategic direction and summarises the key actions, performance measures, and resources required to deliver these activities each year.

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

The *Planning Proposal* is consistent with State Environmental Planning Policies (SEPPs). For further details see Appendix G.

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

The *Planning Proposal* is consistent with Section 117 directions. For further details see Appendix H. The following Ministerial Directions are of particular relevance:

- 2.3 Heritage Conservation;
- 3.1 Residential Zones;
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies; and
- 7.1 Implementation of the Metropolitan Strategy

Section C - Environmental, social and economic impact

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?*

No. The *Planning Proposal* is aimed at protecting the existing natural and built environment and as such, there is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected.

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

No. There will be no adverse environmental effects as the proposal will be protecting the natural and built environment. There will be positive environmental benefits through the protection of the existing natural and built environment.

Where the proposal is to remove a heritage item, the heritage significance of the item has been considered to be substantially diminished or does not warrant protection as a heritage listed item.

The *Planning Proposal* aims to ensure that the identified heritage qualities are appropriately managed via the development assessment process in accordance with Part 4 Development Assessment under the *Environmental Planning & Assessment Act 1979*.

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

The *Planning Proposal* intends to protect a number of items and buildings of heritage significance by amending the list of environmental heritage items within Schedule 5 of the *HLEP 2013*.

Section D - State and Commonwealth interests

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

Yes. The *Planning Proposal* does not propose to increase permissible residential densities or the scale of development. The *Planning Proposal* relates only to the conservation of the heritage qualities of the existing natural and built environment. Accordingly, no additional public infrastructure is required.

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

In accordance with the Consultation Strategy (Appendix I), a copy of the Planning Proposal and Gateway Determination was sent to the Office of Environment and Heritage (Heritage Division) for consultation during the exhibition period.

The submission received by the Heritage Division provided support for the inclusion and/or removal of the proposed items from Council's heritage list, on the consideration that each item had been subject to the appropriate heritage assessment to satisfy the criteria for demonstrating heritage significance.

The Heritage Division made comment that Council's Tree Preservation Order (TPO) does not provide a satisfactory level of statutory protection to landscape heritage items. However, each landscape item proposed to be removed was assessed to no longer satisfy the criteria for heritage significance and as such retention of the heritage listing as a mechanism for tree protection is not appropriate in this instance.

PART 4 - COMMUNITY CONSULTATION

The Planning Proposal to amend the list of environmental heritage items within Schedule 5 of the *HLEP 2013* was exhibited from 7 August 2013 to 6 September 2013. The community consultation met the statutory requirements of the Gateway Determination including the requirement that the Planning Proposal be exhibited for 28 days. Consultation was also carried out in accordance with the Consultation Strategy (Appendix I). The Planning Proposal and documentation were displayed at Council's Administration Building, local branch libraries and Council's website. Letters were sent to all affected property owners, the relevant public authority (Office of Environment

and Heritage) and all relevant local community and industry groups. Thirteen submissions were received in response to the exhibition of the Planning Proposal.

PROPOSED TIMELINE

Weeks after endorsement from DP&I for exhibition	Anticipated Dates	Item
0	26 June 2013	Endorsement of Planning Proposal for exhibition by Gateway
6	7 August 2013	Exhibition start
10	6 September 2013	Exhibition end
14	2 October 2013	Consideration of submissions
21	20 November 2013	Report to Council on submissions
29	14 January 2014	Request Department of Planning and Infrastructure for a revised Gateway determination

Weeks after Revised Gateway Determination	Anticipated Dates	Item
0	16 June 2014	Endorsement of Planning Proposal to finalise the plan
10	27 August 2014	Request Parliamentary Council to prepare draft instrument
14	19 September 2014	Publication date of draft instrument