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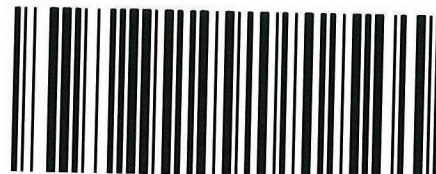
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Mr Lee Mulvey
Director Metro Delivery CBD
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001



PCU058914

BB3 (CIS)

19 March 2015

Dear Lee

RE: PLANNING PROPOSAL – NORTH SYDNEY BUS SHELTERS

The attached Planning Proposal seeks to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013), by removing seven (7) bus shelters from group heritage listing I0407 via their removal from the Heritage Map to NSLEP 2013.

At its meeting on 16 March 2015, Council resolved to support the Planning Proposal so that it may be forwarded it to the Minister for Planning in order to receive a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act, 1979. It would therefore be appreciated if the Planning Proposal be referred to the LEP Review Panel for determination under the 'gateway process'.

Please find attached a CD containing the following:

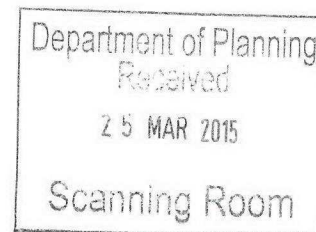
- Council officer's report including Council's resolution; and
- Planning Proposal.

Enquiries should be directed to Ben Boyd or the undersigned on 9936 8100.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Marcelo Occhipuzzi'.

MARCELO OCCHIPUZZI
MANAGER STRATEGIC PLANNING



**Report to General Manager**

Attachments:

1. Planning Proposal - North Sydney Bus Shelters

SUBJECT: Heritage Review of North Sydney Bus Shelters and associated Planning Proposal

AUTHOR: Ben Boyd, Executive Strategic Planner

ENDORSED BY: Joseph Hill, Director City Strategy

EXECUTIVE SUMMARY:

Council has resolved on two occasions to review the heritage listing of North Sydney's iconic bus shelters (Item No. I 0407) under North Sydney Local Environmental Plan 2013 (NSLEP 2013), and to delist any bus shelters that do not have any heritage significance.

Council engaged David Scobie Architects to undertake an independent heritage review of all bus shelters that are currently listed as heritage items under NSLEP 2013. The North Sydney Bus Shelter Heritage Review recommended that:

- 44 of the bus shelters met the criteria for listing as a local heritage item and should retain their heritage listing under NSLEP 2013;
- 7 of the bus shelters do not meet the criteria for listing as a local heritage item and should be removed from listing under NSLEP 2013; and
- 1 bus shelter has the potential to meet the criteria for listing on the State Heritage Register and a nomination should be made to have it listed

In accordance with the recommendations of the North Sydney Bus Shelter Heritage Review, a Planning Proposal has been prepared that seeks to amend NSLEP 2013 by removing seven (7) bus shelters from heritage listing I0407, via their removal from the Heritage Map to NSLEP 2013. The Planning Proposal is considered to be satisfactory and should be forwarded to the Department of Planning and Environment for Gateway Determination.

Also in accordance with the Heritage Study by David Scobie Architects, it is recommended that Council nominate bus shelter BS004 - The Oval, to the NSW Heritage Council as an item for inclusion on the State Heritage Register.

FINANCIAL IMPLICATIONS:

Nil.

RECOMMENDATION:

- 1. THAT** Council resolves to adopt the attached Planning Proposal and forward it to the Minister for Planning in order to receive a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act, 1979.
 - 2. THAT** if North Sydney Local Environmental Plan 2013 is amended as a result of carrying out Recommendation No.1, that the North Sydney Heritage Inventory sheet in relation to Heritage Item I0407 be updated.
 - 3. THAT** Council resolves to prepare and submit a nomination to the NSW Heritage Council to have bus shelter BS004: The Oval included on the State Heritage Register.
 - 4. THAT** upon completing of the required nomination form and any associated documents to include bus shelter BS004: The Oval on the State Heritage Register, that delegated authority be granted to the General Manager to forward the nomination to the NSW Heritage Council.
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LINK TO DELIVERY PROGRAM

The relationship with the Delivery Program is as follows:

Direction : 2. Our Built Environment

Outcome: 2.1 Infrastructure, assets and facilities that meet community needs
2.2 Improved mix of land use and quality development through design excellence
2.3 Vibrant, connected and well maintained streetscapes and villages that build a sense of community
2.4 North Sydney's heritage is preserved and valued

Direction : 4. Our Social Vitality

Outcome: 4.4 North Sydney's history is preserved and recognised
4.8 Enhanced community facilities, information and services
4.9 Enhanced community safety and accessibility

BACKGROUND

Council has a total of 65 bus shelters in the North Sydney Local Government Area, of which 51 are listed as heritage items under North Sydney Local Environmental Plan 2013 (NSLEP 2013).

On 14 October 2013, Council considered a report with respect to advertising in the North Sydney CBD, commercial centres and on Council infrastructure, including bus shelters (Minute No. 647). This report made reference to the preparation of a new Public Domain Design Style Code, which included designs and specifications for a new contemporary type of bus shelter. In considering this report, Council resolved in part:

THAT Council delist as heritage items all Council owned bus shelters that are of no heritage value.

The inclusion of the above resolution was to ensure that bus shelters which have no heritage value could be easily demolished and replaced with the new contemporary structures as identified within the Public Domain Style Manual and Design Code which was adopted by Council on 17 February 2014.

On 13 October 2014, Council considered Notice of Motion No. 25/14 in relation to bus shelters (Minute No. 459). In response to this Motion, Council resolved:

THAT North Sydney Council:

- a) *Prepare a report of the cost benefit analysis of installing individualised "off the shelf" bus shelter options across the North Sydney Local Government area;*
 - b) *Prepare a heritage report of the heritage value of the current bus shelters. All heritage items of bus shelters will be protected and maintained and not affected as part of this upgrade consideration;*
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- c) *Prepare a social impact report with community consultation process for the replacement of the current 'heritage look' bus shelters to possible modern alternative bus shelters;*
- d) *Investigate feasibility of installing bus stops with a similar look to those of the current upgrade of Gas Works Bus Stops 1 and 2.*

CONSULTATION REQUIREMENTS

Should Council determine that the Planning Proposal can proceed, community engagement will be undertaken in accordance with Council's Community Engagement Protocol and the requirements of any Gateway Determination issued in relation to the Planning Proposal.

SUSTAINABILITY STATEMENT

The following table provides a summary of the key sustainability implications:

QBL Pillar	Implications
Environment	• No anticipated impacts.
Social	• If implemented, the Planning Proposal could result in a minor loss of part of a characteristic element that positively contributes to the visual character of the LGA. • If implemented, the Planning Proposal could result in the ability to replace a number of bus shelters with a modern structure that are safer for occupants and provide higher levels of accessibility.
Economic	• If implemented, the Planning Proposal could result in the ability to replace a number of bus shelters with a shelter that is more cost effective to maintain.
Governance	• No anticipated impacts.

DETAIL

1. Heritage review

In response to the Council resolution of 14 October 2013, Council engaged David Scobie Architects on 5 September 2014 to undertake an independent heritage review of all bus shelters that are currently listed as heritage items under NSLEP 2013. The intent of the review was to confirm whether all of the currently heritage listed bus shelters should retain their heritage listing or have their listing removed where they do not satisfy the relevant criteria for heritage listing.

Council received the completed Heritage Review (refer to Appendix 2 to Attachment 1 of this report) from the consultant on 14 January 2015. The Review recommended that:

- 44 of the bus shelters met the criteria for listing as a local heritage item and should retain their heritage listing under NSLEP 2013;
- 7 of the bus shelters do not meet the criteria for listing as a local heritage item and should be removed from listing under NSLEP 2013; and

- 1 bus shelter has the potential to meet the criteria for listing on the State Heritage Register and a nomination should be made to have it listed.

The bus shelters identified for delisting as a heritage item include the following:

- BS018: 'CHURCHILL' - Corner Carter Street and Cammeray Road, Cammeray
- BS022: 'MILNER' - Milner Crescent, Wollstonecraft
- BS030: 'LINDSAY' - Ben Boyd Road, Neutral Bay
- BS044: 'BRADFIELD' - High Street, North Sydney
- BS055: 'JAMES MILSON' - Corner High Street and Clarke Road, North Sydney
- BS065: UNNAMED - Corner Carter Street and Cammeray Road, Cammeray
- BS067: 'BENELONG' - Corner Gerard Street and Benelong Road, Cremorne

The bus shelter identified for listing on the State Heritage Register is BS004: 'THE OVAL' - Corner of Miller and Ridge Streets, North Sydney.

A Planning Proposal has been prepared (refer to Section 2 of this report) seeking to delist the identified bus shelters as heritage items under NSLEP 2013. Any associated change made to this heritage listing will also need to be reflected in the North Sydney Heritage Inventory.

The review also recommended that Bus Shelter BS004: 'THE OVAL' - Corner of Miller and Ridge Streets, North Sydney be nominated to the NSW Heritage Council for listing on the State Heritage Register. The recommendation was made with regard to the shelter meeting several of the State Heritage listing criteria. In response to this recommendation, it is recommended that Council resolves to nominate the subject bus shelter on the State Heritage Register. With regard to its nomination, it is also recommended that Council delegates its authority for the preparation and submission of the nomination to the satisfaction of the General Manager.

2. Planning Proposal

2.1 Proposed LEP Amendment

The principle purpose of the Planning Proposal (refer to Attachment 1) is to amend NSLEP 2013 such that seven (7) bus shelters are removed from the group heritage listing I0407 in accordance with the recommendations of the North Sydney Bus Shelter Heritage Review. The Planning Proposal seeks to achieve this by removing the seven subject bus shelters from the Heritage Map to NSLEP 2013.

2.2 Planning Proposal Structure

The Planning Proposal (Refer to Attachment 1) is generally in accordance with the requirements under Section 55(2) of the Environmental Planning and Assessment Act 1979 and the Department of Planning and Environment's (DPE) '*A guide to preparing planning proposals*' (2012). In particular, the Planning Proposal adequately sets out the following:

- A statement of the objectives or intended outcomes of the proposed local environmental plan;
- An explanation of the provisions that are to be included in the proposed local environmental plan;

- Justification for those objectives, outcomes and provisions and the process for their implementation; and
- Details of the community consultation that is to be undertaken on the Planning Proposal

2.3 Justification of the Planning Proposal

The proposed LEP amendment as detailed in the attached Planning Proposal will ensure that only bus shelters that satisfactorily meet the relevant heritage listing criteria are appropriately identified as heritage items under NSLEP 2013. All currently heritage listed bus shelters have been subject to an independent heritage assessment by an appropriately qualified heritage consultant. The review has identified that seven (7) bus shelters do not adequately satisfy the criteria for heritage listing.

3. Conclusion

A comprehensive and independent review has been undertaken of all currently heritage listed bus shelters under NSLEP 2013. The review has recommended that 44 of the 51 currently heritage listed bus shelters should retain their heritage listing under NSLEP 2013 and the remaining 7 to have their heritage listing removed. In addition, the Heritage Review recommended that Council pursue the nomination of BS004 - The Oval to the NSW Heritage Council as an item for inclusion on the State Heritage Register.

In accordance with the recommendations of the Heritage Review, Council officers have prepared a Planning Proposal to amend NSLEP 2013 such that seven (7) bus shelters are removed from the group heritage listing I0407 in accordance with the recommendations of the North Sydney Bus Shelter Heritage Review. Delisting of the subject bus shelters will not necessarily result in their demolition or removal.

The relevant requirements under s.55 of the EP&A Act and the matters identified in the Department of Planning's '*A guide to preparing planning proposals*' (October 2012) have been adequately addressed in the Planning Proposal. The proposal is appropriate and is adequately justified.

It is therefore recommended that Council support the forwarding of the Planning Proposal to the Department of Planning and Environment, seeking a Gateway Determination under s56 of the EP&A Act 1979.

It is also recommended that Council resolves to nominate Bus Shelter BS004 - The Oval to the NSW Heritage Council as an item for inclusion on the State Heritage Register to ensure that it receives an appropriate level of protection in relation to its significance.