

ITEM NO: 19

SUBJECT: AMENDMENT 5 TO LEP 2015 (HERITAGE REVIEW)

FILE NO: F09343 - 19/227442

Delivery Program Link

Principal Activity: Using Land

Service: Land Use Management

Recommendations:

1. *That the Council adopts the updated Planning Proposal for draft Amendment 5 to LEP 2015 (the "draft Planning Proposal") in Enclosure 2;*
 2. *That the Council adopts the recommendations within the List of Recommendations from the Public Exhibition at Attachment 1;*
 3. *That the Council resolves to proceed with the draft Planning Proposal to make changes to Schedule 5 (Heritage) of Blue Mountains Local Environmental Plan 2015 and the associated heritage maps in accordance with the Planning Proposal and supporting documents;*
 4. *That the Council delegates to the Chief Executive Officer the authority to make minor amendments to the draft Planning Proposal and associated maps that may arise after the formal adoption of this Planning Proposal, subject to such amendments maintaining the policy intent of the draft Plan;*
 5. *That any proposed amendments to the draft Planning Proposal and associated maps that may arise after the formal adoption of this draft Planning Proposal, which do not maintain the policy intent of the draft plan, be reported to the Council;*
 6. *That the Council refers the draft Planning Proposal and draft LEP maps to the Department of Planning, Industry & Environment requesting the making of the Plan in accordance with the provisions of Section 3.33 of the Environmental Planning and Assessment Act, 1979;*
 7. *That the Council resolves to notify all affected property owners when draft Amendment 5 to LEP 2015 is made.*
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Report by Director, Environment & Planning Services:**Reason for report**

The purpose of this report is to provide the post-exhibition Planning Proposal for Amendment 5 to LEP 2015, ('the Heritage Review') following the Stage 2 public exhibition.

The report then requests that Council endorse the final version of the Planning Proposal for Amendment 5 to LEP 2015, for the purposes of referring the proposal to the Department of Planning, Industry & Environment ('the Department') and requesting the Plan be made.

Background

Strategic Context

Council has an ongoing key role in managing and protecting the environmental and cultural heritage of the Blue Mountains. Conservation of cultural heritage is embedded within the objectives and key directions of the *Blue Mountains Community Strategic Plan 2035*, the Council's recently made Local Strategic Planning Statement, and the state government's *Greater Sydney Region Plan 2018* and *Western City District Plan 2018*.

This work is part of Council's strategic direction within the Community Strategic Plan to:

- Ensure that places of natural, cultural and historical significance are retained and enhanced by the active use of appropriate conservation methods;
- Preserve, maintain and enhance the City's unique character, and its built, natural and cultural heritage and local history; and
- To create for the Blue Mountains a strong identity built on natural and built heritage.

This report represents the final stage of a significant body of heritage work to update Council's LEP 2015, which has comprised both this current LEP amendment, as well as Amendment 6 to LEP 2015, which was made in July 2019 and converted Council's Period Housing Areas to seventeen new Heritage Conservation Areas.

Background to the Heritage Review (Amendment 5 to LEP 2015)

The scope for the Heritage Review (Amendment 5 to LEP 2015) was to complete outstanding work to update Council's heritage inventory in Schedule 5 of LEP 2015. This comprehensive work resulted in recommendations for the addition of new heritage items, as well as the modification and deletion of some existing heritage items. The process included two extensive rounds of community consultation, with close to 400 heritage sites affected.

The Heritage Review was last reported to Council on 19 September 2017. The report provided an update on the outcomes of the preliminary consultation and sought approval to send the draft Planning Proposal to the Greater Sydney Commission to proceed to public exhibition of the proposal. The Council resolved to proceed with a draft Planning Proposal. A Gateway Determination was received in November 2017, and the formal public exhibition of the Heritage Review was then carried out between 7 March and 18 April 2018. The formal public exhibition provided a level of statutory protection for the proposed new listings as they became draft heritage items.

This report documents the outcome of the Stage 2 public exhibition, including the subsequent communication with property owners following the exhibition period, which comprised numerous site inspections and detailed active engagement.

Delay in Finalisation of Heritage Review

In the period following the public exhibition of the Heritage Review in April 2018, significant heritage and residential character work has been completed. This has unfortunately but necessarily delayed the finalisation of this Heritage Review.

As mentioned above, work completed in the intervening period includes Amendment 6 to LEP 2015, which converted Period Housing Areas to seventeen new Heritage Conservation Areas. This amendment was time sensitive, and needed to respond to a sunset provision in LEP 2015 (which expired in early 2019). The successful conversion of these residential areas to heritage conservation areas as of July 2019, provides ongoing heritage protection and preservation of the residential character of the Blue Mountains.

Following the completion of this work, resources were required to be deployed to the preparation of the Local Strategic Planning Statement and supporting studies, which included

the Local Character Study and Local Character Statement. These documents have now been completed, adopted and endorsed by Council and the Greater Sydney Commission.

The finalisation of the work program was impacted by the December 2019 bushfires and the Covid-19 pandemic, preventing the completion required site inspections. The Department recognised the need for time extensions, which are detailed later in this report. Property owners have been kept informed during this process, with recent correspondence to provide updates, and advise of finalisation of the work and reporting to Council.

Overall Summary of Outcome of the Heritage Review

Following is a summary of the outcomes of the Heritage Review, resulting from two stages of community engagement (preliminary consultation and formal public exhibition). It includes a detailed review of submissions received in each of the two stages, and site inspection results from between 70-80 properties. Importantly, the inclusion, deletion or modification of items on the heritage inventory is based on detailed assessment by Council's heritage staff against state-set criteria for heritage listing. The following changes are proposed to the heritage inventory in Schedule 5 of LEP 2015, detailed in full in the Schedule of Affected Properties at Enclosure 3.

62 new listings:

Recommended new listings were derived from the following review processes:

- Recommended new listings from previously commissions studies, not yet carried forward (37 items)
- Gap analysis of heritage listing with other agencies (11 items)
- New assessments/nominations (8 items)
- Peer review and reinstatements of previous listings (6 items)

31 deleted listings:

Recommended deletions resulted from the following:

- Consolidation of existing listings (4 items)
- Removal of duplications (3 items)
- Items superseded by larger new listings (reserves) or deleted from earlier study recommendations (22)
- Response to a submission (1 item)
- New assessment (1 item)

287 modified listings:

Modifications are proposed to individual items in the following categories:

- Interiors - changes to the Standard Instrument LEP in recent years have left the interiors of buildings without protection; it is proposed to list the interiors of publicly accessible buildings such as churches, shops, schools and hotels.
- Mapping - improvements to the mapping of some items to improve accuracy and consistency of mapping
- Names - proposed changes from a tenancy name to the building name or building description for long term clarity.
- Recommendations from previous studies - inventory sheet, mapping and name changes
- Local knowledge - input from various individuals or owners to make updates and corrections to inventory sheet information.
- Further assessment - item modified by new research
- Alignment with State heritage listing - a review of the alignment between state and local listing details was carried out to improve consistency
- Draft LEP 2013 – items raised by submissions during the LEP exhibition process

Recap of Preliminary Consultation (Stage 1)

Preliminary consultation occurred in 2016-2017, and was a targeted engagement with property owners regarding the changes proposed within the Heritage Review. As a substantial period of time has elapsed since the preliminary consultation, and to assist with understanding overall consultation outcomes from both preliminary consultation and public exhibition, below is a summary of the outcomes of preliminary consultation (Stage 1).

Preliminary consultation was based on the endorsed Community Consultation Strategy, and a detailed analysis of the outcomes was provided in the 19 September 2017 Council report. A summary is provided below:

Preliminary Consultation - 16 November 2016 - 31 January 2017

- Targeted property owners, with individual letters sent to all owners
- Preliminary consultation extended to 28 February 2017 through Council resolution
- Exactly 100 submissions were received
- Overall positive response – most submissions sought clarification on listing of interiors
- 52 property interiors were inspected

Preliminary Consultation with the Gundungurra Consultative Committee - 6 December 2016 - 23 February 2017

- Separate consultation with the Gundungurra Consultative Committee for properties affected by the Indigenous Land Use Agreement (ILUA)
- Consultation facilitated by Council's Aboriginal Liaison Officer
- A dedicated Have Your Say private page was set up and hard copy folders provided
- The opportunity to comment was available for several months
- The following explanatory statement, as proposed by the Gundungurra Consultative Committee, was added to the beginning of the statement of significance for those heritage items that are listed under Schedule G of the ILUA:

“Gundungurra Indigenous Land Use Agreement (Aboriginal heritage statement):

This land is listed under Schedule G of the Gundungurra Indigenous Land Use Agreement (ILUA). The ILUA recognises the particular importance of certain land within the Blue Mountains Local Government Area to the Gundungurra Traditional Owners, and is a 10 year, legally binding agreement under the Native Title Act 1993. The information in this inventory sheet does not include the significance of this site to the Gundungurra Traditional

Owners, and therefore does not represent a complete history, or represent the views of the Gundungurra ILUA Consultative Committee or the values they attribute to the land. The inventory sheet should be read as the European history only, and it is recognised that this history may have impacted on the Aboriginal cultural significance of the site.”

- A further Aboriginal statement was added to all inventory sheets that are being updated:

The Blue Mountains Local Government Area is within the Country of the Darug and Gundungurra peoples and Blue Mountains City Council respects their cultural heritage and deep ongoing connection to this Country.

This inventory sheet documents the European occupation of the site only, and the heritage significance of the place in this context (assessed against the heritage criteria set by the NSW Heritage Council).

This does not therefore, represent a complete history of the place, or represent the perspectives of Darug and Gundungurra Traditional Owners in relation to the

colonial impacts on this site. Consultation with Traditional Owners and other Aboriginal stakeholders is required, before Aboriginal Cultural Heritage that may be associated with this place, can be recorded.

In future updates to Council's heritage inventory, this statement would continue to be added to heritage inventory sheets not covered by this Review.

Preliminary Consultation – Report to Council 19 September 2017:

- The response to all submission and details of interiors inspections was reported to the 19 September 2017 Council meeting.
- Updates were made to heritage item listing descriptions, mapping of items, and heritage inventory sheets in response to submissions.
- Proposed changes were reflected in a set of recommendations, endorsed by Council
- The draft planning proposal was sent to the Greater Sydney Commission requesting a Gateway Determination and approval to carry out public exhibition.

Heritage Review Public Exhibition (Stage 2)

The Gateway Determination allowing public exhibition to proceed was received on 3 November 2017, requiring a minimum 28-day exhibition. To provide the community appropriate engagement opportunities, it was decided to provide an exhibition period of 6 weeks, between 7 March and 18 April 2018.

As part of the public exhibition Council again notified in writing the property owners of sites included in the Planning Proposal, as well as key local organisations with an interest in local heritage. Hard copies of all material were made available at each of the Council's libraries and headquarters. The information was placed on Council's Have Your Say website. A dedicated email and phone number was provided to take enquiries and submissions.

Advertisements were placed in the local paper at the commencement of the community consultation and several times during the exhibition.

State agency consultation

Consultation was carried out with the following public authorities as required by the Gateway Determination for the public exhibition:

- Office of Environment and Heritage – NSW Heritage Division (now Heritage NSW)
 - Council had already liaised with the Office of Environment and Heritage (OEH) and the NSW Heritage Division (now Heritage NSW) in the preliminary consultation phase (Stage 1). The NSW Heritage Division had made a submission providing in-principle support for the Heritage Review.
 - The NSW Heritage Division (now Heritage NSW) then provided a further submission to the public exhibition (Stage 2).
 - The Stage 2 submission included comments regarding two State-listed items where the names have not been aligned, and recommended that mapping for one State-listed item retain parts of the locally-mapped curtilage. The submission made no other objections, provided the proposal demonstrated robust heritage assessment and accuracy of information.
- NSW Rural Fire Service
 - The NSW Rural Fire Service provided a response to the public exhibition. There were no specific objections, comments or recommendations in regard to the planning proposal.
- NSW Aboriginal Land Council

- The NSW Aboriginal Land Council did not make a submission, or any comments, objections or recommendations.

Consultation with Traditional Owners, Aboriginal Advisory Committee & Local Aboriginal Land Councils

- Further consultation was carried out with the Gundungurra Consultative Committee in the Stage 2 public exhibition, attended by Council's Heritage Planner and facilitated by Council's Aboriginal Liaison Officer.
- A dedicated Have Your Say private page was again set up to display the material digitally, and hard copy folders were provided at the Committee meeting.
- The consultation period was initially eight weeks, from 9 August to 4 October 2018, but this was extended over the Christmas period to the end of February 2019.
- Particular consultation occurred regarding Council and Crown lands affected by Schedule G of Council's ILUA with the Gundungurra Traditional Owners.
- Local Aboriginal Land Councils were also consulted during the public exhibition (Stage 2), but did not make a submission, or any comments, objections or recommendations.

Continuing active engagement

As this Heritage Review entered the finalisation stage and in preparation of this report, a further significant process of active consultation continued beyond the two earlier stages for two reasons. Firstly, due to the time that had elapsed over the course of the Amendment, it was considered diligent to continue to write to property owners and inform them of assessments and recommendations likely to proceed to the final Council meeting. Secondly, there is a large quantity of material associated with the amendment and attached to the Council report. Providing clear communications about likely recommendations prior to the Council meeting would give property owners direct and relevant information about their property, which could be harder to locate within the large quantity of attachments provided prior to the Council meeting, thus providing a better and more tailored level of service.

A third point to note is the importance of maintaining clear and positive connections with heritage property owners in the local government area, so that Council can continue to be accessible, helpful, and involved in the conservation of heritage properties.

There was a significant degree of community involvement in both stages of the Heritage Review, with many individuals and members of historical societies providing detailed and accurate research, which has contributed to the success of the proposed Amendment through more accurate and up-to-date information.

Summary of submissions – Public Exhibition (Stage 2)

A total of 44 submissions were received. This is in comparison to the 100 submissions received in the preliminary consultation in Stage 1. The 44 submissions were largely from different submitters to those in Stage 1, however repeat submitters were as follows:

- 6 - Private property owners requesting further minor refinements mostly to inventory sheet details (including 1 confirming interiors not publicly accessible)
- 1 – Interested individual requesting further refinements
- 2 – Private property owner objecting to existing listing
- 1 – Private property owner objecting to interiors listing
- 1 – Private property owner objecting to proposed new listing
- 1 – State agency objecting to proposed new listing

Receiving less submissions in Stage 2, and few repeat objection submissions, suggests that the majority of serious concerns from submitters in Stage 1 were resolved.

The submissions received in the Stage 2 public exhibition can be categorised as follows:

1. **Support** for the Review itself or a proposed new listing;
2. Providing additional information and asking that these be incorporated (support with **refinements** requested);
3. Making **comments** on listings;
4. Asking that an existing listing be modified (**refinements** to mapping, listing description or inventory sheet details);
5. **Objections** to an existing listing, or a proposed new listing, or the details of a listing
6. **Objections to listing the interiors**, or that the interiors be clarified through a site visit
7. Some submissions include comments and requests not relevant to the existing Review material.

The submissions have been analysed through the following matrix, defined by the categories established above. Note that of all submissions, 80% were positive or neutral.

Table 1: Matrix of Submissions

	Support	Support – refinements requested	Refinements requested	Comment	Object	Object – refinements requested
Private property owner			12	4	5	1
Historical group/society	2	2	3			
Blue Mountains City Council			1			
State agency		1		1	2	
Interested individual	1	1	7			1
TOTALS	3	4	23	5	7	2
SUPPORT/COMMENT TOTAL: 35					OBJECT: 9	
TOTAL SUBMISSIONS – 44						

Assessment of submissions from Public Exhibition

This section provides a summary of both additional property inspections completed following the public exhibition, as well as an overview of those submissions which raised objection with the proposed changes under the Heritage Review, including objections considered to be outstanding from the preliminary consultation in Stage 1. A full assessment and detailed response to each of the 44 submissions received from the public exhibition (Stage 2) is attached to this Council report at Attachment 2.

Property inspections

The assessment of submissions necessitated further property inspections and associated engagement with property owners. This included both private property owners, and the inspection of the interiors of a number of Council-owned properties.

Inspections of private properties

Seven (7) further private properties were inspected (beyond the 50 or so properties inspected in Stage 1).

- Five (5) were interiors inspections
- Two (2) were more general inspections to clarify significance.

Six (6) of these are detailed in Enclosure 1 - 'Interiors and other inspection reports'. The seventh did not require a detailed response, and is included in Attachment 2 – Review of Submissions. The assessment of the interiors was made using the assessment methodology established in the Stage 1 interiors assessments.

Objections from Public Exhibition (Stage 2)

Of the seven (7) objectors listed in Table 1 – Matrix of Submissions above, five (5) are repeat objections from Stage 1 and two (2) are new objections, as detailed below:

Letters were written to a number of the objectors as noted above who made submissions in Stage 1 and Stage 2. Where a proposed interiors listing was recommended to proceed, letters were also written to those owners, to provide the details of the assessment and give notice of the recommendations prior to the Council meeting.

Objections considered 'outstanding' from Preliminary Consultation

During the Stage 1 preliminary consultation, of the 100 submitters, there were 13 objections and 39 objections/changes requested.

Due to the time that has elapsed since the preliminary consultation, letters were written to the small number of objectors, in particular those who had not made further submissions at the public exhibition stage and where their property remained proposed for listing. The letter advised of the proposed finalisation of the Heritage Review, and sought further engagement to resolve outstanding issues.

Below is a summary of key sites where Council has received a submission by way of objection, and includes the resulting recommendation of Council staff. Full detail is provided at Attachment 2 and Enclosure 1.

Table 2: Summary of objections from Preliminary Consultation (Stage 1)

Property / heritage listing	Assessment	Recommendation
(K037) Proposed new listing of Shepton, 277 Katoomba Street	<p>Objection based on greater restrictions, additional costs, longer approval timeframes, and the interior is no longer original</p> <p>The property is an early residential stone cottage connected with the Hammon family.</p> <p>The Stage 1 submission response responded in detail to these objections.</p> <p>No further responses received in Stage 2, following recent correspondence.</p>	Proceed with the heritage listing
(MW045) Proposed new listing of Simpson-Lee House, 23-27 Wynnes Rocks Road, Mount Wilson	<p>This proposed new listing was to be Council's first 'contemporary heritage' listing, in line with Council's long-term vision, (consistent with a number of other Councils), for protecting contemporary heritage.</p> <p>The owner of the property who is also the building's architect, remained opposed to the draft listing. Several letters have been written to the owner over a number of years citing the importance of the building to Australia's</p>	Remove the item from the proposal, and not proceed with the listing

	<p>architectural heritage.</p> <p>However, on balance, given the building is not considered typical for heritage listing in the Blue Mountains, such as those properties which date from Victorian, Federation or Inter-War periods and are risk of demolition or loss, it is agreed not to proceed with the listing at this stage.</p>	
<p>(SP070) Proposed new listing of St Columba's Grotto Tracks, St Columba's School, 168 Hawkesbury Road</p>	<p>The school had concerns regarding ongoing issues of trespass and concern over attention being down to the grounds via a separate listing</p> <p>Recent consultation occurred with the school, and it was agreed that the new listing content would instead be incorporated into the existing heritage listing for St Columba's School WL001.</p> <p>This was considered an appropriate compromise by both Council and the property owners.</p>	<p>Incorporate into existing heritage listing WL001</p>

Table 3: Summary of objections from Public Exhibition Consultation (Stage 2)

Property / heritage listing	Assessment	Recommendation
<p>Proposed new listing of House, 27 Hope Street, Blaxland (BX012)</p>	<p>A submission by way of objection was made in the preliminary consultation stating the house did not have heritage significance and would interfere with the future development of the property as foreshadowed in the zoning of the land for medium-density housing. The objection submitted during the public exhibition raised similar issues.</p> <p>Detailed consideration has been given to this listing of this building. This is provided below, under the heading – <i>27 Hope Street Blaxland – Proposed Listing</i>.</p> <p>In summary, there is demonstrated community support within the Blaxland area for the proposed listing of 27 Hope Street. The building has been consistently recommended for listing since 2005. The inspection has confirmed the dwelling is worthy of listing, due to its historical and associational significance, its aesthetic significance, and its rarity values. The house is considered to have moderate historical significance in the statement of significance, but more importantly for its protection, the dwelling has high rarity value for Blaxland, and retains its original and fine aesthetic significance.</p>	<p>Proceed with the heritage listing</p>
<p>Woodford Memorial Park Group (including the railway footbridge) (WD010)</p>	<p>RailCorp as the asset owner made a submission requesting a heritage assessment be provided to confirm its heritage value, with a comparative heritage assessment of similar footbridges across the Blue Mountains area. The submission noted the poor condition, cost and safety issues, and its intention to remove the footbridge.</p>	<p>Continue with the proposed inclusion of the railway footbridge in the heritage listing for the Woodford Memorial Park Group</p>

	<p>In Stage 1 preliminary consultation, five (5) submissions were received in support of this modified listing to include the railway footbridge in the existing listing for the Woodford Memorial Park. This included a petition of 149 people including historical society members, heritage consultants and historians. This was sent to the relevant Minister and Chief Executive at Sydney Trains.</p> <p>A letter was received during the public exhibition period from the Chief Executive of Sydney Trains, and reiterates the intention of Sydney Trains and Transport for NSW to remove the footbridge due to it being unnecessary for pedestrian access across the railway.</p> <p>Sydney Trains is intending to conduct a community consultation exercise in the Blue Mountains. The public exhibition period will be from 14 September to 13 October 2020, via an online link to be published.</p>	
<p>Proposed new listing of Greaves Creek Dam, 4 Walls Cave Road, Blackheath (BH208), and Cascade Creek Dams, 100-130 Mort Street (K162)</p>	<p>WaterNSW acknowledged significance but expressed concern in Stage 1, and objected to the listings for operational reasons in the public exhibition. Sydney Water did not make any submissions in either stage.</p> <p>Extensive recent consultation has occurred with WaterNSW and Sydney Water (due to split ownership).</p> <p>The importance of the sites and their heritage significance to the Blue Mountains as part of the Blue Mountains Water Supply Group was acknowledged by all parties, but some concerns remained about creating the appropriate curtilage.</p> <p>It is agreed that the listings should proceed. At the time of writing there was continued discussion about the appropriate curtilage for these listings. As such, the mapping is currently proposed as 'dot' or 'point' on the relevant map. The final extent of the mapped curtilage will be determined between Council and Water NSW prior to submitting the planning proposal to the Department.</p>	<p>Proceed with the heritage listing with the final curtilage and mapping to be confirmed with WaterNSW prior to submission of the Planning Proposal to the Department</p>
<p>Existing listing of 23 Hope Street, Blaxland (part of BX011 Hargrave-Calver Group of Houses)</p>	<p>This is an existing listing for a group of houses with a robust heritage inventory sheet that details significance under several of the established heritage criteria. The site has an important historical connection to 27 Hope Street (referenced above), in terms of the ownership by prominent Anglican Reverends of the period.</p> <p>No statutory changes were proposed to this heritage item. The item was included in the Review to correct the captions attached to the images.</p>	<p>No changes proposed to the existing heritage item.</p>
<p>Emmanuel Anglican Church, 13 Honour Avenue, Lawson (LN013)</p>	<p>A submission was received objecting to the inclusion of the interiors in the listing description.</p> <p>The interiors are considered significant following inspection by Council's senior heritage planner.</p> <p>Recent consultation has occurred with no reply received from the owner at the time of preparing this report.</p>	<p>Proceed with the inclusion of the interiors in the listing description, with a qualifying descriptor.</p>

Christ Church Anglican Church, 345-347 Great Western Highway, Springwood (SP008)	<p>A submission was received objecting to the inclusion of the interiors in the listing description.</p> <p>The interiors are considered significant following inspection by Council's senior heritage planner.</p> <p>Recent consultation has occurred with no reply received from the owner at the time of preparing this report.</p>	Proceed with the inclusion of the interiors in the listing description.
Roma, 124 Wentworth Street, Blackheath (BH199)	<p>A submission was received objecting to the inclusion of the interiors in the listing description.</p> <p>The interiors are considered significant following inspection by Council's senior heritage planner.</p> <p>Recent consultation has occurred with no reply received from the owner at the time of preparing this report.</p>	Proceed with the inclusion of the interiors in the listing description.

27 Hope Street Blaxland – Proposed listing

A submission by way of objection was made in the preliminary consultation stating the house did not have heritage significance and would interfere with the future development of the property as foreshadowed in the zoning of the land for medium-density housing. The objection submitted during the public exhibition raised similar issues.

As per the resolution of Council at the 19 September 2017 Council meeting, a site visit of the property was carried out by Council's Heritage experts. Following this inspection and as detailed in Enclosure 1 (pages 59-60), it can be concluded that the building is a fine and well-maintained example of a Federation cottage from c.1907. The façade is extremely attractive with a solid but lightly ornamented timber valance spanning between the verandah posts on the L-shaped verandah. The building contains original joinery including several timber French doorsets opening onto the L-shaped front verandah, a large unique bay window with coloured multi-paned glass windows, and double-hung 12-pane timber windows. On this basis, it is Council's view that the house is in above-average condition and retains its authenticity and intactness as a highly attractive Federation cottage.

The house is a rare surviving example of an attractive and intact weatherboard house in Blaxland. The building age and construction period make the building very rare for Blaxland, particularly as a number of historic buildings have been demolished or burnt down during bushfires or other fires (heritage-listed 1 Hope Street destroyed by fire c.2004). The house at 27 Hope Street is a survivor from very early Blaxland, when only 88 people lived there. Aesthetic and rarity values are considered sufficient to warrant listing, beyond the historical information also adding to its significance.

27 Hope Street, Blaxland formed part of the *Springwood, Blaxland and Hazelbrook Core Village Areas Heritage Study*, by Ian Jack Consulting in association with Pamela Hubert, Colleen Morris and Siobhan Lavelle, from January 2005. The core village area of Blaxland was identified in the study as a key site for the location of inns along the Crossing, due to the meeting of Cox's Road and Mitchell's Pass in Blaxland. 27 Hope Street is within the core residential area of the Blaxland historic village.

The study states that this area is almost totally developed by two Anglican ministers early in the twentieth century. The Reverend Joshua Hargrave built a large family home, a study-museum, accommodation for guests, family and other parish members, and a hall to serve as a church with services conducted by the rector of Springwood. A significant number of these buildings remain today and under the local heritage listing BX011, being 23 Hope

Street, 14A-16A and 18 View Street. The study states that Hargrave's next door neighbour, Reverend Stubbin, another Anglican minister, former builder, used the house he probably erected with his professional skills as a holiday home for the first half of the twentieth century.

Thus the study area was an Anglican preserve for over 50 years. The proximity of 27 Hope Street to those properties listed under BX011 then owned by Reverend Hargrave and developed in the same period, c.1907, establish connections and context for the significance of the property. Questions regarding who built the house and when exactly it was constructed do not obscure the fact that it is an unusually- and finely-detailed house that is definitively from the Federation period (1900-1910). This can be extrapolated from the building's style, materials and details.

With regard to land zoning, the submission from the current owner has raised concern about the R3 zoning of the site and that this is incompatible with a heritage listing. The heritage listing of the site would not prevent future development of the land. Given the size of the site and location of the existing building, there is opportunity for this historic cottage to be retained and sympathetically incorporated as part of any future development.

Without a heritage listing, the building is at risk of demolition as complying development under state government policy. In such cases the Council would have no role in determining the value of the building before demolition occurs. Given the rarity of this surviving Federation cottage, this would be a significant loss to the heritage of Blaxland. Two other submissions were also received in support of the proposal, one being from the local historical society.

In summary, there is demonstrated community support within the Blaxland area for the proposed listing of 27 Hope Street. The building has been consistently recommended for listing since 2005. The recent inspection has confirmed the dwelling is worthy of listing, due to its aesthetic significance and its rarity values, as well as its historical and associational significance. Importantly, the dwelling has high rarity values for Blaxland, and retains its original and fine aesthetic significance.

Council-owned properties

Council's property department made a submission to the Stage 2 public exhibition, requesting that the interiors of affected properties be inspected, to assist in clarification of management changes. Note Council did not make a submission in Stage 1.

Sixteen (16) Council-owned properties were inspected to clarify the condition, integrity and values of the interiors. Twelve (12) of those properties are existing heritage items, and four (4) of the properties are proposed new heritage items under the Review.

The following properties are already listed as heritage items:

1. Mount Wilson Village Hall (MW010)
2. Mount Victoria Public Hall (Mt Vic Flicks) (MV049)
3. Blackheath Community Centre (BH171)
4. Katoomba Falls Kiosk (K059)
5. Wentworth Falls School of Arts (WF001)
6. Heatherbrae, Lawson (LN052)
7. Lawson Mechanics Institute (LN043)
8. Former Council Shire Offices, Lawson (LN027)
9. Former Electrical Substation, Lawson (LN031)
10. Athol, Lawson (LN056)
11. Police lockup, Manners Park, Springwood (SP026)
12. Braemar, Springwood (SP022)

The following properties are proposed new heritage items:

13. Former Leura Baths Kiosk (Solitary Restaurant) (K055) [a reinstatement of a former heritage item that was delisted under LEP 2005]
14. Early timber shop and former residence, 170-174 Leura Mall, Leura (LA103)
15. Former Falconbridge Uniting Church (FB022) [from the Falconbridge community heritage study 2005 – community suggested items]
16. Falconbridge Community Hall and Browett Park (FB024) [from the Falconbridge community heritage study 2005 – community suggested items]

Overall, it was found that interiors of these properties were exceptionally well-preserved, and maintained their heritage values and integrity, despite some being modest in nature. Where significant alterations had occurred, heritage values were largely maintained and alterations sympathetic. Maintenance standards varied from fair to excellent. The exercise highlighted the important role Council plays in preserving built heritage assets of the Blue Mountains, and the challenges in resourcing and programming upgrade works. The exception to the interiors listing proposal was the electrical substation at Lawson which had no significant interiors to be listed.

It is proposed that the words 'and interiors' be added to the 15 Council-owned properties that met the heritage criteria for the interiors to be included in the listing description. The outcomes of these inspections are included at Enclosure 1.

Outcomes from Stage 2 public exhibition

Outcomes from the Stage 2 public exhibition fall into the following categories, with further detail provided below:

- *Items removed from the Planning Proposal*
- *Changes to details in Schedule 5 of LEP 2015*
- *Changes to the heritage maps of LEP 2015*
- *Updates to inventory sheets*

Items removed from the Planning Proposal

Two proposed new items were deleted in the Stage 1 preliminary consultation. This was due to a better understanding of the two sites and their values, which concluded they did not meet the criteria for heritage listing. One further site was deleted as a heritage item, as consultation with the owner clarified that the building had been demolished due to dangerous dilapidation. These are:

1. Proposed new listing: Site of former railway corridor, (Wascoe Siding), 15 Grahame Street, Blaxland
2. Proposed new listing: Inverdeen including garden and English Oak, 53-55 Pritchard Street, Wentworth Falls
3. Existing listing: Weatherboard cottage (now demolished), 24 Station Street, Mount Victoria

In Stage 2, two further items are proposed to be removed from the proposal:

1. Proposed new listing: Simpson-Lee House, 23-27 Wynnes Rocks Road, Mount Wilson. Refer to previous comments regarding objection and rationale for exclusion.
2. Proposed new listing: St Columba's Grotto Tracks, St Columba's School, 168 Hawkesbury Road, Springwood. Refer to previous comments regarding objection and rationale for exclusion.

Schedule 5 of LEP 2015 changes

The Amendment requires that Schedule 5 Environmental Heritage of LEP 2015 be updated with the changes. A proposed updated version is included, with the changes identified (by strikethrough and underline) as 'Schedule 5 Environmental Heritage updated' at Enclosure 4.

Changes to heritage mapping of LEP 2015

Updates to mapping of items in the Review following the Stage 2 public exhibition were minimal with only a small number of mapping changes required. These changes were in response to the submissions.

The updated mapping is included at Enclosure 6.

Heritage inventory sheet updates

Based on the submissions received during the public exhibition, a significant number of inventory sheets were updated. This included:

1. Updating information about the interiors where these were inspected – adding description, significance, condition and assessment information
2. Updating and adding information where a Conservation Management Plan had been prepared for the building.
3. Adding additional photographs, including historic photographs and current photographs.
4. Correcting street address details and lot and DP information.
5. Making changes to listing descriptions where requested (for example removing ‘and interiors’ in some cases, making minor changes to wording where requested, for example, ‘Mount Vic Flicks’ to ‘Mount Victoria Public Hall’)

The inventory sheets are included at Enclosure 7 (Parts 1-5).

Further items included in the Review

The extended time period for the finalisation of the Amendment has allowed for a small number of other heritage items to be incorporated into the Review, to accommodate minor corrections and updates to inventory sheets at the request of those property owners.

No statutory changes to the LEP Schedule 5 or the associated mapping are proposed in these late items. The benefit of including them in the Review at this late stage is to ensure that the heritage inventory sheets are grouped with the set of changes to be notified to Heritage NSW for a large update of the heritage inventory sheets produced on the Heritage NSW online database.

Extensions of timeframe

The original time frame for the completion of the LEP Amendment was 12 months from the Gateway Determination, requiring completion by the 3 November 2018. However, due to the work on the Period Housing Conversion (Amendment 6), and the additional consultation requirements with property owners and stakeholders, a request was made and granted to extend the timeframe. The additional timeframe of a further 12 months was requested, and granted, extending the time for completion of the Heritage Review to 13 December 2019.

A second request to extend the deadline was made in October 2019, due to the required work on the Local Strategic Planning Statement and associated studies, requesting a further six months to complete the Amendment. This was granted by the Department on 28 November 2019, extending the time frame to 12 June 2020.

A third request to extend the timeframe was then made, due to the impacts of the bushfires of the summer of 2019, which delayed some aspects of the Review, and then the significant impacts of COVID-19, which caused delays due to changing working conditions. This was also granted on 7 July 2020, and permitted an extension until 30 October 2020. It is anticipated that no further extensions will be granted by the Department, and it is essential that the Planning Proposal be submitted by October 2020.

Deferred land from LEP 2015

Amendment 1 to LEP 2015

Some properties in the Heritage Review were also included in Amendment 1 to LEP 2015. This Amendment (No. 1) was made in June 2019. There are no further issues with these items.

Amendment 2 to LEP 2015 – the Living-Conservation zone and proposed R6 Residential Character Conservation zone

Certain land is currently excluded from LEP 2015 (the Living-Conservation zone of LEP 2005) and remains under LEP 2005 for the regulation of development. The resolution of this zone remains uncertain. A number of heritage properties identified for changes have been removed from this Amendment as they are within the Living-Conservation zone, and therefore not part of LEP 2015 and unable to be amended.

These properties will be incorporated into a future planning proposal to amend the Living-Conservation zone to a new zone. It is noted that these properties were included in the Stage 1 preliminary consultation process where targeted stakeholder consultation occurred with individual property owners.

Stage 2 public exhibition – documentation of outcomes

A large volume of material is included with this Council report, similar to that provided to the Council report of 19 September 2017, which reported on the outcomes of the Stage 1 preliminary consultation. An itemised list of attachments and enclosures is provided in a table at the end of this report.

With consideration for the volume of material and in the context of COVID-19 (with a focus on online interaction and engagement by all levels of government) all documents were made available on Council's website in advance of this report to Council. A limited number of hard copies were made available at Council headquarters in Katoomba and Springwood.

Following adoption of the final Planning Proposal

1. Should the final Planning Proposal be adopted by Council, it will be sent to the Department's planning portal, requesting that the Plan be made.
2. Once the Plan is made, Schedule 5 of LEP 2015 and the associated heritage mapping will be updated on the NSW Legislation website.
3. Council's City Planning staff will liaise with Heritage NSW to ensure that their online database is updated with the additional listings, and the modified listings, and that deleted item inventory sheets are removed.
4. Council's mapping, website and other information sources will be updated.

Sustainability Assessment

Effects	Positive	Negative
Environmental	Advancing the overall protection of items and areas of environmental and cultural heritage by clarifying the significance of existing heritage items, and granting statutory protection to new items.	

Effects	Positive	Negative
Social	<p>The community consultation and public exhibition has provided an opportunity for transparent communication interaction with the community, and the opportunity to reinforce the importance of heritage as a key element of the identity of the Blue Mountains. This is facilitating an increased awareness of the heritage significance of the Blue Mountains within the community.</p> <p>Support for the Review has been demonstrated in a significant number of positive submissions.</p> <p>Ongoing positive engagement with heritage property owners fosters a collaborative and accessible relationship with Council.</p> <p>Many community members including historians have made significant contributions to the information provided in the heritage listings, to improve accuracy, depth of information, and enhanced understanding of heritage significance. This is very positive for the community and Council in terms of understanding of heritage, and a collaborative approach to recording history.</p>	<p>Some community members have objected to changes in the statutory status of their property. Early contact, clear communication of issues and potential impacts, and continuing active consultation has reduced owner concerns and offset negative reactions to some degree.</p>
Economic	<p>Clarification of heritage significance and additional detail of significance of items provides greater certainty around development and management of items and provides for more efficient application processes.</p> <p>Some listings will provide the basis for access to funding opportunities and grant schemes.</p>	<p>Ongoing perceptions of some community members that regulatory requirements of a heritage listing may unreasonably restrict development.</p>
Governance	<p>Finalising the Heritage Review ensures Council is pursuing the priorities set out in the Community Strategic Plan and expressed within the aims of the LEP, to protect the environmental heritage of the Blue Mountains.</p>	<p>Nil</p>

Financial implications for the Council

The financial implications of the report recommendations are associated with the preparation of documentation for the planning proposal, which necessitates staff resourcing and use of approved operational budgets for 2019-2020. The inclusion of an additional four (4) heritage items under Council ownership has the potential for future financial implications and will need to be managed as part of the asset management framework.

Legal and risk management issues for the Council

In a summary of the two-stage process, the Stage 1 (non-statutory) public consultation has served to minimise risks associated with any errors or anomalies contained in current

heritage listings. The early phase of consultation has encouraged community involvement and ensured open and transparent communication.

The process of preparing, submitting and exhibiting a planning proposal to amend an LEP is mandated within the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation*.

The Stage 2 public exhibition process has now been carried out as required by the *Environmental Planning and Assessment Act 1979*. The process follows the State government requirements for making changes to an LEP and is part of Council's heritage management strategy.

Council has fulfilled its obligations in regard to making changes to Council's LEP.

External consultation

A high degree of consultation and continued engagement has occurred in this final stage of the Heritage Review, as detailed in the body of the report. All the required consultation with state agencies has been carried out, and any recommendations incorporated into the proposal.

Affected property owners, community members, historical societies, affected Aboriginal groups and affected state agencies have been consulted with in regard to specific and relevant parts of the proposal. Changes have been made to the proposal following consultation and continued active engagement.

The consultation with Traditional Owners and other Aboriginal groups in regard to proposed heritage changes. The process was successful and led to improvements to the relevant heritage documents.

The wider community consultation that is the subject of this report was carried out as best industry practice and although beyond the legislative requirements of preparing an LEP amendment is considered highly desirable. The process was successful and a number of positive outcomes have been achieved.

Conclusion

Stage 2 public exhibition has been successfully concluded, with a high level of community engagement, resulting in positive outcomes and recommended improvements to the heritage schedule. The submissions received during Stage 2 public exhibition have been reviewed in detail, with changes incorporated into the heritage documents.

Endorsement of the recommended changes and the final Planning Proposal is sought, in order to submit the updated heritage documents to the Department of Planning, Industry and Environment as a Planning Proposal to amend the heritage schedule and maps of LEP 2015 (Amendment 5 to LEP 2015).