

# Report

<b>Subject</b>	<b>Lismore Health Precinct Heritage Review</b>
<b>TRIM Record No</b>	BP17/1716:EF17/98-02
<b>Prepared by</b>	Strategic Planner
<b>Reason</b>	To obtain a Council resolution to support a Planning Proposal to include 6 built heritage items and 2 landscape heritage items (street trees) in Schedule 5 of the Lismore Local Environmental Plan 2012 for the purposes of seeking a Gateway Determination from the Department of Planning, Industry and Environment.
<b>Strategic Theme</b>	Our built environment
<b>Strategy</b>	Our land-use planning caters for all sectors of the community.
<b>Action</b>	Provide opportunities for community engagement in the preparation of land-use strategies and zone reviews.

## Executive Summary

On 12 July 2016, when Council resolved to adopt the Health Precinct Planning Proposal, part of the resolution included a request for Council's Heritage Adviser to undertake a review of the Heritage Study in Uralba Street and in the remainder of the hospital precinct area in the short term.

In accordance with this resolution, on 30 January 2017 Council commissioned a consultant to prepare the Lismore Health Precinct Heritage Review ('the Review'). The Review found that seven (7) built heritage items and two (2) landscape heritage items (street trees) had high local heritage significance. A copy of the Review document is included at Attachment 3.

On 29 May 2018, Council was briefed at a workshop about 4 possible options for implementation of the Review. Staff advised they would consult affected landowners prior to a report coming to Council. As such, in February / March 2019 all landowners in the Health Precinct area were sent a letter and fact sheet and were asked to complete a survey to nominate their favoured option. During this time, Council received five (5) written submissions and 38 surveys, the results of which are analysed in this report. These submissions are attached at Attachment 2.

The results of this community consultation were discussed at an additional Council workshop held on 6 August 2019. At the workshop staff discussed their recommended option and agreed to provide alternative options and resolutions for Councillors in this report.

In preparing a Planning Proposal (at Attachment 1) to include 6 built heritage and 2 landscape heritage (street trees) items in Schedule 5 of the Lismore Local Environmental Plan (LEP) 2012, staff have reviewed surveys and written submissions and the findings of the Review, along with Council's legislative obligations to protect and conserve heritage under the *Environmental Planning and Assessment Act 1979* (EP&A Act). One (1) property nominated for heritage 'listing' by the Heritage Review is not recommended for inclusion in Schedule 5 for reasons outlined in Table 2 of this report which relates to issues raised in written submissions.

It is recommended that Council support the Planning Proposal at Attachment 1 for the purposes of seeking a Gateway determination from the Department of Planning, Industry and Environment (DPIE).

## Recommendation

That Council:

1. support the Planning Proposal to include six (6) built heritage and two (2) landscape heritage (Fig trees and Canary Island palms) items in Schedule 5, Part 1 – Environmental heritage of the Lismore Local Environmental Plan (LEP) 2012 as detailed in Attachment 1 to this report for the purposes of seeking a Gateway determination. The locations of the six (6) built items are:
  - 90 Diadem Street, Lismore (Lot 3 DP 446862)
  - 62 Diadem Street, Lismore (Lot 1 DP 876256)
  - 136 Laurel Avenue, Lismore (Lot 3 DP 901128)
  - 42-42A Uralba Street, Lismore (Lot 1 & 2 DP 3634)
  - 54 Uralba Street, Lismore (Lot 4 DP 501396)
  - 47 Uralba Street, Lismore (Lot 402 DP 755718); and
2. forward the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) and request a Gateway Determination; and
3. confirms that staff are to proceed to public exhibition of the Planning Proposal based on the Gateway Determination and report back to Council with any issues as part of post-exhibition reporting of submissions.

## Background

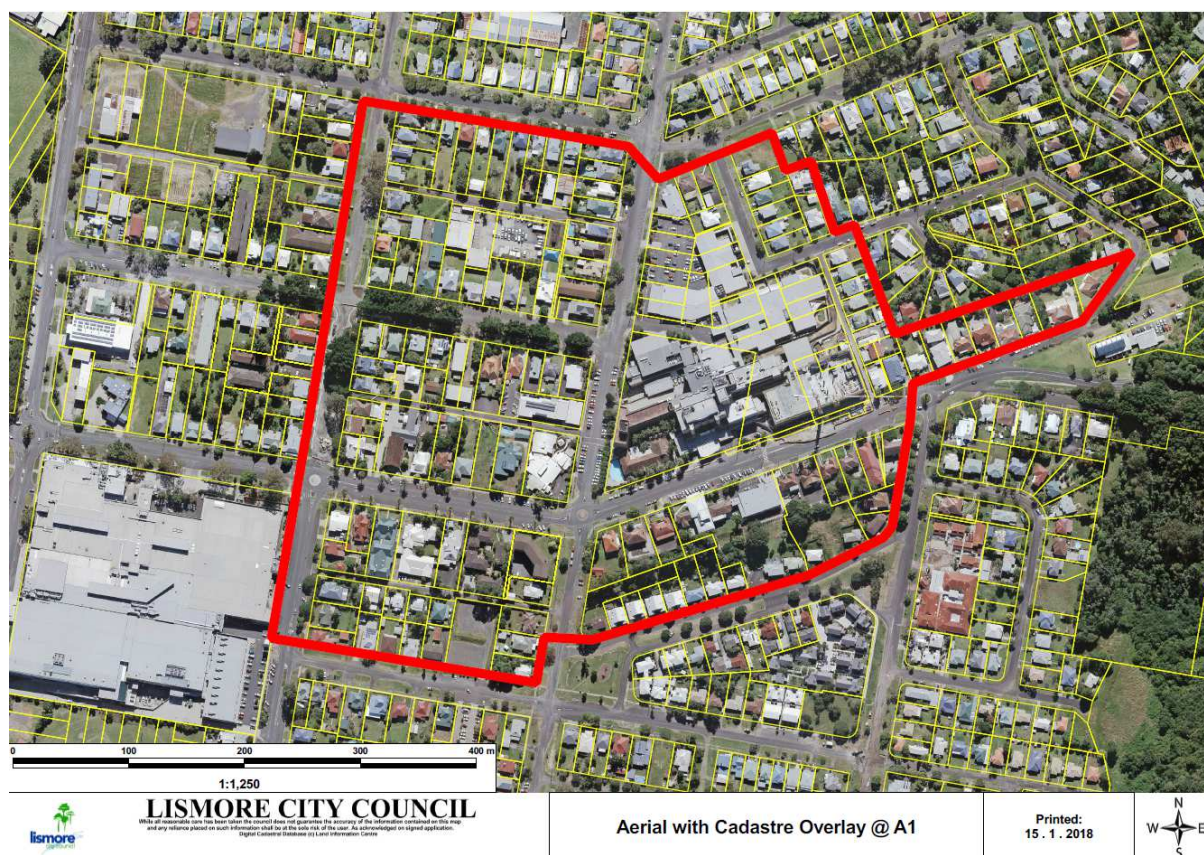
On 12 July 2016, when Council resolved to adopt the Health Precinct Planning Proposal, part of the resolution included a request that Council's Heritage Adviser undertake a review of the Heritage Study in Uralba Street and in the remainder of the hospital precinct area in the short term. This part of the Council resolution was made in response to a public submission received that suggested Council retain several significant heritage buildings in Uralba Street that were identified in the previous Lismore Heritage Study (1995).

In accordance with this resolution, on 30 January 2017 Council commissioned a consultant to prepare the Lismore Health Precinct Heritage Review ('the Review'). The scope of works was refined to include:

- a review of all heritage items (including buildings, works, places, relics, trees, objects or archaeological sites) within the Lismore hospital Precinct including items that were documented in the Lismore Heritage Study 1995 and items that were omitted from the Lismore Heritage Study 1995.

The scope of this Review was limited to European heritage with a review of Aboriginal cultural heritage comprising an extensive search of AIHMS (the Aboriginal Heritage Information Management System). The fieldwork conducted involved viewing properties from the street and appraising public locations, which meant that the interiors and private landscaped areas of properties have not been assessed as part of this Review.

Figure 1 shows the study area of the Review.



**Figure 1: Study area for the Lismore Health Precinct Heritage Review**

In preparing the Review, the methodology employed by the consultant included:

- a desktop review of all properties within the Hospital Precinct area that were documented in the Lismore Heritage Study 1995;
- discussions with the Richmond River Historical Society;
- a site visit to appraise the overall precinct including properties that were omitted from the 1995 Lismore Heritage Study; and
- an assessment of individual properties against (then) Office of Environment and Heritage guidelines and the principles of the Burra Charter.

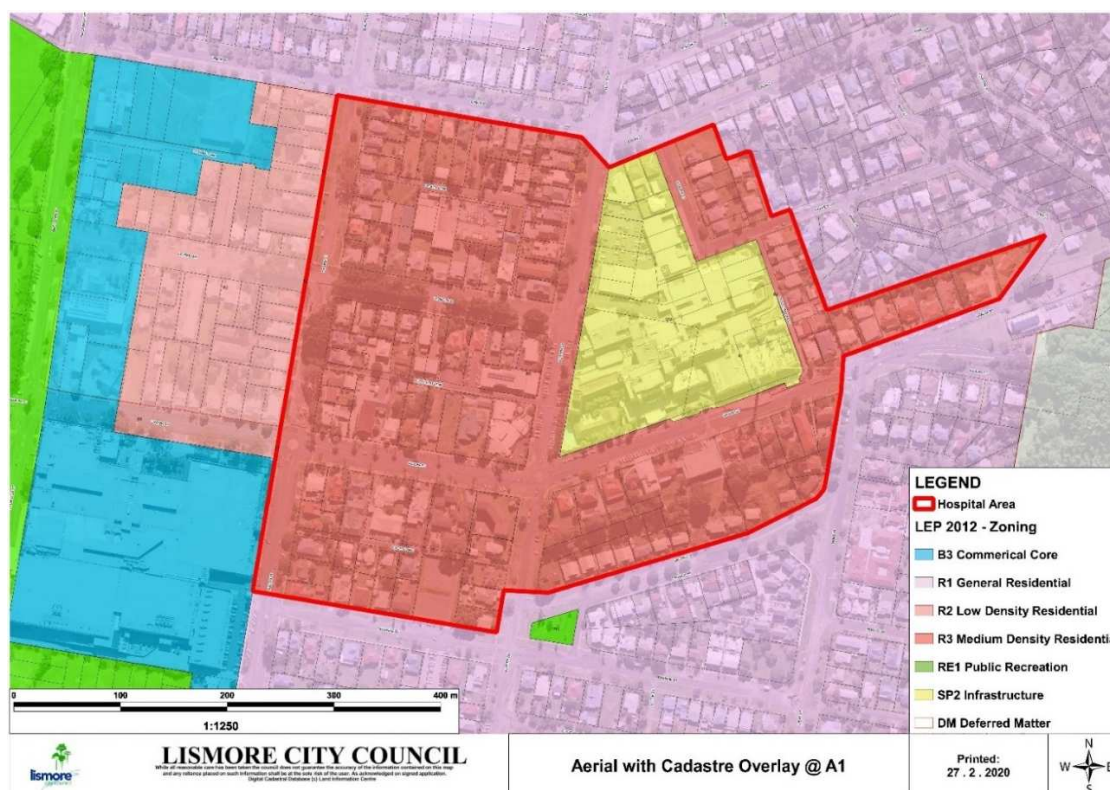
The Review found 9 items had a high degree of local historic significance and presented four (4) heritage management options. The findings and options were discussed at a Councillor briefing on 29 May 2018. This was following by consultation with affected landowners in February / March 2019, the results of which were discussed at an additional Council workshop held on 6 August 2019. At this briefing staff also discussed their recommended option.

This report provides a summary of the four (4) options considered and the submissions from property owners. The report recommends that Council proceed with Option 2, with the exclusion of one (1) property and, as agreed at the 6 August 2019 Council briefing, presents alternative resolutions should Council decide to pursue an alternative Option.

### **Zoning and heritage status of the study area**

The Lismore Health Precinct is zoned SP2 Infrastructure and R3 Medium Density Residential as shown in Figure 2.





**Figure 2: Existing Zoning of the Lismore Health Precinct**

Zone SP2 Infrastructure encompasses the Lismore Base Hospital. No building height limit applies to land within this zoning. The rest of the Health precinct is in Zone R3 Medium Density Residential which was introduced to encourage additional residential densities close to employment, transport, education and recreational facilities. This zoning is also aimed at supporting additional specialist medical practices and health services to be developed close to the Lismore Base Hospital. The height limit in this R3 zoned area allows development to a maximum of 16m except for the area south of Uralba Street and west of the Lismore Base Hospital where a 13m maximum applies.

There are currently no heritage items identified within the Lismore Health Precinct listed in Schedule 5 of the Lismore LEP 2012 ('Schedule 5'). This is despite 4 properties and 3 streetscapes (street trees) located in this precinct being identified in the LGA wide Lismore Heritage Study 1995. Staff undertook research and reviewed Council's hard copy and electronic files from the implementation of the 1995 Study; however, it is not clear why these items were not included in Schedule 5 of the LEP.

While there are currently no heritage items in the Health Precinct, a performance criterion in the DCP Chapter 1 – Residential Development applies to development of premises in Uralba Street containing or adjacent to a building identified as having local architectural significance in the Lismore Heritage Study 1995. The criterion aims to ensure new medium density development is sympathetic to the architectural significance of the place and local streetscape in recognition of the properties identified as having heritage significance in the 1995 Lismore Heritage Study.

While this performance criterion is aimed at achieving compatibility in design between new and existing development through specifying setbacks, stepping building height, roof forms and building materials, it does not afford the same statutory protection to a heritage item that listing in Schedule 5 of the LEP does.

If the Planning Proposal recommended in this report progresses through to adoption, the criterion will become superfluous and Chapter 1 will need to be amended to remove it.

## Findings of Lismore Health Precinct Heritage Review

The Heritage Review appraised and researched 31 items that were identified for further research and evaluation against the NSW Heritage Manual for Assessing Heritage Significance. Following that assessment, a total of 9 items, including seven (7) potential built heritage items and two (2) potential landscape heritage items (street trees) were *'deemed to be of high local historic significance and would benefit from additional statutory protection under the Lismore LEP 2012 and Heritage Act 1997'*.

The Review found that these 9 items had a high degree of local historic significance through an assessment against the NSW Heritage Manual criterion and that each item meets criterion A (Historical Significance), C (Aesthetic Significance) and G (Thematic Representation). The assessment of heritage significance for each item is contained in the Review document which is attached to this report at Attachment 3.

The Review presented four (4) heritage management options. The following section provides a summary of the four (4) options and their implications.

### Option 1 Built Form and Landscape Items Recorded

Option 1 would not change any planning controls. It would mean that Council would prepare State Heritage Inventory forms for the 31 items that were appraised and researched as part of the Review and request that these forms be published on the NSW Government State Heritage Inventory as *'recorded only'*. This information could then be used as a reference by landowners to understand the history and built form of their property.

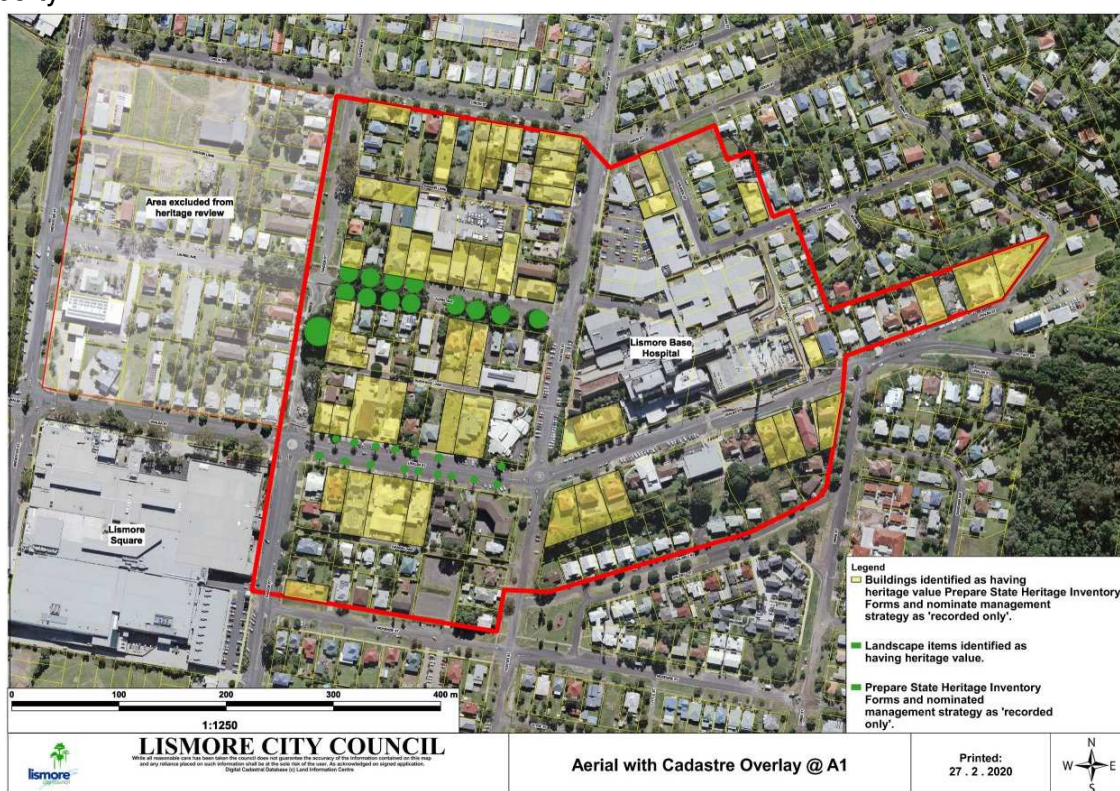


Figure 3: Option 1 – retain current planning controls with no heritage listings

#### Implications of Option 1

- Lowest level of statutory protection.
- Very limited statutory controls apart from s4.15 of the EP&A Act, which lists the matters for consideration when a development application is being determined, including the likely impacts of a development on the built environment.



- While this option may leave properties with identified high local heritage significance vulnerable to demolition or unsympathetic alterations / extensions without any statutory heritage protection, the potential for medium density development in the precinct will not change as heritage considerations will not be given a high degree statutory weight in the development assessment process.
- Note: The criterion in Chapter 1 of the DCP that requires development of premises in Uralba Street containing or adjacent to a building identified as having local heritage significance in the 1995 heritage study to be sympathetic to significance of the place and its contribution to local streetscape, could be retained if this Option is adopted.

### Option 2 Pursue Heritage Listing of Items of High Local Significance

Option 2 recommends the listing of seven (7) built and two (2) landscape (street trees) items that have high local significance in Schedule 5 of the Lismore LEP. These items are shown on Figure 4 below. The street addresses of the built items are:

- 90 Diadem Street, Lismore (Lot 3 DP 446862)
- 62 Diadem Street, Lismore (Lot 1 DP 876256)
- 136 Laurel Avenue, Lismore (Lot 3 DP 901128)
- 42-42A Uralba Street, Lismore (Lot 1 & 2 DP 3634)
- 54 Uralba Street, Lismore (Lot 4 DP 501396)
- 47 Uralba Street, Lismore (Lot 402 DP 755718)
- 129 Orion Street, Lismore (Lot 9 DP 17510)

The landscape items comprise the fig trees in Laurel Avenue and Diadem Street and the Canary Island palms in Uralba Street.



Figure 4: Option 2 - Heritage Listing items with Local Heritage Significance



## Implications of Option 2

- Any development, including removal or demolition, of a heritage item would require the consent of Council (with some exclusions) and be required to address Clause 5.10 of the LEP (Heritage Conservation) and Chapter 12 (Heritage Conservation) of the Lismore Development Control Plan as relevant.
- Under LEP Clause 5.10 (6), a Heritage Conservation Management Plan may also be required as part of the DA process for development of a heritage item, depending on the proposal and impact on heritage significance. This would add to the cost and complexity of assessing the development application.
- New development on properties that are in the 'vicinity' of a heritage item may also require a heritage management plan under Clause 5.10 (5) of the LEP. The purpose of this requirement is to assess the extent to which the proposed development would affect the heritage significance of the heritage item or area.
- Refusal by Council of an application to undertake development of a heritage item, including its removal or demolition, would impact on development potential of these sites. However, as it would affect 7 out of 181 properties, overall the impact on the potential of the health precinct to be developed for medium density residential and health related proposals would be minimal.

## Option 3 Pursue Heritage Conservation Area Over the Precinct

Option 3 would result in the whole Lismore Health Precinct being included as a Heritage Conservation Area in Schedule 5 of the Lismore LEP. The 31 items that were appraised and researched as having some degree of heritage significance in the Review would be 'contributory' items while the other properties (unshaded in Figure 5 below) in the heritage Conservation Area would be identified as 'non-contributory' items.

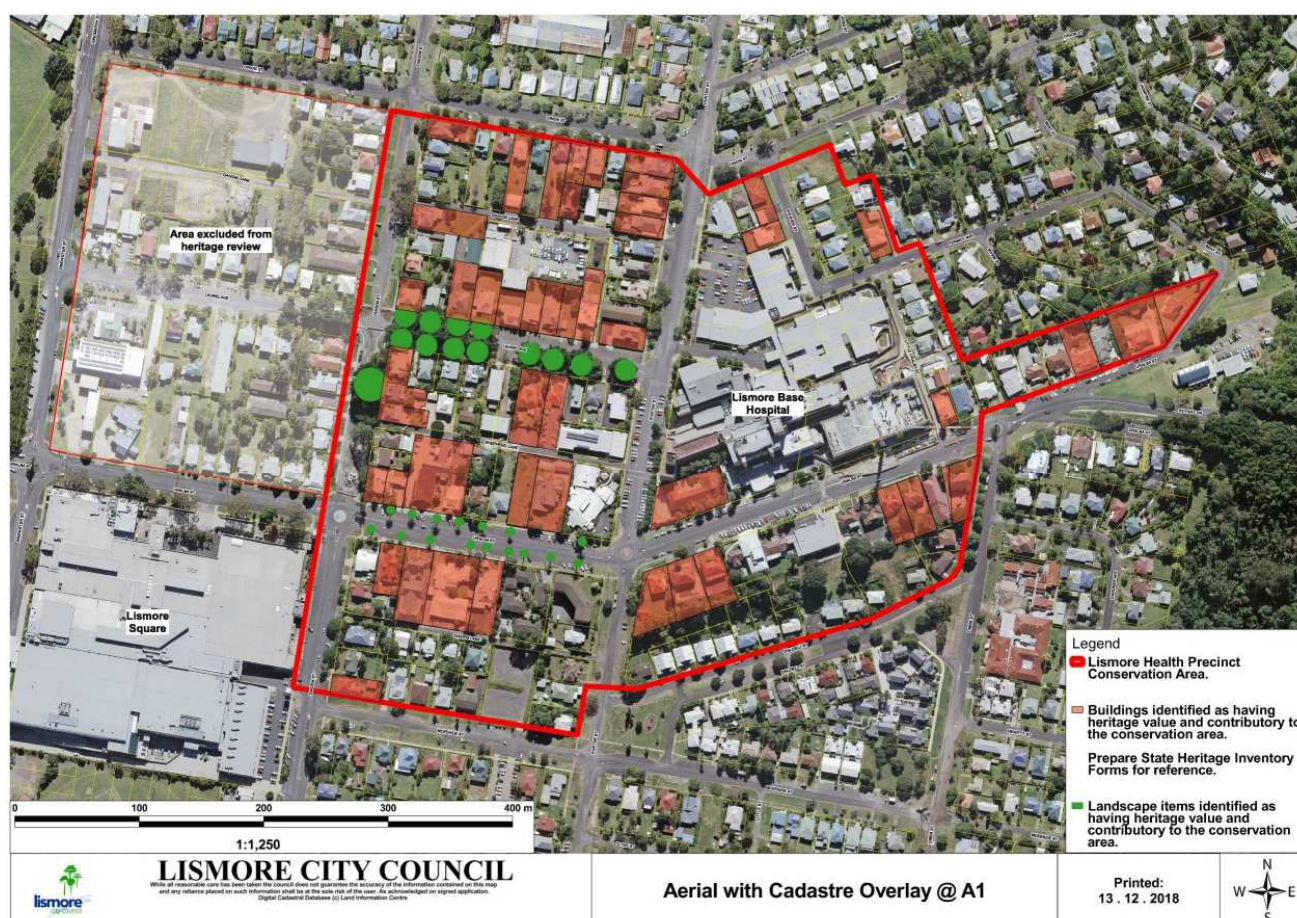


Figure 5: Option 3 - Heritage Conservation area over whole precinct



### Implications of Option 3

- Highest level of statutory heritage protection.
- DA required for removal of and works to *any* building or tree in the area subject to certain exemptions regardless of whether the property is contributory or non-contributory to the Heritage Conservation Area.
- Any DA required needs to address Clause 5.10 of the LEP (Heritage Conservation) and Chapter 12 (Heritage Conservation) of the Lismore Development Control Plan (DCP) as relevant.
- Under LEP Clause 5.10 (6), a Heritage Conservation Management Plan may also be required as part of the DA process for development of land that is within a heritage conservation area, depending on the proposal and impact on heritage significance. This would add to the cost and complexity of assessing the development application.
- Overly onerous and incompatible with the objective for increased medium density residential and health related development.
- DCP Chapter 12 (Heritage Conservation) may need updating to include the Health Precinct Conservation Area with specific precinct policies that future DA's would be assessed against.

### Option 4 – Pursue Heritage Listings and Conservation Area to Uralba Street

Option 4 proposes to heritage list seven (7) built and two (2) landscape (street trees) items that have high local significance (as per Option 2) as well as include Uralba Street as a Heritage Conservation Area in Schedule 5 of the Lismore LEP as shown in Figure 6.

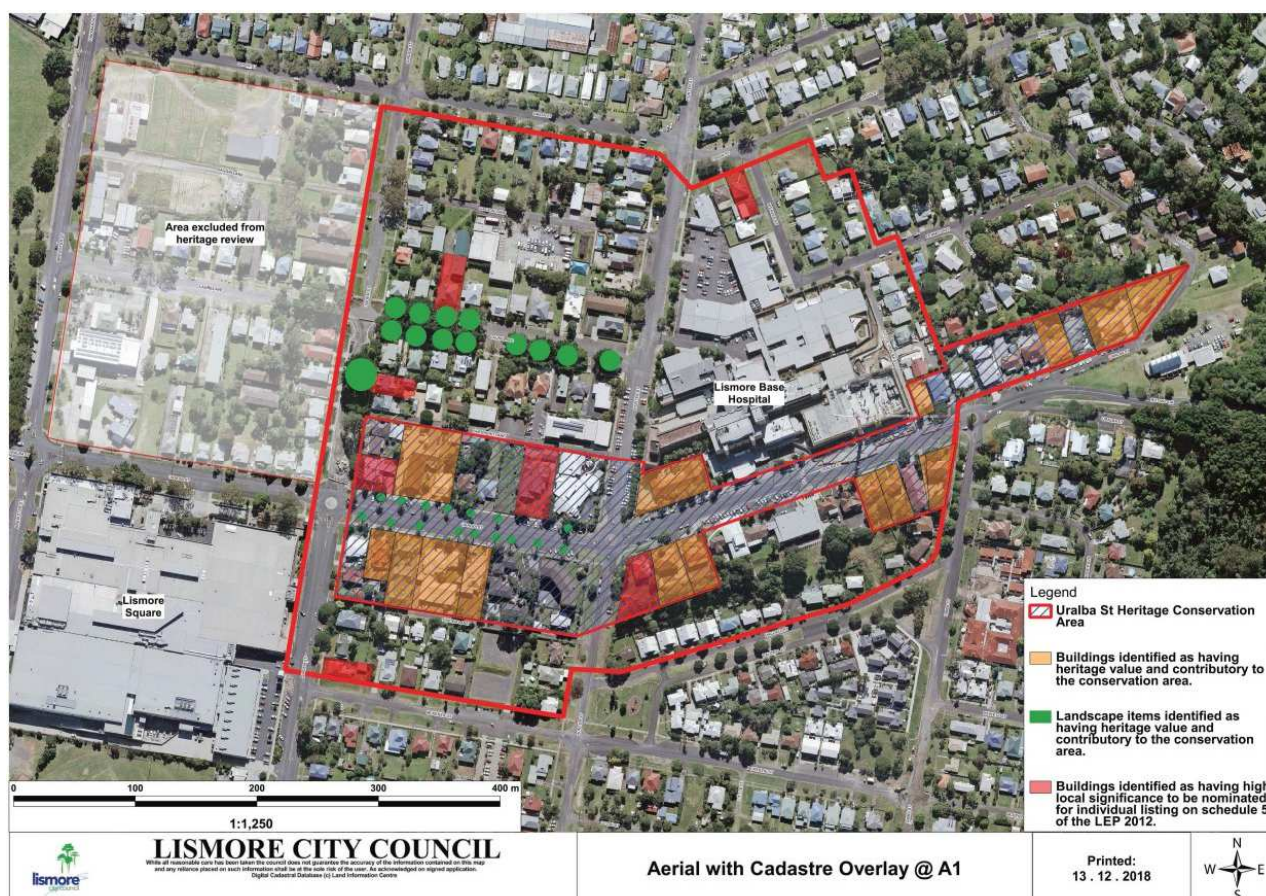


Figure 6: Option 4 – combination of individual heritage items and Heritage Conservation area on Uralba Street

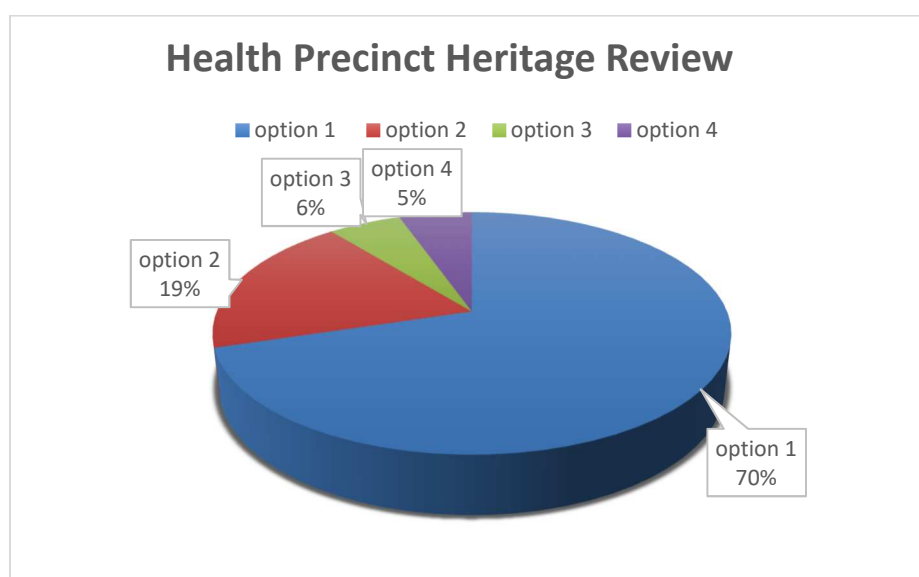


### Implications of Option 4

- Any DA to be assessed in compliance with Clause 5.10 of the LEP (Heritage Conservation) and Chapter 12 (Heritage Conservation) of the Lismore Development Control Plan as relevant.
- A DA is required for the removal of and works to *any* building or tree in the Uralba Street Conservation Area subject to certain exemptions regardless of whether the property is contributory or non-contributory to the Heritage Conservation Area.
- Potentially incompatible with development potential given existing and future health related development in Uralba Street central growth corridor.
- DCP Chapter 12 (Heritage Conservation) may need updating to include the Uralba Street Conservation Area with specific precinct policies that future DA's would be assessed against.

### Property Owner Consultation

On 31 January 2019, a letter was sent to all affected landowners in the Health Precinct regarding the Review and four alternative options available for implementation. A survey was set up online which gave people the opportunity to vote on their preferred option and 38 surveys were returned. The survey results are represented in Figure 7. Some landowners also chose to supply a written submission about the different options of which five (5) were received. Table 2 summarises the issues raised in submissions with a staff response. A drop-in session was also held on 2 March 2019 which was attended by seven (7) landowners.



**Figure 7: Results of survey on 4 options completed by affected landowners**

Figure 7 demonstrates that most respondents (70%) favoured Option 1. This would result in the lowest level of heritage protection where no statutory heritage controls would be applied, and the data contained in the Review would be available as 'Information Only' on the NSW State Heritage Register.

### Table 2: Issues raised in submissions

Submissions received from affected landowners relate to specific properties. As such, each issue raised is addressed separately. The full submissions are provided at Attachment 2 to this report.

Issue	Staff response
<ul style="list-style-type: none"> <li>Strong objection expressed to the properties at 129 Orion Street Lismore and 7 Weaver Street Lismore being 'heritage listed'.</li> </ul>	<ul style="list-style-type: none"> <li>Staff have assessed the merits of applying a heritage listing to both 129 Orion Street and 7 Weaver Street, Lismore.</li> <li>While it is acknowledged that 129 Orion Street was identified as having local heritage significance, the zoning of the property in Zone SP2 Infrastructure and the</li> </ul>

Issue	Staff response
<ul style="list-style-type: none"> <li>Preferred option is these properties not being part of the Lismore Heritage Review.</li> </ul>	<p>absence of any building height control on the land appears to be inconsistent with a heritage control that is aimed at protecting the heritage aspects of the site. The location of the site adjacent to the Lismore Base Hospital also means that the land has significant development potential.</p> <ul style="list-style-type: none"> <li>The combined effect of these factors makes a heritage listing more difficult to justify, therefore, staff are recommending that this property not be heritage listed.</li> <li>Option 3 is the only option that impacts 7 Weaver Street; however, this option is not favoured by staff. Option 2 which staff are recommending for implementation has no impact on 7 Weaver Street.</li> </ul>
<ul style="list-style-type: none"> <li>The Executive Committee of 'Our House' does not understand why 145 Laurel Ave has been identified as having any heritage significance and support its removal from the suggested options.</li> <li>An explanation is sought regarding the suggested heritage value of both 143 and 145 Laurel Avenue.</li> <li>In the absence of any explanation, the Board of Our House will object to any heritage listing being placed on either property.</li> <li>In the medium to long term it is likely there will be further development of the site to expand the Our House facility. The Board is considering acquisition of nearby properties.</li> <li>None of the 4 options are appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>The Director of 'Our House' made a submission dated 1 March 2019 during the public exhibition period and wrote an additional letter dated 9 July 2019.</li> <li>In response, staff have advised 'Our House' in writing that the Lismore Heritage Review assessed 143 and 145 Laurel Avenue as having some heritage value, but more so in a contributory sense in the context of Laurel Avenue, rather than presenting as having either a high or exceptional grading as individual listings.</li> <li>For this reason, whilst both bungalows were identified as having some contributory value if the precinct was being considered as a conservation area (option 3) or to be recorded only (option 1), the initial appraisal did not identify the bungalows for further investigation for individual listing. It is further noted that Options 2 and 4 would have no impact on either property.</li> <li>Overall, none of the 4 options proposed are likely to have an impact on the future development of the Our House site at 145 Laurel Avenue and there is nothing to prevent the future development of this site as a result of the heritage review.</li> </ul>
<ul style="list-style-type: none"> <li>Owners of 92 Uralba Street, Lismore suggest that the imposition of a heritage listing can only have a 'retarding' effect on future development by restricting usage and modifications.</li> <li>The description of the 3 dwellings at 90 + 92 Uralba Street and 33 Bent Street as 'a good representative group of interwar houses' is erroneous.</li> <li>It is unfair to burden private landholders with onerous burdens of heritage listings when government and semi-government institutions have largely destroyed the streetscape.</li> </ul>	<ul style="list-style-type: none"> <li>Although a heritage listing is aimed at protecting and conserving identified heritage significance, this planning control does not necessarily prohibit demolition or alternations and additions to heritage properties. Should a property be heritage listed, development consent may be required under Lismore LEP Clause 5.10 depending on the proposed works.</li> <li>Option 2 which staff are recommending Council adopt would result in a heritage listing for 6 private properties out of some 181 that were assessed in the Lismore health precinct. It is acknowledged that, if adopted, it has an impact on some individuals. However, this option is not considered to impose a significant obligation on landholders in the area and there is enough justification for the proposed heritage listings as detailed in the Lismore Heritage Review.</li> <li>It is a matter for Council to decide whether to implement the Lismore Health Heritage Review in accordance with the</li> </ul>



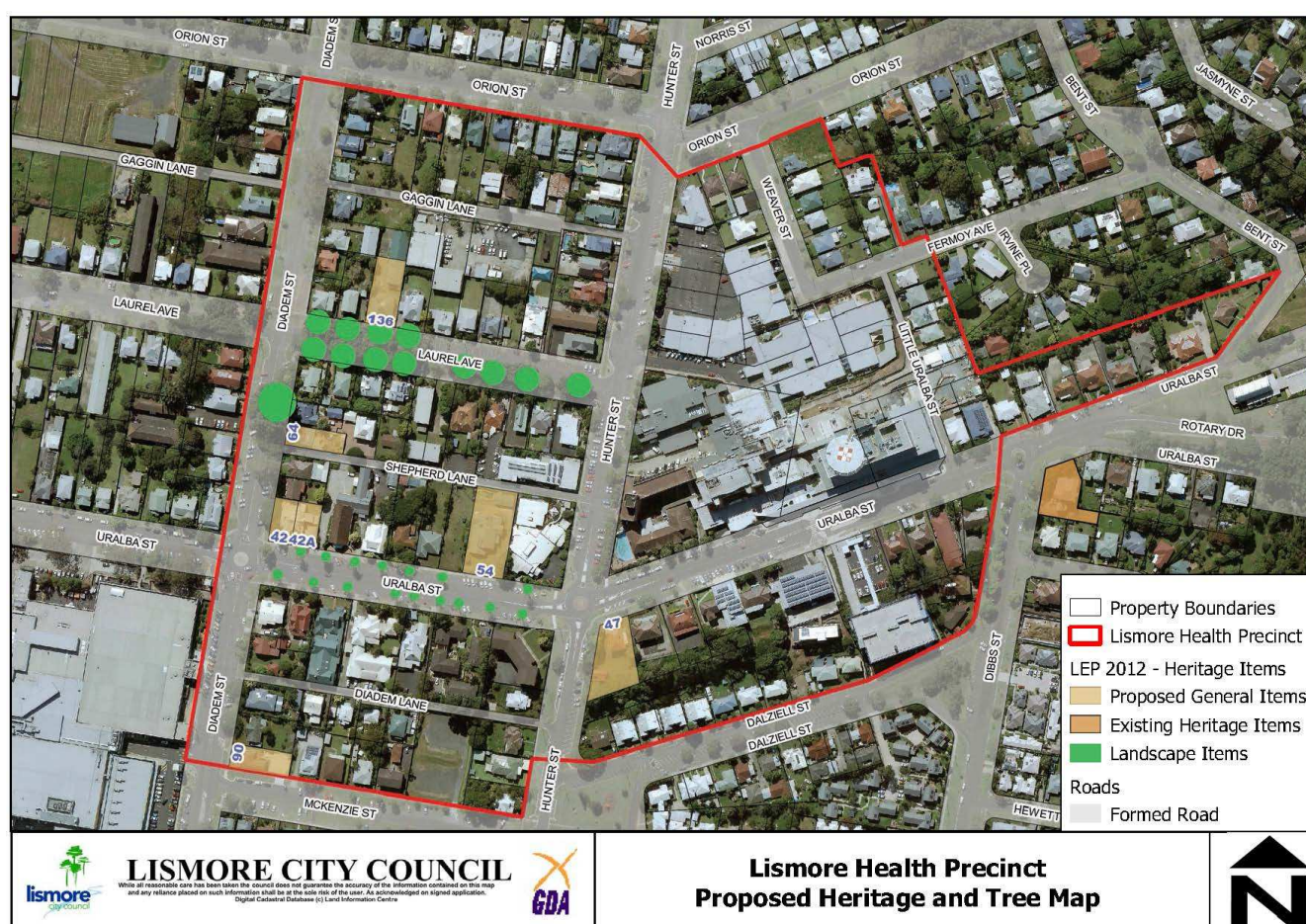
Issue	Staff response
<ul style="list-style-type: none"> <li>• Imposition of heritage controls on properties around the Lismore Base Hospital will create a situation where the only potential buyers will be the Health District, or the Sydney/Wollongong based Universities.</li> <li>• No further action should be taken with regard to the Lismore Heritage Review. It is unjustifiable to waste any further rate payers' funds on this matter.</li> </ul>	<p>recommendation outlined in this report or adopt an alternative resolution.</p>
<ul style="list-style-type: none"> <li>• Owners of 42 Uralba Street ('Brunswick House') favour Option 2 and would like the building protected from future development that may not be sympathetic to its design aesthetic.</li> </ul>	<ul style="list-style-type: none"> <li>• Staff support the implementation of Option 2 which identifies 42 Uralba Street ('Brunswick House') as having local heritage significance and recommends the property is heritage listed.</li> </ul>
<ul style="list-style-type: none"> <li>• Maintaining and conserving established trees and housing from past eras is important</li> <li>• Houses from the early years of Lismore's development are well constructed with timber of a quality rarely available today and an aesthetic that most modern housing today lacks.</li> <li>• The positive effects created by heritage zoning should not be underestimated i.e. it will increase housing values in heritage areas and help Lismore retain a connection to its past.</li> <li>• By protecting older buildings and trees Lismore can develop a sense of style that cannot be replaced or replicated easily. These factors are important in developing a happy, vibrant and cultured community.</li> </ul>	<ul style="list-style-type: none"> <li>• Council has legislative obligations to protect heritage under the EP&amp;A Act, Ministerial Direction 2.3 (Heritage Conservation) and the heritage provisions in the Lismore LEP (Clause 5.10 – Heritage Conservation) and Lismore DCP Chapter 12.</li> <li>• Both State legislation and local planning provisions recognise the importance of protecting and conserving heritage and its contribution to creating more liveable communities.</li> </ul>

## Recommended Option

Staff consider the most prudent approach to reach the appropriate balance between protecting heritage items and promoting medium density development in the Health Precinct area is reflected in Option 2, **excluding** the building at 129 Orion Street, Lismore for the reasons outlined in Table 1 above. This is largely consistent with the recommendations of the Lismore Heritage Review.

The Planning Proposal seeks to include the following properties in Schedule 5 of the Lismore LEP 2012. These are shown on Figure 8.

Suburb	Item Name	Address	Property description	Significance	Item no.
Lismore	House	90 Diadem Street, Lismore	Lot 3 DP 446862	Local	I105
Lismore	House	62 Diadem Street, Lismore	Lot 1 DP 876256	Local	I106
Lismore	House	136 Laurel Avenue, Lismore	Lot 3 DP 901128	Local	I107
Lismore	House ("Brunswick House")	42-42A Uralba Street, Lismore	Lot 1 & 2 DP 3634	Local	I108
Lismore	House	54 Uralba Street, Lismore	Lot 4 DP 501396	Local	I109
Lismore	House	47 Uralba Street, Lismore	Lot 402 DP 755718	Local	I110
Lismore	Street Trees (Fig Trees)	Diadem Street and Laurel Avenue, Lismore		Local	I111
Lismore	Street Trees (Canary Island Palms)	Uralba Street, Lismore		Local	I112



**Figure 8: Six (6) proposed built heritage items and two (2) proposed landscape heritage items (street trees)**

Although a majority (70%) of respondents to the survey favoured Option 1, this option is not supported because it would mean that Council may not meet its legislative obligations to protect heritage under the EP&A Act and properties with identified local heritage significance may remain vulnerable to unsympathetic additions or alterations or demolition.



It is considered that the recommended option achieves the appropriate balance between protecting heritage items with high local significance while at the same time it would not impede the development of medium density development that is allowed in the zone and encouraged in the Development Control Plan.

Perhaps the greatest impact on an individual landowner if their property is heritage listed is the risk that any DA to develop the property (whether it be alternations/additions, demolition, or removal of the building) may be refused by planning staff and/or Council on heritage grounds.

It is also noted that clause 5.10 of the Lismore LEP (Heritage conservation) allows the consent authority to require a heritage management document before granting consent to development *'on land that is within the vicinity'* of a heritage item, which could increase development costs for adjoining land owners. However, this requirement is discretionary and will be assessed on a case by case basis depending on the impacts the new development may have on existing heritage items.

It is noteworthy that the recommended option would result in six (6) built items being heritage listed out of a total of 181 properties in the Health precinct boundaries. Arguably, the impact of these 6 properties being heritage listed on the overall potential of the precinct area to be developed for medium density development is not considered to be substantial.

It is recognised that the dual objectives of protecting heritage items and promoting medium density development in the Health Precinct may appear incompatible; however, there is potential for each objective to complement each other through measures such as appropriate performance criteria in the DCP. If Council adopts a modified Option 2, an amendment to the Lismore DCP (Chapter 1 – Residential Development) to include some new performance criteria in recognition of the 6 built items with local heritage significance is recommended as discussed further in this report.

## Overview of the Planning Proposal

Table 3 below provides a summary of the Planning Proposal.

**Table 3: Summary of Planning Proposal**

Part	Requirements	Description of Planning Proposal
1	<b>OBJECTIVES OR INTENDED OUTCOMES</b>	The objective of the planning proposal is to implement the findings of the Lismore Health Precinct Heritage Review by including 6 built heritage items and 2 landscape items (street trees) into Schedule 5 of the Lismore LEP 2012.
2	<b>EXPLANATION OF PROVISIONS</b>	The planning proposal seeks to amend the following parts of the Lismore LEP 2012: <ul style="list-style-type: none"> <li>• Schedule 5 – Part 1 Environmental Heritage</li> <li>• Heritage Map sheet HER_005AB</li> </ul>
3	<b>JUSTIFICATION</b> <b>Section A- Need for the Planning Proposal</b> <i>Is the planning proposal a result of any strategic study or report?</i> <i>Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</i>	This Planning Proposal is the result of <i>Lismore Health Precinct Heritage Review ('the Review')</i> . This Review was commissioned following a Council resolution made on 12 July 2016.  A planning proposal to amend the LEP 2012 is the only way to include new heritage items in Schedule 5 of the Lismore LEP 2012.
4	<b>JUSTIFICATION</b>	The planning proposal is consistent with the North Coast Regional Plan 2036 - Direction 19: Protect

Part	Requirements	Description of Planning Proposal
	<p><b>Section B- Relationship to Strategic Planning Framework</b>  <i>Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?</i>  <i>Is the Planning Proposal consistent with the Council's local strategy or other local strategic plan?</i>  <i>Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPP)?</i>  <i>Is the Planning Proposal consistent with applicable s9.1 Ministerial Directions?</i></p>	<p>historic heritage. This direction specifically relates to heritage and contains the following action 19.2:</p> <ul style="list-style-type: none"> <li>• <i>Prepare, review and update heritage studies in consultation with the wider community to identify and protect historic heritage items and include appropriate local planning controls.</i></li> </ul> <p>This Planning Proposal implements this action by implementing a heritage study by amending relevant planning controls contained in the Lismore LEP 2012.</p> <p>The Planning Proposal is consistent with the Lismore Community Strategic Plan (CSP) 2017-2027 <i>Imagine Lismore</i> strategies to:</p> <ul style="list-style-type: none"> <li>• D3.2 Ensure a diverse range of land use and development opportunities are available</li> <li>• D3.4 Provide opportunities for community engagement in the preparation of land-use strategies and zone reviews</li> </ul> <p>This proposal is consistent with the relevant SEPP's as outlined in Attachment 1.</p>
5	<p><b>JUSTIFICATION</b>  <b>Section C- Environment, Social and Economic Impact</b>  <i>Is there any likelihood that critical habitat of threatened species, populations or ecological communities or their habitats, will be adversely affected as a result of the proposal?</i>  <i>Are there any likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?</i>  <i>Has the Planning Proposal adequately addressed any social and economic effects?</i></p>	<p>The Planning proposal will not affect any critical habitat or threatened species, population or ecological communities or their habitats. The Planning Proposal will result in the protection of 2 landscape items, being street trees on Laurel Avenue (Fig trees) and Uralba Street (Canary Island Palms) which will have a positive impact on the urban environment, including the protection of habitat for various bird species in these streets.</p> <p>It is not considered that the Planning Proposal will have any likely environmental effects as it only relates to heritage matters.</p> <p>The Planning Proposal is considered to have positive social impacts through increased local heritage protection of built and landscape items. A social impact assessment is not triggered by this Planning Proposal according to Council policy. With regard to economic impacts, it is considered that the Planning Proposal will not have any significant effect on economic factors. Landowners of heritage items listed in Schedule 5 of the LEP 2012 may apply for grant funding to undertake maintenance and improvement works.</p>
6	<p><b>JUSTIFICATION</b>  <b>Section D - State and Commonwealth Interests</b>  <i>Is there adequate public infrastructure for the Planning Proposal?</i>  <i>What are the views of State and Commonwealth public</i></p>	<p>The Planning proposal is not expected to place additional demands on public infrastructure in the Lismore LGA.</p> <p>It is expected that this LEP Amendment will be referred to the NSW State Heritage Branch (Department of Premier and Cabinet). However, Consultation requirements will be outlined in the Gateway Determination which will be carried out accordingly.</p>



Part	Requirements	Description of Planning Proposal
	<i>authorities consulted in accordance with the Gateway Determination?</i>	
7	<b>MAPPING</b>	It is proposed to amend: <ul style="list-style-type: none"> <li>Heritage Map sheet HER_005AB</li> </ul>
7	<b>COMMUNITY CONSULTATION</b>	A 28-day community consultation period is recommended but this will be confirmed in the Gateway determination.
8	<b>PROJECT TIMELINE</b>	Recommendation of approximately 9 months to complete. Refer to Attachment 1 for detail.
9	<b>DELEGATIONS</b>	Recommendation for Council to exercise plan making delegations.

## Local Environmental Plan Maps

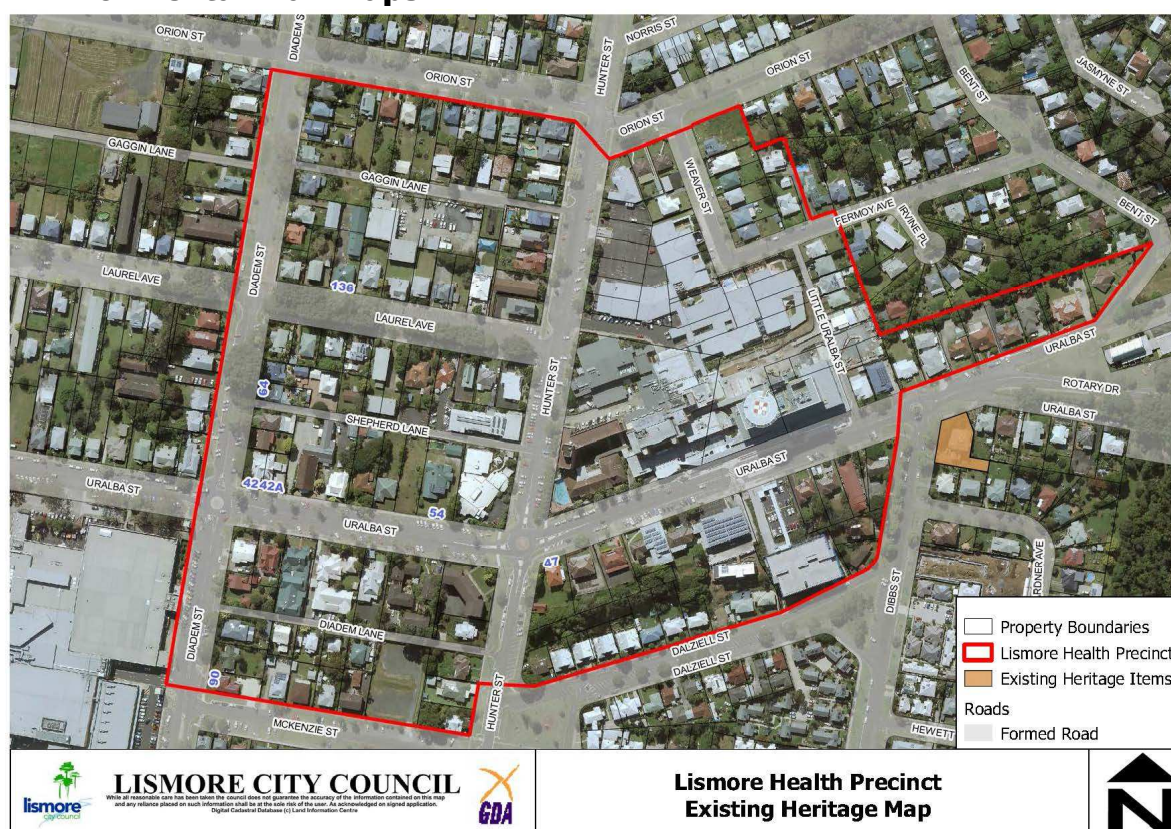


Figure 9: Existing Heritage Map – Lismore Health Precinct



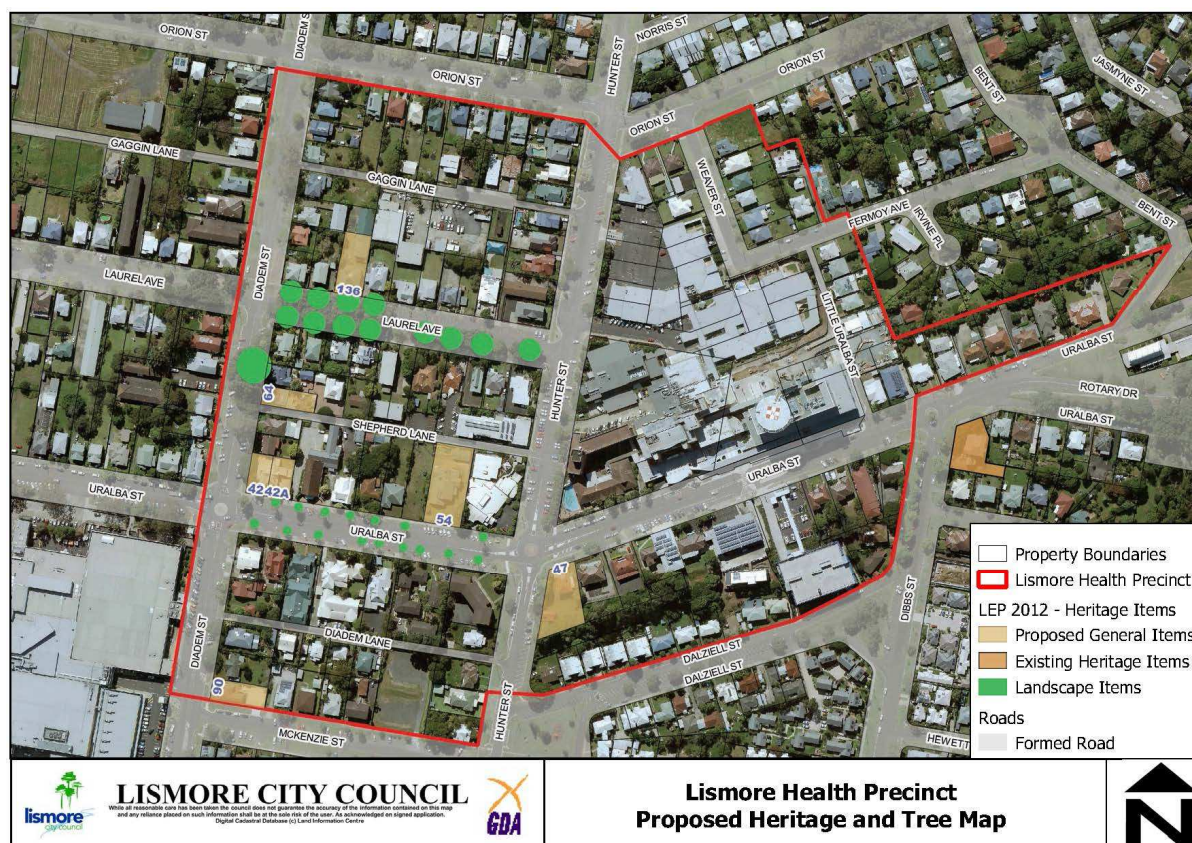


Figure 10: Proposed Heritage Map - Lismore Health Precinct

### Amendments to Development Control Plan

If Council adopts the attached Planning Proposal, it is recommended that amendments to the Development Control Plan – Chapter 1 Residential Development (the Lismore Health Precinct section) be introduced. The aim of these amendments is to adequately manage the new heritage listings in the Lismore Health Precinct with development controls for new development that focus on retaining good urban design, streetscape and heritage conservation outcomes. It is recommended that two new performance criteria are introduced for *development within proximity of heritage items* and the *adaptive reuse of a heritage building*.

The aim of the performance criteria *development within proximity of heritage items* is to ensure that new development which adjoins or is within the vicinity of a heritage item does not detract from the identified significance or setting of the heritage item. Moreover, the performance criteria relating to the *adaptive reuse of a heritage building* is intended to ensure that where identified heritage items are proposed to be converted to an alternate use, the change is compatible and sympathetic to the significance of the heritage building and its fabric is not compromised.

These amendments to Chapter 1 of the Lismore DCP would complement and support the principles of Lismore LEP Clause 5.10 (Heritage Conservation) and will come back to Council for review if the Planning Proposal is endorsed and proceeds to the Gateway stage.

### Comments

#### Finance

Finance notes the report and believes there is no material financial impact on Council.



## Other staff comments

Not applicable.

## Public consultation

Initial consultation has occurred with property owners in the Health Precinct. All affected property owners will be further notified in writing of Council's intention to include the six (6) built heritage items in Schedule 5 of the LEP 2012 should a Gateway Determination be issued by the Department of Planning, Industry and Environment. A copy of the draft statement of heritage significance for each individual property will also be supplied. This process may also prove beneficial to gaining more local historical information associated with each property should landowners contribute additional knowledge and historical evidence regarding their property.

Public consultation requirements will be confirmed in the Gateway Determination. A twenty-eight (28) day public exhibition period is appropriate. Notification of the exhibited Planning Proposal will include:

- A notice in Local Matters.
- The website of Lismore City Council and the Department of Planning, Industry and Environment.
- Correspondence to landholders adjoining proposed Heritage Items.

The written notice will:

- Provide a brief description of the objectives or intended outcomes of the Planning Proposal.
- Indicate the land that is the subject of the Planning Proposal.
- State where and when the Planning Proposal can be inspected.
- Provide detail that will enable members of the community to make a submission.

Exhibition Material:

- The Planning Proposal, in the form approved for community consultation by the Director General of the Department of Planning, Industry and Environment.
- The Gateway Determination.
- The Heritage Review.

## LEP delegations

Council resolved at its Ordinary meeting of 11 December 2012 to accept the delegations which enable Council to process the final stages of a planning proposal (LEP amendment). The delegations only extend to routine LEPs. The Department will determine delegations as part of the Gateway determination.

## Alternative Options

The Lismore Health Precinct Heritage Review provided four (4) options that are outlined in an early section of this report. The Review and this report recommend that Council adopt a modified Option 2, which would result in 6 built items and 2 landscape items (street trees) being included in Schedule 5 (Environmental Heritage) of the Lismore LEP as follows:

### Staff Recommendation: Heritage Review Option 2 (as modified)

That Council:

1. support the Planning Proposal to include six (6) built heritage and two (2) landscape heritage (Fig trees and Canary Island palms) items in Schedule 5, Part 1 – Environmental heritage of the Lismore Local Environmental Plan (LEP) 2012 as detailed in Attachment 1 to this report for the purposes of seeking a Gateway determination. The locations of the six (6) built items are:
  - 90 Diadem Street, Lismore (Lot 3 DP 446862)
  - 62 Diadem Street, Lismore (Lot 1 DP 876256)
  - 136 Laurel Avenue, Lismore (Lot 3 DP 901128)

- 42-42A Uralba Street, Lismore (Lot 1 & 2 DP 3634)
  - 54 Uralba Street, Lismore (Lot 4 DP 501396)
  - 47 Uralba Street, Lismore (Lot 402 DP 755718); and
2. forward the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) and request a Gateway Determination; and
  3. confirms that staff are to proceed to public exhibition of the Planning Proposal based on the Gateway Determination and report back to Council with any issues as part of post-exhibition reporting of submissions.

## **Alternative Council Resolutions**

At the briefing on 6 August 2019, Councillors requested that alternative resolutions be provided should Council support a different option to that recommended by staff. The other three (3) options presented in the Heritage Review (Option 1, 3 and 4) are provided below along with the alternative resolutions for Council's consideration.

**Heritage Review option 1:** Request that the information recorded in the Lismore Health Precinct Heritage Review be included on the NSW State Heritage Inventory for 'information only'. This option does not impose any statutory heritage controls on any property in the subject area.

### **Alternative resolution 1:**

That Council:

1. Prepare State Heritage Inventory forms for the 31 items identified in the Lismore Health Precinct Heritage Review and nominate as 'recorded only' and forward this information to the NSW Department of Premier and Cabinet - Heritage Division.

**Heritage Review option 3:** Prepare a Planning Proposal to include the entire Lismore Health Precinct area in a Heritage Conservation Area in Schedule 5 (Environmental Heritage) of the Lismore LEP. This option would result in the highest level of statutory heritage protection being applied to buildings and landscape items in the in the subject area. Development consent would be required for removal of and works to all built items in the area subject to Clause 5.10 of the Lismore LEP, although some exemptions may apply to certain works.

### **Alternative resolution 2:**

That Council:

1. Prepare a Planning Proposal to include the entire Lismore Health Precinct area in a Heritage Conservation Area in Schedule 5 (Environmental Heritage) of the Lismore LEP.
2. Forward the Planning Proposal to the Department of Planning, Industry and Environment and request a Gateway Determination
3. Confirms that staff are to proceed to public exhibition of the Planning Proposal based on the Gateway Determination and report back to Council with any issues as part of post-exhibition reporting of submissions

**Heritage Review option 4:** Prepare a Planning Proposal to include 6 built and 2 landscape (street trees) heritage items and Uralba Street in a Heritage Conservation Area in Schedule 5 (Environmental Heritage) of the Lismore LEP. The first part of this option would result in a similar outcome to Option 2, but with an additional Heritage Conservation Area over Uralba Street. Development consent would be required for removal of and works to all built items in the Uralba Street Conservation Area subject to Clause 5.10 of the Lismore LEP, although some exemptions may apply to certain works.

### **Alternative resolution 3:**

That Council:

1. Prepare a Planning Proposal to include 6 built and 2 landscape (street trees) as heritage items, and the part of Uralba Street identified by the Heritage Review as a heritage conservation area in Schedule 5 (Environmental Heritage) of the Lismore LEP.



2. Forward the Planning Proposal to the Department of Planning, Industry and Environment and request a Gateway Determination
3. Confirms that staff are to proceed to public exhibition of the Planning Proposal based on the Gateway Determination and report back to Council with any issues as part of post-exhibition reporting of submissions.

## Conclusion

The Planning Proposal aims to implement the recommendations of the Lismore Heritage Review. This Review was prepared following a Council resolution to investigate the heritage aspects of the Lismore Health Precinct following its rezoning to medium density residential.

Staff consider that the Planning Proposal achieves an appropriate balance between the dual objectives of protecting built and landscape items with identified high local significance while promoting medium density development in this precinct.

An initial process of community consultation with all landowners located in the Lismore Health Precinct has occurred to date. The views submitted to Council in surveys, written submissions and at a community drop-in session have been considered by staff.

It is recommended that Council support the Planning Proposal at Attachment 1 and forward it to the Department of Planning, Industry and Environment for a Gateway Determination.

## Attachment/s

- |  |                |
|--|----------------|
| 1. Planning Proposal                       | (Over 7 pages) |
| 2. Property owner submissions              | (Over 7 pages) |
| 3. Lismore Health Precinct Heritage Review | (Over 7 pages) |