

## **Submission to Regional Team: Objection to proposed heritage conservation area.**

Following Council's request to the Department to finalise the draft LEP in November 2017, the Department received an additional submission on 23 November 2017 objecting to the proposal (**Attachment F, F1 and F2**).

The submission raises concerns over the number of contributory items in the area, noting buildings/lots are rated differently (i.e. contributory/neutral/detracting) by different studies, including:

- Perumal Murphy Alessi Study and Review (Council commissions study and review); and
- Architectural Projects (July 2017) (privately commissioned).

The submission reviews a number of Council identified contributory buildings, noting that they are instead neutral or detracting.

The submission also included two letters (prepared by DFP Planning consultants and Urbis consultants) that countered Council's supporting studies and assessment of the original exhibited conservation area. The two letters state the planning proposal has insufficient contributory items to warrant a local heritage listing.

### **Response**

The reduced heritage conservation area boundary (**Attachment Revised Boundary**) addresses issues raised regarding the number of contributory items. Council re-reviewed the area in-light of submissions made (including post exhibition site inspections) and reduced the proposed area.

The submission also draws attention to a number of other contributory items within the revised heritage conservation area that it deems as neutral or detracting, and that the area does not satisfy Council's original criteria of having more than 50% contributory items. Many of these items have been addressed in detail in Council's 'Submission summary table' at the rear of Council's submissions report (**Attachment E**). Council has demonstrated a critical and specific review of these contributory items in the revised boundary area.

The Regional Team undertook a site inspection of the area on 4 December 2017. The classification of buildings as contributory, neutral and detracting is a difficult matter and involves a number of specific considerations such as materials, colour palette, landscaping, and architectural features. The Department acknowledges that Council is the local authority on local heritage significance, having used its criteria to locally heritage list items and conservation areas in its local environmental plan. Further, it is noted that the Office of Environment and Heritage were consulted, and no objections were raised.

The submission's concern regarding the adequacy of the Perumal Murphy Alessi Study and the Architectural Projects counter-study have been previously reviewed by the Department. In response, the Gateway determination required Council:

*“to conduct a review of the supporting Perumal Murphy Alessi Heritage Study prior to community consultation, and amend the planning proposal accordingly, to address the result of the site inspections undertaken by Council officers and the findings of the Architectural Projects Study. The review study, and amended planning proposal, is to be forward to the Department for approval prior to community consultation”.*

Council prepared a review and amended the proposal (**Attachment B**). The Department was satisfied with the review and that the amended proposal was suitable for public exhibition (**Attachment C1**).

Council were also notified of the late submission and asked for comment. Council responded on 7 December 2017 (**Attachment F3**) adequately addressing the ratings given to individual properties within the proposed heritage conservation area to support the proposal. Council also notes that there is no standard numerical threshold applied to identifying heritage conservation areas as a far more nuanced and complex assessment is required. Council concludes that a heritage conservation area is the culmination of many factors including streetscape, setting, gardens and street verges, street alignment, subdivision patterns, visual catchment and vistas and building stock and that this has been demonstrated for the subject area through the Perumal Murphy Alessi study. This approach is considered appropriate and is supported.