

ITEM NO: 19

SUBJECT: PERIOD HOUSING CONVERSION

FILE NO: F11178 - 18/218447

Delivery Program Link

Principal Activity: Using Land

Service: Land Use Management

Recommendations:

1. *That the Council adopts the updated Planning Proposal for draft Amendment 6 to LEP 2015 (the "draft Planning Proposal") in Enclosure 1;*
 2. *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 Plan and supporting documents;*
 3. *That the Council delegates to the General Manager 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;*
 4. *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;*
 5. *That the Council refers the draft Planning Proposal and draft LEP maps to the Greater Sydney Commission requesting the making of the plan in accordance with the provisions of Section 3.35 of the Environmental Planning and Assessment Act, 1979;*
 6. *That the Council prepares a draft amendment to the Development Control Plan 2015 for changes arising from the commencement of the draft Planning Proposal in accordance with Section 3.43 of the Environmental Planning and Assessment Act, 1979 to be reported to Council for endorsement for the purpose of public exhibition; and*
 7. *That the Council resolves to notify all affected property owners when draft Amendment 6 to LEP 2015 is made, and to include in the notification the two fact sheets (Attachment 1).*
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Report by Director, Development & Customer Services:**Report Summary**

Public exhibition of draft Amendment No. 6 (Period Housing to Heritage Conservation Area) to Local Environmental Plan (LEP) 2015 (the draft Planning Proposal) was conducted from 30 May to 11 July 2018. This report provides a review of the submissions received and the issues raised, and details subsequent changes made to the draft planning proposal.

The report seeks endorsement of the updated draft planning proposal (Enclosure 1), including accompanying maps and supporting material. The updated draft planning proposal will then be sent to the Greater Sydney Commission (GSC) requesting that it be made.

Background

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

Council is currently progressing a significant body of heritage work to update Council's LEP 2015. This consists of proposed Amendment 5 to LEP 2015 (the Heritage Review) and this planning proposal, Amendment 6 to LEP 2015, the Period Housing Conversion. This work is part of Council's ongoing strategic directive 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.

During the preparation of the Standard Instrument LEP for the Blue Mountains (adopted as LEP 2015) the Council was required by the Department of Planning and the Environment (the Department) to convert existing Period Housing Areas into heritage conservation areas. However, due to the extent of work required for these areas to be meaningfully reviewed, and the time limit to prepare the LEP, this conversion could not occur as part of LEP 2015. Consequently, the Period Housing Area clauses were carried over into LEP 2015, with a 'sunset clause' imposed by the Department that required the conversion of the Period Housing Areas into heritage conservation areas by 16 February 2019. Council is required to make the conversion to heritage conservation areas by this time to retain protections against demolition and loss of character. It is this work that forms the draft Planning Proposal.

Supporting studies

To inform the conversion process, Council commissioned a pair of complementary reports, in 2014 and 2018, to assess the heritage value of the existing Period Housing Areas. The studies assessed the values of the Period Housing Areas in terms of the standard NSW heritage criteria of the NSW Heritage Council.

The Period Housing Review Report by Paul Davies and Associates Heritage Consultants in 2014 found that the majority of the existing Period Housing Areas were substantially intact and had high values for conversion to heritage conservation areas. Preliminary investigations indicated the potential for future expanded boundaries to the HCAs.

The 2018 Contributory Mapping Study by Robyn Conroy Heritage Consultant reviewed the 2014 preliminary boundary recommendations for the proposed heritage conservation areas, and carried out extensive fieldwork to assess the contributory values of properties within the proposed boundaries. The study also confirmed the values remained intact in the intervening period between the reports. Recommendations were made for future expansions of the heritage conservation areas.

The 2018 study will be reviewed to inform a future amendment to DCP 2015 by the provision of contributions mapping of HCAs to help understand values and guide development. This is consistent with the approach taken by a number of other Sydney councils, including North Sydney, City of Sydney, Woollahra and Ku-ring-gai Councils. The report will be subject to peer review and proposals to include contributory mapping in the DCP will be the subject of further community consultation. Further detail on future DCP amendments is provided below.

Current proposal

The current proposal is a planning proposal to amend LEP 2015. Amendment 6 of LEP 2015 proposes the addition of 17 new heritage conservation areas (HCAs) to the Heritage Conservation maps and to Schedule 5 of LEP 2015. This will ensure ongoing protections for these heritage-significant areas once the Period Housing provisions are repealed in February 2019, when all Period Housing clauses, mapping and references in LEP 2015 are removed.

The methodology of the conversion continues the 'translation' approach of DLEP 2013 that resulted in LEP 2015. The translation approach has nonetheless excluded the following properties when supported by background studies:

- In DLEP 2013 two small Period Housing Areas (in Warrimoo and Springwood) were not recommended for heritage conservation areas in the 2014 study and were deleted as Period Housing Areas in LEP 2015.
- In the 2018 study, 39 lots (2 in Leura, 10 in Hazelbrook, 26 in Springwood and 1 in Glenbrook) were recommended for exclusion following the fieldwork. These are proposed to be excluded in the current proposal.

Deferred land to LEP 2015

A number of properties in the Local Government Area are deferred from LEP 2015 and remain zoned under another LEP, such as LEP 2005. The approach to Period Housing Area conversion on this deferred land is determined according to what amending LEP is being progressed to bring that land into LEP 2015.

Land deferred under Amendment 1 to LEP 2015

The current proposal includes land deferred under Amendment 1 to LEP 2015. These properties are anticipated to be included in LEP 2015 by February 2019 when Amendment 1 is expected to be resolved and the properties re-included in LEP 2015.

Proposed R6 zone (proposed Amendment 2 to LEP 2015)

The current proposal only relates to Period Housing Areas over land within LEP 2015. Certain land is currently excluded from LEP 2015 (the Living-Conservation zone) and remains under LEP 2005 for the regulation of development. These properties retain the protections of the Period Housing provisions of LEP 2005 until Amendment 2 of LEP 2015, the proposed new R6 zone, is resolved.

Therefore, land currently deferred from LEP 2015 does not form part of the current planning proposal. These properties will be incorporated into the new heritage conservation areas with the resolution of Amendment 2.

Public exhibition of the planning proposal

The draft planning proposal was sent to the GSC in February 2018 following a resolution of Council. A Gateway Determination was received on 17 May 2018 from the Department (under delegation from the GSC) confirming approval to proceed to public exhibition. The required minimum exhibition period was 28 days. However a longer public exhibition period of six weeks, from the 30 May to 11 July 2018, was held.

Engagement actions

- Notification letters were sent to each property owner affected by the proposed changes, providing information about the changes. The Council sent out 1600 letters prior to the commencement of the exhibition.
- Notification letters were sent to a list of relevant historical societies.
- Notification letters were sent to Council's asset management team and a meeting was held to discuss the changes.

- Notification letters were sent to the Heritage Advisory Committee, and a presentation was made at the Committee meeting.
- The exhibition material comprised of:
 - February Council report and resolution
 - Draft Planning Proposal to amend LEP 2015 (Amendment No. 6)
 - Draft mapping changes to LEP 2015 maps
 - Draft heritage inventory sheets for each proposed new HCA
 - Recent supporting studies from 2014 and 2018
 - Background studies
 - Fact sheets (2)

The exhibition material was available for the exhibition period on Council's Have Your Say website, and at Council offices and libraries. Please note, the exhibition material is still available on Council's Have Your Say webpage by searching 'period housing' in the search function.

- Advertisements were placed in the Gazette every week of the exhibition, including a larger quarter page ad at the commencement of the exhibition.
- Fact sheets (2) were developed during the consultation period, based on the most common questions from enquirers. Fact sheets are 'About the Period Housing Conversion' and 'Developing in a Heritage Conservation Area'. Once the fact sheets were finalised, they were sent to all enquirers and submitters by post or email. They were also sent to the Heritage Advisory Committee. The fact sheets were also uploaded to the Have Your Say website during the exhibition period. The fact sheets are attached to this report at Attachment 1.

Common questions answered in the fact sheets are:

- Do I need to do anything?
- Will my rates go up?
- Will I need to reconstruct historic elements?
- Is it a zoning change?
- Will my property values be affected?
- Why is my property included when it isn't a historic cottage?
- Can I still repair and maintain my building?
- Can I renovate my building?
- Can I demolish my house?
- Do I have paint my house heritage colours?

The above actions occurred during public exhibition of the draft Planning Proposal. It is also proposed that when draft Amendment 6 to LEP 2015 is made, all affected property owners will be sent a notification letter, which will include the fact sheets in Attachment 1.

Submissions

Twenty-eight (28) submissions were received during the public exhibition period, from a diverse cross-section of the community. Property owners formed the majority of the submitters, but interested individuals also made a variety of supportive or neutral submissions. The Blue Mountains Branch of the National Trust made a supportive submission, and a local planning consultant made a submission.

The submissions are summarised in the table below according to the category of response, which range from support through to object with changes requested.

Please note, all submitters to the public exhibition will be notified of the upcoming Council meeting, and given an opportunity to speak further to the proposal at the Council meeting.

| | Support | Support – refinements requested | Comment | Comment – refinements requested | Object | Object – changes requested |
|--------------------------|----------|---------------------------------|----------|---------------------------------|--------|----------------------------|
| Property owner | 3 | | 7 | | | 8 |
| Historical group/society | 1 | | | | | |
| Interested individual | 2 | 2 | 1 | 3 | | |
| Local consultant | | | 1 | | | |
| TOTALS | 6 | 2 | 9 | 3 | | 8 |
| | | | | 20 | | 8 |

Assessment of submissions

A full assessment and detailed response to each of the 28 submissions is attached to this Council report at Enclosure 2. An overview of each category of response as above is below:

Support (6 submissions):

- A total of six (6) submissions of support are noted and appreciated.
- There was a proportionally higher level of support for heritage in Lawson, possibly reflecting the changes to the town centre due to the highway widening. Further discussion on Lawson is provided, below.
- Support was also received from property owners in Katoomba and Blackheath, several of whom provided specific support for the inclusion of their own property in the proposed heritage conservation area. Minor additional historical details were suggested that require further research.

Support – refinements requested (2 submissions):

- A total of two (2) submissions provided support and requested refinements to the proposal.
- One submission provided further historical detail (on Arthur Murch, the sculptor of the statue in Neate Park, Blackheath). The Lookout Hill HCA heritage inventory sheet is recommended to be updated with the additional information.
- One submission strongly supported the retention of an ongoing single-storey height limit for the new heritage conservation areas to control building bulk and scale and retain the low-scale historic cottage environment. Concern was raised about the contributory mapping results, and possible adverse outcomes from the demolition of 'uncharacteristic' buildings and replacement with larger ones or replica 'heritage'. Concern was raised that the consultation was inadequate. Further responses are provided below.

Refinements requested (3 submissions):

- A total of three (3) submissions were received requesting refinements to the draft planning proposal.
- One submission suggested corrections and amendments to the Glenbrook HCA. The Glenbrook HCA is recommended to be amended with the updated information.
- Two submissions made various suggestions or expressed various concerns that did not lead to specific recommendations to make changes to the proposal. The submission review responses clarified some queries raised in the submissions.

Object - refinements requested (8 submissions):

- A total of eight (8) submissions were received from private property owners requesting their own property be excluded from the proposal.
- These submissions were considered on a case-by-case basis.
- Generally, a property within a heritage conservation area cannot be exempt as it is part of an area. The only situation where an exclusion is technically possible is where the property exists on a corner or protruding edge of the proposed area and can be technically and reasonably excised.
- For such a technical exclusion to apply, the property would also need to be assessed as making no contributions to the heritage conservation area, that is, inconsistent or uncharacteristic with the values of the conservation area.
- Two (2) properties requested to be removed are recommended for exclusion because:
 - They do not make a contribution to the area, and we note they have also been indicated in the supporting study as uncharacteristic.
 - They are located on a corner or a protruding edge of the proposed area and are technically able to be excised.

One of these properties will become part of an expanded area if the 2018 study recommendations for expanded areas are taken up in the future. The property would remain 'uncharacteristic' within the expanded area.
- One request related to properties that are in an existing heritage conservation area and beyond the scope of the proposal.
- The five (5) other requests for removal of the submitter's property/properties are not supportable because they either:
 - Make a significant contribution to the proposed heritage conservation area (3 submissions); or
 - Cannot be technically excised because they are within a larger area (2 submissions).
- Some broader issues were raised as a result of the objection submissions (and were also discussed in some phone and counter enquiries). These relate to potential or perceived conflicts with the zoning over existing Period Housing, and the need for clarity and consolidation of the historical values of Lawson. Further discussion of these issues is included below.
- Other suggestions or perceptions expressed by objectors in regard to the proposal and the exhibition are also discussed below in more detail. A full response to the submissions is included at Enclosure 2.

Comment (9 submissions):

- Three (3) of these were straightforward requests for clarification. These submitters were sent fact sheets via email and generally found them helpful in answering their questions.
- Two (2) further submissions were also straightforward requests for clarification of particular details about their property or about the proposed HCA in their neighbourhood.
- One (1) submission was concerned about the physical condition of neglected or run-down properties in the proposed heritage conservation areas, and suggested Council should provide guidelines to property owners.
- One (1) submission was concerned that a 'heritage' aesthetic would be required in the proposed heritage conservation areas and that this would be regressive and produce poor development outcomes. Refer to the submission response at Enclosure 2.
- One (1) submission was from a local planning consultant concerned about the impacts of the changes on property owners in terms of increased triggers for a development application, and the lack of both heritage consultants and Council's heritage resourcing. The submission also sought clarification on who can prepare a Heritage Impact Statement.

- One (1) submission made various suggestions regarding notification scope, right of owners to opt out, and the importance of not restricting or reducing opportunities for medium-density housing within heritage conservation areas.

Significant issues raised in submissions

A number of significant issues have been raised by submissions. The following provides a discussion of these broader issues. For a more detailed response, refer to the submission review at Enclosure 2.

Perception of zoning conflicts

The Blue Mountains has relatively little land zoned R3 Medium Density Residential (R3) in LEP 2015 due to various environmental constraints. Land zoned R3 was originally zoned as Village-Housing in LEP 2005 and was intended to be close to town centres, subsequently identified as special precincts in Schedule 1 of LEP 2005. There is little nexus therefore between Period Housing and the R3 zoned land, as Period Housing was generally located beyond the town centre area and mostly zoned Village-Tourist (now R1 General Residential in LEP 2015) or Living – General (now R2 Low Density Residential in LEP 2015).

There are areas of R3 in Blackheath, Katoomba, Leura, Wentworth Falls, Lawson, Hazelbrook, and Springwood. Almost all R3 zoned lots are unaffected by Period Housing except for 19 lots in Katoomba in the Dora Street and Great Western Highway area, and two lots in Grose Street, Leura. The two lots in Leura are of neutral or uncharacteristic contributions according to the 2108 Conroy study, therefore the conflict between conservation requirements and development potential is minimised. The North Katoomba area, in the Dora Street and Great Western Highway area, however has 19 lots which are existing Period Housing and which are also zoned R3. These lots are all proposed to be converted to HCAs. Most of the lots have been identified in the 2018 Conroy study as contributory to the proposed heritage conservation area. It is acknowledged that these conflicts require a review of the zoning affecting these lots.

It is noted however that the presence of a heritage conservation area does not negate the permissibility to carry out medium-density development per se, particularly for those lots within the HCA that may not be contributory. The building height maximum is 8m, suggesting a maximum height of two storeys. The lot sizes in this area are varied; some are small at approximately 720sqm, while some are bigger at approximately 1300sqm. Most have contributory single-storey dwellings that would not be able to be demolished.

Retention of single-storey height of buildings

The draft planning proposal included a draft proposal to remove the existing 6.5m maximum building height. The rationale at the time was that the heritage conservation area values, being generally a single-storey pattern of development, would be sufficient to demonstrate that this character should be retained. (Note this only occurred where the surrounding zoning is R2 Low Density Residential in LEP 2015. Some Period Housing is within IN2 Light Industrial, which has a height limit of 10m, and some is within the R3 Medium Density Residential zone, which has a height limit of 8m. These maximum height limits were not amended in LEP 2005 to accommodate the presence of the Period Housing area provisions. Refer to further discussion of zoning anomalies in the section above on zoning.)

However, following the public exhibition process, it has become apparent that there are substantial community concerns around the importance of retaining a single-storey character, both for heritage reasons but also for the amenity of neighbouring properties, and the desire to retain an open, low scale and low density character consistent with the mountains' cottage character and charm.

If the 6.5m height limit was removed, the maximum building height in the new heritage conservation areas would be set at 8m in accordance with the surrounding R2 Low Density Residential zoning. The presence of a building height maximum of 8m in these new heritage conservation areas would make the refusal of second storeys extremely difficult during the development application assessment process.

Further, although there is potential for a second storey to be barely visible behind an existing single-storey dwelling, particularly if the ground level slopes away from the street, there will undoubtedly be many occasions where a second storey is either partially or fully visible. Incremental losses in the ability to refuse second stories over time will result in the gradual encroachment of two-storey development into the public domain of the heritage streetscapes. Several current development applications in South Katoomba were considered and evaluated as part of this consideration, and a view has been formed that the single-storey 6.5m maximum building height is essential to retain on the Height of Buildings Mapping, to ensure the protection of the values of the heritage conservation areas.

A small number of minor consequential amendments are also required to LEP 2015 as part of the deletion of Period Housing. This includes proposed changes to clause 4.3A(4) of LEP 2015, which currently provides an exception to the maximum height of buildings within Period Housing Areas if the conditions of the clause can be met. The clause is proposed to be retained in line with the translation approach to preparing LEP 2015, and in particular the retention of the 6.5m height mapping (as discussed above) to continue to allow the exception within the new heritage conservation areas (noting that overall the 6.5m maximum height limit still applies and particular conditions must be met). To execute the clause wording, it will be necessary to include land with a residential zoning within existing heritage conservation areas. A review of existing HCAs has confirmed that this would affect the following residential zones within limited areas of some villages: R1 General Residential, R2 Low Density Residential and E4 Environmental Living. The clause will be worded to give effect to this. More detail is provided in the planning proposal at Enclosure 1.

Lawson heritage values and historical narrative

The comprehensive and ongoing interest in Lawson's heritage (reflected in a higher proportion of submissions) may reflect an ongoing responsiveness following the changes that affected the town centre due to the highway widening. Apart from one objection, the submissions were generally supportive of maintaining heritage significance in the Lawson town centre.

As one submission points out, there have been extensive heritage studies about Lawson. However, none of these studies is recent apart from the recent draft heritage inventory sheet that attributes a high level of significance to Joseph Hays. Hays is relatively overlooked in many of the earlier reports. Many earlier reports relate to assessing the significance of various elements or assessing Highway impacts. Each existing history has been written with a particular purpose but no one history summarises or includes all the relevant information. There are more recent academic articles about the town that may also be of benefit in writing a more comprehensive history.

It is considered an important task in the future to consolidate the various histories that have been prepared in order to write a comprehensive and up-to-date history of the town. This would incorporate the various aspects of significance, including notable families, historical developments, and include recent changes (the story of the Highway upgrade).

Further, one submission has noted the environmental values of the town as viewed through a cultural landscape lens. This area is also worthy of further investigation as heritage practitioners begin to expand an understanding of the value of cultural landscapes and the mix of natural and cultural values.

Contributory mapping results

The individual contributions mapping prepared as part of the 2018 study is not proposed to be progressed as part of the current proposal. The information in the study was however, gathered through detailed field work inspections and photographs of each property by Council's consultant and is highly useful documentary evidence, showing the appearance and condition of each property from the streetfront.

One submission was concerned that the contributory mapping is not correct. The 2018 study is awaiting peer review. It is envisaged that following peer review, any draft contributions mapping will be placed on public exhibition for comment prior to being incorporated into Council's Development Control Plan.

Summary of recommended changes following submissions

As a result of the submissions the following immediate changes are proposed:

- Two (2) lots will be excluded from the proposed new heritage conservation areas. These are 92 Camp Street, Katoomba and 98 Macquarie Road, Springwood. The mapping will be adjusted to reflect these changes.
- Minor changes are proposed to the following heritage inventory sheets:
 - Lookout Hill HCA, Blackheath – addition of information on the sculptor of the statue in Neate Park, Arthur Murch;
 - Glenbrook HCA, Glenbrook – addition and amendment of historical details relating to various street names, shops, shopkeepers, uses and modifications.
- The draft planning proposal will be amended to retain the 6.5m maximum height of buildings on the Height of Buildings mapping to LEP 2015. Note the 41 properties that are not proceeding to heritage conservation areas will have the 6.5m height limit removed; the planning proposal will also reflect this.

Further, as a result of the submissions, the following work at a future date is recommended:

- Review the importance of 1 View Street and possible associations with J. Smith, ballast crusher. The inventory sheet for South Katoomba may be amended depending on research outcomes.
- Carry out further research to prepare an integrated history of Lawson that incorporates the historical details of the various existing heritage reports, and also incorporate a history of recent changes to the form and layout of the town, in order to create an up-to-date comprehensive history of the town.
- Review the R3 zoning where it intersects with Period Housing/proposed HCAs in North Katoomba between Dora Street and the Great Western Highway.
- Review the IN2 zoning where it intersects with Period Housing/proposed HCAs in North Katoomba around Camp Street, North Katoomba, and in Lovel Street, South Katoomba.
- Prepare a fact sheet or guidelines on maintenance of buildings in heritage conservation areas for circulation to relevant property owners.

Next steps

The process to create, or amend a local environmental plan is clearly prescribed in the *Environmental Planning and Assessment Act 1979* and include:

1. Planning Proposal prepared in accordance with the Department's requirements.
2. The Council reviews the Planning Proposal.
3. If the Council agrees to support the proposal, the Planning Proposal is forwarded to the GSC for assessment.
5. A Gateway determination is made (usually by the Department under delegation from the GSC) and Council is advised of the determination and any conditions.

6. Council processes the proposal in accordance with the Gateway determination which includes notification and public consultation.
7. Any comments received during the exhibition period are considered and the proposal is re-assessed.
8. A report is prepared for the Council to consider the issues raised in the submissions, recommendations are made and a final updated Planning Proposal is prepared.
9. If the Council agrees to support the final Planning Proposal this is forwarded to the GSC for final review and for the Minister to make the plan.

This report completes the final stage of the process to amend LEP 2015 through the Department's Gateway process, that is, the preparation of an updated planning proposal following public exhibition. The final draft planning proposal is attached to this report at Enclosure 1.

The final draft planning proposal will include the following attachments:

1. This Council report and accompanying resolution;
2. Council report from 27 February 2018 and accompanying resolution;
3. Response to submissions document (Enclosure 2 to this report);
4. Supporting LEP tile draft updated mapping for Heritage Conservation mapping and Height of Buildings mapping - relevant tiles only (Enclosure 3)
5. Supporting draft heritage inventory sheets for each of the 17 proposed new HCAs (Enclosure 4)
6. Other supporting material including fact sheets (Attachment 1 to this report)

Minor amendments to DCP 2015

Following the submission of the final planning proposal to the Department, Development Control Plan 2015 (DCP 2015) will be amended by making minor changes to Parts D1 *Heritage* and D2 *Period Housing*. Part D2 *Period Housing* will be deleted. Part D1 *Heritage* will be amended to ensure DCP 2015 includes reference to the new HCAs. These DCP amendments will be the subject of a separate report to Council.

Future extensions to heritage conservation areas

The supporting studies commissioned by Council recommend the extension of the heritage conservation areas to include additional lots, beyond existing Period Housing Areas, due to the heritage values identified. The recommended extensions do not form part of the current proposal. Any extensions to heritage conservation areas would be the subject of a future planning proposal at a later date.

Contributions values of individual properties

The 2018 study provided mapping of individual property contributions values, based on extensive fieldwork and assessment of individual properties. The contributions values of properties are generally provided as a schedule or mapping attached to a Council's DCP. The contributions mapping does not form part of the current proposal. The study findings will need to be peer-reviewed and subject to community consultation prior to amending the DCP.

Sustainability Assessment

| Effects | Positive | Negative |
|---------------|---|---|
| Environmental | Advancing the overall protection of areas of environmental and cultural heritage, by identifying and seeking measures to provide statutory protection for new heritage conservation areas. | Nil |
| Social | The community consultation has provided an opportunity for transparent communication and 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. Support for the conversion process has been demonstrated in a significant number of positive submissions. | Some community members have objected to changes in the statutory status of their property. Early contact and good communication of issues and potential impacts has reduced owner concerns and offset negative reactions to some degree. Some owners may have ongoing concerns and continue to object to the changes. |
| Economic | Clarification of heritage significance and additional detail of significance of heritage conservation areas provides greater certainty around development and management of heritage conservation areas and properties within heritage conservation areas and provides for more efficient application processes. | Ongoing perceptions of some community members that regulatory requirements of a heritage conservation area listing may unreasonably restrict development or reduce property values. |
| Governance | The timely conversion of Period Housing Areas to heritage conservation areas 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. | Nil |

Financial implications for the Council

The financial implications of the report recommendations are at this stage minimal. There will be some liaison with the Department as the planning proposal progresses, which necessitates staff resourcing and use of approved operational budgets for 2018-2019, aligned with the outcomes of the 2018-2019 operational plan.

Legal and risk management issues for the Council

The conversion of PHAs to HCAs under LEP 2015 seeks to retain legal protections for these important areas. If the conversion were not to occur prior to the 16 February 2019 deadline, as stipulated by clause 6.18(7) of LEP 2015, there is a significant risk that piecemeal demolition and adverse and unsympathetic alterations will occur. Such changes over time would diminish the coherence and presentation of the areas, leading to a potentially substantial loss of character deleterious to the heritage charm of many Mountains villages.

There is a risk that some community members may continue to object to the changes in the statutory status of their property. Council has however carried out all the processes for

consultation as required by the Department's Gateway Determination. Additional time for consultation was provided over that required. Council has given thorough consideration to the issues raised in each submission, and responded in detail in the submission review document. Open and active engagement during the exhibition period, and the provision of additional detail by the preparation of fact sheets sent to all enquirers has ensured a high level of information has been circulated.

External consultation

Consultation as required by the Gateway Determination has occurred with the Rural Fire Service (RFS), and was carried out prior to the commencement of the public exhibition. The RFS raised no objections to the proposal.

Consultation as required by the Gateway Determination has occurred with the Office of Environment and Heritage – NSW Heritage Council via the Heritage Division, as part of the public exhibition process. The Division has raised no objections to the proposal.

The public exhibition of the proposal as required by the Gateway Determination has been carried out. A high degree of community consultation has occurred, as detailed in the body of the report. A longer period of consultation with the community was provided; and several late submissions were accepted. The full detail of the exhibition is included in the body of the report. A full review of the submissions received and detailed responses are attached to this report.

Ongoing consultation has occurred with the Department in regard to the planning proposal. Consultation will continue during the finalisation of the proposal.

Conclusion

To ensure protections for existing Period Housing Areas are retained in the Blue Mountains, conversion of Period Housing Areas to Heritage Conservation Areas is required by the 16 February 2019 deadline imposed by the Department.

The public exhibition as required by the Gateway Determination has been successfully concluded. The submissions received have been reviewed in detail, with some changes incorporated into the documents.

Endorsement is sought for the final draft planning proposal, in order to submit to the Greater Sydney Commission, to amend LEP 2015 by adding 17 new heritage conservation areas, making changes to Schedule 5 (Heritage) of Blue Mountains Local Environmental Plan 2015 as required, and updating the associated heritage maps. Consequential changes to DCP 2015 will be progressed through an upcoming Council report.

This proposal will contribute to long-term protections for Blue Mountains village character and the continuing conservation of places of local heritage significance.

ATTACHMENTS/ENCLOSURES

| | | | |
|---|---------------------------------------|-----------|------------|
| 1 | Period Housing Conversion Fact Sheets | 18/213403 | Attachment |
| 2 | Planning Proposal | 18/213402 | Enclosure |
| 3 | Submission review | 18/224811 | Enclosure |
| 4 | Maps | 18/213397 | Enclosure |
| 5 | Inventory Sheets | 18/213401 | Enclosure |

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