

Proposed additional 11 heritage conservation areas in Ku-ring-gai LEP 2015 and Ku-ring-gai LEP (Local Centres) 2012. Note: no dwellings or jobs proposed.

Proposal Title : **Proposed additional 11 heritage conservation areas in Ku-ring-gai LEP 2015 and Ku-ring-gai LEP (Local Centres) 2012. Note: no dwellings or jobs proposed.**

Proposal Summary : **The proposal seeks to include eleven (11) additional heritage conservation areas, six (6) are extensions to existing conservation areas, in Pymble, Turramurra and Wahroonga, by amending Schedules 5 of Ku-ring-gai Local Environmental Plan 2015 and Ku-ring-gai Local Environmental Plan (Local Centres) 2012.**

PP Number : **PP_2017_KURIN_002_00** Dop File No : **17/04727**

Proposal Details

Date Planning Proposal Received : **27-Mar-2017** LGA covered : **Ku-Ring-Gai**

Region : **Metro(Parra)** RPA : **Ku-ring-gai Council**

State Electorate : **DAVIDSON
KU-RING-GAI** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Various Areas**

Suburb : City : Postcode :

Land Parcel : **Land in Pymble, Turramurra and Wahroonga (see pages 2 to 39 of the planning proposal)**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Terry Doran**

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Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **N/A** Consistent with Strategy : **N/A**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **At this point in time, to the best of the regional team's knowledge, the Department's Code of Practice in relation to communications with lobbyists has been complied with.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **21 March 2017 - Department officers are awaiting additional documentation from Council that includes:**
-the supporting studies which form the appendices of the proposal;
-Council report and minutes; and,
-comments provided to Council by Office of Environment and Heritage - Heritage Division.

27 March 2017 - Above supporting documents received and full assessment is able to proceed. Receipt date updated.

The proposal for all 11 heritage conservation areas has been on non-statutory exhibition from 7 March 2014 to 7 April 2014. A further non-statutory exhibition was conducted by Council from 5 June 2015 to 3 July 2015 following feedback from the community.

Council has reviewed all submissions, conducting site inspections within the last six months (Appendices N and O) Council has amended heritage boundaries accordingly (Appendix P).

Council has written to Office of Environment and Heritage - Heritage Division (OEH), regarding the planning proposal. OEH responded on 15 March 2017 raising no objection to the proposed listing of 11 heritage conservation areas (Appendix R).

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objective of the Planning Proposal is to conserve the cultural heritage of Ku-ring-gai by including eleven (11) heritage conservation areas, six (6) are extensions to existing conservation areas, in Pymble, Turramurra and Wahroonga by amending Schedules 5 of the KLEP 2015 and the KLEP (Local Centres) 2012, and amending the relevant heritage maps.**

The zoning and development standards applying to the sites are not proposed to change as a result of the Planning Proposal.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : **Amendments to Ku-ring-gai Local Environmental Plan 2015.**

The planning proposal seeks to amend Schedules 5 Environmental Heritage of the Ku-ring-gai Local Environmental Plan 2015 by including additional heritage conservation areas as follows:

**C4: Name of Heritage Conservation Area: Mahratta Conservation Area (shown by red hatching and labelled "C4").
Significance: Local.**

**C43: Name of Heritage Conservation Area: Mona Vale Road Conservation Area (shown by red hatching and labelled "C43").
Significance: Local.**

**C45: Name of Heritage Conservation Area: Lanosa Estate Conservation Area (shown by red hatching and labelled "C45").
Significance: Local.**

**C8A: Name of Heritage Conservation Area: Pymble Heights Conservation Area (shown by red hatching and labelled "C8A").
Significance: Local.**

**C9: Name of Heritage Conservation Area: Fernwalk Conservation Area (shown by red hatching and labelled "C9").
Significance: Local.**

**C10A: Name of Heritage Conservation Area: Orinoco Street Conservation Area (shown by red hatching and labelled "C10A").
Significance: Local.**

**C11A: Name of Heritage Conservation Area: West Pymble Conservation Area (shown by red hatching and labelled "C11A").
Significance: Local.**

The planning proposal will require amendments to the following maps:

- Ku-ring-gai Local Environmental Plan 2015 – Heritage Map – Sheet HER_007
- Ku-ring-gai Local Environmental Plan 2015 – Heritage Map – Sheet HER_008
- Ku-ring-gai Local Environmental Plan 2015 – Heritage Map – Sheet HER_013
- Ku-ring-gai Local Environmental Plan 2015 – Heritage Map – Sheet HER_014

Amendment to Ku-ring-gai Local Environmental Plan (Local Centres) 2012.

The planning proposal seeks to amend Schedule 5 Environmental Heritage of the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 by including additional heritage conservation areas as follows:

**C42: Name of Heritage Conservation Area: Gilroy Road Conservation Area (shown by red hatching and labelled "C42").
Significance: Local.**

C40: Name of Heritage Conservation Area: Hillview Conservation Area (shown by

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red hatching and labelled "C40").
Significance: Local.

C44: Name of Heritage Conservation Area: Telegraph Road Conservation Area (shown by red hatching and labelled "C44").
Significance: Local.

C46: Name of Heritage Conservation Area: Athol Conservation Area (shown by red hatching and labelled "C46").
Significance: Local.

C8B: Name of Heritage Conservation Area: Pymble Heights Conservation Area (shown by red hatching and labelled "C8B").
Significance: Local.

C10B: Name of Heritage Conservation Area: Orinoco Street Conservation Area (shown by red hatching and labelled "C10B").
Significance: Local.

C11B: Name of Heritage Conservation Area: West Pymble Conservation Area (shown by red hatching and labelled "C11B").
Significance: Local.

The planning proposal will require amendments to the following maps:

- Ku-ring-gai Local Environmental Plan (Local Centres) 2012 – Heritage Map – Sheet HER_007A
- Ku-ring-gai Local Environmental Plan (Local Centres) 2012 – Heritage Map – Sheet HER_007C
- Ku-ring-gai Local Environmental Plan (Local Centres) 2012 – Heritage Map – Sheet HER_008A

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

2.3 Heritage Conservation

3.1 Residential Zones

* May need the Director General's agreement

3.3 Home Occupations

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

SECTION 117 DIRECTIONS.

The proposal is consistent with all relevant S117 Directions, except for the following:

Direction 4.4. Planning for Bushfire Protection

The proposed heritage conservation areas are identified as partially located on bushfire prone land on Council's bushfire prone land map. Although it is anticipated that the planning proposal will not have any affectation on bushfire risk, to satisfy this Direction, consultation with the Commissioner of NSW Rural Fire Service prior to public exhibition is recommended.

The proposal is consistent with all relevant SEPPs and deemed SEPPs.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

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Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **All mapping provided in the Planning Proposal is suitable for community consultation.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **A 28 day community consultation period is recommended, due to the significant amount of land affected by the proposal, and possible community interest.**

Council has participated in non-statutory exhibition of the proposed heritage conservation areas in 2014 and 2015, and has reviewed submissions accordingly. A full list of submissions, Council comments, site inspections, and recommendations are available at Appendix L, M, N, P and O). It is considered Council has satisfactorily addressed all submissions made to the non-statutory exhibition, and amended the heritage conservation area boundaries accordingly.

Council has written to the Office of Environment and Heritage - Heritage Division, prior to submission to the Department for a Gateway determination. The Office of Environment and Heritage - Heritage Division, responded on 15 March 2017 raising no objection to the Planning Proposal (Appendix R).

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **March 2015**

Comments in relation to Principal LEP : **Ku-ring-gai Local Environmental Plan 2015 was notified on the NSW Legislation website on 5 March 2015.**

Ku-ring-gai Local Environmental Plan (Local Centres) 2012 was notified on the NSW Legislation website on 25 January 2012.

Assessment Criteria

Need for planning proposal : **The planning proposal is the best means of achieving the objectives of the proposal.**

Council states a local heritage listing conserves and protects sites that have been assessed as satisfying the NSW Heritage Council's Criteria for local heritage significance. The heritage conservation areas satisfy the criteria (as identified by the supporting studies, located at appendices B to K of the proposal). Subsequently, the planning proposal is the best means of conserving the heritage values of these places.

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Consistency with strategic planning framework :

METROPOLITAN PLAN

The relevant regional strategy is 'A Plan for Growing Sydney' (December 2014). Council has assessed the Planning Proposal against the four goals contained within the strategy, as follows:

Goal 1 - A competitive economy with world class services and transport.

The Planning Proposal will not adversely impact on the directions and actions identified in the strategy to achieve a competitive economy and transport system.

Goal 2 – A city of housing choice, with homes that meet our needs and lifestyles.

The Planning Proposal will have no impact on Ku-ring-gai's ability to meet housing and employment targets. The planning proposal is not inconsistent with this goal.

Goal 3 – A great place to live with communities that are strong, healthy and well-connected.

The Planning Proposal will not adversely impact on the directions and actions identified in the in the strategy.

Goal 4 – A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

The Planning Proposal will not adversely impact on the directions and actions identified regarding the natural environment and sustainability.

DRAFT DISTRICT PLAN

The relevant draft district plan is 'Draft North District Plan' (November 2016). The relevant 'Liveability Priority' for this planning proposal is 'Liveability Priority 7: Conserve heritage and unique local characteristics' (page 110 of the Draft North District Plan).

The proposal is consistent with this priority as the heritage conservation areas proposed to be included in Schedules 5 of KLEP 2015 and KLEP (Local Centres) 2012 are considered to have heritage value worthy of conserving and heritage listing. This is supported by studies and reviews at Appendices B to K of the proposal.

Environmental social economic impacts :

The proposal is not anticipated to have any adverse environmental, social or economic impact.

The concerns raised in public submissions from the non-statutory public exhibition of the proposed heritage conservation area are noted, including submissions that support the proposed heritage conservation areas.

Council has conducted a recent inspection of the proposed areas, which found that several properties have been demolished since the field work for the heritage studies was undertaken. The mapping has been amended to change the rating of the demolished properties from contributory to neutral. In addition, where a submission has claimed the contribution rating of a property is wrong and further research supports this claim, the rating has been changed. For a list of changes in heritage conservation areas refer to Appendix P of the proposal.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	NSW Rural Fire Service		

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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Letter Request for Gateway Determination Planning Proposal to include Additional HCAs.pdf	Proposal Covering Letter	Yes
Planning Proposal to include additional heritage conservation areas_Part1.pdf	Proposal	Yes
Planning Proposal to include additional heritage conservation areas_Part2.pdf	Proposal	Yes
Planning Proposal to include additional heritage conservation areas_Part3.pdf	Proposal	Yes
Planning Proposal to include additional heritage conservation areas_Part4.pdf	Proposal	Yes
Planning Proposal to include additional heritage conservation areas_Part5.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **2.3 Heritage Conservation**
3.1 Residential Zones
3.3 Home Occupations
4.4 Planning for Bushfire Protection
6.1 Approval and Referral Requirements
7.1 Implementation of A Plan for Growing Sydney

Additional Information : **GATEWAY DETERMINATION**
 In view of previous community interests, it is considered appropriate that the Gateway determination be made by the Executive Director, Regions.

DELEGATION OF PLAN MAKING FUNCTION
 Council has requested it exercise the plan making function in relation to this planning proposal. Authorisation for Council to exercise the plan making function is supported as:
 o the proposal is a local planning matter i.e. all properties are of local significance;
 o there has been non-statutory exhibition in 2014 and 2015;

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- o submissions from the non-statutory exhibitions have been addressed by Council and the proposal amended to reflect submissions;
- o reasonable review has been undertaken by Council officers and a heritage consultant, involving site inspections and corresponding amendment to heritage boundaries; and,
- o the proposal has been submitted to OEH for comment prior to the request for Gateway determination [note: Council has been advised that the Office of Environment and Heritage does not object to the proposal preceding).

SECTION 117 DIRECTIONS

The proposal is consistent with all relevant Section 117 Directions, except for Direction 4.4 Planning for Bushfire Protection.

As parts of the subject land are located in bushfire prone land, consultation with the NSW Rural Fire Service is necessary, prior to public exhibition, to ensure consistency with this Direction.

GATEWAY RECOMMENDATION AND CONDITIONS

1. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- a. the planning proposal must be made publicly available for a minimum of 28 days; and
- b. the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2016).

2. Consultation NSW Rural Fire Service is required under section 56(2)(d) of the Act to comply with the requirement of the relevant S117 Direction. NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission).

4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The Planning Proposal is supported for the following reasons:

- The proposal is based on a series of heritage studies, inventory sheets and reviews, demonstrating sufficient heritage values to warrant further consideration of heritage conservation measures.
- Council has consulted with Office of Environment and Heritage, which raise no objection to the proposal.
- Council has engaged in non-statutory consultation with the community to ensure the proposed heritage conservation areas are consistent with community expectations. Boundaries have been appropriately amended after assessment of submissions.

Signature: _____

Printed Name: _____

Date: _____