

DECISION OF 3572 COUNCIL (ASSESSMENTS) MEETING HELD ON 28 MARCH 2011

179. G01: Report of the Planning & Development Committee

Re Minute No. 3 PD02: Planning proposal and draft DCP 2002 amendment for proposed Jeffreys Street Heritage Conservation Area, Kirribilli.

Report of Brad Stafford, Senior Strategic Planner, 15 March 2011.

At its meeting on 29 November 2010, Council resolved to adopt the recommendations of the Jeffreys Street Heritage Assessment of September 2010, and prepare a planning proposal in accordance with those recommendations.

A planning proposal has been prepared and is attached to this report. The report seeks Council's resolution to send the planning proposal to the Minister of Planning under Section 56 of the EP&A Act, seeking a 'gateway determination' to allow the planning proposal to be publicly exhibited.

A draft amendment to North Sydney Development Control Plan 2002 is also attached to this report to compliment the LEP amendments outlined in the planning proposal. Should a favourable gateway determination be issued, the planning proposal and draft DCP amendment will be exhibited concurrently.

Recommending:

THAT Council adopt the attached planning proposal for the Jeffreys Street Conservation Area and resolve to forward the planning proposal to the Minister for Planning seeking a gateway determination under section 56 of the EP&A Act 1979.

THAT Council adopt the attached draft North Sydney Development Control Plan 2002 amendment and resolve to place it on public exhibition with the planning proposal should Council be permitted to do so.

Resolved to recommend:

THAT the report be adopted

The Motion was moved by Councillor Marchandean and seconded by Councillor Reymond.

Voting was as follows:

Unanimous

Councillor	Yes	No	Councillor	Yes	No
McCaffery	Absent		Zimmerman	Absent	
Gibson	Y		Baker	Absent	
Christie	Absent		Robjohns	Y	
Reymond	Y		Carland	Absent	
Marchandean	Y		Burke	Absent	
Raymond	Y		Pearson	Absent	
Barbour	Absent				

ADOPTED

**Report to General Manager**

Attachments: Planning Proposal
Draft DCP 2002 Amendment

SUBJECT: Planning proposal and draft DCP 2002 amendment for proposed Jeffreys Street Heritage Conservation Area, Kirribilli.

AUTHOR: Brad Stafford, Senior Strategic Planner, 15 March 2011.

EXECUTIVE SUMMARY:

At its meeting on 29 November 2010, Council resolved to adopt the recommendations of the Jeffreys Street Heritage Assessment of September 2010, and prepare a planning proposal in accordance with those recommendations.

A planning proposal has been prepared and is attached to this report. The report seeks Council's resolution to send the planning proposal to the Minister of Planning under Section 56 of the EP&A Act, seeking a 'gateway determination' to allow the planning proposal to be publicly exhibited.

A draft amendment to North Sydney Development Control Plan 2002 is also attached to this report to compliment the LEP amendments outlined in the planning proposal. Should a favourable gateway determination be issued, the planning proposal and draft DCP amendment will be exhibited concurrently.

RECOMMENDATION:

THAT Council adopt the attached planning proposal for the Jeffreys Street Conservation Area and resolve to forward the planning proposal to the Minister for Planning seeking a gateway determination under section 56 of the EP&A Act 1979.

THAT Council adopt the attached draft North Sydney Development Control Plan 2002 amendment and resolve to place it on public exhibition with the planning proposal should Council be permitted to do so.

Signed: _____

Endorsed by: _____
Joseph Hill, Manager Strategic Planning

LINK TO DELIVERY PROGRAM

The relationship with the Delivery Program is as follows:

Direction: 7. Residential Development
Goal: 7.4 Quality Urban Environment

SUSTAINABILITY STATEMENT

The sustainability implications are of a minor nature and as such did not warrant a detailed assessment.

DETAIL

At its meeting on 29 November 2010, Council resolved to adopt the recommendations of the Jeffreys Street Heritage Assessment of September 2010, and prepare a planning proposal in accordance with those recommendations. The Heritage Assessment recommended the formation of a new heritage conservation area centred around Jeffreys Street, Kirribilli. The Assessment also included recommendations for the identification of heritage, contributory and uncharacteristic items within the proposed conservation area.

A planning proposal has been prepared and is attached to this report. The planning proposal has been produced in accordance with Section 55 of the EP&A Act and the Department of Planning's Guide to preparing Local Environmental Plans. Should Council resolve to proceed with the planning proposal, it will be forwarded to the Minister of Planning seeking a 'gateway determination' under Section 56 of the EP&A Act to allow the planning proposal to be publicly exhibited.

DCP 2002 AMENDMENT

A draft amendment to North Sydney Development Control Plan 2002 is also attached to this report to compliment the LEP amendments outlined in the planning proposal. The draft amendment involves a new conservation area character statement for insertion into the relevant section of the DCP. The Heritage Assessment conducted by the appointed heritage consultant included a draft conservation area character statement, which has formed on the basis of the attached draft DCP 2002 amendment.

Should a favourable gateway determination be issued, the planning proposal and draft DCP 2002 amendment will be exhibited concurrently.

PUBLIC CONSULTATION

The planning proposal will be publicly exhibited in accordance with the conditions of the gateway determination and Council's notification policy. Should the number and complexity of submissions to the exhibition period warrant it, a public meeting or forum may be undertaken to further assist the consultation process.



PLANNING PROPOSAL

Proposed Jeffreys Street Conservation Area, Kirribilli

March 2011

1 STATEMENT OF OBJECTIVES

The purpose of this planning proposal is to amend North Sydney Local Environmental Plan 2001 (NSLEP 2001) to create a new heritage conservation area centred around Jeffreys Street, Kirribilli (see location maps below). The planning proposal also intends to classify properties within the proposed heritage conservation area in accordance with the adopted recommendations of the Conservation Area Report (attached).

2 BACKGROUND

In its consideration of the Draft DCP 2010 Heritage Section and Conservation Area Character Statements, Council, at its meeting on 15 March 2010, adopted the minutes of the Planning and Development Committee and resolved that Council investigate the establishment of a heritage conservation area centred around Jeffreys Street, Kirribilli.

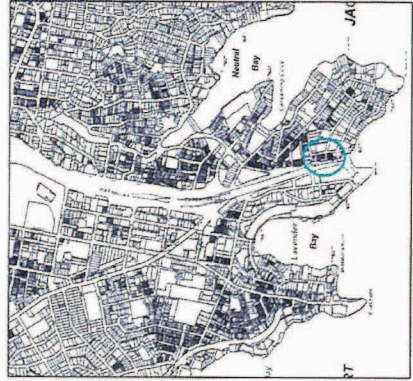
In May 2010, Council appointed Sue Haertsch Planning, in association with John Outram Heritage Design, to undertake a heritage assessment of the Jeffreys Street area. The Conservation Area Report attached to this planning proposal was received in September 2010, recommending that a conservation area be established. Council resolved at its meeting of 29 November 2010 to adopt the recommendations of the consultant's report and prepare a planning proposal in accordance with those recommendations.

3 PROPOSED CONSERVATION AREA LOCATION

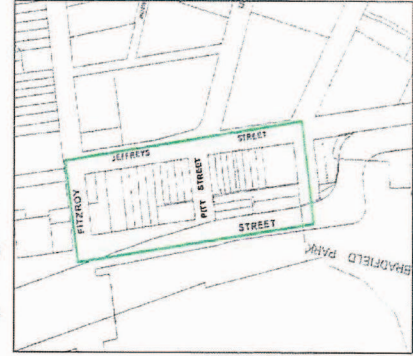
The principle study area incorporates the two blocks bound by Broughton, Fitzroy and Jeffreys Streets and Kirribilli Avenue. The study should however look beyond these blocks to establish a recommended curtilage for any proposed conservation area.

Maps 1 and 2 below show the locality of the study area and the study area in detail.

Map 1: Location



Map 2: Subject site



Attached – Council report, resolution (29 November 2010) and Jeffreys Street Conservation Area Assessment (September 2010)

4 EXPLANATIONS OF PROVISIONS

The planning proposal seeks to amend NSLEP 2001 (written instrument) in the following ways:

1. Insert the following items/properties into Schedule 3 – Heritage Items:

NSHS No.	Address	Heritage Significance
[to be advised]	Corner Broughton Street and Kirribilli Avenue, faux stone balustrade	
[to be advised]	Stone retaining wall	

2. Remove the following items/properties from Schedule 3 – Heritage Items and insert into Schedule 4 – Contributory Items:

Contributory Item – Address
18 Jeffreys Street, Kirribilli
20 Jeffreys Street, Kirribilli
22 Jeffreys Street, Kirribilli
24 Jeffreys Street, Kirribilli

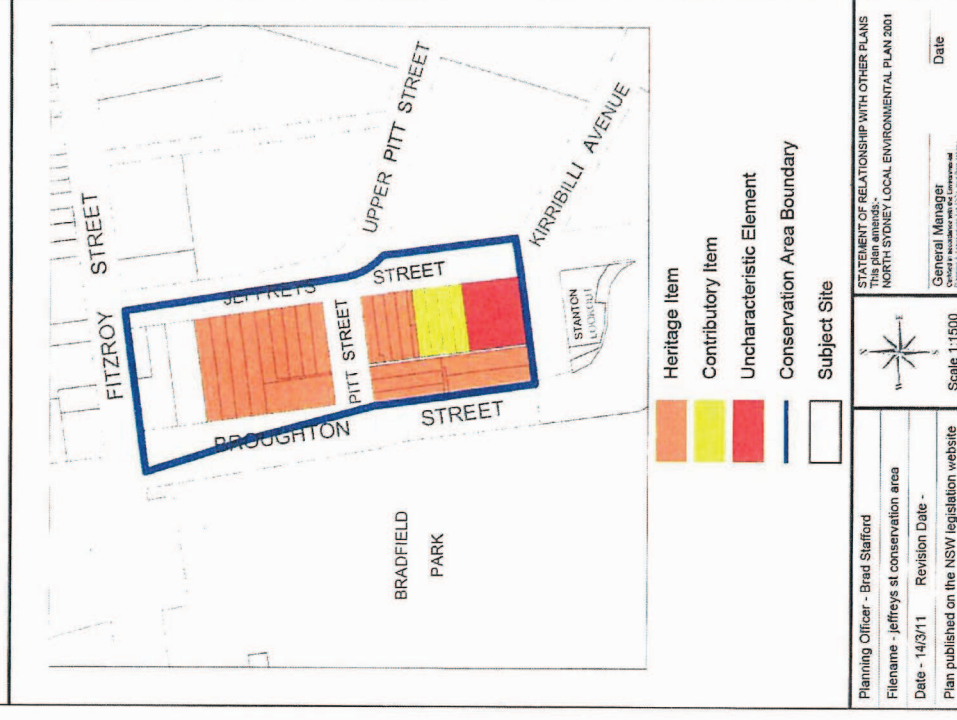
3. Insert the following items/properties into Schedule 5 – Uncharacteristic Elements:

Uncharacteristic Element – Address
44-50 Kiritbilli Avenue, Kiritbilli

The planning proposal will also require amendments to NSLEP 2001 Map Sheet 4 – Heritage, to illustrate and identify a new heritage conservation area, and to reflect the amendments outlined above. The LEP 2001 Heritage Map will be amended as indicated below in Map 3:

Map 3: Indicative Draft LEP Amendment Map

NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2001
Amendment No #



North Sydney Development Control Plan 2002 will also be amended to include a conservation area character statement in accordance with Appendix A of the attached Conservation Area Report.

5 JUSTIFICATION

A. Need for the planning proposal

The planning proposal is the result of the recommendations of the attached Conservation Area Report. The report outlines the investigation undertaken by Council's appointed heritage consultant, which concludes that the level of heritage significance of the area warrants the creation of a new heritage conservation area.

A planning proposal is the only means by which the necessary amendments can be made to the LEP 2001. It is the only way to ensure the adequate and formal recognition and protection of a locale of heritage significance.

It is considered that the creation of a conservation area for the subject locality will provide community benefit in terms of conserving a relic of the original subdivision and significant period of development in the area. North Sydney has actively sought to protect its valuable cultural and built heritage, and the planning proposal seeks to continue that for the Jeffreys Street area.

B. Relationship to strategic planning framework

The planning proposal is consistent with the Sydney Metropolitan Strategy and the Draft Inner North Subregional Strategy (DINSS). The DINSS requires that an additional 5,500 dwellings be provided in the North Sydney LGA by 2031. The subject area is not identified in the DINSS as an area that needs to accommodate strategic growth. Furthermore, North Sydney's Draft Residential Development Strategy (on exhibition until 31 March 2011) shows that North Sydney has sufficient dwelling capacity to reach the prescribed target for additional dwellings without the need for major upzonings.

Section 16 of the DINSS states that areas of Sydney's cultural heritage should be recognised and managed appropriately to reinforce local distinctiveness. The planning proposal is consistent with this aim.

The planning proposal is consistent with Council's community strategic plan (2020 Vision) insofar as it highlights the need to preserve local heritage buildings and conservation areas.

The planning proposal is not inconsistent with any State Environmental Planning Policy (SEPP).

The planning proposal is consistent with Section 117 Ministerial Directions 2.3 Heritage Conservation, which states that:

'A draft LEP shall contain provisions that facilitate the conservation of... items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area...'

C. Environmental, social and economic impact

The planning proposal will not adversely affect any critical habitat or threatened species, populations or ecological communities that may exist in the area.

The planning proposal is not likely to create any adverse environmental impacts in the area.

It is considered that the creation and consistent management of heritage conservation areas provides a net benefit to local communities through the protection of cultural heritage and the unique urban character they possess.

In terms of economic effects, the establishment of conservation areas imposes certain restrictions on development of land within those areas and necessitates the consideration of heritage conservation impacts during the development process. This can add to the potential burden of gaining development approval.

It is noted that all but four properties in the proposed conservation area are currently listed in LEP 2001 as heritage items, with the remaining properties proposed to be identified as either neutral or uncharacteristic items. Therefore the majority of properties within the proposed conservation area will see no little or no change in development lodgement requirements, while a small proportion of the properties may see this burden increase.

Overall, it is considered that there will be minimal economic effects from the planning proposal.

D. State and Commonwealth interests

It is considered that the planning proposal will have no effect on the demand or availability of public infrastructure.

The planning proposal has not yet been considered by State or Commonwealth public authorities. Views of the State will be gained through the gateway process.

6 COMMUNITY CONSULTATION

Community consultation will be undertaken in accordance with Council's guidelines and any specific requirement made by the Department of Planning's gateway determination.

The consultation period will include notifying all affected property owners of the planning proposal and inviting submissions during the exhibition period.

DECISION OF 3565th COUNCIL MEETING HELD ON 29 NOVEMBER 2010

17/9.

PD502: Jeffreys Street Heritage Conservation Area Study

Report of Brad Stafford, Senior Strategic Planner, 23 November 2010

At its meeting of 8 March 2010, Council's Planning and Development Committee recommended that Council resolve to investigate the establishment of a new heritage conservation area centred around Jeffreys Street, Kirtbilly.

A heritage assessment of the area was undertaken by the same consultants previously engaged to carry out the North Sydney Heritage Review of 2007/2008. The assessment report (attached) contains a recommendation that a heritage conservation area be established around Jeffreys Street, and that Council's LEP and DCP be amended accordingly.

This report outlines the consultant's recommendations and seeks Council's resolution to prepare a planning proposal for the recommended changes. The planning proposal would be reported to Council for its adoption prior to it being sent to the Department of Planning seeking a gateway determination.

Recommendation:

THAT Council resolve to adopt the recommendations of the Jeffreys Street Heritage Assessment of September 2010, and prepare a planning proposal in accordance with those recommendations.

RESOLUTION:

THAT the report be adopted.

THAT details concerning the history of the building at 44-50 Jeffreys St and particularly the unsympathetic nature of the existing facade be clarified during the exhibition period

The Motion was moved by Councillor Raymond and seconded by Councillor Marchandau.

Voting was as follows:

Unanimous

Councillor	Yes	No	Councillor	Yes	No
McCallery	Y		Zimmerman	Y	
Gibson	Y		Baker	Y	
Christie	Y		Kobjohns	Y	
Reynold	Y		Carland	Y	
Marchandau	Y		Burke	Y	
Raymond	Absent		Pearson	Y	
Barbour	Y				

ITEM PD502 REPORTS 29/11/10
NORTH SYDNEY COUNCIL REPORTS



Report to General Manager

Attachments:

Consultant's Heritage Assessment and Draft Character Statement

SUBJECT: Jeffreys Street Heritage Conservation Area Study

AUTHOR: Brad Stafford, Senior Strategic Planner, 23 November 2010

EXECUTIVE SUMMARY:

At its meeting of 8 March 2010, Council's Planning and Development Committee recommended that Council resolve to investigate the establishment of a new heritage conservation area centred around Jeffreys Street, Kirtbilly.

A heritage assessment of the area was undertaken by the same consultants previously engaged to carry out the North Sydney Heritage Review of 2007/2008. The assessment report (attached) contains a recommendation that a heritage conservation area be established around Jeffreys Street, and that Council's LEP and DCP be amended accordingly.

This report outlines the consultant's recommendations and seeks Council's resolution to prepare a planning proposal for the recommended changes. The planning proposal would be reported to Council for its adoption prior to it being sent to the Department of Planning seeking a gateway determination.

RECOMMENDATION:

THAT Council resolve to adopt the recommendations of the Jeffreys Street Heritage Assessment of September 2010, and prepare a planning proposal in accordance with those recommendations.

Signed:

OFFICIAL SIGNATURE

Endorsed by: Joseph Hill
Manager Strategic Planning

Report of Brad Stafford, Senior Strategic Planner – 23 November 2010
 Re: Jeffreys Street Heritage Conservation Area Study

(2)

LINK TO DELIVERY PROGRAM

The relationship with the Delivery Program is as follows:

- Direction: 2 – Our Built Environment
 Goal: 2.2 – Improve mix of land use and quality development
 Objective: 2.2.5 – To identify, preserve and promote North Sydney's heritage.

SUSTAINABILITY STATEMENT

The sustainability implications are of a minor nature and as such did not warrant a detailed assessment.

BACKGROUND

The North Sydney Heritage Review was conducted by external consultants Architectus in 2007-2008. The Review recommended changes to the heritage status of a number of residential properties in the North Sydney LGA and produced a draft Development Control Plan (DCP) heritage section and conservation area character statements.

The recommendations relating to heritage listings were adopted in May 2009 after a consultation period, during which affected property owners were notified of the Review and its recommendations and invited to comment. The adopted recommendations were then incorporated into Council's comprehensive draft LEP 2009, which is to be exhibited in January 2011.

The draft DCP heritage section and conservation area character statements were adopted by Council in March 2010 for inclusion into Council's comprehensive draft DCP 2010, which is also to be exhibited in January 2011.

The adoption of the draft DCP heritage section and conservation area character statements was made (8 March 2010) with a resolution that Council investigate the establishment of a new heritage conservation area centred around Jeffreys Street, Kirribilli. The need for the investigation was due partly to the recommendations of the Heritage Review, which recommended the removal of several properties from the heritage schedule. It was also due partly to Councilor concerns over development pressures in the subject area, particularly with the removal of the heritage listings of some properties.

Council engaged the same consultants who undertook the Heritage Review to carry out the heritage assessment of the subject area.

HERITAGE ASSESSMENT

The consultant's assessment is attached to this report, and recommends that Council take steps to establish a new heritage conservation area centred around Jeffreys Street. A recommended curtilage that includes currently unlisted stone walls on Broughton and Jeffreys Streets is included in the report and reproduced at Figure 3. The consultant's report also makes recommendations for the listing of properties within the area in accordance with their level of significance (i.e. as heritage, contributory, neutral or uncharacteristic items).

Report of Brad Stafford, Senior Strategic Planner – 23 November 2010
 Re: Jeffreys Street Heritage Conservation Area Study

(3)

The heritage assessment found that the study area is a built remnant of residential development in Milsons Point, and is indicative of the general street pattern that existed prior to the construction of the Sydney Harbour Bridge in the 1920s. The report concludes also that the area is significant for its in-tact Victorian built forms, largely residential in nature. Refer to the attached heritage report for a detailed assessment of the area's heritage significance.

Figure 1: Location shot

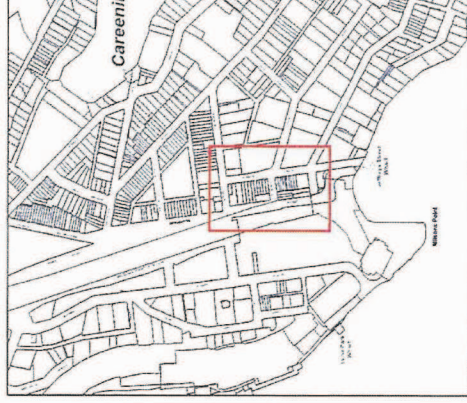
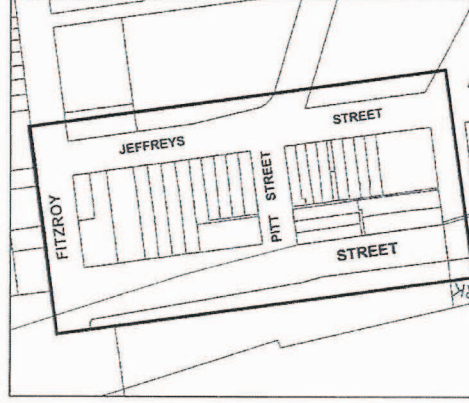


Figure 2: Study area detail



Report of Brad Stafford, Senior Strategic Planner – 23 November 2010
Re: Jeffreys Street Heritage Conservation Area Study

(5)

LEP AND DCP AMENDMENT PROCESS

Pending Council's adoption of the recommendations of the heritage assessment and a resolution to proceed with the necessary amendments to Council's LEP and DCP, Council will need to prepare a planning proposal. The planning proposal's progression would be dependent upon a favourable gateway determination from the Department of Planning allowing Council to proceed with the planning proposal to public exhibition.

Given that Council's comprehensive Draft LEP 2009 and Draft DCP 2010 are to be publicly exhibited in January/February 2011, it is not known whether the Department will issue a gateway determination allowing Council to proceed with the proposal to amend the current LEP and DCP, or ask that Council hold off on implementing the changes until the comprehensive draft plans are in force.

It is difficult to estimate the timing of DLEP 2009 and DDCP 2010 coming into force. It is considered though that the making of the draft plans is not imminent, and therefore an amendment to LEP 2001 and DCP 2002 is the most appropriate avenue to enact the proposed amendments.

CONCLUSION

It is recommended that Council adopt the recommendations of the attached report and resolve to prepare a planning proposal for the establishment of a Heritage Conservation Area centered around Jeffrey Street Kirribilli.

Report of Brad Stafford, Senior Strategic Planner – 23 November 2010
Re: Jeffreys Street Heritage Conservation Area Study

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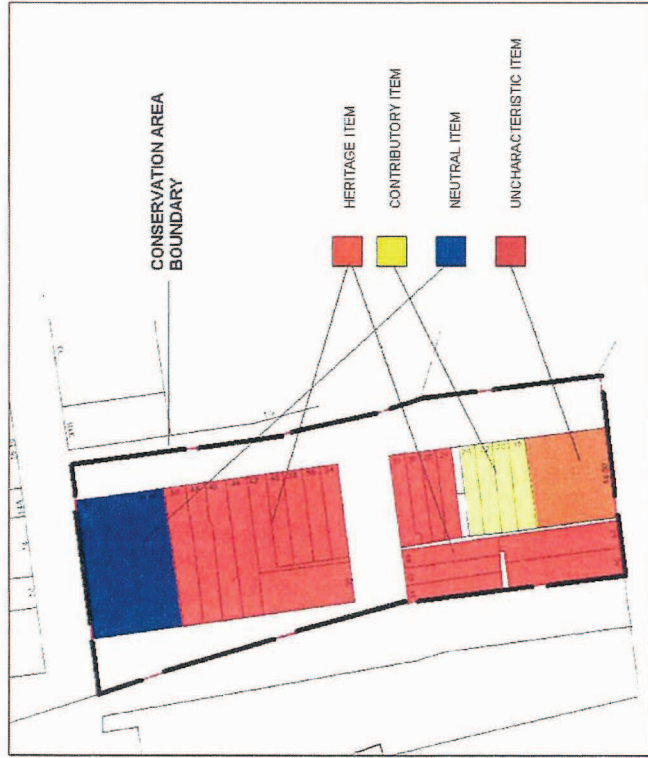


Figure 3: Recommended heritage classifications

18-24 Jeffreys Street

The properties at 18-24 Jeffreys Street have been recommended for classification as contributory items within the recommended new heritage conservation area. It is noted that these properties were recommended for removal from Council's heritage schedule in the North Sydney Heritage Review 2007/2008.

This is not considered to be an upgrading of heritage status. As the properties are not currently within a heritage conservation area, a downgrade to contributory status (only applicable to heritage conservation areas) was not possible in the Heritage Review of 2007/2008. However, the properties are considered by the appointed heritage consultant to be of contributory value in a future heritage conservation area and are recommended for identification as such.