

## **Attachment 4**

### **Council Report and Resolution of 18 April 2017**

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## Planning Matters - 18 April 2017

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### **ITEM 5.1                      Hurlstone Park Heritage Assessment Study Implementation**

**AUTHOR                      Planning**

#### **ISSUE**

This report seeks Council's approval to exhibit a planning proposal listing various heritage items and heritage conservation areas in Hurlstone Park. It also recommends exhibition of draft amended heritage DCP controls, revised building height and zoning controls, and other measures to support the making of heritage controls in Hurlstone Park.

#### **RECOMMENDATION      That -**

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1. The planning proposal be submitted to the Department of Planning and Environment for a revised Gateway Determination as outlined in the report.
2. Upon receiving a revised gateway determination, the planning proposal be placed on public exhibition.
3. Draft amendments to Chapter B8 Heritage of the Canterbury Development Control Plan 2012 also be exhibited once a revised Gateway Determination is received.
4. Canterbury-Bankstown Interim Heritage Order No. 1 applying to properties in Hurlstone Park continue to remain in force.
5. Council make an Order to be published in the Government Gazette under section 57(3) of the Heritage Act, 1977 to grant exemption from the need to obtain approval under section 60 of the Heritage Act, 1977; in relation to Canterbury-Bankstown Interim Heritage Order No. 1, as outlined in this report.
6. The General Manager be given delegated authority to make minor amendments to the Draft Heritage Items and Heritage Conservation Area State Inventory Sheet forms, and to the mapping and wording of the Development Control Plan controls as required.
7. The making of an application process for the carrying out of minor works to heritage items, within a heritage conservation area, or to other identified places of heritage significance be endorsed.
8. A further report be submitted to Council following the conclusion of the public exhibition period.

## BACKGROUND

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Hurlstone Park is one of the oldest established suburbs in the Canterbury-Bankstown Council area. It developed as a suburban area after the railway station opened there in 1895, on the then new railway line between Sydenham and Belmore.

Hurlstone Park contains many quality examples of Federation (1890-1915) and Inter-War (1915-1940) period buildings arising from its original suburban development. However, only a relatively small number of these buildings are protected by existing heritage controls contained in the Canterbury Local Environmental Plan (CLEP) 2012.

In 2015 the NSW Department of Planning and Environment released the draft Sydenham to Bankstown Urban Renewal Corridor Strategy (Corridor Strategy). The strategy proposed significant increases in density around the railway stations within the corridor, including Hurlstone Park.

The former Canterbury Council considered the implications of this strategy in a report to the Council meeting on 25 February 2016. Because of concerns relating to the impact the Corridor Strategy would have on the heritage of Hurlstone Park, Council resolved that:

*The Department of Planning and Environment be advised that the existing heritage items in Belmore are to be retained, and that increases in density proposed for Hurlstone Park are not supported until a study has been undertaken of the Heritage Conservation Area potential of Hurlstone Park.*

A specialist heritage consultant Paul Davies Pty Ltd (Paul Davies) was appointed to prepare a Heritage Assessment Study of Hurlstone Park in May 2016.

This study was completed then reported to Council on 27 September 2016. Council resolved as follows:

1. *Stage 1 of the Hurlstone Park Heritage Assessment Study is endorsed, noting that community consultation will occur as part of the exhibition of the planning proposal.*
2. *Stages 2 and 3 of the Hurlstone Park Heritage Assessment Study involving preparation of inventory sheets, consultation strategy and Development Control Plan controls be undertaken.*
3. *A planning proposal be prepared for the listing of the identified heritage items and heritage conservation areas in Hurlstone Park, and submitted to the Department of Planning and Environment under Section 56 of the EPA Act for a gateway determination.*
4. *A report be submitted to Council prior to public exhibition of the planning proposal.*
5. *Council make Interim Heritage Orders (IHOs) in accordance with Section 25 of the Heritage Act 1977 for the potential heritage items identified by the Hurlstone Park Heritage Assessment Study and listed in Attachment B.*

All of the required work identified in this resolution has now been undertaken. Accordingly it is now possible to embark on the public exhibition of the planning proposal and draft development control plan (DCP) amendments, subject to Council endorsement.

## REPORT

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This report outlines the further work that has been undertaken in regard to the Council resolution of 27 September 2016, and the proposed implementation process to follow.

### Review of potential heritage items (Stage 2 work)

Stage 1 of the Hurlstone Park Heritage Assessment Study anticipated that there would be a further investigative review of the potential heritage items that were identified.

This was referred to as Stage 2 of this project. As part of this work, State Heritage Inventory (SHI) forms were also to be prepared. These forms give a detailed description of the listing, a statement of heritage significance for the property, and the reasons for the listing.

Paul Davies was engaged to carry out this work and commenced Stage 2 in November 2016. The work is now complete. As part of this work, Paul Davies has prepared a report justifying the conclusions that were reached as part of the review process. A copy of this report is attached, along with copies of the SHI forms for each item or Heritage Conservation Area (HCA) proposed for listing. These forms are part of the Stage 2 report, but for the purposes of convenience have been split into separate attachments.

The recommendations for the potential heritage items are outlined in the table below.

| No. | Potential item(s) – all subject to an Interim Heritage Order except where otherwise noted                                                        | Address                                    | Recommended for listing                |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|----------------------------------------|
| 1   | Weatherboard cottage                                                                                                                             | 40 Acton Street                            | No – but identified in a potential HCA |
| 2   | Inter war School buildings<br>“Edgeware Special School”<br><b>Note:</b> Not subject to Interim Heritage Order due to State Government ownership. | 6-20 Burnett Street                        | Yes                                    |
| 3   | Federation weatherboard house                                                                                                                    | 4 Canberra Street                          | No – but identified in a potential HCA |
| 4   | Pair of Federation houses                                                                                                                        | 22 and 24 Canterton Street                 | No – but identified in a potential HCA |
| 5   | Weatherboard cottage                                                                                                                             | 49 Church Street                           | No                                     |
| 6   | Pair of Federation Period shops with original shopfronts ( <b>Note:</b> Court appeal on these properties due to IHO)                             | 13 and 15 Crinan Street                    | No – but identified in a potential HCA |
| 7   | Group of late Victorian and Federation houses                                                                                                    | 66, 68, 70, 72, 76 and 78 Crinan Street    | Yes                                    |
| 8   | Former corner shop                                                                                                                               | 81 Crinan Street                           | No                                     |
| 9   | Federation house “Stratford”                                                                                                                     | 96 Crinan Street                           | Yes                                    |
| 10  | Victorian weatherboard house                                                                                                                     | 101 Crinan Street                          | Yes                                    |
| 11  | Group of Federation houses                                                                                                                       | 38, 40, 42, 44 and 46 Dunstaffenage Street | No – but identified in a potential HCA |

| No. | Potential item(s) – all subject to an Interim Heritage Order except where otherwise noted                                                       | Address                     | Recommended for listing                             |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-----------------------------------------------------|
| 12  | Pair of Federation houses                                                                                                                       | 27 and 29 Duntroon Street   | 27 Duntroon Street – Yes<br>29 Duntroon Street – No |
| 13  | Pair of Federation semi detached houses                                                                                                         | 37 and 39 Duntroon Street   | Yes                                                 |
| 14  | Pair of Federation houses                                                                                                                       | 44 and 46 Duntroon Street   | No – but identified in a potential HCA              |
| 15  | Federation house                                                                                                                                | 58-60 Duntroon Street       | No – but identified in a potential HCA              |
| 16  | Pair of Federation houses                                                                                                                       | 82 and 84 Duntroon Street   | No – but identified in a potential HCA              |
| 17  | Victorian house                                                                                                                                 | 90 Duntroon Street          | Yes                                                 |
| 18  | Victorian house                                                                                                                                 | 92 Duntroon Street          | Yes                                                 |
| 19  | Federation house                                                                                                                                | 109 Duntroon Street         | No – but identified in a potential HCA              |
| 20  | Federation house                                                                                                                                | 113 Duntroon Street         | No – but identified in a potential HCA              |
| 21  | Federation house                                                                                                                                | 128 Duntroon Street         | Yes                                                 |
| 22  | Federation Urban Park                                                                                                                           | 2C and 2D Euston Road       | Yes                                                 |
| 23  | Federation house                                                                                                                                | 29 Fernhill Street          | Yes                                                 |
| 24  | Federation house                                                                                                                                | 31 Fernhill Street          | Yes                                                 |
| 25  | Federation building “Electricity Substation 57”<br><b>Note:</b> Not subject to Interim Heritage Order because is in State Government ownership. | 12 Floss Street             | Yes                                                 |
| 26  | Federation house (Former Station Master’s Residence)                                                                                            | 44-46 Floss Street          | Yes                                                 |
| 27  | Federation house “Dalraida”                                                                                                                     | 79 Floss Street             | Yes                                                 |
| 28  | Victorian house “Ellesmere”                                                                                                                     | 42 Garnet Street            | Yes                                                 |
| 29  | Former Children’s Home                                                                                                                          | 50 Garnet Street            | No                                                  |
| 30  | Quarry faces                                                                                                                                    | 76-80 Garnet Street         | Yes                                                 |
| 31  | Pair of Federation semi detached houses                                                                                                         | 15 and 17 Gower Street      | Yes                                                 |
| 32  | Inter War House                                                                                                                                 | 21 Kilbride Street          | Yes                                                 |
| 33  | Federation and Inter War Church buildings “Hurlstone Park Uniting Church”                                                                       | 8 Melford Street            | Yes                                                 |
| 34  | Federation House “Fern Hill”                                                                                                                    | 104 Melford Street          | Yes                                                 |
| 35  | Federation and Inter War Church Buildings and exterior of child care centre east of the                                                         | 648-668 New Canterbury Road | Yes                                                 |

| No. | Potential item(s) – all subject to an Interim Heritage Order except where otherwise noted | Address | Recommended for listing |
|-----|-------------------------------------------------------------------------------------------|---------|-------------------------|
|     | existing church “St Stephanos Greek Orthodox Church”                                      |         |                         |

A map showing the changes proposed is attached.

In summary, of the 51 properties originally proposed for heritage listing, 29 are recommended to proceed and the other 22 were not recommended to proceed for listing.

However of the 22 properties not proposed for listing, the majority of these (19) fall within proposed heritage conservation areas. The proposed HCA controls will ensure these properties are afforded protection to their external form including prevention of demolition. The remaining three properties will not have any heritage status.

The Stage 2 report also makes further recommendations regarding Items 22, 26 and 35, as summarized below.

For item 22 “Euston Reserve”, it is proposed to add an area of road that has been closed and is part of the reserve, and also an Ausgrid electricity substation site that is within the reserve (2D Euston Road). Ausgrid will be notified as part of the exhibition of the planning proposal.

For item 26 (44-46 Floss Street) the original listing comprised 46 Floss Street only. 44 Floss Street is within the same ownership as 46 Floss Street, and contains the driveway to this property. As 44 Floss Street is an integral part of the property, it is proposed to add this to the heritage listing.

In relation to item 35 “St Stephanos Greek Orthodox Church” the consultants have recommended that the Inter War building on the site east of the existing church that contains a child care centre also be listed. This building was constructed in 1928 and is a locally rare example of the Romanesque style. This listing only applies to the exterior, the interior has been heavily altered.

#### **Draft Heritage Conservation Areas**

Seven Heritage Conservation Areas were also proposed in the Stage 1 report. These are as follows:

- Crinan Street shops HCA
- Duntroon Street HCA
- Floss Street HCA
- Hampden Street HCA
- Melford Street HCA
- Melford Street North HCA
- Tennent Parade HCA

Analysis of the proposed HCAs occurred as part of the Stage 1 report. These are proposed to proceed for formal listing, with the boundaries of these areas also remaining unchanged from those previously proposed. Maps showing the location of these areas are included in the draft DCP controls.

### **Planning Proposal**

To give the proposed heritage items and HCAs statutory protection, it is necessary to list them in Schedule 5 of Canterbury Local Environmental Plan (CLEP) 2012. This requires going through the planning proposal process. Council resolved on 27 September 2016 to commence this process.

A planning proposal to list the proposed heritage items and HCAs in Schedule 5 of CLEP 2012 was prepared, and submitted to the Department of Environment and Planning on 7 November 2016. The planning proposal also noted that the proposed items and heritage conservation areas (HCAs) were still under review and that the final listings might change prior to exhibition. A copy of the planning proposal is attached.

A Gateway Determination to enable exhibition of the planning proposal was granted by the Department on 14 December 2016. This was conditional on:

1. Consistency with the Stage 2 work of the Hurlstone Park Heritage Assessment Study, entailing the review of potential items and preparation of inventory sheets identified in Stage 1.
2. Updating the planning proposal to demonstrate consistency with the draft District Plan for the South Region. (Note: The draft District Plan was released after the planning proposal was submitted to the Department of Environment and Planning, hence the need for updating).
3. Inclusion of current and proposed LEP maps (finalisation of this work was contingent on the review of potential items being completed).

There are no objections to the Gateway Determination conditions.

In relation to the planning proposal it is also recommended that Council make two amendments to zoning and height controls relevant to the proposed Heritage Conservations Areas.

Most of the proposed Heritage Conservation Areas within Hurlstone Park are zoned R3 Medium Density Residential. This is with exception of a small area of R4 High Density Residential zoned land at the southern corner of Marcia Street and Duntroon Street within the Hampden Street HCA; and some commercial areas that are zoned B2 Local Centre the Crinan Street shops HCA and part of the Floss Street HCA. There is also some open space zoned RE1 Public Recreation within these areas.

It is proposed to rezone all of the R3 Medium Density Residential and R4 High Density Residential zoned land in the HCAs to R2 Low Density Residential.

The reason for this is that the R3 and R4 zones, as is implied in their name, allows for medium density housing forms such as multi dwelling housing (town houses and villas) and attached dwellings in the case of R3 zone, and higher density housing forms such as residential flat buildings in the R4 zone. This form of development is inconsistent with the prevailing residential character of these conservation areas, which predominantly comprise single dwelling houses.

In the Ashbury HCA, this approach to zoning was undertaken when the conservation area came into effect. The previous R3 equivalent zone was made an R2 zone to prevent inappropriate development forms being permitted. Adopting a similar approach to the R3 and R4 zones in the proposed Hurlstone Park HCAs will also ensure consistency occurs.

The other amendment proposed relates to the B2 Local Centre zones within the proposed HCAs, comprising most of the commercial area around Hurlstone Park station. While this zoning is appropriate for the conservation areas it is in, the current height control of 14 metres is not in keeping with the scale and form of development envisaged for these areas.

The prevailing height of buildings in these areas is generally 1-2 storeys. A 14 metre height limit will allow up to 4 storey development, which is incompatible in scale with these buildings, particularly if upper level extensions are proposed to existing shops.

It is recommended that the height limit be reduced to 11 metres. This will allow three storey development, which is of a scale that can be integrated into the existing built form of the areas involved.

To effect these amendments, the Department of Planning and Environment would need to issue a revised Gateway Determination. It is therefore recommended that Council seek approval from the Department for these changes to be made to the planning proposal.

It is recommended to enable statutory protection of identified potential heritage items and HCAs in Hurlstone Park, that the planning proposal be publicly exhibited once the changes outlined have been made, and a revised gateway determination issued.

#### **Consultation Strategy (Stage 3 work)**

Because of the large number of proposed heritage listings in Hurlstone Park, it is important for Council to have a well considered consultation strategy.

So far the consultation process has involved the following:

- Advising all property owners in Hurlstone Park of the report going to the 27 September 2016 meeting.
- Advising all property owners in Hurlstone Park of the outcomes of the 27 September 2016 meeting.
- Advising owners who had an Interim Heritage Order placed on their properties.
- Placing the Hurlstone Park Heritage Assessment Study on the Council website.
- Meetings with affected owners at their request.

There has been a range of responses both in support and opposition to some listings/Interim Heritage Order, and a Land and Environment Court appeal against two properties subject to the IHO (this will be discussed further in this report). However despite the widespread nature of the existing consultation, only a relatively small number of residents have contacted Council about the heritage related issues.

The consultation strategy is outlined below.

1. The planning proposal and amended DCP controls is intended to be exhibited in May-June 2017 (subject to revised gateway determination). It is proposed to have an exhibition period of 4-5 weeks. The original planning proposal contemplated a 6 week exhibition period. After consultation with the Hurlstone Park Association, it is considered that a 4-5 period is more appropriate. The Gateway Determination also only requires a 28 day period.
2. All property owners in Hurlstone Park will be advised in writing of the exhibition of the planning proposal. These letters will be specifically customised into the following groupings:
  - Owners of a property that is proposed for heritage listing.
  - Owners of a property that was initially proposed for heritage listing but that is no longer proceeding.
  - Owners of a property that is proposed for inclusion in a heritage conservation area.
  - All other property owners in Hurlstone Park.
3. Owners of a property that is proposed for heritage listing will also be sent a copy of the relevant State Heritage Inventory (SHI) form which gives the reason for listing. The original planning proposal contemplated also sending a copy of the area character statement for listing (which would apply to HCAs). After considering the logistics of this, it is proposed instead to provide a website link to this information in the exhibition letter to be sent out.
4. The planning proposal and draft amended DCP controls will be placed in the “Have Your Say” section of the Council website. All information relating to the planning proposal including supporting documentation will also be made available on-line and at the two Council customer service centres.
5. The planning proposal and draft amended DCP controls will be advertised in the Council column of local newspapers.
6. A poster advertising the exhibition will be placed in prominent community locations in Hurlstone Park including the Council Community Information board.
7. Three drop in sessions are proposed to be held in the local area during the exhibition period at the following indicative times:
  - A Saturday morning between 10am-12pm (to be held outdoors in the vicinity of the station and shopping centre car park)
  - A Monday afternoon between 4pm-6pm (at the Immanuel Community Church at 67 Duntroon Street, Hurlstone Park near the station)
  - A Thursday lunch time between 11am-1pm (to be held outdoors in the vicinity of the station and shopping centre car park)
8. The opportunity for affected owners to directly meet with the consultant and/or staff if necessary.

### **Interim Heritage Orders**

The Council resolution of 27 September 2016 required the making of Interim Heritage Orders (IHOs) under Section 25 of the Heritage Act 1977, for potential heritage items identified in the Hurlstone Park Heritage Assessment Study.

Shortly prior to the September 2016 Council meeting three properties in Hurlstone Park had been demolished that contributed to the heritage character of the area. An IHO provides temporary protection to prevent harm occurring to a property that has been identified as having heritage significance, but is not currently protected.

The process for the making of an IHO in relation to the potential heritage items was undertaken immediately after the Council resolution of 27 September 2016, with Canterbury-Bankstown Interim Heritage Order No. 1 (IHO 1) coming into effect on 30 September 2016. The order was made over 49 properties. During the implementation process it was found that Council did not have the delegation to impose IHOs on properties owned by the NSW Government. Accordingly two potential heritage items, Edgware Special School at 6-20 Burnett Street, and Electricity Substation 57 at 12 Floss Street, were unable to be included. These properties were not under threat and are still intact.

An IHO provides an initial period of protection for a six month period. A further six month period can be granted if Council has made a resolution to place the item on the heritage schedule of a local environmental plan. As Council already had made a resolution to this effect at the 27 September 2016 meeting, the IHO is in effect for 12 months.

Legal advice obtained by Council indicates that the current IHO (IHO 1) should remain for the full 12 month period or until the LEP listing the heritage items is gazetted. The reason for this is that once an IHO is removed, there is no protection available to the potential heritage items. The remaining assessment process still includes exhibition of the planning proposal, and the IHO will allow protection to occur in the event new information comes to light through the exhibition process which might alter future recommendations.

Also in relation to the IHO, a Land and Environment Court appeal was lodged against the imposition of the IHO on two properties at 13 and 15 Crinan Street. This appeal has not yet been heard by the Court. A conciliation conference was held at the site on 8 March 2017, and a hearing date has been set down for 21 June 2017.

As part of this appeal the appellant provided a heritage report on these two properties. Paul Davies has reviewed this report as part of the Stage 2 work. The Stage 2 report recommends that these two properties not proceed for further heritage listing. The two properties are, however, proposed as part of the Crinan Street Shops HCA and will be afforded protection through inclusion in this HCA.

### **Exemptions for Minor Works**

An issue that has arisen through Council dealing with the practical application of the IHO is the consent requirements it entails.

Section 57(1) of the Heritage Act requires in effect that all works proposed for an IHO listed property need consent under section 60 of this Act. This includes minor works such as repairs, painting, maintenance, and restoration. In addition the Heritage Act also stipulates that the consent requirements of any other legislation also apply. This has been confirmed by legal advice obtained by Council.

For relatively minor works this can be an onerous imposition on an applicant. However section 57(3) of the Heritage Act allows for Council to grant exemptions from section 57(1) requirements. Section 57(3) is quoted below:

*A council may, by order published in the Gazette, grant an exemption from subsection (1) or such of the provisions of that subsection as are specified in the order in respect of the engaging in or carrying out of such activity or class of activities by such person or class of persons in such circumstances as may be so specified. Such an exemption has effect only in respect of an interim heritage order made by the council concerned.*

Legal advice obtained indicates Council should utilise this provision and publish an order in the Government Gazette that grants exemptions for minor works. This will make the assessment process much easier for applicants and Council. It is proposed to use the Standard Exemptions prepared by the Heritage Council for this purpose. A copy of these exemptions is attached, along with some suggested wording for the order. This wording may undergo modification after final legal review has occurred prior to publication.

#### **Amendment to Canterbury Development Control Plan 2012 (Stage 3 work)**

Chapter B8 of Canterbury Development Control Plan (CDCP) 2012 contains controls for heritage that apply in the former Canterbury City area.

This chapter of the DCP is divided into four parts:

1. General Objectives
2. Analysis and Documentation
3. Design Principles
4. Ashbury Heritage Conservation Area

Draft revised controls have been prepared encompassing the first three sections of this DCP (albeit with different section headings), and a set of new controls specifically for Hurlstone Park. The controls for Ashbury Heritage Conservation Area at this stage will remain unchanged.

A newly revised chapter B8 is attached to this report (excluding the existing Ashbury controls).

The main changes from the current controls are listed as follows:

1. The scope of this chapter has been widened to include:
  - Draft heritage Items, draft Archaeological Sites, draft Aboriginal Heritage Sites and draft Heritage Conservation Areas that are included in a planning proposal that has been publicly exhibited.
  - Properties included in an interim heritage order.
  - Properties included in a State Government Heritage Register under section 170 of the Heritage Act, 1977.

This change will mean this section of the DCP encompasses all of the different scenarios where a heritage assessment is applicable.

2. The deletion of an existing objective – *to ensure that the location of garages and carports do not detract from heritage significance*. This objective was considered to be far too specific and already sufficiently covered by existing DCP controls.
3. Inclusion of general information about heritage resources to assist applicants.
4. A far more comprehensive and specific set of controls is now proposed to generally apply to heritage items in Canterbury. These will cover the following areas or building types:
  - External form and setting.
  - Interior elements.
  - Roofs, dormers, chimneys, and skylights.
  - Verandahs, porches, and balconies.
  - Driveways, garages and carports.
  - Fences.
  - Landscape elements.
  - Outbuildings.
  - Windows and Doors.
  - Building materials, finishes and colour.
  - Retail and commercial buildings.
  - Apartments and residential flat buildings.
  - Adaptive Reuse.
  - Subdivision and lot consolidation.
  - Demolition.
5. A new set of controls for the seven proposed Hurlstone Park HCAs have been developed. These controls also cover the areas or building types outlined in Point 4 above. In addition there have been comprehensive Area Character Statements developed for each of the draft HCAs. These provide more specific guidance as to the type of development Council is seeking in the draft HCAs, based on maintaining the elements and form that make up the existing original character.

The revised general controls for heritage items will apply to all such items within the former Canterbury LGA, and not just existing or newly proposed listed properties in Hurlstone Park.

It is noted that the existing controls for the Ashbury Heritage Conservation Area do not follow the same format as the draft Hurlstone Park HCA controls. There are differences in the way that buildings are ranked, and the Ashbury controls do not utilize the more specific Area Character Statements developed for Hurlstone Park. The Ashbury controls were also originally developed over 10 years ago, and are in need of a more comprehensive review.

It is considered that the Ashbury controls should be revised to make them more compatible with the draft Hurlstone Park HCA controls. This work will be the subject of a future report to Council.

Also noted is that the current Bankstown Development Control Plan 2015 has no specific controls for heritage listed properties within the former Bankstown City area. It is proposed that the draft DCP controls developed as part of the Hurlstone Park work will form the basis of a similar set of heritage controls for the Bankstown DCP. This will be the subject of a future report to Council. One significant exception is that there are no HCAs in the former Bankstown, so the controls relating to these will not need to be included.

### **Minor Works Application**

Generally speaking, most forms of development relating to a heritage item or within a HCA requires the consent of Council. However subclause 5.10 (3) of CLEP 2012 allows for the waiving of development consent for works relating to a heritage item or within a HCA in certain circumstances. Of particular note is 5.10 (3) (a) which reads as follows:

*However, development consent under this clause is not required if:*

*(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:*

*(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*

*(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area.*

The development referred to here are commonly known as minor works. Specifically such works may include repainting, repairs, minor internal building alterations such a bathroom and kitchen renovations of non original fabric, skylights and the like.

Many Councils have a specific minor works application process that sets out the information requirements and types of works that typically fit the minor works category.

Canterbury-Bankstown however does not have a minor works process. It is considered that Council could considerably benefit from having this as it would provide clarity to applicants and home owners about what comprises minor works, and also simplify the process in respect of gaining permission for low impact types of development.

It is recommended that Council implement the making of such a process including preparation of an application form as part of the heritage initiatives proposed within this report.

### **Other heritage Incentives**

Currently there is a range of other heritage incentives that apply in both the former Bankstown and Canterbury Councils. These include a heritage grant fund (Bankstown); and a partial rate rebate and a waiving of development application fees for residential properties (Canterbury).

It is proposed that a report on heritage incentives be presented to the Council meeting on 23 May 2017. It will present options to enable streamlining of the current situation regarding incentives so that a common approach can occur. This timing will mean that Hurlstone Park residents who may benefit from such incentives can be made aware of them during the public exhibition process.

### **Conclusion**

The proposed introduction of comprehensive heritage controls for Hurlstone Park is outlined in this report. As can be seen, there are a number of elements involved that require consideration.

In respect of these elements, in summary this report seeks Council's approval to:

- Seek a revised gateway determination from the Department of Planning and Environment to make changes to planning and zoning controls to the planning proposal.
- Exhibit the planning proposal once it has been given a revised gateway determination.
- Exhibit at the same time the draft amended Chapter B8 Heritage of Canterbury Development Control Plan 2012 that provide new heritage controls to support the planning proposal.
- Endorse the making of an exemption for the need to gain approval under the Heritage Act, 1977 for certain works in relation to Canterbury- Bankstown Interim Heritage Order No.1.
- Endorse a community consultation strategy in respect of the exhibition of the planning proposal and associated development control provisions.
- Endorse a minor works application process applying to heritage items or works within a heritage conservation area, or to other identified places of heritage significance.

A further report will be submitted to Council following the conclusion of the public exhibition period addressing any issues that have been raised.

### **POLICY IMPACT**

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There are no policy implications arising from this report.

### **FINANCIAL IMPACT OF RECOMMENDATIONS**

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There are no financial implications arising from this report.

### **RECOMMENDATION** That -

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1. The planning proposal be submitted to the Department of Planning and Environment for a revised Gateway Determination as outlined in the report.
2. Upon receiving a revised gateway determination, the planning proposal be placed on public exhibition.
3. Draft amendments to Chapter B8 Heritage of the Canterbury Development Control Plan 2012 also be exhibited once a revised Gateway Determination is received.

4. Canterbury-Bankstown Interim Heritage Order No. 1 applying to properties in Hurlstone Park continue to remain in force.
5. Council make an Order to be published in the Government Gazette under section 57(3) of the Heritage Act, 1977 to grant exemption from the need to obtain approval under section 60 of the Heritage Act, 1977; in relation to Canterbury-Bankstown Interim Heritage Order No. 1, as outlined in this report.
6. The General Manager be given delegated authority to make minor amendments to the Draft Heritage Items and Heritage Conservation Area State Inventory Sheet forms, and to the mapping and wording of the Development Control Plan controls as required.
7. The making of an application process for the carrying out of minor works to heritage items, within a heritage conservation area, or to other identified places of heritage significance be endorsed.
8. A further report be submitted to Council following the conclusion of the public exhibition period.

## **ATTACHMENTS**

[Click here for attachments](#)

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- A. Map showing recommended heritage items
- B. Stage 2 report - SHI inventory sheets separately attached.
- C. Heritage Item SHI Inventory forms
- D. HCA SHI Inventory forms
- E. Planning Proposal (subject to revision) and Gateway Determination
- F. Proposed IHO Exemptions
- G. Draft Part B8 Heritage DCP controls

**NEW CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN COUNCIL CHAMBERS  
ON 18 APRIL 2017**

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**SECTION 5: PLANNING MATTERS**

**ITEM 5.1 HURLSTONE PARK HERITAGE ASSESSMENT STUDY IMPLEMENTATION**

**(388)**

**MOVED AND RESOLVED BY THE ADMINISTRATOR**

That

1. The planning proposal be submitted to the Department of Planning and Environment for a revised Gateway Determination as outlined in the report.
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3. Draft amendments to Chapter B8 Heritage of the Canterbury Development Control Plan 2012 also be exhibited once a revised Gateway Determination is received.
4. Canterbury-Bankstown Interim Heritage Order No. 1 applying to properties in Hurlstone Park continue to remain in force.
5. Council make an Order to be published in the Government Gazette under section 57(3) of the Heritage Act, 1977 to grant exemption from the need to obtain approval under section 60 of the Heritage Act, 1977; in relation to Canterbury-Bankstown Interim Heritage Order No. 1, as outlined in this report.
6. The General Manager be given delegated authority to make minor amendments to the Draft Heritage Items and Heritage Conservation Area State Inventory Sheet forms, and to the mapping and wording of the Development Control Plan controls as required.
7. The making of an application process for the carrying out of minor works to heritage items, within a heritage conservation area, or to other identified places of heritage significance be endorsed.
8. A further report be submitted to Council following the conclusion of the public exhibition period.

**ITEM 5.2 SUBMISSION TO THE DRAFT EDUCATION AND CHILD CARE SEPP**

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**MOVED AND RESOLVED BY THE ADMINISTRATOR**

That Council endorse the submission to the Draft Education and Child Care SEPP and supporting documents as outlined in this report.

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