

Attachment 2

Council Report and Resolution of 27 September 2016

Planning Matters - 27 September 2016

ITEM 5.4 Hurlstone Park Heritage Assessment Study

AUTHOR City Planning

ISSUE

The report seeks the Council's approval to endorse and implement the Hurlstone Park Heritage Assessment Study.

RECOMMENDATION That -

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. The Interim General Manager use his delegated authority to make Interim Heritage Orders (IHOs) for any proposed heritage items at risk.

BACKGROUND

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 high quality examples of particularly Federation (1890-1915) and Inter-War (1915-1940) period buildings. However, only a relatively small number of these buildings are protected by heritage controls 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. 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. 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 was appointed to prepare a Heritage Assessment Study of Hurlstone Park in May 2016.

The study has now been completed and its findings are the subject of this report.

It is noted that the study area comprises all of the suburb of Hurlstone Park within the Canterbury-Bankstown Council area. A small part of Hurlstone Park suburb also falls within the Inner West Council area, but is outside of the scope of this study. A map of the study area is shown below:



Map - Hurlstone Park study area

Overview of the Hurlstone Park Heritage Assessment Study

The Hurlstone Park Heritage Assessment Study is a work that is intended to occur in three stages.

- Stage 1: This stage involves identification of potential heritage items and heritage conservation areas (HCAs) within Hurlstone Park warranting further research. The key inputs into this work are preparation of a thematic history, a photographic survey of all properties within Hurlstone Park, and grading of the building value of all properties.
- Stage 2: This will involve preparation of State Heritage Inventory (SHI) forms for potential heritage items and potential heritage conservation areas identified in Stage 1. This may result in removing some of the potential items identified in Stage 1.
- Stage 3: This will involve preparation of Development Control Plan (DCP) controls for heritage items and any recommended HCAs, and the preparation of a consultation strategy for the public exhibition of the Stage 1 report, Stage 2 SHI forms, and draft heritage planning controls.

The consultant has now completed Stage 1 of the Hurlstone Park Heritage Assessment Study. This document is being submitted for Council endorsement. A copy of the report is attached.

REPORT

Stage 1 Report

As noted above, the intention of the Stage 1 report is to identify potential heritage items and potential heritage conservation areas within Hurlstone Park warranting further research.

To be able to undertake this identification, the consultant needed to undertake the necessary background work required.

This firstly included undertaking a detailed thematic history of the suburb. This focuses on the suburban development of the area that predominantly occurred between 1900 and 1915, and includes details of all the various suburban land subdivisions that occurred in Hurlstone Park. This comprises Chapter 2 of the report.

The consultant was also required to undertake a ranking or grading of the building value of all properties in Hurlstone Park. The ranking system used is outlined in the table below:

Building Ranking	Building Ranking Definition
HI - Heritage Item	Heritage items: Buildings individually listed as heritage items in the Canterbury LEP 2012
PHI - Potential heritage item	Potential heritage item identified in this Study for further research
Contributory 1	Contributory to a potential HCA. A building that clearly reflects the heritage values of a key period of

Building Ranking	Building Ranking Definition
	significance of the potential HCA and is a key element of the character of the potential HCA
Contributory 2	A building which has been altered but is still identifiable as dating from a key period of significance for the potential HCA, and retains the overall form from the original date of construction
Non Contributory	Not Contributory to a potential HCA. A building which is either: a) Heavily altered to an extent where construction period is uncertain, or b) Is from a construction period which falls outside any Key period of significance for the potential HCA, or c) Fits criterion b) above and has a scale or form which is not consistent with any key characteristics of the area.

Potential Heritage Items

An intention of the study is to identify potential heritage items in Hurlstone Park. A heritage item is a place which has been:

- Assessed as significant under NSW State Heritage Significance criteria which cover historical, historical associational, aesthetic/technical, social, and/or research significance and the rarity or representativeness of a place. Heritage items may be of local, state or national significance on one or more of these criterion. The NSW Heritage Council publication *Assessing Heritage Significance*¹⁴⁴ is the reference publication for how significance assessments are undertaken.
- Listed in a Heritage Schedule within a statutory planning instrument such as a Local Environmental Plan.

The study identifies 34 potential individual or group items, comprising 51 properties. It is proposed that these items be listed in addition to the 24 individual heritage items for Hurlstone Park already identified in Canterbury Local Environmental Plan (CLEP) 2012. The potential new heritage items are attached to this report.

The study recommends that further research on these potential heritage items occur. This will take place as part of the preparation of State Heritage Inventory (SHI) forms, which forms Stage 2 of the study.

Potential Heritage Conservation Areas

An intention of the study is to identify potential Heritage Conservation Area in Hurlstone Park. A HCA is an area with largely historical and aesthetic significance, which together create a sense of place. Important elements that contribute to the heritage significance of a HCA include historical subdivision patterns, streetscapes of buildings from particular periods, the architectural styles of buildings, fences, trees - including street trees - and gardens.

The process of identifying potential HCAs took place initially by ranking buildings and mapping the outcomes to see if there were any clusters of significant or contributory buildings within Hurlstone Park. This was to particularly identify whether such clusters occurred on both sides of a street or in an area representing a distinctive historical subdivision.

Following the identification of significant/contributory building clusters, further fieldwork and analysis of Contributory building values was undertaken to determine whether these clusters should be recommended as either heritage item groups or as potential new Heritage Conservation Areas. After this potential HCA boundaries were determined.

The study identifies seven potential HCAs. The seven areas and maps are attached to this report. They also show the percentage of buildings that are contributory to each area (the combined percentage of heritage items, potential heritage items, Contributory 1 and Contributory 2 type buildings).

The study recommends that preparation of State Heritage Inventory (SHI) forms for the seven potential HCAs identified in this report.

Further progression

If Council is supportive of the potential heritage items and HCAs, then it will need to commence Stage 2 of the process - the preparation of State Heritage Inventory (SHI) forms. It is possible that some potential items and HCAs identified in the study will not progress further, if the further research that occurs during the preparation of the SHI forms determines that future listing cannot be justified.

A planning proposal must also be prepared to include the potential heritage items and HCAs in Schedule 5 of CLEP 2012. The LEP controls will enable protection of the potential heritage items and HCAs.

The planning proposal must receive a gateway determination from the Department of Planning and Environment (DP&E) before it can proceed to the exhibition.

The planning proposal should be prepared as a matter of priority as it will enable protection of items and HCAs once it is exhibited. This issue is discussed below.

Threat to items

The identification of potential heritage items and HCAs in this report could result in owners either seeking demolition or altering properties to avoid listing.

Council has powers to protect potential heritage items if considered to be under threat. In 2013 the then Minister for Heritage authorised all local Councils in NSW to make Interim Heritage Orders (IHOs) under the NSW Heritage Act 1977.

An IHO is a temporary heritage order (made for up to one year) that provides time to assess the heritage significance, or values, of a potential heritage item. IHOs provide time for studies and inspections to take place, so that a decision on whether a place should be formally considered for listing can be taken.

The IHO protection however does not apply to properties within a potential HCA (except those where a potential heritage item listing is proposed). These could be potentially be demolished or altered through exempt or complying development without Council being able to prevent this happening.

Once the potential heritage items and HCAs are included in a planning proposal that has gone on exhibition they formally have a draft status, and are protected from being demolished or being altered as exempt or complying development. As such, this makes preparation of the planning proposal a matter of priority to provide the statutory mechanism to enable more widespread protection of both potential items and HCAs.

Stage 3 work

Stage 3 of the study requires the consultants to prepare a Consultation Strategy. This will ensure that there is adequate education about heritage, and to ensure that there is an appropriate mechanism to deal with comments received during the exhibition phase.

Another key issue outlined in Stage 3 is preparation of development controls for the HCAs. CDCP 2012 already contains development controls for heritage items. This work should go on exhibition with the planning proposal, so the owners can be aware of the design requirements and other controls likely to apply in the future in the HCAs.

It is recommended that both these pieces of work be prepared concurrently with Stage 2, so they are both available and can be reported to Council prior to the exhibition stage.

POLICY IMPACT

This report supports our Community Strategic Plan long term goal of Balanced Development.

FINANCIAL IMPACT OF RECOMMENDATIONS

This report has no implications for the Budget.

RECOMMENDATION That -

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. The Interim General Manager use his delegated authority to make Interim Heritage Orders (IHOs) for any proposed heritage items at risk.

ATTACHMENTS

[Click here for attachments](#)

- A. Hurlstone Park Heritage Assessment Study
- B. Potential Heritage Items
- C. Potential Heritage Conservation Areas

NEW CITY OF CANTERBURY BANKSTOWN

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 27 SEPTEMBER 2016**

engineer of the constructed on-site drainage and/ or stormwater detention system, shall be obtained prior to release of the linen plans.

The Work As Executed plans shall be shown on a copy of the approved stormwater drainage plan and shall contain all information specified in Council's Development Engineering Standards.

The Work As Executed information shall be shown in red on a copy of the approved plans. The information shall be submitted to the Engineer prior to certification.

A copy of the work as executed information together with the certification shall be submitted to Council for information prior to issue of the linen plan.

- viii. Copy of the Work Permit Compliance Certificate, where required.
- ix. A copy of the Final Occupation Certificate.
- (c) An application and appropriate fees for the issue of a Subdivision Certificate shall be submitted to Council upon submission of the information referred to in part (b) of this condition.

The subdivision certificate shall not be issued until the requirements of this condition have been complied with.

ITEM 5.4

HURLSTONE PARK HERITAGE ASSESSMENT STUDY

DR MARIE HEALEY (PROPERTY OWNER) ADDRESSED COUNCIL.

(159)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

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.

NEW CITY OF CANTERBURY BANKSTOWN

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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 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.

ITEM 5.5

MILTON STREET, ASHBURY - PLANNING PROPOSALS (149-163 & 165-171)

MS JANE WILLIAMSON AND MR MATT BURKE (ASHBURY COMMUNITY GROUP) ADDRESSED COUNCIL.

MR DAVID HOY (ON BEHALF OF THE APPLICANT) ADDRESSED COUNCIL.

MR ARAS LABUTIS (ON BEHALF OF THE APPLICANT) ADDRESSED COUNCIL.

(160)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. The applications for planning proposals submitted for 165-171 and 149-163 Milton Street are not supported for the reasons outlined in the report.
2. A planning proposal be prepared by Council on the basis of the findings of the report by GM Urban Design and Architecture Pty Ltd, including the indicative designs and development standards contained therein, and that it be submitted to the Department of Planning and Environment for a Gateway Determination.
3. A Development Control Plan be prepared in conjunction with the planning proposal to provide detailed guidance on the nature of the proposed development of the two sites at 149-163 Milton Street and 165-171 Milton Street, Ashbury.

STANDING ORDERS WERE RESUMED.