

## Planning Services

### Gateway determination report

<b>LGA</b>	Sydney
<b>PPA</b>	City of Sydney
<b>NAME</b>	The planning proposal seeks to list eight modern post-war buildings and one artwork
<b>NUMBER</b>	PP_2018_SYDNE_008_00
<b>LEP TO BE AMENDED</b>	Sydney Local Environmental Plan 2012
<b>ADDRESS AND DESCRIPTION</b>	<p>The planning proposal relates to the following places in Central Sydney:</p> <ul style="list-style-type: none"> <li>• Sydney Masonic Centre, 279-283 Castlereagh Street, Sydney (Lot 1 DP 1067328);</li> <li>• the former Sydney County Council building, 552A-570 George Street, Sydney (Lot 1 DP 231095);</li> <li>• St Peter Julian's Catholic Church and Monastery, 637-645 George Street, Haymarket (Lot 1 DP 84699; Lot B DP 108370; Lots 1-2 DP 1138453);</li> <li>• Town Hall House, 456 Kent Street, Sydney (Part Lot 100 DP 1048011);</li> <li>• William Bland Centre, 229-231 Macquarie Street, Sydney (Lot 1 DP 66747, Lot 1 DP 80727, Lots 1-3 SP 10041, Lots 6-40 SP 10041, Lots 42-66 SP 10041, Lots 68-90 SP 10041, Lots 91-92 SP 14123, Lot 93 SP 70358, Lots 94-95 SP 86600);</li> <li>• MLC Centre, 19-35 Martin Place, Sydney (Lot 1 DP 598704, Lot 5 DP 588399, Lots 1-2 SP 12322, Lot 3 DP 565938, Lot 1 SP 7985, Lots 3-4 SP 10727);</li> <li>• the former Liverpool, London &amp; Globe building, 62 Pitt Street, Sydney (Lot 1 DP 129926);</li> <li>• the former Horwitz House, 398-402 Sussex Street, Haymarket (Lot 1 DP 55229); and</li> <li>• 'Earth Mother' play sculpture, Yurong Parkway, Cook &amp; Phillip Park, Sydney (Lots 4-8 DP 873273, Lots 31-33 DP 1007439, Lot 1 DP 1000281).</li> </ul>
<b>RECEIVED</b>	9 November 2018
<b>FILE NO.</b>	IRF18/6371
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1. INTRODUCTION

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### 1.1 Description of planning proposal

The planning proposal seeks to amend the Sydney Local Environment Plan (LEP) 2012 to list and map the following buildings and artwork (**Figure 1**) as items of local heritage significance under Schedule 5 Environmental Heritage (**Attachments A1-A9**):

- Sydney Masonic Centre including significant interiors and the Mona Hessing artwork, 279-283 Castlereagh Street, Sydney;
- the former Sydney County Council building including significant interiors, 552A-570 George Street, Sydney;
- St Peter Julian's Catholic Church and Monastery including significant interiors and artworks, 637-645 George Street, Haymarket;
- Town Hall House including significant interiors and artworks, 456 Kent Street, Sydney;
- William Bland Centre including significant interiors, 229-231 Macquarie Street, Sydney;
- MLC Centre including Theatre Royal, commercial and retail buildings, significant interiors, plazas, "S", "Mercator" and "Wrestling" artworks, 19-35 Martin Place, Sydney;
- the former Liverpool and London and Globe building including significant interiors, 62 Pitt Street, Sydney;
- the former Horwitz House including the internal structure, 398-402 Sussex Street, Haymarket; and
- 'Earth Mother' play sculpture, Yurong Parkway, Cook & Phillip Park, Sydney.

The proposal also seeks to make a correction to heritage map sheet HER\_015 to remove the shading for the building footprint of St Andrews House at 464 Kent Street, Sydney. The building is not currently or proposed to be listed as being of heritage significance. However, it is currently identified on the LEP heritage map as it is on land of local heritage significance.

### 1.2 Background

In 2013, the Heritage Council of NSW completed a thematic history of the Modern Movement in NSW, which was a statewide heritage study of contemporary architecture. The Modern Movement is generally based on the progressive European and American architectural ideals that developed in 1900-1940. However, the Heritage Council's study found that the Modern Movement and its associated architectural ideals predominantly developed in Australia between 1910 and 1970.

On 14 May 2012, City of Sydney Council resolved to commence a heritage study review of Central Sydney's modern buildings. In 2013, Council commissioned Tanner Kibble Denton Architects (TKD Architects) to conduct the study on its behalf. The heritage study was completed in stages and was finalised in 2018. The heritage study identified 14 potential items of heritage significance, however only nine of these items meet the NSW heritage criteria for local heritage significance. The other five items do not form part of the planning proposal.

### **1.3 Existing planning controls**

The eight buildings subject to the planning proposal are within the B8 Metropolitan Centre zone under the Sydney LEP 2012. The 'Earth Mother' play sculpture is located in Cook & Phillip Park. The park is zoned RE1 Public Recreation. The planning proposal does not propose any changes to zoning or development standards that apply to these sites.

Under the current Sydney LEP 2012 there are a range of provisions which must be addressed when assessing development applications for items and places identified as having heritage significance.

Should the subject items be listed as items of local heritage significance, Clause 5.10 Heritage Conservation of the Sydney LEP 2012 will apply to each of the sites.

Clause 5.10(2) details the types of development that requires development consent on land that is of heritage significance or contains a heritage item. Works such as demolition, altering the exterior or making structural changes to the interior of a heritage item are not prohibited but do require development consent. Similarly, erecting a building or subdividing land on which a heritage item is located also requires development consent.

Clause 5.10(3) details the works that can be completed without development consent for a site that is heritage listed provided the consent authority has been notified in writing. Works that do not require development consent include those that are minor in nature or are for the maintenance of the heritage item and would not adversely affect the heritage item or exempt development as outlined in Clause 3.1 the Sydney LEP 2012.

Clause 5.10(4) requires the consent authority to consider the effect of a proposed development on the heritage significance of an effected item or land. Clauses 5.10(5) and (6) allow the consent authority to require the preparation of heritage management documents and conservation management plans to accompany development applications for effected land.

Buildings that are listed as heritage items in the B8 Metropolitan Centre zone are also eligible for heritage floor space (HFS) awards under Clauses 6.10 and 6.11 of the Sydney LEP 2012. The Clauses establish a framework for an HFS market in which vendors and buyers negotiate with each other.

Clause 6.10 provides the framework for the HFS scheme under which landowners of heritage buildings in Central Sydney are incentivised to conserve and maintain their properties in return for HFS awards afforded under the scheme. Landowners may sell the HFS to developers who are seeking to obtain additional floor space for their development.

Clause 6.11 of the Sydney LEP 2012 stipulates that a developer may only obtain approval for developments that use certain types of additional floor space provided they allocate an amount of HFS to their site.

### **1.4 Site description**

Council's heritage study prepared by TKD Architects investigated the significance of Modern Movement architecture in Central Sydney and is concentrated on buildings that were approved in 1945-1970. The geographic scope of Central Sydney is identified as the Sydney CBD and parkland, which is generally zoned B8 Metropolitan Centre or RE1 Public Recreation in the Sydney LEP 2012.

The planning proposal seeks to include eight buildings and one artwork as items of local heritage significance under schedule 5 of the LEP. A description of the proposed

heritage items is discussed below, along with the findings of the heritage study prepared by TKD Architects (on behalf of Council).

The Heritage Council of NSW guideline outlines seven criteria of local heritage significance to determine whether an item warrants local listing. Only one of these seven criteria are required to be satisfied at the local level for local heritage listing.

### 1. Sydney Masonic Centre

The Sydney Masonic Centre (**Figure 2**) is located at 279-283 Castlereagh Street, Sydney and is legally described as Lot 1 DP 1067328. The Masonic Centre forms the podium of a 24-storey office building and is used as a conference and function centre and museum.

Council seeks to list the Sydney Masonic Centre including significant interiors and Mona Hessing artwork.

The study describes the building as an outstanding example of the Brutalist architectural style, with strong and expressive shapes formed with reinforced concrete. The Mona Hessing artwork was commissioned for the building and is regarded by TKD Architects as one of her finest works.

TKD Architects has assessed the building as being of local heritage significance for its historic evolution, historic association, aesthetics, research potential, rarity and representativeness. TKD Architects state that the item meets five out of seven of the NSW heritage criteria for local significance and one out of seven of the criteria for State significance.

### 2. St Peter Julian's Catholic Church and Monastery

St Peter Julian's Catholic Church and Monastery (**Figure 3**) is located at 637-645 George Street, Haymarket and is legally described as Lot 1 DP 84699, Lot B DP 108370 and Lots 1-2 DP 1138453.

Council seeks to list the St Peter Julian's Catholic Church & Monastery including significant interiors and artworks.

The church provides an example of post World War II ecclesiastical architecture and is believed to be the only one of the period to include a monastery.

TKD Architects has assessed the building as being of local heritage significance its historic evolution, historic association, aesthetics, rarity and representativeness and is considered to meet five out of seven of the NSW heritage criteria for local significance.

### 3. The former Sydney County Council building

The former Sydney County Council building is at 552A-570 George Street, Sydney (**Figure 4**) and is legally described as Lot 1 DP 231095. The building is a 24-storey office building and consists of a low horizontal podium which covers the entire site, with a prominent rectilinear tower at the southern end of the site.

Council seeks to list the former Sydney County Council building including significant interiors.

The building is considered to be an example of a late twentieth century international commercial building. The building is understood to have been the only commercial office building to have been subject to an architectural competition during the post war period in Central Sydney and is associated with the architectural firm known as Fowell, Mansfield and Maclurcan.



TKD Architects has assessed the building as being of local heritage significance due to its historic evolution, historic association, aesthetics, rarity and representativeness and is considered to meet five out of seven of the NSW heritage criteria for local significance.

#### 4. Town Hall House

Town Hall House (**Figure 5**) is located at the western end of Town Hall Square at 456 Kent Street, Sydney. The land is legally described as Part Lot 100 DP 1048011. Town Hall house is a 23-storey office tower comprising a three-storey podium, two storeys of council offices and function rooms with an additional 18 storeys of offices above.

Council seeks to list the Town Hall House including significant interiors and artworks.

Town Hall House demonstrates Sydney's civic development during the second half of the twentieth century and forms part of Town Hall Square established during the 1960s-1970s. The building is associated with architect Ken Woolley and the early use of load bearing precast concrete wall systems.

TKD Architects has assessed the building as being of local heritage significance due to its historic evolution, historic association, aesthetics, social associations, research potential, rarity and representativeness. TKD Architects state that the item meets all seven of the NSW heritage criteria for local significance and three out of seven of the criteria for State significance.

#### 5. The William Bland Centre

The William Bland Centre (**Figure 6**) is located at 229-231 Macquarie Street, Sydney. The building comprises 11 storeys with a basement level at the western end of the site and is used for medical consulting and professional offices. The site was converted to strata title in 1975 and comprises the following legal description:

- Lot 1 DP 66747;
- Lot 1 DP 80727;
- Lots 1-3 SP 10041;
- Lots 6-40 SP 10041;
- Lots 42-66 SP 10041;
- Lots 68-90 SP 10041;
- Lots 91-92 SP 14123;
- Lot 93 SP 70358; and
- Lots 94-95 SP 86600.

Council seeks to list the William Bland Centre including significant interiors.

The William Bland Centre is an example of post war contemporary international style office buildings and is understood to be the first office building in Central Sydney to be constructed using the lift slab method.

TKD Architects has assessed the building as being of local heritage significance due to its historic evolution, historic association, aesthetics, research potential, rarity and representativeness and is considered to meet six out of seven of the NSW heritage criteria for local significance

#### 6. The MLC Centre

The MLC Centre (**Figure 7**) is located at 19-35 Martin Place, Sydney and comprises the following legal description:

- Lot 1 DP 598704;
- Lot 5 DP 588399;
- Lots 1-2 SP 12322;
- Lot 3 DP 565938;
- Lot 1 SP 7985; and
- Lots 3-4 SP 10727.

The mixed-use office building comprises a 67-storey freestanding tower, a two-level retail arcade, a below-ground theatre and the two-level cylindrical Commercial Travellers Club. The site also boasts several prominent public plazas and artworks.

Council seeks to list the MLC Centre complex, including Theatre Royal, commercial and retail buildings, significant interiors, plazas, “S”, “Mercator” and “Wrestling” artworks.

On completion, the building was the tallest in Sydney and Australia and was the tallest reinforced concrete building in the world. The MLC centre is associated with architect Harry Seidler and structural engineer Pier Luigi Nervi and is an example of modernist architecture and demonstrates the use of permanent precast concrete.

TKD Architects has assessed the building as being an item of local heritage significance due to its historic evolution, historic association, aesthetics, rarity and representativeness. TKD Architects state that the item meets five out of seven of the NSW heritage criteria for local significance and four out of seven of the criteria for State significance.

#### 7. The former Liverpool and London and Globe building

The former Liverpool and London and Globe building (**Figure 8**) is located at 62 Pitt Street on the corner of Pitt and Spring Streets and is legally described as Lot 1 DP 129926. The former insurance company office comprises nine storeys and is used as a mixed-use development for retail and office premises.

Council seeks to list the former Liverpool and London and Globe building including significant interiors.

The heritage study states that the building provides uncommon evidence of the prevalence of insurance companies in Central Sydney post World War II. The site is notable for having been occupied for over 100 years by one company known as Liverpool and London and Globe Insurance. The building's curtain wall cladding is considered significant as it demonstrates how façade technology evolved to overcome thermal expansion issues.

TKD Architects has assessed the building as being of local heritage significance due to its historic evolution, historic association, aesthetics, rarity and representativeness. TKD Architects state that the item meets five out of seven of the NSW heritage criteria for local significance.

#### 8. The former Horwitz House

The former Horwitz House (**Figure 9**) is located at 398-402 Sussex Street, Haymarket and is legally described as Lot 1 DP 55229.

Council seeks to list the former Horwitz House including internal structures.

The building is understood to be the first example of an office building in Sydney that integrated passive sun control devices into its design.

TKD Architects has assessed the building as being an item of local heritage significance due to its historic evolution, historic association, aesthetics, research potential, rarity and representativeness. TKD Architects state that the item meets six out of seven of the NSW heritage criteria for local significance and three out of seven of the criteria for State significance.

#### 9. ‘Earth Mother’ play sculpture

The ‘Earth Mother’ play sculpture (**Figure 10**) is located in Cook & Phillip Park in College Street, Sydney. The sculpture is understood to be the first installed in the City of Sydney for the purpose of educating children.

TKD Architects has assessed the sculpture to be listed as an item of local heritage significance due to its historic evolution, historic association, aesthetics, rarity and representativeness. TKD Architects state that the item meets five out of seven of the NSW heritage criteria for local significance and four out of seven of the criteria for State significance.

### **1.5 Heritage assessments prepared by landowners**

Following Council's request to heritage list the above nine items, the Department received representations from the landowners of the following buildings:

- Sydney Masonic Centre, 279-283 Castlereagh Street, Sydney;
- the former Sydney County Council building, 552A-570 George Street, Sydney; and
- the former Liverpool, London & Globe building, 62 Pitt Street, Sydney.

The landowners commissioned their own heritage assessments which contest the heritage listings. The Department considers that any heritage assessments prepared by landowners should also be exhibited with the planning proposal to ensure their findings are also taken into consideration by public authorities and Council. As such, a Gateway condition has been included which requires Council to exhibit heritage assessments prepared by landowners with the planning proposal.

### **1.6 Summary of recommendation**

The planning proposal is supported to proceed with conditions as it:

- is supported by a heritage study identifying the items as being of local heritage significance as the items meet at least one out of seven of the NSW heritage criteria;
- is consistent with the objectives and directions of relevant strategic and statutory frameworks; and
- allows for the subject sites to be eligible for heritage floor space awards as they are in Central Sydney.

The Heritage Study Review prepared by TKD Architects in support of the planning proposal includes inventories for each of the proposed heritage items. However, the study did not include a detailed assessment of significance that demonstrates how each item has met the one or more of the seven NSW heritage assessment criteria to warrant the site's proposed heritage listing.

On 5 February 2019, the Department requested that Council provide additional information including a revised Heritage Study to ensure the NSW heritage assessment criteria were addressed. On 26 March 2019, Council provided a revised Heritage Study and inventory sheets for each of the relevant items. The revised works are considered to address the concerns raised by the Department.

The Department considers that the heritage assessments prepared by landowners should also be exhibited with the planning proposal to ensure their findings are considered by public authorities and Council. A Gateway condition has been included to address this matter.



## **2. PROPOSAL**

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### **2.1 Objectives or intended outcomes**

Council states that the objective of the proposal is to recognise and protect the heritage significance of nine Modern Movement buildings, complexes or artworks in Central Sydney.

The proposal also seeks to make a correction to Heritage Map – Sheet HER\_015 to remove the shading of the building footprint of St Andrews House at 464 Kent Street, Sydney as the building is not listed or proposed to be listed in Schedule 5 of the Sydney LEP 2012 and therefore should be removed from the map.

### **2.2 Explanation of provisions**

The planning proposal seeks to amend Schedule 5 Environmental Heritage of the Sydney LEP 2012 by including eight new buildings of local heritage significance and altering the description of a heritage item to include one new item ('Earth Mother' play sculpture). The proposal includes a draft amendment which is considered adequate for public exhibition.

### **2.3 Mapping**

The planning proposal seeks to amend the heritage map of the Sydney LEP 2012. The proposed amendments will see the eight proposed heritage buildings identified on sheets HER\_014 and HER\_015 of the Sydney LEP 2012. The 'Earth Mother' sculpture will not require any mapping changes as it is within an existing heritage item.

Additionally, the proposal seeks to make a correction to sheet HER\_015 by removing the shading for St Andrews House at 464 Kent Street, Sydney as the building is not listed as a heritage item.

## **3. NEED FOR THE PLANNING PROPOSAL**

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The planning proposal states that the need to amend the Sydney LEP 2012 has arisen as a result of a comprehensive heritage study conducted by TKD Architects, which started in 2013 and was finalised in 2018. The Council-commissioned study identified nine items as being of local heritage significance and recommended for listing under schedule 5 of the Sydney LEP 2012.

The planning proposal seeks to recognise the significance of the local heritage items and is supported by the heritage study and draft inventories. A planning proposal is the only way to amend schedule 5 of the Sydney LEP 2012. The amendments will reflect the heritage significance of the items and allow for the application of provisions that ensure the ongoing conservation of the items in future development plans.

Additionally, the listing of the buildings which are considered to be of local heritage significance allows for these items to be eligible for heritage floor space awards.



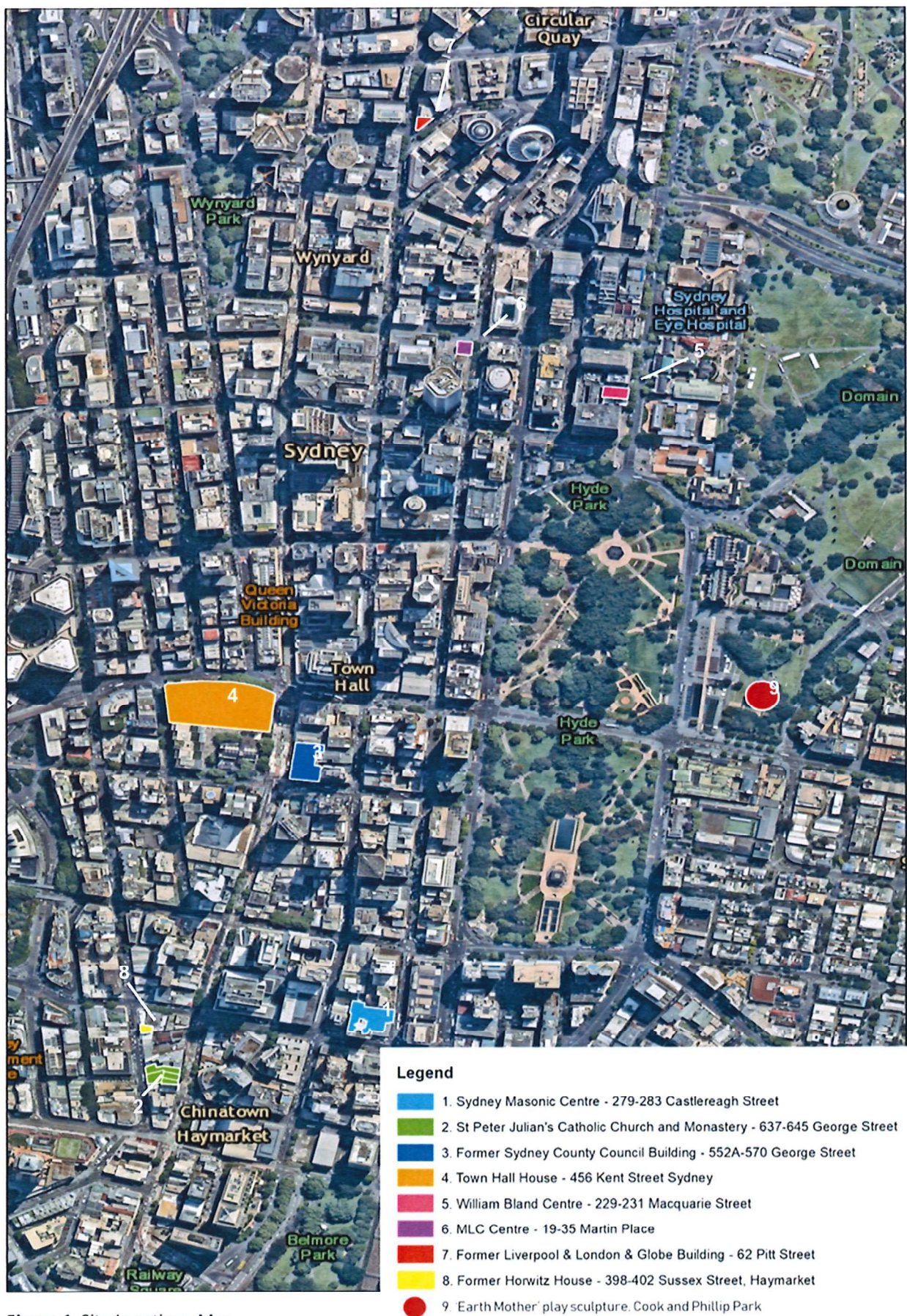
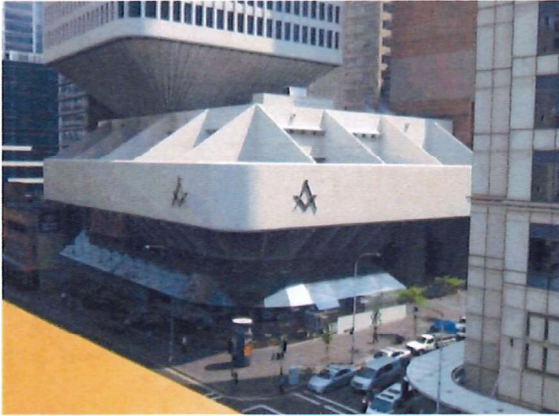


Figure 1: Site Locations Map





**Figure 2:** Sydney Masonic Centre



**Figure 3:** St Peter Julian's Church and Monastery



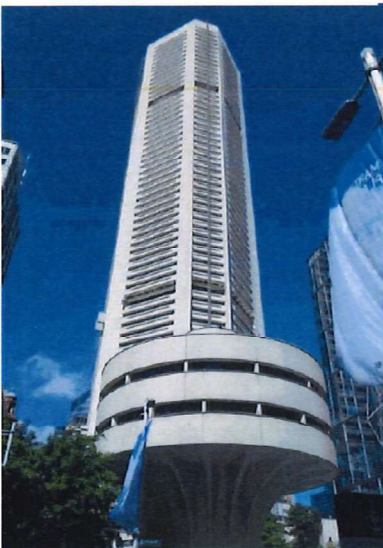
**Figure 4:** Former Sydney County Council Building



**Figure 5:** Town Hall House



**Figure 6:** William Bland Centre



**Figure 7:** MLC Centre



**Figure 8:** Former Liverpool, London & Globe building



**Figure 9:** Former Horwitz House

**Note:** Figures 2 to 10 are from the TKD Architects heritage study.





Figure 10: 'Earth Mother' play sculpture

## 4. STRATEGIC ASSESSMENT

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### 4.1 Regional

#### Greater Sydney Region Plan

The Greater Sydney Commission released the Greater Sydney Region Plan in March 2018. The plan was developed as a framework to coordinate and manage sustainable growth across the region. The plan contains objectives and actions to be implemented over the next 40 years and informs the priorities and actions contained in the district plans.

Of relevance in the plan is 'Objective 13: Environmental heritage is identified, conserved and enhanced'. The objective seeks to protect environmental heritage for its social, aesthetic, economic, historic and environmental values.

The objective also identifies a strategy comprising three components:

- engaging with the community early in the planning process to understand the heritage values and how they contribute to the significance of the place;
- applying adaptive reuse and interpreting heritage to foster distinctive local places; and
- managing and monitoring the cumulative impact of development on heritage values and the character of places.

The proposal is considered to demonstrate consistency with the plan as it seeks to protect and conserve buildings which have been identified as having local heritage significance by a strategic heritage assessment. The heritage listing of the subject properties will allow for appropriate protection and conservation measures to apply.

The proposal also demonstrates consistency through community engagement as the Central Sydney Planning Committee deferred the matter at its meeting of 9 August 2018 to allow for consultation to occur with landowners. The deferral provided the opportunity for engagement in addition to the statutory requirements to exhibit the proposal after receipt of a Gateway determination.

## **4.2 District**

### Eastern City District Plan

The Eastern City District Plan operates as a link between regional and district planning as it allows for the concentrated implementation of the Greater Sydney Region Plan at the district level. The Eastern City District encompasses the City of Sydney local government area.

Of relevance in the plan is 'Planning Priority E6: Creating and renewing great places and local centres and respecting the District's heritage'. The proposal is considered consistent with this priority as it seeks to provide the statutory mechanisms required to protect and respect the district's heritage and conserve significant late 20th century architecture.

## **4.3 Local**

### Sustainable Sydney 2030 – Community Strategic Plan

Sustainable Sydney 2030 is the vision for sustainable development in the City of Sydney to 2030. The vision includes 10 directions that seek to guide Sydney in achieving its vision of a 'green, global and connected city' and sets targets, objectives and actions to monitor Council's progress.

The proposal identifies nine buildings, complexes and artworks as items of local heritage significance. The identification of heritage significance will provide for their conservation and diversity of building stock in Central Sydney and allow future generations to appreciate and develop an understanding of Australia's architectural heritage from the late 20th century.

## **4.4 Section 9.1 Ministerial Directions**

The proposal is consistent with all section 9.1 Ministerial Directions. Direction 2.3 Heritage Conservation is considered particularly relevant to the proposal.

The proposal is considered consistent with this Direction as it seeks to identify items of local heritage significance and ensure that appropriate provisions supporting the ongoing protection and conservation of the items apply.

## **4.5 State environmental planning policies (SEPPs)**

The proposal is considered consistent with and is not expected to hinder the application of any relevant SEPPs.

## **5. SITE-SPECIFIC ASSESSMENT**

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### **5.1 Social**

The proposed heritage items meet at least one out of seven of the NSW heritage criteria. The proposed conservation of the eight buildings and one artwork as items of heritage significance will enable residents to develop a positive understanding and connection with the area's unique and rich architectural history.

It is recommended that the Heritage Council of NSW and the Office of Environment and Heritage be consulted prior to the planning proposal being exhibited. The public exhibition of the planning proposal will provide the opportunity for landowners and the wider community to comment on whether the listing is appropriate.

It is also recommended that the heritage assessments prepared by landowners be exhibited with the planning proposal to ensure their findings considered by public authorities and Council.



The listing of the buildings as items of local heritage significance is considered to provide an appropriate balance between protecting the heritage items and providing a suitable level of assessment within the development application process.

## **5.2 Environmental**

There are no anticipated environmental impacts from the proposal as there are no proposed changes to land-use permissibility or development standards. The proposal is also based in an established urban area.

The proposal will ensure ongoing compatibility with surrounding uses as it seeks to ensure the conservation of buildings. The proposal will also allow for the application of appropriate provisions that will promote building stock diversity in Central Sydney.

## **5.3 Economic**

The planning proposal does not seek to make any amendments to development standards or land use permissibility. However, as noted above, should the proposal proceed to list the sites as items of heritage significance, Clause 5.10 of the Sydney LEP 2012 will additionally apply to any development on these sites.

The listing of the proposed heritage items is not anticipated to have a substantial impact on the local economy. Notwithstanding, land owners of heritage listed properties may need to seek development consent where they may not if their property hadn't been heritage listed. For example, if a landowner wishes to carry works and/or change the use of their property, which could affect the heritage significance of an item, they will need to do this in accordance with the provisions of Clause 5.10 of Sydney LEP 2012 and the any development application required will be assessed on its merits.

Under Clause 5.10 of Sydney LEP 2012, the relevant consent authority may require a heritage management document and/or a heritage conservation management plan to be prepared prior to development consent being granted. To ensure that the land owners are aware of the requirements for development approval for works and/or change of use for their sites it is recommended that Council writes to each of the effected land owners and provides them with a copy of the planning proposal and supporting studies as part of the exhibition process.

Council has had a heritage floor space (HFS) scheme since 1971, which incentivises the conservation of heritage items in Central Sydney. The HFS planning controls are outlined in Part 6, Subdivision 3 of the Sydney LEP 2012 and would additionally apply to the subject sites where these are located in Central Sydney, as defined by the LEP

Clause 6.10 under Part 6 of the Sydney LEP 2012 provides the framework for the HFS scheme under which landowners of heritage buildings in Central Sydney are incentivised to conserve and maintain their properties in return for HFS awards afforded under the scheme. Landowners may sell the HFS to a developer who is seeking to obtain additional floor space for their development.

Clause 6.11 of the Sydney LEP 2012 stipulates that a developer may only obtain approval for developments that use certain types of additional floor space provided they allocate an amount of HFS to their site.

Clauses 6.10 and 6.11 of the Sydney LEP 2012 establish a framework for an HFS market in which vendors and buyers negotiate with each other.

## **6. CONSULTATION**

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### **6.1 Community**

Council advises that consultation will occur in accordance with the Gateway determination.

Council proposes a 28-day public exhibition period that will include notification in writing to landowners, adjoining landowners and relevant community groups. A 28-day public exhibition period is considered to be appropriate for the proposal and the proposed notification method is supported.

### **6.2 Agencies**

Council has proposed that agency consultation will occur with the Heritage Council of NSW. It is considered that consultation should also occur with the NSW Office of Environment and Heritage.

## **7. TIME FRAME**

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Council has provided a project timeline as part of the planning proposal and a time frame for completion of nine months should it be authorised as the local plan-making authority.

A time frame for completion of 12 months is considered appropriate. However, this does not preclude Council from submitting the LEP for finalisation earlier.

## **8. LOCAL PLAN-MAKING AUTHORITY**

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Council has requested to be the local plan making authority.

As the planning proposal is anticipated to generate significant interest from landowners, it is considered that Council should not be authorised as the local plan-making authority.

## **9. CONCLUSION**

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The planning proposal is supported to proceed subject to conditions as it:

- is supported by a heritage study identifying the items as being of local heritage significance as the items meet at least one out of seven of the NSW heritage criteria;
- is consistent with the objectives and directions of relevant strategic and statutory frameworks; and
- allows for the subject sites to be eligible for HFS awards as they are in Central Sydney.

To allow land owners to be given a formal opportunity to express their views on the proposal, it is recommended that Council write to each of the effected land owners and provide a copy of the planning proposal and supporting studies.

It is also recommended that the heritage assessments prepared by landowners be exhibited with the planning proposal to ensure their findings are considered by public authorities and Council.

## **10. RECOMMENDATION**

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It is recommended that the delegate of the Minister for Planning determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.



2. Council must write to all land owners whose properties are proposed to be listed and provide a copy of the planning proposal and supporting studies (including heritage assessments prepared by landowners).
3. The heritage assessments prepared by land owners are to be exhibited with the planning proposal and considered by Council.
4. Consultation is required with the following public authorities prior to and during exhibition:
  - NSW Office of Environment and Heritage; and
  - Heritage Council of NSW.
5. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
6. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority.

Kate Masters 3/7/19

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