

PLANNING PROPOSAL

ANNUAL AMENDMENTS 2009



BACKGROUND

The Director-General of the Department of Planning (DOP) has encouraged councils to prepare only one amendment, or a limited number of housekeeping amendments, to their existing environmental planning instruments each year. Council's Strategic Planning Programme includes the preparation of an annual Amendments Local Environmental Plan (LEP).

In July 2009, the State Government announced changes to the way that LEPs are progressed. A new system, known as the "gateway plan-making process", has been established. The gateway process has been introduced to assist meet the Government's target of a 50% overall reduction in the time taken to produce LEPs and to allow the steps in the system to be tailored to the complexity of individual LEPs. The new gateway process involves the preparation of a planning proposal for submission to the DOP. A planning proposal explains the effect of, and justification for the proposal.

Over the past year, Council has identified planning anomalies to be rectified and minor amendments to be made, to the *Hornsby Shire Local Environmental Plan (HSLEP) 1994* as part of the annual Amendments LEP. This Planning Proposal proposes to:

- rezone and permit strata subdivision at property No. 218 Brooklyn Road, Brooklyn;
- update the listing of heritage items generally in accordance with the recommendations of *Heritage Review Stage 4* and *East Epping Heritage Review*; and
- implement the recommendations of the *Hornsby West Side Conservation Area Review*.

At its meeting on 4 November 2009, Council considered Executive Manager's Report No PLN89/09 (Appendix A) concerning the progression of the Annual Amendments Planning Proposal 2009 and resolved to forward the Planning Proposal to the Minister of Planning, seeking "approval" to progress the preparation of the draft LEP in accordance with Section 56(1) of the Environmental and Planning Assessment Act 1979.

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The purpose of this Planning Proposal is to amend the *HSLEP* 1994 by:

- Item 1: Inserting an enabling clause to allow “strata subdivision” at property No. 218 Brooklyn Road, Brooklyn and correcting a zoning anomaly by rezoning two small areas of Business A (General) zoned land at the western end of the site to Residential A (Low Density).
- Item 2: Updating the listing of heritage items generally in accordance with the recommendations of the *Heritage Review Stage 4*.
- Item 3: Updating the listing of heritage items generally in accordance with the recommendations of the *East Epping Heritage Review*.
- Item 4: Expanding the existing West Side Conservation Area generally in accordance with the recommendations of the *Hornsby West Side Conservation Area Review*.

PART 2 - EXPLANATION OF THE PROVISIONS

Amendment of the *HSLEP* by:

- Item 1: Amending Clause 22(1) of the *HSLEP*, by inserting “Strata Subdivision” as being permitted with the consent of Council at “No. 218 Brooklyn Road, Brooklyn” in the table.

Clause 22(1) of the *HSLEP* enables Council to permit certain additional development on land where such development would otherwise be prohibited by the *HSLEP*.

Clause 22 (1) states:

“(1) Regardless of any other provision in this plan, the following land uses and other development are permitted with the consent of the Council in accordance with the following Table:”

Amending the definition of “the map” in Clause 23 of the *HSLEP* to include the zoning map for the Planning Proposal, being:

Hornsby Shire Local Environmental Plan 1994
(Amendment No. X) (Appendix B)

Sheet 1 is shown in Appendix B and depicts the proposed zoning of part of No. 218 Brooklyn Road, Brooklyn to Residential A (Low Density).

Items 2 & 3: Updating Schedule D of the *HSLEP* as shown in Appendix C.

Schedule D of the *HSLEP* lists heritage items.

Item 4: Deleting from Schedule E of the *HSLEP*, the heritage conservation area map titled "Hornsby West Side".

Schedule E of the *HSLEP* contains heritage conservation area maps.

Inserting in Schedule E of the *HSLEP*, three new heritage conservation area maps - "Mt Errington Precinct", "Pretoria Parade Precinct" and "Peats Ferry Road Precinct" as shown in Appendix D.

PART 3 - JUSTIFICATION

Section A - Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

Item 1: No. The proposal is not the result of any strategic study or report.

Items 2 & 3: Yes. The proposal is a result of the following studies:

- *Heritage Review Stage 4; and*
- *East Epping Heritage Review*

Heritage Review Stage 4 provides a review of existing heritage listed trees, and other items proposed for inclusion or deletion from the heritage list.

The significance of each heritage item was assessed in accordance with the Heritage Branch's (DOP) document *Community Based Heritage Studies: A Guide and Local Government Heritage Guidelines*.

Heritage Review Stage 4 includes:

- The listing of new items identified as having heritage significance;

- The removal of heritage items that no longer warrant listing; and
- Updating heritage item listings to reflect current significance.

Statements of significance have been prepared for all new items.

The *East Epping Heritage Review* identifies a number of potential heritage items from the Federation and Inter-War periods.

The *Review* notes that the potential items are comprised of Federation timber and masonry cottages and Inter-War masonry bungalows that represent building styles from the late 1880s to the 1950s. The houses capture the historical development of the area.

Item 4

Yes. The proposal is a result of the *Hornsby West Side Heritage Conservation Area Review*. The *Hornsby West Side Heritage Conservation Area Review* recommends an expansion of the existing *Hornsby West Side Heritage Conservation Area*, which is based on the 1896 Mount Errington subdivision. The *Review* notes that the built character of the area is predominately residential, typified by detached houses well spaced on separate lots. Most of the houses of the original subdivision have designs dating from the Federation and Inter-War periods. In general, the housing constructed prior to 1960 has features that unify the character of the area and contribute to the heritage fabric for which the area is significant.

The *Review* recommends that the boundaries of the Conservation Area be adjusted to include additional properties that contribute to the heritage significance of the *Hornsby West Side Conservation Area*. The adjustment of the boundaries is based on the original 1886 and 1897 subdivision surveys.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Item 1

Yes. The Planning Proposal is the only means of facilitating the strata subdivision of the existing building on property No. 218 Brooklyn Road, Brooklyn which contains multi-unit housing.

The Planning Proposal is the best means of correcting the zoning anomaly, by rezoning two small areas of Business A (General) zoned land at the western end of the site to Residential A (Low Density).

Items 2 & 3 Yes. The Planning Proposal is the best means of achieving the protection of heritage assets in the long term.

Item 4 Yes. The proposal is the best means of achieving the protection of heritage significant areas in the long term.

3. Is there a net community benefit?

Item 1 Yes. The proposal to permit strata subdivision would benefit the community through the likely long term retention of the existing building with its historical value as a building from the early 1900s. The proposal would permit the separate strata titling of the existing multi-unit housing development, bringing six residential units onto the market which are well serviced by the adjacent Brooklyn Commercial Centre and train station. The strata title subdivision would provide a form of housing that may be more affordable than the detached single dwellings common in the local area. The use and appearance of the development would remain the same and the character of the area would be retained.

Item 2 Yes. The proposal will clarify the heritage status of a number of properties. The Planning Proposal will also result in a number of items identified as significant to the community being protected under an environmental planning instrument.

Item 3 Yes. The proposal will clarify the heritage status of a number of properties. The Planning Proposal will also result in a number of items identified as significant to the community being protected under an environmental planning instrument.

Item 4 Yes. The proposal will clarify the heritage status of land adjoining the existing West Side Heritage Conservation Area. The Planning Proposal will also result in a number of items, identified as significant to the community, being protected under an environmental planning instrument.

Section B - Relationship to strategic planning framework

4. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

The Planning Proposal is consistent with the objectives and actions contained in the Sydney Metropolitan Strategy and the draft North Subregional Strategy.

5. *Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?*

The Planning Proposal is consistent with *Hornsby Shire Management Plan 2009/10 - 2011/12*. The Plan outlines Council's strategic direction and summarises the key actions, performance measures, and resources required to deliver these activities each year.

6. *Is the planning proposal consistent with applicable state environmental planning policies?*

The Planning Proposal is consistent with State Environmental Planning Policies (SEPPs). For further details see Appendix E.

7. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

The planning proposal is consistent with Section 117 directions. For further details see Appendix F. The following Ministerial Directions are of particular relevance:

- 1.1 Business and Industrial Zones;
- 2.3 Heritage Conservation;
- 3.1 Residential Zones;
- 4.4 Planning for Bushfire Protection;
- 5.1 Implementation of Regional Strategies;
- 6.3 Site Specific Provisions; and
- 7.1 Implementation of the Metropolitan Strategy

Section C - Environmental, social and economic impact

8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No. The Planning Proposal is aimed at protecting the existing natural and built environment, and as such there is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected.

9. *Are there any other likely environmental effects as a result of the planning proposal and how they are proposed to be managed?*

No. There will be no adverse environmental effects as the proposal will be protecting the natural and built environment. There will be positive environmental affects through the protection of the existing natural and built environment.

The Planning Proposal ensures that the heritage assets identified can be appropriately managed via the development application process and specifically Part 4 Development Assessment under the *Environmental Planning & Assessment Act 1979*.

10. *How has the planning proposal adequately addressed any social and economic effects?*

The proposal to permit strata subdivision of No. 218 Brooklyn Road would benefit the community through the likely long term retention of the existing building with its historical value as a building from the early 1900s. The Planning Proposal would permit the separate strata titling of the existing multi-unit housing development, bringing six residential units onto the market which are well serviced by the adjacent Brooklyn Commercial Centre and train station. The strata title subdivision would provide a form of housing that may be more affordable than the detached single dwellings common in the local area. The use and appearance of the development would remain the same and the character of the area would be retained.

The Planning Proposal intends to protect a number of items and buildings of heritage significance by placing them on the heritage schedule of the *HSLEP*.

Section D - State and Commonwealth interests

11. *Is there adequate public infrastructure for the planning proposal?*

Yes. The Planning Proposal relates only to the existing natural and built environment. No additional public infrastructure is required.

12. *What are the views of State and Commonwealth public authorities consulted in accordance within this gateway determination?*

No consultation has been carried out with State and Commonwealth public authorities. Consultation will occur with relevant public authorities identified as part of the gateway determination.

PART 4 - COMMUNITY CONSULTATION

It is proposed to publicly exhibit the Planning Proposal for a period of twenty eight days.

It is proposed that consultation be carried out in accordance with the attached Consultation Strategy (Appendix G).