



KU-RING-GAI PLANNING PANEL

Planning Proposal

Amendment to remove 20 Park Crescent, Pymble as a Heritage Item from the Ku-ring-gai Local Environmental Plan (Town Centres) 2010

Planning Proposal: 20 Park Crescent, Pymble

Background:

The Ku-ring-gai Local Environmental Plan (Town Centres) 2010 was gazetted by the Minister for Planning on 25 May 2010. The adopted Plan incorrectly identifies 20 Park Crescent, Pymble as a heritage item. This planning proposal seeks to remove the incorrect heritage listing of 20 Park Crescent, Pymble from Schedule 5 and Heritage Map of the Ku-ring-gai Local Environmental Plan (Town Centres) 2010.

Planning proposal

1. A statement of the objectives or intended outcomes of the proposal local environmental plan.

The planning proposal seeks to remove 20 Park Crescent, Pymble (SP78827; Lot 1, DP 1124625) from the recently made Ku-ring-gai Local Environmental Plan (Town Centres) 2010 which incorrectly identified the site in the heritage schedule as a heritage item of local significance.

2. An explanation of the provisions that are to be included in the proposed local environmental plan.

It is proposed to amend Schedule 5 and the Heritage Map of the Ku-ring-gai Local Environmental Plan (Town Centres) 2010, to delete reference to 20 Park Crescent, Pymble.

3. Justification for those objectives, outcomes, and provisions and the process for their implementation

A. Need for the planning proposal

A1. *Is the planning proposal a result of any strategic study or report?*

The property 20 Park Crescent, Pymble was included in the potential heritage item review undertaken by Perumal Murphy Alessi Pty Ltd for Council in 2005/2006. The final report- *Review of Potential Heritage Items in the Ku-ring-gai LGA* was presented to Council on 12 June 2007. In this report, the recommendation for 20 Park Crescent was as follows:-

20 Park Crescent Pymble

It is recommended that no.20 Park Crescent SHOULD NOT BE INCLUDED as a heritage item under the control of the Ku-ring-gai Planning Scheme Ordinance for the following reasons:

- *The building is an Inter-War Spanish Mission dwelling which has been modified with substantial additions. The building has no historic or social significance which would demand its inclusion as a listed item. The battle axe site also means that the building and grounds are not visible from the street and therefore results in the building making no contribution to the character of the immediate area.*

The inclusion of 20 Park Crescent, Pymble, in the Heritage Schedule was not identified as an error until after the Ku-ring-gai Planning Panel adopted the final draft LEP on 27 May 2009. This error was not identified during the public exhibition and submission process. In addition, the property was developed as a detached dual occupancy in 2007 further detracting from any potential heritage significance.

A2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The NSW Department of Planning and the Minister for Planning were advised of this error, as the final gazetted Ku-ring-gai Local Environmental Plan (Town Centres) 2010 includes the

property in Schedule 5 and identified on the Heritage Map. The NSW Department of Planning have recommended that the most appropriate method for addressing the problem is to submit a planning proposal to amend Schedule 5 and the Heritage Map of the Ku-ring-gai Local Environmental Plan (Town Centres) 2010. Thus it is considered that a planning proposal is the best means of achieving the objectives intended.

A3. Is there a net community benefit?

This proposal does not involve a rezoning and therefore the "Net Community Benefit Test" is not applicable. However, it is considered that by removing an incorrectly listed heritage item, the planning proposal will provide a clearer implementation of the Ku-ring-gai Local Environmental Plan (Town Centres) 2010.

B. Relationship to strategic planning framework

B1. Is the planing proposal consistent with the objectives and actions contained within the applicable regional or sub regional strategy?

The Planing Proposal is considered to be consistent with the objectives and actions of the Metropolitan Strategy and the draft North Subregional Strategy. The draft North Subregional Strategy states heritage items included in heritage schedules of LEPs should have statements of significance that describe the heritage significance of each item. Due to the modifications to the building and the largely hidden nature of the house and grounds have resulted in very little aesthetic contribution to the character of the immediate area, and as such, the property is not recommended for listing as a heritage item in the heritage schedule.

B2. Is the planning proposal consistent with the local Council's community strategic plan or other local strategic plan?

As this Planing Proposal is to remove an item incorrectly added to the Heritage Schedule of the Ku-ring-gai Local Environmental Plan (Town Centres) 2010, it is considered that the proposal is consistent with the Ku-ring-gai Council Community Strategic Plan 2030.

B3. Is the planning proposal consistent with applicable state environmental planning policies?

As this proposal seeks to amend the Schedule 5 and the Heritage Map of the Ku-ring-gai Local Environmental Plan (Town Centres) 2010 it is considered to be consistent with all applicable state environmental planning policies. Refer to Attachment B.

B4. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is considered to be consistent with all applicable s.117 directions. The relevant directions that apply are:

Directions under S117	Contents	Consistent
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental Heritage significance and indigenous heritage significance.	Yes- the property is not considered to be of environmental heritage significance.
3.1 Residential Zones	The objectives of this direction are: a) to encourage a variety and choice of housing types to provide for existing and future housing needs, b) to make efficient use of existing infrastructure	Yes- the removal of the heritage listing for the property provides the opportunity for Housing variety and choice on the site consistent with the zone.

	and services and ensure that new housing has appropriate access to infrastructure and services, and c) to minimise the impact of residential development on the environment and resource lands.	
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See Appendix B for full table.

C. Environmental social and economic impact

C1. 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?

There is no likelihood that critical habitat or threatened species, populations or ecological communities and their habitats will be adversely affected as a result of this proposal.

C2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The proposal to delete the site from the Heritage Schedule and Map does not have any likely environmental effects on the area.

C3. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal will not result in any additional social and economic effects.

D. State and Commonwealth Interest

D1. Is there adequate public infrastructure for the planning proposal?

As this planning proposal is seeking to remove a site that was incorrectly identified as a heritage item, the issue of public infrastructure is not considered relevant in this case

D2. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

Consultations with the NSW Department of Planning have been carried out and have supported the view that the planning proposal be submitted to the Gateway Process to have this issue rectified. Consultations with Commonwealth Public Authorities are not considered relevant at this time.

4. Details of the community consultation that is to be undertaken on the planning proposal

It is proposed that the planning proposal will be exhibited in accordance with the requirements of section 57 of the EP&A Act and/or any other requirements as determined by the Gateway process under section 56 of the EP&A Act.

This is considered a "low impact planning proposal" requiring an exhibition period of 14 days. Public notification of the exhibition will include a notice in the local newspaper and notice of Council's website.

During the exhibition period, the planning proposal, gateway determination and other relevant documentation will be available on Council's website and hard copies will be available at Council's Customer Service Centre and at Council's libraries.