

Attachment 6

Report and Minutes of Canterbury Bankstown Local Planning Panel Meeting of 1 April 2019

Canterbury Bankstown Local Planning Panel - 1 April 2019

ITEM 1 Implementation of Hurlstone Park Heritage Assessment Study

AUTHOR Planning

PURPOSE AND BACKGROUND

In 2016, the former Canterbury Council commissioned a heritage study for Hurlstone Park to facilitate the introduction of further heritage controls for this suburb.

The study recommended the listing of 29 heritage items and the creation of seven heritage conservation areas within Hurlstone Park, and was endorsed by Council in April 2017.

The Planning Proposal to implement the recommendations of the study was exhibited in 2017, and amendments are proposed that include an increase the number of heritage items and properties covered by heritage conservation areas as a result of matters raised during the exhibition period.

These amendments have arisen as a result of a review of submissions commissioned by Council and carried out by the consultant City Plan Heritage.

If these amendments are endorsed, an altered Gateway Determination for the amended Planning Proposal and re-exhibition will be required.

ISSUE

In accordance with the Local Planning Panel's Direction, the Panel is requested to recommend whether an amended planning proposal to implement heritage controls in Hurlstone Park should proceed for an altered Gateway Determination. This matter has not been considered by the Local Planning Panel previously as this was not required when the original planning proposal was prepared.

RECOMMENDATION That -

1. An amended planning proposal be submitted to the Department of Planning and Environment for an altered Gateway Determination incorporating the changes outlined in the report.
2. Upon receiving a revised Gateway Determination, the planning proposal be placed on public exhibition along with associated amendments to Canterbury Development Control Plan 2012.
3. The General Manager be given delegated authority to make minor amendments to the Heritage Review, Draft Heritage Items and Heritage Conservation Area State Inventory Sheet forms, provided there is no change to the intention of these documents.
4. Council receive a further report outlining the findings of the exhibition period.

ATTACHMENTS

- A. Hurlstone Park Proposed Changes
- B. Hurlstone Park Heritage Submissions Map
- C. Hurlstone Park Review City Plan Review
- D. List of Draft Heritage Items in Hurlstone Park
- E. Hurlstone Park SHI Forms
- F. Submitters Table

POLICY IMPACT

The key Council policy related to heritage is the Heritage Incentives Policy, which provides heritage incentives for the owners of heritage listed properties including grant funding. The report does not propose any changes to the Grant Program or how it is implemented.

The policy context within which heritage studies and associated planning provisions are prepared is guided by the NSW Heritage Act 1977 and Environmental Planning and Assessment Act 1979.

FINANCIAL IMPACT

The recommendation contained in this report do not commit Council to expenditure of funds.

COMMUNITY IMPACT

The recommendations impact on the community of Canterbury-Bankstown through the implementation of further heritage controls for Hurlstone Park. There has been general community support for what has been exhibited to date. Although there has also been objection to some specific aspects of the proposed initiatives, there has also been support for taking the initiatives further. These matters have however been peer reviewed to ensure what is being recommended to Council is reasonable, based on the most up to date analysis and defensible.

The recommendations are considered to impact positively on the environment of Canterbury Bankstown through protection of properties that have heritage significance and areas that demonstrate conservation value.

DETAILED INFORMATION

Executive Summary

An executive summary has been provided that highlights the key outcomes of the review recommended by City Plan Heritage. This in relation to the previously exhibited version of the planning proposal.

Overview of submissions

223 of the 254 submissions were supportive, and over 36% of the total submissions sought an additional Heritage Conservation Area south of the railway line.

Review of objections to exhibited draft heritage items

- Objections to the group listing at 66, 68, 70, 72, 76, and 78 Crinan Street not supported.
- Objection to the listing of 128 Duntroon Street supported.

Exhibited Draft Heritage Conservation Areas (HCAs)

- Consolidation and expansion of draft Melford Street and Melford Street North HCAs recommended.
- Consolidation and expansion of draft Duntroon Street and Hampden Street HCAs added recommended.
- Expansion of draft Floss Street HCA to the east recommended.
- Minor changes to draft Crinan Street Shop HCA recommended.
- No change to Tennant Parade HCA.

Request for new Heritage Conservation Areas south of the Railway Line

- Support for a new HCA south of the railway line in the Hopetoun Street / Railway Street area.

Height changes in Hurlstone Park Town Centre Heritage Conservation Areas

- Urban design report supports height reduction from 14 metres to 11 metres supported for area north of the railway line.
- Further height reduction to 9 metres recommended for area south of the railway line. Council officer recommendation is 11 metres for the 36 Floss Street / 118 Duntroon Street site based on the outcomes of an appeal decision for this property.
- Refined Development Control Plan controls are recommended.

Requests for new heritage items

- Support for listing of properties at:
 - 1, 3, 5, 6, 7, 8, 10, and 12 Barton Avenue (houses)
 - 65-69 Duntroon Street (former Immanuel Church)
 - 28, 30, and 32-34 Floss Street (shops)
 - 3, 5, and 10 Wallace Avenue (houses)
- Other requests for listing not supported.

- Council officer recommendation is that 65-69 Duntroon Street (former Immanuel Church) should not proceed for listing.

Overall

- One new HCA and expansion in area covered by exhibited draft HCAs, some of which have been consolidated and expanded. Revised HCAs shown in Figure 1 below
- One heritage item no longer recommended for listing.
- 16 new properties recommended for heritage listing (one not supported at officer level).
- Height reductions in town centres supported in the review.

Figure 1 below shows the recommended additions to the existing HCAs (shown in red, blue and green). The newly proposed HCA south of the railway line is shown in orange.

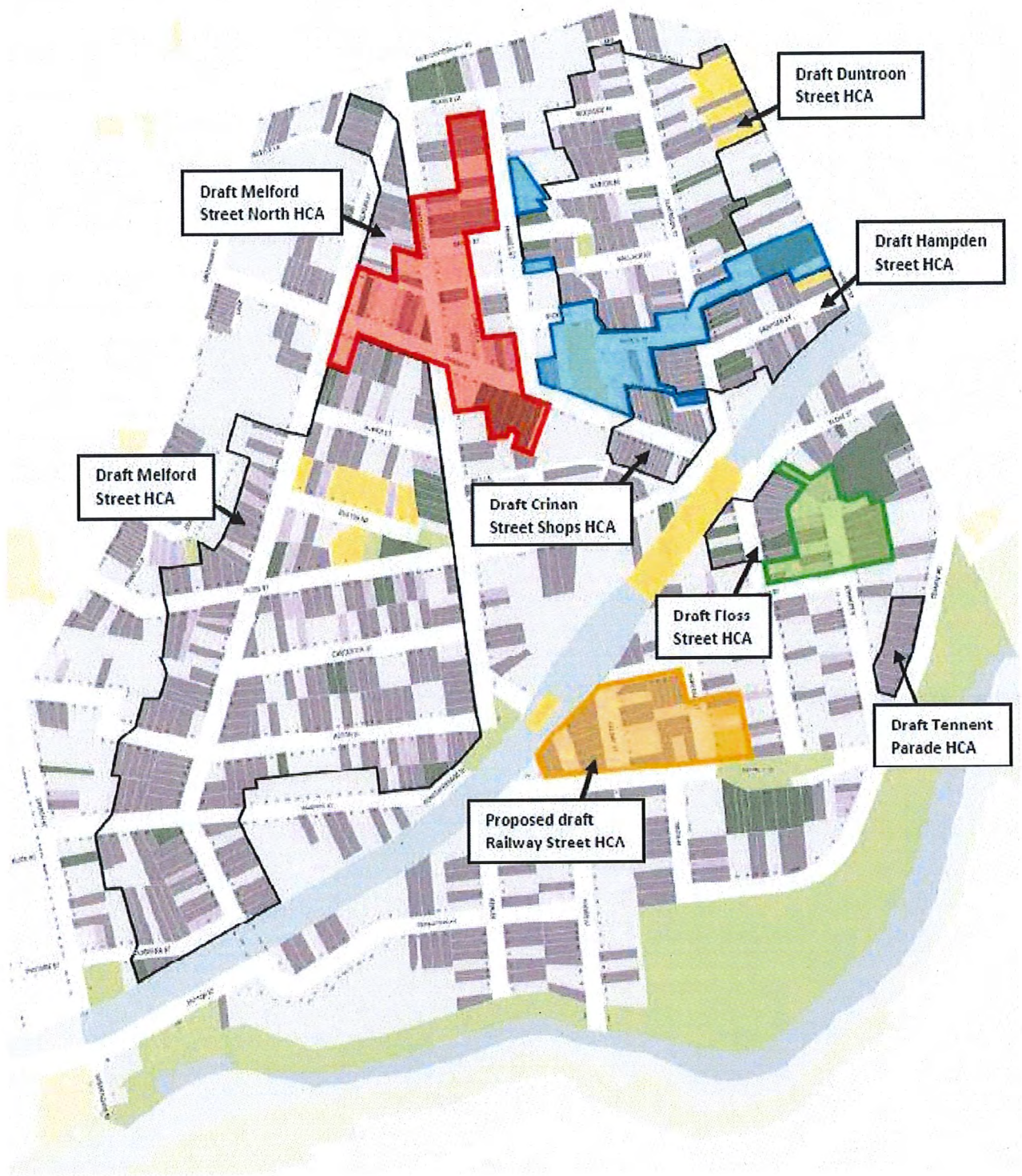


Figure 1: Map showing existing draft HCAs (black edged), new areas proposed to be added to the draft HCAs (shown in red, blue and green), and a new HCA (shown in orange) as recommended in the City Plan Review

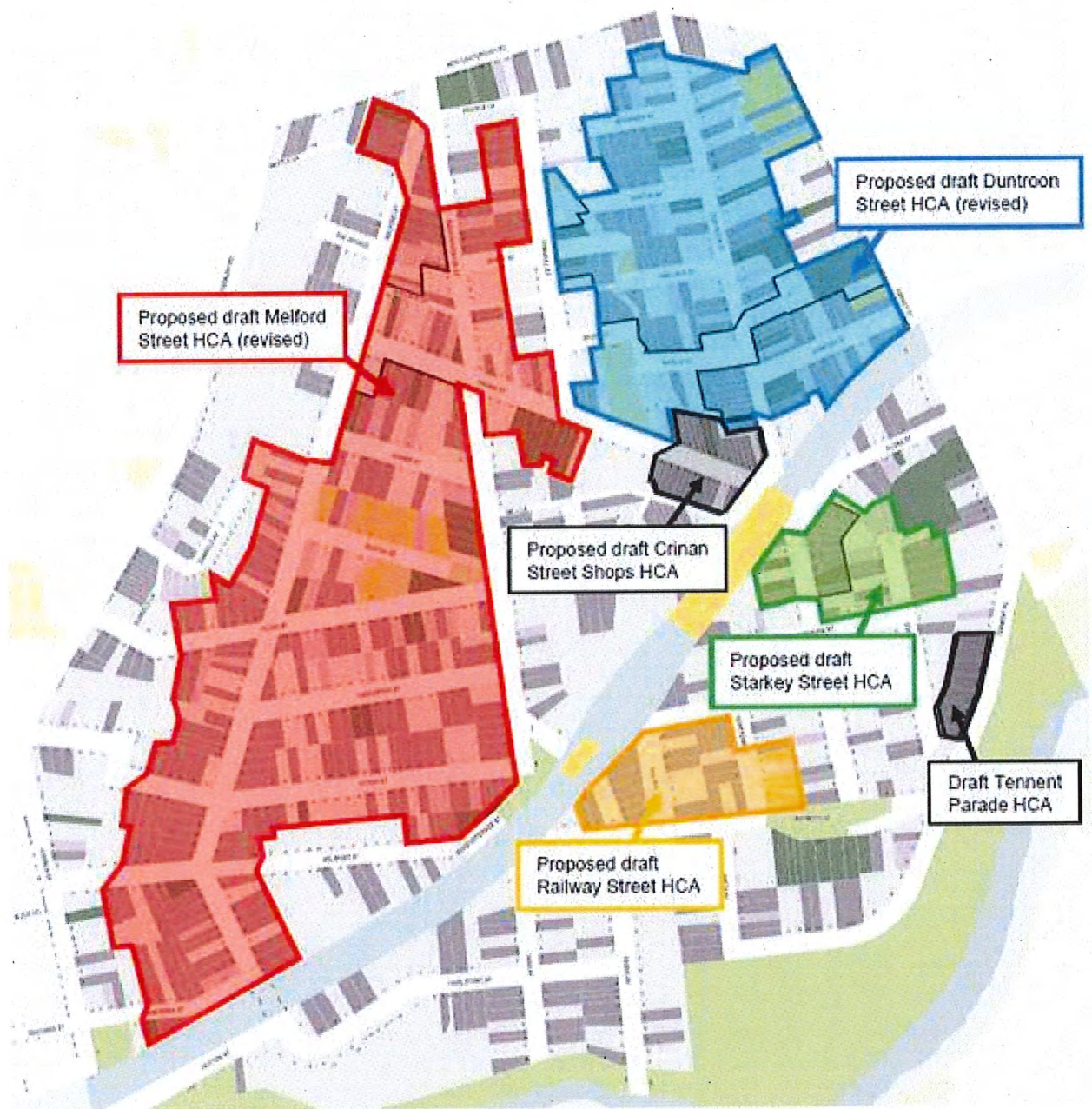


Figure 2: Map showing finalised draft HCA boundaries as recommended in the City Plan Review

This report outlines and comments on the review, including where Council officer recommendations differ from those in the review.

To be consistent with the previously exhibited planning proposal and Gateway Determination, it is also proposed to rezone any additional land included in the proposed HCAs from R3 Medium Density Residential to R2 Low Density Residential. The implications of this are discussed in detail further in this report.

A map showing all of the proposed changes including listings is contained in Attachment A.

Background

Hurlstone Park was one of the first suburban areas developed in the City of Canterbury-Bankstown. It contains many quality examples of Federation (1890-1915) and Inter-War (1915-1940) period buildings and areas that have heritage significance. However much of the heritage of Hurlstone Park is not protected by existing planning controls.

Detailed investigation into creating more comprehensive heritage controls for Hurlstone Park commenced in May 2016. This was in response to concerns by the former Canterbury Council about the potential impact of the draft Sydenham to Bankstown Urban Renewal Corridor.

Council engaged the heritage consultant Paul Davies Pty Ltd (Paul Davies) to undertake this work. A final report from Paul Davies was submitted to Council on 18 April 2017.

The report recommended that 29 properties in Hurlstone Park become new heritage items. It also recommended that seven new Heritage Conservation Areas (HCAs) be created. The Paul Davies work took an approach where the HCAs identified were tightly defined to be as defensible as possible.

To support these heritage initiatives zoning and height controls changes were also recommended by Council officers.

Draft amendments to the heritage controls (Chapter B8) in the Canterbury Development Control Plan (CDCP) 2012 were also prepared to provide controls for proposed heritage items and HCAs within Hurlstone Park.

Council considered the Paul Davies report and other related heritage issues at the 18 April 2017 meeting. It resolved that a planning proposal implementing these heritage initiatives be submitted to the Department of Planning and Environment for a revised Gateway Determination and upon receiving a revised gateway determination, that the planning proposal be placed on public exhibition. A revised Gateway Determination for the Planning Proposal was received on 16 May 2017.



Figures 3 and 4: Two fine examples of Federation period houses in Hurlstone Park, currently not heritage listed. Both are now proposed as draft heritage items in the previously exhibited planning proposal.

Exhibition of the Planning Proposal and Draft Amended Canterbury Development Control Plan 2012

The Planning Proposal and draft amendments to Chapter B8 Heritage of CDCP 2012 were exhibited from 6 June 2017 to 7 July 2017.

Because of the degree of community interest in the initiatives, consultation was comprehensive. It included:

- All property owners in Hurlstone Park being notified in writing, including those not directly impacted by the draft heritage controls.
- Owners directly affected by the Planning Proposal being sent a customised letter that outlined the specific changes proposed.
- A notice placed in Council's Column in the Express and Inner West Times newspapers.
- Exhibition material displayed on Council's website, and at the two Council Customer Service Centres in Campsie and Bankstown.
- Three community drop-in sessions being held in Hurlstone Park, with Council staff available to answer questions.

Consultation with the following public authorities also occurred in accordance with the requirements of the Gateway Determination:

- Department of Education and Communities
- Ausgrid
- Office of Environment and Heritage
- Transport for NSW
- Inner West Council

Overview of submissions received

During the public exhibition period over 250 individual submissions were received. No petitions were received. A map showing a spatial overview of submissions received is shown at Attachment B. It is noted that some submissions received from outside of Hurlstone Park are not shown, and from some addresses more than one submission was received.

Many of the submissions were detailed in nature, and some covered issues outside of the scope of the Planning Proposal but which related to Hurlstone Park. The number and scope of submissions indicated the high degree of interest residents have in relation to the future planning of the area.

Most of the submissions were supportive of the proposed heritage initiatives. However, many requested that these initiatives go further (such as proposing a new HCA south of the Railway Line), or while generally supportive had issues about individual aspects of the proposal.

Notwithstanding this general support, there were also objections to the Planning Proposal. These mostly related to:

- Properties proposed to be listed as heritage items
- Properties proposed to be included in a HCA
- The reduction in maximum building height proposed in the B2 Local Centre zone.

The following table shows the main submission categories and number within each category.

Type	Number
Fully supportive – no further issues raised	35 (13.8%)
Supportive but prefer the whole suburb to be a HCA	32 (12.6%)
Supportive but wanting a new HCA south of the railway line	93 (36.7%)
Supportive but wanting further height reductions in the town centre	52 (20.5%)
Supportive and wanting further listings of properties	11 (4.3%)
Complex submissions raising multiple issues	8 (3.1%)
Objection to a property being listed as a heritage item	9 (3.5%)
Objection to a property being included in a HCA	6 (2.4%)
Objection to height control reductions in the Crinan Street Shopping Area	4 (1.6%)
Submissions solely raising issues not relevant to the exhibition material	2 (0.8%)
Validity of exhibition	1 (0.4%)
Government Agency submissions (Heritage Council – neutral)	1 (0.4%)

A number of letters were also received from residents in Tennent Parade after the exhibition period had closed advising Council that they had not received notification letters. To ensure appropriate residences were notified, Council officers confirmed that the properties along Tennent Parade were on Council's mail out database.

Review of submissions

Because of the number of submissions and heritage/urban design issues raised, it was decided to appoint an independent consultant with heritage and urban design expertise to review the submissions.

The consultant City Plan Heritage (City Plan) was engaged in November 2017 to undertake this work. A copy of the Hurlstone Park Heritage and Urban Design Review is attached (Attachment C), referred to in this report as the **City Plan Review**.

City Plan has assessed the submissions under the following subject areas:

1. Objections to draft exhibited listings
2. Review of HCA boundaries
3. New HCA South of Railway
4. Maximum Height Limits
5. Requests for new listings

Objections to proposed heritage listings

29 properties were proposed for heritage listing in Hurlstone Park. A list of these properties is contained in Attachment D.

Submissions were received objecting individually and collectively to the group at 66, 68, 70, 72, 76, and 78 Crinan Street, and also to the listing of 128 Duntroon Street. No objections were received for the other 22 properties proposed to be listed as heritage items.

The City Plan Review assessed these objections against the NSW Heritage Criteria for listing. The review recommendations are outlined below:

66, 68, 70, 72, 76, and 78 Crinan Street

The review assessed the proposed listing of the house group at 66, 68, 70, 72, 76, and 78 Crinan Street and supported this listing.

It found the Crinan Street houses had historical significance that derives from their collective and relatively contemporary construction from 1908; which places them as some of the earliest dwellings constructed within the suburb of Hurlstone Park. Their significance also derives from their collective association with the life and work of locally prominent builders William Pendlebury and James Findlay; both of whom contributed significantly to Hurlstone Park's architectural development and enduring character.

The review also determined that the properties did not satisfy previously identified significance on the basis of aesthetic characteristics and representativeness.

128 Duntroon Street

The review found that this property did not meet the relative listing criteria. The key reasons for listing were its aesthetic characteristics and representativeness as a Federation Queen Anne style house, and its use as a dairy in early suburban development in Hurlstone Park. However, the review determined that the property is only a medium integrity example of a Federation Queen Anne style house with a number of unsympathetic modifications.

It also could not be established whether the house was purpose built as a dairy, or this was a dwelling occupied for this purpose for a limited duration. Should additional historical research demonstrate that the existing dwelling at 128 Duntroon Street was originally part of an early dairy, this would satisfy the criteria for heritage listing as a remnant of early agricultural activities within the area.

The review concluded that, unless additional historical research should demonstrate that the existing dwelling is the original house from which a dairy was operated, 128 Duntroon Street does not meet the criteria for heritage listing.

It is noted that a submission was also received from the owner of 109 Duntroon Street objecting to both its listing as a heritage item and inclusion in the draft Floss Street HCA. While this property was initially considered for heritage listing as part of the initial Paul Davies work, it did not ultimately proceed after further review and was not included in the Planning Proposal as a draft item. As the submission also objected to being included in a HCA, it is dealt with in the review of HCA boundaries.

Officer comment: These recommendations are supported.

Review of heritage conservation area boundaries

The exhibited Planning Proposal sought the creation of seven new heritage conservation areas in Hurlstone Park. These are shown on the map below:

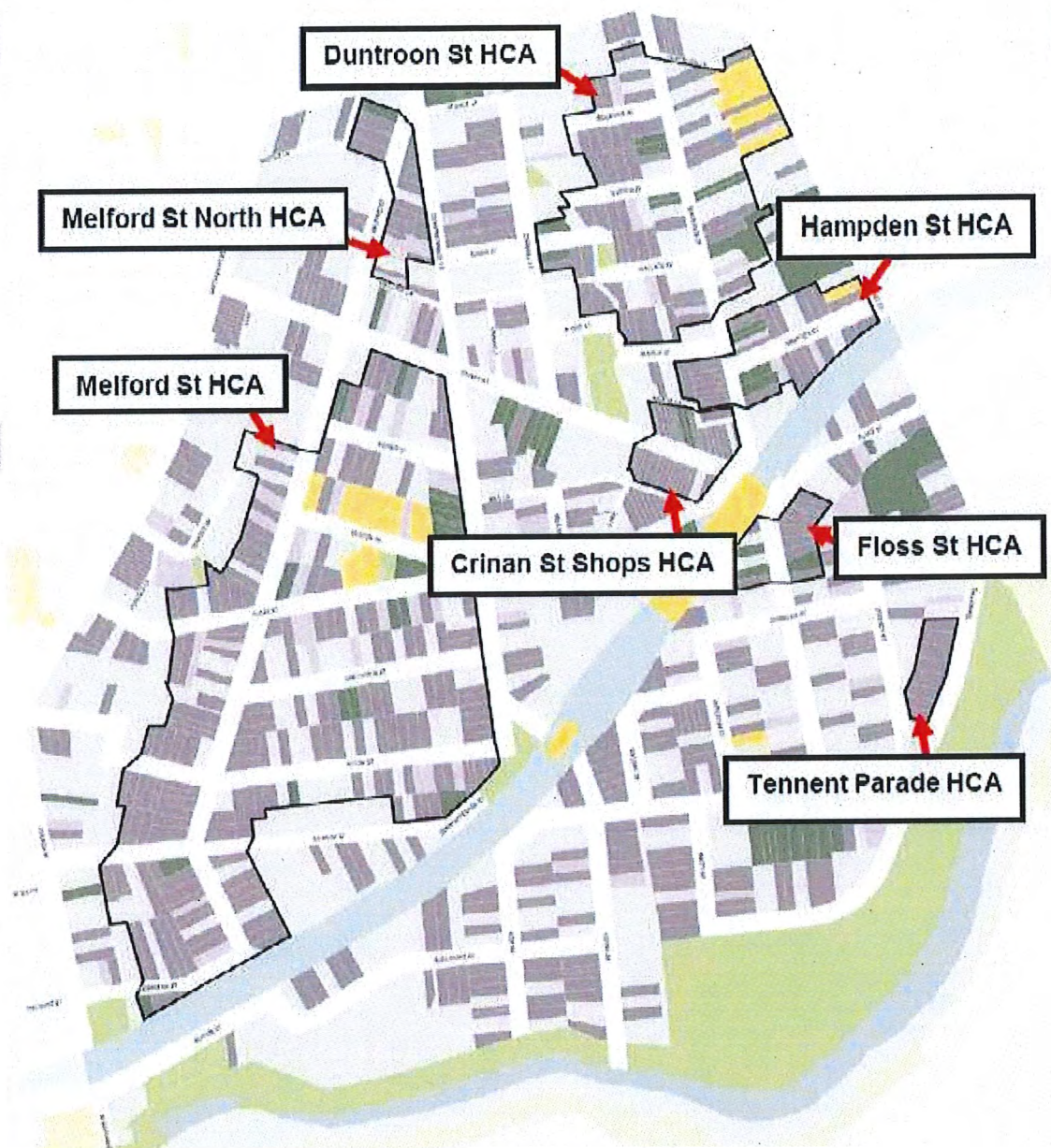


Figure 5: Draft Heritage Conservation Areas (as exhibited in 2017)

Submissions were received in relation to the boundaries of these HCAs, and the inclusion of individual properties within. One particular issue raised was the gaps between Melford Street / Melford Street North HCAs, and the Duntroon Street / Hampden Street HCAs, and the potential for redevelopment in these areas that may not be in keeping with the HCAs.

In response to the submissions received, and the consultant's own observations concerning these HCAs, the City Plan Review has recommended the following changes to the HCAs:

Consolidation of the draft Melford Street and Melford Street North HCAs with additions

It is recommended in the City Plan Review that expansion and consolidation of these two draft HCAs occur. This is illustrated in the maps below. Figure 6 below shows the draft Melford Street and Melford Street North HCAs with the proposed additions in red (located between these two draft HCAs) on the left hand side shows the proposed additions (in red) that will now link the two draft HCAs. Figure 7 shows the newly proposed HCA in its entirety – which is recommended to be called (revised) Melford Street HCA.

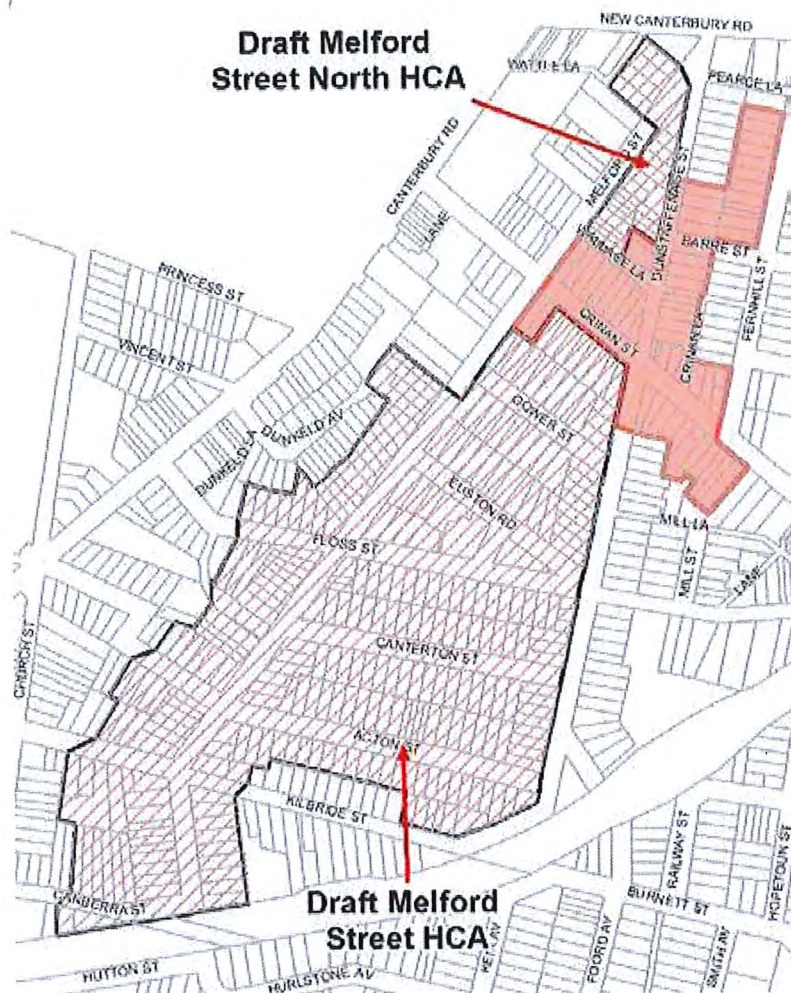


Figure 6: Existing draft Melford Street and Melford Street North HCAs with additional recommended area shown in red.

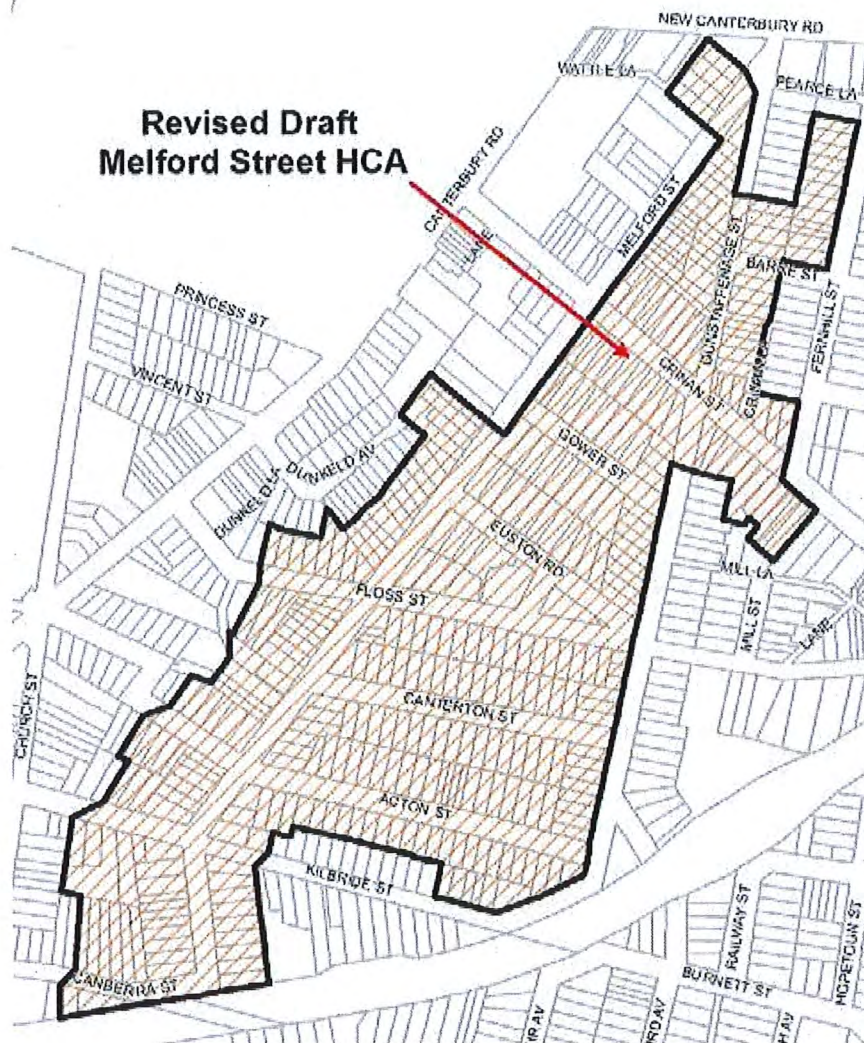


Figure 7: Newly proposed revised draft Melford Street HCA.

The justification provided in the review for these changes is as follows. Note that the use of the word cohesiveness in this context means consistency of building character.

- The proposed additions, in combination with the revised Duntroon Street HCA, will retain the cohesiveness and architectural character of Hurlstone Park's central thoroughfare.
- Proposed additions on the eastern side of Dunstaffnage Street would retain the northern component of the Dunstaffnage Street streetscape, which was assessed to have a medium-high level of cohesiveness. The southern component of Dunstaffnage Street was omitted as it was assessed to have a lower level of cohesion.
- The properties at 80-84 Crinan Street have been included, as in combination with the potential heritage item group at 66-78 Crinan Street, they reflect the 1888 allotment purchased by William Pendlebury.

The amalgamation of Melford Street and Melford Street North HCAs will also prevent unsympathetic development in the area which separates them. Overall, 74% of the houses in the newly proposed Melford Street HCA contribute to the character of this area.

Officer comment: The proposed additions to the original HCAs and a consolidation of the two are supported. This is with the exception of properties at 4-24 Fernhill Street, which while

deserving of protection in a HCA, are more closely aligned to the revised Duntroon Street HCA which includes properties on the other side of Fernhill Street. See the officer comments for Duntroon Street HCA (below) for a map showing the area involved.

Consolidation of the draft Duntroon Street and Hampden Street HCAs with proposed additions – new Duntroon Street HCA

It is recommended in the City Plan Review that expansion and consolidation of these two draft HCAs occur. This is illustrated in the maps below. Figure 8 shows the proposed additions (in blue) that will now link the two draft HCAs. Figure 9 shows the newly proposed HCA in its entirety – which is recommended to be called (revised) Duntroon Street HCA.

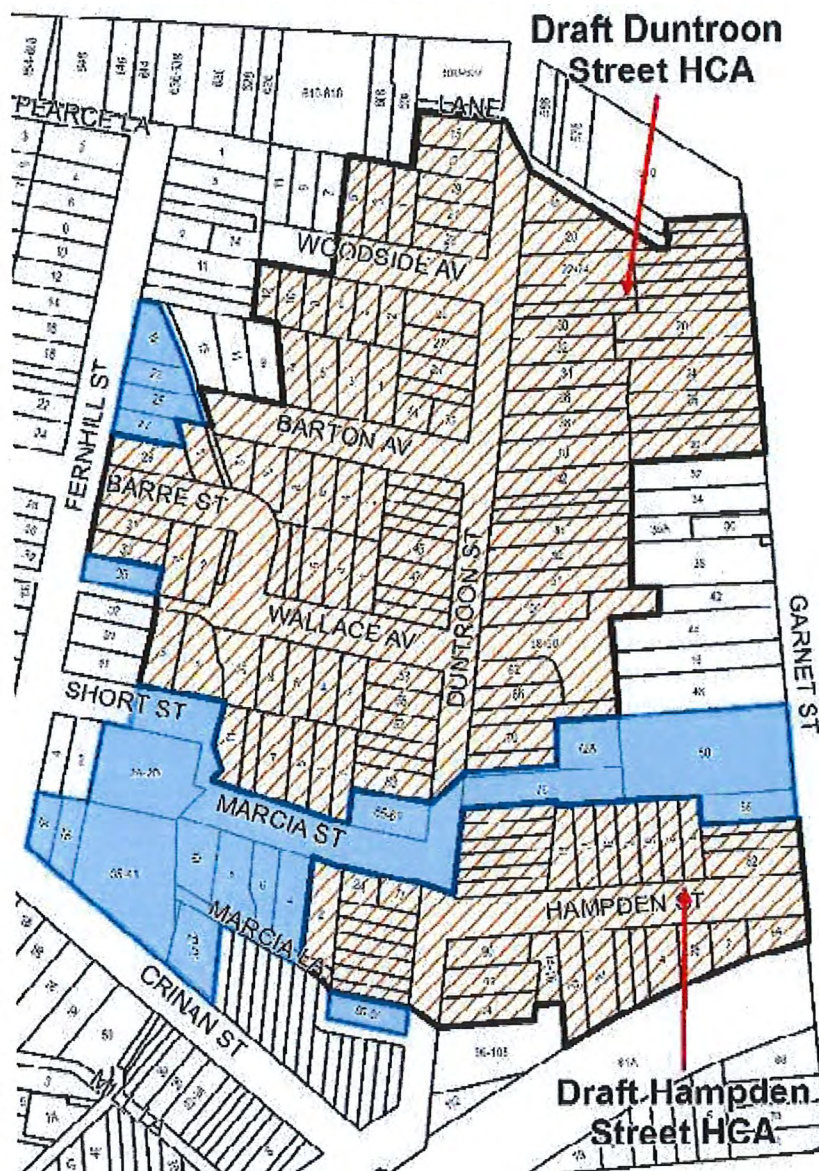


Figure 8: Existing draft Duntroon Street and Hampden Street HCAs with additional recommended area shown in blue.

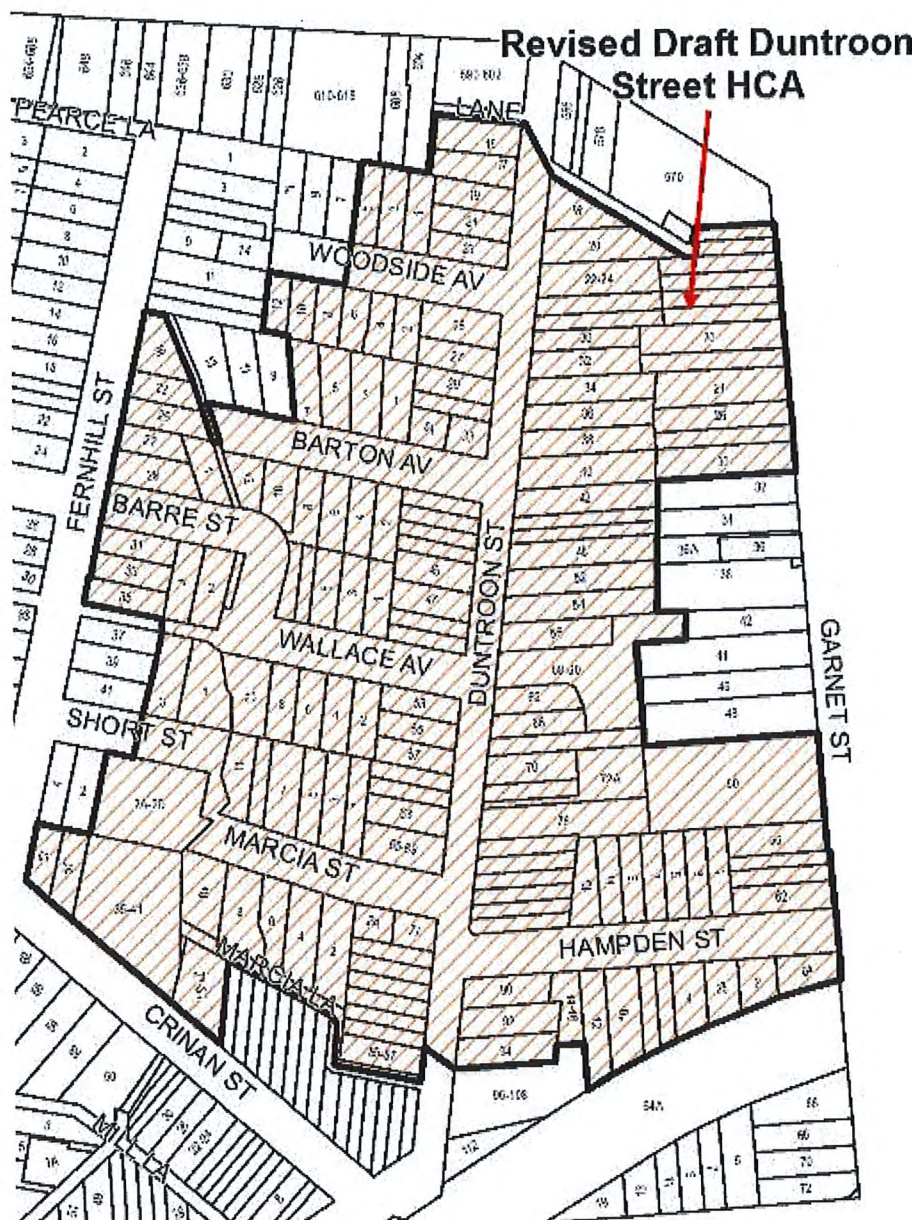


Figure 9: Newly proposed revised draft Duntroon Street HCA.

The justification for these changes in the review is as follows:

- Although the Hurlstone Park Bowling Club clubhouse building has been demolished, the site occupies an impressive setting next to the Crinan Street commercial centre and with landscaping and views from neighbouring properties. The site and its surroundings is therefore seen to constitute an important public space within the heart of Hurlstone Park, which should be included in this HCA
- Properties immediately north and west of the bowling club site on Fernhill Street have been included within HCA as they have high integrity and contribute towards its overall cohesion.

The amalgamation of the two HCAs will also prevent unsympathetic development within the vicinity of contributory and heritage items along Duntroon and Hampden Streets.

An additional property that is currently part of the draft Crinan Street Shops HCA at 85-87 Duntroon Street is also proposed to be added to this HCA (see Crinan Street Shops HCA section below).

Overall, 71% of the houses in the proposed Duntroon Street HCA contribute to the character of this area.

Officer comment: The proposed additions to the original HCAs and a consolidation of the two are supported. As noted above, the properties at 4-24 Fernhill Street are recommended to be part of this HCA rather than the Melford Street HCA, and should be included within its boundaries – as shown on Figure 10 below.



Figure 10: Map showing the location of 4-24 Fernhill Street (north of Barre Street), which is recommended at officer level to be added to the revised Duntroon Street HCA from revised Melford Street HCA.

Expansion of draft Floss Street HCA (newly proposed Starkey Street HCA)

It is recommended in the City Plan Review that further area be added to this draft HCA. Figure 11 shows the proposed additions (in green) that will now link the two draft HCAs. Figure 12 shows the newly proposed HCA in its entirety.

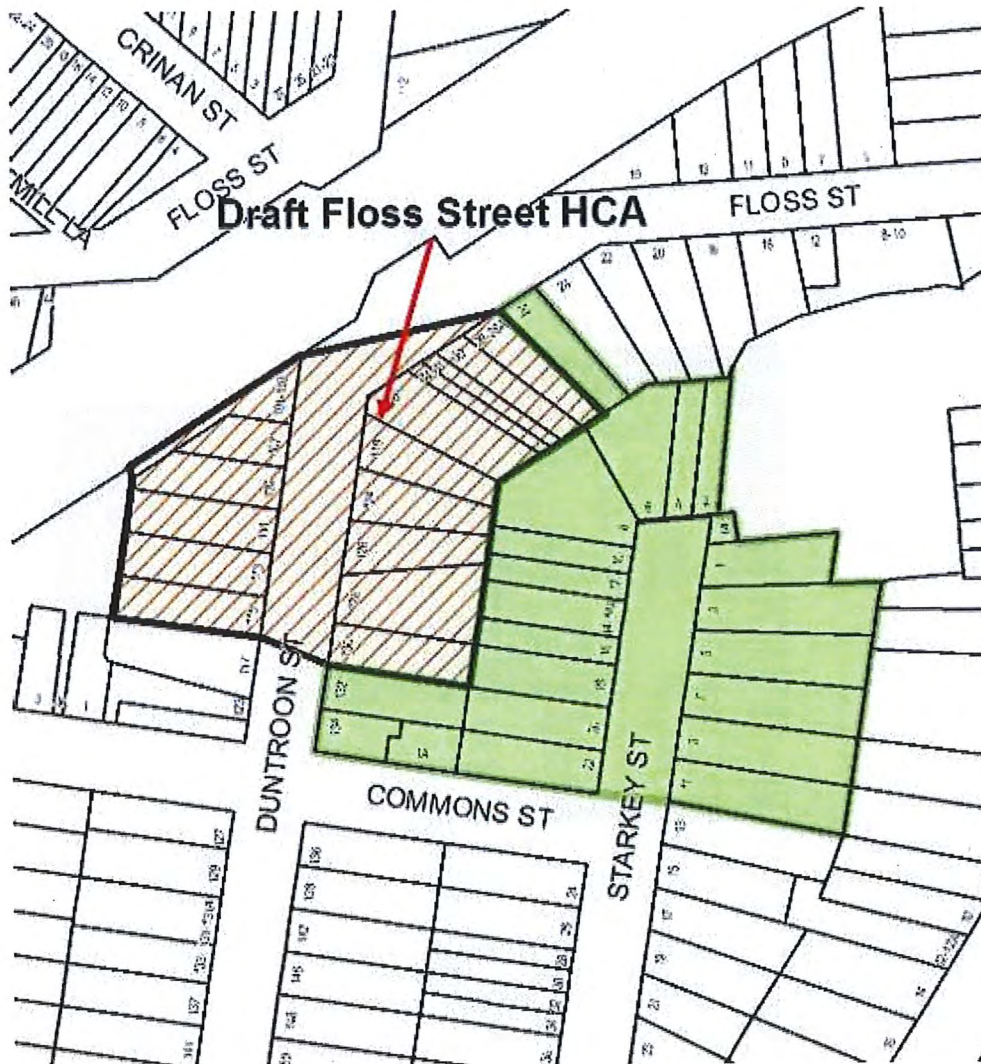


Figure 11: Existing draft Floss Street HCA with additional recommended area shown in green.

The justification for this change is that the proposed additional area is characterised by Californian Bungalow dwellings, of which a particularly cohesive group is found at 3-11 Starkey Street.

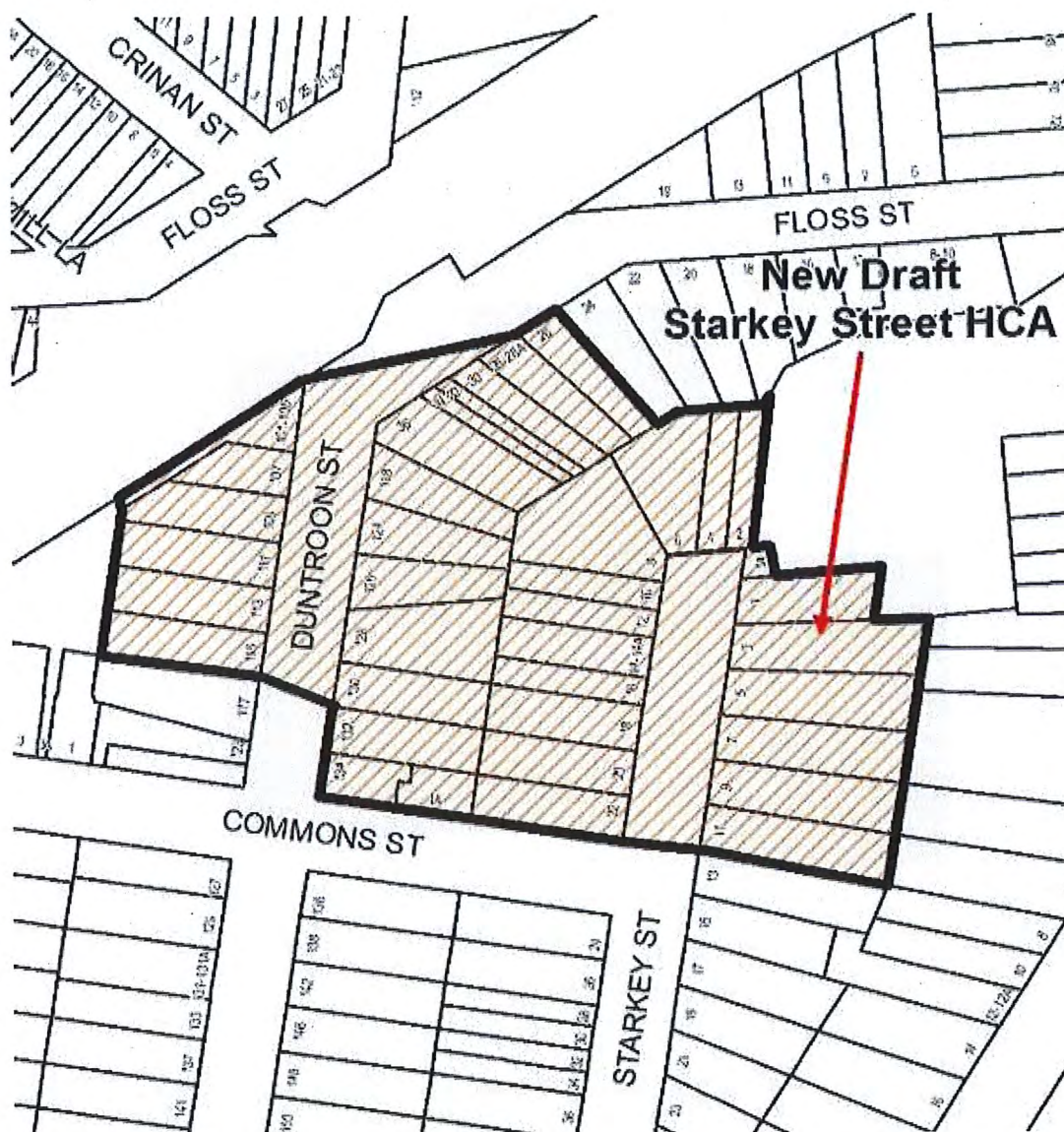


Figure 12: Newly proposed draft Starkey Street HCA.

It is proposed to call this newly proposed area Starkey Street HCA. Overall, 79% of the houses in the proposed Starkey Street HCA contribute to the character of this area.

Officer comment: The additional area recommended for inclusion in a HCA is considered to be warranted. However Starkey Street is characterised by Inter War housing (Californian Bungalows), whereas the original draft Floss Street HCA has a Federation character. It is recommended that the new area instead form a separate HCA, while retaining the existing draft Floss Street HCA as is (with the inclusion of three properties on Duntroon Street and its southern extremity).

The recommended amended HCA boundaries by Council staff are shown on the map below:

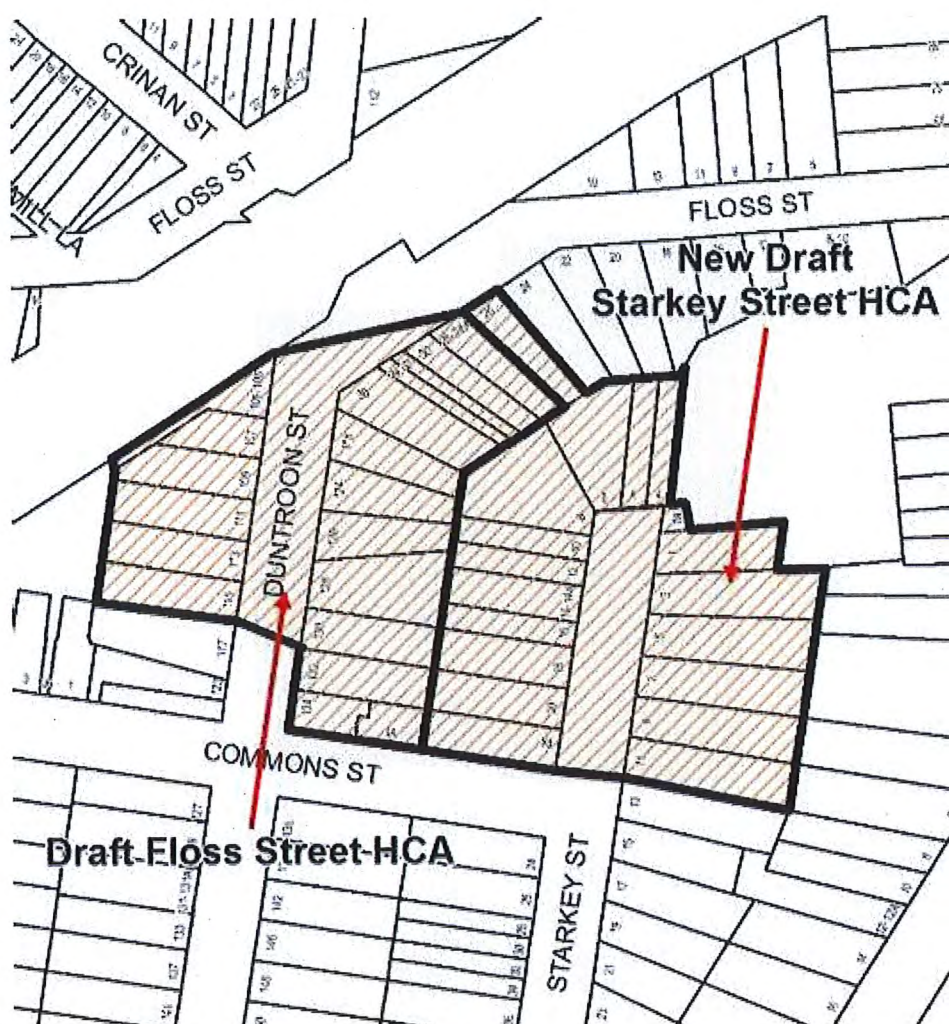


Figure 13: HCA boundaries recommended by Council staff, showing that show a splitting of the proposed draft Starkey Street HCA recommended in the City Plan Review.

Draft Tennent Parade HCA

This proposed HCA was reviewed as one submission was received objecting to a property being included within this HCA, and the creation of this HCA.

The review recommends that this draft HCA be retained with no changes to boundaries. The review notes that all of the properties in this group are assessed as contributory items, including the property that was the subject of a submission. It notes while there is a recent development application at 24 Tennent Parade, notwithstanding all properties remain contributory.

Officer comment: This recommendation is supported.

Draft Crinan Street Shops HCA

It is recommended in the City Plan Review that a minor alteration to the boundary of this draft HCA occur. This arose from a submission received. This is to locate 85-87 Duntroon Street from this draft HCA to the proposed Duntroon Street HCA.

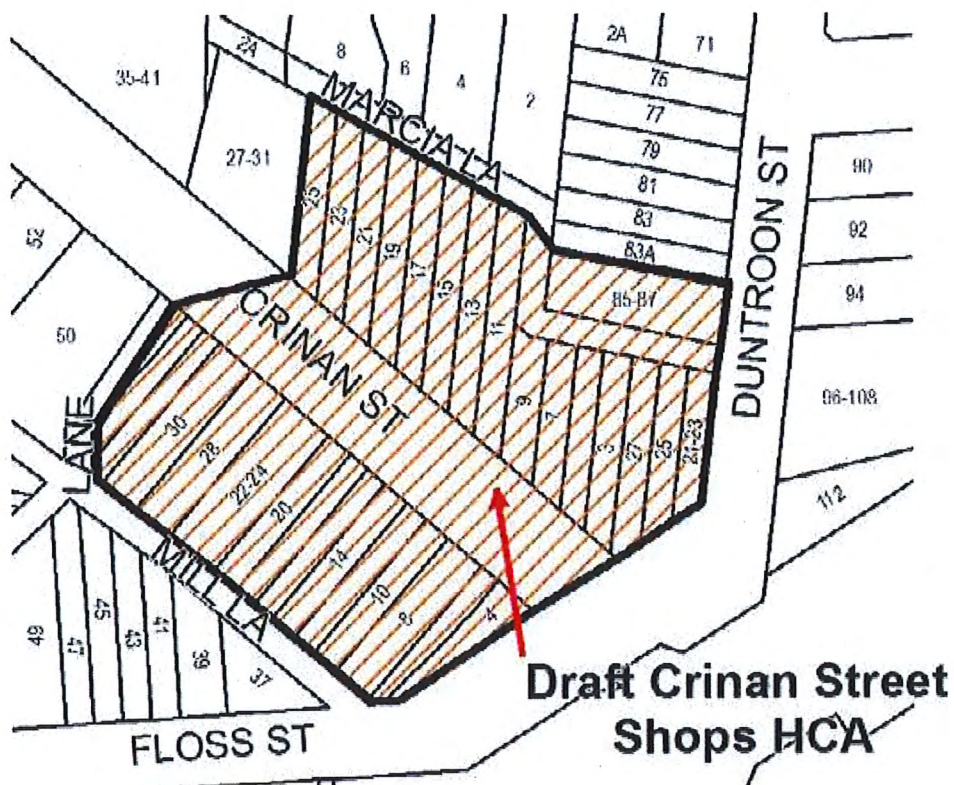


Figure 14: Existing boundary of Draft Crinan Street Shops HCA

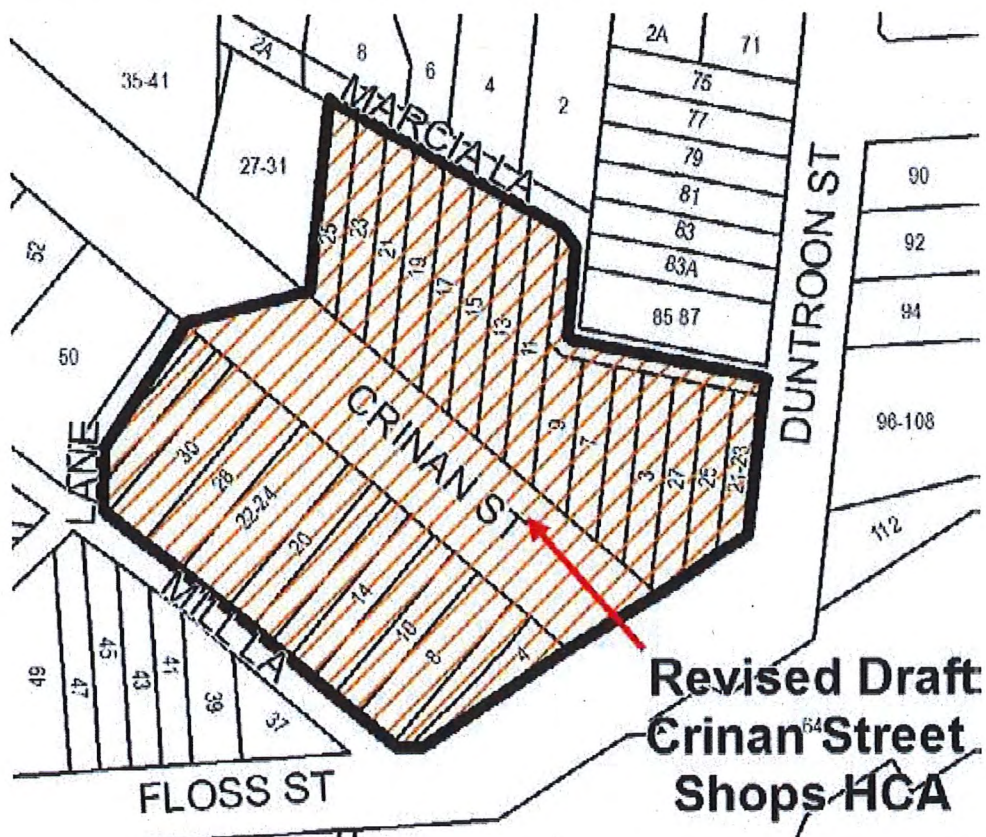


Figure 15: Proposed revised boundary of Draft Crinan Street Shops HCA, with 85-87 Duntroon Street no longer included.

While 85-87 Duntroon Street is a shop building and is in close proximity to the Crinan Street Shops HCA, it is separated by a laneway and not physically aligned with the shops in this HCA. It is also less ornate than the buildings in the Crinan Street and is considered to be more consistent with the more residential, lower-scale character of the Duntroon Street HCA.

The building warrants protection as a contributory item and this will occur from being located in the proposed Duntroon Street HCA. The proposed changes are shown at Figures 14 and 15.

Proposed additional Heritage Conservation Area south of the Railway Line

93 submissions (36.7% of those received) requested that a new HCA be established in the vicinity of Railway and Hopetoun Streets, south of the Railway Line.

The City Plan Review summarises the issues in the submissions as follows:

- All heritage-listed houses within Hurlstone Park are contained within an HCA with the exception of those properties at 19 and 23-27 Hopetoun Street.
- Properties on the northern end of Hopetoun Street have remained unchanged when considered against a 1912 Broadhurst photograph.
- The landscape setting of this area, with its mature trees and vegetation, walkways and proximity to the railway line is unique.
- The area south of the railway contains 4 of 22 heritage-listed houses in Hurlstone Park and 70% contributory buildings.
- The proposed HCA encompasses the western half of the 1st Subdivision (1901) of Jeffreys Estate (DP 3849), one of the oldest subdivisions in Hurlstone Park.

Some of the submissions also showed proposed boundaries of a southern HCA, two options submitted are shown below:



Figures 16 and 17: Two options for the boundaries of a southern HCA which were suggested in public submissions.

The City Plan Review has concluded there is merit in establishing a new HCA in this part of Hurlstone Park. The extent of the proposed new HCA is smaller than in the submitter's options

shown above, as the boundaries more tightly define the contributory items in this area. The proposed boundaries are shown at Figure 16 below.



Figure 18: City Plan Review recommended boundaries of the newly proposed Railway Street HCA.

The review advises the following considerations that have been factored into the designated boundaries:

- The proposed HCA is defined by the topography, landscape context and proximity to the railway and the gradual transition from more substantial and ornate dwellings, such as those on Hopetoun and Burnett Streets, which gradually transitions to more modest examples as one continues down the hill, such as the workmen's cottages at Railway Street and Foord Avenue. It is acknowledged that the properties along Hopetoun Street are distinguished from the remainder of those within the proposed HCA both architecturally and by their elevated setting.
- The properties from 2-10 Railway Street and 5A-15 Foord Avenue are particularly cohesive and deserving of protection.

The review has recommended that this proposed new HCA be called "Railway Street Heritage Conservation Area". Overall, 76% of the houses in the proposed HCA contribute to the character of this area.

A map providing an overview of all the HCA recommendations proposed in the review is shown in Figure 19 below:

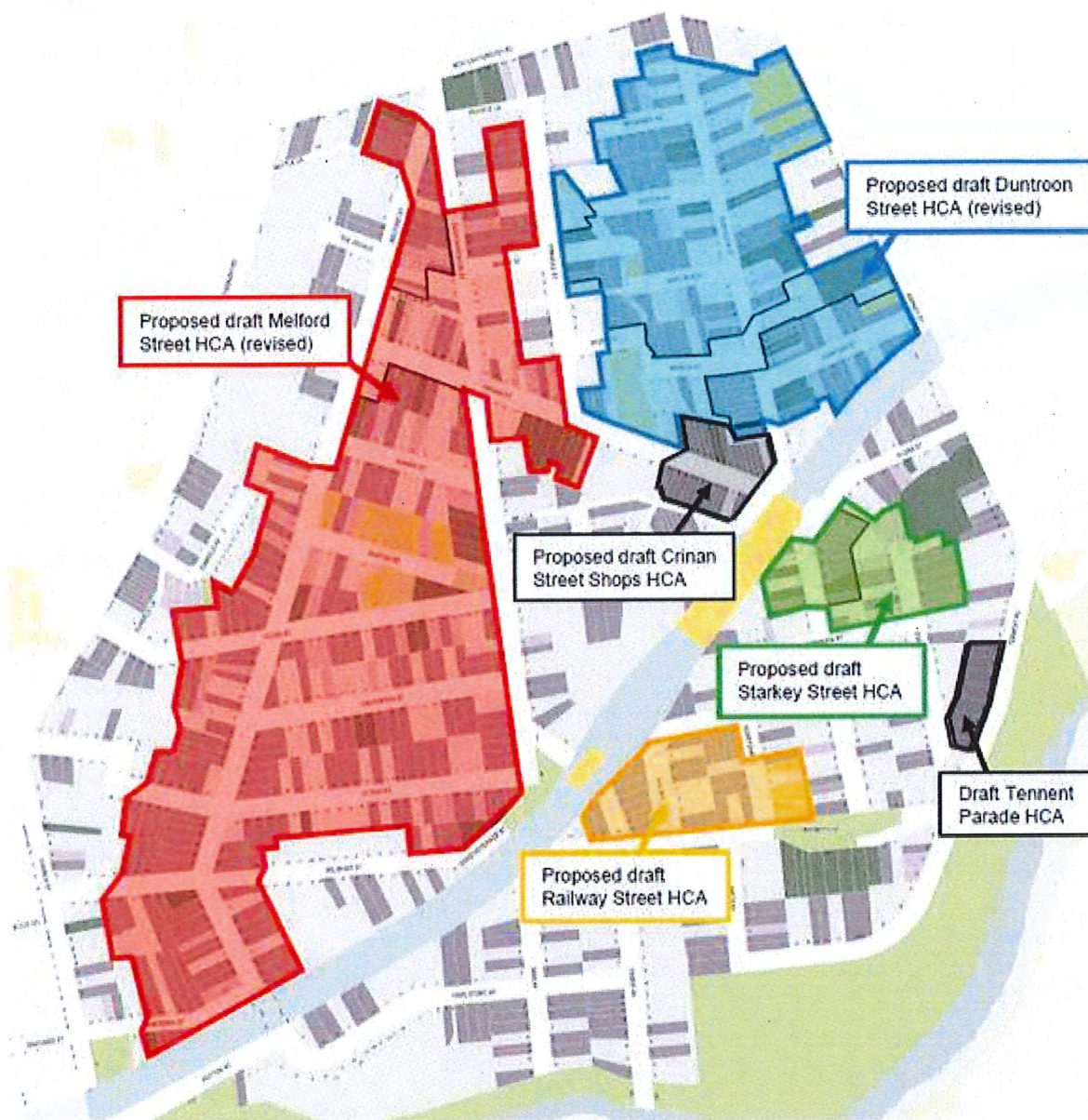


Figure 19: Map of the newly proposed draft HCAs recommended in City Plan Review

New character statements and State Heritage Inventory forms for the revised HCAs are contained in Attachment E.

Associated changes to zoning controls

In the exhibited planning proposal Council took a position that all residential zoned properties included within a draft HCA would be rezoned to R2 Low Density Residential. This comprised mostly properties with a R3 Medium Density Housing zoning but also with a small area of R4 High Density Housing zoned land (comprising 3,500m²).

The reasoning behind this change was the R3 and R4 zones allow uses that are considered incompatible with the prevailing single dwelling character of the HCAs – uses such as residential flat buildings and multi dwelling housing. The R2 zone prohibits such uses.

As expansion and creation of new HCAs in Hurlstone Park is proposed, it is also proposed to change the zoning of all R3 Medium Density Housing zoned land within a HCA to R2 Low Density Residential. This is consistent with the previous approach taken by Council and the Gateway Determination.

The implications of this in relation to key development controls are shown in the table below:

Control	R3 zone	R2 zone
Permitted land uses	Allows for uses such as attached dwellings and multi dwelling housing (town house and villa style development), dual occupancies, dwelling houses, neighbourhood shops, and seniors housing.	Attached dwellings and multi dwelling housing (town house and villa style development) will no longer be permitted development, along with neighbourhood shops. Dwelling houses and dual occupancies are permitted uses.
Height	8.5 metres	8.5 metres
Floor Space Ratio (FSR)	0.5:1, with special controls for dwelling houses	0.5:1 for dual occupancies, with the same special controls for dwelling houses

There is also a small pocket of R4 High Density Housing zoned land (2,600m²) within the proposed Duntroon Street HCA on the southern side of Marcia Street (4, 6, 8 and 10) – see Figure 19 below. This area comprises four allotments, two of which have already been redeveloped for residential flat buildings. One site is the former Hurlstone Park Bowling Club site which is owned by Council, and the other contains a dwelling house. The height limit in this area is 8.5 metres (two storeys).



Figure 20: 4, 6, 8, and 10 Marcia Street

Given the small size and limited development potential of this area, high level of fragmentation and existing strata subdivision, and the existing use rights issues that could arise from a change of zoning, it is proposed to maintain the R4 zoning of this area.

Height controls in Hurlstone Park Town Centre

The exhibited Planning Proposal sought a reduction in the maximum building height in Hurlstone Park Town Centre from 14 metres to 11 metres on properties located within a draft HCA. This height reduction covered most of the town centre.

The current maximum building height of 14 metres would potentially allow up to 4 storey development. The existing building facades in this area are predominantly two storeys in height. Most of these buildings are contributory items, and a HCA would prohibit demolition of such items. With the existing height controls permitting four storey development, this would potentially allow for two storey upper level extensions on top of existing buildings. This was considered to be inappropriate, as extensions of this size are likely to detract from the existing building character.

The exhibited 11 metre height limit would allow for three storey development for which extensions (with an appropriate setback) could be more successfully accommodated while retaining the existing two storey building form.

A range of different views were raised in submissions about the proposed change in building heights in the town centre. Four objections were received raising issues such as the loss of development potential and impact on the viability of the centre that would occur through reducing heights. Other submissions supported the change, and others again requested a reduction in height to two storeys in the town centre.

There was some criticism that the proposed reduction in height was not supported by an urban design analysis. As such the review contains an urban design analysis which addresses these issues, particularly the proposed reduction in heights. Overall it recommends that Council maintains its position of pursuing reduced height for this area.

The centre has distinct northern and southern sides (divided by the railway line) each with different characteristics.

In respect of the northern (Crinan Street) side of centre the review has illustrated with modelling of the impacts of three and four storey development using appropriate front setbacks. This is shown below:



Figure 21: Modelling of three storey development (shown in salmon pink, blue, and yellow) – eastern side of Crinan Street (view from railway bridge)



Figure 22: Modelling of four storey development (shown in salmon pink, blue, and yellow) - eastern side of Crinan Street (view from railway bridge)



Figure 23: Modelling of three storey development (shown in yellow) - western side of Crinan Street



Figure 24: Modelling of four storey development (shown in yellow) - western side of Crinan Street

The review concluded that three storey development incorporating a single storey upper level addition with appropriate setbacks will result in appropriate built form outcomes, but four storey development is not appropriate. The review has also specified DCP controls for acceptable design outcomes to occur, which will be considered for incorporation into Council's DCP and exhibited should Council decide to proceed.

In respect of the northern (Crinan Street) side of centre the review is suggesting that an existing two storey shop with an single storey upper level extension will have a height of between 10-11 metres. This is consistent with the 11 metre height limit proposed by Council.

For the southern side of the centre a lesser height limit is recommended. This is on the basis of a recent Land and Environment Court appeal decision (*Vasiliades v Canterbury-Bankstown Council*) in respect of site at 36 Floss Street and 118 Duntroon Street. This appeal decision considered that the building 'The Chambers' at 30 Floss Street as setting the maximum building height for this area. The review concurs with this decision, with the height measured at the top parapet cornice.

The review also sets quite specific DCP controls for this area to protect the landmark qualities of 'The Chambers' building at 30 Floss Street.



Figure 25: 'The Chambers' building at 30 Floss Street

Officer comment: The appeal decision considered that "The Chambers" building at 30 Floss Street, located at the top of a prominent rise, sets the datum for an appropriate maximum height for the group of buildings in this area.

The height of this building (at the top parapet cornice) has been surveyed by Council as being between 9.084 and 9.448 metres (variance is because of the slope of the site). On this basis a 9 metre maximum building height is considered appropriate for this area given there are moderate changes in topography and will ensure any adjoining buildings are not higher than "The Chambers" building.

However, In relation to the site at 36 Floss Street and 118 Duntroon Street, the appeal decision determined that three storeys is an appropriate form for this site. It is noted there is currently a development application lodged for this site for a three storey mixed use building containing commercial premises and 33 boarding house rooms. Given the appeal decision, and the proposed maximum building height control for three storey development on the northern side of Crinan Street is proposed to be 11 metres, it is recommended for this site that an 11 metre height limit apply.

Requests for properties to be listed as heritage items

Within the submissions received were requests seeking the listing of over 60 properties in Hurlstone Park as further heritage items. These properties are listed below:

- 56 Acton Street

- 1, 3, 5, 6, 7, 8, 10, and 12 Barton Avenue
- Shop frontages on Canterbury Road
- Shop frontages on Crinan Street
- 45, 49, 51, 63, 65-69 (former Immanuel Church), and 71 Duntroon Street
- 9, 10, 11A, 14, 16, 18, 19, 23, 25, and 31 Dunstaffenage Street
- 4, 6, 8, 9, 10, 16, 22, 23, 24, 34, 35, 36, 37, and 41 Fernhill Street
- 5 Floss Street
- Shop frontages on 28, 30, and 32-34 Floss Street
- 74-76 Floss Street
- 50 Garnet Street (Siddha Yoga Ashram, former Children's Home)
- 1, 5, 6, 7, 9, and 11 Marcia Street
- Greek Café at 712-718 New Canterbury Road
- 2, 4, 6, 8, and 10 Railway Street
- 1 Short Street
- 1, 2, 3, 5, 7, and 10 Wallace Avenue
- 2, 3, 5, 6, and 8 Woodside Avenue

The City Plan Review assessed all of these properties against the State Heritage Criteria as to their potential for listing. It concluded that the following properties should be further investigated to assess if they satisfy the relevant criteria for listing:

- 1, 3, 5, 6, 7, 8, 10, and 12 Barton Avenue (houses)
- Former Immanuel Church at 65-69 Duntroon Street
- Shop frontages on 28, 30, and 32-34 Floss Street
- 3, 5, and 10 Wallace Avenue (houses)





Figures 26 and 27: Federation style houses in Barton Avenue and Wallace Avenue recommended for heritage listing



Figure 28: Shop frontages in Floss Street recommended for heritage listing



Figure 29: Former Immanuel Church and Masonic Centre at 65-69 Duntroon Street recommended for heritage listing in the review (but not supported at Council officer level)

The other properties assessed did not meet the criteria for listing. However most are already are within draft HCAs and their external form will be protected through this mechanism.

Council's consultants were then engaged to undertake the further investigative work to determine if these properties satisfied the relevant criteria for listing. They have concluded that these properties meet the criteria for listing. State Heritage Inventory (SHI) forms for the proposed listings are attached to this report (Attachment E).

Officer comment: The listing of houses in Barton and Wallace Avenue, and shops in Floss Street are supported.

The listing of the former Immanuel Church/Masonic Centre at 65-69 Duntroon Avenue shown at Figure 24 is however not supported.

While the building may have some social significance, and retains some of its original features at the rear, the original main façade to Duntroon Street in particular has been altered beyond recognition and the building architecturally detracts from the character of the area to the extent it has lost its sense of place. Because of these circumstances heritage listing is not supported.

Accordingly, it is recommended that the recommended properties in the review with the exception of 65-69 Duntroon Street be listed as additional heritage items in Schedule 5 in Canterbury Local Environmental Plan 2012, through amending the current planning proposal.

Considerations concerning making all of Hurlstone Park a Heritage Conservation Area

A number of submissions expressed the view that while supportive of the draft HCAs, it would be preferred if all of Hurlstone Park was within a HCA. Some mentioned the approach taken in Ashbury, where the majority of the suburb is within a HCA.

In the development of the initial Hurlstone Park Heritage Assessment Study, the proposed HCAs were tightly defined to be as legally defensible as possible. The City Plan Review was not intended to take a different approach to the HCAs, but has proposed that most of the HCAs be expanded and in some instances consolidated, but still maintaining a high proportion of contributory buildings in each HCA.

When the Ashbury and Hurlstone Park are compared, it is evident that Hurlstone Park has received considerably more recent development that has resulted in a loss of its original character. This includes Residential Flat Buildings, "infill" medium density housing (town houses and villas), commercial/mixed use development on the Canterbury Road / New Canterbury Road Corridor, and alterations and additions to existing dwellings. In comparison, recent developments in Ashbury have had a less substantial impact and have been of a smaller scale, and Ashbury has retained its overall character of an area largely comprising Federation and Inter War period buildings.

The request to make all of Hurlstone Park a HCA is not considered to be legally defensible, and the current approach captures the essential aspects of its heritage.

Other issues arising from the exhibition period

A range of other issues that were received in submissions during the exhibition period not considered in the Review have been reviewed by Council officers. These are addressed in the table forming Attachment F.

Heritage Reference Group

The preliminary findings of the review were reported to Council's Heritage Reference Group on 6 September 2017. The Heritage Reference Group will be further briefed before any reporting back to Council post exhibition.

The Low Rise Medium Density Housing Code and its impact on heritage in Hurlstone Park

A further issue necessary to consider in introducing heritage controls in Hurlstone Park is the potential impact of the NSW Government's Low Rise Medium Density Housing Code. This code allows for medium density housing forms such as dual occupancy, manor homes and terrace housing to be built as complying development.

While Canterbury LEP 2012 requires that development in the vicinity of a heritage item or HCA does need to take into consideration heritage aspects, such considerations do not apply to complying development. As such land near to or adjoining a HCA or a heritage item could be compromised by complying development where it applies. If the Low Rise Medium Density Housing Code is to apply in the R3 Medium Density zone, then this is likely to impact items of heritage and conservation value in Hurlstone Park.

While there is currently a moratorium on introduction of the code for 12 months in Canterbury-Bankstown ending in July 2019, if ultimately introduced then the impact of the code on the HCAs has been considered in the preparation of this report.

Next steps

If the Panel recommends that the proposed amendments to the Planning Proposal should proceed, the Planning Proposal will be then reported to Council seeking to re-exhibit the proposed amendments.

If Council endorses the amendments to the Planning Proposal, they will require an altered Gateway Determination from the Department of Planning and Environment before re-exhibition can take place.

It is also proposed to amend the supporting DCP controls that will apply to heritage in Hurlstone Park. This is in response to community submissions, specific recommendations in the City Plan Review and also from the changes proposed to the HCAs. It is also proposed to introduce provisions encouraging the residential conversion of vacant or under utilised upper level floor space. DCP amendments are not required to be reported to the Local Planning Panel, however they will be reported to Council along with the Planning Proposal to seek final endorsement.

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

**HELD AT THE CANTERBURY-HURLSTONE PARK
RSL CLUB**

ON MONDAY 1 APRIL 2019

PANEL MEMBERS

PRESENT: Mr Anthony Hudson - Chairperson
Ms Jan Murrell - Expert Member
Ms Barbara Perry - Expert Member
Ms Kayee Griffin - Community Representative Canterbury

STAFF IN

ATTENDANCE: Ms Maryann Haylock (Local Planning Panel Administration Officer)
Mr Brad McPherson (Manager Governance, not present for the closed session)
Mr Mitchell Noble (Manager Spatial Planning, not present for the closed session)
Mr Allan Shooter (Acting Team Leader Urban Planning - not present for the closed session)

THE CHAIRPERSON DECLARED THE MEETING OPEN AT 6.00 PM.

INTRODUCTION

The Chairperson welcomed all those present and explained the functions of the Canterbury Bankstown Local Planning Panel and that the Panel would be considering the report and the recommendation from the Council staff and the submissions made by members of the public and providing advice to Council on the planning proposal.

APOLOGIES

There were no apologies received.

DECLARATIONS OF INTEREST

The Chairperson advised that all Panel Members had submitted written Declarations of Interest returns prior to the meeting.

The Chairperson also asked the Panel if any member needed to declare a conflict of interest in any of the items on the agenda. There were no declarations of interest.

CBLPP Determination

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

THAT the minutes of the Canterbury Bankstown Local Planning Panel Meeting held on 4 March 2019 be confirmed.

DECISION

1 IMPLEMENTATION OF HURLSTONE PARK HEITAGE ASSESSMENT STUDY

Site Visit

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

Written Submission

Written submissions were received for this matter and considered by the Panel from:

- Patricia Kaperonis
- Carmel Elliot
- Brett Smout
- Adrian & Michelle Tourle
- Sally Pertsinidis
- Canterbury Hurlstone Park Chamber of Commerce

Public Addresses

The following people addressed the meeting in relation to this item:

- Adrian Tourle
- Aris Drendrinos & Phil Schwenke (Canterbury Hurlstone Chamber of Commerce – President and Secretary)
- Marie Healy
- Louise Dortins
- Ben Hamilton
- Margaret Fasan (Representing the Hurlstone Park Association)
- Brett Smout
- Pierrette Khoury
- Patrick Ceran-Jerusalem
- Callantha Brigham
- Shaun Carter
- Belinda Keir
- Chris Anagnostou
- Marcus Dervin
- Kate Bernham
- Kathleen Murphy
- Peter Molloy
- Michelle Vandersander

Panel Assessment

Ms Kayee Griffin was the community Panel member present for the deliberation and voting for this matter.

CBLPP A: Recommendation

THAT the Panel recommend the following:

1. An amended planning proposal be submitted to the Department of Planning and Environment for an altered Gateway Determination incorporating the changes outlined in the council officers report subject to the changes identified in the discussion section (B) of this report.
2. Upon receiving a revised Gateway Determination, the planning proposal be placed on public exhibition along with associated amendments to Canterbury Development Control Plan 2012.

3. The General Manager be given delegated authority to make minor amendments to the Heritage Review, Draft Heritage Items and Heritage Conservation Area State Inventory Sheet forms, provided there is no change to the intention of these documents.
4. Council receive a further report outlining the findings of the exhibition period.

CBLPP B: Discussion

As a general comment, the panel notes the strong community support both by the number of supportive submissions received and the number of persons attending at this meeting for heritage for Hurlstone Park.

1. Tennent Parade:

The Panel noted that there was a strong opposition to the listing of 16 to 30 Tennent Parade, Hurlstone Park as a Heritage Conservation Area. *Six of the eight owners were opposed to the HCA listing.*

While the reports recommend this as a conservation area, members of the Panel are of the opinion that there is insufficient evidence to justify a Heritage Conservation Area for these 8 dwellings at this point in time. The panel is also of the opinion that the site inspection revealed that this group of 8 houses had varying degrees of alterations and additions. In particular *more than half* had the original verandahs enclosed. While there is clearly a rhythm of the siting of the dwellings on the blocks of land that are all in an area of relatively steeply sloping topography and the *majority have* substantial sandstone bases/*undercrofts* for the dwellings, however, in the opinion of the panel this would not justify a HCA. The presence of sandstone retaining wall fences is not a prevailing characteristic in the streetscape with a number having brick fences from various decades and excavated garages on the street boundary.

A majority of the Panel is of the opinion that the grouping *does not* - justify a Heritage Conservation Area Listing.

Many of the dwellings have been altered, in particular the Californian Bungalow appearance have been changed by infill of verandahs, continuation of garage features at the front, additional stairs and terrace areas at the front.

Also, a majority of the Panel is of the opinion that the heritage Information and studies about this area are not sufficiently detailed or specific enough to justify the Heritage Conservation Area.

However, one member of the Panel is of the opinion that the area should be designated as a Heritage Conservation Area primarily for the reasons outlined in the reports provided to the Panel (including the City Plan report dated 29 March 2019).

The Panel also noted a significant concern by the Tennent Parade residents about the notification and lack of specific engagement about this proposed HCA. There was also support from the public gallery against this HCA.

2. Floss Street/Duntroon Street:

There are a number of issues that the Panel needs to address.

The report proposes that numbers 34, 32, and 28 – 28A be Heritage items. The Panel does not agree with this recommendation. The Panel is of the opinion that the only building that

is worthy of being classified as a Heritage Item in this group of buildings, should be "The Chambers" building, at 30 Floss Street.

However, the Panel agrees that 34 and 32, 28 and 28A should be part of the Floss Street Conservation area and can be given the appropriate contributory item ranking.

Any future development in this part of the HCA would have to address impacts on the proposed heritage item of 30 Floss Street.

As to the height limit in this area, the Panel accepts the proposed height control of 9 metres in this section of the HCA.

There was a concern by a number of objectors about the proposed 11 metre height limit for the site No. 118 Duntroon – 36 Floss Street.

The Panel notes in the report reference to the Land and Environment Court judgement (Vasiliades v Canterbury Bankstown Council Commissioner Dickson 20 September 2017), which discusses the future character of this area having regard to the proposed draft LEP at that time which proposed a change in height from 14 to 11 metres.

This judgement was given after the public exhibition of the draft LEP as it then was.

In the Commissioners opinion as stated in the judgment:

- a. Three storeys was an appropriate height form for this site having regards to the existing and future character.
- b. The Consult Group building was the foremost building in this group of buildings located at the top of a prominent rise and that it set the datum for an appropriate maximum height for this group of buildings. The proposed development which was under the 14 metre height limit would compete and detract from the existing Consult Group building's prominence.
- c. The proposed draft LEP at that time – (which proposed an 11 m height limit) was seeking to preserve the existing character and should also be 9 metres.

The panel notes that the council's surveyed level of the datum building is between 9 and approximately 9.5 m.

Having regard to the proposal to make the datum building a heritage item the panel is not convinced that there should be a specific 11 m height limit for this site and that it should also be limited to 9 metres.

In relation to the other buildings, the Panel agrees that the 9 metre height limit is the appropriate height limit which is supported in the judgement.

The last matter to consider in this group of buildings is number 26 Floss Street.

Number 26 is part of the new proposed Starkey Street Conservation Area. While the Panel agrees that this area can be a separate Heritage Conservation Area, the Panel is of the opinion that number 26 Floss Street should be excluded from this Heritage Conservation Area (and any Conservation Area).

While number 26 will be an isolated site zoned B2 any future development of this site will be required to address the Heritage Conservation on one side and the lower zoned area on the other side, so that an appropriate transitional development is achieved.

The Panel suggests that further investigations be carried out to change the zoning from B2 to R3.

3. 66 – 78 Crinan Street:

The issue here is whether this grouping (which is the way it has been presented of Heritage significance) should be individually listed as Heritage Items, (although the collective part of it is important) or should it just be in the Heritage Conservation Area itself.

The Panel is of the opinion that these properties should not be listed as heritage items except for number 78 which should be listed a Heritage.

The individual properties will be within the HCA and can be given the appropriate contributory item ranking.

4. Crinan Street Shops:

The Panel agrees that this grouping of shops is a particularly coherent and unusual grouping of shops and the preservation of the street façade is important.

The primary issue however is whether the height should be reduced from 14 metres to 11 metres.

There was also a suggestion that the height in this area should be reduced to 9 metres.

The Panel is of the opinion that the 11 metre height is the appropriate height, however there needs to be some appropriate DCP controls that will ensure that the streetscape is conserved by ensuring that development towards the rear of these allotments would not overwhelm the streetscape. This will allow appropriate development for the future of this area.

5. Railway Street:

The Panel is of the opinion that this Conservation Area is worthy of exhibition at this stage.

However, the Panel notes that this area does not present as a coherent Heritage Conservation Area.

Further investigation of this area should take place during the exhibition.

6. Contributory items:

The panel notes that the studies that have been prepared have identified buildings as contributory items which have also been ranked. The Panel agrees that contributory items and any relevant rankings should form part of the associated DCP in order to properly and specifically identify contributory items.

7. South District Plan

The panel notes advice from council officers that the South District plan has been taken into consideration and the proposed draft LEP is consistent with this plan.

Vote: 4 – 0 in favour

The meeting closed at 10:10 pm



Planning Panels

Declaration of Interest

MEETING DATE	1/4/19.
Agenda Item/Panel reference number	1

In relation to this matter, I declare that I have:

no known conflict of interest ☒

an actual¹ ☐, potential² ☐ or reasonably perceived³ ☐ conflict of interest as detailed below:

.....
Signature

1/4/19
.....
Date

.....
Name

Please return this form to the Planning Panels Secretariat at
enquiry@planningpanels.nsw.gov.au

¹ An 'actual' conflict of interests is where there is a direct conflict between a member's duties and responsibilities and their private interests or other duties.

² A 'potential' conflict of interests is where a panel member has a private interest or other duty that could conflict with their duties as a panel member in the future.

³ A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.



Declaration of Interest

MEETING DATE	1 st APRIL 2019
Agenda Item/Panel reference number	Jan Murrell. Item 1

In relation to this matter, I declare that I have:

no known conflict of interest ☒

an actual¹ ☐, potential² ☐ or reasonably perceived³ ☐ conflict of interest as detailed below:

Signature

Date

Name

Please return this form to the Planning Panels Secretariat at
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Planning Panels

Declaration of Interest

MEETING DATE	1 / 4 / 2019
Agenda Item/Panel reference number	Implementation of Hurlstone Park Heritage Study

In relation to this matter, I declare that I have:

no known conflict of interest ☒

an actual¹ ☐, potential² ☐ or reasonably perceived³ ☐ conflict of interest as detailed below:

Barbara Perry
Signature

1 / 4 / 2019
Date

Barbara Perry
Name

Please return this form to the Planning Panels Secretariat at enquiry@planningpanels.nsw.gov.au

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Planning Panels

Declaration of Interest

MEETING DATE	1 April 2019
Agenda Item/Panel reference number	ITEM

In relation to this matter, I declare that I have:

no known conflict of interest ☒

an actual¹ ☐, potential² ☐ or reasonably perceived³ ☐ conflict of interest as detailed below:

Please note I recognise Louise Denton's name on the address list as I met her about 3 weeks ago & was not aware until today that she would address the meeting. My meeting her had absolutely nothing to do with planning matters & related to Pre-fall during the recent NSW Elections

K Griffin
Signature

1/4/2019
Date

KAYEE FRANCES GRIFFIN
Name

Please return this form to the Planning Panels Secretariat at enquiry@planningpanels.nsw.gov.au

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