

Attachment 7

Council Report and Resolution of 30 April 2019

Planning Matters - 30 April 2019

ITEM 5.1 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 prepared by the heritage consultant Paul Davies Pty Ltd 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.

A Planning Proposal to implement the recommendations of the study was prepared and exhibited in 2017, and as a result of matters raised, amendments are proposed.

The purpose of this report is to seek Council's endorsement to make changes to and re-exhibit the Planning Proposal and Development Control Plan, and a minor change to Council's Heritage Incentives Policy.

The matter has also been reported to the Canterbury Bankstown Local Planning Panel which has made recommendations about the proposed amendments, and is otherwise supportive of Council proceeding with the Planning Proposal.

ISSUE

Council endorsement is sought to amend and re-exhibit the Planning Proposal to implement heritage controls in Hurlstone Park. Approval is also sought to prepare and re-exhibit revised amendments to the Canterbury Development Control Plan 2012, and to amend the Heritage Incentives Policy to extend the development application fee waiver to draft heritage listed properties.

This matter was reported to the 1 April 2019 meeting of Canterbury Bankstown Local Planning Panel which recommended 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.*

The details and implications of the Local Planning Panel meeting are discussed further in this report. The Local Planning Panel recommendations are supported and this report proposes to proceed accordingly.

RECOMMENDATION That -

1. An amended Planning Proposal to implement heritage controls in Hurlstone Park be submitted to the Minister for Planning for an altered Gateway Determination incorporating the changes outlined in this report.
2. Upon receiving an altered Gateway Determination, the Planning Proposal be placed on public exhibition.
3. Draft amendments to Chapter B8 Heritage of Canterbury Development Control Plan 2012 also be prepared and exhibited alongside the Planning Proposal.
4. The General Manager be given delegated authority to make minor amendments to the draft Heritage Item and Heritage Conservation Area State Inventory Sheet forms, and to the mapping and wording of the Development Control Plan amendments provided there is no change to the intention of these documents.
5. A further report be submitted to Council following the conclusion of the exhibition period.
6. An amendment be endorsed to the Heritage Incentives Policy to allow the Development Application fee waiver to cover draft heritage items.

ATTACHMENTS [Click here for attachment\(s\)](#)

- 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
- G. Canterbury Bankstown Local Planning Panel - Report, 1 April 2019
- H. Canterbury Bankstown Local Planning Panel - Minutes of Meeting, 1 April 2019

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. It is recommended in this report to extend the development application fee waiver to draft heritage listed properties.

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, with nearly 90% of submissions supporting the proposal. 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

The executive summary below highlights the key amendments recommended to the previously exhibited version of the planning proposal.

Overview of submissions

Nearly 90% (223 of the 254) of submissions received 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

- The draft group at 66, 68, 70, 72, 76, and 78 Crinan Street is recommended not to be listed with the exception of 78 Crinan Street.
- The property at 128 Duntroon Street Street is recommended not to be listed.

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.
- Minor expansion of draft Floss Street HCA recommended.
- Minor changes to draft Crinan Street Shop HCA recommended.
- Draft Tennant Parade HCA recommended to no longer be proceeded with.

Request for new Heritage Conservation Areas south of the Railway Line

- A new HCA south of the railway line in the Hopetoun Street / Railway Street area recommended.
- A new HCA in the Starkey Street area was also recommended.

Height changes in Hurlstone Park Town Centre Heritage Conservation Areas

- Proposed height reduction from 14 metres to 11 metres recommended to be maintained for the area north of the railway line.
- Proposed height reduction from 14 metres to 11 metres recommended to be further reduced to 9m for the area south of the railway line.
- Refined Development Control Plan controls are recommended.

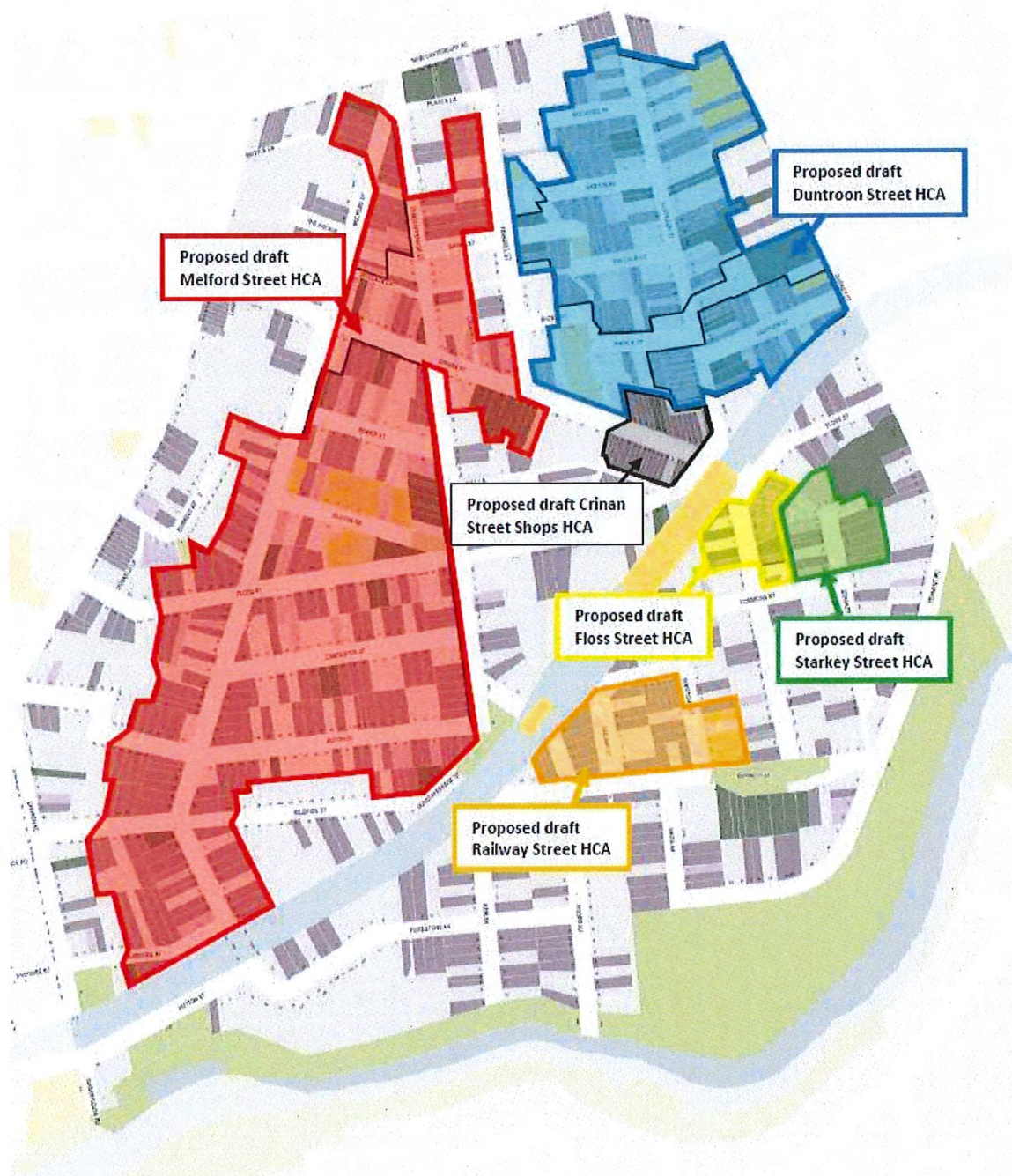
Requests for new heritage items

- Support for listing of properties at:
 - 1, 3, 5, 6, 7, 8, 10, and 12 Barton Avenue (houses)
 - 30 Floss Street (shops)
 - 3, 5, and 10 Wallace Avenue (houses)
- Other requests for listing not supported.

Overall

- Two new HCAs and expansion in area covered by exhibited draft HCAs, some of which have been consolidated and expanded.
- Six draft heritage items no longer recommended for listing (all are however in draft HCAs).
- 12 new properties recommended for heritage listing.
- Height reductions in the town centre supported in the review.

A map indicating the proposed new draft HCA boundaries is shown below:



Note: Properties shaded grey are contributory ranked buildings.

Canterbury Bankstown Local Planning Panel Meeting

A comprehensive report on the Hurlstone Park heritage initiatives was presented to the Canterbury Bankstown Local Planning Panel Meeting on 1 April 2019. A copy of this report is attached.

The report dealt with a range of issues including:

- Background to the initiatives.
- Endorsement and exhibition of a Planning Proposal in 2017.
- Comments received during the public exhibition.
- An external review by City Plan Heritage of key submission issues.

The Local Planning Panel considered this report and made the following recommendation to Council:

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.*

The discussion referred to in the Part 1 of the Local Planning Panel recommendation also makes specific recommendations in relation to the Planning Proposal. A copy of the minutes of the Local Planning Panel meeting including the above recommendation and discussion is attached.

The Local Planning Panel did not agree with all of the outcomes recommended in the Council officer's report. The key points of difference are:

- The draft Tennent Parade Heritage Conservation Area was not supported by the panel.
- The listing of properties at 66, 68, 70, 72, and 76 Crinan Street; and 28, 32, and 34 Floss Street were not supported by the panel.
- The panel recommended that the site at 36 Floss Street and 118 Duntroon Street have a 9 metre height limit consistent with adjoining sites.
- The inclusion of 26 Floss Street within the Floss Street HCA or any HCA was not supported by the panel.
- While the proposed Railway Street HCA is supported by the Panel to proceed to exhibition, it noted it does not present as a cohesive HCA and further investigation should take place during the exhibition.

The changes recommended by the Local Planning Panel are supported.

It is noted that in relation to the height limit recommendation for 36 Floss Street and 118 Duntroon Street there is currently a development application (DA) for a three storey shop top housing development with boarding house accommodation on this site. The appeal decision referred to in the Panel discussion also stated that three storey development is an appropriate building form for this site. A three storey building is unlikely to be achievable within a 9 metre height limit if Council decides to proceed with the Local Planning Panel recommendations. This issue will need to be resolved as part of the determination of the DA.

The draft Tennent Parade HCA in the previously exhibited Planning Proposal was proposed to change in zoning from R3 Medium Density Residential to R2 Low Density Residential. This was consistent with all residential zoned properties in HCAs where the R2 Low Density Residential was regarded as a better fit in terms of maintaining the single dwelling character of the HCAs. Now the Tennent Parade HCA is not recommended to proceed, the associated proposed zoning change for this HCA is also no longer necessary.

Development Control Plan Amendments

Draft amendments to Chapter B8 Heritage of Canterbury Development Control Plan (DCP) 2012 were also exhibited with the Planning Proposal. The purpose of these amendments was to support the Planning Proposal objectives. They proposed more specific development controls in relation to building elements and form, and provided character statements and criteria for each proposed HCA.

A small number of submissions commented on the amendments. An assessment of these issues is outlined below. These issues were not reported to the Canterbury Bankstown Local Planning Panel Meeting as the scope of panel was confined to the Planning Proposal only (although the panel did make some related comments on the DCP).

Issue

No heritage listed building can be shadowed (by surrounding development) for a longer period than it is today

Officer Comment

Overshadowing is an amenity issue rather than a heritage conservation one. It is not appropriate to discriminate between heritage and non-heritage properties in this respect. The proposed control also is very arbitrary – if a property received an increase in overshadowing of a very marginal nature and the impact was still acceptable, then this should not be grounds for refusal.

This proposed change is therefore not supported.

Issue

Solar panels should be placed at the rear of houses or on garages.

Officer Comment

Inappropriately located structures such as solar panels can detract from the character of heritage items and properties in HCAs. New controls are recommended to ensure the appropriate siting of structures or installations such as solar panels, satellite dishes, TV antennae etc.

Issue

If plants of a similar species cannot be used, then the use of plants native to the Hurlstone Park area should be encouraged.

Officer Comment

Agreed. The use of local native plants is a sound environmental principle. It is recommended that the DCP be amended to encourage the use of plants native to the Hurlstone Park area.

Along with these recommended changes, the DCP will require further consequential amendments if the proposed changes to the Planning Proposal occur including controls for the additional HCAs. The City Plan Review has also recommended more detailed controls for town centre development and the Local Planning Panel also has made commentary that controls be in place to ensure upper level additions in the town centre do not overwhelm existing buildings.

It is also considered that the amended DCP lacks controls in relation to secondary dwellings and could provide incentives to encourage residential use of upper level shop floor space and should be revised accordingly.

It is recommended that draft amendments to Chapter B8 Heritage of Canterbury Development Control Plan 2012 be prepared including and exhibited once an altered gateway determination is received, and the outcomes reported back to Council.

Heritage Incentives Policy

In September 2018 Council adopted a Heritage Incentives Policy to assist in the conservation of heritage items. One of the incentives contained in this Policy is a DA fee waiver for heritage items subject to certain criteria.

In respect of the proposed heritage listings in Hurlstone Park, it is recommended to also extend this fee waiver to the 35 draft heritage items proposed. This is because draft items will also require DAs for works that would ordinarily not require this form of consent, and are also not able to obtain minor works exemptions that only apply to listed items. They also require the same degree of heritage documentation when submitting a DA as for a heritage item.

As such extending the policy to draft heritage items would mean owners are not disadvantaged by the draft heritage listing of their properties, in respect of having to pay for DA fees arising by virtue of this draft listing.

Other matters

The City Plan Review document requires a minor amendment to clarify the scope of the review recommendations for further heritage listings. This will be undertaken before any exhibition of the document.

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 30 APRIL 2019

1. Council support the request from RSAC and purchase a table at their Charity Sports Lunch held on 31 May 2019 for an amount of \$640.
2. Council support the request from Mirath in Mind and donate \$1,000 towards their musical event and annual gala day.
3. Council support the request from the Lebanese Muslim Association – Parry Park and waive the fees for the use of the car park for Ramadan in the amount of \$4818.
4. Council support the request from the Australian Red Cross and waive the room hire fee at the BLaKC for \$96.
5. These funds are made available from Council's Community Grants and Events Sponsorship budget.

- CARRIED

CLRS EL-HAYEK AND ZAKHIA RETURNED TO THE MEETING AT 6.22 PM.

SUSPENSION OF STANDING ORDERS

(542)

CLR. DOWNEY:/CLR. TUNTEVSKI

RESOLVED that:

- i) Permission be granted to those people who have made the necessary application to address Council for five minutes.
- ii) Standing Orders be suspended and Items 5.1, 5.2, 7.3 and 8.4 be dealt with now.
- iii) Standing Orders then be resumed.

- CARRIED

SECTION 5:

PLANNING MATTERS

ITEM 5.1

IMPLEMENTATION OF HURLSTONE PARK HERITAGE ASSESSMENT STUDY

IN RESPECT OF ITEM 5.1 - IMPLEMENTATION OF HURLSTONE PARK HERITAGE ASSESSMENT STUDY, CLR EISLER DECLARED A NON SIGNIFICANT, NON PECUNIARY CONFLICT OF INTEREST AS SHE IS A RESIDENT OF HURLSTONE PARK AND AS SHE WAS NOT AFFECTED BY THE HERITAGE STUDY SHE INDICATED IT WILL NOT AFFECT HER CONSIDERATION OF THE MATTER AND SHE WILL REMAIN IN THE CHAMBER.

MR BRETT SMOUT (RESIDENT) ADDRESSED COUNCIL.

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 30 APRIL 2019

MR MARCUS DERVIN (RESIDENT) ADDRESSED COUNCIL.

MR LIAM JAMES (RESIDENT) ADDRESSED COUNCIL.

MS CALLANTHA BRIGHAM (RESIDENT) ADDRESSED COUNCIL.

MS MARIE HEALY (HURLSTONE PARK ASSOCIATION) ADDRESSED COUNCIL.

(543)

CLR. EISLER:/CLR. RAFFAN

RESOLVED that

1. An amended Planning Proposal to implement heritage controls in Hurlstone Park be submitted to the Minister for Planning for an altered Gateway Determination incorporating the changes outlined in this report.
2. Upon receiving an altered Gateway Determination, the Planning Proposal be placed on public exhibition.
3. Draft amendments to Chapter B8 Heritage of Canterbury Development Control Plan 2012 also be prepared and exhibited alongside the Planning Proposal.
4. The General Manager be given delegated authority to make minor amendments to the draft Heritage Item and Heritage Conservation Area State Inventory Sheet forms, and to the mapping and wording of the Development Control Plan amendments provided there is no change to the intention of these documents.
5. A further report be submitted to Council following the conclusion of the exhibition period.
6. An amendment be endorsed to the Heritage Incentives Policy to allow the Development Application fee waiver to cover draft heritage items.

- CARRIED

For:-

Clrs Asfour, Downey, Eisler, El-Hayek, Harika, Huda, Ishac, Kuskoff, Madirazza, Raffan, Saleh, Tuntevski, Waud, Zakhia and Zaman

Against:-

Nil