

Planning and Assessment

IRF19/5309

Gateway determination report

LGA	City of Ryde
PPA	City of Ryde Council
NAME	Ryde Heritage Review
NUMBER	PP 2019_RYDEC 002_00
LEP TO BE AMENDED	Ryde LEP 2014
ADDRESS	LGA wide
RECEIVED	30 July 2019
FILE NO.	IRF19/5309
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required OR a political donation disclosure statement has been provided
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal OR include details of meetings or communications with registered lobbyists.

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to amend Ryde Local Environmental Plan 2014 to include new heritage items, conservation areas and archaeological items across the local government area (LGA). The amendments are the result of an LGA wide heritage study completed by GML Heritage. The study identifies its scope as being limited to pre-1940 and does not include Aboriginal Cultural Heritage.

The planning proposal seeks to add:

- 35 built items, predominantly houses,
- 6 culturally significant landscapes,
- 3 street trees, including 10 road verges,
- 6 heritage conservation areas, and
- 2 archaeological sites.

1.2 Existing planning controls

Ryde LEP 2014 has an existing schedule of heritage items identified. This is supported by the standard instrument clause 5.10 Heritage Conservation which outlines the types of works for heritage items which require consent and the instances where a heritage assessment may need to be provided. The clause also identifies that some works that can be completed without consent.

Council undertook a heritage study in 2010 which identified 71 additional items of local significance. Council resolved to only add items on Schedule 5 – Environmental heritage where a landowner sought to be listed. This resulted in six of the identified 47 dwellings being listed.

Council notes that since the consideration of the study a number of the buildings identified have been demolished or altered. Two Interim Heritage Orders have also been sought by Council resulting in separate planning proposals being lodged.

To support the listing of additional items Council has allocated additional funding to its heritage grant scheme, the Local Heritage Assistance Fund. This provides grants up to \$15,000 to assist with conservation projects of heritage items.

1.3 Summary of recommendation

It is recommended that the planning proposal proceed as it will provide protection for items and places identified as being of local heritage significance through an LGA wide heritage study.

2. PROPOSAL

2.1 Objectives or intended outcomes

The proposal identifies a clear outcome to protect items and places of heritage significance through the proposed changes. Council also notes that the proposed changes will provide greater certainty through the development process. The proposal is considered appropriate.

2.2 Explanation of provisions

The proposal clearly identifies the amendments required to enact the intended outcome. The proposal identifies the properties which will be added to the heritage schedule and the proposed description of the items/areas.

2.3 Mapping

The proposal includes draft amended Heritage Map Sheets and maps which identify the properties affected by the proposal.

The maps supporting the proposal are considered appropriate for exhibition.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is the result of an LGA wide heritage study Council commissioned that was completed by GML Heritage. The study identifies dwellings, parks and heritage conservation areas which satisfy the criteria for local heritage significance. The proposal seeks to amend the LEP to include these items and places to ensure their protection.

The planning proposal is the only means to ensure that the local significance of the items is identified. The proposal ensures transparency and certainty for landowners and the community. This is relevant as Council has recently adopted two Interim Heritage Orders (IHO) to protect dwellings at risk of demolition, including 68 and 70 Chatham Road, Denistone which forms part of this proposal. The remaining property subject to an IHO, 68 Denistone Road, Denistone, is included in a separate planning proposal proceeding in advance of this proposal.

Council has also previously issued two IHOs for dwellings identified as having significance under the 2010 heritage study but which were not heritage listed at that

time. These IHOs resulted in amendments to the LEP. Including the results of this study on the heritage list will reduce the need for IHOs.

4. STRATEGIC ASSESSMENT

4.1 District

The City of Ryde sits within the North District, and as such the North District Plan is a relevant consideration for this proposal.

Planning Priority N6 - Creating and renewing great places and local centres, and respecting the District's heritage

This priority seeks to identify, conserve, interpret and celebrate the district's heritage values. This planning proposal identifies locally significant heritage items and seeks to add them to the heritage list. This will enact conservation provisions within the LEP. The proposal gives effect to this priority.

4.2 Local

Council identifies the Ryde Local Planning Study and City of Ryde Community Strategic Plan as the relevant local strategic planning documents. Council notes that the proposal is consistent with both. The proposal is seen to deliver on the community's desire to protect and maintain Ryde's character and heritage.

4.3 Section 9.1 Ministerial Directions

Council has identified relevant Directions of 2.3 Heritage Conservations and 7.1 Metropolitan Planning. As discussed below, Directions 3.1 and 3.3 are also considered relevant and the proposal should be updated to reflect this. Despite this, the planning proposal is considered consistent with all relevant s9.1 Directions.

Direction 2.3 Heritage Conservation

This direction seeks to conserve items, places, objects and sites that are of environmental heritage significance. A proposal must contain provisions which facilitate conservation of any items, buildings, place etc, of heritage significance. Ryde LEP 2014 includes an existing standard clause 5.10 Heritage conservation which provides protection for items listed in Schedule 5 – Environmental heritage of the LEP. The planning proposal will ensure that the identified items and places will be afforded heritage protection through their addition to Schedule 5. The proposal should be updated to provide further information against this direction.

Direction 3.1 Residential Zones

This direction applies where a proposal affects land within an existing residential zone and is therefore relevant to this proposal. The proposal is required to be updated to address this direction. Despite this, it is considered that the proposal is consistent with the direction as it generally does not reduce the permissibility of residential development and will protect items of local heritage significance as identified in a study.

Direction 3.3 Home Occupations

This direction seeks to encourage home occupations. The planning proposal is unlikely to impact the carrying out of this use as home occupations are permitted without consent within all residential zones under Ryde LEP 2014. While the proposal is consistent, the document should be updated to reflect the applicability of this direction.

4.4 State environmental planning policies (SEPPs)

The planning proposal is considered to be consistent with all applicable SEPPs.

It is noted that the identification of these items, places and areas as heritage items or conservations areas on Schedule 5 will limit or exclude the applicability of some or all provisions under:

- State Environmental Planning Policy (Affordable Rental Housing) 2009,
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017,
- State Environmental Planning Policy (Exempt and Complying Codes) 2008,
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, and
- State Environmental Planning Policy (Infrastructure) 2007.

This may result in landowners being unable to carrying out work as exempt of complying development and instead requiring a development application. It is recommended that Council amend the planning proposal to address this matter and is included as a condition of the Gateway determination.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The identification of local items of heritage significance will likely have a positive impact on community through developing a greater sense of place. The community's interest in local heritage has been demonstrated through previous concern resulting in interim heritage orders being applied.

5.2 Environmental

The planning proposal is unlikely to have any environmental impact. The proposal identifies items of environmental heritage significance and seeks to conserve them through their addition to Schedule 5 – Environmental heritage.

5.3 Economic

The planning proposal does not seek to amend the development standards or the permissibility of uses. However, as noted under 4.4 State environmental planning policies (SEPPs), the identification of these sites as heritage items and conservation areas will limit the ability to carry out works as exempt or complying development.

This will mean that land owners of heritage listed properties may need to seek development consent where they may not have if their property hadn't been heritage listed. For example, if a landowner wishes to carry out works on their property, which could affect the heritage significance of an item, they will need to do this in accordance with the provisions of Clause 5.10 of Ryde LEP 2014 and then any development application required will be assessed on its merits.

Under Clause 5.10 of Ryde LEP 2014, the relevant consent authority may require a heritage management document and/or a heritage conservation management plan to be prepared prior to development consent being granted. To ensure that the land owners are aware of the requirements for development approval for works and/or

change of use for their sites it is recommended that Council writes to each of the effected land owners as part of the exhibition process.

While the heritage listing of a property may be seen as a financial burden to some landowners, there is nothing to compel the maintenance of a building or item to a certain standard. Given the number of properties included within this proposal and the variance of impact individually, it is not practical to determine the full economic impact of the proposal.

It is noted that Council provides a Local Heritage Assistance Fund which supports owners of heritage properties to undertake works to conserve and enhance the significance of their properties. In considering the results of the heritage study and planning proposal, Council adopted an one off increase to this fund. This may assist landowners of newly added items subject to this planning proposal.

5.4 Infrastructure

As the proposal seeks relates to heritage only it is not expected that there would be any impact to State infrastructure.

6. CONSULTATION

6.1 Community

Council has proposed a 28 day exhibition period. Council has outlined a consultation programme which includes:

- written notice to be placed in local newspapers including multi-lingual options,
- writing to all affected landowners and tenants, and those of adjoining properties, and
- holding a series of drop in sessions.

The proposed consultation is beyond the requirements outlined in *A guide to preparing local environmental plans (2018)* and is supported due to the likely community interest.

6.2 Agencies

Council has not proposed any specific agency consultation, rather suggesting that agencies identified in the Gateway determination will be consulted with.

It is recommended that Council consult with the Heritage team at the Department of Premier and Cabinet and the NSW Heritage Council.

7. TIME FRAME

Council has proposed an ambitious timeframe seeing completion of the LEP in November 2019. Given the likely community interest, a 12 month timeframe is considered appropriate. This does not prevent Council seeking to finalise in a shorter period.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested to be the local plan-making authority for this proposal.

As there is likely to be significant community and landowner interest it is recommended that Council not be the local plan-making authority for this matter.

9. CONCLUSION

The planning proposal is recommended to proceed, subject to conditions, as it:

- is supported by an LGA wide heritage study,
- is consistent with the objectives and directions of strategic and statutory planning frameworks, and
- will allow for management and conservation of identified heritage in the area, in a transparent and certain manner.

10. RECOMMENDATION

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

1. The planning proposal should be updated prior to public exhibition to:
 - (a) address the impact of heritage listing on the application of SEPPs identified within this report.
 - (b) update the assessment against s9.1 Direction 2.3 Heritage Conservation, and
 - (c) include assessment against s9.1 Directions 3.1 Residential Zones and 3.3 Home Occupations.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Council should write to all affected landowners about the exhibition of the proposal.
4. Consultation is required with the following public authorities:
 - NSW Heritage Council, and
 - Heritage, Department of Premier and Cabinet.
5. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
6. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.



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