

Planning Proposal to amend Schedule 5 and the Heritage Maps

Proposal Title : **Planning Proposal to amend Schedule 5 and the Heritage Maps**

Proposal Summary : **This planning proposal is to amend Pittwater LEP 2014 by:**

- Inserting additional items of local heritage significance;
- Removing items that have been demolished or merged with another item; and
- Updating the information (including details and descriptions) of current items of local heritage significance where necessary; and
- Updating the Heritage Map series to reflect these changes.

PP Number : **PP_2015_PITTW_001_00**

Dop File No :

15/07217

Proposal Details

Date Planning
Proposal Received : **29-Apr-2015**

LGA covered :

Pittwater

Region : **Metro(CBD)**

RPA :

Pittwater Council

State Electorate : **PITTWATER**

Section of the Act :

55 - Planning Proposal

LEP Type : **Housekeeping**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **The planning proposal is to amend, introduce and delete heritage items across the entire Pittwater local government area.**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Tim Archer**

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Contact Email : **tim.archer@planning.nsw.gov.au**

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro North East subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. Metropolitan Region (East) has not met any lobbyists in relation to this proposal, nor has the Director been advised of any meetings between other Departmental officers and lobbyists concerning this proposal.**

Supporting notes

Internal Supporting Notes : **This planning proposal is informed by the 'Pittwater Community Based Heritage Study Review' (2015). The review provides an updated and contemporary Heritage Study for Pittwater, including an updated Thematic History and list of heritage items.**

The review reassessed previous heritage studies of the Pittwater local government area, namely:

- Barrenjoey Peninsula and Pittwater Heritage Study;
- Ingleside/Warriewood Urban Release Area Heritage Study; and
- Warringah Heritage Study (This study applies to the area of Pittwater generally south of Mona Vale Road that was not included in the Barrenjoey Peninsula and Pittwater Heritage Study).

The review recommended:

- The listing of an additional 49 items of local heritage significance; and
- updating the list of existing items of local heritage significance.

The final planning proposal recommends the following amendments to Schedule 5 of Pittwater Local Environmental Plan 2014:

- Insert 42 new heritage items into Part 1 of Schedule 5;
- Insert 7 new archaeological sites into Part 3 of Schedule 5;
- Remove 10 heritage or archaeological items from Schedule 5;
- Amend the information in Schedule 5 in relation to 38 heritage or archaeological items; and
- Update the Heritage Map series to reflect the above changes.

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External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The objective of the planning proposal is to amend Pittwater Local Environmental Plan 2014 to:

- Insert additional items of local heritage significance;
- Remove items that have been demolished or merged with another item; and
- Update information (including details and descriptions) of current items of local heritage significance where necessary; and
- Update the Heritage Map series to reflect these changes.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The explanation of provision can be summarised as follows:

- Inserting 42 new heritage items into Part 1 of Schedule 5;
- Inserting 7 new archaeological sites into Part 3 of Schedule 5;
- Removing 10 heritage or archaeological items from Schedule 5;
- Amending the information in Schedule 5 in relation to 38 heritage or archaeological items; and
- Amend the Heritage Map series to reflect these changes.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **N/A**

e) List any other
matters that need to
be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **There are no inconsistencies with s117 Directions or State Environmental Planning Policies.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Sufficiently clear Site Identification Maps and draft Heritage Maps are provided.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has proposed exhibiting the planning proposal for 28 days, the following**

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notification will be undertaken:

- Notification in writing to affected land owners, registered Pittwater community groups and Chambers of Commerce, and relevant public authorities and State agencies at the commencement of the public exhibition;
- Notification in the Manly Daily at the commencement of the public exhibition;
- Displays of the relevant documentation at Council's Customer Service Centres and libraries for the duration of the public exhibition;
- Relevant documentation on Council's website for the duration of the public exhibition period; and
- Council staff will be available to respond to any enquiries.

Council also previously consulted extensively on the content of the 'Pittwater Community Based Heritage Study Review' (2015).

PROJECT TIMELINE

Council has provided an indicative project timeline with a completion date of October 2015. The Department considers a 9 month project timeline for completion is adequate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons : **There are no additional Secretary's Requirements (formerly Director General's Requirements).**

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The proposal meets adequacy criteria.**

Proposal Assessment

Principal LEP:

Due Date : **May 2014**

Comments in relation to Principal LEP :

The Pittwater Local Environmental Plan 2014 was notified on 30 May and commenced on 27 June 2014.

Assessment Criteria

Need for planning proposal :

The planning proposal is the result of the 'Pittwater Community Based Heritage Study Review' (2015). The review provides an updated and contemporary Heritage Study for Pittwater, including an updated Thematic History and list of heritage items.

Informed by this study the planning proposal recommends the following amendments:

- Inserting 42 new heritage items into Part 1 of Schedule 5;
- Inserting 7 new archaeological sites into Part 3 of Schedule 5;
- Removing 10 heritage or archaeological items from Schedule 5;
- Amending the information in Schedule 5 in relation to 38 heritage or archaeological items; and
- Updating the Heritage Map series to reflect the above changes.

A planning proposal is deemed to be an appropriate mechanism for delivering the outcomes of the report.

Consistency with strategic planning framework :

The planning proposal is consistent with the objectives of A Plan for Growing Sydney, the NSW State Plan and draft North East Subregional Strategy (Subregional Strategy).

Environmental social
economic impacts :

Council's Planning Proposal notes the following with regard to environmental, economic and social effects:

ENVIRONMENTAL EFFECTS

The planning proposal is unlikely to adversely affect critical habitat or threatened species, populations or ecological communities.

ECONOMIC EFFECTS

During consultation for the 'Pittwater Community Based Heritage Study Review', owners of some items recommended to be listed raised concerns regarding potential increased costs associated with works to their properties following listing as a heritage item.

Council notes that if a Development Application is required for proposed works to an item of local heritage significance, heritage controls are triggered under the Pittwater LEP 2014 and the Pittwater 21 Development Control Plan (DCP), which require the consideration of heritage matters.

Subsequently, the consent authority may require a heritage management document to be prepared (e.g. a Heritage Impact Statement or a Conservation Management Plan). The requirement for a heritage management document imposes an additional cost on land owners of existing and recommended nominated items of local heritage significance, however a heritage management document is usually necessary for the Assessment Officer, in conjunction with Council's Heritage Advisor, to make a recommendation as to whether the proposed works will have an acceptable impact on the heritage significance of the item.

It is noted that under the Pittwater LEP 2014, consent is not required for certain works proposed on land that contains an item of local heritage significance. Further, under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, exempt development may be undertaken to an item of local heritage significance unless expressly stated.

Submissions received from owners of some items recommended to be listed, raise concern regarding potential reduction in property value.

In their review of submissions City Plan Heritage quote the NSW Heritage Council publication Heritage listing explained - What it means for you, which states that "studies show listing has no effect on property value in most cases, and sometimes improves resale value. Listed residences with well maintained heritage features have been found to attract a price premium compared to equivalent non-listed places in independent studies. Period features and other heritage attributes often feature prominently in property advertisements because of this appeal".

However, it is recognised that the NSW Heritage Council publication is not definitive and that not all items may be able to realise an economic advantage.

SOCIAL EFFECTS

Some submissions from the consultation period on the 'Pittwater Community Based Heritage Study Review' raised concerns about privacy, and the experience of living in a property listed on a public register of heritage items, which draws attention to a property as a potential place of interest.

Council considers that, although heritage listing of a property may draw the attention of some select groups (e.g. local historians, students etc.) it is considered that in Pittwater this is unlikely to be a significant burden.

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Additionally the listing of the property as an item of heritage significance does not change or extinguish rights afforded to all privately owned land. On balance the identification of new items of local heritage significance is generally considered to offer social benefits by facilitating the conservation of items having significance for the local community.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Office of Environment and Heritage**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
1 - Cover Letter.pdf	Proposal Covering Letter	Yes
2 - Council Report and Resolution.pdf	Proposal	Yes
3 - Planning Proposal.pdf	Proposal	Yes
4 - Site Identification Maps.pdf	Map	Yes
5 - Draft Heritage Maps.pdf	Map	Yes
6 - Heritage Study Review.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

Additional Information : **It is recommended that the planning proposal proceed, subject to the following conditions:**

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1. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

(a) the planning proposal must be made publicly available for a minimum of 28 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2013).

2. Consultation is required under section 56(2)(d) of the Act with the Office of Environment and Heritage (the Office) prior to exhibition and the outcome of this consultation is to be included as part of the planning proposal when exhibited.

The Office is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. The planning proposal should respond to this consultation.

If comment from the Office is not received within 21 days, Council is to exhibit the planning proposal and seek input from the Office during the consultation period.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

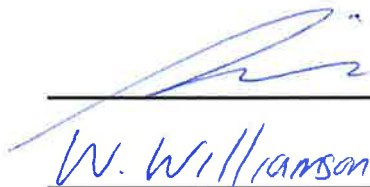
4. The timeframe for completing the Local Environmental Plan is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal is recommended for approval as it provides heritage protection for a significant number of new items, whilst removing items that have been demolished or merged with other items.

The planning proposal is considered appropriate for delegation to Council.

Signature:



Printed Name:

W. Williamson

Date:

18/5/2015

