

Planning Proposal

Update of Schedule 5 Environmental Heritage in Hurstville Local Environmental Plan 2012

May 2013



Hurstville City Council

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1. Introduction

Following the preparation of a Community-based Heritage Study report over 2011-2012, on 20 February 2013, Council resolved to amend the heritage list (Schedule 5: Environmental heritage) of Hurstville Local Environmental Plan (Hurstville LEP) 2012.

This Planning Proposal has been prepared by Hurstville City Council to include 32 new heritage items and remove two existing items from Schedule 5 Environmental Heritage of Hurstville LEP 2012.

The Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 and requirements outlined by Department of Planning and Infrastructure (the DP&I) in documents entitled “A guide to preparing planning proposals” (2012) and “A guide to preparing local environmental plans” (April 2013).

1.1 Hurstville Heritage Study Review

The Department of Planning and Infrastructure (the DP&I) required Council to complete a comprehensive review (the Review) of the heritage in Hurstville within 12 months of the gazettal of Hurstville (Comprehensive) LEP 2012 and incorporate it as an amendment to Hurstville LEP 2012. The Hurstville LEP 2012 was made on 7 December 2012. Also, the *Hurstville Heritage Study 1988*, upon which the current heritage listings are based, is nearly 25 years old and in need of a major review. The Hurstville LEP 2012 and Hurstville LEP 1994 together list all heritage items in Hurstville LGA.

The Review has been jointly funded by Hurstville City Council and the NSW Office of Environment & Heritage under the *NSW Heritage Grants Program 2011-2013 Caring for our heritage*. The Review is being progressed in accordance with the *Community-based Heritage Studies: A Guide (the Heritage Guidelines)* issued by the NSW Office of Environment & Heritage. Key steps in the preparation of the community-based Heritage Study included the establishment of a Heritage Study Working Group, nominations from the local community of new heritage items and consultation with owners of potential heritage items and in potential heritage conservation areas.

On 20 February 2013, Council considered three reports on the Draft Hurstville Heritage Review. Two reports considered the potential heritage conservation areas at North Beverly Hills and Kemps Estate and Council resolved that these areas not be listed as heritage conservation areas in Hurstville LEP 2012.

The third Council report considered the potential heritage items and other matters arising from the Review and resolved:

“THAT Council receive the report submitted by the Heritage Study Working Group.

THAT Council prepare a Planning Proposal for submission to the Department of Planning and Infrastructure to amend Hurstville Local Environmental Plan 2012 by seeking to include the following heritage items:

Item Name	Address	Suburb	Item Number
<i>Hilcrest</i>	<i>130 Stoney Creek Road</i>	<i>Beverly Hills</i>	<i>1810148</i>
<i>Weatherboard Cottages</i>	<i>20 & 22 Botany Street</i>	<i>Carlton</i>	<i>1810162</i>
<i>Hurstville Baptist Church **</i>	<i>4 Dora Street</i>	<i>Hurstville</i>	<i>1810165</i>
<i>Hurstville Oval and Velodrome</i>	<i>30D Dora Street</i>	<i>Hurstville</i>	<i>1810168</i>
<i>Hurstville Scout Hall</i>	<i>116 Durham Street</i>	<i>Hurstville</i>	<i>1810167</i>
<i>Allawah Reservoir (WS 0001)</i>	<i>2 Forest Road</i>	<i>Hurstville</i>	<i>1810145</i>
<i>Shop **</i>	<i>237 Forest Road</i>	<i>Hurstville</i>	<i>1810163</i>
<i>Hurstville Railway Sub-station **</i>	<i>Between 309 & 309A Forest</i>	<i>Hurstville</i>	<i>1810144</i>
<i>Georges River College, Hurstville Boys</i>	<i>Kenwyn Street</i>	<i>Hurstville</i>	<i>1810153</i>
<i>Fig Tree in Binder Reserve</i>	<i>Regan Street</i>	<i>Hurstville</i>	<i>1810209</i>
<i>Convict Road</i>	<i>Lot 2 DP 29596_Behind 1220</i>	<i>Lugarno</i>	<i>1810199</i>
<i>Evatt Park</i>	<i>Forest Road</i>	<i>Lugarno</i>	<i>1810169</i>
<i>Lugarno Water Pumping Station</i>	<i>Forest Road</i>	<i>Lugarno</i>	<i>1810146</i>
<i>Stone Shed and Ferry Wharf Slipway</i>	<i>Near 1220 Forest Road</i>	<i>Lugarno</i>	<i>1810170</i>
<i>Memorial Obelisk</i>	<i>Cnr. Ponderosa Place and Forest Rd</i>	<i>Lugarno</i>	<i>1810159</i>
<i>Margretha</i>	<i>41 Boundary Road</i>	<i>Mortdale</i>	<i>1810198</i>

<i>Mortdale Memorial Gardens</i>	<i>65 Boundary Road</i>	<i>Mortdale</i>	<i>1810179</i>
<i>Electricity Substation No. 10020</i>	<i>31 Cook Street</i>	<i>Mortdale</i>	<i>1810149</i>
<i>Mortdale Uniting Church</i>	<i>18 Morts Road</i>	<i>Mortdale</i>	<i>1810166</i>
<i>Mortdale Fire Station</i>	<i>38 Morts Road</i>	<i>Mortdale</i>	<i>1810173</i>
<i>Oatley Park and Baths</i>	<i>Dame Mary Gilmour Road</i>	<i>Oatley</i>	<i>1810191</i>
<i>House</i>	<i>36 Lloyd Street</i>	<i>Oatley</i>	<i>1810187</i>
<i>George Fincham Pipe Organ</i>	<i>1 Myall Street</i>	<i>Oatley</i>	<i>1810182</i>
<i>Bangala</i>	<i>7 Myall Street</i>	<i>Oatley</i>	<i>1810183</i>
<i>Peakhurst Public School</i>	<i>76 Bonds Road</i>	<i>Peakhurst</i>	<i>1810192</i>
<i>Roslyn Gardens (Facade & Garden)</i>	<i>764 Forest Road</i>	<i>Peakhurst</i>	<i>1810194</i>
<i>Fig Tree in Pickering Park</i>	<i>16A Isaac Street</i>	<i>Peakhurst</i>	<i>1810208</i>
<i>Fig Tree</i>	<i>Lambert Reserve, Whitegates Ave</i>	<i>Peakhurst Heights</i>	<i>1810195</i>
<i>House</i>	<i>15 Arcadia Street</i>	<i>Penshurst</i>	<i>1810197</i>
<i>Georges River College - Penshurst</i>	<i>2 Austral Street</i>	<i>Penshurst</i>	<i>1810207</i>
<i>St John the Evangelist's Anglican</i>	<i>2 Carrington Street</i>	<i>Penshurst</i>	<i>1810160</i>
<i>Penshurst Public School</i>	<i>510 Forest Rd (cnr. Arcadia)</i>	<i>Penshurst</i>	<i>1810155</i>
<i>Penshurst Railway Station Group</i>	<i>cnr Laycock Rd (South) & Bridge St</i>	<i>Penshurst</i>	<i>1810151</i>

<i>Penshurst Hotel</i>	<i>29 Penshurst Street</i>	<i>Penshurst</i>	<i>1810196</i>
<i>Salt Pan Creek Sewage Aqueduct</i>	<i>Clarendon Road</i>	<i>Riverwood</i>	<i>1810152</i>

THAT the following items be withdrawn from the process of heritage listing:

<i>Item Name</i>	<i>Address</i>	<i>Suburb</i>	<i>Item Number</i>
<i>Regina Coeli Catholic Church, Beverly Hills</i>	<i>70 Ponyara Road</i>	<i>Beverly Hills</i>	<i>1810161</i>
<i>Row of Workers Cottages</i>	<i>49 - 55 Pitt Street</i>	<i>Mortdale</i>	<i>1810177</i>
<i>Inter-War Shops and Residences</i>	<i>61, 61A, 63, 65, Kimberley</i>	<i>Hurstville</i>	<i>1810164</i>
<i>House</i>	<i>134 Stoney Creek Road</i>	<i>Beverly Hills</i>	<i>1810157</i>
<i>Hurstville Civic Centre (Hurstville Entertainment Centre)</i>	<i>16-32 MacMahon Street</i>	<i>Hurstville</i>	<i>1810171</i>
<i>Mortdale Hotel</i>	<i>1 Pitt Street</i>	<i>Mortdale</i>	<i>1810175</i>
<i>Inter-War Shops and Residences</i>	<i>67 Kimberley</i>	<i>Hurstville</i>	<i>1810164</i>
<i>Row of Workers Cottages</i>	<i>13,15-21 George Street</i>	<i>Mortdale</i>	<i>1810176</i>
<i>House</i>	<i>25 Lloyd Street</i>	<i>Oatley</i>	<i>1810186</i>
<i>Mortdale Oatley Baptist Church</i>	<i>1-5 Woronora Parade</i>	<i>Oatley</i>	<i>1810188</i>
<i>House</i>	<i>42 Woronora Parade</i>	<i>Oatley</i>	<i>1810185</i>
<i>All Saints Oatley West Anglican Church</i>	<i>60 Woronora Parade</i>	<i>Oatley</i>	<i>1810189</i>

<i>House and Pine tree</i>	<i>78 Woronora Parade</i>	<i>Oatley</i>	<i>1810184</i>
<i>Avenue of Trees</i>	<i>Penshurst Street</i>	<i>Penshurst</i>	<i>1810178</i>

**** These items are not part of this Planning Proposal as they are located on land in the Hurstville City Centre and will be addressed as part of draft Hurstville LEP (HCC) 2011.**

THAT Council removes the following items from Schedule 5 of the Hurstville LEP 2012 and the Draft City Centre LEP as they have either been demolished or have been irreversibly altered.

- ☐ *112 Forest Road, Hurstville*
- ☐ *Mashman Avenue, Kingsgrove – Mashman Pottery and Tile Works*
- ☐ *136 Forest Road, Hurstville*
- ☐ *316 Forest Road, Hurstville*

THAT Council make the Heritage Study Review available for public viewing as part of public exhibition of the Planning Proposal and LEP amendment and following finalisation.

THAT Council investigate whether to establish a conservation and heritage award to acknowledge the works and efforts of the community, society or heritage item owners, which may encourage other heritage item owners to appreciate the values of their properties and undertake conservation works to preserve the heritage item stock in the local area.

FURTHER THAT those persons who made a submission to the initial consultation of the potential heritage listing of properties be advised of Council's decision."

A full copy of the Council Report and Minutes is contained in **Attachment 1**.

1.2 Objectives or Intended Outcomes

The intended outcome of the Planning Proposal is to amend the Hurstville LEP 2012 Written Instrument (Schedule 5 Environmental Heritage) and the Heritage maps by including 32 new heritage items and removing two existing heritage items as resolved by Council at its meeting on 20 February 2013.

2. Explanation of Provisions

The objectives of the Planning Proposal shall be achieved through an amendment to the Hurstville LEP 2012 (Schedule 5 Environmental Heritage) and Heritage maps as detailed below:

- Schedule 5 Environmental Heritage of the Hurstville LEP 2012 Written Instrument (**Attachment 2**) is to be amended as follows:
 - o to include the 32 new heritage items
 - o to remove two existing heritage items
- Hurstville LEP 2012 Heritage maps – The following Heritage Map Sheets will be amended as a consequence of updating Schedule 5: HER_002, HER_003, HER_004, HER_005, HER_006, HER_007 and HER_008 (**Attachment 3**).

2.1 Schedule 5 Environmental Heritage

Schedule 5 Environmental Heritage of the Hurstville LEP 2012 Written Instrument is to be amended to include the following 32 new heritage items:

S. No.	Locality	Item Name	Address	Property description	Significance
1	Beverly Hills	Hilcrest	130 Stoney Creek Road	Lot 7, DP 18860	Local
2	Carlton	Weatherboard Cottages	20 & 22 Botany Street	Lots 25-27, DP 5619	Local
3	Hurstville	Hurstville Oval and Velodrome	30D Dora Street	Lot 1, DP 919317	Local
4	Hurstville	Hurstville Scout Hall	116 Durham Street	Lot 5, DP 171179	Local
5	Hurstville	Allawah Reservoir (WS 0001)	2 Forest Road	Lots 1, 7-9 DP 6584, Lot 1 DP 73077, Lots A-C, DP 308650, Lots A and B, DP	Local

S. No.	Locality	Item Name	Address	Property description	Significance
				322974, Lots 1 and 2 DP 331657, Lot 1, DP 1019736, Lot 13, DP 666411, Lot 1, DP 1019736, Lot B, Lot 303573	
6	Hurstville	Georges River College - Hurstville Boys Campus	Kenwyn Street	Lot 31, DP 842051	Local
7	Hurstville	Fig Tree in Binder Reserve	1 Regan Street	Lot 154, DP 13372	Local
8	Lugarno	Convict Road	Northern side at end of Forest Road		Local
9	Lugarno	Evatt Park	Forest Road	Lot 7, DP 702963 and Lot 29, DP 27634	Local
10	Lugarno	Lugarno Water Pumping Station	Forest Road (Cnr Cypress Dr)	Lot 21, DP 239902	Local
11	Lugarno	Stone Shed and Ferry Wharf Slipway	Southern side at end of Forest Road		Local
12	Lugarno	Memorial Obelisk	Cnr. Ponderosa Place and Forest Rd		Local
13	Mortdale	Magrathea	41 Boundary Road	Lot C, DP 369682	Local
14	Mortdale	Mortdale Memorial Park	65 Oxford Street	Lot 2 DP 232106, Lots 27-44 Sec J DP 2921	Local
15	Mortdale	Electricity Substation No. 10020	31 Cook Street	Lot B, DP 154171	Local
16	Mortdale	Mortdale Uniting Church	18 Morts Road	Lots 11 and 12 DP 4817	Local

S. No.	Locality	Item Name	Address	Property description	Significance
17	Mortdale	Mortdale Fire Station	38 Morts Road	Lot 101, DP 545765	Local
18	Oatley	Oatley Park and Baths	Dame Mary Gilmour Road	Lot 13, DP 752056 and Lot 542 DP 727277	Local
19	Oatley	House	36 Lloyd Street	Lot 58, DP 9927	Local
20	Oatley	George Fincham Pipe Organ	1 Myall Street	Lot 123, DP 801645	Local
21	Oatley	Bangala	7 Myall Street	Lot 24, Section 15, DP 4513	Local
22	Peakhurst	Peakhurst Public School	65A Bonds Road	Lot B, DP 327027	Local
23	Peakhurst	Roslyn Gardens (Facade & Garden)	764 Forest Road	Lot 8, DP 659072	Local
24	Peakhurst	Fig Tree in Pickering Park	16A Isaac Street	Lot A DP 36202	Local
25	Peakhurst Heights	Fig Tree in Lambert Reserve	13D Whitegates Avenue	Lot 37, DP 209573	Local
26	Penshurst	House	15 Arcadia Street	Lot 17, DP 301586	Local
27	Penshurst	Georges River College - Penshurst Girls Campus	2 Austral Street	Lot 1 DP 122301, Lot 1 DP 122321	Local
28	Penshurst	St John the Evangelist's Anglican	2 Carrington Street	Lot 1 DP 732744	Local
29	Penshurst	Penshurst Public School	510 Forest Rd (cnr. Arcadia)	Lots 8-12 DP 8173	Local

S. No.	Locality	Item Name	Address	Property description	Significance
30	Penshurst	Penshurst Railway Station Group	cnr Laycock Rd (South) & Bridge St		State
31	Penshurst	Penshurst Hotel	29 Penshurst Street	Lots 31 and 32 Section 2 DP 1399	Local
32	Riverwood	Salt Pan Creek Sewage Aqueduct	Behind 9 Elwin Street Peakhurst		Local

Schedule 5 Environmental heritage of the Hurstville LEP 2012 Written Instrument will also be amended to remove the following two existing heritage items as resolved by Council on 20 February 2013:

Locality	Item name	Address	Property description	Significance	Item no
Hurstville	House	112 Forest Road	Lot 1, DP 75572	Local	I26
Kingsgrove	Mashman's Pottery and Tile Works	11 Mashman Avenue	Lot 2, DP 534643	Local	I101

2.2 Heritage Maps

The Heritage Maps show the location and number of heritage items in a local government area. The following HLEP 2012 Heritage Maps HER_003, HER_004, HER_005, HER_006, HER_007 and HER_008 are being amended and a new Heritage Map HER_002 is being inserted as listed below and shown in **Attachment 3**.

HER_002: New heritage items added (New Map)

HER_003: New heritage items added

HER_004: New heritage items added

HER_005: New heritage items added

HER_006: New heritage items added

HER_007: Removal of existing heritage item

HER_008: New heritage items added and removal of existing heritage item

Site Identification Maps (**Attachment 4**) have been prepared for information purposes to assist the community in identifying the proposed changes to adopted HLEP 2012 Heritage

Maps. These will not form a statutory part of the Planning Proposal, but will be exhibited with the Planning Proposal. These maps will identify all the new heritage items and the two items proposed to be removed from Schedule 5 Environmental Heritage of HLEP 2012.

3. Justification

3.1 Need for the planning proposal

3.1.1 Is the planning proposal a result of any strategic study or report?

Yes. As part of preparing the Hurstville LEP 2012, Council was advised by the Department of Planning and Infrastructure in March 2010 that within 12 months of the commencement of the Hurstville LEP 2012, a comprehensive Heritage Review must be undertaken for the LGA and its findings incorporated into the Hurstville LEP 2012. The Hurstville LEP 2012 commenced on 7 December 2012.

In November 2010, Council resolved (CCL240-10) to undertake a review of heritage in the Hurstville Local Government Area. Council, along with a heritage consultant and Heritage Study Working Group (HSWG), worked on a Community-Based Heritage Study Review (Heritage Review) in accordance with the Guidelines of NSW Office of Environment and Heritage (Heritage Office) over 2011-12. The HSWG worked in conjunction with Council staff and Council's heritage consultant and contributed advice, ideas and suggestions for the heritage review and prepared a final draft report of the Community-based Heritage Study (**Attachment 5**) in early 2013. This is the strategic study upon which this Planning Proposal has been based. This Study recommended the amendment of the heritage schedule in Hurstville LEP 2012 by inserting a number of new heritage items and identified a new heritage conservation area.

On 20 February 2013, Council resolved that a number of proposed heritage items and a potential heritage conservation area be withdrawn from the process of heritage listing, and that a Planning Proposal be prepared for submission to the Department of Planning and Infrastructure to amend Schedule 5 of Hurstville LEP 2012. This subject Planning Proposal includes the new heritage items as resolved by Council at its meeting on 20 February 2013 (Refer to Section 1.1 of this Planning Proposal).

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

Yes. As Hurstville LEP 2012 was recently made on 7 December 2012, the best means of achieving the inclusion of the new heritage items into Hurstville planning controls is the preparation of a Planning Proposal. The proposed amendments will allow the new heritage items to be added and certain existing items to be removed from *Schedule 5 Environmental Heritage* and the Heritage Maps of Hurstville LEP 2012.

3.2 Relationship to strategic planning framework

3.2.1 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes. The Hurstville LEP 2012 that was recently made is consistent with the objectives and actions contained within the *Metropolitan Plan for Sydney 2036* and the *draft South Subregional Strategy (2007)*. These include strategic direction H of the Metropolitan Plan that aims to 'Achieve equity, liveability and social inclusion' and 'protect places of special cultural, open space and heritage value' and key direction E of the *draft South Subregional Strategy (2007)* that aims to 'protect scenic, heritage and environmental assets' and 'conserve Sydney's cultural heritage'.

The key features of the Hurstville LEP 2012 (which implemented the objectives and directions in the *Metropolitan Plan for Sydney 2036* and the *draft South Subregional Strategy 2007*) that are applicable to the Planning Proposal are:

- Protecting and conserving the environmental heritage, cultural heritage and aesthetic character of Hurstville – Hurstville LEP 2012 contains clause 5.10 *Heritage conservation*, that aims to conserve the environmental heritage of Hurstville and conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.
- Protecting and enhancing areas of remnant bushland, natural watercourses, wetlands and riparian habitats - Hurstville LEP 2012 contains a number of clauses which aim to protect and preserve the amenity of these areas including clauses 5.7 *Development below mean high water mark*, 5.9 *Preservation of trees or vegetation*, 5.10 *Heritage conservation* 6.2 *Riparian land and watercourses*, 6.3 *Limited development on foreshore area* and clause 6.4 *Foreshore scenic protection area*.

3.2.2 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Yes. The inclusion of new heritage items within the Hurstville LEP 2012 is considered to be consistent with the general aims of Section 5: The Four Pillars of the *Hurstville Community Strategic Plan 2021 (the CSP)*. Section 5.3 of the CSP relates to the Environmental Sustainability pillar and identifies preserving scenic and cultural heritage sites.

3.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

Yes. The following SEPPs are applicable to the Planning Proposal as shown in the Checklist of SEPPs in **Attachment 6** and have been considered in its preparation:

- SEPP No. 4 – Development Without Consent and Miscellaneous Complying Development
- SEPP No. 64 – Advertising and Signage
- SEPP (Major Development) 2005
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (Temporary Structures) 2007
- SEPP (Infrastructure) 2007
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Affordable Rental Housing) 2009

The following SEPPs are also applicable and have been considered in the preparation of the Planning Proposal:

SEPP No. 19 – Bushland in Urban Areas

The general aim of this Policy is to protect and preserve bushland because of its value to the community as part of the natural heritage, aesthetic value and recreational and educational resource. Clause 10 provides that council shall have regard to the general and specific aims of the Policy when preparing draft local environmental plans and give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland.

This Planning Proposal does not propose to rezone land, change any development standards or remove bushland. Rather it provides greater protection through identifying some natural areas like Evatt Park and Oatley Park as heritage items.

SEPP 55 – Remediation of Land

This policy introduces state wide planning controls for the remediation of contaminated land. Under SEPP 55, Council is required to consider at the rezoning stage, the potential for contamination to adversely affect the suitability of a site for its proposed use. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

The Planning Proposal is consistent with SEPP 55 as it does not propose to rezone land or change any development standards. Rather, it seeks to update the heritage schedule within Hurstville LEP 2012 to include 32 new heritage items and to remove two existing items.

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

Yes. The Planning Proposal is consistent with all the relevant s.117 Directions as shown in the table in **Attachment 7**. The following s.117 Directions apply to the Planning Proposal:

- 1.1 Business and Industrial Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 4.1. Acid Sulfate Soils
- 4.4. Planning for Bushfire protection
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

3.3 Environmental, social and economic impact

3.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The Planning Proposal does not propose to rezone land or change any development standards. Rather, it aims to update the heritage schedule of Hurstville 2012 by adding new heritage items. These new items include natural areas like Evatt Park and Oatley Park and Baths with an aim of conserving the heritage significance of these natural areas. Thus, there is no likelihood that critical habitat or threatened species, population or ecological communities, or other habitats will be adversely affected as a result of the proposal.

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

No.

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

Yes. The aim of the Planning Proposal is to insert new heritage items within Schedule 5 of Hurstville LEP 2012. Any proposal to develop, redevelop or demolish any heritage item will require approval under clause 5.10 (Heritage Conservation) of Hurstville LEP 2012. Heritage management documents may also be required in case of major works to heritage items or demolition. Notwithstanding this, the Planning Proposal will strengthen and conserve the places of cultural heritage significance in Hurstville. It will also ensure that future development does not jeopardise the aesthetic, architectural and / or historical values of the surrounding streetscape.

Consent will not be required in certain cases, like if the proposal is of minor nature or if it will not adversely affect the heritage significance of the item. Clause 5.10 (10) of the Hurstville LEP 2012 extends flexibility to owners of heritage items to request for otherwise non-conforming uses, where such variations will be for the benefit of the conservation of the item.

3.4 State and Commonwealth interests

3.4.1 Is there adequate public infrastructure for the planning proposal?

Yes. As there is no rezoning of land or change to development standards proposed as part of this Planning Proposal, it is considered that the existing public infrastructure will continue to adequately service the affected properties.

3.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

No State or Commonwealth public authorities have been formally consulted as yet, although the NSW Office of Environment and Heritage and Department of Planning and Infrastructure are aware that Council is reviewing and updating the Hurstville Heritage Study. Should consultation be required, it is anticipated that this can occur as part of the community consultation required by the Gateway Determination.

4. Mapping

Please refer to section 2.2 of this Planning Proposal.

5. Community Consultation

It is proposed that the Planning Proposal be exhibited in accordance with any requirements, as determined by the gateway process and Section 57 of the *Environmental Planning and Assessment Act, 1979*.

As previously indicated Council resolved at it's meeting on 20 February 2013:

“THAT Council make the Heritage Study Review available for public viewing as part of public exhibition of the Planning Proposal and LEP amendment following finalisation”.

In accordance with the document ‘A guide to preparing local environmental plans’ prepared by the Department of Planning and Infrastructure, Council envisages a 28 day consultation period.

Community consultation will be commenced by giving public notice of the public exhibition of the Planning Proposal in a local newspaper and a notice on the Hurstville City Council website. The written notice will:

- Give a brief description of the objectives or intended outcomes of the planning proposal;
- Indicate the properties affected by the planning proposal;
- State where and when the planning proposal can be inspected;
- Give the name and address of the Council for the receipt of submissions; and
- Indicate the last date for submissions.

During the exhibition period, the following material will be made available for inspection:

- The planning proposal, in the form approved for community consultation by the Director General of Planning;
- The proposed mapping associated with the planning proposal;
- The Gateway Determination;
- Any studies / reports relied upon by the planning proposal.

6. Project Timeline

The table below provides a proposed timeframe for the project:

Anticipated commencement date (date of Gateway Determination)	Mid June 2013
Anticipated timeframe for the completion of required technical information	To be determined by the DP&I, if required
Timeframe for government agency consultation (pre and post exhibition if required by Gateway determination)	End June to end July 2013 (same time as public exhibition)
Commencement and completion dates for public exhibition period	End June to end July 2013 (four weeks)
Dates for public hearing (if required)	Not required
Timeframe for consideration of submissions	End August 2013
Timeframe for the consideration of planning proposal post exhibition	4 September 2013 (Council meeting)
Date of submission to the department to finalise the LEP	Post 4 September 2013
Anticipated date Council will make the plan (if delegated)	Post 4 September 2013
Anticipated date Council will forward to the department for notification	Post 4 September 2013

7. Attachments

Attachment 1: Council Report and Minutes 20 February 2013 – Draft Hurstville Heritage Study Review – Potential Heritage Items and other Matters arising from the Review

Attachment 2: Schedule 5 Environmental Heritage Hurstville LEP 2012 – Proposed heritage items

Attachment 3: Draft Amending HLEP 2012 Maps

HER_002: New heritage items added (New Map)

HER_003: New heritage items added

HER_004: New heritage items added

HER_005: New heritage items added

HER_006: New heritage items added

HER_007: Removal of existing heritage item

HER_008: New heritage items added and removal of existing heritage item

Attachment 4: Site Identification Maps

ALM_001: Site Identification Map

ALM_002: Site Identification Map

Attachment 5: Final Draft Heritage Report – Volumes 1 and 2

Attachment 6: SEPPs Compliance table

Attachment 7: Section 117 Directions Compliance Tables