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## City Planning & Environment Committee

8/03/2023

Item No	CPE23.008
Subject	<b>Draft Planning Proposal - Heritage Conservation Areas</b>
Report by	Matthew Hammond, Urban Planner Josh Ford, Coordinator Planning Policy
File	SF21/5100

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### Summary

A draft Planning Proposal for potential Heritage Conservation Areas (HCAs) has been prepared, in response to actions initiated by a Council resolution in November 2020.

Based on the results of an independent desktop review by the independent Heritage Consultant (Niche), as recommended by the Bayside Local Planning Panel, this draft PP proposes to proceed with the creation of four HCAs under the *Bayside Local Environmental Plan 2021* (BLEP 2021), being:

- Brighton Parade, Brighton Le Sands
- Hamilton and Lansdowne Street, Bardwell Valley
- Gibbs and Farr Streets, Banksia
- Ocean View Estate, Bexley.

This draft PP is to be accompanied by proposed draft DCP controls. These controls consist of site-specific objectives and controls to inform development proposed within each of the HCAs and would be in addition to the general DCP provisions and controls for HCAs in the recently exhibited draft Bayside DCP 2022.

It is intended that this draft PP will:

- Create four Heritage Conservation Areas in Banksia, Bardwell Valley, Brighton Le Sands, and Ocean View Estate, Bexley within the *Bayside Local Environmental Plan 2021* (BLEP 2021); and
- Create controls within the current relevant Development Control Plan (DCP) to protect the character and streetscape within the relevant HCAs.

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### Officer Recommendation

- 1 That the draft Planning Proposal be updated to include the changes proposed by the independent Heritage Consultant, as outlined in this report.
  - 2 That, pursuant to s3.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the updated draft Planning Proposal be submitted to the Department of Planning and Environment for a Gateway Determination.
  - 3 That, pursuant to Clause 14 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), the proposed draft Development Control Plan amendments be endorsed for public exhibition for a period of no less than 28 days, and be exhibited concurrently with the draft Planning Proposal, should a Gateway determination for the draft Planning Proposal be issued.
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- 4 That, should a Gateway Determination be issued, a further report be presented to Council following the public exhibition period of the draft Planning Proposal and draft DCP amendments, to provide details of any submissions received throughout that process.
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## Background

In late 2019, GML Heritage Consultants (GML) prepared the *Bayside Heritage Study – Review of Heritage Conservation Areas*, which recommended the following HCAs:

- Brighton Parade, Brighton Le Sands
- Hamilton and Lansdowne Street, Bardwell Valley
- Gibbs and Farr Streets, Banksia
- Ocean View Estate, Bexley
- Aloha and Forster Streets, Mascot
- Moorefield Estate, Kogarah.

These findings were presented at a General Manager’s briefing on 2 October 2019 and subsequently placed on exhibition on 9 October 2019. Approximately 580 letters were sent to all landowners within the six proposed areas. A total of 220 submissions were received and 66 telephone enquiries were answered.

The outcome of this consultation was reported to Council on 11 November 2020 (**Attachment 1**). Council resolved to proceed with the HCAs proposed in Banksia, Bardwell Valley, Brighton Le Sands, and Oceanview Estate, Bexley, following minor amendments to their borders, based on community feedback. Council also resolved not to proceed with the proposed HCAs of Aloha and Forster Streets, Mascot and Moorefield Estate, Kogarah (**Attachment 2**).

The 2019 GML report, Council resolutions, and draft PP, were considered by the Bayside Local Planning Panel (BLPP) on 22 March 2022 (**Attachment 3**). The BLPP noted a lack of further heritage advice to justify the exclusion of properties from the proposed HCAs, and therefore recommended that Council request robust and detailed heritage advice and justification for any property’s exclusion before deciding the extents of the final HCAs (see **Attachment 4**).

The BLPP supported the progression of all six HCAs recommended by GML Heritage Consultants to a Gateway determination, unless Council had the benefit of heritage advice that justified the removal of any of the recommended HCAs.

Based on recommendations from the BLPP, Bayside Council commissioned Niche Environment and Heritage (Niche) to conduct an Independent Desktop Review of the original 2019 report, its findings, and associated materials. In late 2022, Niche submitted to Council the *Planning Proposal Review – Bayside Council: Proposed Heritage Conservation Areas* (**Attachment 5**).

Based on the results of the desktop review by the independent Heritage Consultant (Niche), this draft PP proposes to proceed with the creation of four HCAs under the *Bayside Local Environmental Plan 2021* (BLEP 2021), being:

- Brighton Parade, Brighton Le Sands
- Hamilton and Lansdowne Street, Bardwell Valley
- Gibbs and Farr Streets, Banksia
- Ocean View Estate, Bexley.

The independent Heritage Consultant’s desktop review justifies the resolution by Council to not proceed with the proposed HCAs of Aloha and Forster Streets, Mascot and Moorefield Estate, Kogarah.

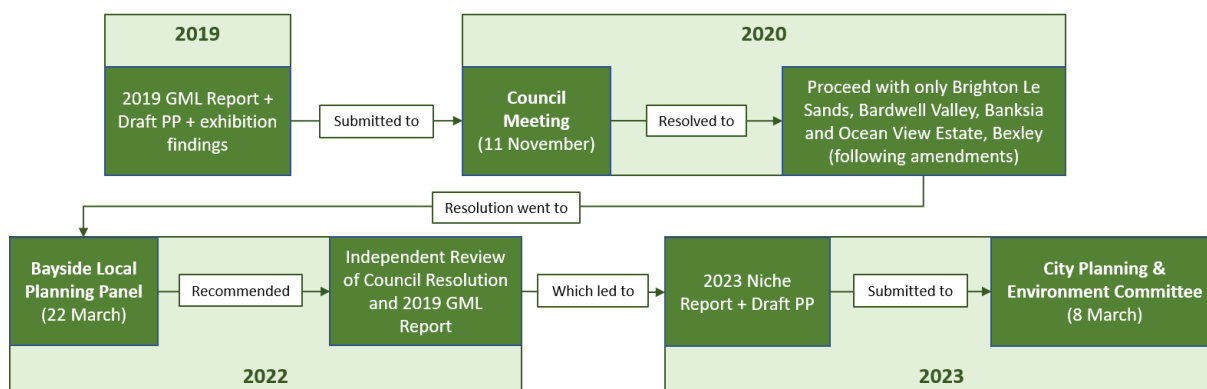
The methodology used to inform site selection, includes:

- A review of previous heritage studies and existing heritage listings
- The collation of background historical information and documentation, including early maps and subdivision plans
- Fieldwork involving inspections of built form, landscape, public domain and streetscapes within the boundaries of the HCAs
- The identification and assessment of the heritage significance of the areas
- The provision of a brief character statement for each potential new HCA
- Preliminary analysis of each building’s contribution to the significance for each potential new HCA.

The recommendation of adjustments to boundaries were considered necessary to ensure cohesiveness in HCAs.

This draft PP is to be accompanied by proposed draft DCP controls, included later in this report. These controls consist of site-specific objectives and controls to inform development proposed within each of the HCAs and would be in addition to the general DCP provisions and controls for existing HCAs included in the recently exhibited draft Bayside DCP 2022.

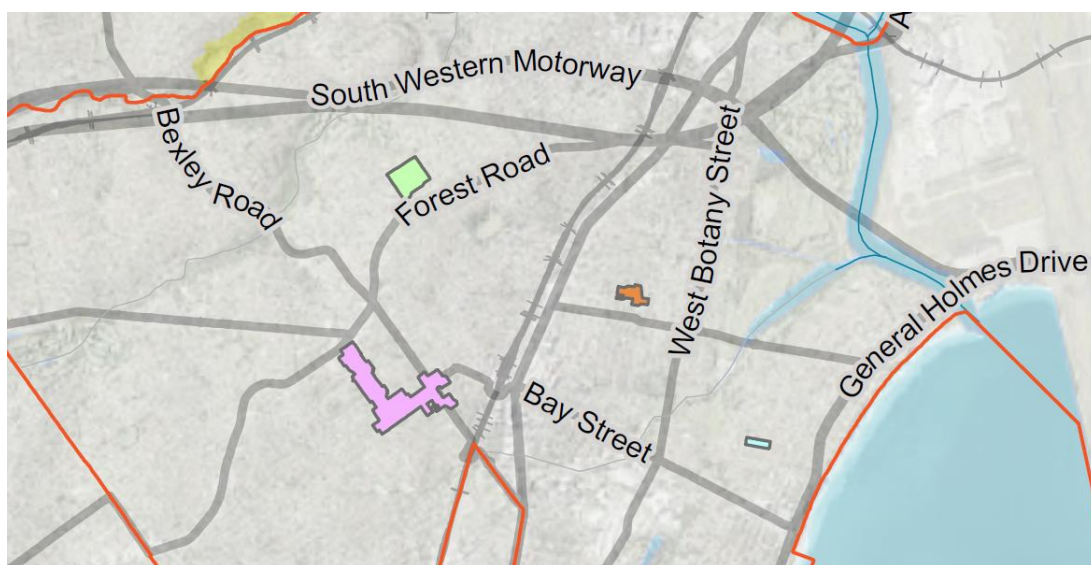
The flowchart below provides a visual representation of the history of the various reporting steps that have led to the subject report for the Committee’s consideration:



## Draft Planning Proposal

Properties subject to the draft PP are broadly outlined in **Figure 1** below, while individual property descriptions are provided later in this report.

Reference should be made to **Attachment 3** for background information, draft statements of significance and other detailed material for the four proposed HCAs, as well as the two originally proposed HCAs from the 2019 report.



**Figure 1:** A contextual map outlining the locations of the proposed HCAs. (Bardwell Valley - green; Banksia - orange; Brighton Le Sands - blue; and Ocean View Estate, Bexley - purple)

Further detail on the properties proposed to be included in each HCA and proposed DCP provisions are provided in the following sections of this report.

Should this draft PP be adopted by Council, the following amendments will be inserted into *Part 2 Heritage Conservation Areas of Schedule 5 Environmental Heritage* in the BLEP 2021:

Name of heritage conservation area	Identification on heritage map	Significance
Banksia Heritage Conservation Area	Shown by a red outline with red hatching and labelled "C3"	Local
Bardwell Valley Heritage Conservation Area	Shown by a red outline with red hatching and labelled "C4"	Local
Brighton Le Sands Heritage Conservation Area	Shown by a red outline with red hatching and labelled "C5"	Local
Ocean View Estate Heritage Conservation Area	Shown by a red outline with red hatching and labelled "C6"	Local

## Brighton Le Sands HCA

The proposed Brighton Le Sands HCA incorporates the following properties:

<b>Brighton Le Sands Heritage Conservation Area</b>	<b>Brighton Parade: 1-35</b>
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The following boundary will apply to BLEP 2021 Heritage Map 005:



Should the proposed Brighton Le Sands HCA be adopted by Council and incorporated into BLEP 2021, the following site specific DCP controls are proposed:

Objective	Control
<b>Brighton Le Sands Heritage Conservation Area</b>	
<p><b>O1.</b> Retain and conserve the special qualities of the Brighton Le Sands HCA and ensure that development within the HCA is commensurate with the heritage significance of the area.</p>	<p><b>C1.</b> Contributory and neutral dwellings are to be retained and conserved.</p>
	<p><b>C2.</b> Existing verandas and porches shall not be infilled.</p>
	<p><b>C3.</b> Roof forms are to be hipped and gabled.</p>
	<p><b>C4.</b> The single storey character of the area is to be retained.</p>
	<p><b>C5.</b> Significant public domain elements including street plantings and brick kerbing shall be retained and conserved.</p>
	<p><b>C6.</b> Additional driveway crossovers are not permitted where historical brick kerbing would be disturbed.</p>
	<p><b>C7.</b> Additions and new buildings shall incorporate materials and finishes consistent with adjacent and nearby contributory dwellings, e.g., smooth face brickwork, roof tiles, timber</p>



		windows and doors, roughcast rendered detailing
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### Independent Heritage Consultant's Comments

In their review of the Original Brighton Le Sands HCA Proposal, the independent Heritage consultant concluded:

- That the 2019 recommendation to list this HCA remains justified
- That the items and uncharacteristic structures that are located on the eastern end of Brighton Street are necessary to the overall integrity of the HCA
- That the decision to amend the boundary in the draft PP from what was recommended in 2019 is not warranted.

### Bardwell Valley HCA

The proposed Bardwell Valley HCA incorporates the following properties:

<b>Bardwell Valley Heritage Conservation Area</b>	<b>Lansdowne Street: 1-25 and 2-28</b>
	<b>Hamilton Street: 1-27 and 2-30</b>

Should the proposed Bardwell Valley HCA be adopted by Council and incorporated into the BLEP 2021, the following boundary will apply to BLEP 2021 Heritage Maps 001 and 002:



Should the proposed Bardwell Valley HCA be adopted by Council and incorporated into BLEP 2021, the following site specific DCP controls are proposed:

Objective		Control	
<b>Bardwell Valley Heritage Conservation Area</b>			
<b>O1.</b>	Retain and conserve the special qualities of the Lansdowne and Hamilton Streets HCA and ensure that development within the HCA is commensurate with the heritage significance of the area.	<b>C1.</b>	Contributory and neutral dwellings are to be retained and conserved.
		<b>C2.</b>	Existing verandas and porches shall not be infilled.
		<b>C3.</b>	Roof forms are to be hipped and gabled.
		<b>C4.</b>	The single storey character of the area is to be retained.
		<b>C5.</b>	Significant public domain elements including street plantings shall be retained and conserved.
		<b>C6.</b>	Single storey hipped roof additions are preferred. Additions above roof lines shall be set back from the street elevation to minimise change as seen from the street.
		<b>C7.</b>	Additions and new buildings shall incorporate materials and finishes consistent with adjacent and nearby contributory dwellings, e.g., smooth face brickwork, terracotta roof tiles, timber windows and doors, sandstone base courses.

### Independent Heritage Consultant's Comments

In their review of the Original Bardwell Valley HCA Proposal, the independent heritage consultant concluded:

- That the 2019 recommendation to list this HCA remains justified
- That the community is generally supportive of this HCA
- That ongoing development currently poses an issue for the area without appropriate planning controls in place
- That the decision to proceed with this area in the draft PP is warranted.

### Banksia HCA

The proposed Banksia HCA incorporates the following properties:

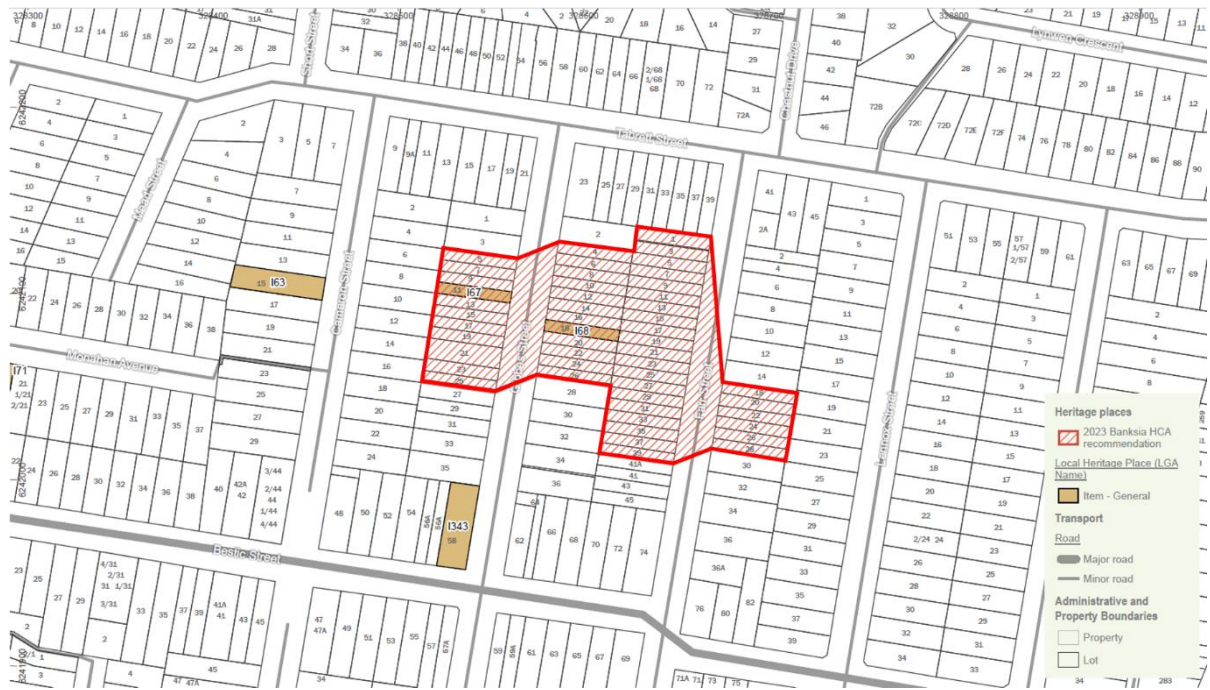
**Banksia Heritage  
Conservation Area**

**Gibbes Street:** 4-26 and 5-25

**Farr Street:** 1-39 and 18-28

### BLEP 2021 Heritage Map

Should the proposed Banksia HCA be adopted by Council and incorporated into the BLEP 2021, the following boundary will apply to BLEP 2021 Heritage Map 005:



Should the proposed Banksia HCA be adopted by Council and incorporated into BLEP 2021, the following site specific DCP controls are proposed:

Objective	Control
<b>Banksia Heritage Conservation Area</b>	
<p><b>O1.</b> Retain and conserve the special qualities of the Banksia HCA and ensure that development within the HCA is commensurate with the heritage significance of the area.</p>	<p><b>C1.</b> Contributory and neutral dwellings are to be retained and conserved.</p> <p><b>C2.</b> Existing Porches shall not be infilled.</p> <p><b>C3.</b> Original roof forms are to be retained. Dormer windows, skylights and other infrastructure are not permitted on the street-facing roof plane.</p> <p><b>C4.</b> The single storey character of the area is to be retained</p> <p><b>C5.</b> Single storey additions are preferred. Additions to terraced cottages shall be located at the rear or incorporated into the roof space.</p> <p><b>C6.</b> Additions and new buildings shall incorporate materials and finishes consistent with adjacent and nearby contributory dwellings.</p> <p><b>C7.</b> Additional vehicle crossovers are not supported.</p>

**Independent Heritage Consultant’s Comments**

In their review of the Original Banksia HCA Proposal, the independent Heritage Consultant concluded:

- That the 2019 recommendation to list this HCA remains justified
- That the community feedback provided valuable assistance in understanding of this HCA



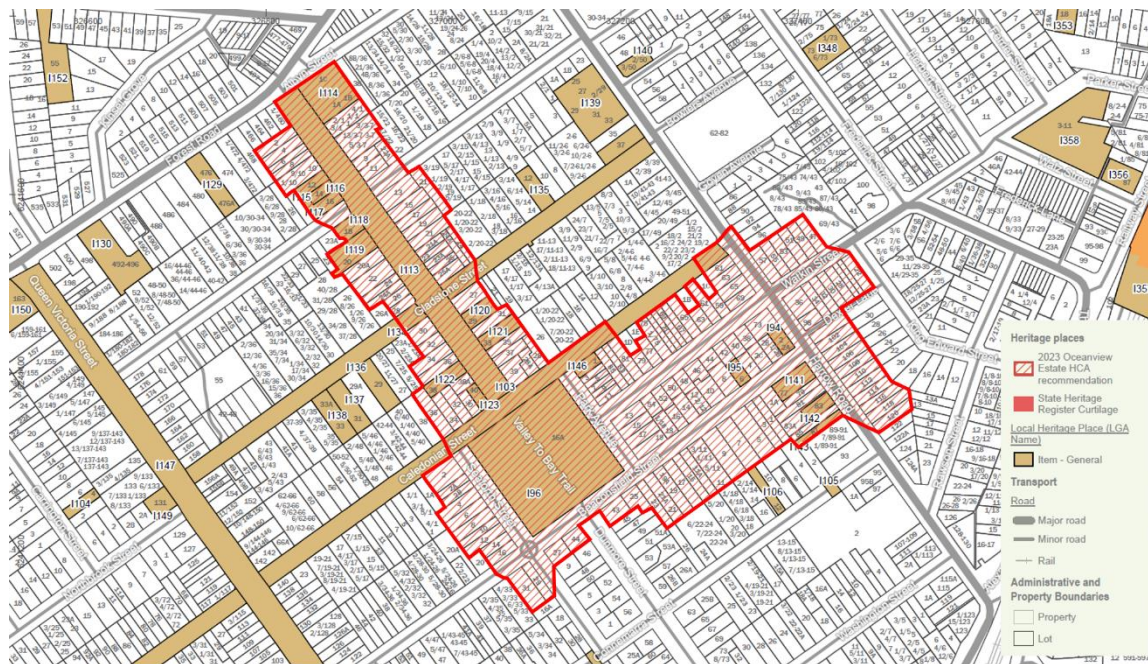
- That the decision to amend the boundary in the draft PP from what was recommended in 2019 was mostly warranted, except for the exclusion of No. 21 Gibbes Street.

### Ocean View Estate, Bexley HCA

The proposed Ocean View Estate, Bexley HCA incorporates the following properties:

<b>Ocean View Estate Heritage Conservation Area</b>	<b>Beaconsfield Street: 1-31 and 2-18</b>
	<b>Caledonian Street: 1A and 28-36</b>
	<b>Dunmore Street North: 1-39 and 2-40</b>
	<b>Dunmore Street South: 43 and 44</b>
	<b>Forest Road: 460</b>
	<b>Gladstone Street: 24 and 24A</b>
	<b>Harrow Road: 61-69, 77-87 and 98-120</b>
	<b>Monomeeth Street: 22A</b>
	<b>Park Avenue: 1-19</b>
	<b>Seaforth Street: 2-16A and 9</b>
	<b>Watkin Street, Bexley: 38-54 and 59-85</b>
	<b>Watkin Street, Rockdale: 22-36 and 47-57</b>

Should the proposed Ocean View Estate HCA be adopted by Council and incorporated into the BLEP 2021, the following boundary will apply to BLEP 2021 Heritage Maps 002 and 005:



Should the proposed Ocean View Estate, Bexley HCA be adopted by Council and incorporated into BLEP 2021, the following site specific DCP controls are proposed:

Objective		Control	
<b>Ocean View Estate Heritage Conservation Area</b>			
<b>O1.</b>	Retain and conserve the special qualities of the Oceanview Estate HCA and ensure that development within the HCA is commensurate with the heritage significance of the area.	<b>C1.</b>	Contributory and neutral dwellings are to be retained and conserved.
		<b>C2.</b>	Existing verandahs and porches shall not be infilled.
		<b>C3.</b>	Roof forms are to be hipped and gabled.
		<b>C4.</b>	The single storey character of the area is to be retained.
		<b>C5.</b>	Significant public domain elements including public open space and street plantings shall be retained and conserved. Seaforth Park is to be retained as public open space.
		<b>C6.</b>	Single storey hipped roof additions are preferred. Additions above roof lines shall be set back from the street elevation to minimise change as seen from the street.
		<b>C7.</b>	Additions and new buildings shall incorporate materials and finishes consistent with adjacent and nearby contributory dwellings. For example, smooth face brickwork, terracotta or slate roof tiles, timber windows and doors, sandstone base courses.
		<b>C8.</b>	Buildings on street corners shall address both street frontages through façade articulation, wraparound porches, corner gates and consistent fences. Fences up to 2 metres in height on the secondary street frontage of corner lots may be considered for privacy, if set well back from the corner.

### Independent Heritage Consultant's Comments

In their review of the Original Ocean View Estate HCA Proposal, the independent Heritage Consultant concluded:

- That the 2019 recommendation to list this HCA remains justified
- That the community feedback is biased from an individual viewpoint, which does not properly consider the overall effect of excluding too many individual structures
- That the decision to amend the boundary in the draft Planning Proposal from what was recommended in 2019 was not warranted across the majority of the HCA, with the exception of some properties which are not located on streetscapes which are significant to the HCA.

### Aloha and Forster Streets, Mascot HCA and Moorefield Estate, Kogarah HCA

In the 11 November 2020 Meeting, Council resolved to not proceed with the potential Mascot and Moorefield Estate, Kogarah HCAs as recommended within the draft PP and 2019 GML, report due to Community Feedback during the exhibition period.

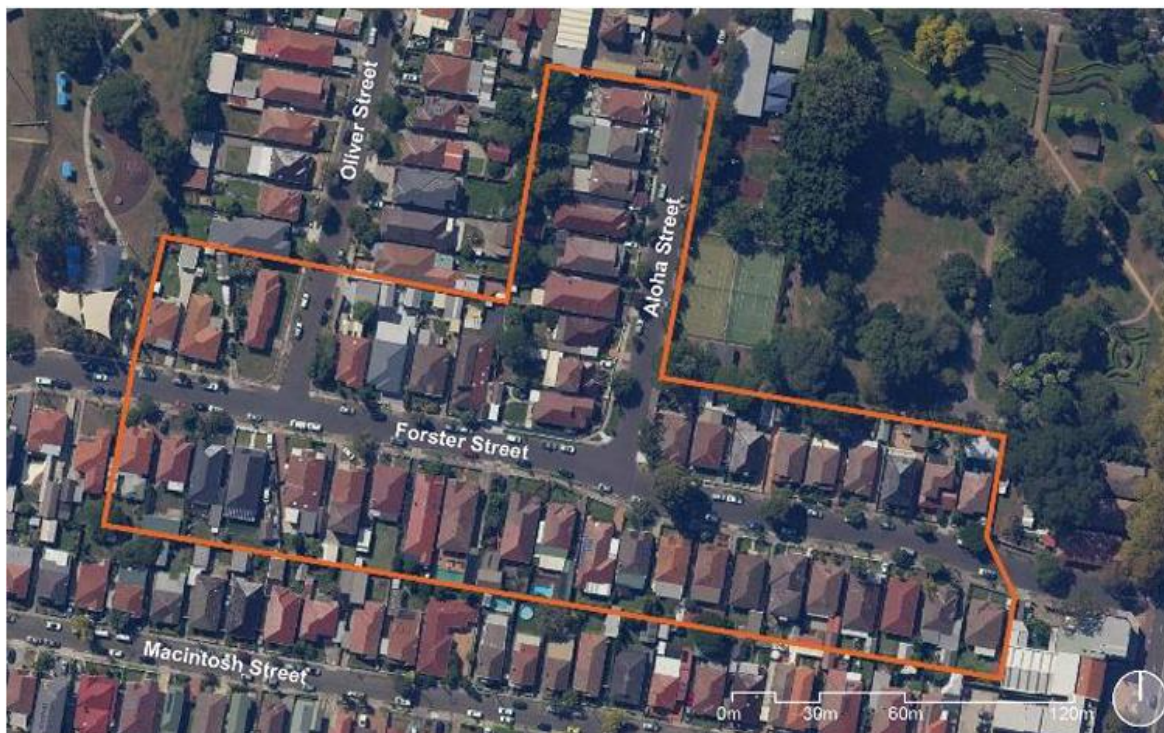
When reported to it, the BLPP advised that the Council did not have the benefit of an additional professional recommendation to exclude these potential sites from this draft PP.



The BLPP recommended that Council acquire an independent desktop review of the 2019 GML report, the draft PP as reported to the BLPP, and associated documents, in order to justify excluding any properties from the potential HCAs.

The findings of the independent desktop review prepared by the independent Heritage Consultant (Niche) are summarised below.

### **Aloha and Forster Streets, Mascot HCA**

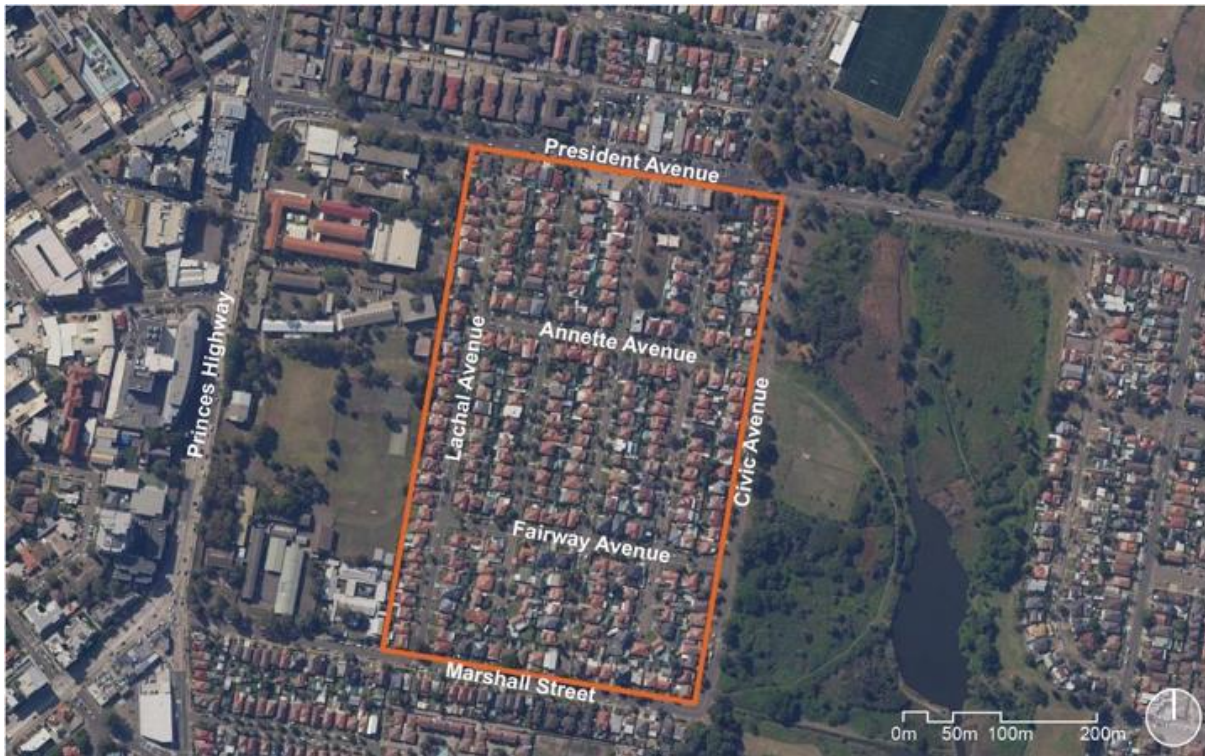


**Figure 2:** Location of the Aloha and Forster Streets, Mascot HCA original proposed boundary (Source: Six Maps with GML 2019 report overlay).

In their review of the original Mascot HCA proposal, the independent Heritage Consultant concluded:

- That the 2019 recommendation to list this HCA is not supported by assessed heritage value or significance
- That there is a lack of cultural significance in this area
- That ongoing development has further weakened this area's integrity
- That the decision not to proceed with this area as a HCA is warranted.

## Moorefields Estate, Kogarah HCA



**Figure 3:** Location of the Moorefields Estate, Kogarah HCA original boundary  
(Source: Six Maps with GML 2019 report overlay).

In their review of the original Moorefield Estate HCA, the independent Heritage Consultant concluded:

- That the 2019 recommendation to list the HCA was only partially justified, and the area has some issues related to the overall integrity and significance
- That the local community has doubts about the significance and practicality about the proposed HCA
- That the decision not to proceed with this area as a HCA is warranted.

## Financial Implications

Not applicable



## Community Engagement

If the draft Planning Proposal is submitted to DPE for a Gateway Determination, the requirements for community consultation (including duration) will be outlined by DPE in the Gateway Determination. Following exhibition, a further post-exhibition report will be prepared for the City Planning and Environment Committee, which will include the details of any submissions, and how they have been addressed.



## Attachments

- 1 Council Meeting Agenda 11 November 2020 (Under separate cover Attachments Part One)
- 2 Council Meeting Minutes 11 November 2020 (Under separate cover Attachments Part One)
- 3 Bayside Local Planning Panel Meeting Report & Attachments 22 March 2022 (Under separate cover Attachments Part One)
- 4 Bayside Local Planning Panel Meeting Minutes 22 March 2022 (Under separate cover Attachments Part One)
- 5 Independent Heritage Consultant Desktop Review (Under separate cover Attachments Part One)