

3 PLANNING PROPOSAL - HERITAGE REVIEW

Report prepared by: Senior Strategic Planner

Report approved by: Senior Coordinator - Strategic Planning; Manager - Urban Strategy; Director - City Planning and Environment

Report dated: 30/05/2019 **File Number:** LEP2019/38/4 - BP19/625

City of Ryde Local Planning Panel Report

Site Address and Ward	VARIOUS
Current Planning Provisions	Ryde Local Environmental Plan 2014 (RLEP 2014) - <i>Schedule 5 Environmental heritage</i> currently contains: <ul style="list-style-type: none"> • 173 heritage • 5 heritage conservation areas • 2 archaeological sites
Planning Proposal Overview	<p>The Planning Proposal (PP) seeks to make the following amendments to <i>Schedule 5 Environmental heritage</i> of RLEP 2014:</p> <ol style="list-style-type: none"> 1. <i>Part 1 Heritage Items</i> - Add 44 new heritage items 2. <i>Part 2 Heritage conservation areas</i> – Add 6 new heritage conservation areas 3. <i>Part 3 Archaeological sites</i> – Add 2 new archaeological sites 4. Amend descriptions of 6 existing heritage items. <p>The PP also seeks to amend RLEP 2014 <i>Heritage Maps</i> to incorporate the additional heritage items, conservation areas and archaeological sites</p>
Property Owner	Numerous – City of Ryde, State Authorities and privately owned properties.
Applicant	City of Ryde
Report Author	Susan Wotton – Senior Strategic Planner
Lodgement Date	Not applicable. City of Ryde has prepared the PP consequential to a Council resolution of the 28 November 2017 to carry out a city-wide heritage study.

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Reason for Referral	Required by Ministerial Direction made under Section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i> dated 27 September 2018
Recommendation	That the Ryde Local Planning Panel recommends to Council that the planning proposal be submitted for Gateway Determination under 3.34 of the <i>Environmental Planning and Assessment Act 1979</i>
Attachments	Nil

1. Executive Summary

At its meeting of 28 November 2017 Council unanimously resolved:

That Council, in order to ensure certainty in the development process, undertakes a City wide heritage study to ensure items of heritage significance are identified and options for their adequate protection recommended...

GML Heritage Consultants were engaged by Council in 2018 to conduct a comprehensive heritage review of the City of Ryde Local Government Area. The consultants identified in a report titled “City of Ryde Heritage Review” dated June 2019 built, landscape and archaeological items that are of heritage significance to the City of Ryde for inclusion in *Schedule 5 Environmental heritage* of the RLEP 2014.

Based on the recommendations of the GML report a PP has been prepared that seeks to make the following amendments to *Schedule 5 Environmental heritage* of RLEP 2014:

1. *Part 1 Heritage Items* - 44 new heritage items
2. *Part 2 Heritage conservation areas* – 6 new heritage conservation areas
3. *Part 3 Archaeological sites* – 2 new archaeological sites.
4. Amend descriptions of 8 existing heritage items.

The PP also seeks to amend RLEP 2014 *Heritage Maps* to incorporate the additional heritage items, conservation areas and archaeological sites.

The PP is in alignment with all relevant strategic plans, including the Greater Sydney Commission’s *Greater Sydney Regional Plan - Metropolis of Three Cities* and *North District Plan (March 2018)*, and City of Ryde’s *The City of Ryde 2028 Community Strategic Plan* and *The City of Ryde Local Planning Study 2010*.

Background

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The *Ryde Heritage Study 2010* was commenced in 2003, when the members of Council's Heritage Advisory Committee sought heritage nominations from the community groups they represented.

The *Ryde Heritage Study 2010* identified and recommended 71 properties (47 dwellings, 15 public buildings/churches and 9 stone survey markers) be heritage listed, together with updated information on existing items and boundary changes to a conservation area.

Council resolved on the 17 August 2010 to:

- list properties only where the owners consented to the heritage listing,
- update existing heritage listings and
- make boundary changes to reduce the size of the Maxim Street Heritage Conservation Area.

In summary 6 dwellings, 2 public buildings and 9 stone markers were listed.

Council further resolved not to pursue the heritage listing of any property unless the land owner specifically applied for a heritage listing and that the properties that had been rejected from this process not be considered in any future heritage studies.

Interim heritage orders (IHO)

Since 2010 a number of properties recommended to be listed in the *Ryde Heritage Study 2010* have been demolished or substantially altered.

In response to community concern regarding the loss of local heritage, two of the properties identified in the 2010 Study, 87 Bowden Street Meadowbank and 330 Rowe Street Eastwood, have had IHOs imposed and in both cases the IHOs on the sites culminated in subsequent amendments to RLEP 2014 and the listing of the two properties as items of local heritage significance *on Schedule 5 Environmental heritage*.

When reviewing the action to be undertaken to protect and heritage list 330 Rowe Street Eastwood Council on the 28 November 2017 resolved in part the following:

That Council, in order to ensure certainty in the development process, undertakes a City wide heritage study to ensure items of heritage significance are identified and options for their adequate protection recommended.

Details of the heritage study undertaken are provided later in the report.

Since 2017 a further two IHOs have been imposed on the following properties in

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Ryde:

- 68 Denistone Road Denistone – on 25 September 2018 Council resolved to place an IHO over the property, prepare a PP to list the property as an item of local heritage significance within *Schedule 5 Environmental heritage* of RLEP 2014 and upon receipt of the Gateway Determination place the PP on community comment. An IHO was imposed on the property in September 2018. A detailed heritage assessment recommended that the property be listed. The PP for the site was exhibited from 29 May 2019 to 28 June 2019. As the PP has been exhibited, it has not been included in the city wide study and will be processed separately.
- 68 and 70 Chatham Road Denistone – on 26 February 2019 Council resolved to place an IHO on the property and prepare a PP to list multiple properties within Chatham Road, Denistone as a heritage conservation area of local heritage significance within *Schedule 5 Environmental heritage* of RLEP 2014.

GML Heritage Consultants assessment confirmed that the area warranted listing as a heritage conservation area. It has been included in the city wide review and it is proposed to be processed as part of this PP.

GML Heritage Consultants

In response to the Council resolution of the 28 November 2017 a *Request for proposal* (RFP) for a heritage study was developed, which included the following:

- Identify pre-1940 buildings and places of heritage significance for possible inclusion as heritage items or heritage conservation areas in Council's planning controls. This is consistent with feedback from the community relating to protection of heritage and local character generated by development applications.
- Review the Character Areas and Special Areas identified in the Ryde Development Control Plan (DCP) 2014 Part 3 Development Types and Part 5 Special Areas for consideration as potential Heritage Conservation Areas.
- Compliance with guidelines produced by the Heritage Council of NSW.
- Produce Heritage Inventory Database Sheets for all places agreed to by Council in accordance with the NSW Heritage Manual Guidelines, the State Heritage Inventory Database guidelines which are stylistically consistent with Ryde Council's existing Heritage Inventory Database listings.

The RFP was open to all appropriately interested persons and organisations.

Submissions were required to detail:

- the proposed approach and methodology;

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- the experience and qualification of individuals proposed to undertake the project;
- examples of experience in similar projects in the last 5 years.

Evaluation of the RFP submissions was carried out by a panel, based on the selection criteria identified in the RFP. GML Heritage Consultants were appointed in late 2018.

GML demonstrated significant industry experience and capability in the fields of heritage planning, heritage conservation and archaeology and have advised NSW government agencies, Councils and private sector development professionals for over 20 years.

City of Ryde Heritage Review June 2019

The report provided by GML is informed by the principles contained in *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance*, 2013 (the Burra Charter). The heritage significance assessments undertaken as part of the review draw upon the principles contained in the Burra Charter and adhere to the methodology provided within the NSW Heritage Office publication *Assessing Heritage Significance*, 2001 and the detailed process set out in the *NSW Heritage Manual* published by the NSW Heritage Office.

The review was undertaken in three stages:

Stage 1 – Identification of potential places of significance

- Review background documents such as previous studies and potential listings identified by Council's planning staff.
- Broad review of the Ryde Local Government Area (LGA) for contextual environmental and historical understanding.
- Inspect potential properties from the public domain.
- Update the Ryde Heritage Advisory Committee on methodology and progress to date.
- Submit a shortlist of potential heritage items and conservation areas to Council planning staff for comment.

Stage 2 – Assessments of Significance, Draft Inventory Sheets and Draft Review Report

- Complete assessments against the NSW Heritage Office standard criteria including statements of significance and draft inventory sheets for the new heritage items and conservation areas.
- Draft the review report, including inventory sheets for each potential item for inclusion on the State Heritage Inventory Database.

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Stage 3 – Final Review Report

- Finalise the report with comprehensive recommendations for additional items for inclusion on Schedule 5 of the RLEP 2014.

The final review report contains further details as to the shortlisted sites and the recommended listings. However, in order to protect significant items from threat while no protections are currently in place, the final report has been made available to the Ryde Local Planning Panel separately and confidentially. Proposed items will be published should a Gateway determination approve the exhibition of the PP.

3. The Planning Proposal (PP)

The purpose of the PP is to:

- Provide appropriate protection for built, landscape and archaeological heritage within the City of Ryde, through new heritage listings in *Schedule 5 Environmental heritage* of RLEP 2014 and
- To ensure greater certainty is provided for in the development process.

In summary the PP – Heritage Review seeks to make the following amendments to RLEP 2014:

1. *Schedule 5 Environmental heritage - Part 1 Heritage Items* - Add 44 new heritage items,
2. *Schedule 5 Environmental heritage - Part 2 Heritage conservation areas* – Add 6 new heritage conservation areas
3. *Schedule 5 Environmental heritage - Part 3 Archaeological site* – Add 2 new archaeological sites.
4. *Schedule 5 Environmental heritage – Part 1 Heritage Items* - Amend descriptions of 6 existing heritage items and
5. Ryde LEP 2014 *Heritage Maps* - incorporate the additional heritage items, conservation areas and archaeological sites.

The PP is in accordance with the requirements under Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning and Environment's 'A guide to preparing planning proposals' (dated August 2016) and adequately sets out the following:

- A statement of the objectives or intended outcomes of the proposed amending LEP;
- An explanation of the provisions that are to be included in the proposed amending LEP;
- Justification for those objectives, outcomes and provisions and the process for their implementation;
- Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies;

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- Details of the community consultation that is to be undertaken on the planning proposal; and
- A project timeline.

4. Referrals

Council's Local Studies Librarian was consulted to ensure relevant previously published material was available for the purposes of the review.

Dr Peter Mitchel, Honorary Associate Professor of Physical Geography at Macquarie University and Council's Heritage Advisory Committee were also consulted and provided input into the initial identification of potential items for review.

Council's Parks Department have been consulted regarding the proposed PP and raise no objections.

Additional consultation with the Parks Department will occur during the official exhibition period.

6. Planning Direction

On 27 September 2018 the Minister for Planning brought into effect a new Direction regarding the referral of Planning Proposals to Local Planning Panels. This Planning Proposal is subject to the Direction which stipulates that:

- 1. A council to whom this direction applies is required to refer all planning proposals prepared after 1 June 2018 to the local planning panel for advice...*
- 2. When a planning proposal is referred to the local planning panel for advice in accordance with this direction it is to be accompanied by an assessment report prepared by the council staff setting out recommendations in relation to the planning proposal, including whether or not the planning proposal should be forwarded to the Minister or Greater Sydney Commission under section 3.34 of the Environmental Planning and Assessment Act 1979.*
- 3. The local planning panel must have given its advice on the planning proposal before council considers whether or not to forward it to the Minister or Greater Sydney Commission under section 3.34 of the Environmental Planning and Assessment Act 1979.*

The purpose of this report is to obtain the Panel's advice, given the methodology of the study, on whether or not the PP should proceed to Gateway Determination and community consultation.

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Community consultation would then be reported to Council, in accordance with the legislation, for consideration prior to their decision about whether or not to bring the proposed LEP amendments into effect.

6. Planning Assessment

The assessment of the subject planning proposal has been undertaken in accordance with the NSW Department of Planning and Environment's 'A guide to preparing planning proposals' (dated August 2016).

• Part 1 Objectives or intended outcomes

The PP states that its intended outcome of is to:

- Provide appropriate protection for built, landscape and archaeological heritage within the City of Ryde, through new heritage listings in *Schedule 5 Environmental heritage* of RLEP 2014 and
- To ensure greater certainty is provided for in the development process.

• Part 2 Explanation of provisions

The PP – Heritage Review seeks to make the following amendments to *Schedule 5 Environmental heritage* of RLEP 2014:

1. *Heritage Items* - Add 44 new heritage items.

The heritage items comprise:

- 35 built items - The majority of built heritage items are Federation, Victorian and interwar style dwellings. There are a number of churches, shopfronts and a school building
- 6 culturally significant landscape items - Landscape sites include foreshore parks and public landscapes where the course and pattern of the items history warrants listing.
- 3 street tree listings – 9 road verges are identified as containing significant street trees

The individual proposed heritage items are identified in *Section 4.0 Explanation of Provisions* of the PP.

2. *Heritage conservation areas* – Add 6 new heritage conservation areas.
The 6 proposed Heritage Conservation Areas (HCA) and their physical characteristics are identified in the PP.

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3. *Proposed archaeological sites* – Add 2 new sites.
4. Amend the descriptions of 6 existing heritage items.
5. Amend RLEP 2014 *Heritage Maps* to incorporate the additional heritage items, conservation areas and archaeological sites

• **Part 3 Justification**

Need for the Planning Proposal

The NSW Department of Planning and Environment’s ‘A guide to preparing planning proposals’ requires the following two questions be answered to demonstrate the need for the proposal:

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

Response: The PP (an amending LEP) is the result of a City wide heritage study undertaken by experienced GML Heritage Consultants in accordance with NSW Heritage Council guidelines.

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

Response: The PP is Council’s only means of ensuring the protection of properties and places within the City of Ryde assessed as having heritage significance. The PP will ensure that the sites are recognised and protected from development that may adversely affect their significance and contribution to the environmental heritage of the City of Ryde.

Relationship to Strategic Planning Framework – The Strategic Merit Test

A strategic merit test is provided in the following table.

Strategic Merit Issue	Comment
State Environmental Planning Policies and Local Directions	The planning proposal is consistent with the relevant State Environmental Planning Policies and Local Planning Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979. An analysis of compliance with these policies is included in the planning proposal.
Greater Sydney Region Plan - A Metropolis of	The planning proposal is consistent with the Greater Sydney Region Plan - A Metropolis of Three Cities.

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Strategic Merit Issue	Comment
Three Cities	
North District Plan	The planning proposal is consistent with the North District Plan.
Ryde Local Planning Study / Statement	<p>The planning proposal is consistent with Council's adopted Ryde Local Planning Study 2010.</p> <p>The planning proposal is also consistent with "Planning Ryde: Draft Local Strategic Planning Statement 2019". Note: When finalised by Council, this document will replace the 2010 Local Planning Study as a consideration in the strategic merit test.</p>

7. Conclusion

The report recommends that:

- a) Based on the extensive and comprehensive nature of the GML Heritage Consultants report titled "*City of Ryde Heritage Review*" dated June 2019 Ryde, which was carried out in line with the NSW Heritage Council Guidelines, the findings and recommendations of the report be acknowledged and supported.
- b) Council proceed to request a Gateway Determination to Amend Schedule 5 Environmental heritage of RLEP 2014 for the following reasons:
 1. The PP provides appropriate protection for built, landscape and archaeological heritage within the City of Ryde, through new heritage listings in *Schedule 5 Environmental heritage* of RLEP 2014, and will result in current heritage listings being correctly described.
 2. Legislative protection can only be provided to the numerous items and conservation areas identified in the report "*City of Ryde Heritage Review*" by including the items and areas in *RLEP 2014, Schedule 5 Environmental Heritage*.
 3. The PP will provide greater certainty for the development process and reduce the need for Interim Heritage Orders on an ad hoc basis.

8. Recommendation

- a) That the findings and recommendations of the comprehensive and detailed

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heritage study of the City of Ryde carried out by GML Heritage Consultants and known as the “*City of Ryde Heritage Review*” dated June 2019 be acknowledged and supported by the Ryde Local Planning Panel.

- b) That the Ryde Local Planning Panel recommend to Council that the planning proposal be submitted for Gateway Determination under 3.34 of the *Environmental Planning and Assessment Act 1979*.

ATTACHMENTS

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|---|---|----------|
| 1 | CONFIDENTIAL - Draft Planning Proposal - Heritage Review 2019 | 31 Pages |
| 2 | CONFIDENTIAL - Heritage Review Report 2019 - Final Report | 20 Pages |

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