

# City Planning

## Planning Proposal Heritage Review 2019

August 2019



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## Attachments

1. Mayoral Minute 28 November 2017
2. GML Heritage Consultants “City of Ryde Heritage Review” dated June 2019
3. Heritage Maps
4. Consultation Program

## 1.0 Introduction

This Planning Proposal has been prepared by the City of Ryde in response to a Council resolution of the 28 November 2017, which states 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. (See Attachment 1)*

In response to the above resolution, GML Heritage Consultants were engaged by Council in 2018 to conduct a comprehensive heritage review of the City of Ryde Local Government Area. The review aimed to ensure that places of heritage significance were identified and adequately protected and that more certainty was provided for in the development process.

In a report titled “City of Ryde Heritage Review” dated June 2019, GML Heritage Consultants have identified built, landscape and archaeological items that are of heritage significance to the City of Ryde for inclusion in Schedule 5 of *the Ryde Local Environmental Plan 2014* (see Attachment 2). The heritage significance assessments were undertaken by GML Heritage Consultants in accordance with the methodology provided within the NSW Heritage Manual and the NSW Heritage Office publication “*Assessing Heritage Significance 2001*”.

The report recommends that the following matters identified in the report be incorporated into a Heritage Review Planning Proposal:

- 44 new heritage items
- 6 new heritage conservation areas
- 2 new archaeological sites

The 44 identified heritage items comprise:

- 35 built items
- 6 culturally significant landscape items
- 3 street tree items

The report also recommended that the description of 8 existing heritage items within Part 1 of *Schedule 5 Environmental heritage of the Ryde Local Environmental Plan 2014* (RLEP2014) be amended.

## 1.1 Background

### City of Ryde Heritage Study 2010

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.

*Ryde Heritage Study 2010* identified and recommended that 71 properties be heritage listed, together with amendments to existing heritage listings (e.g. updated land title information, removal of items incorrectly identified) and boundary changes to a conservation area. The 71 properties identified for listing comprised 47 dwellings, 15 public building/churches and 9 stone survey markers.

Council resolved to:

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

In summary, 6 new 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.

As a result, many items that were identified as having heritage significance by the Study and recommended for heritage listing currently have no statutory protection and are at risk of demolition or substantial alteration.

A review of the recommended heritage items in the Study revealed that since 2010:

- 1 has been significantly damaged by fire and is beyond salvageable repair,
- 9 have been demolished or consent granted for demolition,
- Several have been the subject of DAs for alterations (refer to Attachment 2) and
- 2 have been subject to Interim Heritage Orders resulting in 2 amendments to RLEP2014.

## Interim Heritage Orders (IHO)

An IHO is a temporary heritage protection measure against the demolition of a potential heritage item. It also provides Council with the time to further assess the heritage significance of a potential item and take the appropriate steps to list the item if warranted.

The legal effect of an IHO made by a Local Council is that approval is required for any development for the life of the order and demolition is prohibited during that period.

Two of the properties identified in the *Ryde Heritage Study 2010*, 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 RLEP2014 and the listing of the properties as items of local heritage significance on *Schedule 5 Environmental heritage*.

A further two IHOs have been imposed on properties not identified in the *Ryde Heritage Study 2010*. The details of the IHOs and proposed amendments to RLEP2014 are as follows:

1. 68 Denistone Road Denistone – A development application was submitted in August 2018 to consolidate the existing 3 lots comprising the property and to subdivide the new lot into 2 lots. An indicative site plan indicated the site was to be redeveloped for a possible duplex and triplex that would be subject to future development applications.  
Council, on 25 September 2018, resolved to prepare a Planning Proposal to list the property as an item of local heritage significance within *Schedule 5 Environmental heritage* of Ryde Local Environmental Plan 2014. An IHO was imposed on the property in September 2018. The PP to amend RLEP2014 and include the site on *Schedule 5 Environmental heritage* is progressing separately from the city wide review and was exhibited from 29 May 2019 to 28 June 2019.
2. 68 and 70 Chatham Road Denistone – A development application was submitted in December 2018 to develop the land for multi-dwelling housing development comprising 4 dwellings. Council on 26 February 2019 resolved to place an IHO on the properties and to 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 RLEP2014.

The IHO came into place on the properties in 21 March 2019. GML Heritage Consultants' assessment confirmed that the area warranted listing as a heritage conservation area and as a result it is part of this Planning Proposal.

## COUNCIL RESOLUTION

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. (See Attachment 1)*

## City of Ryde Heritage Review – GML Consultants

GML Heritage Pty Ltd (GML) was engaged by City of Ryde in 2018 to conduct a comprehensive heritage review of the City of Ryde Local Government Area and provide options for their protection. The study is limited to pre-1940 development and does not include places of Aboriginal cultural significance.

As part of the study character areas and special areas identified in Ryde Development Control Plan 2014 were reviewed.

A total of 44 heritage items, 6 heritage conservation areas and 2 archaeological sites have been identified for listing in *Schedule 5* of RLEP2014 in the report *City of Ryde Heritage Review*.

The heritage items comprise:

1. 35 built items - The majority of built heritage items are Federation, Victorian cottages and interwar residential dwellings also proposed to be listed. There are a number of churches, shops and a school building
2. 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 – 10 road verges are identified as containing significant street trees.

As a result of the review of the DCP character and special areas the following heritage conservation areas (HCA) are proposed:

- Lund's Estate HCA, Eastwood
- Summerhayes HCA, Eastwood
- Chatham Road HCA, Denistone
- Darvall Estate HCA, Denistone
- Tyrell Street HCA, Gladesville

In addition a sixth heritage conservation area is proposed being Wharf Road HCA, Gladesville.

The proposed archaeological sites include:

- Glades Bay baths remnants located at Glades Bay Park and
- Former Squire's Brewery and Halvorsen's Boat Yard at 20 Waterview Street Putney

Section 4.0 *Explanation of Provisions* of this Planning Proposal lists the individual items and provides maps of the proposed conservation areas.

## 2.0 The Planning Proposal

This Planning Proposal has been prepared in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (in particular Section 3.33) and the relevant guidelines produced by the Department of Planning and Environment.

The Department of Planning and Environment requires a Planning Proposal to cover five main parts which form the basis of this document as follows:

- Part 1 – Statement of Objectives and Intended Outcomes of the proposed LEP (refer to 3.0 of the Planning Proposal)
- Part 2 – Explanation of the Provisions to be included in the LEP (refer to 4.0 of the Planning Proposal)
- Part 3 – Justification of objectives, outcomes and process for implementation (refer to 5.0 of the Planning Proposal)
- Part 4 – Maps to identify intent and applicable area (refer to 6.0 of the Planning Proposal)
- Part 5 – Community Consultation proposed to be undertaken on the Draft LEP (refer to 7.0 of the Planning Proposal)
- Part 6 – Projected time line - (refer to 8.0 of the Planning Proposal)

### 3.0 Objectives and Intended Outcomes

*This part of the planning proposal responds to Section 3.33 of the Environmental Planning and Assessment Act 1979 which requires an explanation of what is planned to be achieved by the proposed amendments to RLEP2014.*

The Objectives of the Planning proposal are:

- To amend *Schedule 5 Environmental heritage* and relevant Heritage Maps of RLEP2014 to include:
  - 44 additional Heritage items
  - 6 additional Heritage Conservation Areas and
  - 2 additional archaeological sites
  - Amend the description of 8 existing heritage items
- To ensure culturally significant heritage landscape items are included in *Schedule 5 Environmental heritage* of RLEP2014.

The Intended outcome of the Planning Proposal 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 current heritage listings are correctly identified.
- ensure greater certainty is provided for in the development process .



## 4.0 Explanation of Provisions

The proposed outcomes will be achieved by:

### 1. Amending *Schedule 5 Environmental heritage of Ryde LEP 2014* as follows:

- Including 44 Heritage items in *Part 1 Heritage Items* and on Ryde LEP 2014 Heritage Map

Note: The table below (Table 1) has been structured in accordance with the requirements of the Environmental Planning and Assessment Act 1979 Standard Instrument. The Item number reflects the continuance of the existing Heritage Items schedule within RLEP2014 and not the GML *City of Ryde Heritage Review*.

**Table 1 – HERITAGE ITEMS – NEW**

Suburb	Item name	Address	Property description	Significance	Item no.
Denistone	Street Trees	Anthony and Miriam Roads		Local	301
Denistone	Street Trees	Bencoolen Avenue and Simla Road		Local	302
Denistone	House and garden	34A Miriam Road	Lot 2 DP200475	Local	303
Eastwood	Street Trees	Auld Avenue, Campbell Street, Tarrants Avenue, Richards Avenue, Rowe Street and Wallace		Local	304
Eastwood	"Grace Seccombe's" House	1 Campbell Street	Lot 16 DP1112515, Lot 15 Sec A DP4980	Local	305
Eastwood	House	19 Campbell Street	Lot 14 DP4789	Local	306
Eastwood	House	31 Campbell Street	Lot 8 DP4789	Local	307
Eastwood	House	17 Clanalpine Street	Lot 49 DP4231	Local	308
Eastwood	House	36 Fourth Avenue	Lot D DP18058	Local	309

Suburb	Item name	Address	Property description	Significance	Item no.
Eastwood	Eastwood Public School	212 Rowe Street	Lots 13,14,15,16,17,18, 19, 20 DP4231 Lot 1 DP910987, Lot 4 DP516935	Local	310
Gladesville	House	36 Ashburn Place	Lot A DP398307	Local	311
Gladesville	House	72 Eltham Street	Lot 1 DP1110823	Local	312
Gladesville	House	57 Meriton St	Lot 2 DP7560	Local	313
Gladesville	House	16 Percy Street	Lot A DP432178	Local	314
Gladesville	House	18 Percy Street	Lot B DP432178	Local	315
Gladesville	Westminster Park	187A Ryde Road		Local	316
Gladesville	Shop	72 Tennyson Road	Lot 2 DP8913	Local	317
Gladesville	House	99 Western Crescent	Lot 1 DP848346	Local	318
Gladesville	House and garden	39 Wharf Road	Lot 2 DP1127560	Local	319
North Ryde	Cottage	2 Richardson Place	Lot 19 DP1003588	Local	320
Putney	House	21 Douglas Street	Lot 113 DP8902	Local	321
Putney	Cleves Park	53 Douglas Street		Local	322
Putney	Morrison Bay Park	142 Morrison Road		Local	323
Putney	House	14 Mitchell Street	Lot 101 DP863147	Local	324
Putney	House	10 Storey Street	Lot 5 Sec 6 DP1009	Local	325
Putney	House	15 Waterview Street	Lot 1 DP838741	Local	326
Putney	Former Squire's Brewery and Halverson's Boat Yard	20 Waterview Street	Lot 440 DP 15224, Lot 441 DP 15224, Lot 442 DP 15224, Lot 443 DP15224, Lot 444 DP 15224,	Local	327



Suburb	Item name	Address	Property description	Significance	Item no.
			Lot 445 DP 15224, Lot 446 DP 15224, Lot 447 DP 15224, Lot 2 DP 70488, Lot 1 DP 70489 Lot 1 DP 430647		
Ryde	House	321 Blaxland Road	Lot 9 DP13050	Local	328
Ryde	Hermitage Reservoir and associated buildings	343 – 353 Blaxland Road	Lot 1 and 2 DP 744901	Local	329
Ryde	House	11 Constitution Road	Lot 2 DP11105	Local	330
Ryde	House	46 Frederick Street	Lot 1 DP633049	Local	331
Ryde	House	24 Gladstone Avenue	Lot 8 DP29255	Local	332
Ryde	House	51 Higginbotham Road	Lot 4 DP6527	Local	333
Ryde	Burrows Park	32 Princes Street		Local	334
Tennyson Point	House and garden	17 Champion Road	Lot 25 Sec 13 DP 2166	Local	335
Tennyson Point	House	43 Champion Road	Lot 19 Sec 5 DP 2166	Local	336
Tennyson Point	House	63 Champion Road	Lot A DP 366911	Local	337
West Ryde	Maze Park	100 – 108 Brush Road		Local	338
West Ryde	“Elderslie” House and garden	48 Falconer Street	Lot 1 DP511924	Local	339
West Ryde	House	61 Marsden Road	Lot A DP164001	Local	340
West Ryde	House and garden	45 Terry Road	Lot A DP386339	Local	341
West Ryde	West Ryde Hotel	1021 – 1023 Victoria Road	Lot 1 and 2 DP 1053130	Local	342
West Ryde	House and	1219 Victoria	Lot 1 DP513520	Local	343


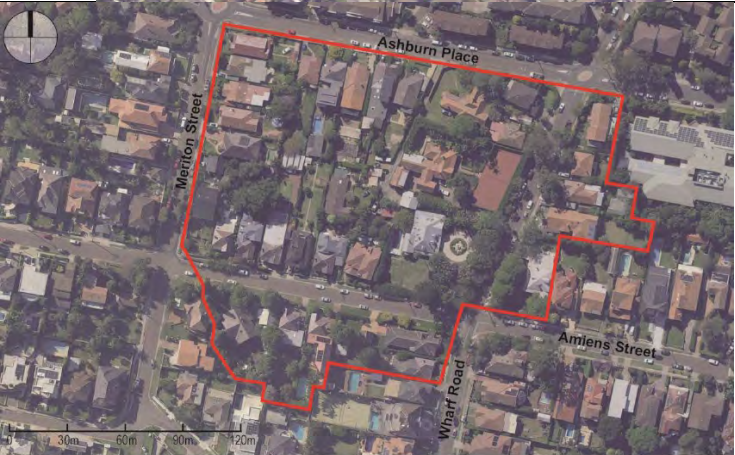
Suburb	Item name	Address	Property description	Significance	Item no.
	garden	Road			
West Ryde	Anzac Park	Wattle Street		Local	344

- Including 6 Heritage conservation areas in *Part 2 Heritage conservation areas* and on RLEP 2014 Heritage Map as follows:

**Table 2 – HERITAGE CONSERVATION AREAS – NEW**

HCA number as shown on Schedule 5 and LEP Map	Name	Map
C6	Lund Estate, HCA Eastwood	
C7	Summerhayes HCA Eastwood	

HCA number as shown on Schedule 5 and LEP Map	Name	Map
C8	Chatham Road HCA Denistone	
C9	Darvall Estate HCA Denistone	

HCA number as shown on Schedule 5 and LEP Map	Name	Map
C10	Tyrell Street Gladesville	
C11	Wharf Road HCA, Gladesville	

- Including 2 archaeological items in *Part 3 Archaeological sites* and on Ryde LEP 2014 Heritage Map

**Table 3 – ARCHEOLOGICAL SITES – NEW**

Locality	Item	Address	Property description	Significance	Item no
Gladesville	Glades Bay Baths	Ross Street		Local	A345
Putney	Former Squire's Brewery and Halverson's Boat Yard	20 Waterview Street	Lot 440 DP 15224, Lot 441 DP 15224, Lot 442 DP 15224, Lot 443 DP15224, Lot 444 DP 15224, Lot 445 DP 15224, Lot 446 DP 15224, Lot 447 DP 15224, Lot 2 DP 70488, Lot 1 DP 70489 Lot 1 DP 430647	Local	A346

- Amending existing items in *Schedule 5 – Environmental heritage*

**Table 4 – HERITAGE ITEMS – AMENDED**

Item No.	Locality	Type of Amendment	Current Item Name	Amended Item name
161, 162 and 163 – to be deleted  New item number 250	Eastwood	Delete existing 3 items and create a new item amalgamating the 3 previous descriptions	Eastwood Park (gates) Eastwood Park (grandstand) Eastwood Park (pavilion)	Eastwood Park (including sports fields , gates , grandstand, croquet club and grounds, mature Phoenix palms and other significant trees)
6	Gladesville	Amend item description	Glades Bay Park (monument)	Glades Bay Park (including monument), foreshore reserve between Ross Street and Bill Mitchell Park and remnants of former public baths.
112	Gladesville	Amend item description	Monash Park (obelisk)	Monash Park (including oval, pavilion, significant boundary/street trees and obelisk)
157	Gladesville	Amend item description	Kissing Point park (former boat slips)	Kissing Point Park (including former boat slips and Bennelong Park)
87	Putney	Amend item description	Putney Park (house remains)	Putney Park (former Putney Park Pleasure Grounds , including seawall , remains of Lunnhilda/Dudhope estate and remains of Slazenger factory)
72	Meadowbank	Amend item description	Memorial Park (obelisk)	Memorial Park (including obelisk) and remnants of former Meadowbank Baths



- Amending RLEP2014 Heritage Maps:

RLEP2014 Heritage Maps are to be amended to include all new heritage items, conservation areas and archeological sites as identified above. (ATTACHMENT 3)

## 5.0 Justification

*Section 3.33 of the Environmental Planning and Assessment Act 1979 enables the Director-General to issue requirements with respect to the preparation of a planning proposal. This section responds to all matters to be addressed in a planning proposal – including Director-General’s requirements for the justification of all planning proposals (other than those that solely reclassify public land).*

### 5.1 Need for the Planning Proposal

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

The Planning Proposal is a result of Ryde Council's ongoing process of heritage identification and protection. Council resolved on the 28 November 2017 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.*

In response to the above resolution GML Heritage Consultants were engaged by Council in 2018 to conduct a comprehensive heritage review of the City of Ryde Local Government Area. The review, which was limited to pre – 1940s development and did not include Aboriginal heritage, aimed to ensure that places of high heritage significance were identified and adequately protected and that more certainty was provided for in the development process.

This Planning Proposal is in line with the recommendations of the GML Heritage Consultants report titled “City of Ryde Heritage Review “dated June 2019 (Attachment 2).

#### 5.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes?

The Environmental Planning & Assessment Act 1979 requires the orderly development of land. The planning proposal supports that outcome by enabling a transparent process informed by expert advice and comprehensive community participation that enables clear identification of heritage items, conservation areas and landscape & archaeological places

The Planning Proposal will ensure that the sites are recognised and protected from development that may adversely affect the significance of the sites and their contribution to the environmental heritage of the City of Ryde.

## 5.2 Relationship to strategic planning framework

### 5.2.1 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)?

The strategic planning context for the consideration of this Planning Proposal includes:

- *A Greater Sydney Region Plan – A Metropolis of Three Cities 2018*
- *The North District Plan*

#### **Greater Sydney Regional Plan - A Metropolis of Three Cities**

The *Greater Sydney Region Plan* (2018) outlines how Greater Sydney will manage growth and change and guide infrastructure delivery over the next 40 years.

The Vision of the Plan is to meet the needs of a growing and changing population by transforming Greater Sydney into a metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City.

The City of Ryde is located within the Eastern Harbour City. The Plan states that the established **Eastern Harbour City** will be building on its recognised economic strength and addressing liveability and sustainability. (p 8)

The Plan contains:

- 4 Key themes - infrastructure and collaboration, liveability, productivity and sustainability.
- 14 Metrics i.e. measurement tools
- 10 Directions and
- 40 Objectives

The theme of Liveability has as a direction and objective the following:

**Direction** – Designing places for people

**Objective 13** – Environmental heritage is identified, conserved and enhanced (page 22)

The Regional Plan states:

*Conserving, interpreting and celebrating Greater Sydney's heritage values leads to a better understanding of history and respect for the experiences of diverse communities. Heritage identification, management and interpretation are required so that heritage places and stories can be experienced by current and future generations. Environmental heritage is protected for its social, aesthetic, economic, historic and environmental values.*

*Environmental heritage is defined as the places, buildings, works, relics, moveable objects and precincts of State or local heritage significance. It includes natural and built heritage, Aboriginal places and objects, and cultural heritage such as stories, traditions and events inherited from the past.*

*Protection and management of heritage is a community responsibility undertaken by a broad range of stakeholders including Aboriginal people, State and local governments, businesses and communities. (page. 77)*

The Planning Proposal which aims to provide appropriate protection for built, landscape and archaeological heritage within the City of Ryde supports both the direction and objectives of the Plan.

### **North District Plan (2018)**

The *North District Plan* (NDP 2018) sets out the planning priorities and actions for Greater Sydney's North District, which includes the local government areas of Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, Northern Beaches, Mosman, North Sydney, the City of Ryde and Willoughby.

The NDP provides the means by which the Greater Sydney Region Plan can be put into action at a local level, by setting out the opportunities, priorities and actions for the growth and development of the North District.

This Planning Proposal supports the following Planning Priority in the retention and renewing of local heritage:

*Planning Priority N6 – “Creating and renewing great places and local centres, and respecting the District’s heritage”*

This planning priority promotes local heritage as an important component of local identity that creates a distinctive built character. The NDP states that *“Identifying, conserving, interpreting and celebrating Greater Sydney’s heritage values leads to a better understanding of history and respect for the experiences of diverse communities. Heritage identification, management and interpretation are required so that heritage places and stories can be experienced by current and future generations.”* (NDP, p49)

The heritage study attached to this Planning Proposal confirms the importance of 44 individual heritage items, 2 archaeological sites and 6 heritage conservation areas. The listing of these properties and places under the RLEP2014 *Schedule 5 Environmental heritage* supports *Planning Priority N6* of the North District Plan.

### **Local Planning Study (LPS)**

Council adopted the *Ryde Local Planning Study (December 2010)* in response to the NSW Government’s *Metropolitan Strategy* and draft *Inner North Draft Subregional Strategy* to outline a vision for development of Ryde over the next 20 years.

The Local Planning Study was the basis for the preparation of the RLEP 2014. One of the aims of RLEP 2014 that was derived from the Local Planning Study was:  
*(d) to identify, conserve and promote Ryde’s natural and cultural heritage as the framework for its identity, prosperity, liveability and social development, (RLEP 2014 Clause 1.2(d))*

The Planning Proposal is consistent with both the Study and RLEP 2014.

## The City of Ryde 2028 Community Strategic Plan

The Ryde 2028 Community Strategic Plan captures the needs and aspirations of the community and lays out the Vision and Outcomes that the community wants for the City of Ryde over the next 10 years. It also captures the City's priorities for achieving these outcomes.

The seven outcomes for the City of Ryde articulated in the plan are:

- Our Vibrant and Liveable City
- Our Active and Healthy City
- Our Natural and Sustainable City
- Our Smart and Innovative City
- Our Connected and Accessible City
- Our Diverse and Inclusive City
- Our Open and Progressive City

The Planning Proposal is in line with the goals and strategies of the Community Strategic Plan 2028. It speaks to both outcome one: Our Vibrant and Liveable City; and to outcome six: Our Diverse and Inclusive City.

Outcome one describes a city “designed with a strong sense of identity and place” (p16), describes the community's desire to “protect and maintain Ryde's character and heritage” and includes goals to “uphold and protect its unique character” (p17).

Outcome six describes a city with a “rich social, cultural, historical and creative tapestry [which] provides an enduring legacy for future generations” (p26) and “a distinct local identity built on our city's character and rich cultural heritage” (p27).

The Planning Proposal responds to the above by protecting key buildings and landscapes which contributes to Ryde's historical and cultural legacy.

### 5.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

A summary assessment of the Planning Proposal in terms of State Environmental Planning Policies that are relevant to the City of Ryde is contained in the table below (Table 1).

This assessment indicates that the draft LEP contained in this Planning Proposal is consistent with all relevant State environmental planning policies.

**Table 5 – Consistency with relevant SEPPs**

State Environmental Planning Policies (SEPPs)	Consistent		Comment
	YES/NO	N/A	
State Environmental Planning Policy No 19 - Bushland in Urban Areas	Yes		No matters in the PP alter the degree to which bushland will be protected under RLEP 2014
State Environmental Planning Policy No 21 - Caravan Parks.		✓	Applies to the whole of the State. Not relevant to this proposed amendment
State Environmental Planning Policy No 33 - Hazardous and Offensive Development		✓	Applies to the whole of the State. Not relevant to this proposed amendment
State Environmental Planning Policy No 50 - Canal Estate Development.		✓	Applies to the whole of the State. Not relevant to this proposed amendment
State Environmental Planning Policy No 55 - Remediation of Land.	Yes		The PP is consistent with the aims and objectives of the SEPP
State Environmental Planning Policy No 64 - Advertising and Signage.		✓	Applies to the whole of the State. Not relevant is proposed amendment
State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development	Yes		The PP does not affect any provisions within the SEPP.
State Environmental Planning Policy No 70- Affordable Housing (Revised Schemes)		✓	Applies to the whole of the State. Not relevant to proposed amendment
State Environmental		✓	Applies to the whole of the State.

State Environmental Planning Policies (SEPPs)	Consistent		Comment
	YES/NO	N/A	
Planning Policy (Concurrences) 2018			Not relevant to proposed amendment
State Environmental Planning Policy (Primary Production and Rural Development) 2019		✓	Applies to the whole of the State. Not relevant to this proposed amendment
State Environmental Planning Policy (Affordable Rental Housing) 2009	Yes		See below.
The SEPP establishes a consistent planning regime for the provisions of affordable rental housing. Certain areas of the Policy do not apply to properties that are listed as a Heritage Item such as In fill affordable housing and development under the Policy that can occur under complying development provisions.			
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Yes		The PP does not affect BASIX or any provision that relates to building sustainability.
SEPP (Exempt and Complying Development Codes) 2008	Yes		See below.
Most works to heritage items and to land within HCAs will require a Development Application. Complying Development Certificates cannot be issued on heritage items and the application of Complying Development Certificates is restricted to specific types of development in Heritage Conservation Areas.			
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Yes		The PP does not directly or indirectly affect housing for seniors or people with disability or affect any provision within the SEPP. See below for further information
The SEPP contains provisions which restrict the Policy from applying to heritage conservation areas. Those provisions cease to have effect on 1 July 2020.			
State Environmental Planning Policy (Infrastructure) 2007	Yes		Listing of additional heritage items is not considered inconsistent with the provisions of the SEPP. See below for further information.
The SEPP includes provisions relating to development carried out by or on behalf of a public authority where the development is likely to have an impact that is not minor or inconsequential on a local heritage item or heritage conservation area.			

State Environmental Planning Policies (SEPPs)	Consistent		Comment
	YES/NO	N/A	
State Environmental Planning Policy (State Significant Precincts) 2005		✓	Applies to the whole of the State. Not relevant to this proposed amendment
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007		✓	Applies to the whole of the State. Not relevant to this proposed amendment
State Environmental Planning Policy (State and Regional Development) 2011		✓	Applies to the whole of the State. Not relevant to proposed amendment
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007		✓	Applies to the whole of the State. Not relevant to this proposed amendment
State Environmental Planning Policy (Education Establishments and Child Care Facilities) 2017	Yes		Applies to the whole of the State. Not relevant to this proposed amendment. See below for further information.
The SEPP includes provisions relating to items of local heritage significance where development carried out by or on behalf of a public authority is likely to affect the heritage significance of a local heritage item or a heritage conservation area and is development that the SEPP provides may be carried out without development consent.			
State Environmental Planning Policy (Vegetation in Non Rural Areas) 2017	Yes		None of the matters within the PP raise issues with the SEPP.
State Environmental Planning Policy (Coastal Management) 2018	Yes		None of the matters within the PP raise issues with the SEPP.
<b>Deemed SEPPs</b>			
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005		✓	Applies to the Sydney Harbour Catchment. It is noted that 1 property identified in this planning proposal is listed within Schedule 4 Heritage Items of this SEPP. However it is not relevant to this proposed amendment.



## 5.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The following is a list of Directions issued by the Minister for Planning to relevant planning authorities under section 9.1 of the *Environmental Planning and Assessment Act 1979*. These directions apply to planning proposals lodged with the Department of Planning and Environment on or after the date the particular direction was issued:

### Consideration of Relevant Section 9.1 Directions applying to planning proposals

**Table 6 – Ministerial Directions**

<b><u>Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979</u></b>	<b>Consistent</b>		<b>N/A</b>
	<b>YES</b>	<b>NO</b>	
<b>1. Employment and Resources</b>			
<b><u>1.1 Business and Industrial Zones</u></b> <b>Objectives</b> are:- <ul style="list-style-type: none"> <li>○ Encourage employment growth in suitable locations</li> <li>○ Protect employment land in business and industrial zones and</li> <li>○ Support the viability of identified strategic centres.</li> </ul>			X
<b><u>1.2 Rural Zones</u></b> <b>Objective:</b> To protect the agricultural production value of rural land.			X
<b><u>1.3 Mining, Petroleum Production and Extractive Industries</u></b> <b>Objective:</b> To ensure that the future extraction of significant materials is not compromised by inappropriate development.			X
<b><u>1.4 Oyster Aquaculture</u></b> <b>Objective:</b> To protect oyster aquaculture from development that may result in adverse impact on water quality.			X
<b><u>1.5 Rural Lands</u></b> <b>Objective:</b> To protect and facilitate economic development of rural lands.			X
<b>2. Environment and Heritage</b>			
<b><u>2.1 Environment Protection Zones</u></b> <b>Objective:</b> To protect and conserve environmentally			X

sensitive areas.			
<b><u>2.2 Coastal Protection</u></b> <b>Objective:</b> To protect and manage coastal areas of NSW			X
<b><u>2.3 Heritage Conservation</u></b> <b>Objective:</b> To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.  <b>Comment:</b> This PP aims to heritage list properties, landscapes and areas of heritage significance. The PP will ensure that the identified items and places will be afforded heritage protection through their addition to Schedule 5 of LEP 2014 and the application of Clause 5.10 Heritage conservation of LEP 2014.	X		
<b><u>2.4 Recreation Vehicle Areas</u></b> <b>Objective:</b> To protect sensitive land from adverse impacts from recreation vehicles.			X
<b><u>2.5 Application fo E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</u></b> <b>Objective:</b> To ensure that a balanced and consistnet approach is taken when applying environmental protection zones and overlays to lad on the NSW Far North Coast.			X

### 3. Housing, Infrastructure and Urban Development

<b><u>3.1 Residential Zones</u></b> <b>Objectives</b> are: <ul style="list-style-type: none"> <li>○ To encourage a variety and choice of housing types to provide for existing and future housing needs</li> <li>○ To make efficient use of existing infrastructure and services and endure that new housing has appropriate access to infrastructure and services</li> <li>○ To minimise the impact of residential development on the environment and resource lands.</li> </ul> <b>Comment:</b> The PP is consistent with the direction as it will protect items of local heritage significance and does not contain any amendments affecting development standards.	X		
<b><u>3.2 Caravan Parks and Manufactured Home</u></b>			X

<b><u>Estates</u></b> <b>Objective:</b> To provide a variety of housing types.			
<b><u>3.3 Home Occupations</u></b> <b>Objective:</b> To encourage the carrying out of low impact small businesses in dwelling houses.  <b>Comment:</b> The direction seeks to encourage home occupations. The PP does not contain any provisions relating to home occupations. Therefore it is considered that this PP is consistent with direction.	X		
<b><u>3.4 Integrating Land Use and Transport</u></b> <b>Objectives</b> are: <ul style="list-style-type: none"> <li>○ Improving access to housing , jobs and services by walking, cycling and public transport</li> <li>○ <b>Increasing choice of available transport and reduce dependence on cars and</b></li> <li>○ Support of public transport services and reduce travel demand.</li> <li>○ <b>Providing for the efficient movement of freight</b></li> </ul>			X
<b><u>3.5 Development Near Licensed Aerodromes</u></b> <b>Objective:</b> To ensure safe and effective operation of aerodromes.			X
<b><u>3.6 Shooting Ranges</u></b> <b>Objective:</b> To reduce land use conflict, maintain appropriate levels of public safety and amenity.			X

<b>4. Hazard and Risk</b>			
<b><u>4.1 Acid Sulfate Soils</u></b> <b>Objective:</b> To avoid significant adverse impacts from use of land that contains acid sulfate soils.			X
<b><u>4.2 Mine Subsidence and Unstable Land</u></b> <b>Objective:</b> To prevent damage to life, property and the environment on land identified as subject to mine subsidence.			X
<b><u>4.3 Flood Prone Land</u></b> <b>Objective:</b> To ensure an LEP includes consideration of appropriate flood impacts.			X
<b><u>4.4 Planning for Bushfire Protection</u></b> <b>Objective:</b> To encourage sound management of bush fire prone areas.			X

<b>5. Regional Planning</b>			
<b><u>5.1 Implementation of Regional Strategies</u></b> (Revoked 17 October 2017)			
<b><u>5.2 Sydney Drinking Water Catchments</u></b> <b>Objective:</b> To protect water quality in the Sydney drinking water catchment.			X
<b><u>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</u></b> <b>Objective:</b> To ensure the best agricultural land will be available for current and future generations.			X
<b><u>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</u></b> <b>Objective:</b> To manage commercial and retail development along the Pacific Hwy.			X
<b><u>5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)</u></b>			
<b><u>5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)</u></b>			
<b><u>5.7 Central Coast (Revoked 10 July 2008.)</u></b>			
<b><u>5.8 Second Sydney Airport: Badgerys Creek (Revoked 20 August 2018)</u></b>			
<b><u>5.9 North West Rail Link Corridor Strategy</u></b> <b>Objective:</b> To promote trains oriented development and manage growth around the eight train stations of the North West Rail Link			X
<b><u>5.10 Implementation of Regional Plans</u></b> <b>Objective:</b> To give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.			X
<b><u>5.11 Development of Aboriginal Land Council land</u></b> <b>Objective:</b> To provide consideration of development delivery plans prepared under <i>State Environmental Planning Policy (Aboriginal Land) 2019</i> .			X

<b>6. Local Plan Making</b>			
<b><u>6.1 Approval and Referral Requirements</u></b> <b>Objective:</b> To ensure that LEP provisions encourage the efficient and appropriate assessment of development.			X
<b><u>6.2 Reserving Land for Public Purposes</u></b> <b>Objective:</b> To facilitate the provision of public services and facilities.			X

<b>6.3 Site Specific Provisions</b> <b>Objective:</b> To discourage unnecessary restrictive site specific planning controls.			X
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<b>7. Metropolitan Planning</b>			
<b>7.1 Implementation of the Metropolitan Plan for Sydney.</b> <b>Objective:</b> To give legal affect to the vision contained in A Plan for Growing Sydney. <b>Comment:</b> A Plan for Growing Sydney has been superseded by <i>A Greater Sydney Region Plan – A Metropolis of Three Cities</i>  The PP would be consistent with this Direction if it were in place.  The Planning Proposal is consistent with the aims of A Greater Sydney Region Plan - A Metropolis of Three Cities and The North District Plan.	X		
<b>7.2 Implementation of Greater Macarthur Land Release Investigation</b> <b>Objective:</b> to ensure development within the Area is consistent with the Greater Macarthur Land Release Preliminary Strategy and Action Plan			X
<b>7.3 Parramatta Road Corridor Urban Transformation Strategy</b> <b>Objective:</b> To facilitate development within the Corridor that is consistent with the Strategy and the Parramatta Road Corridor Implementation Tool Kit.			X
<b>7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b> <b>Objective:</b> To ensure development within the North West Priority Growth Area is consistent with the Strategy.			X
<b>7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b> <b>Objective:</b> To ensure development within the Area is consistent with the Implementation Plan.			X
<b>7.6 Implementation of Wilton Priority Growth</b>			X

<p><b><u>Area Interim Land Use and Infrastructure Implementation Plan</u></b>  <b>Objective:</b> To ensure development within the Priority Growth Area is consistent with the Implementation Plan and Back ground Analysis.</p>			
<p><b><u>7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor</u></b>  <b>Objective:</b> To ensure development within the precincts between Glenfield and Macarthur is consistent with the plans for these precincts.</p>			X

On 27 September 2018, the Minister for Planning gave an additional direction under 9.1 of the *Environmental Planning and Assessment Act 1979* with the objective of identifying the types of Planning Proposals that are to be advised on by Local Planning Panels on behalf of councils in the Greater Sydney Region and Wollongong and to establish the procedures in relation to those matters. This Direction is relevant to this Planning Proposal, and the proposal will be referred to the Ryde Local Planning Panel for advice on whether or not the PP should be forwarded to the Minister or Greater Sydney Commission under Section 3.34 of the EP&A Act 1979.

On the 28 February 2019 the Minister for Planning gave an additional direction under 9.1 of the *Environmental Planning and Assessment Act 1979*. The Direction is the *Environmental Planning and Assessment (Planning Agreements) Direction 2019* and is required to be considered by Councils if negotiating the terms of a proposed planning agreement that includes provision for affordable housing in connection with a development application. This direction is not applicable to the Planning Proposal.

### 5.3 Environment, Social and Economic Impact

#### 5.3.1 Impact on Critical Habitat, Threatened Species and Ecological Communities

The Planning Proposal will not affect any critical habitat or threatened species, populations or ecological communities, or their habitats nor is it expected to have any adverse environmental effects.

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

No, there is no likelihood for any other significant environmental effects. This planning proposal relates to heritage matters only.

#### *Heritage*

The Planning Proposal aims to list properties, landscapes and areas as heritage items and conservation areas within the Ryde LEP 2014, so that they will be protected through *Clause 5.10 Heritage Conservation* of LEP 2014 from work that would adversely affect their heritage significance.

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

It is considered that the planning proposal will have positive social impacts through increased local heritage protection.

The planning proposal is not considered likely to have any significant economic impacts. The economic impacts of heritage listing are impossible to determine due to the individual nature of the properties involved.

Council operates a *Local Heritage Assistance Fund*, whereby owners of Heritage Items listed in *Schedule 5 Environmental heritage* of RLEP2014 are able to apply for funding.

The program provides an incentive for owners of properties listed in *Schedule 5 Environmental heritage* of RLEP2014 to undertake maintenance and improvement works to protect and enhance items of heritage significance.

Council on the 23 July 2019 resolved to allocate as a one off an additional \$500,000 from General Revenue to Council's existing *Local Heritage Assistance Fund* and that this additional funding be available for grants of up to \$15,000.

## 5.4 State and Commonwealth interests

### 5.4.1 Is there adequate public infrastructure for the planning proposal?

The planning proposal will not place additional demands on the existing infrastructure within the City of Ryde.

### 5.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Any State or Commonwealth authority that is identified in the Gateway determination as needing to be consulted will be consulted following that determination.

## 6.0 Mapping

Proposed Draft Ryde LEP 2014 Heritage Maps, indicating the proposed amendments being sought is provided in Attachment 3.

## 7.0 Community Consultation

This section provides details of the community consultation that is to be undertaken on the planning proposal:

The community consultation process to be undertaken for this Planning Proposal is expected to be undertaken in the following manner for a 28 day period:

- o Written notice given:
  - in the local newspaper circulating in the area,

- on Council’s webpage, and
  - to all affected property owners and tenants where a change in heritage status of a property is proposed i.e. proposed heritage items and properties within heritage conservation areas
  - to all properties within the vicinity of a heritage item as defined by Part 2.1 Notification of Development Applications ‘extended adjoining land’.
  - to local state government representatives;
  - to relevant State and Commonwealth authorities as identified in the Gateway Determination.
  - Additional multi-lingual newspapers circulated locally.
- o The written notice will:
    - provide a brief description of the objectives and intended outcomes,
    - state where the Planning Proposal can be inspected,
    - indicate the last date for submissions, and
    - confirm whether the Minister has chosen to delegate the making of the LEP.
    - Proposed information session times where relevant

For letters sent to property owners and tenants of proposed heritage items a heritage inventory sheet relating to the property or area will be included.

- o Series of information/drop in sessions being no less than:
  - 6 drop in sessions
- o The following materials will be placed on exhibition in within each library, and Council’s Business and Advisory Centre
  - the Planning Proposal,
  - the Gateway Determination.
  - Council resolution and reports
  - GML Heritage Report and Inventory Sheets

A copy of the consultation programme prepared by Council’s Communication and Engagement Team is provided in ATTACHMENT 4.

## 8.0 Project Timeline

Milestones	
Planning Proposal submitted with request for Gateway Determination	30 July 2019
Gateway Determination	9 August 2019
Community Consultation	September/October 2019
Outcomes of Community Consultation	December 2019
Planning Proposal submitted to Department of Planning and Environment requesting notification on Government website	December 2019