

**ITEM 18 DRAFT HERITAGE DEVELOPMENT CONTROL PLAN - PROPOSED EXHIBITION**

**FILE NO: S043085**

**SUMMARY**

The *Draft Heritage Development Control Plan* (draft DCP) at **Attachment “A”** is recommended for public exhibition. The draft DCP has reviewed and amalgamated the wide variety of existing controls relating to heritage buildings and sites applicable across the Local Government Area to form one set of provisions. Where necessary, new provisions have also been developed. The draft DCP has been prepared as a stand-alone set of heritage controls but it is envisaged that these controls will be incorporated into the consolidated City Plan Development Control Plan which is due for completion in draft form by the end of the year.

**RECOMMENDATION**

It is resolved that Council approve the *Draft Heritage Development Control Plan*, as shown at **Attachment A** to the subject report, for public exhibition in accordance with the *Environmental Planning and Assessment Regulation 2000*.

**ATTACHMENTS**

**Attachment A:** Draft Heritage Development Control Plan.

## BACKGROUND

1. Within the City of Sydney Local Government Area (LGA) there are approximately 2000 Heritage Items (including 47 Building Elements, and 65 Archaeological/Townscape/Landscape items identified in the *City of Sydney Local Environmental Plan 2005*), approximately 60 Heritage Streetscapes, 58 Conservation Areas, and 15 Special Areas which may have heritage significance. These controls are designated within a range of different local environmental plans (LEPs) and preparation of the City Plan LEP will consolidate these heritage listings.
2. Development controls applying to heritage items, streetscapes and conservation areas are also contained within a range of documents - three LEPs, six Development Control Plans (DCPs) and four policy documents.
3. Several draft documents and studies have also been produced or are currently underway which include policy recommendations and provisions related to heritage. These include:
  - (a) *Draft Glebe Conservation Area Study*
  - (b) *Selected Heritage Conservation Areas: Draft Study*
  - (c) *Oxford Street, Darlinghurst and Paddington, Heritage and Urban Design Project*
  - (d) *Draft South Sydney Weatherboard Buildings Study*
  - (e) *Chippendale Heritage Conservation Study*
  - (f) *Draft Urban Design Study of Height, Floor Space and Desired Future Character for Potts Point, Woolloomooloo, Kings Cross and Elizabeth Bay Area*
  - (g) *Draft Urban Design Study of Height, Floor Space and Desired Future Character for Darlinghurst and Surry Hills areas*
  - (h) *Draft Urban Design Study of Height, Floor Space and Desired Future Character for Glebe and Forest Lodge Areas*
  - (i) *Heritage Streetscapes Study (currently underway)*
  - (j) *Millers Point and Walsh Bay Heritage Study (currently underway)*
  - (k) *Selected Heritage Conservation Areas: Draft Study Part 2 (currently underway)*

These studies, whether underway or at draft completion stage, have contributed to the draft DCP development. However, not all recommendations made in these studies are reflected in the draft DCP as some recommendations will be progressed in the City Plan LEP, and others will contribute to other parts of the City Plan DCP (e.g. area-based character statements).

4. The development of the draft DCP commenced in August 2005 and has been undertaken for Council by the consultants, Architectus. The draft DCP seeks to amalgamate the controls relating to heritage buildings, sites and building elements, into a single document. The provisions have generally been selected from the existing studies, controls and policies, and refined where necessary. Where no current controls exist, for example for pubs and hotels, new controls have been produced which seek to address common issues across the LGA.
5. For the purpose of public exhibition, and to provide greater clarity, the document has been produced as a stand-alone set of controls relating to heritage buildings, sites and building elements. However, the provisions have been written and arranged in order to be easily amalgamated into the new consolidated City Plan LEP and DCP.

## **KEY IMPLICATIONS**

### **DCP consolidation**

6. Whilst many of the provisions will form a single 'heritage' chapter of the consolidated DCP, some provisions will be included within more general chapters, for example, "vicinity controls" which relates to a site analysis process, and thus should apply to all development covered by the future City Plan, not simply heritage controls.
7. The consolidated DCP will enable heritage considerations to be more fully integrated into the preparation of development proposals and the determination of development applications. The provisions may also be complemented in the consolidated City Plan DCP by more specific area-based controls. These are being developed through the Urban Design Study processes, of which five have commenced to date.

### **Building Type Controls**

8. The draft DCP has sought to identify specific building types which may commonly occur within the LGA (e.g. terrace buildings), have certain development pressures (e.g. weatherboard houses), or for which existing or general controls are considered inadequate (e.g. pubs and hotels). Controls have been included to address specific concerns associated with these building types which are to be considered in association with the general controls within the draft DCP.

### **Structure of the draft DCP**

9. The draft DCP is divided into an introduction, 13 sections and schedules that support the primary controls. The introduction defines the area to which the draft DCP applies to, how it relates to other planning controls and development application requirements. The schedules contain more specific area-based controls. These may be added to in the future as more area-based studies are completed. Each section contains objectives, matters of consideration when addressing development applications, provisions that relate to each particular heritage issue. Illustrations to clarify the intent of the provisions are provided where necessary. The following is an outline of contents specific to each section.

(a) Vicinity controls:

These provisions aim to ensure that development in the vicinity of heritage items is designed and sited to protect the heritage significance of the item and specific requirements for minimising impact on heritage items.

(b) Heritage items:

These provisions aim to ensure appropriate development to heritage items, additional requirements when submitting development applications on heritage items and specific requirements for incorporating heritage items in new development and changing the use of a heritage item.

(c) Heritage conservation areas and heritage streetscapes:

These provisions aim to ensure appropriate development within heritage conservation areas and heritage streetscapes, definitions of “contributory”, “neutral” and “detracting” buildings (with illustrations provided to explain each definition) and how these are managed within a heritage conservation area or heritage streetscape and specific requirements for developments to be consistent with policy guidelines contained in the Heritage Inventory Assessment Report.

(d) Lot boundary changes:

These provisions aim to ensure the retention of significant characteristics of the existing subdivision and building pattern for heritage items, and in heritage conservation areas and heritage streetscapes.

(e) Additions:

These provisions aim to ensure appropriate alterations and additions to heritage items, and buildings in heritage conservation areas and heritage streetscapes and specific provisions that apply to lean-to additions, wing additions, pavilion additions, basement additions and floor additions.

(f) Infill development:

These provisions aim to ensure appropriate infill development in heritage conservation areas and heritage streetscapes.

(g) Changes to building elements:

These provisions aim to ensure appropriate changes to building elements on heritage items and buildings within heritage conservation areas and heritage streetscapes. It includes general provisions for changes to roofs, verandahs and balconies, awnings, materials and finishes and fences and specific provisions for various types of changes to roofs include general roof alterations and additions, roof features, roofing materials, rear roof extensions, dormer windows and skylights.

(h) Retail shopfronts and facades:

These provisions aim to ensure appropriate alterations and additions to retail shopfronts on heritage items, buildings in heritage conservation areas and heritage streetscapes and provisions to encourage the retention of significant and contributory shopfronts.

(i) Development on lanes:

These provisions aim to ensure appropriate development on rear lanes in heritage conservation areas and heritage streetscapes.

(j) Lanes in Central Sydney:

These provisions aim to ensure appropriate development on rear lanes in the Central Sydney area and provisions to ensure a balance between access and the retention of the heritage significance of the Central Sydney lane network.

(k) Designing for cars:

These provisions aim to ensure the appropriate design and siting of car access and garages for heritage items, buildings in heritage conservation areas and heritage streetscapes and provisions which encourage the retention of significant heritage features such as original stone kerbing and guttering.

(l) Conserving significant elements in the public domain:

These provisions aim to ensure that development of heritage items or buildings and sites in heritage conservation areas and heritage streetscapes that impact upon the public domain is appropriate. This includes objectives of the public domain controls, matter of consideration when assessing development which impacts upon the public domain and provisions which encourage the retention of significant public domain features.

(m) Particular building types:

These provisions are for specific building types that are heritage items or located in heritage conservation areas or heritage streetscapes. The building types include weatherboard buildings, terraces and semi-detached buildings, single story contributory buildings, pubs and hotels, public and community buildings and warehouses and industrial buildings. More specific provisions are included for facades and courtyards in warehouse and industrial buildings.

10. The initial sections of the draft DCP relate to the submission requirements for development applications for works to heritage buildings and sites. The requirements for the production of a Heritage Impact Statement or Conservation Management Plan are contained within the relevant LEP. The draft DCP clarifies these requirements and provides information about the actual content of these submissions. Additional guidelines are also provided in the draft DCP including those relating to researching a property's history and maintenance.

### **Conservation areas and heritage streetscapes building contributions**

11. Several conservation area studies have been undertaken for Council which identify buildings and sites within conservation areas and heritage streetscapes, as "contributory", "neutral" or "detracting".

(a) Contributory buildings

Contributory buildings are buildings that make an important significant contribution to the character of the heritage conservation area or heritage streetscapes. They are normally highly intact and date from key development periods.

(b) Neutral buildings

Neutral buildings are buildings that do not contribute or detract from the significant character of the heritage conservation area or heritage streetscape. They include buildings that are connected to the area's historic development but have been substantially altered and sympathetic development.

(c) Detracting buildings

Detracting buildings are buildings that are intrusive to a heritage conservation area or heritage streetscapes because of inappropriate scale, bulk, setbacks setting or materials. They detract from the character of a heritage conservation area or heritage streetscape.

12. This mapping of these three categories will be ongoing until it is completed for the entire LGA and will form an appendix to the consolidated City Plan DCP along with the Heritage Inventory Sheets for the individual conservation areas. The inventory sheets will also include specific policies and considerations relating to the individual conservation areas and heritage streetscapes.
13. In general, the provisions seek to retain contributory buildings, and improve the relationship of detracting buildings within any given area. The treatment of neutral buildings will depend on the significance of the building, and degree and nature of any proposed and existing alterations. It is anticipated that this designation of properties within conservation areas and heritage streetscapes will enable appropriate development to take place whilst encouraging the consideration of the impact on the wider area.
14. The draft DCP also includes some schedules to support the generic provisions in the body of the draft DCP. These schedules provide additional guidance for specific areas in the LGA. At the moment, they include provisions that currently apply in existing DCPs – for example: warehouse and former industrial buildings controls for Chippendale. It is envisaged that these schedules may be added to, as required, to provide specific guidance for locations within the LGA, as draft urban design studies for different locations are completed.

## RELEVANT LEGISLATION

15. The draft DCP has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

## CRITICAL DATES / TIME FRAMES

16. The draft DCP provisions will form part of the consolidated *City Plan Development Control Plan* which is due to be completed in draft form by the end of the year. The public exhibition of the heritage provisions will enable the draft DCP to progress as a stand-alone DCP prior to inclusion within the consolidated *City Plan DCP*.

## **PUBLIC CONSULTATION**

17. A stakeholder workshop was held on 21 March 2006, attended by approximately 20 stakeholders. The stakeholders consisted of representatives from state bodies (including the Sydney Harbour Foreshore Authority and Department of Housing), organisations (including the National Trust and Sydney Engineering Heritage Committee), and community groups (including The Glebe Society, The Paddington Society and Pyrmont Action).
18. The workshop consisted of a presentation to introduce the project by the consultants, Architectus, with the main focus being on group discussion. The discussion enabled the attendees to raise issues of concern to their organisation, and examine common and competing priorities. The matters raised have been considered in the production of the draft DCP.
19. A questionnaire was also provided to gain feedback on issues affecting heritage significance within the LGA and the appropriateness of the existing controls. The questionnaire was distributed at the workshop, and was also placed on Council's website and sent to approximately 50 identified stakeholders. Nine submissions were received including three questionnaire responses and three more detailed submissions, including from the Paddington Society and the Coalition of Chippendale Community Groups. The responses have been considered in the development of the draft DCP.
20. The purpose of this report is to recommend the public exhibition of the draft DCP for a period of four weeks. Copies of the draft DCP will be sent to identified stakeholders advising them of the exhibition. It is also proposed to hold a further consultation workshop with identified stakeholders during the exhibition period. Any comments received will then be considered and incorporated into the draft DCP provisions as necessary.

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