

Attachment A

Planning Proposal

Planning Proposal

– Proposed heritage item, 46 Chisholm Street, Darlinghurst

City of Sydney
Town Hall House
456 Kent Street
Sydney NSW 2000

November 2019



Contents

| | |
|---|----|
| Introduction | 2 |
| Background..... | 2 |
| Part 1 – Objectives or intended outcomes..... | 4 |
| Part 2 – Explanation of the provisions | 4 |
| Part 3 – Justification..... | 5 |
| Part 4 – Mapping..... | 11 |
| Part 5 – Community consultation..... | 13 |
| Part 6 – Project timeline | 13 |
| Appendices | 13 |

Introduction

This planning proposal explains the intent of, and justification for, the proposed amendment to Sydney Local Environmental Plan 2012 (SLEP 2012). The amendment will identify one heritage item for inclusion in Schedule 5 located at 46 Chisholm Street, Darlinghurst.

The proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (the Act) and the relevant Department of Planning guidelines, including 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'.

Background

Site identification

This planning proposal relates to the following place within Darlinghurst, as described in Part 3 and mapped in Part 5:

- 46 Chisholm Street, Darlinghurst - Lot 71 DP 602585

The property at 46 Chisholm Street, Darlinghurst is a single-storey timber weatherboard cottage, dating from circa 1876, and is privately owned.

Planning background

Weatherboard buildings are an important element to the City of Sydney's make up as they are amongst the oldest buildings in the City. These buildings contribute a unique character to their streets and a diversity to city life. However, they are becoming increasingly rare and have been under threat of demolition.

Following concerns about the number of applications for demolition or redevelopment of weatherboard buildings in its area, South Sydney City Council commissioned a study of this type of building in 2002. After the amalgamation with the City of Sydney in 2004, the City endorsed a number of heritage listings of weatherboard cottages, and soon after incorporated guidelines based on this study into the heritage provisions. These provisions remain in the City's current Development Control Plan 2012. These guide development, not only within Conservation Areas, but also specifically call out weatherboard buildings older than 50 years. Despite this there are fewer weatherboard buildings extant every year within the local government area as a result of development.

In mid-2018 the City of Sydney received a development application for a proposed development at 46 Chisholm Street, Darlinghurst involving the demolition of the existing single-storey weatherboard cottage and construction of a pair of two-storey semi-detached terraces. The timber weatherboard cottage at 46 Chisholm Street, is located within the Paddington Conservation Area and identified as a contributory building.

Chisholm Street, Darlinghurst is a narrow street, part of a tight knit pattern of streets and lanes bounded by Oxford Street, Flinders Street and South Dowling Street. Chisholm Street is lined to the east with two storey, Victorian houses, mostly terraces. The western side of the street has the rear wings and garages of the properties fronting Flinders Street with some later infill development to the north.

The City of Sydney commissioned a heritage assessment to determine if the site should be included as a heritage item within Schedule 5 of the Sydney Local Environmental Plan 2012 (SLEP2012). This independent heritage assessment by John Oultram Heritage + Design concluded that the cottage at 46 Chisholm Street, Darlinghurst meets the threshold for inclusion as a heritage item on the SLEP 2012 for its historic values, rarity and representativeness. The assessment notes that the cottage is an example of mid-late Victorian weatherboard cottage that retains its early form and its detail to the front. The property contains the only remaining, timber weatherboard cottage from the earliest development of the Chisholm Estate.

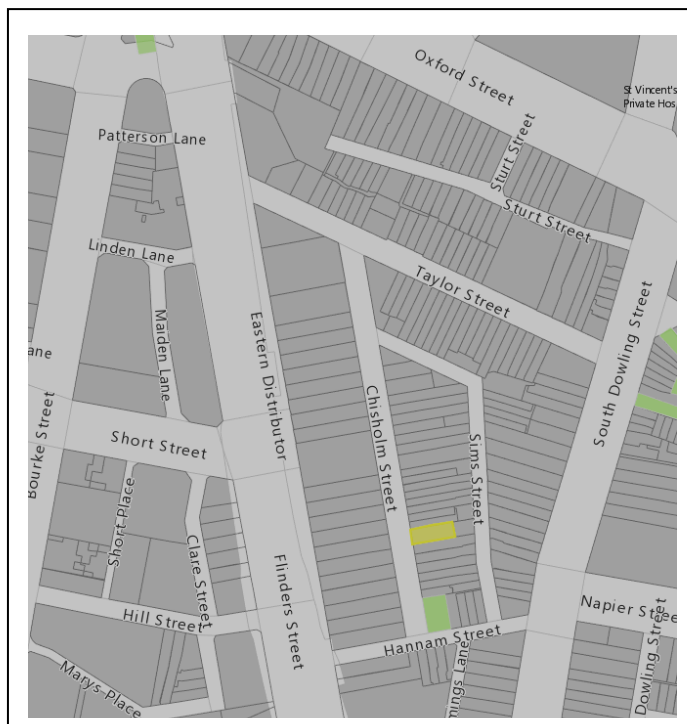
The heritage assessment prepared by John Oultram Heritage + Design is included at Appendix 1. A draft inventory sheet for this item is attached at Appendix 2.

This planning proposal is to include this item into Schedule 5 of Sydney Local Environmental Plan 2012.

Study area and scope

The heritage study investigates the heritage significance of the property at 46 Chisholm Street, Darlinghurst Road. This is shown in Figure 1.

Figure 1: Study area shaded yellow



Study findings

The heritage study report is included at **Appendix 1**. This study concludes that the site meets the threshold of heritage significance that warrants its potential listing as heritage items on Sydney Local Environmental Plan 2012.

Assessment of significance for listing

The Heritage Council of NSW guideline outlines seven criteria of local heritage significance to determine whether an item warrants local listing. Only one of these seven criteria needs to be satisfied at the local level for local heritage listing.

Criteria (a) – An item is important in the course, or pattern, of NSW’s cultural or natural history (or the cultural or natural history of the local area).

Criteria (f) – An item possesses uncommon, rare or endangered aspects of NSW’s cultural or natural history (or the cultural or natural history of the local area).

Criterion (g) – An item is important in demonstrating the principal characteristics of a class of NSW’s:

Cultural or natural places; or

Cultural or natural environments

(Or a class of the local area’s:

Cultural or natural places; or

Cultural or natural environments)

The proposed site satisfies these three Heritage Council criteria of local heritage significance for local listing.

Based on the above, progressing local heritage listing for the proposed heritage item will ensure the local heritage significance of this property is appropriately considered and maintained as part of future plans or redevelopment.

Current planning controls

The subject site is zoned R1, General Residential. It has a floor space ratio of 1.5:1 and 9 metre maximum building height under the principal development standards of Sydney Local Environmental Plan 2012. The property is located within the Paddington Conservation Area.

Part 1 – Objectives or intended outcomes

The objective of the planning proposal is to recognise and protect the heritage significance of this building, as identified in Part 2.

The intended outcomes to achieve these objectives are to:

- List the building at 46 Chisholm Street Darlinghurst as a heritage item in Schedule 5 of Sydney Local Environmental Plan 2012 (SLEP2012).

Part 2 – Explanation of the provisions

Heritage schedule amendments

The planning proposal seeks to amend the SLEP 2012 Schedule 5 Environmental Heritage by inserting the following item as shown below in **Table 1**. Text to insert is shown as **bold underline**. Text to omit is shown as **~~bold strikethrough~~**.

Table 1 – Proposed amendments to Schedule 5, Environmental heritage, Part 1, heritage items

| Locality | Item name | Address | Property description | Significance | Item no. |
|---------------------|-----------------------------|---|-------------------------|--------------|--------------|
| <u>Darlinghurst</u> | <u>Weatherboard cottage</u> | <u>46 Chisholm Street, Darlinghurst</u> | <u>Lot 71 DP 602585</u> | <u>Local</u> | <u>I2292</u> |

The heritage item naming convention conform to existing listings in Schedule 5. This is in accordance with the directions contained in the Standard Instrument (Local Environmental Plans) Order 2006, which require the item name to briefly describe significant features.

The features noted in the above item names are described further in the supporting information contained in the heritage inventory included at **Appendix 2**. The non-statutory heritage inventory sheet can continue to be updated as new information becomes available, such as through completion of a conservation management plan.

Part 3 – Justification

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

Yes. The planning proposal is a result of a heritage assessment of the subject site, prepared by John Oultram Heritage + Design completed in January 2019.

The item identified in this planning proposal is recommended for investigation for listing in this study, with a supporting draft heritage inventory sheet. This establishes that this recommended heritage item meets at least one of the Heritage Council criteria for local listing for its local heritage significance.

Criteria (a) – An item is important in the course, or pattern, of NSW’s cultural or natural history (or the cultural or natural history of the local area).

The independent heritage assessment prepared for the City notes:

46 Chisholm Street is a single storey, late Victorian cottage built c1876 for James Parker who had purchased Lot 7 in Section 2 of the Chisholm Estate. The Chisholm Estate (Roll Plan 619) appear to have been subdivided in 1875 and occupied an area bordered by South Dowling Street, Taylor Street, Flinders Street and Hannan Street...

The property was formerly part of Edward Riley’s vast landholdings in the area that he purchased directly or later acquired, from John Palmer...

The cottage is emblematic of the early development of the area for small-scale housing.’

The building is of local significance.

Criteria (f) – An item possesses uncommon, rare or endangered aspects of NSW’s cultural or natural history (or the cultural or natural history of the local area).

The heritage assessment notes:

‘The single storey, weatherboard cottage type is uncommon in the area that largely comprised two storey masonry terraces. In the plan of 1888... only

five, one storey timber cottages are shown in the area and the subject cottage is now the only weatherboard house in the former Chisholm Estate subdivision and dates from the earliest building period for the area.

The subject building is rare locally, and therefore of local significance.

Criterion (g) – An item is important in demonstrating the principal characteristics of a class of NSW's:

Cultural or natural places; or

Cultural or natural environments

(Or a class of the local area's:

Cultural or natural places; or

Cultural or natural environments)

The heritage assessment notes:

'The house is an example of a mid Victorian weatherboard cottage that retains its early form and its detail to the front. The house retains a two room arrangement to the front and though it has been altered internally with the loss of much of its original, internal features it remains a representative example of the type.'

The building is a representative example of a mid-Victorian weatherboard cottage locally, and therefore of local significance.

The heritage assessment report is included in **Appendix 1**.

The draft heritage inventory sheet is included at **Appendix 2**.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. Appropriate heritage protection for this sites is best achieved through identification as a local heritage item in an environmental planning instrument.

City of Sydney has authorisation to make interim heritage orders for unlisted buildings under the *Heritage Act 1977*, however this item is included within an existing Conservation Area, preventing the City's ability to make an interim heritage order. A more strategic approach is preferred as recommended in this planning proposal.

Progressing local heritage listing for this proposed heritage item will ensure that the local heritage significance of this site is appropriately considered and maintained as part of future plans or redevelopment. It will also ensure prior formal consultation with the land owners and broader community. These outcomes are only achieved in the longer term through the proposed listing.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Yes. See comments below.

Greater Sydney Region Plan: A Metropolis of Three Cities

The Greater Sydney Region Plan, completed in March 2018, is the Greater Sydney Commission's vision for a Greater Sydney of three cities where most residents live

within 30 minutes of their jobs and services. City of Sydney is situated within the Eastern Harbour City.

This plan sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. This sets out how the State Government's 10 directions for a Greater Sydney are to be implemented through integrated planning. These 10 directions, with 40 supporting objectives, address infrastructure, liveability, productivity and sustainability. This planning proposal is consistent with these high level directions and objectives. In particular it addresses the liveability great places direction objective:

Objective 13: Environmental heritage is identified conserved and enhanced

By proposing to consult the community for listing this new heritage item, this planning proposal will fulfil this object.

Eastern City District Plan

The Eastern City District Plan completed by the Greater Sydney Commission in March 2018 is a 20-year plan to manage growth in the context of economic, social and environmental matters. The district plan identifies 22 planning priorities and associated actions that support a liveable, productive and sustainable future for the district. This planning proposal gives effect to the following key planning priority and actions:

Liveability Planning Priority E6 – Creating and renewing great places and local centres, and respecting the District's heritage

Action 26 - Identify, conserve and enhance environmental heritage by:

- (a) engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place*
- (b) applying adaptive re-use and interpreting heritage to foster distinctive local places*
- (c) managing and monitoring the cumulative impact of development on the heritage values and character of places.*

This priority seeks to enhance the district's liveability by identifying, conserving and enhancing the heritage place-makers in local centres and neighbourhoods. It notes that heritage buildings contribute to an area's sense of place, its distinctive character, and diversity of built form and uses, and bring people together. Conserved heritage buildings are some of the attributes of liveable great places acknowledged in this plan, which attracts residents, workers, visitors, enterprise and investment into centres.

In proposing to consult the community to identify this site of assessed local heritage significance, this planning proposal will address the district plan by encouraging the retention and continued use of these place-makers, as part of the distinctive identity of the City of Sydney.

Q4. Is the planning proposal consistent with council's local strategy or other local strategic plan?

Yes.

Sustainable Sydney 2030 Strategic Plan

The City's Sustainable Sydney 2030 Strategic Plan is the vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This planning proposal is consistent with the key directions of Sustainable Sydney 2030, particular Direction 7 for 'A Cultural and Creative City.

The planning proposal identifies 46 Chisholm Street as a heritage item, thereby providing for its conservation, a diversity of building stock in this vicinity and allowing future generations to understand the historic development of Darlinghurst. The listing will ensure future development considers and maintains the heritage significance of this site.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

Yes. The planning proposal is consistent with and does not contradict or hinder application of the following applicable State Environmental Planning Policies (SEPPs):

- SEPP No 1—Development Standards
- SEPP No 33—Hazardous and Offensive Development
- SEPP No 64—Advertising and Signage
- SEPP No 65—Design Quality of Residential Flat Development
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Educational Establishments and Child Care Facilities) 2017
- SEPP (Infrastructure) 2007
- SEPP (Miscellaneous Consent Provisions) 2007
- SEPP (State and Regional Development) 2011

The planning proposal is consistent with and does not contradict or hinder application of the following applicable with former Regional Environmental Plan (REP) for the Sydney and Greater Metropolitan Regions, which is deemed to have the weight of SEPPs:

- Sydney REP (Sydney Harbour Catchment) 2005

Q6. Is the planning proposal consistent with applicable ministerial directions (s.117 directions)?

The planning proposal has been assessed against each Section 117 direction. The consistency of the planning proposal with these directions is shown in the table below.

Table 2 – Consistency of the planning proposal with ministerial directions

| No | Ministerial direction | Comment |
|-----|-------------------------------|----------------|
| 1.1 | Business and Industrial Zones | Not applicable |
| 1.2 | Rural Zones | Not applicable |

| No | Ministerial direction | Comment |
|-----|--|--|
| 1.3 | Mining, Petroleum Production and Extractive Industries | Not applicable |
| 1.4 | Oyster Aquaculture | Not applicable |
| 1.5 | Rural Lands | Not applicable |
| 2.1 | Environment Protection Zones | Not applicable |
| 2.2 | Coastal Protection | Not applicable |
| 2.3 | Heritage Conservation | Consistent. This planning proposal provides for the conservation of a heritage item. |
| 2.4 | Recreation Vehicle Areas | Not applicable |
| 3.1 | Residential Zones | Not applicable |
| 3.2 | Caravan Parks and Manufactured Home Estates | Not applicable |
| 3.3 | Home Occupations | Not applicable |
| 3.4 | Integrating Land Use and Transport | Consistent. |
| 3.5 | Development Near Licensed Aerodromes | Not applicable |
| 3.6 | Shooting Ranges | Not applicable |
| 4.1 | Acid Sulphate Soils | Consistent. This planning proposal does not contradict or hinder application of acid sulphate soils provisions in Sydney LEP 2012. |
| 4.2 | Mine Subsidence and Unstable Land | Not applicable |
| 4.3 | Flood Prone Land | Not applicable |
| 4.4 | Planning for Bushfire Protection | Not applicable |
| 5.1 | Implementation of Regional Strategies | Consistent. This planning proposal is consistent with key strategic goals and directions within the Greater Sydney Region Plan and the District as outlined above. |
| 5.2 | Sydney Drinking Water Catchments | Not applicable |
| 5.3 | Farmland of State and Regional Significance on the NSW Far North Coast | Not applicable |

| No | Ministerial direction | Comment |
|------|---|--|
| 5.4 | Commercial and Retail Development along the Pacific Highway, North Coast | Not applicable |
| 5.8 | Second Sydney Airport, Badgerys Creek | Not applicable |
| 5.9 | North West Rail Link Corridor Strategy | Not applicable |
| 5.10 | Implementation of Regional Plans | Consistent. As addressed above. |
| 6.1 | Approval and Referral Requirements | Consistent. This planning proposal does not include any concurrence, consultation or referral provisions nor does it identify any development as designated development. |
| 6.2 | Reserving Land for Public Purposes | Consistent. This planning proposal will not affect any land reserved for public purposes. |
| 6.3 | Site Specific Provisions | Consistent. This planning proposal does not introduce unnecessarily restrictive site specific controls. |
| 7.1 | Implementation of A Plan for Growing Sydney | Consistent. This planning proposal is consistent with this direction and does not hinder implementation of A Plan for Growing Sydney or the Greater Sydney Region Plan |
| 7.2 | Implementation of Greater Macarthur Land Release Investigation | Not applicable |
| 7.3 | Parramatta Road Corridor Urban Transformation Strategy | Not applicable |
| 7.4 | Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan | Not applicable |
| 7.5 | Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | Not applicable |
| 7.6 | Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | Not applicable |

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The planning proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. It is unlikely that the proposed amendment to the heritage schedule of SLEP 2012 will result in development creating any environmental effects that cannot readily be controlled.

Q9. How has the planning proposal adequately addressed any social and economic effects?

Identification of this heritage item will facilitate retention of the building that may have significance to community. No changes to the zoning are proposed. The merit-based heritage provisions provide capacity for Council and any proponent to take into account these matters when development is proposed. Listing may activate further conservation incentives for listed buildings.

Section D: State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Yes. The proposed property to be identified as a heritage item is well located in relation to existing public transport infrastructure, utility services, roads and essential services.

Q11. What are the views of State and Commonwealth public authorities consulted in the gateway determination?

The Heritage Council of NSW will be consulted during the public exhibition. The identification of this heritage item, based on a comprehensive heritage assessment, is consistent with Heritage Council standards.

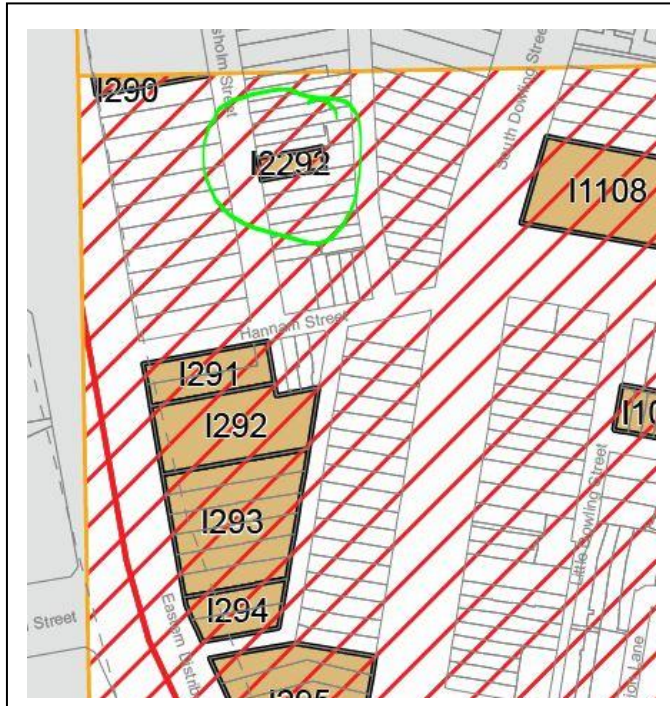
It is not considered necessary to consult with other public authorities as the planning proposal relates to the listing of a local heritage item that is privately owned.

Local heritage listing will identify heritage impacts as a consideration if public works are proposed for the identified sites, however will not constrain Crown development.

Part 4 – Mapping

The heritage map tiles HER_023 will be updated to shade in brown the location of the new heritage item. The heritage map extract at **Figure 2** shows the new heritage item.

Figure 2: 46 Chisholm Street, Darlinghurst, item 2292



Part 5 – Community consultation

Public Exhibition

The public authority consultation and exhibition process for the planning proposal will be subject to the conditions on the gateway determination issued by the Department of Planning and Industry. The consultation will take place in accordance with the gateway determination under section 3.34 of the Environmental Planning and Assessment Act 1979 and the relevant provisions of the Environmental Planning and Assessment Regulation 2000.

A 28-day public exhibition is recommended with notification:

- on the City of Sydney website;
- in newspapers that circulate widely in the City of Sydney Local Government Area; and
- in writing to the owner, the adjoining landowners, and the surrounding community in the immediate vicinity of the site.

Part 6 – Project timeline

The anticipated timeframe for the completion of the planning proposal is as follows:

Table 3 – Anticipated timeframe for planning proposal

| Action | Anticipated date |
|--|--------------------------|
| Commencement / gateway determination | October 2019 |
| Public exhibition & government agency consultation | November – December 2019 |
| Consideration of submissions | January – February 2020 |
| Post exhibition consideration of proposal | March 2020 |
| Proposal forwarded to DPIE to draft & finalise LEP | April 2020 |
| LEP made | June 2020 |

Appendices

1. Heritage Assessment
2. Draft Heritage Inventory Sheet