

	<p>considered the following in relation to the development, as if it were a residential flat building:</p> <p>(a) the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development, and (b) the design principles of the Residential Flat Design Code (published by the Department of Planning, September 2002).</p> <p>(3) Subclause (2) does not apply if the development is the subdivision of a building to which State Environmental Planning Policy No 66—Design Quality of Residential Flat Development has ever applied.</p>	<p>consent authority has considered the following in relation to the residential flat building:</p> <p>(a) the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development, and (b) the design principles of the Residential Flat Design Code (published by the Department of Planning, Infrastructure and natural Resources, September 2002).</p> <p>(Removed).</p>	Minor.
7.12 Residual lots	<p>7.12 Residual lots</p> <p>(2) This clause applies to land identified as being within the Lot and DP described in the Table to this clause at the time this Plan commenced.</p> <p>(3) Development consent must not be granted for development on land to which this clause applies, unless:</p> <p>(a) the lot is or has been consolidated with one or more adjoining lots to form a registered Torrens title lot, and</p> <p>(b) the size of any lot resulting from such consolidation is not less than the minimum size shown on the Lot Size Map in relation to the land.</p> <p>(Removed table: Land to which this clause applies 159A McCarrs Creek Road Church Point (Lot 17 DP 243387) 471A McCarrs Creek Road Church Point (Lot 1 DP 114168) 483 McCarrs Creek Road Church Point (Lot 102 DP 839311)</p>	<p>7.9 Residual lots</p> <p>(2) This clause applies to land at:</p> <p>(a) 159A McCarrs Creek Road, Church Point, being Lot 17, DP 243387, and</p> <p>(b) 171A McCarrs Creek Road, Church Point, being Lot 1, DP 114168, and</p> <p>(c) 183 McCarrs Creek Road, Church Point, being Lot 102 DP 839311.</p> <p>(3) Development consent must not be granted for development on land to which this clause applies, unless:</p> <p>(a) the lot is, or has been, consolidated with one or more adjoining lots to form a registered Torrens title lot, and</p> <p>(b) the size of any lot resulting from such consolidation is not less than the minimum size shown on the Lot Size Map in relation to that land.</p>	Minor. Minor. Minor. Minor.
Schedule 1 Additional permitted uses	<p>1 Use of certain land at 94 George Street, Avalon Beach</p> <p>(1) This clause applies to land at 94 George Street, Avalon Beach being Lot 254, DP 752046, identified as "Area 1" on the Additional Permitted Uses Map, and</p> <p>(2) Development for the purpose of boat building and repair facilities is permitted with consent.</p>	<p>1 Use of certain land at 94 George Street, Avalon Beach</p> <p>(1) This clause applies to land:</p> <p>(a) at 94 George Street, Avalon Beach, being Lot 254, DP 752046 and identified as "Area 1" on the Additional Permitted Uses Map, and</p> <p>(b) that is subject to PO 1963/97.</p> <p>(2) Development for the purpose of boat building and repair facilities is permitted with development consent.</p>	Minor.
	<p>2 Use of certain land at 1714 Pittwater Road, Bayview</p> <p>(1) This clause applies to land at 1714 Pittwater Road, Bayview being Lot 6A, DP 11186, Part Lot 1, DP 173780 and Part Lot 1, DP 1142750, identified as "Area 2" on the Additional Permitted Uses Map.</p> <p>(2) Development of the land in Zone IN4 Working Waterfront for the purpose of shops, office premises and restaurants or cafes is permitted with consent.</p> <p>3 Use of certain land at 82 Hudson Parade, Clareville</p> <p>(1) This clause applies to land at 82 Hudson Parade, Clareville being Lot 07, DP 7794, identified as "Area 3" on the Additional Permitted Uses Map, and any other area subject to PO 1966/156.</p> <p>(2) Development for the purpose of boat building and repair facilities is permitted with consent.</p> <p>4 Use of certain land at 49A Wesley Street, Elanora Heights</p> <p>(1) This clause applies to land at 49A Wesley Street, Elanora Heights being</p>	<p>2 Use of certain land at 1714 Pittwater Road, Bayview</p> <p>(1) This clause applies to land at 1714 Pittwater Road, Bayview, being Lot 6A, and 8A, DP 11186, Part Lot 1, DP 173780 and Part Lot 1, DP 1142750 and identified as "Area 2" on the Additional Permitted Uses Map.</p> <p>(2) Development of the land for the purposes of office premises, restaurants or cafes or shops is permitted with development consent.</p> <p>3 Use of certain land at 82 Hudson Parade, Clareville</p> <p>(1) This clause applies to land:</p> <p>(a) at 82 Hudson Parade, Clareville, being Lot 67, DP 7794 and identified as "Area 3" on the Additional Permitted Uses Map, and</p> <p>(b) that is subject to PO 1966/156.</p> <p>(2) Development for the purpose of boat building and repair facilities is permitted with development consent.</p> <p>4 Use of certain land at 49A Wesley Street, Elanora Heights</p> <p>(1) This clause applies to land at 49A Wesley Street, Elanora Heights</p>	Minor. Minor. Minor.
			Minor.

<p>Lot 3, DP 1163889, identified as "Area 4" on the Additional Permitted Uses Map.</p> <p>(2) Development for the following purposes is permitted with consent:</p> <p>(a) Recreation areas, but only if the consent authority is satisfied that:</p> <p>i. the activities proposed will only have a minimal environmental impact, and</p> <p>ii. the activities proposed are ancillary to and associated with the adjacent Elanora Conference Centre.</p> <p>(b) Places of public worship, but only if the consent authority is satisfied that:</p> <p>i. the use is completely outdoors and does not involve the construction of a building, and</p> <p>ii. the activities proposed will only have a minimal environmental impact, and</p> <p>(c) the activities proposed are ancillary to and associated with the adjacent Elanora Conference Centre.</p>	<p>being Lot 3, DP 1163889 and identified as "Area 4" on the Additional Permitted Uses Map.</p> <p>(2) Development for the following purposes is permitted with development consent:</p> <p>(a) recreation areas, but only if the consent authority is satisfied that:</p> <p>(i) the activities proposed will only have a minimal environmental impact, and</p> <p>(ii) the activities proposed are ancillary to and associated with the adjacent Elanora Conference Centre.</p> <p>(b) places of public worship, but only if the consent authority is satisfied that:</p> <p>(i) the use is completely outdoors and does not involve the construction of a building, and</p> <p>(ii) the activities proposed will only have a minimal environmental impact, and</p> <p>(c) the activities proposed are ancillary to and associated with the adjacent Elanora Conference Centre.</p>	<p>Minor.</p>
<p>5 Use of certain land at 14 Warringulla Avenue, Elvina Bay</p> <p>(1) This clause applies to land at:</p> <p>(a) at 14 Warringulla Avenue, Elvina Bay, being Lot 1, DP 1023404 and any other area subject to PO 1963/227.</p> <p>(2) Development for the purpose of boat building and repair facilities is permitted with consent.</p>	<p>5 Use of certain land at 14 Warringulla Avenue, Elvina Bay</p> <p>(1) This clause applies to land:</p> <p>(a) at 14 Warringulla Avenue, Elvina Bay, being Lot 1, DP 1023404 and identified as "Area 5" on the Additional Permitted Uses Map, and</p> <p>(b) that is subject to PO 1963/227.</p> <p>(2) Development for the purposes of boat building and repair facilities is permitted with development consent.</p>	<p>Minor.</p>
<p>6 Use of certain land at 30 Ingleside Road, Ingleside</p> <p>(1) This clause applies to land at 30 Ingleside Road, Ingleside, being Lot B, DP 366659, identified as "Area 6" on the Additional Permitted Uses Map.</p> <p>(2) Development for the purpose of eco-tourist facilities is permitted with consent.</p>	<p>6 Use of certain land at 30 Ingleside Road, Ingleside</p> <p>(1) This clause applies to land at 30 Ingleside Road, Ingleside, being Lot B, DP 366659 and identified as "Area 6" on the Additional Permitted Uses Map.</p> <p>(2) Development for the purposes of eco-tourist facilities is permitted with development consent.</p>	<p>Minor.</p>
<p>7 Use of certain land at 6 Portions, Lovett Bay</p> <p>(1) This clause applies to land at 6 Portions, Lovett Bay, being Lot 6, DP 545717, identified as "Area 7" on the Additional Permitted Uses Map and any other area subject to PO 1964/165.</p> <p>(2) Development for the purpose of boat building and repair facilities is permitted with consent.</p>	<p>7 Use of certain land at 6 Portions, Lovett Bay</p> <p>(1) This clause applies to land:</p> <p>(a) at 6 Portions, Lovett Bay, being Lot 6, DP 545717 and identified as "Area 7" on the Additional Permitted Uses Map, and</p> <p>(b) that is subject to PO 1964/165.</p> <p>(2) Development for the purposes of boat building and repair facilities is permitted with development consent.</p>	<p>Minor.</p>
<p>8 Use of certain land at 9 The Esplanade, Mona Vale</p> <p>(1) This clause applies to land at 9 The Esplanade, Mona Vale, being Lot 10 DP 730056, identified as "Area 8" on the Additional Permitted Uses Map.</p> <p>(2) Development for the purpose of a marina is permitted with consent.</p>	<p>9 Use of certain land at 9 The Esplanade, Mona Vale</p> <p>(1) This clause applies to land at The 9 Esplanade, Mona Vale, being Lot 10, DP 730056 and identified as "Area 8" on the Additional Permitted Uses Map.</p> <p>(2) Development for the purpose of a marina is permitted with development consent.</p>	<p>Minor.</p>
<p>9 Use of certain land at 80-82 and 84 Mona Vale Road, Mona Vale and 22 Jubilee Avenue, Warriewood</p> <p>(1) This clause applies to land at 80-82 and 84 Mona Vale Road, Mona Vale, being Lot 26 DP 654262 and Lot 120 DP 135512, and 22 Jubilee Avenue, Warriewood being Lot 27, DP 5055, identified as "Area 9" on the Additional Permitted Uses Map.</p> <p>(2) Development for the purpose of a registered club is permitted with consent.</p>	<p>11 Use of certain land at 80-82 and 84 Mona Vale Road, Mona Vale and 22 Jubilee Avenue, Warriewood</p> <p>(1) This clause applies to the following land identified as "Area 9" on the Additional Permitted Uses Map:</p> <p>(a) 80-82 Mona Vale Road, Mona Vale, being Lot 26, DP 654262,</p> <p>(b) 84 Mona Vale Road, Mona Vale, being Lot 120, DP 135512,</p> <p>(c) 22 Jubilee Avenue, Warriewood, being Lot 27, DP 5055.</p> <p>(2) Development for the purpose of a registered club is permitted with development consent.</p>	<p>Minor.</p>
<p>10 Use of certain land at 2 Mona Street, Mona Vale</p> <p>(1) This clause applies to land identified as "Area 10" on the Additional Permitted Uses Map.</p> <p>(2) Development for the purpose of community facilities; depots; and emergency services facilities is permitted with consent.</p>	<p>10 Use of certain land at 2 Mona Street, Mona Vale</p> <p>(1) This clause applies to land at 2 Mona Street, Mona Vale, and identified as "Area 10" on the Additional Permitted Uses Map.</p> <p>(2) Development for purposes of community facilities, depots and emergency services facilities is permitted with development consent.</p>	<p>Minor.</p>

	<p>44 Use of certain land zoned IN2 Light Industrial in Mona Vale (1) This clause applies to land identified as "Area 11" on the Additional Permitted Uses Map. (2) Development for the purposes of shops, being specifically for the sale, hire or storage of goods associated with the use of, or used in the construction, repair and maintenance of water craft, used or capable of being used as a means of transportation on water, are permitted with consent.</p> <p>12 Use of certain land at Kitchener Park, Pittwater Road, Mona Vale identified as "Area 12" on the Additional Permitted Uses Map. (2) Development for the purpose of a shop is permitted with consent, where it is associated with a skate park facility and where the gross floor area does not exceed 200 square metres.</p> <p>13 Use of certain land at 24 and 38 Barrenjoey Road, Mona Vale and 1509 Pittwater Road, North Narrabeen (1) This clause applies to land at 24 Barrenjoey Road, Mona Vale being Lot 11 DP 619503 and 38 Barrenjoey Road Mona Vale, being Lot 7 DP 29305 and 1509 Pittwater Road North Narrabeen, being Lot 567 DP 813147. (2) Development for purposes of service stations is permitted with consent.</p>	<p>13 Use of certain land zoned IN2 Light Industrial in Mona Vale (1) This clause applies to land identified as "Area 11" on the Additional Permitted Uses Map. (2) Development for purpose of a shop, being specifically for the sale, hire or storage of goods associated with the use of, or used in the constructions, repair and maintenance of water craft, used or capable of being used as a means of transportation on water is permitted with development consent.</p> <p>12 Use of certain land at Kitchener Park, Pittwater Road, Mona Vale identified as "Area 12" on the Additional Permitted Uses Map. (2) Development for purposes of shops is permitted with development consent if the shops are associated with a skate park facility and if the total gross floor area of all shops does not exceed 200 square metres.</p> <p>8 Use of certain land at 24 and 38 Barrenjoey Road, Mona Vale and 1509 Pittwater Road, North Narrabeen (1) This clause applies to the following land identified as "Area 13" on the Additional Permitted Uses Map (a) 24 Barrenjoey Road, Mona Vale, being Lot 11, DP 619503, (b) 38 Barrenjoey Road, Mona Vale, being Lot 7, DP 29305, (c) 1509 Pittwater Road, North Narrabeen, being Lot 567, DP 813147. (2) Development for the [sic] purpose of a service station is permitted with development consent on each lot.</p>	<p>Minor.</p> <p>Minor.</p> <p>Minor.</p> <p>Sentence structure error. Pitwater LEP 2014 will be amended to rectify this.</p> <p>Minor.</p> <p>Minor.</p> <p>Minor.</p> <p>Minor.</p> <p>Minor.</p>
	<p>44 Use of certain land zoned B2 Local Centre in Newport (1) This clause applies to land in Newport, identified as "Area 14" on the Additional Permitted Uses Map. (2) Development for the purpose of attached dwellings, multi dwelling housing, residential flat buildings, semi-detached dwellings and seniors housing, are permitted with consent.</p> <p>14 Use of certain land at 122 and 124 Crescent Road, Newport (1) This clause applies to land at 122 and 124 Crescent Road, Newport, being Lots 111 and 112, DP 556902 identified as "Area 15" on the Additional Permitted Uses Map. (2) Development for the purpose of a boat building and repair facility, charter and tourism boating facility and marina is permitted with consent.</p> <p>15 Use of certain land at 4 and 6 Crystal Street, and 7 Mitala Street, Newport (1) This clause applies to land at 4 and 6 Crystal Street, Newport, being Lot 331 DP 532276, Lot 1 and Lot 2 DP 1004425, and Lot B DP 401973 and 7 Mitala Street, Newport, being Lot 332 DP 532276, identified as "Area 16" on the Additional Permitted Uses Map. (2) Development for the purpose of a marina is permitted with consent.</p>	<p>16 Use of certain land in Zone B2 Local Centre in Newport (1) This clause applies to land in Newport, identified as "Area 14" on the Additional Permitted Uses Map. (2) Development for the purposes of attached dwellings, multi dwelling housing, residential flat buildings, semi-detached dwellings or seniors housing is permitted with development consent.</p> <p>14 Use of certain land at 122 and 124 Crescent Road, Newport (1) This clause applies to land at 122 and 124 Crescent Road, Newport, being Lots 111 and 112, DP 556902 and identified as "Area 15" on the Additional Permitted Uses Map. (2) Development for the purposes of a boat building and repair facility, a charter and tourism boating facility and a marina is permitted with development consent.</p> <p>15 Use of certain land at 4 and 6 Crystal Street, and 7 Mitala Street, Newport (1) This clause applies to the following land identified as "Area 16" on the Additional Permitted Uses Map: (a) 4 and 6 Crystal Street, Newport, being Lot 331, DP 532276, Lots 1 and 2, DP 1004425 and Lot B, DP 401973, (b) 7 Mitala Street, Newport, being Lot 332, DP 532276. (2) Development for the purpose of a marina is permitted with development consent.</p>	<p>Minor.</p> <p>Minor.</p> <p>Minor.</p> <p>Minor.</p> <p>Minor.</p> <p>Minor.</p>
	<p>17 Use of certain land at 1017 Barrenjoey Road, Palm Beach (1) This clause applies to land at 1017 Barrenjoey Road, Palm Beach, area subject to PO 1963/130. (2) Development for the purpose of boat building and repair facilities and business premises (but only those associated with use of the waterway), are permitted with consent.</p>	<p>17 Use of certain land at 1017 Barrenjoey Road, Palm Beach (1) This clause applies to land at 1017 Barrenjoey Road, Palm Beach and identified as "Area 17" on the Additional Permitted Uses Map, and (b) that is subject to PO 1963/130. (2) Development for the purposes of boat building and repair facilities or business premises (but only those associated with use of the waterway), is permitted with development consent.</p>	<p>Minor.</p>

	<p>18 Use of certain land at 1151 Barrerjoey Road, Palm Beach</p> <p>(1) This clause applies to land at 1151 Barrerjoey Road, Palm Beach being identified as "Area 18" on the Additional Permitted Uses Map, and any other area subject to PO 1957/170.</p> <p>(2) Development for the purpose of boat building and repair facilities is permitted with consent.</p>	<p>18 Use of certain land at 1151 Barrerjoey Road, Palm Beach</p> <p>(1) This clause applies to land at 1151 Barrerjoey Road, Palm Beach, being Lot 10A, DP 13374 and identified as "Area 18" on the Additional Permitted Uses Map, and</p> <p>(b) that is subject to PO 1957/170.</p> <p>(2) Development for the purpose of boat building and repair facilities is permitted with development consent.</p>	Minor.
	<p>19 Use of certain land at 1191 Barrerjoey Road, Palm Beach</p> <p>(1) This clause applies to land at 1191 Barrerjoey Road, Palm Beach being Lot 298, DP 721572 and identified as "Area 19" on the Additional Permitted Uses Map, and any other area subject to Special Lease 1963/86.</p> <p>(2) Development for the purposes of business premises (but only those associated with use of the waterway), charter and tourism boating facilities, kiosks, and restaurants or cafes, are permitted with consent.</p>	<p>19 Use of certain land at 1191 Barrerjoey Road, Palm Beach</p> <p>(1) This clause applies to land at 1191 Barrerjoey Road, Palm Beach, being Lot 298, DP 721572 and identified as "Area 19" on the Additional Permitted Uses Map, and (b) that is subject to Special Lease 1963/86.</p> <p>(2) Development for the purposes of business premises (but only those associated with use of the waterway), charter and tourism boating facilities, kiosks or restaurants or cafes is permitted with development consent.</p>	Minor.
	<p>20 Use of certain land at 23B Macpherson Street, Warriewood</p> <p>(1) This clause applies to land at 23B Macpherson Street, Warriewood being Lot 11, Section C, DP 5464, identified as "Area 20" on the Additional Permitted Uses Map.</p> <p>(2) Development for the purpose of restaurants or cafes is permitted with consent.</p> <p>(3) Development for the purpose of neighbourhood shops is permitted with consent, where the gross floor area of any development on the site does not exceed 2222 square metres and where the gross floor area of any individual neighbourhood shop does not exceed 800 square metres.</p>	<p>20 Use of certain land at 23B Macpherson Street, Warriewood</p> <p>(1) This clause applies to land at 23B Macpherson Street, Warriewood, being Lot 11, Section C, DP 5464 and identified as "Area 20" on the Additional Permitted Uses Map.</p> <p>(2) Development for purposes of restaurants or cafes is permitted with development consent.</p> <p>(3) Development for purposes of neighbourhood shops is permitted with development consent if the gross floor area of any development on the site does not exceed 2,222 m² and if the gross floor area of any individual neighbourhood shop does not exceed 800 m².</p>	<p>Minor.</p> <p>Spelling error, Pitwater LEP 2014 will be amended to rectify this.</p>
	<p>21 Use of certain land at 4 Vuiko Place, Warriewood</p> <p>(1) This clause applies to land at 4 Vuiko Place, Warriewood being Lot 2, DP 737137, identified as "Area 21" on the Additional Permitted Uses Map.</p> <p>(2) Development for the purpose of entertainment facilities is permitted with consent.</p>	<p>21 Use of certain land at 4 Vuiko Place, Warriewood</p> <p>(1) This clause applies to land at 4 Vuiko Place, Warriewood, being Lot 2, DP 737137 and identified as "Area 21" on the Additional Permitted Uses Map.</p> <p>(2) Development for the purpose of entertainment facilities is permitted with development consent.</p>	Minor.
	<p>22 Use of certain land in Zone RE1 Public Recreation</p> <p>(1) This clause applies to land identified as "Area 22" on the Additional Permitted Uses Map.</p> <p>(2) Development for the purpose of registered clubs is permitted with consent.</p>	<p>22 Use of certain land in Zone RE1 Public Recreation</p> <p>(1) This clause applies to land identified as "Area 22" on the Additional Permitted Uses Map.</p> <p>(2) Development for the purposes of registered clubs is permitted with development consent.</p>	Minor.
	<p>23 Use of certain land in the W1 Natural Waterways Zone</p> <p>(1) This clause applies to land identified as "Area 23" on the Additional Permitted Uses Map.</p> <p>(2) Development for the purposes of boat sheds, jetties and water recreation structures is permitted with consent.</p>	<p>23 Use of certain land in Zone W1 Natural Waterways Zone</p> <p>(1) This clause applies to land identified as "Area 23" on the Additional Permitted Uses Map.</p> <p>(2) Development for the purposes of boat sheds, jetties or water recreation structures is permitted with development consent.</p>	Minor.
Schedule 2 Exempt development	<p>(All signage-related development).</p> <p>Temporary-use-of-the-footpath-and-public-road-for-community-and/or commercial purposes</p> <p>Mobility food vending vehicles (food trucks)</p> <p>Use-of-footpath-or-community-land-by-food-and-drink-premises</p> <p>Public-art-in-community-land-and/or-footpaths</p> <p>Outdoor areas of community land used for community-and/or commercial purposes</p> <p>Must be authorised under Division 2 of Part 2 of Chapter 6 of the Local Government Act 1993.</p>	<p>(Removed).</p> <p>(Removed).</p> <p>(Removed).</p> <p>(Removed).</p> <p>(Removed).</p> <p>Outdoor areas of community land used for commercial purposes Must be authorised under Division 2 of Part 2 of Chapter 6 of the Local Government Act 1993.</p>	<p>Covered in Exempt and Complying SEPP.</p> <p>Minor.</p>

<p>Short term holiday rental accommodation</p> <p>(a) Used for a period of less than three months by any individual or group.</p> <p>(b) In this Schedule <i>short term holiday rental accommodation</i> means an existing dwelling that is used for temporary or short term accommodation on a commercial basis, excluding, but not limited to, the following land uses:</p> <p>(a) backpacker's accommodation,</p> <p>(b) bed and breakfast accommodation,</p> <p>(c) farm stay accommodation,</p> <p>(d) hotel or motel accommodation,</p> <p>(e) serviced apartments,</p> <p>(f) function centres,</p> <p>(g) entertainment facilities, and</p> <p>(h) commercial premises.</p>	<p>Short-term holiday rental accommodation</p> <p>Must be used for a period of less than 3 months by any individual or group.</p>	<p>Minor. The following definition of 'short-term holiday rental accommodation' has been added to the Standard Instrument:</p> <p><i>short term holiday rental accommodation</i> means an existing dwelling that is used for temporary or short term accommodation on a commercial basis excluding the following land uses:</p> <p>(a) backpackers' accommodation,</p> <p>(b) bed and breakfast accommodation,</p> <p>(c) commercial premises,</p> <p>(d) entertainment facilities,</p> <p>(e) farm stay accommodation,</p> <p>(f) function centres,</p> <p>(g) hotel or motel accommodation,</p> <p>(h) serviced apartments.</p>
<p>Existing lawful jetties, water recreation structures and wharf or boating facilities – Minor alterations</p> <p>The following works to existing lawful jetties, water recreation structures and wharf or boating facilities, if the works are not carried out on or in a heritage item or a draft heritage item, and where the works comply with the standards specified in this Schedule:</p> <p>(1) the repair or replacement of the following:</p> <p>(i) decking on a boardwalk, gangway, ramp, jetty, landing or landing steps, pontoon, stairs, steps, skids or wharf,</p> <p>(ii) a handrail or ladder,</p> <p>(iii) the rails of a slipway,</p> <p>(iv) a winch,</p> <p>(v) non-load bearing members,</p> <p>(2) the installation of emergency items such as lifebuoys and any associated signage,</p> <p>(3) painting or other similarly applied surface treatment that is intended to protect a structure from corrosion or weathering,</p> <p>(4) demolition of a structure.</p> <p>The standards specified for the above development are that the development:</p> <p>(a) in the case of development for the repair or replacement of non-load bearing members:</p> <p>(i) must use members of like dimension to the members being repaired or replaced, and</p> <p>(ii) must not modify the footprint for the structure concerned, and</p> <p>(iii) must use materials that are equivalent to or better than the quality of the materials being repaired or replaced, and</p> <p>(b) in the case of demolition, must be carried out in accordance with AS 2601—2001, <i>The Demolition of structures</i>, and</p> <p>(c) must not reduce the amount of light penetration to any water below, and</p> <p>(d) must not increase the footprint of any building or structure or change its classification under the <i>Building Code of Australia</i>, and</p> <p>(e) must not involve disturbance of or injury to any waterway or any seagrass, and</p> <p>(f) must not include a change to the fire resisting components of, or interfere with the entry to or exit from, or the fire safety measures contained within, any building, and</p> <p>(g) must be consistent with the terms of any applicable development consent.</p>	<p>Minor alterations to existing lawful jetties, water recreation structures and wharf or boating facilities</p> <p>(1) The following works to existing lawful jetties, water recreation structures and wharf or boating facilities, if the works are not carried out on or in a heritage item or a draft heritage item, and if the works comply with the standards specified in this clause:</p> <p>(a) the repair or replacement of the following:</p> <p>(i) decking on a boardwalk, gangway, ramp, jetty, landing or landing steps, pontoon, stairs, steps, skids or wharf,</p> <p>(ii) a handrail or ladder,</p> <p>(iii) the rails of a slipway,</p> <p>(iv) a winch,</p> <p>(v) non-load bearing members,</p> <p>(2) the installation of emergency items such as lifebuoys and any associated signage,</p> <p>(3) painting or other similarly applied surface treatment that is intended to protect a structure from corrosion or weathering,</p> <p>(4) demolition of a structure.</p> <p>(2) The standards specified for that development are that the development:</p> <p>(a) in the case of development for the repair or replacement of non-load bearing members:</p> <p>(i) must use members of like dimension to the members being repaired or replaced, and</p> <p>(ii) must not modify the footprint for the structure concerned, and</p> <p>(iii) must use materials that are equivalent to or better than the quality of the materials being repaired or replaced, and</p> <p>(b) in the case of demolition, must be carried out in accordance with AS 2601—2001, <i>The Demolition of structures</i>, and</p> <p>(c) must not reduce the amount of light penetration to any water below, and</p> <p>(d) must not increase the footprint of any building or structure or change its classification under the <i>Building Code of Australia</i>, and</p> <p>(e) must not involve disturbance of or injury to any waterway or any seagrass, and</p> <p>(f) must not include a change to the fire resisting components of, or interfere with the entry to or exit from, or the fire safety measures contained within, any building, and</p> <p>(g) must be consistent with the terms of any applicable development consent.</p>	<p>Minor.</p>

Schedule 5 Environmental heritage	<p>(b) if an approval is required under the Fisheries Management Act 1994, must be approved under that Act; and</p> <p>(c) if an approval is required under the Protection of the Environment Operations Act 1997, be approved under that Act</p>	<p>Note. Despite the above development being exempt development, any requirement for an approval, licence, permit or authority under the Fisheries Management Act 1994 or the Protection of the Environment Operations Act 1997 in relation to the above development is still required.</p> <p>(Formatting, grammatical and ordering changes).</p>	
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Further letter sent to the DP&E requesting a comprehensive list of all the changes made to the Pittwater LEP 2014 and justification for such changes

11 June, 2014

Acting Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Director, Metropolitan Delivery Branch

Dear Ms McNally

Pittwater Local Environmental Plan 2014

I refer to your letter of 29 May 2014 advising *Pittwater Local Environmental Plan 2014* (LEP) has been made under section 59(2) of the *Environmental Planning and Assessment Act, 1979*.

While the finalisation of the LEP is welcomed it is noted that the Department of Planning and Environment (DP&E) made changes to the final version of the LEP submitted by Council in December 2013. Whilst a small number of the changes made have been identified a comprehensive list of all amendments made and justification for such amendments has not been provided.

We require the amendment information and justification for integrity, probity and transparency purposes, version control/tracking and to accurately advise elected representatives and the general community of the State implemented changes made to the adopted LEP. Further, the information is required to ensure all data held by Council in relation to the LEP 2014 is accurate. This is imperative as the provision of inaccurate information from Council's ePlanning portal or 149 certificates has potential severe legal and financial implications.

Further frustration was experienced by Council in obtaining the amended mapping, PDF and GIS data files, as published on the NSW legislation website. The mapping is essential to finalise the implementation of the Pittwater LEP 2014 into Council's internal systems, however the incorrect maps were furnished. Fortunately this has now been rectified.

Council is trying to manage a smooth implementation of the Pittwater LEP 2014 and is being frustrated by inaccurate and inconsistent advice being provided by the DP&E.

In moving forward it is imperative that the information sought is provided in a timely manner, particularly advice and justification on all changes including the following amendments:

- Clause 4.3 Height of buildings –removal of the height control for secondary dwellings, rural worker's dwellings and the second dwelling within a dual occupancy (detached)
- Clause 5.1A Development on land intended to be acquired for public purposes – removal of 'structures associated with vehicular and pedestrian access including garages, carports, stairs, paths, inclinator and the like';
- Clause 7.8 Limited development on foreshore area – addition of 'the extension, alteration' in (2)(a), replacing 'topography, site characteristics' with levels, depth' in (2)(a), replacing 'inground swimming pools at natural ground level' with 'swimming pools' in (2)(b);

- Clause 7.10 (7.12) Location of sex service premises – removing ‘E4 Environmental Living’ and adding ‘R1 General Residential’ (Pittwater does not have any land zoned R1);
- Land use table – the removal of some land uses from zones;
- Changes to the Lot Size Map which remove recognition of spilt zonings across certain properties– Changes involved the removal of the split categorisation and replacement with one category across the entire property.

We look forward to the provision of the requested information at your earliest opportunity.

Yours sincerely

Steve Evans

DIRECTOR – ENVIRONMENTAL PLANNING & COMMUNITY

C12.3 Pittwater Community Based Heritage Study Review

Meeting: Sustainable Towns and Villages Committee

Date: 21 July 2014

STRATEGY: Land Use & Development

ACTION: Undertake a Community Based Heritage Study and Implement recommendations from the Community Based Heritage Study

PURPOSE OF REPORT

The purpose of this report is:

- To present to Council the draft Pittwater Community Based Heritage Study Review (2014)
- To seek Council's endorsement to publicly exhibit the draft Pittwater Community Based Heritage Study Review (2014) (refer **Tabled Document**).

1.0 BACKGROUND

1.1 On 20 February 2012, Council was informed that Pittwater had been successful in its application for funding from the NSW Heritage Branch (under the Office of Environment & Heritage) who had called for expressions of interest for funding grants to undertake a 'Community Based Heritage Study'.

1.2 Subject to compliance with standard conditions and timeframes, Council received confirmation that a grant of up to \$50,000 had been approved to assist Council in undertaking a Pittwater Community Based Heritage Study Review.

1.3 The guide for undertaking a Community Based Heritage Study – *Community-based heritage studies: A guide* (2013) – prepared by the NSW Heritage Branch states that a Heritage Study investigates the history of a local government area – it identifies and assesses items and places of local heritage significance that demonstrate this history. A Heritage Study explains why the items or places are significant and recommends ways to manage and conserve such significance.

A Community Based Heritage Study is undertaken utilising a community-based approach. It gives the community the opportunity to make a valuable contribution to a Heritage Study, with appropriate guidance from a Heritage Consultant.

1.4 The Pittwater Local Environment Plan (LEP) 2014 currently lists 130 individual items of local heritage significance and six heritage conservation areas within the Pittwater Local Government Area (LGA).

1.5 The items currently listed in Schedule 5 of the Pittwater LEP 2014 have been drawn from existing Heritage Studies that collectively apply to the Pittwater Local Government Area (LGA). These are:

- *Barrenjoey Peninsula and Pittwater Heritage Study*, Volumes 1-4, McDonald McPhee Pty Ltd and Craig Burton, January 1989,
- *Ingleside/Warriewood Urban Release Area Heritage Study*, Tropman & Tropman Architects, July 1993, and

- *Warringah Heritage Study*, Hughes Trueman Ludlow, April 1994. This study applies to that part of Pittwater generally south of Mona Vale Road, being that area not included in the Barrenjoey Peninsula and Pittwater Heritage Study.

The Pittwater Community Based Heritage Review incorporates a review of these studies and will provide an updated and contemporary Heritage Study for Pittwater.

1.6 On 20 February 2012, Council resolved:

1. *That the information provided in the report be noted.*
2. *That Council engage a suitably qualified consultant to undertake the Community Based Heritage Study review.*
3. *That a 'Heritage Study Working Group' be established through a process of expressions of interest, with a selection panel to determine the composition of the Group.*
4. *That Cr White be nominated to be a member of the 'Heritage Study Working Group' and this Councillor participate in the selection of community participants in the Group.*
5. *That the community be invited to nominate items of heritage significance for consideration by the heritage consultant and the 'Heritage Study Working Group' during the review process.*
6. *That the draft heritage study and progress reports be submitted to the NSW Heritage Branch as required by the conditions of the funding grant (by 15 May 2012 and 15 May 2013).*
7. *That the draft heritage study prepared during the review process be reported back to Council prior to public exhibition.*

2.0 ISSUES

2.1 Consultant commissioned to undertake the Pittwater Community Based Heritage Study Review

2.1.1 On 2 March 2012, Council engaged City Plan Heritage to undertake the Pittwater Community Based Heritage Study Review, with Musecape as a sub-consultant on landscape issues.

2.1.2 The role of City Plan Heritage was as follows:

- Review and update Pittwater's existing Heritage Studies, including the thematic local history as necessary
- Complete the relevant steps set out in *Community-based heritage studies: A guide* (NSW Heritage Branch 2013)
- Work with a Heritage Study Working Group
- Consult with the community regarding potential new heritage items and the significance and relevance of current items
- Review submissions received regarding potential new heritage items and the significance and relevance of current items
- Review submissions received during the public exhibition of the draft Pittwater Community Based Heritage Study Review and make further recommendations or amendments based on the community response
- Deliver a consolidated Heritage Study for Pittwater, including an assessment of any recommended items and an update of the significance and relevance of current items

2.2 The Heritage Study Working Group

2.2.1 In February 2012, expressions of interest were sought for the Heritage Study Working Group (the Working Group). The Working Group comprised:

- The Heritage Consultant and Landscape Heritage Consultant
- One councillor
- Three members of Pittwater Council's Strategic Planning Team
- One staff member from the library
- 13 volunteers from the community

2.2.2 The role of the Working Group was to undertake research, nominate and consider the local heritage significance of items and make recommendations for the future management and promotion of local heritage items.

2.2.3 The Working Group had a total of four meetings. At the first meeting, which was held on 29 March 2012, City Plan Heritage were introduced and the Working Group were invited to make nominations for potential heritage items. It was advised that nominations were also invited from the wider community.

The second meeting, which was held on 20 April 2012, involved discussion of the nominations received and arranging necessary site visits.

The third meeting, which was held on 17 May 2012, involved discussion around the assessment of the nominated items and the outcomes of the site visits. City Plan Heritage also outlined the list of potential recommended nominated items and invited questions and comments from the Working Group.

On 28 February 2013, the Working Group met for the fourth and final time. At this meeting, City Plan Heritage briefed the Working Group on the draft Pittwater Community Based Heritage Study Review, including the recommended nominated items.

2.3 Nominations for potential heritage items

2.3.1 On 15 March 2012, Council sent letters to all registered community groups in Pittwater inviting nominations for potential heritage items, including any information on local history or known heritage items. An advertisement was also placed in the Manly Daily on 17 March 2012 and a Council press release was issued on 19 March 2012.

2.3.2 The timeframe for nominations closed on 13 April 2012. Over 130 nominations were received from members of the Working Group, the community, community groups, and the Australian Institute of Architects.

2.4 Heritage Branch Funding

2.4.1 Council has received payment for the full grant (i.e. \$50,000) from the NSW Heritage Branch.

3.0 CONSULTATION WITH LAND OWNERS

3.1 Following the initial preparation of the draft Pittwater Community Based Heritage Study Review, including the list of recommended nominated items, as presented to the Working Group on 28 February 2013, land owners of the recommended nominated items were notified and invited to contribute additional information and comment on the potential heritage significance of the relevant item. Land owners were also offered the opportunity to meet with Council staff and City Plan Heritage.

3.2 Meetings were held on 8, 14 and 19 August 2013 with 27 land owners, with an additional six meetings being held on alternative days via phone conference. On 22 August 2013, a meeting was held with representatives from Pittwater Council to discuss the potential heritage significance of items in Council's ownership or care control and management.

3.3 A total of 32 written submissions were received:

- 31 were from land owners of recommended heritage items – six indicated their support, 20 indicated their objection and the remaining five raised particular matters/concerns but did not specifically state their support for or objection to the recommended listing.
- One was from the land owner of an existing heritage item. The submission suggests that the item does not meet the criteria for heritage listing but did not specifically state their support for or objection to the existing listing.

3.4 Following consultation with the land owners, City Plan Heritage considered all submissions received and any additional information provided, and updated and revised the recommendations as necessary. City Plan's response to all submissions received is at **Attachment 1**.

4.0 DRAFT PITTWATER COMMUNITY BASED HERITAGE STUDY REVIEW (2014)

4.1 The draft Pittwater Community Based Heritage Study Review (refer **Tabled Document**) makes a number of recommendations in relation to:

- Items of local heritage significance,
- The future management of heritage in Pittwater,
- The management of items not considered to be of local heritage significance, and
- Late nominations.

4.2 Items of local heritage significance

4.2.1 The draft Pittwater Community Based Heritage Study Review recommends amending the Pittwater LEP 2014 as follows:

- Include an additional 53 items of local heritage significance, including a new Heritage Conservation Area in Bilgola, to Schedule 5 (refer list of items at **Attachment 2**), and
- Update the list of existing items of local heritage significance in Schedule 5 of the Pittwater LEP 2014 in accordance with Table 1 below.

Item Address	Item Name / Listing No	Recommendation
Old Barrenjoey Road, No 32, Avalon Golf Club Lot 1, DP 511908	Golf Club House / 2270055	Merged into one listing for consolidation under SHI number 2270055.
Old Barrenjoey Road, No 32, Avalon Golf Club Lot 1, DP 511908	Former Kiosk / 2270012	Delete items 2270012 and 2270013 from the existing heritage items list.
Old Barrenjoey Road, No 32, Avalon Golf Club Lot 1, DP 511908	Green Keeper's House / 2270013	
Palm Road, No 6 Newport Bowling Club Lot 2, DP 1066239	Picnic Shelter Shed / 2270352	The Shelter Shed has been demolished. Delete from the existing heritage items list. A new listing has been recommended for Newport Bowling Club with the greens.
Maxwell Street, No 39 Lot 1, DP 595793	House / 2270023	The house was incorrectly heritage listed as a "stone cottage" when in actual fact the house is clad in faux sandstone concrete cladding. Consideration for delisting of the property was confirmed by Council's Heritage Advisor. Delete from the existing heritage items list.
Sturdee Lane, Elvina Bay Nos 29, 31 and 33A Sturdee Lane, Elvina Bay	Group of three cottages / 2270441	These cottages are already listed as individual heritage items (see items 2270442, 2270443 & 2270444) thus makes the group listing redundant. It is preferable to maintain the individual listings. Delete item 2270441 from the existing heritage items list.
Sunrise Hill Conservation Area	Conservation Area / 2270034	Reduction in the curtilage boundary of the area. Refer to the map of the SHI form
Mona Vale Road, No 107	Mona Vale (formerly Turimetta) Cemetery, including stone gateposts / 2270088 & 2270327	Consolidated under SHI No. 2270088. The listing includes two separate listing numbers (2270088 and 2270327). Delete 2270327 (number only) from the existing heritage items list.
Pittwater Road No. 1624 St John's Church and Grounds	Church and Gravestones / 2270019 & 2270168	Consolidated under SHI No. 2270168. The listing includes two separate listing numbers (2270019 and 2270168). Delete 2270019 (number only) from the existing heritage items list.
Barrenjoey Road near No 889	Bus Shelter / 2270077	Bus shelter was damaged to a degree that had to be removed. Therefore delete from the existing heritage items list.
Palmgrove Road, Nos 3-5, Avalon Beach Lots 341-345, DP 16902 (frontage also to Plateau Road)	House—"Stella James House" (also known as "Burley Griffin Lodge") / 2270103	Merged into 1 listing for consolidation under SHI number 2270124.
Palmgrove Road, Nos 3-5, Avalon Beach Lots 341-345, DP 16902 (frontage also to Plateau Road)	Reserve surrounding house known as "Stella James House" / 2270124	Delete item 2270103 from the existing heritage items list.

Table 1 – Recommended amendments to existing heritage items and Conservation Areas list under the Pittwater LEP 2014

4.2.2 Following public exhibition, should Council adopt the draft Pittwater Community Based Heritage Study Review, the statutory process for amending the Pittwater LEP 2014 will be commenced. This will involve preparing a Planning Proposal that proposes to add the new items of local heritage significance to Schedule 5 of the Pittwater LEP 2014; the Planning Proposal would then be sent to the Gateway for a Determination; and a statutory public exhibition period of the Planning Proposal would be undertaken.

4.3 ***Implications of heritage listing for private land owners***

4.3.1 *Proposed works to an item of local heritage significance*

4.3.2 If a Development Application (DA) is required for proposed works to an item of local heritage significance, heritage controls are triggered under the Pittwater LEP 2014 and the Pittwater 21 Development Control Plan (DCP), which require the consideration of heritage matters.

4.3.3 Under the Pittwater LEP 2014 (Clause 5.10(2)), a DA would be required for the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
 - (i) a heritage item
 - (ii) an Aboriginal object, and
 - (iii) a building, work, relic or tree within a heritage conservation area.
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item.
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed.
- (d) disturbing or excavating an Aboriginal place of heritage significance.
- (e) erecting a building on land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.
- (f) subdividing land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

4.3.4 If a DA is required, the consent authority may require a heritage management document to be prepared (e.g. a Heritage Impact Statement) that assesses the extent to which the proposed works would affect the heritage significance of the relevant item (Clause 5.10(5) of the Pittwater LEP 2014). The assessment of a DA involves the consideration of any relevant heritage management document and the Assessment Officer, in conjunction with Council's Heritage Advisor, makes a recommendation as to whether the proposed works will have an acceptable impact on the heritage significance the place.

- 4.3.5 In relation to proposed works to an item of local heritage significance, the following are available:
- Conservation incentives (Clause 5.10(10) of the Pittwater LEP 2014) which provides for ‘...development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by [the Pittwater LEP 2014], if the consent authority is satisfied that...’ the proposed development meets certain criteria, including that the ‘...proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance’.
 - Pre-lodgement advice from Council’s Heritage Advisor.
- 4.3.6 The NSW Heritage Branch publication Heritage listing explained (What it means for you) (refer **Attachment 3**) states that the framework for managing proposed works to items of local heritage significance is undertaken to keep heritage places authentic, alive and useful. Heritage places are not inflexibly bound by listing. Listing will not prevent any future proposed change to a heritage place. Listing permits sympathetic development of heritage places through the Development Assessment process. The process to gain approval ensures changes retain the significance of a heritage place.
- 4.3.7 Under the Pittwater LEP 2014, consent is not required if (Clause 5.10(3) of the Pittwater LEP 2014):
- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area.
 - (b) the development is in a cemetery or burial ground and the proposed development:
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance.
 - (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property.
 - (d) the development is exempt development.
- 4.3.8 Under the Pittwater LEP 2014, exempt development is listed in Schedule 2. Under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, exempt development may be undertaken to an item of local heritage significance unless expressly stated.
- 4.3.9 *Other factors relevant to an item of local heritage significance*

4.3.10 *Heritage listing explained (What it means for you)* (NSW Heritage Branch) suggests that for individuals, ‘...the benefits [of heritage listing] extend beyond the timeless character often found in heritage places’. Such benefits include higher resale values, which has been demonstrated in particular studies, and, if appropriately maintained, heritage items keep their appeal in the long-term and grow in rarity with age.

4.3.11 The publication also clarifies a number of myths commonly associated with local heritage listing, including:

- It does not alter ownership.
- Minor works, such as day-to-day repairs and maintenance, rarely need approval because they are likely to fulfil criteria for exempt development.
- There is no obligation to restore a listed place.
- It does not oblige owners to open their place to the public.
- No approval is needed to sell or lease a listed place.
- Owners can apply for heritage grants.

4.3.12 Heritage listing can reduce council rates and land tax when owners apply for a ‘heritage valuation’ from the NSW Valuer General’s Office. An existing heritage valuation will be shown in the ‘Notice of Valuation’ issued for council rating purposes.

4.3.13 For the wider Pittwater community, listing gives certainty that the heritage qualities of the area will be protected. By identifying our heritage places, listing gives the community (and owners) certainty about what is a heritage place and provides confidence that future changes to listed places and surrounds will be sympathetic.

4.4 The future management of heritage in Pittwater

4.4.1 The draft Community Based Heritage Study Review also makes a number of recommendations for the future management of heritage in Pittwater, including amending the current heritage controls (listed below) in the Pittwater 21 DCP:

- B1.1 Heritage Conservation – Items and areas listed in Pittwater Local Environmental Plan 1993
- B1.2 Heritage Conservation – Items in the vicinity of a heritage item, heritage conservation areas, archaeological sites or potential archaeological sites
- B1.3 Heritage Conservation – General

4.4.2 Following public exhibition, should Council adopt the draft Pittwater Community Based Heritage Study Review, the statutory process for amending the heritage controls, and Appendix 2 (Heritage Conservation), currently contained in the Pittwater 21 DCP, will be commenced.

4.5 Management of items not considered to be of local heritage significance

The draft Pittwater Community Based Heritage Study Review also makes a number of recommendations for the management of items not considered to be of local heritage significance. Such recommendations include:

- Add streets to Pittwater’s Most Scenic Streets Register
- Continue management under the relevant Plan of Management
- Prepare a register of all memorials and monuments
- Archival recording of certain items

4.6 **Late nominations**

A number of late nominations were received. The draft Pittwater Community Based Heritage Study Review recommends that the late nominations are kept confidential and an assessment of potential heritage significance be undertaken within 24 months of the adoption of the Pittwater Community Based Heritage Study Review.

5.0 **PUBLIC EXHIBITION**

5.1 A Community Engagement Strategy has been prepared for the Pittwater Community Based Heritage Study Review (refer **Attachment 4**). Community Engagement Strategy proposes that the draft Pittwater Community Based Heritage Study Review be placed on public exhibition for 28 days.

5.2 The following community engagement activities are proposed during the public exhibition:

- Write to all land owners of existing and recommended heritage items and properties within existing and recommended Heritage Conservation Areas
- Write to all persons who made a nomination
- Write to all members of the Working Group
- Write to all registered community groups and chambers of commerce
- Advertise in the Manly Daily
- Issue a media release
- Update the Pittwater website
- Make hard copies of relevant documentation available at customer service centres and libraries
- Heritage Consultant and Council staff available on two days, for pre-booked one-on-one, question and answer sessions with owners of nominated heritage items and existing heritage items.

6.0 **FORWARD PATH**

6.1 Following public exhibition, City Plan Heritage will consider all submissions and make any necessary amendments to the draft Pittwater Community Based Heritage Study Review.

6.2 The outcomes of the public exhibition and the final Pittwater Community Based Heritage Study Review will be reported back to Council for consideration.

6.3 Should Council adopt the draft Pittwater Community Based Heritage Study Review, the statutory process for amending the Pittwater LEP 2014 and heritage controls, and Appendix 2 (Heritage Conservation), in the Pittwater 21 DCP, will be commenced.

7.0 **SUSTAINABILITY ASSESSMENT**

7.1 **Supporting & Connecting our Community (Social)**

7.1.1 The Pittwater Community Based Heritage Study Review project provided the community the opportunity to be involved by becoming a member of the Working Group, which has significantly contributed to the preparation of the draft Pittwater Community Based Heritage Study Review. The review of the existing heritage studies has produced a contemporary view of heritage in Pittwater and allowed for the community to nominate items of heritage significance.

7.2 Valuing & Caring for our Natural Environment (Environmental)

7.2.1 The Pittwater Community Based Heritage Study Review project provides for both natural and built items of local heritage significance. Schedule 5 in the Pittwater LEP 2014 currently includes a number of natural items, largely consisting of significant trees.

7.3 Enhancing our Working & Learning (Economic)

7.3.1 The Pittwater Community Based Heritage Study Review project would have a neutral impact on employment and education within the LGA.

7.4 Leading an Effective & Collaborative Council (Governance)

7.4.1 The Pittwater Community Based Heritage Study Review project provided the community the opportunity to be involved by becoming a member of the Working Group, which has significantly contributed to the preparation of the draft Pittwater Community Based Heritage Study Review, and gave the broader community the opportunity to nominate items of potential local heritage significance. The draft Pittwater Community Based Heritage Study Review will also be publicly exhibited prior to being adopted by Council.

7.5 Integrating our Built Environment (Infrastructure)

7.5.1 The Pittwater Community Based Heritage Study Review project aims to improve the understanding and documentation of items of European heritage, including natural and built items of local heritage significance. An updated Heritage Study for Pittwater will provide for the protection of all items of local heritage significance.

8.0 EXECUTIVE SUMMARY

8.1 The NSW Heritage Branch (under the Office of Environment and Heritage) approved a funding grant of up to \$50,000 for Council to undertake a Pittwater Community Based Heritage Study Review.

8.2 The project commenced in early March 2012, and has been undertaken by Heritage Consultants, City Plan Heritage, who has worked with a Heritage Study Working Group (the Working Group) to prepare the draft Pittwater Community Based Heritage Study Review (refer **Tabled Document**).

8.3 Part of the process of preparing the draft Pittwater Community Based Heritage Study Review involved letters being sent to all registered community groups in Pittwater inviting nominations for potential heritage items, including any information on local history or known heritage items. An advertisement was also placed in the Manly Daily and a Council press release was issued.

8.4 Over 130 nominations were received from members of the Working Group, the community, community groups, and the Australian Institute of Architects.

8.5 A number of late nominations were received. The draft Pittwater Community Based Heritage Study Review recommends that the late nominations are kept confidential and an assessment of potential heritage significance be undertaken within 24 months of the adoption of the Pittwater Community Based Heritage Study Review.

- 8.6 Following the initial preparation of the draft Pittwater Community Based Heritage Study Review, including a list of recommended nominated items, land owners of the recommended nominated items were notified and invited to contribute additional information and comment on the potential heritage significance of the relevant item. Land owners were also offered the opportunity to meet with Council staff and City Plan Heritage.
- 8.7 Following consultation with the land owners, City Plan Heritage considered all submissions received and any additional information provided, and updated and revised the recommendations as necessary. City Plan's response to all submissions received is at **Attachment 1**.
- 8.8 The draft Pittwater Community Based Heritage Study Review (refer **Tabled Document**) makes a number of recommendations, including listing 53 new items of local heritage significance.
- 8.9 A Community Engagement Strategy has been prepared for the Pittwater Community Based Heritage Study Review (refer **Attachment 4**). The Community Engagement Strategy proposes that the draft Pittwater Community Based Heritage Study Review be placed on public exhibition for 28 days.
- 8.10 Following public exhibition, City Plan Heritage will consider all submissions and make any necessary amendments to the draft Pittwater Community Based Heritage Study Review.
- 8.11 The outcomes of the public exhibition and the final Pittwater Community Based Heritage Study Review will be reported back to Council for consideration.
- 8.12 Should Council adopt the draft Pittwater Community Based Heritage Study Review, the statutory process for amending the Pittwater LEP 2014 and heritage controls, and Appendix 2 (Heritage Conservation), in the Pittwater 21 DCP, will be commenced.

RECOMMENDATION

1. That the information provided in this report be noted.
2. That the draft Pittwater Community Based Heritage Study Review (2014) (refer **Tabled Document**) be placed on public exhibition for 28 days.
3. That a report on the outcome of the public exhibition be included in consideration of a future Planning Proposal and be reported to Council.
4. That the valuable contribution made by the volunteer members of the Heritage Study Working Group be acknowledged.

Report prepared by
Kelly Wilkinson, Executive Planner (Strategic)

Andrew Pigott
MANAGER, PLANNING & ASSESSMENT

Summary of submissions



Pittwater Community-based Heritage Study Review Consultation – Response to Submissions

No	Property Address	Date of Submission	Summary of issues	Response	Recommendation
SUPPORT SUBMISSIONS					
(Where parts of a submission are quoted they are indicated in italics)					
1	Newport Arms Hotel - 1 Kalinya Street, Newport	8505A.4RP	<ul style="list-style-type: none"> The owners generally support the identified historic and social significance; however, object for inclusion of the interiors in the heritage listing and request for removal of the statement <i>"the interiors of the hotel; however detailed assessment of the interiors should be undertaken at the time of any future major changes to ascertain their relative significance."</i> due to the numerous alterations and additions occurred over the past 130 years (particularly in the past 20 years). <i>The Newport Arms Hotel was rebuilt in the 1970's after a fire in 1967 extensively damaged the Hotel building.</i> The owner objects to heritage listing if it would have the effect of restricting or prohibiting future alterations, additions and the overall redevelopment of the site under the General Business "A" - 3(a) zoning which applies to the site under Pittwater LEP 1993 and the proposed B2 Local Centre zone under Draft Pittwater LEP 2013. <i>It is noted that the Pittwater Heritage Inventory Statement for the Newport Arms Hotel site confirms that since the 1880's when the Hotel was originally constructed and commenced operations, it was a common practice for "boat loads of day trippers" to frequent the Hotel from Pittwater and the Hawkesbury River. Indeed it is noted that in 1880 when the Newport Arms Hotel was built by Charles Edward Jeanneret and George Pile, they also built the adjacent wharf. Accordingly, this historic connection between the Newport Arms Hotel and boat access for patrons from Pittwater via a wharf provides further justification for the rezoning of the waterway area under Draft Pittwater LEP 2013 to apply a W2 zone (or alternatively Area 18) so that the construction of a new jetty and wharf facility for the Newport Arms Hotel will be able to occur in the future.</i> 	<p>Agreed and amendments to the SHI form made accordingly.</p> <p>Sympathetic works undertaken in accordance with relevant heritage controls would be acceptable.</p> <p>Recommendations have been made accordingly in the "Recommended Management" field of the State Heritage Inventory (SHI) form.</p>	<p>Retain on the potential heritage items list.</p>

No	Property Address	Date of Submission	Summary of issues	Response	Recommendation
2	43 Hilltop Road, Avalon Beach	Undated letter	<ul style="list-style-type: none"> The owner states that the cabin was built by a gentleman from California in the Great Lakes style. George Wainwright who is photographed at the cabin door with his sister-in-law in 1948 told the owners that his wife was the Californian gentleman's secretary at British Paints and that they had their honeymoon in his cabin. The owners believe it was built to accommodate holiday overflow from the main holiday house (possibly Moon Lodge on Hudson Parade). A neighbour told them that it was the second building in Hilltop Road and that she and her family lived there whilst their house was built. She was a small child at the time and she is now in her eighties. There are two versions of how it was built. One, it was built by a Newport timber getter named Tom and the timber was floated around from Newport. Two, it was built by axemen visiting for the Royal Easter Show. Originally it had a dirt floor, bark roof, and there was a large tree stump as a table inside. All these features have changed. The remaining features are the walls, the windows and fittings and the massive door and fittings. There is rumoured to be a cave entrance behind the cabin which is evidenced by stone works and visible backfill. Additional historical information and photos of the interior have been provided. 	<p>Amendments to the relevant fields of the SHI form have been made accordingly to incorporate the new information.</p> <p>Potential archaeological resource in relation to a cave behind the cabin is noted in the SHI form.</p> <p>Additional historical information incorporated in to the SHI form.</p>	<p>Retain on the potential heritage items list.</p>
3	16 Elouera Road, Palm Beach	Email dated 29 August 2013	<ul style="list-style-type: none"> The owner would like a few things in the SHI form to be corrected but is overall happy for the listing and wanted to nominate the house himself. He notes that the house was possibly not built in 1929 because Jolly's drawings are dated 1934. The owner is happy to provide additional historical information, certificate of title and drawings on the house and correct a few things. It is noted that alterations and additions have occurred to the site (it was originally 96 sqm but an additional 160 sqm has been added) A sympathetic 1960s cottage also exists on the same site, which has also recently underwent a major 	<p>Amendments to the SHI form have been made in accordance with the information provided.</p> <p>Any additional information and photographs will be welcomed, and can be inserted into the SHI database whenever received.</p> <p>1960s addition has been noted and excluded from the listing.</p>	<p>Retain on the potential heritage items list.</p>

No	Property Address	Date of Submission	Summary of issues	Response	Recommendation
4	Bilgola Heritage Conservation Area	Letter dated 10 September 2013	<p><i>refurbishment and extension but it reflects the character of the extensions to the Jolly house on the site.</i></p> <ul style="list-style-type: none"> The owners have taken great care looking after trees in their garden and their house. They are happy to have the creek and stone bridges listed as they are a part of the original property, along with the urns in 19 Bilgola Avenue. However, they note that <i>all the other stone remnants, stone fence, street cairns etc, should not be included as they were not built at the time of the original Bilgola House or the second Bilgola House when Oswald Watt resided there and Hannah Maclurcan later. It appears that most of this stone work was done after the big storm in the 60's, certainly the stone fence that goes from 15 to 21 Bilgola Avenue and the street cairns outside number 15. A certain Mr Penrose had this work carried out.</i> The owners also note that if the listing arises from the heritage significance of the original Bilgola House, then <i>surely all the blocks from the original parcel of land should be included, that would include all the houses along Allen Avenue and parts of the Serpentine.</i> The owners believe the heritage conservation area controls would add more red tape while enough protection is ensured by the current Bilgola Avenue inhabitants. The owners also provided copy of the Memories from Eric and June Whittleton about Bilgola House. 	<p>Owners' appreciation and protection of heritage elements is acknowledged.</p> <p>The information has been incorporated into the SHI form as an anecdotal evidence to ensure the significant elements are clearly defined. The other similar elements that have no relationship with the Bilgola Estate development have been excluded.</p> <p>The listing curtilage has been chosen in a reduced form of the original Estate boundaries due to the limited or no surviving structures / elements associated with Bilgola Estate remain in other parts of Allen Avenue and The Serpentine. The listing relates to the surviving intact structures and garden elements of Bilgola Estate.</p>	<p>Retain on the potential heritage items list with no changes to the identified conservation area boundary.</p>
5	53 Hudson Parade, Clareville	Letter dated 9 September 2013	<ul style="list-style-type: none"> The owners are aware of the attribution to Alexander Jolly from documentation provided by Geoff Searle. The owners are wishing to preserve and retain the log cabin regardless of its heritage status. The owners are concerned about the scope of what is being assessed as significant. As such, the listing of the interiors of the house poses some concern noting a number of alterations and additions made over the years. The owners wish to continue the renovations and restorations in a complimentary way and build new additions. They would like to understand how a heritage status may impact the future renovation work they may like 	<p>Owners' appreciation of the heritage values of the place is acknowledged.</p> <p>The changes to the property have been noted in the SHI form and are excluded from the listing. Interiors have been excluded to a degree where only original fabric survives.</p> <p>Upstairs addition has been noted and excluded from the</p>	<p>Retain on the potential heritage items list.</p>

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6	524 Barrenjoey Road, Avalon	Email dated 12 August 2013	<p>to do and are concerned with the increased costs of carrying out minor or major renovations.</p> <ul style="list-style-type: none"> The owners also wished to know if the new proposed planning legislation would affect development approval for heritage items and wonder if it would become more streamlined or more difficult. 	<p>listing.</p> <p>Each application will need to be assessed on its own merit in accordance with the relevant Council controls.</p> <p>Council's Heritage Advisor should be consulted at the preliminary stage to balance the needs of the owners and the requirements of the planning controls.</p> <p>The timing and detail of the new planning legislation is uncertain, though it is expected that the management of heritage items and conservation areas, including development assessment, will remain similar to the current requirements.</p>	<p>Retain on the potential heritage items list.</p>
			<ul style="list-style-type: none"> The owners would like to include in the significance of the house the views to and from the house so that these can be preserved in the future. A few corrections to the SHI form were pointed out: There are no chimneys and there is no wrought iron door hardware or ornamental metalwork. The owners provided some photographs to be included in the SHI form. 	<p>Further assessment of the setting of the place have been undertaken and concluded that the views and vistas are part of the significant aspects of the place. Therefore, the Statement of Significance, description and assessment of significance fields of the SHI form have been amended to include the views and vistas. This is to ensure the maintenance and preservation of the visual setting and original design intent.</p>	

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OBJECTION SUBMISSIONS (Where parts of a submission are quoted they are indicated in <i>italics</i>)					
1	9 The Avenue, Newport	Letter dated September 2013 Heritage Assessment Heritage Assessment	<ul style="list-style-type: none"> Do not agree with Criteria (a), (c), (e) and (f). Objections on the intactness of the house. The construction date of the house is later than what stated in the SHI form. The house does not fill the aesthetic and social criteria. Objects to the listing on the basis of intactness of the house. 	A site inspection was carried out to ascertain the integrity of the existing fabric and changes to the house. It was apparent that most of the original fabric has been replaced and the house has been altered and added to over the years.	Remove from the potential heritage items list. No further consideration is required under the current Heritage Study; however, Council should make note of the property as being of some heritage interest for the community.
2	19 Ocean Road, Palm Beach	Email dated 18 August 2013	<ul style="list-style-type: none"> Objection to heritage listing on the basis of lost intactness. The owner undertook alterations against Bruce Rickard advice including the roof and other internal modifications. Additional plans were provided with the submission. 	Access to the property was requested but could not be arranged thus a visual inspection could not be made. Notwithstanding, the 2005 Construction Certificate drawings and 2007 Occupation Certificate indicate extensive additions and changes to the roofing being implemented. As such the house has lost its original design integrity.	Remove from the potential heritage items list. No further consideration is required under the current Heritage Study; however, Council should make note of the property as being of some heritage interest for the community.
3	21 Florida Road, Palm Beach	Email dated 23 July 2013	<ul style="list-style-type: none"> Objection to heritage listing on the basis of lost intactness. Internal modifications undertaken by the owner included the replacement of the kitchen, removal of fireplace, central gas heating installation, new bathrooms, removal of granite ceiling and wall linings, new internal paint, removal of built in cabinet and seats, replacement of lighting, new built-in wardrobes. 	The information provided by the owner indicated that most of the original fabric has been replaced thus integrity of the house has been compromised.	Remove from the potential heritage items list. No further consideration is required under the current Heritage