

22 August 2019

Mr S J [REDACTED]
PO Box 21
KATOOMBA NSW 2780

Dear Sir/Madam,

Subject: Making of Amendment 6 to LEP 2015 – Period Housing Conversion to Heritage Conservation Areas

We are writing to advise that Council's proposal to convert Period Housing Areas to heritage conservation areas has now been gazetted by the State government, and your property is now within a heritage conservation area. The Period Housing Area provisions have been removed from the Blue Mountains Local Environmental Plan (LEP 2015) and no longer apply to your property, [REDACTED] KATOOMBA NSW 2780.

The intention of the policy change is to continue to provide protections for our areas of older housing stock that have heritage value. This includes preventing demolition of character properties, and managing impacts on the streetscape as a result of any new development, to ensure that heritage values are maintained and enhanced.

There is no need to do anything at this stage; the change to Council's policy does not require any action from property owners. We have included with this letter Council's fact sheets on this policy change which answer the most frequently asked questions, and we are available to answer any further questions about the changes, using the contact details at the end of this letter.

Following is a summary to provide you with an overview and timeline for this policy change:

- 2012:** The State government required Blue Mountains Council to prepare a new standard Local Environmental Plan (LEP) to replace LEP 2005. As part of this new LEP, Period Housing Areas were required to be converted to heritage conservation areas or removed from the Plan.
- 2013:** The State government included a 'sunset clause' in the new standard LEP, to allow Council a further three years (until 15 February 2019) to make the conversion of Period Housing Areas to heritage conservation areas, and complete any further investigations and studies to support the change.
- 2014 & 2017:** Council commissioned independent heritage studies to consider whether the Period Housing Areas meet the state criteria to become heritage conservation areas. The studies confirm that most Period Housing Areas meet the criteria and have strong heritage values.
- 2018:** Council prepared a Planning Proposal to amend LEP 2015 to change from Period Housing Areas to heritage conservation areas. This was reported to Council (Item 20, Ordinary Meeting, 27 February 2018), and then submitted to the state government.

The Planning Proposal was publicly exhibited from 30 May to 11 July 2018. All affected property owners were advised by letter at this time as part of the public exhibition.

September 2018: The results of the public exhibition were reported to Council (Item 19, Ordinary Meeting, 18 September 2018), and then the final Planning Proposal submitted to the state government in October 2018.

February 2019: The State government extended the sunset clause until 31 July 2019, to accommodate their programming.

19 July 2019: The State government made the Plan and published the Amendment to LEP 2015 (Amendment 6) on the NSW Legislation website, converting Period Housing Areas to heritage conservation areas.

LOCAL HERITAGE ASSISTANCE FUND – APPLICATIONS NOW OPEN

To support property owners in the new heritage conservation areas, we are pleased to announce the reinstatement of the Local Heritage Assistance Fund for 2019-2020. This is a joint initiative of Blue Mountains City Council and the NSW Government which is targeted at minor conservation works to heritage properties in the Blue Mountains Local Government Area.

In 2019-2020, funding will be directed towards contributory buildings, or significant buildings that contribute towards the streetscape values in the new heritage conservation areas (previously Period Housing Areas). Contributory buildings make an important contribution to the character and significance of a heritage conservation area.

Owners or managers of contributory buildings within the new heritage conservation areas in the Blue Mountains Local Government Area are eligible to apply for the Local Heritage Assistance Fund. The Fund provides dollar for dollar **grant funding from \$500 up to \$2,000 for minor improvements or conservation works to contributory buildings in the new heritage conservation areas.**

Applications will also be considered for contributory buildings within existing HCAs. Grant applications are required to be supported by appropriate land owners consent and the permission of other interested parties.

Council is now inviting applications for the Local Heritage Assistance Fund. The application form and further information is available on our website at www.bmcc.nsw.gov.au/LHAF. The deadline for applications is Monday 14 October 2018.

Further questions?

If you have any questions in regard to these matters, please do not hesitate to contact Sara Reilly or Nicole Castle on 02 4780 5000.

Yours faithfully,



KIM BARRETT
City Planning Manager

Fact Sheet

Development and Planning Services

Developing in a Heritage Conservation Area

Date issued: 15/8/2019

Period Housing Areas have now been converted to heritage conservation areas. For general information about the changes, refer to Fact Sheet: Period Housing Areas conversion to Heritage Conservation Areas.

I'm thinking about doing some alterations and additions; will I still be able to do them?

Generally, most significant external changes, such as new rooms or changes to the building envelope still need a development application. Renovations that can be seen from the street should be consistent with the character of the area and sympathetic to the building's style. Original fabric and forms visible from the street should not be removed or altered. If your alterations and additions are to the rear of the property and can't be seen from the street, there will likely be less restrictions as to style or materials.

There were existing character protections and certain character requirements in the Period Housing provisions of Council's Local Environmental Plan (LEP) and Development Control Plan (DCP). Similar types of protections and requirements are retained in the new heritage conservation area provisions.

Can I renovate my kitchen and bathroom?

You can go ahead and renovate your kitchen and bathroom fittings. Non-structural internal works do not require heritage consent.

Can I build my deck / studio / granny flat to the rear?

The permissibility for certain uses has not changed. If you are currently in a zone that permits a secondary dwelling (granny flat) you will still be able to build that use, subject to a detailed assessment and consent being granted.

Decks, garages and similar structures are considered ancillary to a dwelling and are permitted in all zones where dwellings are allowed. Garages require a development application.

Some works may be able to be carried out as exempt development under the state government's Exempt and Complying Development Codes 2008 (the 'Codes SEPP'). See <https://www.legislation.nsw.gov.au/#/view/EPI/2008/572/full>

My building is run down and in poor condition; can I still do all the work needed to repair it?

General maintenance and repairs, including repairing floorboards, wall linings, ceilings, and roof claddings are still able to be carried out. Some of these works will be able to be carried out as exempt development under the state government's Exempt and Complying Development Codes 2008 (the 'Codes SEPP').

Other works to buildings in heritage conservation areas can be considered minor works and can be approved through an email exchange with Council. Details of your proposed changes can be sent to council@bmcc.nsw.gov.au. Council will reply within 1-2 weeks and the reply email generally constitutes approval to go ahead.

Structural works usually need a development application as they need to be certified as structurally sound and fit for use.

Further Information:

Please do not hesitate to contact Council for clarification and guidance. We are here to help. Our Customer Service Advisor will be able to gain further information from one of Council's heritage specialists, should this be required.

Customer Service Advisor - Development Planning: (02) 4780 5499

Hours: 8:30am to 5:00pm Monday to Friday

w: bmcc.nsw.gov.au

e: council@bmcc.nsw.gov.au

This Fact Sheet complements the Fact Sheet, 'Period Housing Areas conversion to Heritage Conservation Areas', which provides advice on the changes to Period Housing Areas and the conversion to Heritage Conservation Areas.

Fact Sheet

Development and Planning Services

Developing in a Heritage Conservation Area

Will Council specify the type of landscaping I can use, such as requiring particular species?

No, Council will not specify trees and shrubs for heritage conservation areas. The established landscape character of the wider village environment is part of the streetscape value of many heritage conservation areas. Suitable and healthy trees should be retained, and succession planting will ensure village landscapes continue to evolve. A landscape plan may be required for a development application. Trees that need pruning, lopping or removing still need approval under Council's Tree Removal Permit system.

Do I have to use Council's approved heritage colours for my house now?

No, Council does not stipulate a set of specific heritage colours that are required to be complied with. However, it is preferable for the character of the area that colour schemes be a contemporary interpretation of heritage colours. There is plenty of scope to use colours that are personally preferred, contemporary or heritage-based. Painting the building with a new colour scheme can be approved as minor works by contacting Council by letter or email and advising us of your preferred colour scheme. Once we reply you have 'minor works consent' and can go ahead and paint.

Won't I have to 'jump through more hoops' at Council now?

A 'character assessment' was required to be submitted with a development application in a Period Housing Area; this requirement is now a Heritage Impact Statement, so a similar form of document is required. A template form for a Heritage Impact Statement will be available for minor proposals and will help avoid expensive consultant reports where they are not necessary.

The time taken to process applications will not be substantially different, particularly for minor or typical applications, for example, alterations and additions to the rear.

Can I demolish my building?

Generally, no. Period Housing provisions protected older and historic dwellings from demolition and have worked well since 2005 to protect our local townscapes. Without protections, there is a risk that historic or older buildings will be demolished, which could lead to the loss of street character and degrade entire streetscapes.

Protection against demolition remains under the new heritage conservation areas. This protects streetscape and character from dramatic change.

The exceptions for demolition might be where an 'uncharacteristic' building may be able to be replaced with a new building that can offer a better fit with the values of the conservation area; or where a building requires such a degree of restoration that the existing fabric is demonstrably beyond repair.

These considerations would form part of any development assessment.

What can I still do as exempt or complying development?

The state government's Exempt and Complying Development Codes 2008 (the Codes SEPP) provides lots of exemptions that are still able to be carried out even within heritage conservation areas. The emphasis is on protecting the character of properties where visible from the street, and so many types of development remain exempt in a heritage conservation area if they are located in the rear yard. This includes carports and air-conditioners, for example.

There are some changes to what can be done as complying development in a heritage conservation area. For example, a secondary dwelling cannot be complying development under the Affordable Rental Housing SEPP if it is in a heritage conservation area, and a development application is required.

See <https://www.legislation.nsw.gov.au/#/view/EPI/2008/572/full>

How can I find out more?

The link below to Council's Development Control Plan on our website Part D – Heritage Management provides information on character provisions for heritage conservation areas.

<https://www.bmcc.nsw.gov.au/development/planning-rules/development-controls-for-land-zoned-under-LEP-2015/DCP-2015>



Fact Sheet

Development and Planning Services

Period Housing Areas conversion to Heritage Conservation Areas

Date issued: 15/8/2019

Period Housing Areas have now been converted to Heritage Conservation Areas (HCA). This Fact Sheet provides general advice on the changes. For information on developing in a HCA, see the accompanying Fact Sheet 'Developing in a Heritage Conservation Area'.

I didn't know my property was in a Period Housing Area, what does that mean?

Period Housing Areas have been in place since 2005 and protected the local character of the area by including development controls in LEP 2005 and then LEP 2015 (our Local Environmental Plans). The main protections are to:

- limit the demolition of historic or older dwellings, and
- maintain streetscape values and local character when development occurs.

Why was the conversion necessary?

The Period Housing protections were no longer recognised by the State government, who instructed Council to convert Period Housing Areas to heritage conservation areas to maintain existing protections. The Period Housing provisions within Blue Mountains LEP 2015 were repealed as of 19 July 2019.

The old system of protections needed to be replaced by a new system that has similar intentions or objectives – to protect streetscape and neighbourhood character from demolition and inappropriate development.

What is a heritage conservation area?

A heritage conservation area or HCA is a particular precinct, streetscape, suburb or group of buildings which has particular heritage values which distinguish it from other places, in which the various elements create a sense of place which is worth keeping.

Some Blue Mountains residential village areas have a unique historic character that is valued by the community and worth preserving.

Do I need to do anything?

You don't need to do anything at this stage, as this is a policy change only. We will not be checking the status of any building work / development consents or looking into how you are currently managing your property.

Will my rates go up?

The calculation of rates is a separate process to and unaffected by these proposed changes.

Will I need to reconstruct historic elements that were in place previously?

This policy change does not include any requirement to reconstruct any former historic features.

Is the zoning changing?

The zoning is not proposed to change.

If you are currently in the R2 Low Density Residential zone, for example, as many Period Housing properties were, the permissibility (allowed uses) is retained as is. Permissible uses in the R2 zone include dual occupancy, Seniors Housing and secondary dwellings, subject to a detailed assessment and consent being granted.

Further Information:

Please do not hesitate to contact Council for clarification and guidance. We are here to help. Our Customer Service Advisor will be able to gain further information from one of Council's heritage specialists, should this be required.

Customer Service Advisor - Development Planning: (02) 4780 5499

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A second Fact Sheet, 'Developing in a Heritage Conservation Area', complements this Fact Sheet and provides guidance on carrying out development in a Heritage Conservation Area.



Period Housing Areas conversion to Heritage Conservation Areas

I'm thinking about selling my property; will the property value be affected?

Property values are subject to a complex range of factors, including market trends and timing, and property specifics such as size, condition and location.

Properties within heritage conservation areas can attract higher resale values because of the protections provided for neighbourhood character.

It is important to be aware that the change is from a Period Housing Area to a heritage conservation area, not the individual heritage listing of properties. There are stricter rules and regulations for heritage items than conservation areas.

My property is not an older cottage and was built in the 1960s; why is it included and what does that mean for me?

Some buildings that are not historic buildings were included in the Period Housing Areas and are part of the new heritage conservation areas. This is because they exist as non-characteristic elements within a wider streetscape that has heritage value, and they may have been built before the areas had protections.

These types of buildings may be a visual anomaly in the historic streetscape due to having different materials or being built in a later time frame. Alternatively, they may be newer and imitate historic details but be of a larger scale with integrated garages. These types of 'uncharacteristic' buildings are distinct from the typical weatherboard or brick cottages that pre-date the 1940s. They generally have limited or no heritage significance. Development potential for these types of properties may be greater due to the fact that some potential changes to these buildings may not impact upon the heritage significance of the building and the area. For example, the façade could be improved through sympathetic additions.

Council's Development Control Plan has a guide to understanding the different contributions of various buildings in a heritage conservation area, in Part D1.4. The standard industry practice, which is used in many Councils, describes three different types of contributions a building or property can make to a heritage conservation area. Typically, these can be identified as:

- **CONTRIBUTORY:** the building/property makes a positive and significant individual contribution to the streetscape and character of the conservation area.
- **NEUTRAL:** the building/property neither contributes nor detracts from the significance of the conservation area, and may be a highly altered original building, or a non-detracting sympathetic infill building.
- **UNCHARACTERISTIC:** the building/property does not make a characteristic contribution, and may have inappropriate scale, bulk, design or materials.

Refer to Council's DCP at <https://www.bmcc.nsw.gov.au/development/planning-rules/development-controls-for-land-zoned-under-LEP-2015/DCP-2015>

A study was carried out in 2018 that considered the contributions of individual properties in more detail, and was provided in the public exhibition to the LEP Amendment as a supporting study. At this stage, the contributions maps in the 2018 study are provided for information only and are not binding. This study would need to be reviewed before any further proposals to specify individual property contributions are put out on exhibition for public comment.

