



IRF24/39

# Gateway determination report – PP-2023-2604

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Heritage pubs in the Inner West

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Attachment A – Planning proposal (Inner West Council, October 2023)
Attachment D – Site analysis
Attachment E – Inner West Heritage Study – Pubs (GML Heritage, May 2023)
Attachment F – Proposed heritage maps (Inner West Council, October 2023)

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>Inner West</b>
<b>PPA</b>	Inner West Council
<b>NAME</b>	Heritage pubs in the Inner West
<b>NUMBER</b>	PP-2023-2604
<b>LEP TO BE AMENDED</b>	Inner West Local Environmental Plan 2022
<b>ADDRESS</b>	<ol style="list-style-type: none"> <li>1) North Annandale Hotel, 105 Johnston Street, Annandale, Lot 1 DP 121539</li> <li>2) Annandale Hotel, 17-19 Parramatta Road, Annandale, Lot 51 DP 1248353</li> <li>3) Dick's Hotel, 89 Beattie Street, Balmain, Lot 10 Sec D DP 77, Lot 11 Sec D DP 77</li> <li>4) Cricketers Arms Hotel, 255 Darling Street, Balmain, Lot 1 DP 725459</li> <li>5) Unity Hall Hotel, 292-294 Darling Street, Balmain, Lot 1 DP 75119, Lot 1 DP 72396</li> <li>6) Town Hall Hotel, 366 Darling Street, Balmain, Lot 1 DP 441626</li> <li>7) Cat &amp; Fiddle Hotel, 456 Darling Street, Balmain, Lot 1 DP 660498</li> <li>8) The Balmain Hotel, 72-74 Mullens Street, Balmain, Lot 1 DP557468</li> <li>9) East Village Hotel, 82-84 Darling Street, Balmain East, Lot 2 DP 83056</li> <li>10) Duke of Enmore Hotel, 148 Enmore Road, Enmore, Lot A DP 176822</li> <li>11) Queens Hotel, 167 Enmore Road, Enmore, Lot 10 DP 1120058</li> <li>12) Warren View Hotel, 2 Stanmore Road, Enmore, Lot 12 DP 960694</li> <li>13) The Milestone Hotel, 140 Marion Street, Leichhardt, Lot 7 Sec C DP 922</li> <li>14) Vic on the Park Hotel, 2 Addison Road, Marrickville, Lot 1 DP 774868</li> <li>15) The Royal Exchange Hotel, 203 Marrickville Road, Marrickville, Lot 1 DP 232542</li> <li>16) Carlisle Castle Hotel, 17 Albermarle Street, Newtown, Lot 1 DP 867047</li> <li>17) Kelly's on King, 283-285 King Street, Newtown, Lot 11 DP 1156437</li> <li>18) Websters Bar, 323 King Street, Newtown, Lot 1 DP 177710</li> </ol>

<b>LGA</b>	<b>Inner West</b>
	<p>19) Sandringham Hotel, 387 King Street, Newtown, Lot 1 DP 61256</p> <p>20) Livingstone Hotel, 116 New Canterbury Road, Petersham, Lot 111 DP 838108</p> <p>21) The Welcome Hotel, 91 Evans Street, Rozelle, Lot 1 DP 1018272, Lot 1 DP 165451, Lot 2 DP 1018272</p> <p>22) 3 Weeds Hotel, 197 Evans Street, Rozelle, Lot 1 DP 1259168, Lot 70 DP 1259168, Lot 4, DP 1259169</p> <p>23) Sackville Hotel, 599 Darling Street, Rozelle, Lot 1 DP 124984, Lot 1 DP 795779, Lot 1 DP 795780, Lot 1 DP 921944</p> <p>24) Garry Owen Hotel, 778 Darling Street, Rozelle, Lot 180 DP 1279086</p> <p>25) Native Rose Hotel, 68 Victoria Road, Rozelle, Lot 161 DP 1277145</p> <p>26) Bridge Hotel, 119 Victoria Road, Rozelle, Lot 1 DP 1090922, Lot 2 DP 1090922, Lot 25 Sec C DP 119</p>
<b>RECEIVED</b>	24/11/2023
<b>FILE NO.</b>	IRF24/39
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal (**Attachment A**) contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Provide statutory heritage protection to 26 pubs across the Inner West Local Government Area (LGA)
- Ensure future generations can observe items of historical significance.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Inner West Local Environmental Plan (LEP) 2022 to:

Insert a local heritage listing in Part 1 (Heritage Items) of Schedule 5 (Environmental Heritage) and identify on the LEP heritage maps each of the following sites:

- 1) North Annandale Hotel, 105 Johnston Street, Annandale
- 2) Annandale Hotel, 17-19 Parramatta Road, Annandale
- 3) Dick's Hotel, 89 Beattie Street, Balmain
- 4) Cricketers Arms Hotel, 255 Darling Street, Balmain

- 5) Unity Hall Hotel, 292-294 Darling Street, Balmain
- 6) Town Hall Hotel, 366 Darling Street, Balmain
- 7) Cat & Fiddle Hotel, 456 Darling Street, Balmain
- 8) The Balmain Hotel, 72-74 Mullens Street, Balmain
- 9) East Village Hotel, 82-84 Darling Street, Balmain East
- 10) Duke of Enmore Hotel, 148 Enmore Road, Enmore
- 11) Queens Hotel, 167 Enmore Road, Enmore
- 12) Warren View Hotel, 2 Stanmore Road, Enmore
- 13) The Milestone Hotel, 140 Marion Street, Leichhardt
- 14) Vic on the Park Hotel, 2 Addison Road, Marrickville
- 15) The Royal Exchange Hotel, 203 Marrickville Road, Marrickville
- 16) Carlisle Castle Hotel, 17 Albermarle Street, Newtown
- 17) Kelly's on King, 283-285 King Street, Newtown
- 18) Websters Bar, 323 King Street, Newtown
- 19) Sandringham Hotel, 387 King Street, Newtown
- 20) Livingstone Hotel, 116 New Canterbury Road, Petersham
- 21) The Welcome Hotel, 91 Evans Street, Rozelle
- 22) 3 Weeds Hotel, 197 Evans Street, Rozelle
- 23) Sackville Hotel, 599 Darling Street, Rozelle
- 24) Garry Owen Hotel, 778 Darling Street, Rozelle
- 25) Native Rose Hotel, 68 Victoria Road, Rozelle
- 26) Bridge Hotel, 119 Victoria Road, Rozelle

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site description and surrounding area

The planning proposal relates to 26 sites, illustrated in Figure 1, located in the Inner West LGA as identified and described in **Attachment D**.

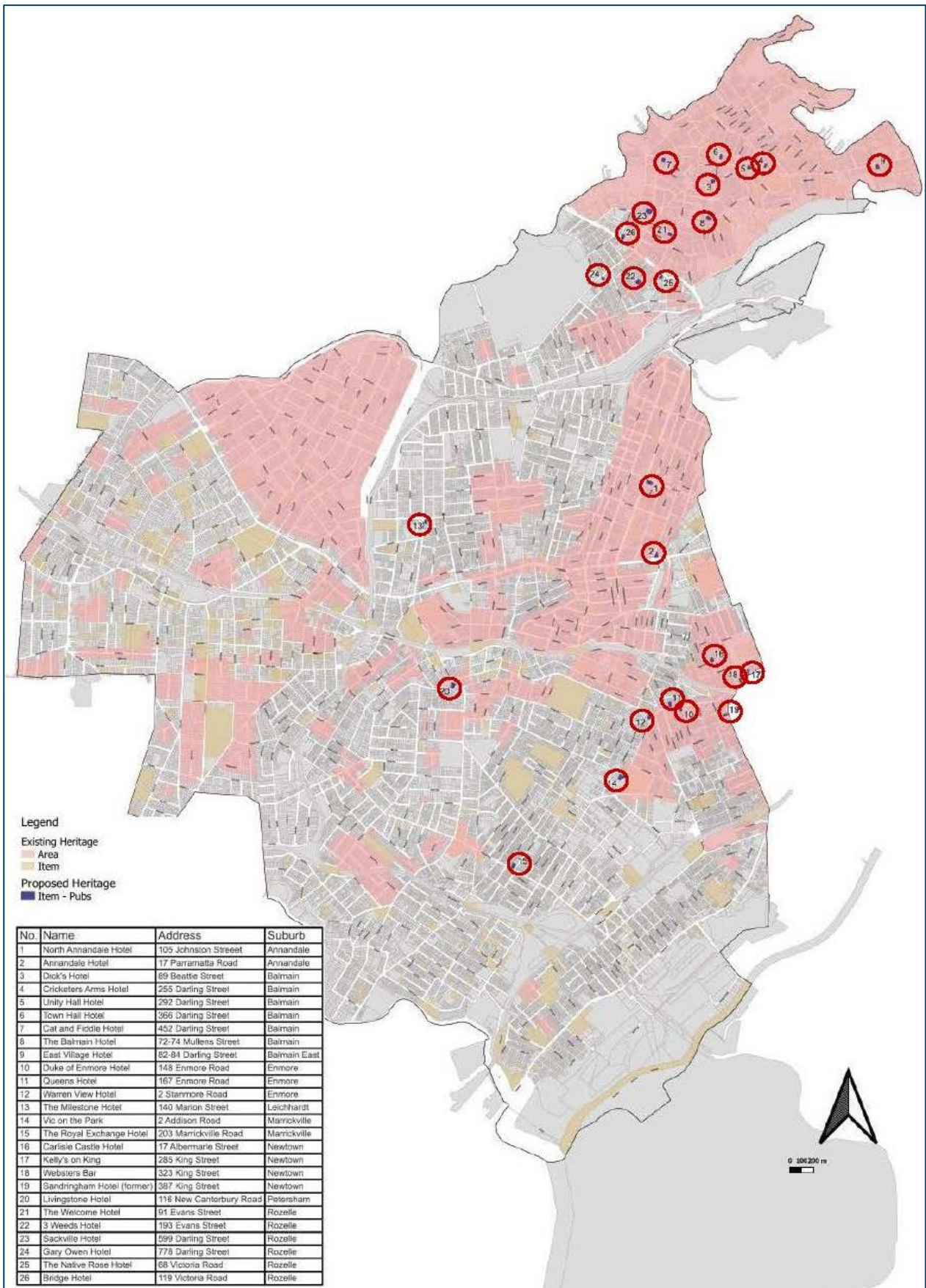


Figure 1 Pub sites proposed for heritage listing (outlined in red) (Source: Planning Proposal, October 2023)



## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Heritage map, which are suitable for community consultation. **Attachment F** includes the existing and proposed heritage map for each site.

The proposed maps are suitable for the purposes of public exhibition.

## 1.6 Background

On 3 July 2018, Council resolved to conduct an investigation into pubs in the Inner West LGA to identify sites that demonstrated architectural, historical and social significance.

In 2021 Council engaged GML Heritage to prepare a detailed study with a list of pubs recommended for heritage protection. The resulting study, Inner West Heritage Study – Pubs (GML Heritage, May 2023) (**Attachment E**), includes a detailed heritage assessment of each venue and identifies 27 pubs that display heritage significance.

On 25 October 2022 Council resolved to:

- Commence community engagement with landowners and patrons of the 27 pubs identified in the study.
- Prepare a Council led planning proposal to include the nominated sites in Schedule 5 of the LEP.

In May-June 2023, preliminary engagement was undertaken with owners and operators of the 27 pubs. Responses from 3 pub owners were obtained, who voiced concerns regarding potential restrictions to development and refurbishment potential, as well as impacts on property values.

Concurrently, a broader ‘Love Your Pub’ campaign was run on Council’s Your Say Inner West website, seeking community feedback on the Inner West’s pubs and pub culture. There were 20 comments provided, which expressed support for the vibrancy and sense of community provided by pubs, and identified opportunities to improvements to pub culture and safety. Concerns were also raised regarding the loss of live music, noise impacts and loss of atmosphere to gambling areas. One community member urged the recognition of important elements without resorting to heritage listing the sites.

Lewisham Hotel was amongst the 27 pubs identified in the heritage study, however the listing of the site as a local heritage item is being considered under a separate planning proposal for the Parramatta Road Corridor and does not form part of this planning proposal.

## 2 Need for the planning proposal

*Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?*

Yes. The planning proposal implements the findings and recommendations of the Inner West Council 2023 Heritage Study (**Attachment E**). It aligns with strategies such as the Inner West Local Strategic Planning Statement, which will be further assessed in this report.

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

Yes. The planning proposal is the appropriate mechanism to alter Part 1 Schedule 5 of the Inner West LEP 2022 and the associated Heritage Maps. This amendment will facilitate the ongoing conservation and management of these sites.

## Assessment of heritage significance

The planning proposal has assessed the heritage significance of the sites in accordance with the Assessing Heritage Significance manual (NSW Heritage Office, 2001). Under this manual, if an item meets one of the seven criteria at a local level, it can be considered to have local heritage significance. All sites have been assessed against the following seven listing criteria in the manual, with a more detailed analysis of each site included in the planning proposal and the heritage study. The assessment of the sites is summarised in Table 3, which finds that each site satisfies relevant criteria, thus meeting the threshold for local heritage listing.

**Table 3 Heritage assessment of sites against heritage significance criteria (Source: Planning proposal, October 2023)**

Site	(a) Historic significance	(b) Historical association	(c) Aesthetic, creative or technical achievement	(d) Social, cultural or spiritual significance	(e) Research potential	(f) Rarity	(g) Representative
<b>North Annandale Hotel</b> 105 Johnston St, Annandale	✓	✓	✓	?	?	X	✓
<b>Annandale Hotel</b> 17-19 Parramatta Road, Annandale	✓	✓	✓	?	?	X	✓
<b>Dick's Hotel</b> 89 Beattie St, Balmain	✓	X	✓	?	?	X	✓
<b>Cricketers Arms Hotel</b> 255 Darling St, Balmain	✓	X	✓	?	?	X	✓
<b>Unity Hall Hotel</b> 292-294 Darling St, Balmain	✓	✓	✓	?	?	X	✓
<b>Town Hall Hotel</b> 366 Darling Street, Balmain	✓	✓	✓	?	?	X	✓
<b>Cat &amp; Fiddle Hotel</b> 456 Darling St, Balmain	✓	✓	✓	?	?	X	✓
<b>The Balmain Hotel,</b> 72-74 Mullens Street, Balmain	✓	X	✓	?	?	✓	✓
<b>East Village Hotel</b> 82-84 Darling St, Balmain East	✓	X	✓	?	?	X	✓
<b>Duke of Enmore Hotel,</b> 148 Enmore Rd, Enmore	✓	X	X	?	?	X	✓
<b>Queens Hotel,</b> 167 Enmore Rd, Enmore	✓	X	✓	?	?	X	✓
<b>Warren View Hotel,</b> 2 Stanmore Rd, Enmore	✓	✓	✓	?	?	X	✓
<b>The Milestone Hotel,</b> 140 Marion St, Leichhardt	✓	X	✓	?	?	X	✓
<b>Vic on the Park Hotel,</b>	✓	X	✓	?	?	X	✓

2 Addison Rd, Marrickville							
<b>The Royal Exchange Hotel</b> , 203 Marrickville Rd, Marrickville	✓	X	✓	?	?	X	✓
<b>Carlisle Castle Hotel</b> 17 Albermarle St, Newtown	✓	✓	✓	?	?	X	✓
<b>Kelly's on King</b> 283-285 King St, Newtown	✓	X	✓	?	?	X	✓
<b>Websters Bar</b> 323 King St, Newtown	✓	✓	✓	?	?	X	✓
<b>Sandringham Hotel</b> 387 King St, Newtown	✓	X	✓	?	?	X	✓
<b>Livingstone Hotel</b> 116 New Canterbury Rd, Petersham	✓	X	✓	?	?	X	✓
<b>The Welcome Hotel</b> 91 Evans St, Rozelle	✓	X	✓	?	?	X	✓
<b>3 Weeds Hotel</b> 197 Evans St, Rozelle	✓	X	✓	?	?	X	✓
<b>Sackville Hotel</b> 599 Darling St, Rozelle	✓	✓	✓	?	?	X	✓
<b>Garry Owen Hotel</b> 778 Darling St, Rozelle	✓	X	X	?	?	X	✓
<b>Native Rose Hotel</b> 68 Victoria Rd, Rozelle	✓	X	X	?	?	X	✓
<b>Bridge Hotel</b> 119 Victoria Rd, Rozelle	✓	✓	✓	?	?	X	✓

The planning proposal and heritage report have not included an assessment against criteria e) social, cultural or spiritual significance or d) research potential. However, the proposal has included a footnote on page 8 to advise that further assessment is needed to determine if the property meets the threshold of significance for these criteria.

While the information provided demonstrates that each site meets the criteria threshold for a local heritage listing, it is recommended that planning proposal supporting information either complete the assessment of these sites against criteria e) and d), or provide justification as to why no further assessment has been undertaken. It is recommended that a Gateway condition be included to this effect.

An updated version of the Assessing Heritage Significance guideline was released in June 2023 by NSW Environment and Heritage. As the heritage criteria categories remain the same, the Department raises no specific concerns with the assessment methodology undertaken under the 2001 guidelines. However, it is recommended that the Gateway be conditioned requiring both the planning proposal and Heritage Study to be updated to reflect the current Assessing Heritage Significance guidelines (June 2023).

## 3 Strategic assessment

### 3.1 Regional Plan

The proposal is consistent with the actions outlined in the *Greater Sydney Region Plan: A Metropolis of Three Cities*, as detailed in Table 4 below.

**Table 4 Greater Sydney Region Plan assessment**

Greater Sydney Region Plan	Justification
Objective 10 Greater housing supply	<p>This objective seeks to deliver adequate housing supply to Greater Sydney in the right locations by setting housing targets for Councils and requiring the development of local housing strategies.</p> <p>The proposal identifies that it is consistent with this objective because it was prepared with consideration to Council’s Local Housing Strategy (LHS) (2020) and that the heritage listings will not adversely affect capacity to meet housing supply, diversity and affordability needs.</p> <p>The Department’s assessment shows that there are various local centres in the Inner West LGA that could support new housing growth, albeit with adequate consideration to the proposed heritage items (all of which are already within, or in proximity to, an existing Heritage Conservation Area (HCA)). Only a small area to the east of the LGA is identified as a growth area (The Bays Precinct), in which no heritage listings are proposed.</p> <p>The proposal is consistent with the objective.</p>
Objective 12 Great places that bring people together	<p>Objective 12 supports great places by encouraging a mixture of land uses that provide every day needs, arts, culture and heritage and night-time economy.</p> <p>The heritage study details the significance pubs play in the culture of local communities. Table 3 demonstrates that all 26 pubs have ‘cultural significance’ and ‘representativeness’ that contribute to the character of the area. Applying provisions that will protect these sites will ensure their importance is recognised and celebrated.</p> <p>The proposal is consistent with the objective.</p>
Objective 13 Environmental heritage is conserved and enhanced	<p>Objective 13 details that environmental heritage should be protected for its social, aesthetic, economic, historic and environmental values.</p> <p>The planning proposal identifies that it is consistent with the objective as it seeks to conserve and enhance currently identified heritage significance in Inner West LGA.</p> <p>The heritage study assessed the significance of each building and determined that the sites have reached the threshold for heritage listing at a local level, and early engagement was undertaken with pub owners and the community, which aligns with actions listed in Strategy 13.1.</p> <p>The proposal is consistent with the objective.</p>

The proposal has demonstrated consistency with relevant objectives of the Regional Plan.

## 3.2 District Plan

The site is within the Eastern City District and the former Greater Sydney Commission (now the Greater Cities Commission) released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for liveability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. Table 5 provides an assessment of the planning proposal against relevant directions and actions.

**Table 5 District Plan assessment**

District Plan – Planning Priorities	Justification
E4: Fostering healthy, creative, culturally rich and social	The proposal contributes to the heritage protection of 26 pubs throughout Inner West LGA.
E6: Creating and renewing great places and local centres, and respecting the District’s heritage	<p>In doing so, the proposal facilitates the ongoing legacy of the pubs as gathering spaces that facilitate social opportunities for the community, and retains its important cultural function.</p> <p>The proposal also ensures that the heritage value of the buildings and their cultural significance is protected for future generations. The proposal has been supported through preliminary engagement with the community regarding the heritage value of the pubs, in line with Action 20 of the District Plan.</p> <p>The proposal is consistent with these priorities.</p>
E5: Providing housing supply, choice and affordability with access to jobs, services and public transport.	<p>This objective seeks to deliver adequate housing supply and diversity in the Eastern City District and set a 2021 housing supply target for the Inner West of 5,900 homes.</p> <p>The objective sets out various principles to guide housing strategies in LGAs, and includes principles that encourage careful consideration of development constraints such as heritage character.</p> <p>The proposal considers that it is consistent with this objective as it will not adversely affect capacity to meet housing supply, diversity and affordability needs, and that in-depth consideration of heritage elements will inform place-based investigations that will support housing delivery.</p> <p>The proposal is consistent with this priority.</p>

## 3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
<p>Inner West Local Strategic Planning Statement 2020 (LSPS)</p>	<p>The planning proposal seeks to list 26 pubs under Schedule 5 of the Inner West LEP 2022, which have been informed by an independent heritage study. This aligns with Priority 6 of the LSPS to plan for high quality, accessible and sustainable housing growth in appropriate locations integrated with infrastructure provision and with respect for place, local character and heritage significance, and delivers on Action 6.2 to deliver heritage protection through LEP and DCP controls, and undertake relevant studies to inform these controls.</p> <p>The Annandale Hotel is located in the Camperdown-Ultimo Collaboration Area and the Parramatta Road Corridor. The pub is within an existing HCA on Parramatta Road and is not expected to have an impact on delivering relevant actions under Priority 13: Develop Diverse and strong stakeholder relationships through collaboration with government, community and business to deliver positive planning outcomes and realise the benefits of growth. The proposal is consistent with the LSPS.</p>
<p>Inner West Local Housing Strategy 2020 (LHS)</p>	<p>The LHS aims to deliver a mix of housing in appropriate locations, and includes a range of principles and actions to guide this, including consideration of areas and items of heritage value.</p> <p>The planning proposal addresses Action 1B and relevant implementation points in the LHS by identifying a variety of new heritage items to conserve their significance, and undertaking appropriate studies and community engagement to inform the proposal to amend the LEP.</p> <p>As per the LHS, Council is undertaking detailed studies of areas within housing investigation areas, which include the following sites that form part of the planning proposal:</p> <ul style="list-style-type: none"> <li>- Annandale Hotel</li> <li>- The Royal Exchange Hotel</li> <li>- Livingstone Hotel</li> </ul> <p>Council have advised that the heritage listing of these sites will not adversely impact the housing supply, diversity and affordability targets in these areas.</p> <p>The proposal is consistent with the LHS.</p>
<p>Employment and Retail Lands Strategy 2020 (EaRLS)</p>	<p>The EaRLS guides strategic land use planning to ensure productivity and job growth in the Inner West. It relates specifically to land zoned as Employment, Industrial or Special Activities.</p> <p>An E1 Local Centre applies to 22 of the sites identified for heritage listing, while 1 site is zoned MU1 Mixed Use and 3 sites are zoned R1 General Residential. The proposal does not seek to change the zoning of any of the sites or otherwise impose any changes to permissible land uses or development controls.</p> <p>The proposal is consistent with the EaRLS.</p>

## 3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 7 9.1 Ministerial Direction assessment**

Directions	Consistent	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	<p>The objective of this Direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans and applies as the proposal seeks to give effect to the Greater Sydney Region Plan and Eastern City District Plan.</p> <p>The planning proposal consistent with this Direction.</p>
1.5 Parramatta Road Corridor Urban Transformation Strategy	Consistent	<p>The objectives of this Direction are to:</p> <ul style="list-style-type: none"> <li>(a) facilitate development within the Parramatta Road Corridor that is consistent with relevant strategies and plans,</li> <li>(b) provide a diversity of jobs and housing to meet the needs of a broad cross-section of the community, and</li> <li>(c) guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure.</li> </ul> <p>The Annandale Hotel sits in the Camperdown Precinct of the Parramatta Road Corridor.</p> <p>The planning proposal states that the Camperdown Precinct is yet to be finalised however the current structure plan accounts for the proposed listing of the Annandale Hotel.</p> <p>The planning proposal is consistent with this Direction.</p>
3.2 Heritage Conservation	Consistent	<p>The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The Direction requires that a proposal contain provisions to facilitate the conservation of heritage items identified in a study of the environmental heritage of the area.</p> <p>The heritage study concludes that the identified 26 sites meet the local heritage criteria outlined in the 2001 Assessing Heritage Significance guidelines, and recommends the sites be listed under Schedule 5 of the LEP as local heritage items.</p> <p>The planning proposal is consistent with this Direction.</p>
4.1 Flooding	Consistent	<p>The objective of this Direction is to ensure development in flood prone land is consistent with relevant NSW policies and strategies, and ensure that LEP controls are commensurate with flood behaviours.</p> <p>The Direction applies as the proposal affects a number of flood-prone sites in the LGA.</p> <p>The proposal is consistent with the Direction as it does not rezone land or amend land use permissibility, result in increased development density or otherwise impact on existing conditions. Relevant considerations related to</p>

Directions	Consistent	Reasons for Consistency or Inconsistency
		<p>flooding can be adequately addressed by Council at the Development Application stage.</p> <p>The proposal is consistent with this Direction.</p>
4.5 Acid Sulfate Soils	Consistent	<p>The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>This Direction applies as the proposal affects a number of sites that contain Class 5 acid sulfate soils.</p> <p>The proposal is consistent with the Direction as it does not seek to intensify the development potential of the site. Relevant considerations related to acid sulfate soils can be adequately addressed by Council at the Development Application stage.</p> <p>The proposal is consistent with this Direction.</p>
6.1 Residential Zones	Consistent	<p>The objectives of this Direction are to:</p> <ul style="list-style-type: none"> <li>(a) encourage a variety and choice of housing types to provide for existing and future housing needs,</li> <li>(b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</li> <li>(c) minimise the impact of residential development on the environment and resource lands.</li> </ul> <p>The Direction applies because the proposal includes sites located in the R1 General Residential zone, and in zones that permit residential uses.</p> <p>The proposal does not seek to amend any existing controls relating to residential use or development, or amend/reduce existing residential permissibility.</p> <p>The proposal is consistent with the Direction.</p>
7.1 Employment Zones	Consistent	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(a) encourage employment growth in suitable locations,</li> <li>(b) protect employment land in employment zones, and</li> <li>(c) support the viability of identified centres.</li> </ul> <p>The Direction applies as the proposal includes 22 sites in an employment zone (E1 Local Centre).</p> <p>The proposal does not seek to amend any existing controls relating to employment use or development, or amend/reduce existing permissibility.</p> <p>The proposal is consistent with the Direction.</p>

### 3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.



**Table 8 Assessment of planning proposal against relevant SEPPs**

SEPP	Requirement	Consistency	Reasons for Consistency or Inconsistency
Exempt and Complying Development Codes SEPP 2008	Restrictions or limits apply to exempt and complying development on buildings that are a heritage item.	Consistent	The planning proposal will not impact on the operation of these SEPPs.
Housing SEPP 2021			<p>However, the proposal will result in future developments on any of the 26 subject sites being limited or excluded from progressing development under the provisions in the either SEPP.</p> <p>A more stringent approval process generally applies to heritage items to offer a higher level of protection to sensitive built forms, facilitating their ongoing protection.</p>

The planning proposal is consistent with all relevant SEPPs.

## 4 Site-specific assessment

### 4.1 Environmental

The proposal will not have any adverse effects on any critical or threatened species, populations or ecological communities, or their habitat.

### 4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 9 Social and economic impact assessment**

Social and Economic Impact	Assessment
Social	The planning proposal is unlikely to have any significant adverse social impacts. Listing the 26 sites as local heritage items will provide the community with greater certainty regarding the heritage significance of the sites and facilitate their ongoing protection.
Economic	<p>The proposal may result in minor economic impacts to landowners as the heritage listing may limit future development capacity and will require specialist heritage studies to form part of any future development application submission.</p> <p>As discussed above, the proposed listing means that the consent authority will need to consider the effect of any future development on the heritage significance of the sites, but does not change the zoning or development</p>

Social and Economic Impact	Assessment
	standards applicable to the sites. The proposal is considered to have an acceptable economic impact.

## 4.3 Infrastructure

The proposal will not alter the existing zoning or development standards applicable will not result in any impacts to infrastructure.

# 5 Consultation

## 5.1 Community

Early engagement undertaken by Council with pub owners and operators identified concerns regarding the potential repercussions of applying local heritage status to their sites. These concerns included restricting development potential and decreasing property values. Owners and operators will have another opportunity to demonstrate the impacts of the proposal on their sites.

The planning proposal is categorised as standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

## 5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- NSW Environment and Heritage (Heritage NSW)

# 6 Timeframe

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. Due to the number of heritage items being listed, this planning proposal is categorised as a standard planning proposal.

The Department recommends an LEP completion date of 1 November 2024 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

# 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

The Department supports this request as it relates to matters of local heritage significance.

# 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal is consistent with the relevant objectives, directions and priorities of the Greater Sydney Region Plan, Eastern City District Plan and Local Strategic Planning Statement, and the applicable State Environmental Planning Policies and Section 9.1 Ministerial Directions.

- It is supported by an independent assessment of significance prepared in accordance with the Assessing Heritage Significance guidelines, (NSW Heritage Office, 2001), which finds that all the sites satisfy relevant listing criteria and reach the threshold for local heritage listing. The proposal will need to be updated to reflect the most current version of these guidelines (June 2023) and address all 7 categories of heritage significance.
- The proposal will recognise and provide ongoing protection of the heritage significance of the sites.

## 9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal is to be updated prior to public exhibition to revise the Planning Proposal and Heritage Study (GML Heritage, May 2023) to reflect the current *Assessing Heritage Significance* guidelines (NSW Environment and Heritage, June 2023) including an assessment against all heritage significance criteria.
2. Consultation is required with NSW Environment and Heritage (Heritage NSW)
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
4. Given the nature of the planning proposal, it is recommended that the Gateway authorise the Council to be the local plan-making authority and that an LEP completion date of 1 November 2024 be included on the Gateway.



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11/01/24



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