

ENCLOSURE 1

**Blue Mountains
Local Environmental Plan 2005
Draft Amendment 1
(Heritage Amendment for Lawson,
Hazelbrook, Springwood and
Blaxland)**

Consideration of Submissions

General Comments on Amendment 1

This section relates to general comments made by submitters to Amendment 1 where the comment does not directly relate to a provision or matter specifically listed within the Amendment.

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
10 (11.2 %)		Support / No Refinements	4 (2.5%)
<i>Format:</i>		Support / Refinements Requested	
Individual	10	Refinements Requested	
Proforma	0	Object / Refinements Requested	
Petitions	0	Object	1 (0.7%)
<i>Comprising signatures</i>	0	Other Comment	5 (3.1%)
		<i>Total Comments</i>	<i>10 (6.3%)</i>

COMMENTS RAISED – from public authorities

Submission 37.001 (RailCorp)

Comments that proposed Amendment has not changed since Blue Mountains Council had consulted with us in mid 2005, our Division has no further comments to make on the Draft.

COMMENTS RAISED – from public exhibition

Support

Submission 18.001

Would like to congratulate Council on their inclusion of all four Lawson heritage conservation precincts in their LEP.

Submission 20.001

Supports any amendment to the LEP 2005 which seeks to recognise and protect heritage items in the Blue Mountains area.

Submission 74.001

Support heritage.

Submission 83.001

Submit a positive response to the recommendations of Blue Mountains LEP - Draft Amendment 1. Very pleased with the inclusion of these sites in the LEP 2005.

Submission 84.001

Endorse the recommendations of Blue Mountains LEP - Draft Amendment 1. Very pleased with the inclusion of these sites in the LEP 2005.

Object

Submission 59.001

Consider that the process of determining which properties and areas are to be listed as heritage items is flawed. Comment that properties in Lawson were based on an assessment by Professor Ian Jack, but his report was not available to the public. Consider that proposed listings appeared to be somewhat arbitrary.

Other Comment

Submission 2.021

Submitter believes the best course of action is to defer this amendment until the work associated with the highway is completed, then reassess the remaining items, and any new work which has been created to replace items removed or demolished.

Submission 11.001

Comments that existing and further listing of items will impose significant restrictions on the owners of the properties involved and present problem for the future development of Lawson.

Comments that it appears to be some significant discrepancies between the proposed listings and previous studies carried out in relation to the widening of the Great Western Highway.

Comments that it is imperative that a serious review of the whole process should be instigated by Blue Mountains City Council and appropriate steps taken to overcome the deficiencies in the process.

Submission 71.001

Question and understanding of submitter that any [heritage] item not transferred to LEP 2005 will still have protection under LEP 1991 or LEP 4 and will continue to do so. Query whether the listings reflect changes made since the Inventory Register was compiled.

DISCUSSION

The support raised in submissions 18, 20, 74, 83, and 84 is noted. The purpose of Amendment 1 is to conclude the heritage review undertaken as part of LEP 2005 by incorporating those buildings, areas or land identified from the findings of heritage studies for Lawson, Hazelbrook, Springwood and Blaxland within LEP 2005. This would provide a consistent level of recognition as to the heritage significance of buildings inherent within the Blue Mountains.

Concerns raised by submission 59 as to the process of identifying individual heritage items is also noted. The work undertaken by Professor Ian Jack related to the identification of heritage conservation areas within Lawson. The identification of individual heritage items was undertaken by Biosis Pty Ltd. In either case, the identification of buildings and conservation areas was carried out in accordance with the Local Government Heritage Guidelines published by the NSW Heritage Office. This process incorporated the State Heritage Inventory program, which provided a rigorous foundation of criteria as set out in the Burra Charter to establish heritage significance. It should also be noted that the methods used in Amendment 1 have been carried out consistently across the remainder of the LEP 2005 area, so any changes in methodology specifically for Amendment 1 would cause inconsistencies in the identification and consideration of heritage – and should be avoided on the basis of equity and fairness. Finally, the supporting studies were made available at the statutory exhibition venues in Katoomba and Springwood. The non-statutory exhibition venues in Lawson and Blaxland did not have the supporting studies primarily because there was a lack of space in the relevant venues to fully accommodate the additional information. The suggestion that the relevant background studies were not made available to the public is therefore flawed.

Comments raised by submissions 2 and 11 are similar in their general premise, querying the appropriateness of listing heritage items that are to be affected by the upgrading works associated with the Great Western Highway through Lawson. The fundamental rationale for identifying and listing buildings in Lawson is to recognise their inherent significance in the initial development of Lawson and, possibly, the Mid-Mountains generally. While the work from the upgrading of the Great Western Highway is inevitable, the recognition given to the buildings and conservation areas does not necessarily preclude their demolition. In the event that a heritage-listed building is to be demolished, a heritage impact statement is to be provided as part of the development application, and strategies to conserve the building are to be considered as part of that statement. Conservation strategies, in this context, can include re-use of building fabric in a new location, relocation of the building where warranted, documentary recording of the building prior to demolition, amongst others.

With respect to the further concerns specifically raised in submission 11, the process of identifying and assessing heritage significance for Amendment 1 is not considered deficient as the studies have been undertaken using the criteria set out in the Burra Charter and the State Heritage Inventory Program. Identifying and assessing heritage significance is fundamentally subjective and open to the opinions of the person actually doing the assessment at the time. That being said, the process itself is considered to be robust and

consistent with other heritage assessments undertaken elsewhere for the LEP 2005 area. Professor Jack's report only addressed the proposal of the National Trust to identify much of Lawson as a heritage conservation area, and put forward four key conservation areas as included within Amendment 1. Professor Jack's report, like the Biosis study, was available at the time of exhibition at the statutory exhibition venues in Katoomba and Springwood. Lawson **was not** included as a statutory exhibition venue due the limited space available at the local library and, therefore, did not have the background studies for viewing there. Finally, there is nothing that the Council can do to prevent circulation of information during a public exhibition by third parties outside of the LEP process. The actions and comments put forward by ACMMR do not have any bearing on the statutory process itself and are only opinions of a potentially affected party. On that basis, it is considered that the LEP process has not been compromised.

The question raised by Submission 71 that any heritage item will continue to have protection under LEP 4 and/or LEP 1991 if it has not been transferred to LEP 2005 (either through the original exhibition or a subsequent amendment like Amendment 1) can be answered by reference to the wording of the relevant instruments setting out the land to which the planning instrument applies.

Clause 2 of LEP 1991 states:

This plan applies to certain land within the City of Blue Mountains, being:

- (a) *that land shown on the Map, within the meaning of Blue Mountains Local Environmental Plan 2005, by distinctive colouring as "Area subject to LEP 1991", or*
- (b) *that land not shown on the Map within the meaning of Blue Mountains Local Environmental Plan 2005.*

Clause 3 of LEP 4 states:

This plan applies to certain land within the City of Blue Mountains, being that land shown on the Map, within the meaning of Blue Mountains Local Environmental Plan 2005, by distinctive colouring as "Area subject to LEP 4".

If a heritage item is listed under LEP 1991 **and** the land to which the heritage item is situated complies with Clause 2 of LEP 1991, then any protection afforded by LEP 1991 will continue to apply. Similarly, the situation would equally apply to such land still under the jurisdiction of LEP 4. If the land upon which the heritage item is located is under LEP 2005 (as set out in Clause 2 of LEP 2005), any historical protection afforded by LEP 1991 and/or LEP 4 are repealed by virtue of the amendments made to those respective planning instruments through Clause 3 of LEP 2005 as gazetted as the land is subject to LEP 2005, not LEP 4 or LEP 1991. As this amendment is solely applying to land subject to LEP 2005, the third situation will apply – any historical protection accorded by LEP 1991 or LEP 4 do not apply to heritage items within the land subject to this amendment.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

1. That no changes are made to Amendment 1 in response to the matters raised in this section.

General Comments on Lawson Village

This section relates to general comments made by submitters to Amendment 1 where the comment relates generally to Lawson Village and the proposed listing of heritage items and/or conservation areas within that particular village. This section is also used where a comment relates to more than one specific heritage item/heritage conservation area.

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
73 (82.0 %)		Support / No Refinements	59 (37.1%)
<i>Format:</i>		Support / Refinements Requested	12 (7.5%)
Individual	24	Refinements Requested	
Proforma	49	Object / Refinements Requested	
Petitions	0	Object	2 (1.3%)
<i>Comprising signatures</i>	0	Other Comment	7 (4.4%)
		<i>Total Comments</i>	<i>80 (50.3%)</i>

COMMENTS RAISED – from public authorities

Submission 37.001 (RailCorp)

Comments that proposed Amendment has not changed since Blue Mountains Council had consulted with us in mid 2005, our Division has no further comments to make on the Draft.

COMMENTS RAISED – from public exhibition

Support

Submission 3.001

Support the recommended additions for Lawson currently on exhibition. Support the inclusion of the heritage conservation areas (Honour Gardens, Lawson Highway Shops).

Consider Council is showing foresight in recognising the history of the centre of Lawson village and the need to preserve it.

Submission 6.001

Support the recommended additions for Lawson currently on exhibition. Support the inclusion of the heritage conservation areas (Honour Gardens, Lawson Highway Shops).

Consider Council is showing foresight in recognising the history of the centre of Lawson village and the need to preserve it.

Submission 7.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts. Support inclusion of all individual heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 9.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 10.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 12.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 13.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 14.001

Expresses strong support for the recommendations contained in the Heritage Amendment for the recognition of the four Heritage Conservation Precincts - San Jose Avenue, Honour Gardens, Henry Street and the Lawson Highway shops.

Submission 15.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 16.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 17.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 21.001

Supports wholeheartedly the Lawson Heritage Schedule.

Submission 25.001

Support the recommended additions for Lawson currently on exhibition. Support the inclusion of the heritage conservation areas (Honour Gardens, Lawson Highway Shops).

Consider Council is showing foresight in recognising the history of the centre of Lawson village and the need to preserve it.

Submission 26.001

Support the recommended additions for Lawson currently on exhibition. Support the inclusion of the heritage conservation areas (Honour Gardens, Lawson Highway Shops).

Consider Council is showing foresight in recognising the history of the centre of Lawson village and the need to preserve it.

Submission 27.001

Support the recommended additions for Lawson currently on exhibition. Support the inclusion of the heritage conservation areas (Honour Gardens, Lawson Highway Shops).

Consider Council is showing foresight in recognising the history of the centre of Lawson

village and the need to preserve it.

Submission 28.001

Support the recommended additions for Lawson currently on exhibition. Support the inclusion of the heritage conservation areas (Honour Gardens, Lawson Highway Shops).

Consider Council is showing foresight in recognising the history of the centre of Lawson village and the need to preserve it.

Submission 29.001

Support the recommended additions for Lawson currently on exhibition. Support the inclusion of the heritage conservation areas (Honour Gardens, Lawson Highway Shops).

Consider Council is showing foresight in recognising the history of the centre of Lawson village and the need to preserve it.

Submission 30.001

Support the recommended additions for Lawson currently on exhibition. Support the inclusion of the heritage conservation areas (Honour Gardens, Lawson Highway Shops).

Consider Council is showing foresight in recognising the history of the centre of Lawson village and the need to preserve it.

Submission 31.001

Support the recommended additions for Lawson currently on exhibition. Support the inclusion of the heritage conservation areas (Honour Gardens, Lawson Highway Shops).

Consider Council is showing foresight in recognising the history of the centre of Lawson village and the need to preserve it.

Submission 32.001

Support the recommended additions for Lawson currently on exhibition. Support the inclusion of the heritage conservation areas (Honour Gardens, Lawson Highway Shops).

Consider Council is showing foresight in recognising the history of the centre of Lawson village and the need to preserve it.

Submission 33.001

Support the recommended additions for Lawson currently on exhibition. Support the inclusion of the heritage conservation areas (Honour Gardens, Lawson Highway Shops).

Consider Council is showing foresight in recognising the history of the centre of Lawson village and the need to preserve it.

Submission 34.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 35.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 36.001

We fully support the exhibited Amendment 1 to the LEP 2005 for Lawson.

Submission 39.001

I fully support the listings for Lawson as exhibited.

Congratulates Council on completing this important milestone for the LEP process.

Submission 40.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts

– Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 41.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 42.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 43.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 44.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 45.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 46.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 47.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 48.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 49.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 54.001

Support the recommended additions for Lawson currently on exhibition. Support the inclusion of the heritage conservation areas (Honour Gardens, Lawson Highway Shops).

Consider Council is showing foresight in recognising the history of the centre of Lawson village and the need to preserve it.

Submission 60.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 61.001

Support the recommended additions for Lawson currently on exhibition. Support the inclusion of the heritage conservation areas (Honour Gardens, Lawson Highway Shops).

Consider Council is showing foresight in recognising the history of the centre of Lawson village and the need to preserve it.

Submission 62.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 63.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 64.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 65.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 66.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 67.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 68.001

Support the recommended additions for Lawson currently on exhibition. Support the inclusion of the heritage conservation areas (Honour Gardens, Lawson Highway Shops).

Consider Council is showing foresight in recognising the history of the centre of Lawson village and the need to preserve it.

Submission 69.001

Support the recommended additions for Lawson currently on exhibition. Support the inclusion of the heritage conservation areas (Honour Gardens, Lawson Highway Shops).

Consider Council is showing foresight in recognising the history of the centre of Lawson village and the need to preserve it.

Submission 70.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 73.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Fully support Council for officially recognising the heritage of Lawson and the Blue Mountains.

Submission 75.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Glad to hear that Council is officially recognising the heritage of Lawson.

Submission 76.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 77.001

Strongly support the heritage recommendations for Lawson's village centre. Consider the recommendations are the minimal requirements for the preservation of Lawson's unique and valuable history.

Considers the area under discussion is of State, if not National significance, not merely of local significance.

Submission 79.001

Support the recommendations for the Heritage Schedule for the town centre of Lawson currently on exhibition.

Submission 80.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson

Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 81.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 82.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 86.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Submission 87.001

Support the inclusion of the heritage conservation precincts (San Jose Avenue, Badgerys Crescent, Henry Street and Lawson Highway Shops). Also support inclusion of all heritage items listed.

Submission 88.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Support in Part

Submission 19.001

Support recommendations of Professor Ian Jack in the Preliminary Draft Heritage Assessment Report. Request that Council adopts recommendations to include the four Heritage Conservation Areas set out in the Report, which does not include this residence (15 Benang Street, Lawson).

Submission 22.001

Support recommendations of Professor Ian Jack in the Preliminary Draft Heritage Assessment Report. Request that Council adopts recommendations to include the four Heritage Conservation Areas set out in the Report, which does not include this residence (15 Benang Street, Lawson).

Submission 36.002

Commend the addition of numerous individual heritage items in the Amendment.

Support inclusion of Mechanics Institute as heritage item.

Request inclusion of the Mountain Magic Café and Century 21 buildings.

Submission 38.002

Support recommendations of Professor Ian Jack in the Preliminary Draft Heritage Assessment Report. Request that Council adopts recommendations to include the four Heritage Conservation Areas set out in the Report, which does not include this residence (15 Benang Street, Lawson).

Submission 50.002

Support recommendations of Professor Ian Jack in the Preliminary Draft Heritage Assessment Report. Request that Council adopts recommendations to include the four Heritage Conservation Areas set out in the Report, which does not include this residence (15 Benang Street, Lawson).

Submission 51.002

Support recommendations of Professor Ian Jack in the Preliminary Draft Heritage Assessment Report. Request that Council adopts recommendations to include the four Heritage Conservation Areas set out in the Report, which does not include this residence (15 Benang Street, Lawson).

Submission 52.002

Support recommendations of Professor Ian Jack in the Preliminary Draft Heritage Assessment Report. Request that Council adopts recommendations to include the four Heritage Conservation Areas set out in the Report, which does not include this residence (15 Benang Street, Lawson).

Submission 53.002

Support recommendations of Professor Ian Jack in the Preliminary Draft Heritage Assessment Report. Request that Council adopts recommendations to include the four Heritage Conservation Areas set out in the Report, which does not include this residence (15 Benang Street, Lawson).

Submission 56.002

Support recommendations of Professor Ian Jack in the Preliminary Draft Heritage Assessment Report. Request that Council adopts recommendations to include the four Heritage Conservation Areas set out in the Report, which does not include this residence (15 Benang Street, Lawson).

Submission 71.002

Comment that it is hard to fault the content [for Lawson] as it is everything and more that the community and other involved groups have been battling for over the due recognition of the social and cultural heritage of this township.

Questions raised include:

- What is the RTA position on these listings and the effect they will have on their intended plans;
- What is now the intended use of the Mechanic's Institute to ensure it becomes a viable and useful part of the local community;
- Will this [outcome of the heritage amendment] ensure the dilapidated look of the buildings are given a facelift just to make them look like they are cared for;
- Implications of the previous point in the context of the recent application for modifications to the Lawson Hotel;
- The majority of these items are in the National Trust Conservation Area for Lawson;
- Will any future development applications reflect the style of Lawson and complement existing heritage items.

Submission 72.002

Support recommendations of Professor Ian Jack in the Preliminary Draft Heritage Assessment Report. Request that Council adopts recommendations to include the four Heritage Conservation Areas set out in the Report, which does not include this residence (15 Benang Street, Lawson).

Submission 78.001

Support the recommendation for inclusion of all four Lawson Heritage Conservation Precincts – Honour Gardens, San Jose and Badgerys Crescent, Henry Street, and the Lawson Highway Shops.

Support inclusion of all heritage items as identified.

Commend Council for officially recognising the heritage of Lawson.

Request the addition of:

297 Great Western Highway (Century 21); and

300 Great Western Highway (Mountain Magic Café) within the list of heritage items

Object

Submission 85.001

Object to the proposed draft amendment as it relates to the village area of Lawson. Strongly support the road widening and re-location of the village shops as originally proposed by Council in its model submitted.

Submission 87.002

Object to the exclusion of the original BCC chambers (now Lawson Library). Object to the exclusion of the original water reservoir (now Lawson Bowling Club).

Other Comment

Submission 2.001

Submitter comments that as a general principle where a building/structure has been extensively modified, and the 'Act' does not require restoration, then we believe 'Heritage' listing is not appropriate.

Submission 2.002

Submitter comments in reference to items: LN071, LN044, LN072, LN073, LN045, LN067, LN068, LN070 & LN075 their view regarding these items is that while the building/structure is fulfilling the specific purpose for which it was made, it should not be constrained in any way by the application of a Heritage Act.

Submission 2.006

Submitter states in reference to LN067, LN068, LN070 & LN075 that they are not in their original condition and are of the opinion that a Heritage Act should not apply to these structures now or at any time in the future.

Submission 2.014

Submitter states their view regarding items of this nature is that a Heritage Act should only be applied with the consent of the present owner of the property. If consent is not given then the most that should happen is the recording of an 'Interest to List' or an 'Interest to Acquire' the property when it next becomes available for sale.

Submission 2.017

Submitter comments that the proposed demolition of the shops along the highway has been a topic of much discussion and dissension in the local community. They understand that a decision has finally been made that the highway widening will proceed along the existing corridor using the reservation, it would then seem pointless to ask us if we wish to give these shops heritage protection.

Submission 2.020

Submitter states:

- 1) All items which has been assessed as having heritage value should, if they require to be removed when the highway is widened, be assessed for their usefulness. If some imagination and creativity is used, these items could then be used as a link between the past and future Lawson village e.g. the various heritage items could be linked by a heritage walk using the highway alignment pins set into the Bass St kerb blocks as markers along the route.
- 2) Archival material should be displayed within the village. Perhaps Heatherbrae would be suitable if Council can acquire it for community use as was originally intended.
- 3) In addition to photographs and records of the heritage items, why not film the entire process, from the time the roadworks begin, new village infrastructure, new shops (if any), the pub restoration through to completion. This too would be part of the archival material, and could probably be useful in other ways. It may even be possible to get a grant to do this.

Submission 8.001

Raises concern that the objective of widening the Great Western Highway through the Central Mountains has been lost sight of. Comments that the traffic corridor predates all buildings erected in their environs and that the towns along the corridor have grown to service traffic

along the corridor, not vice versa.

Not impressed by the disregard that [local] pressure groups have had to the rights of property owners. Horrified by the funds spent on moving degraded structures to new positions, and attempts to modify them. Support comments on the urgent need for practical and urgent attention to the achievement of widening the Great Western Highway.

DISCUSSION

Support

The majority of comments in this section stem from pro-forma submissions received in response to the public exhibition of Amendment 1. The pro-forma comments support the identification of the relevant heritage conservation areas and items within Lawson Village. The support is noted. As discussed in the principal report, the notion of listing a building as a heritage item or within a heritage conservation area does not preclude considering the building's demolition if necessary or warranted. If the submitters believe that the listing of buildings as heritage items will prevent their demolition as part of the highway upgrading, then holding such a position is fundamentally flawed. The listing of buildings acknowledges their local significance, and requires a heritage impact statement for any applications to undertake works, alterations, relocation or demolition of the buildings.

Support in Part

The support offered by a number of submissions (19, 22, 38, 50, 51, 52, 53, 56 and 72) are identical on the basis that they support the heritage conservation areas proposed and/or modified by Amendment 1 and that the extent of these areas excludes 15 Benang Street from the conservation areas. These submissions also oppose the proposed listing of 15 Benang Street (LN050), which will be discussed separately. The support is noted.

The comments and questions raised by submission 71 are essentially outside the scope of this amendment to address. The RTA's position in respect of the heritage items is set out in their Review of Environmental Factors (REF) for the highway upgrading. The listing of heritage items by virtue of Draft Amendment 1 will not preclude the upgrading continuing. It does provide the framework to ensure that, in the event listed buildings are to be demolished, the required heritage impact assessments are undertaken as part of any application and approaches for conservation of the building (e.g. through interpretation and re-use of the building fabric, documentary information being gathered for archival purposes).

Submissions 36 and 78 essentially supported the ideas in the pro-forma submissions, but requested the inclusion of 297 (Century 21) and 300 Great Western Highway (Mountain Magic Café). The two properties sought for listing are already included within the proposed Heritage Conservation Area (LN076) that covers the shops facing the Great Western Highway from Staples Store in Honour Avenue to Staples Street. They were not identified as being individually significant in their own right through the Bosis assessments of individual heritage items. It is worthy to note that the matters to be considered for development within a heritage conservation area practically mirror those required for an individual heritage item (per cl. 71(3) of LEP 2005). Unless there is a compelling rationale to separately list these two properties **in addition** to their group listing within the heritage conservation area, the protection by way of the heritage conservation area should be sufficient. Neither submitter provided by way of their submission further supporting evidence to justify separately listing 297 and 300 Great Western Highway.

Object

Submission 85 fundamentally objected to Amendment 1 as it related to Lawson village. The submitter supported the redevelopment of the village and the widening of the Great Western Highway. Amendment 1 does not preclude the redevelopment of Lawson village and the highway upgrading is a matter of when, not if. Amendment 1 recognises the historic characteristics of certain buildings and areas within Lawson, and requires through the existing heritage conservation provisions within LEP 2005 that any future development affecting heritage-listed buildings and areas adequately addresses those historic characteristics.

Submission 87 objected to the omission of two buildings (the former Blue Mountains Shire Council offices, now the Lawson library; and the original water reservoir (now Lawson Bowling

Club) from Amendment 1. The former Blue Mountains Shire Office is already listed under LEP 2005 within Schedule 6 (Heritage) — and is designated LN027 on the planning maps. Amendment 1 **does not** propose to remove the former Blue Mountains Shire Office from Schedule 6, so its existing status as a heritage item will remain upon the gazettal of Amendment 1. The original water reservoir is included within Amendment 1 as a proposed heritage item — and is designated LN026 within the Amendment. Consequently, the concerns of this submitter have already been addressed either through the existing Schedule 6 to LEP 2005 or this amendment.

Other Comments

Submissions 2.001, 2.002 and 2.006 effectively reiterate the same point that if the building is being used for its original purpose or is substantially modified (not in its original condition) then it should not be listed or subject to heritage provisions. It should be noted that the physical attributes of a building are but one of several criteria for consideration when identifying and assessing heritage significance. For example, the building may not be in its original condition, but the building or property is associated with a historical person of note. This, in itself, ascribes a degree of heritage significance to the land rather than the building *per se*. Recognising the building or land's heritage significance for whatever reason is fundamentally what this amendment seeks to achieve.

Submission 2.014 suggests that heritage provisions should only be applied with the consent of the owner. In the event that consent is not received, then an “interest to list” or an “interest to acquire” should only be applied. With respect to the submission, any proposal to list buildings or land under a local environmental plan requires a change to that planning instrument. A LEP amendment has a specific statutory process to be followed under the EP&A Act. It is an unreasonable and inefficient use of resources to require individual LEP amendments to include heritage items be undertaken only at the time a property is sold. The owner has the opportunity to object to the listing during the public exhibition of any LEP amendment and the Council must take into account any submissions received. Furthermore, the Council is not under any statutory obligation to acquire land or otherwise compensate an owner of a heritage-listed property.

Submissions 2.017 and 2.020 make various comments about the process involving the upgrading of the Highway and propose some suggestions to manage heritage items as part of the upgrading. These are operational suggestions that are not strictly within the parameters of this Amendment. That being said, it is considered that the ideas are given further thought with respect to managing the heritage process outside this amendment as part of the Highway upgrading program.

Submission 8 comments that the priority for the highway upgrading has been lost. It is to be noted that the heritage conservation provisions of LEP 2005 do not preclude demolition of a heritage-listed building. Identifying and assessing the buildings included in Amendment 1 with respect to Lawson was undertaken jointly between the Council and the RTA. The proposed listing of buildings within Amendment 1 affected by the highway upgrading will:

- (a) recognise the historical role of Lawson as a Mountains village; and
- (b) ensure that the heritage impacts of the highway upgrading program on these buildings is appropriately mitigated.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

2. That no changes are made to Amendment 1 in response to the matters raised in this section.

LN026 - Former Railway Reservoir

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
1 (1.1 %)		Support / No Refinements	
<i>Format:</i>		Support / Refinements Requested	
Individual	1	Refinements Requested	
Proforma	0	Object / Refinements Requested	
Petitions	0	Object	
<i>Comprising signatures</i>	0	Other Comment	1 (0.7%)

COMMENTS RAISED – from public exhibition

Comment

Submission 2.013

Submitter states there may be some worth including this as a building of local significance.

DISCUSSION

The inclusion of the former railway reservoir recognises the historic significance of the structure as critical infrastructure in developing the railway service across the Mountains. While the original building became redundant, it was adapted as the clubrooms for the bowling club in the 1970s thereby retaining the structure and its significance. The comment made by the submitter is noted.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

- That no changes are made to Amendment 1 in response to the matters raised in this section.

LN041 - Lawson Baptist Church

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
1 (1.1 %)		Support / No Refinements	
<i>Format:</i>		Support / Refinements Requested	
Individual	1	Refinements Requested	
Proforma	0	Object / Refinements Requested	
Petitions	0	Object	
<i>Comprising signatures</i>	0	Other Comment	1 (0.7%)

COMMENTS RAISED – from public exhibition

Comment

Submission 2.011

Submitter thinks restored building worth preserving.

DISCUSSION

The inclusion of the Lawson Baptist Church under Amendment 1 recognises the historical, aesthetic and social significance this building played to the early community. The efforts by the RTA to relocate and retain the building in situ maintain intact one of the earlier buildings constructed in Lawson for a growing religious community. The comment made by the submitter is noted.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

- That no changes are made to Amendment 1 in response to the matters raised in this section.

LN042 - Explorers Centenary Lamp

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
1 (1.1 %)		Support / No Refinements	
<i>Format:</i>		Support / Refinements Requested	
Individual	1	Refinements Requested	
Proforma	0	Object / Refinements Requested	
Petitions	0	Object	
<i>Comprising signatures</i>	0	Other Comment	1 (0.7%)

COMMENTS RAISED – from public exhibition

Comment

Submission 2.007

Submitter states that, although only of local significance, the item is worth re-location and preservation.

DISCUSSION

The inclusion of the Explorers Centenary Lamp recognises the historic and social significance of the structure, particularly in respect of the monument's construction to celebrate the crossing of the Mountains. The likelihood of the lamp being relocated is a matter to be assessed and considered as part of the highway upgrading program. At that time, any potential impacts on the heritage significance of the structure will be addressed. The comment made by the submitter is noted.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

- That no changes are made to Amendment 1 in response to the matters raised in this section.

LN043 - Lawson Community Hall

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
16 (18.0 %)		Support / No Refinements	15 (9.4%)
<i>Format:</i>		Support / Refinements Requested	
Individual	1	Refinements Requested	
Proforma	15	Object / Refinements Requested	
Petitions	0	Object	
<i>Comprising signatures</i>	0	Other Comment	1 (0.7%)

COMMENTS RAISED – from public exhibition

Support

Submission 3.002

Support recognition of the Mechanic's Institute (Old Community Hall) and inclusion on the heritage schedule.

Submission 6.002

Support recognition of the Mechanic's Institute (Old Community Hall) and inclusion on the heritage schedule.

Submission 25.002

Support recognition of the Mechanic's Institute (Old Community Hall) and inclusion on the heritage schedule.

Submission 26.002

Support recognition of the Mechanic's Institute (Old Community Hall) and inclusion on the heritage schedule.

Submission 27.002

Support recognition of the Mechanic's Institute (Old Community Hall) and inclusion on the heritage schedule.

Submission 28.002

Support recognition of the Mechanic's Institute (Old Community Hall) and inclusion on the heritage schedule.

Submission 29.002

Support recognition of the Mechanic's Institute (Old Community Hall) and inclusion on the heritage schedule.

Submission 30.002

Support recognition of the Mechanic's Institute (Old Community Hall) and inclusion on the heritage schedule.

Submission 31.002

Support recognition of the Mechanic's Institute (Old Community Hall) and inclusion on the heritage schedule.

Submission 32.002

Support recognition of the Mechanic's Institute (Old Community Hall) and inclusion on the heritage schedule.

Submission 33.002

Support recognition of the Mechanic's Institute (Old Community Hall) and inclusion on the heritage schedule.

Submission 54.002

Support recognition of the Mechanic's Institute (Old Community Hall) and inclusion on the heritage schedule.

Submission 61.002

Support recognition of the Mechanic's Institute (Old Community Hall) and inclusion on the heritage schedule.

Submission 68.002

Support recognition of the Mechanic's Institute (Old Community Hall) and inclusion on the heritage schedule.

Submission 69.002

Support recognition of the Mechanic's Institute (Old Community Hall) and inclusion on the heritage schedule.

Comment

Submission 2.012

Submitter states that they have doubts on the ability or appropriateness of trying to relocate it. Believes the best option is to erect a new building for community use on what remains of the site.

DISCUSSION

The majority of comments relating to this section come from pro-forma submissions. The inclusion of the Community Hall (Mechanic's Institute) recognises its historical associations with the village of Lawson. The hall is directly affected by the upgrading of the highway and its ability to be retained intact in its current location situ is compromised by the proposed west-bound carriageway. Opportunities to relocate the building on-site are also limited because of the RFS station located immediately to the rear of the building.

It is important to realise that the heritage listing of a building does not guarantee its preservation and the existing heritage conservation provisions of LEP 2005 make that very clear. It is also important to realise that any decisions to be made about the hall are to be done separately to this process. The heritage listing is but one consideration that may contribute to any deliberations as to the hall's future. The listing does ensure that, in the event the building has to be removed, suitable measures are undertaken to record and/or reuse the fabric for an alternative facility.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

6. That no changes are made to Amendment 1 in response to the matters raised in this section.

LN045 - Lawson Reservoir

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
1 (1.1 %)		Support / No Refinements	
<i>Format:</i>		Support / Refinements Requested	
Individual	1	Refinements Requested	
Proforma	0	Object / Refinements Requested	
Petitions	0	Object	
<i>Comprising signatures</i>	0	Other Comment	1 (0.7%)

COMMENTS RAISED – from public exhibition

Comment

Submission 2.005

Submitter states that while currently in use, if at some time in the future the item is not required they would prefer the structure demolished.

DISCUSSION

Inclusion of the reservoir acknowledges the crucial role that infrastructure played in the development and viability of early Lawson. The reservoir was the first (and is still the current) reticulated water supply to Lawson and, previously, the Upper Blue Mountains. The request of the submitter for the structure to be demolished in the event it is not required cannot be supported in these proceedings as such a request is outside the scope of this instrument.

The discretion as to any likely use of the site remains with Sydney Water as the controlling authority for the reservoir. The listing of the reservoir ascribes some local significance to the structure for historical and technological reasons and these issues would need to be taken into account when considering future development or opportunities for the site.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

- That no changes are made to Amendment 1 in response to the matters raised in this section.

LN049 - Entry Arch to Bellevue Park

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
1 (1.1 %)		Support / No Refinements	
<i>Format:</i>		Support / Refinements Requested	
Individual	1	Refinements Requested	
Proforma	0	Object / Refinements Requested	
Petitions	0	Object	
<i>Comprising signatures</i>	0	Other Comment	1 (0.7%)

COMMENTS RAISED – from public exhibition

Comment

Submission 2.008

Submitter does not believe item deserves heritage protection, but has sentimental value and could be relocated.

DISCUSSION

Identifying and including the entry arch within Amendment 1 was, like most other items within Lawson, because of the potential impacts that may result from the highway upgrade. The entry arch is within the alignment of the upgraded highway. Consequently, the heritage listing of the arch would require consideration of methods to mitigate the impact of the highway on the identified heritage significance of the arch. Strategies may include relocation of the arch to a remnant part of Bellevue Park and interpretation. The importance of listing such structures cannot be underestimated as this method provides one of the primary approaches to conserving (not necessarily preserving) items of local significance. If the structure was not listed, it could have been removed without further recourse or consideration. The comment of the submitter is noted, but is not supported in this instance to the extent that they consider the arch does not deserve heritage protection.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

- That no changes are made to Amendment 1 in response to the matters raised in this section.

LN050 - Residence

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
10 (11.2 %)		Support / No Refinements	
<i>Format:</i>		Support / Refinements Requested	
Individual	10	Refinements Requested	
Proforma	0	Object / Refinements Requested	9 (5.7%)
Petitions	0	Object	
<i>Comprising signatures</i>	0	Other Comment	1 (0.7%)

COMMENTS RAISED – from public exhibition

Comment

Submission 38.001

Comment that (and list) significant alterations to the house/property have been made over time, and that these changes have diminished the heritage significance attributable to the property.

Object

Submission 19.002

Object to the listing of 15 Benang Street, Lawson, as a heritage item under Schedule 6. Request removal of 15 Benang Street (LN050) from Schedule. Comment that (and list) significant alterations to the house/property have been made over time, and that these changes have diminished the heritage significance attributable to the property.

Submission 22.002

Object to the listing of 15 Benang Street, Lawson, as a heritage item under Schedule 6. Request removal of 15 Benang Street (LN050) from Schedule. Comment that (and list) significant alterations to the house/property have been made over time, and that these changes have diminished the heritage significance attributable to the property.

Submission 50.001

Object to the listing of 15 Benang Street, Lawson, as a heritage item under Schedule 6. Request removal of 15 Benang Street (LN050) from Schedule. Comment that (and list) significant alterations to the house/property have been made over time, and that these changes have diminished the heritage significance attributable to the property.

Submission 51.001

Object to the listing of 15 Benang Street, Lawson, as a heritage item under Schedule 6. Request removal of 15 Benang Street (LN050) from Schedule. Comment that (and list) significant alterations to the house/property have been made over time, and that these changes have diminished the heritage significance attributable to the property.

Submission 52.001

Object to the listing of 15 Benang Street, Lawson, as a heritage item under Schedule 6. Request removal of 15 Benang Street (LN050) from Schedule. Comment that (and list) significant alterations to the house/property have been made over time, and that these changes have diminished the heritage significance attributable to the property.

Submission 53.001

Object to the listing of 15 Benang Street, Lawson, as a heritage item under Schedule 6. Request removal of 15 Benang Street (LN050) from Schedule. Comment that (and list) significant alterations to the house/property have been made over time, and that these changes have diminished the heritage significance attributable to the property.

Submission 56.001

Object to the listing of 15 Benang Street, Lawson, as a heritage item under Schedule 6. Request removal of 15 Benang Street (LN050) from Schedule. Comment that (and list) significant alterations to the house/property have been made over time, and that these changes have diminished the heritage significance attributable to the property.

Submission 58.001

Object to the listing of 15 Benang Street, Lawson, as a heritage item under Schedule 6. Request removal of 15 Benang Street (LN050) from Schedule. Comment that (and list) significant alterations to the house/property have been made over time, and that these changes have diminished the heritage significance attributable to the property.

Submission 72.001

Object to the listing of 15 Benang Street, Lawson, as a heritage item under Schedule 6. Request removal of 15 Benang Street (LN050) from Schedule. Comment that (and list) significant alterations to the house/property have been made over time, and that these changes have diminished the heritage significance attributable to the property.

DISCUSSION

The property at 15 Benang Street was identified on the basis of historical and aesthetic criteria. The heritage inventory statement suggests that the building was included as it is one of the original groups of buildings in the core village area of Lawson (historical criteria) and its consistent exterior built form with adjacent early buildings and contribution to the streetscape (aesthetic criteria).

The submitters have listed a number of alterations to the built fabric, including re-cladding of the exterior, replacement of exterior window frames, enclosure of the veranda, and certain parts of the building being re-roofed in contemporary materials. Changes to the physical configuration of the building would not necessarily diminish the overall heritage significance as the historic criteria are still appropriately addressed with the building. This property is one of five in the immediate vicinity included on Amendment 1 (being 9 and 11 Benang Street, 4 and 5 Bellevue Street). These other properties were included for similar reasons and, consequently, the group has a cumulative degree of heritage significance in its own right. On that basis, there is considerable merit to retain the listing of 15 Benang Street, despite the alterations made to the building. Consequently, the request of the submitters to remove 15 Benang Street, Lawson, from the schedule of heritage items is not supported in this instance.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

9. That no changes are made to Amendment 1 in response to the matters raised in this section.

LN052 - Residence

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
10 (11.2 %)		Support / No Refinements	4 (2.5%)
<i>Format:</i>		Support / Refinements Requested	
Individual	10	Refinements Requested	
Proforma	0	Object / Refinements Requested	
Petitions	0	Object	1 (0.7%)
<i>Comprising signatures</i>	0	Other Comment	5 (3.1%)

COMMENTS RAISED – from public exhibition

Support

Submission 3.003

Support recognition of Heatherbrae (Barratt House) and inclusion on the heritage schedule.

Submission 6.003

Support recognition of Heatherbrae (Barratt House) and inclusion on the heritage schedule.

Submission 25.003

Support recognition of Heatherbrae (Barratt House) and inclusion on the heritage schedule.

Submission 26.003

Support recognition of Heatherbrae (Barratt House) and inclusion on the heritage schedule.

Submission 27.003

Support recognition of Heatherbrae (Barratt House) and inclusion on the heritage schedule.

Submission 28.003

Support recognition of Heatherbrae (Barratt House) and inclusion on the heritage schedule.

Submission 29.003

Support recognition of Heatherbrae (Barratt House) and inclusion on the heritage schedule.

Submission 30.003

Support recognition of Heatherbrae (Barratt House) and inclusion on the heritage schedule.

Submission 31.003

Support recognition of Heatherbrae (Barratt House) and inclusion on the heritage schedule.

Submission 32.003

Support recognition of Heatherbrae (Barratt House) and inclusion on the heritage schedule.

Submission 33.003

Support recognition of Heatherbrae (Barratt House) and inclusion on the heritage schedule.

Submission 54.003

Support recognition of Heatherbrae (Barratt House) and inclusion on the heritage schedule.

Submission 61.003

Support recognition of Heatherbrae (Barratt House) and inclusion on the heritage schedule.

Submission 68.003

Support recognition of Heatherbrae (Barratt House) and inclusion on the heritage schedule.

Submission 69.003

Support recognition of Heatherbrae (Barratt House) and inclusion on the heritage schedule.

DISCUSSION

Heatherbrae (4 Benang Street) was identified for historical and, primarily, aesthetic significance. The heritage inventory statement comments that the house represents an excellent example of inter-war housing with a high degree of intactness and integrity. The current garden and surrounds to the building also contribute to the significance of the property as a heritage property. The support of the submitters to the inclusion of Heatherbrae is noted.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

10. That no changes are made to Amendment 1 in response to the matters raised in this section.

LN056 - “Athol”

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
1 (1.1 %)		Support / No Refinements	
<i>Format:</i>		Support / Refinements Requested	
Individual	1	Refinements Requested	
Proforma	0	Object / Refinements Requested	
Petitions	0	Object	
<i>Comprising signatures</i>	0	Other Comment	1 (0.7%)

COMMENTS RAISED – from public exhibition

Comment

Submission 2.015

Submitter does not see any reason to preserve the item as it is to be demolished by the highway upgrading works.

DISCUSSION

LN056 "Athol" was listed because of its remnant significance as a modest cottage from the 19th century along the highway frontage. The statement comments that few examples like "Athol" remain within Lawson along the highway. The property is affected by the highway upgrading and may be demolished given its proximity to the intersection with Henry Street. The purpose of listing the property is to ensure that prior to any such works being undertaken, a satisfactory recording for archival purposes is completed. This would be a condition of any application required to demolish the building. The comments of the submitter in this instance are not supported for the reasons above.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

- That no changes are made to Amendment 1 in response to the matters raised in this section.

LN063 - “Creswell”

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
1 (1.1 %)		Support / No Refinements	
<i>Format:</i>		Support / Refinements Requested	
Individual	1	Refinements Requested	
Proforma	0	Object / Refinements Requested	
Petitions	0	Object	1 (0.7%)
<i>Comprising signatures</i>	0	Other Comment	

COMMENTS RAISED – from public exhibition

Object

Submission 24.001

Object to listing of Creswell as a heritage item. Comments that reluctant to list the house as it may jeopardise any renovations we may wish to do in the future. Comment not happy with the prospect of having to obtain council permission above and beyond what is expected of non-heritage listed homes in the area.

DISCUSSION

The submitter objects to the proposed listing of "Creswell" on the basis that it may interfere with future plans for the building. They also object to having to obtain permission from the Council for works that may not be required for a non heritage-listed building. The submitter does not provide further evidence to justify the removal of the building from the heritage schedule beyond the comments of likely hardship associated with the property's listing.

Certain development of a heritage-listed building does not necessarily require a full development application process, but does require the written consent of the Council prior to works being undertaken (per cl. 70 of LEP 2005). This requirement is not overly burdensome when taking into account the number of cases where non heritage-listed buildings also have to get written consent because the Exempt and Complying DCP does not apply to their land.

The different treatment of a heritage-listed building also provides certain opportunities that would not otherwise be available to an owner under the Heritage Conservation Incentives provisions of LEP 2005. Incentives include opportunities to vary development standards and land use permissibility on the basis that the heritage-listed building is retained.

The heritage listing of buildings under LEP 2005 was undertaken using robust principles of the manual for local government published by the NSW Heritage Office. This method has been applied consistently across other areas subject to LEP 2005 and also areas subject to LEP 1991 (and a future amendment). The request of the submitter is not supported when weighing up the described significance of the building against the perceived burdens imposed as a consequence of the listing. Finally, this property is one of a group of three in the immediate area that are proposed for listing. On that basis, the significance is elevated because of the cumulative individual listings of the three adjacent properties. For the reasons above, the request of the submitter to not list “Creswell” (LN063) under Amendment 1 is not supported.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

12. That no changes are made to Amendment 1 in response to the matters raised in this section.

LN066 - “Hollywood”

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
1 (1.1 %)		Support / No Refinements	
<i>Format:</i>		Support / Refinements Requested	
Individual	1	Refinements Requested	
Proforma	0	Object / Refinements Requested	1 (0.7%)
Petitions	0	Object	
<i>Comprising signatures</i>	0	Other Comment	

COMMENTS RAISED – from public exhibition

Object

Submission 55.001

Opposes the proposed listing of my property as a new heritage item to be inserted within Schedule 6 under Lawson. Comments that it is inappropriate for my house to be listed as a heritage item for the following reasons:

- My property has undergone massive changes over the years, and the only original part of the house is the front.
- The internal structures have been altered significantly from its original construction, including removal of walls, removal of ceiling, a loft area above.
- Council only recently approved massive extensions and alterations on the property which further decrease its heritage value.

DISCUSSION

The property at 2 Queens Oak Road was identified on the basis of historical and aesthetic criteria. The heritage inventory statement suggests that the building was included as it is one of the original groups of buildings in the core village area of Lawson (historical criteria) and its consistent exterior built form with adjacent early buildings and contribution to the local streetscape (aesthetic criteria).

This property is one of three in the immediate vicinity included on Amendment 1 (being 24A and 26 Honour Avenue). These other properties were included for similar reasons and, consequently, the group has a cumulative degree of heritage significance in its own right. On that basis, there is substantial merit to retain the listing of 2 Queens Oak Road, despite the alterations made to the building. Consequently, the request of the submitter to remove 2 Queens Oak Road, Lawson, from the schedule of heritage items is not supported in this instance.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

13. That no changes are made to Amendment 1 in response to the matters raised in this section.

LN069 - Sandstone kerbing

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
1 (1.1 %)		Support / No Refinements	
		Support / Refinements Requested	
<i>Format:</i>		Refinements Requested	
Individual	1	Object / Refinements Requested	
Proforma	0	Object	
Petitions	0	Other Comment	1 (0.7%)
<i>Comprising signatures</i>	0		

COMMENTS RAISED – from public exhibition

Comment

Submission 2.018

Submitter believes these items should be removed to a secure location for use within the village.

DISCUSSION

The sandstone kerbing formed part of earlier works on the Great Western Highway. This kerb will be affected by the upgrading, and its listing is to identify and enable consideration of strategies for its conservation, which would not necessarily have been the case had it not been identified. Some strategies for the kerbing will most likely involve its relocation and possible re-use in some other situation.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

- That no changes are made to Amendment 1 in response to the matters raised in this section.

LN073 - Old PMG pit

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
1 (1.1 %)		Support / No Refinements	
<i>Format:</i>		Support / Refinements Requested	
Individual	1	Refinements Requested	
Proforma	0	Object / Refinements Requested	
Petitions	0	Object	
<i>Comprising signatures</i>	0	Other Comment	1 (0.7%)

COMMENTS RAISED – from public exhibition

Comment

Submission 2.003

Submitter states if these items (also referring to LN072) are no longer in use they should be removed or filled in as a matter of public safety. Submitter does not consider them to be worthy of preservation.

DISCUSSION

Identification and inclusion of the PMG pit was to recognise the importance of telecommunications infrastructure in the early settlement of the Mountains. This facility is directly affected by the upgrading to the Great Western Highway, and its listing would ensure that suitable conservation strategies are undertaken prior to any alterations and/or removal as a consequence of the highway upgrading program. In this case, the most likely strategy would involve detailed recording of the item (photographic, etc.) prior to any works being undertaken. The request of the submitter that the items are not worthy of preservation is not supported.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

- That no changes are made to Amendment 1 in response to the matters raised in this section.

LN074 - Alignment Pins

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
1 (1.1 %)		Support / No Refinements	
<i>Format:</i>		Support / Refinements Requested	
Individual	1	Refinements Requested	
Proforma	0	Object / Refinements Requested	
Petitions	0	Object	
<i>Comprising signatures</i>	0	Other Comment	1 (0.7%)

COMMENTS RAISED – from public exhibition

Comment

Submission 2.019

Submitter states they found seven pins, and believe they could be put to use within the village.

DISCUSSION

The alignment pins provided an integral component to original works on the highway during its construction and upgrading. The pins are directly affected by the upgrading work, which will most likely involve their removal from their existing location. The future location or use of the pins will be the subject of a heritage impact assessment and relevant strategies to address the conservation of the pins (e.g. relocation and interpretation). The comment of the submitter is noted.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

- That no changes are made to Amendment 1 in response to the matters raised in this section.

LN077 - Staples Stores

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
1 (1.1 %)		Support / No Refinements	
<i>Format:</i>		Support / Refinements Requested	
Individual	1	Refinements Requested	
Proforma	0	Object / Refinements Requested	
Petitions	0	Object	1 (0.7%)
<i>Comprising signatures</i>	0	Other Comment	

COMMENTS RAISED – from public exhibition

Object

Submission 57.001

Objects to listing of 1 Honour Ave Lawson as a heritage item.

DISCUSSION

The Staples Stores Group (1 to 7 Honour Avenue, Lawson) were listed for a number of reasons – historical, associative, social and representative. These buildings in particular are not directly affected by the upgrading of the Great Western Highway and have an opportunity to be retained as one of the few examples of earlier commercial construction within Lawson village. On that basis, their relative significance can be elevated compared to those buildings that may be demolished as a consequence of the highway works. The heritage inventory form suggests that these buildings can be reinstated to their original form and provide a key focus as part of the Douglas Square upgrading and entry to the Lawson commercial area itself along with the Blue Mountains Hotel.

In addition to the stores' individual listing, the building also comprises the eastern extent of the heritage conservation area relating to the commercial group as identified in the study by Ian Jack Heritage Consulting Pty Ltd as well as adjoining the Honour Avenue Heritage Conservation Area set out in the same study.

The submitter suggests that the restrictions posed by listing would further delay the upgrading works. It is argued that this is not necessarily the case. Identification and listing of these buildings provides opportunities to consider and record the heritage significance of the buildings prior to further development being undertaken (including, for example, the demolition of certain buildings). The assessment of individual buildings within the Lawson village and land fronting the Great Western Highway was undertaken jointly between the Council (for this amendment) and the RTA (for their REF) to provide certain efficiencies in identifying and assessing buildings and land of common interest. The public exhibition of this Draft LEP (in February 2006) was the first opportunity that land owners had to comment on the proposed listing of buildings on the basis that until a Draft LEP is on public exhibition, it can be subject to change. For these reasons, the objection of the submitter is not supported.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

- That no changes are made to Amendment 1 in response to the matters raised in this section.

LN080 - Blue Mountains Hotel

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
1 (1.1 %)		Support / No Refinements	
<i>Format:</i>		Support / Refinements Requested	
Individual	1	Refinements Requested	
Proforma	0	Object / Refinements Requested	
Petitions	0	Object	
<i>Comprising signatures</i>	0	Other Comment	1 (0.7%)

COMMENTS RAISED – from public exhibition

Comment

Submission 2.016

Submitter comments that they understand that the item is to be restored by the owner to the appearance it had circa 1910. Believes this building should be reassessed after restoration.

DISCUSSION

The Blue Mountains Hotel has recently received the consent of the Council to undertake renovations and works to restore its internal and external appearance. The hotel already has a Conservation Management Plan prepared for the building, which provided guidance to assess individual elements of significance and the most appropriate method to manage those elements. On that basis, the hotel already has been considered to have heritage significance so the listing under Amendment 1 provides the statutory reinforcement for that. The need to reassess the building's significance after the renovations have been completed is therefore redundant. The comments of the submitter are noted, but are not supported in this instance.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

- That no changes are made to Amendment 1 in response to the matters raised in this section.

HCA LN014 - Honour Gardens (and deletion of heritage item LN014)

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
1 (1.1 %)		Support / No Refinements	
<i>Format:</i>		Support / Refinements Requested	
Individual	1	Refinements Requested	
Proforma	0	Object / Refinements Requested	
Petitions	0	Object	
<i>Comprising signatures</i>	0	Other Comment	2 (1.3%)

COMMENTS RAISED – from public exhibition

Comment

Submission 2.009

Submitter comments that area has local significance and should be preserved intact.

Submission 2.010

Submitter notes that there is a little confusion as Douglas Square appears to be listed as a separate item (LN079) and is also included in LN014.

DISCUSSION

This submitter raised two matters in respect of the introduction of the Honour Gardens heritage conservation area. Firstly, addressing the general recognition that the conservation area has significance and should be preserved; and, secondly, the concern about listing Douglass Square both as an individual item and within the conservation area. With respect to the second matter, the listing of land as both an individual item and a heritage conservation area occurs frequently. In this case, the extent of the heritage conservation area was proposed by Ian Jack Heritage Consulting and the individual item was assessed by Biosis. There is no confusion and the listing of Douglass Square as a heritage item and within a heritage conservation area is deliberate on the basis of the property's significance as an item and its contributory role to the conservation area.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

- That no changes are made to Amendment 1 in response to the matters raised in this section.

HCA LN025 - Precinct of Cottages

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
1 (1.1 %)		Support / No Refinements	
<i>Format:</i>		Support / Refinements Requested	
Individual	1	Refinements Requested	
Proforma	0	Object / Refinements Requested	1 (0.7%)
Petitions	0	Object	
<i>Comprising signatures</i>	0	Other Comment	

COMMENTS RAISED – from public exhibition

Object

Submission 59.002

Object to the listing of 15-19 Henry Street, Lawson within the Heritage Conservation Area. Comment that 15 Henry Street has been modified over the last 30 years, and considers that it is no longer a valid heritage cottage. Agree with inclusion of properties on the eastern side of Henry Street between the Great Western Highway and Adelaide Street. Request removal of 15, 17, 19 Henry Street from the Heritage Conservation Area.

DISCUSSION

The properties at 15 to 19 Henry Street, Lawson, formed part of the original heritage conservation area (LN025) that was carried across from LEP 1991 and gazetted under LEP 2005 in October 2005. The conservation area was modified to include 10 and 12 Henry Street. The extended conservation area, which included 15 to 19 Henry Street was identified as a major speculative investment around 1915. The inventory form comments that the houses, while some have been modified, still have a “considerable historical homogeneity”. The listing of 15 to 19 Henry Street was on the basis of historic as well as aesthetic reasons. Therefore, the removal of 15 to 19 Henry Street as requested by the submitter would diminish the cumulative significance of the conservation area as a whole. On that basis, the request of the submitter to remove 15 to 19 Henry Street from the conservation area is not supported.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

- That no changes are made to Amendment 1 in response to the matters raised in this section.

HCA LN030 - San Jose Avenue and Badgerys Crescent Cottages Conservation Area

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
1 (1.1 %)		Support / No Refinements	
		Support / Refinements Requested	
<i>Format:</i>		Refinements Requested	
Individual	1	Object / Refinements Requested	
Proforma	0	Object	
Petitions	0	Other Comment	1 (0.7%)
<i>Comprising signatures</i>	0		

COMMENTS RAISED – from public exhibition

Comment

Submission 4.001

Requests amendments to State Heritage Inventory Form document. No indication of support or opposition with regards to Draft Amendment 1

DISCUSSION

The submitter raised a number of comments with respect to the heritage inventory form relating to this heritage conservation area. The submitter did not support or object to the inclusion of the property within the heritage conservation area. In this case, the property was already included within the heritage conservation area as gazetted under LEP 2005 and, therefore, is not directly affected as a consequence of Amendment 1. Making amendments to the inventory forms themselves is a matter outside the scope of this amendment to consider. The comment of the submitter is noted.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

21. That no changes are made to Amendment 1 in response to the matters raised in this section.

Hazelbrook Village - General

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
1 (1.1 %)		Support / No Refinements	1 (0.7%)
<i>Format:</i>		Support / Refinements Requested	
Individual	10	Refinements Requested	
Proforma	0	Object / Refinements Requested	
Petitions	0	Object	
<i>Comprising signatures</i>	0	Other Comment	

COMMENTS RAISED – from public exhibition

Support

Submission 71.003

Support the additions that are beneficial to the overall listing of the townships.

DISCUSSION

The updated heritage assessments provide a robust and consistent basis for listing across the LEP 2005 area. The additional items were identified as a consequence of the updated assessments and the support of the submitter is noted.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

22. That no changes are made to Amendment 1 in response to the matters raised in this section.

H005 – Deletion of H005 War Memorial

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
1 (1.1 %)		Support / No Refinements	
<i>Format:</i>		Support / Refinements Requested	
Individual	1	Refinements Requested	
Proforma	0	Object / Refinements Requested	
Petitions	0	Object	
<i>Comprising signatures</i>	0	Other Comment	1 (0.7%)

COMMENTS RAISED – from public exhibition

Object

Submission 71.007

Comment that the site has lost its association - Memory Park has lost its memory - appears to be loosely based.

DISCUSSION

The designation H005 (War Memorial) was not mapped on the former Memory Park under the gazetted LEP 2005. Its mapped location at Gloria Park arose presumably as a consequence of the relocation of the war memorial to Gloria Park in 1994. The superseded reference H022 (Gloria Park and War Memorial) provides a new listing encompassing both Gloria Park and the relocated war memorial. The submitter does not provide any further justification to retain H005 at Memory Park beyond "social capital". Essentially the former Memory Park has indeed lost its association as a consequence of the relocation of the war memorial to Gloria Park and, by virtue of the upgrading works to the highway in that area; any heritage significance to that site is heavily compromised or lost entirely. On that basis, the comment of the submitter is not supported.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

23. That no changes are made to Amendment 1 in response to the matters raised in this section.

Springwood Village - General

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
1 (1.1 %)		Support / No Refinements	1 (0.7%)
<i>Format:</i>		Support / Refinements Requested	
Individual	1	Refinements Requested	
Proforma	0	Object / Refinements Requested	
Petitions	0	Object	
<i>Comprising signatures</i>	0	Other Comment	1 (0.7%)

COMMENTS RAISED – from public exhibition

Support

Submission 71.004

Support the additions that are beneficial to the overall listing of the townships.

Comment

Submission 71.006

Comment that four items to be deleted (SP010, SP021, SP024, SP025) are on the basis that they have become archaeological sites, and are negligible items as nothing is left.

DISCUSSION

The updated heritage assessments provide a robust and consistent basis for listing across the LEP 2005 area. The additional items were identified as a consequence of the updated assessments and the support of the submitter is noted. The four items referred to in submission 71.006 were not included within the gazetted LEP 2005, nor are they included within this Amendment. The accompanying report and inventory forms recommended their removal on the basis that nothing of heritage significance is left on the respective sites. Treatment of archaeological sites is quite different to heritage items and is subject to a separate process irrespective of whether or not the site is heritage-listed in its own right.

Archaeological site has a specific definition within LEP 2005, being: "the site of one or more relics". Similarly, relic has a specific definition within LEP 2005, being: " means any deposit, object or material evidence (which may consist of human remains) that is more than 50 years old relating to the use or settlement, not being Aboriginal habitation, of the City of the Blue Mountains and that is a fixture or is wholly or partly within the ground". Unlike heritage items or heritage conservation areas, which have to be listed within Schedule 6 of LEP 2005 and mapped on Map Panel C, archaeological sites neither need to be listed or mapped. On that basis, there is limited justification to continue the inclusion of these former items because, according to the reports accompanying the assessments, there are no longer any elements of heritage significance remaining on these properties. The submitter does not elaborate or provide further reasons to reinstate these respective listings. On that basis, the comments of the submitter are noted.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

- That no changes are made to Amendment 1 in response to the matters raised in this section.

SP057 - Colless' Building

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
1 (1.1 %)		Support / No Refinements	
<i>Format:</i>		Support / Refinements Requested	
Individual	1	Refinements Requested	
Proforma	0	Object / Refinements Requested	1 (0.7%)
Petitions	0	Object	
<i>Comprising signatures</i>	0	Other Comment	

COMMENTS RAISED – from public exhibition

Object

Submission 89.001

Object to the listing of 206-208 Macquarie Road, Springwood. Consider that listing is not required, justified or necessary. Comment that much of the building has been altered and little original fabric remains - only the façade presentation of the brickwork above awning level remains as significant. Request removal of SP057 from list and consider placing it within a conservation area covering the station and certain shops nearby.

DISCUSSION

The submitter objected to the proposed listing of 206-208 Macquarie Road on the basis that they consider the alterations made over time diminished the heritage significance. The heritage inventory form commentary list the building not only for minor aesthetic significance, but more for the historical significance associated with a prosperous greengrocer in Springwood in the early 20th-century. The shops are also one of the only pre-World War I buildings still surviving in Springwood's commercial centre. The submitter has focused on the aesthetics of the building and not the historical associations of the building. On that basis, the comments of the submitter are noted but not supported.

The submitter suggested creation of a conservation area encompassing the shops as well as the station and surrounding buildings. The study did not identify this area as having a cumulative significance to warrant a heritage conservation area and yet the provisions of LEP 2005 would still require similar processes to be followed and considerations whether the building is individually listed or included within a heritage conservation area. The merits of creating a conservation area to remove an individual listing are insufficient when considering the advice in the study, and the request of the submitter is not supported in this instance.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

- That no changes are made to Amendment 1 in response to the matters raised in this section.

SP061 - “Innisfail”

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
1 (1.1 %)		Support / No Refinements	
<i>Format:</i>		Support / Refinements Requested	
Individual	1	Refinements Requested	
Proforma	0	Object / Refinements Requested	
Petitions	0	Object	1 (0.7%)
<i>Comprising signatures</i>	0	Other Comment	

COMMENTS RAISED – from public exhibition

Object

Submission 5.001

Concern raised whether the property is identified as a heritage item. Concern about the prospective potential value of the property as a consequence of listing the property as a heritage item.

DISCUSSION

The submitter raised concern about the prospective value of the property as a consequence of listing it as a heritage item. The inventory form states that "Innisfail" was identified as an example of an early modest house still surviving near Springwood Station with much of the original fabric still intact and in a reasonable condition. The inventory form goes on to state that there are few similar examples still in Springwood near the village centre.

It is important to recognise that heritage listing is but one consideration for property value, and is not strictly a matter to be taken into account when looking at preparing or amending a local environmental plan. The existing provisions of LEP 2005 provide certain incentives for heritage-listed properties that are not available to non-listed properties. This would offset any perceived "loss" of value as a consequence of listing. Other initiatives include a concession on rateable land value and, consequently, the rates payable by a heritage-listed property. If the property is maintained and restored, the value may indeed increase as a consequence of the rarity and improved condition of the building. The submitter did not provide any further arguments to warrant the removal of the listing and the comments are noted but not supported in this instance.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

- That no changes are made to Amendment 1 in response to the matters raised in this section.

HCA SP056 - Macquarie Road Heritage Conservation Area

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
1 (1.1 %)		Support / No Refinements	
<i>Format:</i>		Support / Refinements Requested	
Individual	1	Refinements Requested	
Proforma	0	Object / Refinements Requested	
Petitions	0	Object	1 (0.7%)
<i>Comprising signatures</i>	0	Other Comment	

COMMENTS RAISED – from public exhibition

Object

Submission 23.001

Objects to the inclusion of Lot 2 DP516591 in the Heritage Conservation Area on the grounds that the curtilage of Danebury and Caberfeagh are independent of Lot 2. Requests that Council amend SP056 to exclude Lot 2 from the Heritage Conservation Area. Comments that no objection to the handle of the battleaxe of Lot 2 being included in Heritage Conservation Area.

DISCUSSION

The specific land to which this submission relates is a battleaxe allotment to the rear of Danebury (known as 98 Macquarie Road). Subdivision to create this allotment occurred in the 1930s and the property was not specifically identified within the commentary for the SHI form relating to this heritage conservation area. The commentary focuses on the properties fronting onto Macquarie Road and, consequently, it is considered that the submitter's arguments have merit. 98 Macquarie Road may have been included within the original curtilage of Danebury, which may explain why it was originally mapped within the heritage conservation area. That said, the separate location of the site and the lack of any reference within the SHI form's commentary provides sufficient justification to excise the allotment from the heritage conservation area.

OPTIONS

- A. Retain the extent of the conservation area as exhibited; or
- B. Amend the mapped extent of SP056 – Macquarie Road Heritage Conservation Area to exclude Lot 2 DP 516591 (98 Macquarie Road) from the area. The access handle between Danebury and Caberfeagh is still to be included within the conservation area.

RECOMMENDATION

27. That SP056 – Macquarie Road Heritage Conservation Area is amended to exclude Lot 2 DP 516591 (98 Macquarie Road) from the heritage conservation area. The access handle between Danebury and Caberfeagh is still to be included within the conservation area.

Blaxland Village - General

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
1 (1.1 %)		Support / No Refinements	1 (0.7%)
<i>Format:</i>		Support / Refinements Requested	
Individual	1	Refinements Requested	
Proforma	0	Object / Refinements Requested	
Petitions	0	Object	
<i>Comprising signatures</i>	0	Other Comment	1 (0.7%)

COMMENTS RAISED – from public exhibition

Support

Submission 71.005

Support the inclusion of those additional items that seriously concerned the community during the Hope Street debate.

Comment

Submission 71.008

Request removal of BX007 because it is not using "old" material.

DISCUSSION

With respect to submission 71.005, the updated heritage assessments provide a robust and consistent basis for listing across the LEP 2005 area. The additional items were identified as a consequence of the updated assessments and the support of the submitter is noted.

With respect to submission 71.008, the item BX007 was not included within the gazetted LEP 2005, nor is it proposed to be included within this amendment as a heritage item. The request of the submitter is noted but needs no further consideration for the reason above.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

28. That no changes are made to Amendment 1 in response to the matters raised in this section.

BX011 - Hargrave-Calver Group of Houses and Gardens

Summaries from public exhibition

SUBMISSIONS		COMMENTS	
Number (%) of Submissions on this matter		Position	Count (%) of comments on this matter
1 (1.1 %)		Support / No Refinements	
<i>Format:</i>		Support / Refinements Requested	
Individual	1	Refinements Requested	
Proforma	0	Object / Refinements Requested	1 (0.7%)
Petitions	0	Object	
<i>Comprising signatures</i>	0	Other Comment	

COMMENTS RAISED – from public exhibition

Object

Submission 1.001

Strongly object to the listing of 23 Hope Street, Blaxland, for the following reasons:

- The original structure is grossly modified and has no heritage value;
- Maintaining and renovating the timber property is prohibitively expensive;
- None of the Hargrave-Calver family lived at 23 Hope Street, and has no heritage value;
- No financial assistance from Local or State Government for maintaining heritage listed properties;
- Heritage listing will reduce the value of the property and interfere with retirement plans;
- Property was bought a long time ago as an unlisted property, and consider it unfair to penalise the current owner;
- It will be against the basic right to list a property without the consent of the owner.

Request that 23 Hope Street, Blaxland, is removed from BX011 - Hargrave-Calver Group of Houses and Gardens.

DISCUSSION

The submitter objects specifically to listing 23 Hope Street within the group designated BX011. This group includes properties at 1 Hope Street (corner of View Street) and 16 to 18 View Street. The listing of this property was as part of the Hargrave-Calver group of houses for historical and associative reasons, rather than aesthetics specifically. While none of the Hargrave-Calver family may have resided at this property, it was built as part of a group of houses in that area of Hope and View Streets by or for Hargrave. The other comments made by the submitter fall outside the LEP drafting process. The methodology used to identify this property as part of the group has been consistently applied across the LEP 2005 area and, therefore, is considered a robust basis for listing. The comments of the submitter are noted, but not supported.

OPTIONS

As this discussion has not specifically identified actions that will alter the exhibited Draft LEP, no options are presented.

RECOMMENDATION

29. That no changes are made to Amendment 1 in response to the matters raised in this section.