

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

DSDS7	DEMOLITION APPLICATION - REMOVAL OF FORMER ANGLICAN CHURCH - SHERWOOD ROAD FILE: T6-05-480 GGL
--------------	--

SUMMARY:

Reporting that Council has received a development application to remove the former Sherwood Anglican Church building from its existing site. Separate application has been made for the siting of the building at a tourist facility.



Applicant: Nabatu Pty Ltd
Subject Property: Lot 1 DP 919686, Sherwood Road, Sherwood
Zone: 1(a3) (Rural "A3" Agricultural Protection Zone)

Matters for Consideration

The proposal has been examined having regard for the Heads of Consideration identified under Section 79 C (1) of the Environmental Planning and Assessment Act 1979 with the following matters considered to be of particular relevance to the proposal.

Kempsey Local Environmental Plan 1987

The proposed development is defined as " Demolition" under KLEP 1987 and is permissible with Council's consent in the 1(a3) (Rural "A3" Agricultural Protection Zone). The objectives of the 1(a3) Agricultural Protection Zone of the Kempsey Local Environment Plan are to:

- to conserve land particularly suitable for agricultural uses;
- to provide for compatible uses; and
- to protect arterial road frontages from developments which are visually intrusive or which generate excessive traffic.

The proposed demolition is not contrary to the zone objectives.

Background

On 30 September 2005 Council become aware that the Sherwood Anglican church building was being removed from its existing site without prior development consent. Council issued an emergency order to the owner of the church building to cease the removal the

building and to reinstate the building to a condition that consisted prior to the unauthorised works being carried out.

As a result of the emergency order being issued, the work has ceased, the site was made safe and the owners of the church building submitted a development application to remove the building. A separate application was made to place it at a new site as part of an existing tourist facility.

Planning Comment

The Anglican Church is currently listed in Council's Draft Heritage Plan as a building of heritage significance being a key building in the proposed Sherwood conservation precinct.

Council's Heritage Advisor has advised that the building forms a significant part of the heritage fabric of the Sherwood village, and should not be removed from site. It is understood that the applicant proposes to restore the building at its new site, and adapt it for use as a holiday cabin.

The property is not currently listed in Kempsey LEP 1987 as a heritage item, and consequently is not currently eligible for assistance for maintenance and restoration under Council's Heritage Assistance Fund. It is recommended to be added to Kempsey LEP 1987 by the draft Heritage Study, and would be eligible for funding in future.

There may be opportunity to seek funding from the Heritage Council under its Special Purpose Grants and Loans Program, where immediate assistance is required due to special circumstances.

There may also be opportunity to encourage the owner to retain the building on-site for adaptive reuse as a holiday cabin, which could provide an alternative holiday accommodation in conjunction with the owner's tourist facility. If listed in Kempsey LEP 1987, the heritage incentives clause would allow Council to consider use of the building for any purpose, even if the purpose is otherwise prohibited by the zone.

REPORT IMPLICATIONS:

- ***Environmental***

There is no environmental impact associated with the proposal.

- ***Social***

It is considered that removing the Anglican Church building from its current location would detract from the historical significance of the Sherwood precinct. The retention of

historical buildings and precincts provides links to local history which is a social benefit.

- *Economic (Financial)*

The protection and retention of heritage precincts within the Shire provides opportunity to enhance tourism for the benefit of the local economy.

- *Policy or Statutory*

The application has been assessed under Section 79 (c) of the Environmental Planning and Assessment Act 1979.

RECOMMENDATION

- A** That the application be refused for the following reasons:
- 1** That the building is of local heritage significance, and forms a key part of the heritage fabric of the Sherwood village.
 - 2** Removal of the building from its original context will destroy its heritage value.
 - 3** Removal of the building will cause the loss of physical evidence of local history, which will be a loss to the community that can never be replaced.
 - 4** Removal of the building will impact on the future potential for heritage based tourism to the Shire.
- B** That the applicant be invited to make a joint application with Council for a special purpose grant from the NSW Heritage Office to assist restoration of the building on its current site.
- C** That the applicant be encouraged to investigate adaptive reuse of the building on its current site, and in future years, seek funding under Council's Heritage Assistance Fund.