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Our ref: PP_2014_STRAT_002_00 (14/06386)

Mr David Backhouse
General Manager
Strathfield Municipal Council
PO BOX 120
STRATHFIELD NSW 2135

Dear Mr Backhouse,

Planning proposal to amend Strathfield Local Environmental Plan 2012

I am writing in response to your Council's letter dated 24 March 2014 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to remove the local heritage item I175 'Federation house' at 3 Margaret Street, Strathfield from Schedule 5 of Strathfield LEP 2012.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistency with S117 Direction 2.3 Heritage Conservation is of minor significance. No further approval is required in relation to this Direction.

It is noted that Council has requested an exhibition period of 28 days. The Department has assessed the nature of the proposal, and considers the proposal to be classified as low impact, requiring a public exhibition period of a minimum of 14 days, in accordance with *A Guide to preparing LEPs*. This does not preclude Council from exhibiting the proposal longer than the specified minimum time period, at their discretion. Note that the Department of Planning and Environment consulted with the Heritage Council of NSW (see attached letter) in considering the proposal. The Heritage Council has recommended a minimum consultation period of four weeks.

The Minister delegated plan making powers to Councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending LEP is to be finalised within 6 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

If you have any queries in regard to this matter, I have arranged for Ms Louise Starkey of the Metropolitan Delivery (CBD) branch to assist you. Ms Starkey can be contacted on (02) 8575 4104.

Yours sincerely


Lee Mulvey
Director, Metropolitan Delivery (CBD)
Growth Planning

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template
Letter from Heritage Council of NSW



Planning & Environment

Gateway Determination

Planning proposal (Department Ref: PP_2014_STRAT_002_00): to remove the local heritage item I175 'Federation house' at 3 Margaret Street, Strathfield from Schedule 5 of Strathfield LEP 2012.

I, the Director, Metropolitan Delivery, at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* that an amendment to Strathfield LEP 2012 to remove local heritage item I175 'Federation house' at 3 Margaret Street, Strathfield from Schedule 5 should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") as follows:
 - (a) the planning proposal is classified as *low impact* as described in *A Guide to Preparing LEPs (Planning & Environment 2013)* and must be made publicly available for a minimum of **14 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Planning & Environment 2013)*.
2. Consultation is required with the Office of Environment and Heritage (Heritage Council) under section 56(2)(d) of the EP&A Act. The Office of Environment and Heritage is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated

11

day of

July

2014.


Lee Mulvey

Director, Metropolitan Delivery

Growth Planning

Department of Planning and Environment

Delegate of the Minister for Planning



Planning & Environment

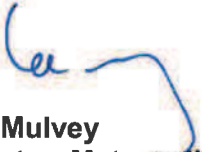
WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Strathfield Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_STRAT_002_00	Planning proposal to remove the local heritage item 1175 'Federation house' at 3 Margaret Street, Strathfield, from Schedule 5 of Strathfield LEP 2012.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 11 July 2014


Lee Mulvey
Director, Metropolitan Delivery
Growth Planning
Department of Planning and Environment



Heritage Council

of New South Wales

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File:
Doc No. : 14/ 63934

Ms Dianne Sarkies
Metropolitan Delivery (CBD)
Growth Planning and Delivery
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Attention: Louise Starkey Planning Officer

Dear Ms Starkey,

Planning Proposal – Amendment to Strathfield Local Environmental Plan 2012 to delist 3 Margaret Street Strathfield as a local heritage item

Thank you for referring the above Planning Proposal to the Heritage Division for comment.

The documents submitted with your referral including the Planning Proposal Report prepared by Chris Young Planning Pty Ltd dated February 2014, Heritage Report prepared by Paul Davies Pty Ltd dated October 2013 and Strathfield Heritage Study Inventory Sheets for 10-28 Redmyre Road and 3 Margaret Street Strathfield have been reviewed.

The following comments are provided to assist consideration of this matter.

The Planning Proposal applies to land known as 3 Margaret Street Strathfield (Lot 101 DP 862040). The land includes a Federation brick cottage purchased by the Meriden Anglican School for Girls in 1955 and used for classrooms/storage and office purposes.

The cottage is described in the Heritage Report as a modest Federation Queen Anne style speculatively built house typical of its period without any specific historical or historical associational significance. The Report states that although the cottage has general historical association with Meriden school following its purchase, this association is not specific because school use of the cottage has changed over time. The Report further states that the cottage has been considerably altered and that its setting has been compromised. The Report concludes that the cottage "does not reach a threshold of significance that would warrant local heritage listing".

The Federation cottage at 3 Margaret Street Strathfield is currently listed as Item 1175 in Schedule 5 Environmental heritage of Strathfield Local Environmental Plan 2012. The property description provided for the cottage in the Schedule of the Plan is Lot 101 DP 862040.

Helping the community conserve our heritage

The Meriden Anglican School for Girls is also listed as Item 1187 in Schedule 5 Environmental heritage of Strathfield Local Environmental Plan 2012. The property description provided for the Meriden School in the Schedule is the same as that of the Federation cottage at 3 Margaret Street Strathfield that is Lot 101 DP 862040.

It is noted that the Federation cottage sits within the broader listing of the Meriden School in Schedule 5 of Strathfield Local Environmental Plan 2012.

The Planning Proposal seeks to amend Strathfield Local Environmental Plan 2012 to delete Item 1175 as an item of local heritage significance from Schedule 5 Environmental heritage and the heritage map of the Plan to facilitate the expansion of sporting and school assembly facilities at Meriden Anglican School for Girls.

The Planning Proposal will not however change existing zoning and site controls for the subject land under Strathfield Local Environmental Plan 2012.

The delisting of a heritage item from the heritage schedule of a local environmental plan is not generally a matter for the Heritage Division or the Heritage Council. This is because the Heritage Division nor the Heritage Council do not advise local councils which items to list or delist from the heritage schedules of their local environmental plans.

Rather the Heritage Division and the Heritage Council suggest that decisions made by a council in this regard should be informed by a heritage study or review that identifies what the heritage significance of the item is and assesses its level of heritage significance – local, state, national or world. The Heritage Division and the Heritage Council believe that a council's decision whether to list or delist an item in the heritage schedule of the local environmental plan should be based on information about the heritage significance of that item in the heritage study or review and not whether there has been objection to the listing or delisting of that item.

In supporting the Planning Proposal to delist the Federation cottage at 3 Margaret Street Strathfield from the heritage schedule of Strathfield Local Environmental Plan 2012, the Department of Planning and Environment must satisfy itself that the delisting of the cottage has been adequately justified by Strathfield Council in order to avoid setting an undesirable precedent.

The proposed delisting of the cottage at 3 Margaret Street Strathfield will not negate the existing listing of Meriden School as an item in the heritage schedule of Strathfield Local Environmental Plan 2012.

Should the Planning Proposal proceed and the Federation cottage at 3 Margaret Street Strathfield is delisted, the Meriden School will remain as an item of local heritage significance listed in the heritage schedule of Strathfield Local Environmental Plan 2012.

Redevelopment of the land that the Federation cottage currently occupies will be subject to the provisions of Clause 5.10 Environmental heritage of Strathfield Local Environmental Plan 2012 due to the listing of the Meriden School as a heritage item.

These provisions require consent to be obtained for the proposed demolition of the Federation cottage at 3 Margaret Street and redevelopment of the land. Heritage management documents that assess the impact of the proposed development on the heritage significance of the heritage item that is Meriden School must also be submitted with any development application and the impact of the proposal on the heritage significance of the item considered by Council.

The Heritage Division considers that should the Planning Proposal pass through the Gateway, formal consultation should be undertaken with the Heritage Council and that the Heritage Report prepared by Paul Davies Pty Ltd should be placed on exhibition together with the local environmental plan. Exhibition should be held for a minimum of four weeks to enable public comment on the Planning Proposal.

Please contact Alice Brandjes on (02) 9873 8500 if you have any further enquiries in regard to this matter.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Ed Beebe', written in a cursive style.

14/05/2014

Ed Beebe
A/Manager – Conservation
Office of Environment & Heritage

As Delegate of the Heritage Council of NSW

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2014_STRAT_002_00
Date Sent to DPE under s56	24 March 2014
Date considered at LEP Review Panel	Considered by the Ministers Delegate on 11/07/14
Gateway determination date	11/07/14

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: