

# Proposed amendment to Ashfield Local Environmental Plan 2013 and Local Planning Panels Direction – Planning Proposals

## Inner West Council General Manager declaration.

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### 1.0 Details of Proposed LEP amendments.

Proposed amendments to the Ashfield Local Environmental Plan 2013:

1.1 Delete in Schedule 2 - Exempt Development, clause :

*Minor alterations (external) to buildings comprising heritage items or in a heritage conservation area*

*Must only involve one or more of the following:*

- (a) painting, plastering or cement rendering,*
- (b) the repair or replacement of a non-structural wall or roof cladding,*
- (c) the replacement or maintenance of downpipes or roof guttering,*
- (d) other non-structural alterations involving plumbing, electrical works, attaching fittings, restoration and decorative work.*

1.2 Adding reference to a "heritage item" in the clause **4.1A (2)** as indicated in bold underline below:

*4.1A Exceptions to minimum subdivision lot size for certain residential development*

- (1) The objective of this clause is to encourage housing diversity without adversely affecting residential amenity.*
- (2) Despite clause 4.1 (3), development consent may be granted to the subdivision of land identified as "Area 1" on the Lot Size Map that is not within a heritage conservation area, **and that is not a heritage item**, if:*
  - (a) each lot resulting from the subdivision will be at least 200 square metres, and*
  - (b) a semi-detached dwelling is or will be located on each lot, and*
  - (c) each lot will have a minimum street frontage of 7 metres.*
- (3) Despite clause 4.1 (3), development consent may be granted to the subdivision of land identified as "Area 2" on the Lot Size Map if:*
  - (a) each lot resulting from the subdivision will be used for the purpose of a dwelling house, and*
  - (b) each lot resulting from the subdivision will be at least 174 square metres, but will not exceed 450 square metres, and*
  - (c) the total number of lots on that land will not exceed 11.*

## 2.0 Local Planning Panels Direction

Pursuant to Section 9.1 of the Environmental Planning and Assessment Act 1979 the "Local Planning Panels Direction – Planning Proposals" applies for amendments to a Local Environmental Plan.

Clause (c) below of the Direction may be applied so as to not require any referral to the Local Planning Panel constituted for the Council area.

### LOCAL PLANNING PANELS DIRECTION – PLANNING PROPOSALS

I, the Minister for Planning, give the following direction under section 9.1 of the *Environmental Planning and Assessment Act 1979*.

Minister for Planning

Dated: 23/2/2018

#### Objective

The objective of this direction is to identify the types of planning proposals that are to be advised on by local planning panels on behalf of councils in the Greater Sydney Region and Wollongong.

#### Application

This direction applies to a council that has constituted a local planning panel under the *Environmental Planning and Assessment Act 1979*, other than the council of the City of Sydney.

#### Direction

A council to whom this direction applies is required to refer all planning proposals to be prepared after 1 June 2018 to the local planning panel for advice, unless the council's general manager determines that the planning proposal relates to:

- (a) the correction of an obvious error in a local environmental plan,
- (b) matters that are of a consequential, transitional, machinery or other minor nature, or
- (c) matters that council's general manager considers will not have any significant adverse impact on the environment or adjoining land.

A proposal is to be referred to the local planning panel before it is forwarded to the Minister under section 3.34 of the *Environmental Planning and Assessment Act 1979*.

This direction takes effect on 1 June 2018 and applies to planning proposals prepared, but not submitted to the Minister, before 1 June 2018.

### 3.0 General Manager Declaration

I consider that Direction (c) applies to deletion of the exempt development clause of the Ashfield Local Environmental Plan 2013 identified in 1.1 above for the following reasons:

- The amendment seeks to correct an error as the clause content does not reflect the intent of the clause and provide the protections as originally drafted by Council, and it does not identify what minor works are.
- Deletion of the clause does not result in any adverse impact on the environment or adjoining land. Deletion of the subject exempt clause will ensure that there will not be a situation where works are carried out which are incompatible with the heritage significance of Heritage Conservation Areas and Heritage Items.
- Deletion of the clause does not result in any conflict with any other existing Planning Instruments, including the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

I consider that Direction (c) applies to amendment of clause 4.1A (2) of the Ashfield Local Environmental Plan as identified in 1.2 above for the following reasons:

- The amendment seeks to correct an error in the content of the current clause 4.1A (2) omitting to make reference to heritage items being excluded from the effect of subclause (3).
- Amendment of the clause does not result in any adverse impact on the environment or adjoining land. It ensures the allotment subdivision configuration is consistent with the heritage significance of the site by having the required open space curtilage setting and size in relation to the heritage item building.

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Rik Hart  
Interim General Manager Inner West Council

22/11/18  
Date