

ATTACHMENT A

PLANNING PANEL REPORT AND RESOLUTION

PLANNING PROPOSAL - AMENDMENT TO KU-RING-GAI LOCAL ENVIRONMENTAL PLAN (TOWN CENTRES) 2010

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For the Ku-ring-gai Planning Panel to consider a planning proposal to rectify an error in relation to the incorrect heritage listing of 20 Park Crescent, Pymble in Ku-ring-gai Local Environmental Plan (Town Centres) 2010.

BACKGROUND:

The Ku-ring-gai Local Environmental Plan (Town Centres) 2010 was gazetted by the Minister for Planning on 25 May 2010. The adopted Plan incorrectly identifies 20 Park Crescent, Pymble as a heritage item.

COMMENTS:

The Department of Planning were made aware of this error and have recommended that a planning proposal be submitted to the NSW Department of Planning Gateway Process to have the issue rectified.

RECOMMENDATION:

That the Ku-ring-gai Planning Panel, in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act) (as amended), initiate a planning proposal to remove the incorrect heritage listing of 20 Park Crescent, Pymble under the Ku-ring-gai Local Environmental Plan (Town Centres) 2010.

PURPOSE OF REPORT

For the Ku-ring-gai Planning Panel to consider a planning proposal to rectify an error in relation to the incorrect heritage listing of 20 Park Crescent, Pymble in Ku-ring-gai Local Environmental Plan (Town Centres) 2010.

BACKGROUND

The property 20 Park Crescent, Pymble (SP 78827; Lot 1, DP 1124625) was included in the potential heritage item review undertaken by Perumal Murphy Alessi Pty Ltd for Council in 2005/2006. The final report - Review of Potential Heritage Items in the Ku-ring-gai LGA was presented to Council on 12 June 2007. In that report, the recommendation for 20 Park Crescent was as follows:-

20 Park Crescent, Pymble

It is recommended that No. 20 Park Crescent SHOULD NOT BE INCLUDED as a heritage item under the control of the Ku-ring-gai Planning Scheme Ordinance for the following reasons:

- the building is an Inter-War Spanish Mission dwelling which has been modified with substantial additions. The building has no historic or social significance which would demand its inclusion as a listed item. The battle axe site also means that the building and grounds are not visible from the street and therefore results in the building making no contribution to the character of the immediate area.*

COMMENTS

This error was not identified until after the Ku-ring-gai Planning Panel adopted the final draft Local Environmental Plan (LEP) on 27 May 2009. This error was not identified during the public exhibition and submission process.

The Department of Planning and the Minister for Planning were advised of this error, but the final gazetted Ku-ring-gai Local Environmental Plan (Town Centres) 2010 still includes the property in schedule 5 of the Plan as:

Pymble	House	20 Park Crescent	SP 78827, Lot 1 DP 1124625	Local	170
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and the property is also included on the Ku-ring-gai Local Environmental Plan (Town Centres) 2010 heritage map.

The NSW Department of Planning were made aware of this matter and they have recommended that the most appropriate method for addressing the problem is to submit a planning proposal to amend the Ku-ring-gai Local Environmental Plan (Town Centres) 2010.

CONSULTATION

Council have been consulting the owners of the property at 20 Park Crescent, Pymble regarding this matter and the owners have also made representations to the Minister for Planning and the NSW Department of Planning on the incorrect heritage listing. The draft planning proposal will be exhibited in accordance with the planning gateway determination.

FINANCIAL CONSIDERATIONS

The cost of preparing and processing this project is covered by the Strategy Department - Ku-ring-gai Planning Panel budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation with other Departments where appropriate has been conducted in the preparation of this report.

SUMMARY

The Ku-ring-gai Local Environmental Plan (Town Centres) 2010 was gazetted by the Minister on 25 May 2010. The adopted Plan incorrectly identifies 20 Park Crescent, Pymble as a heritage item in Schedule 5 of the LEP.

The Department of Planning were made aware of this error and have recommended that a planning proposal be submitted to the NSW Department of Planning to have the issue rectified.

RECOMMENDATION

- A. That the Ku-ring-gai Planning Panel in accordance with Section 55 of the *Environmental Planning and Assessment Act, 1979* (as amended) initiate a draft Local Environmental Plan to remove the incorrect heritage listing of 20 Park Crescent, Pymble in Schedule 5 of the Ku-ring-gai Local Environmental Plan (Town Centres) 2010.
- B. That the General Manager be granted delegation to prepare and submit the planning proposal to the Minister for Planning to remove the incorrect heritage listing of 20 Park Crescent, Pymble (SP 78827; Lot 1, DP 1124625) in Schedule 5 of the Ku-ring-gai Local Environmental Plan (Town Centres) 2010 and that the planning proposal include the following:
 - i. a statement of the objectives or intended outcomes of the proposed instrument;
 - ii. an explanation of the provisions that are to be included in the proposed instrument;

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- iii. the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under Section 117); and
 - iv. details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.
- C. That the planning proposal be placed on public exhibition in accordance with the requirements of any gateway determination issued by the NSW Department of Planning.
- D. That a report be brought back to the Ku-ring-gai Planning Panel at the conclusion of the exhibition period.

Antony Fabbro
Acting Director Strategy & Environment

RESOLUTION OF KU-RING-GAI PLANNING PANEL

09 JUNE 2010

PP11 **Planning Proposal - Amendment to Ku-ring-gai Local Environmental Plan (Town Centres) 2010**

Files: S06347 & S06523

For the Ku-ring-gai Planning Panel to consider a planning proposal to rectify an error in relation to the incorrect heritage listing of 20 Park Crescent, Pymble in Ku-ring-gai Local Environmental Plan (Town Centres) 2010.

Resolved:

[Moved: S McDonald/V Berkhout]

- A. That the Ku-ring-gai Planning Panel in accordance with Section 55 of the *Environmental Planning and Assessment Act, 1979* (as amended) initiate a draft Local Environmental Plan to remove the incorrect heritage listing of 20 Park Crescent, Pymble in Schedule 5 of the Ku-ring-gai Local Environmental Plan (Town Centres) 2010.
- B. That the General Manager be granted delegation to prepare and submit the planning proposal to the Minister for Planning to remove the incorrect heritage listing of 20 Park Crescent, Pymble (SP 78827; Lot 1, DP 1124625) in Schedule 5 of the Ku-ring-gai Local Environmental Plan (Town Centres) 2010 and that the planning proposal include the following:
 - i. A statement of the objectives or intended outcomes of the proposed instrument;
 - ii. An explanation of the provisions that are to be included in the proposed instrument;
 - iii. The justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under Section 117); and
 - iv. Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.
- C. That the planning proposal be placed on public exhibition in accordance with the requirements of any gateway determination issued by the NSW Department of Planning.
- D. That a report be brought back to the Ku-ring-gai Planning Panel at the conclusion of the exhibition period.

CARRIED UNANIMOUSLY