

Warringah LEP Heritage Amendments

Proposal Title : **Warringah LEP Heritage Amendments**

Proposal Summary : **Council has prepared a planning proposal (PP) to amend Schedule 5 - Environmental Heritage and the Heritage Maps of Warringah Local Environmental Plan 2011 to:**
1. correct various errors and anomalies;
2. add 14 new local heritage items;
3. amend 3 existing local items;
4. add 10 existing State agency listings; and
3. delete 2 local heritage items.

PP Number : **PP_2013_WARRI_001_00**

Dop File No :

13/08046-1

Proposal Details

Date Planning **14-May-2013**

LGA covered :

Warringah

Proposal Received :

Region : **Sydney Region East**

RPA :

Warringah Council

State Electorate : **WAKEHURST**

Section of the Act :

55 - Planning Proposal

LEP Type : **Housekeeping**

Location Details

Street : **Various**

Suburb : **Various**

City : **Sydney**

Postcode : **2100**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Nabil Alaeddine**

Contact Number : **0292286593**

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RPA Contact Details

Contact Name : **Janine Formica**

Contact Number : **0299422662**

Contact Email : **Janine.Formica@warringah.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Warringah LEP Heritage Amendments

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro North East subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with :

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment : **The Department of Planning and Infrastructure is not aware of any meetings or communications with registered lobbyists concerning this Planning Proposal.**

Supporting notes

Internal Supporting Notes :

1. Council currently has delegation to make plan and has submitted:

- Attachment 1 - Information Checklist;
- Attachment 4 - Evaluation Criteria for the Delegation of Plan Making Functions; and
- included a Project Timeline of 9 months to complete the plan.

Council's request for delegation is supported.

2. The proposal deals with heritage items only and does not propose rezoning of land for housing or employment.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment :

The planning proposal seeks to make the following amendments to Schedule 5 - Environmental Heritage and the Heritage Maps of the WLEP 2011.

- 1. Correct various errors and anomalies**
- 2. Add 14 new local heritage items**
- 3. Amend 3 existing local heritage items**
- 4. Add 10 existing State agency listings**
- 5. Remove 2 local heritage items.**

The statement of the objectives advises that the planning proposal is to update Council's list of local heritage items but does not mention its intention relating to the 10 State Heritage items.

The statement of objectives should be amended to indicate that the planning proposal aims to correct errors and anomalies with Heritage maps and Schedule 5, following a comprehensive heritage review undertaken by Council.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions is adequate.**

The planning proposal will:

- 1. Amend Warringah Local Environmental Plan (LEP) 2011 Schedule 5**
- 2. Revoke the following Heritage maps;**

- HER 001 1800_COM_HER_001_020_20110919
- HER 007 1800_COM_HER_007_020_20110919
- HER 008 1800_COM_HER_008_020_20110919
- HER 008A 1800_COM_HER_008A_010_20110919
- HER 009 1800_COM_HER_009_020_20110919
- HER 010 1800_COM_HER_010_020_20110919
- HER 010A 1800_COM_HER_010A_010_20110919

- 3. Adopt the following Heritage Maps;**

- HER 001 1800_COM_HER_001_020_20130423
- HER 002 1800_COM_HER_002_020_20130423
- HER 004 1800_COM_HER_004_020_20130423
- HER 006 1800_COM_HER_006_020_20130423
- HER 007 1800_COM_HER_007_020_20130423
- HER 008 1800_COM_HER_008_020_20130423
- HER 008A 1800_COM_HER_008A_010_20130423
- HER 009 1800_COM_HER_009_020_20130423
- HER 010 1800_COM_HER_010_020_20130423
- HER 010A 1800_COM_HER_010A_010_20130423

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA : **2.3 Heritage Conservation**

* May need the Director General's agreement

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 6—Number of Storeys in a Building
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Infrastructure) 2007**

e) List any other matters that need to be considered : **The objective of Section 117 Direction - 2.3 Heritage Conservation is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.**

The planning proposal involves the inclusion of 10 State Heritage items previously excluded in error from the Warringah LEP 2011. This is of minor significance and does not require the Director General's approval.

In relation to the 2 local items proposed for deletion, Council has identified that these items have been modified significantly over time and no longer warrant listing.

In relation to the 3 local items proposed to be modified, Council proposes to expand their listing to include significant vegetation considered endangered under the

Warringah LEP Heritage Amendments

Threatened Species Conservation Act 1995 (TSCA 1995). This is of minor significance and does not require the Director General's approval.

Overall, the proposed changes are considered to be minor inconsistencies and do not require the Director General's approval.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council proposes to undertake community consultation by giving notice of the public exhibition of the planning proposal in the Manly Daily newspaper, on Council's website, by email to community groups and by notification to appropriate land owners. It has not specified a timeframe for exhibition.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The Warringah Comprehensive LEP 2011 was made in December 2011. The planning proposal aims to correct anomalies, make amendments and include new Heritage items in the Warringah LEP 2011 by amending Schedule 5 and the relevant Heritage Maps.

Assessment Criteria

Need for planning proposal :

This planning proposal is a direct result of recommendations of the Warringah Community Based Heritage Review (WCBHR), which was completed in February 2013.

The review of existing heritage items in the WCBHR identified anomalies and errors in the current Heritage list.

Council invited the community to nominate new listings between 9 April 2011 and 29 April 2011. In response, 69 submissions were received and over 100 properties were nominated.

All nominations were assessed in accordance with the criteria contained within the NSW Heritage publication "Assessing Heritage Significance". Council also used heritage specialists on its Warringah Heritage Panel to assess each nomination and determine whether or not it met the criteria for heritage listing.

The nomination/assessment process resulted in the recommendation to
- list fifteen (15) new local heritage items;

- expand the existing listing of three (3) items; and
- remove two (2) existing local items.

On 26 March 2013, Council resolved to remove one recommended item and modify another, leaving a final list of (14) new local heritage items.

A planning proposal is necessary to implement these changes.

Consistency with strategic planning framework :

The planning proposal is consistent with the objectives and actions of the draft North East Subregion Strategy, the Metropolitan Plan for Sydney 2036 and the draft Metropolitan Strategy for Sydney 2031.

Warringah Council has advised that the planning proposal is consistent with its Strategic Community Plan 2012 in that updating the heritage list was a listed action for the 2012-2016 period.

Environmental social economic impacts :

Council has advised that the planning proposal will likely have no affect on threatened species, populations or ecological communities or their habitats.

There is also unlikely to be any environmental effects as a result of the planning proposal.

Council has advised that the social benefits related to the preservation of European heritage and identifying how Warringah has changed is the key purpose of the planning proposal.

Council has also advised that the economic effects will be minimal. The development potential of the listed properties will be affected; however council acknowledges that this does not prohibit development.

Assessment Process

Proposal type : Routine Community Consultation Period : 14 Days

Timeframe to make LEP : 9 Month Delegation : RPA

Public Authority Consultation - 56(2)(d) Office of Environment and Heritage

Is Public Hearing by the PAC required? No

(2)(a) Should the matter proceed ? Yes

If no, provide reasons :

Resubmission - s56(2)(b) : No

If Yes, reasons :

Identify any additional studies, if required. :

Heritage

If Other, provide reasons :

No other studies required.

Identify any internal consultations, if required :

No internal consultation required

Warringah LEP Heritage Amendments

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Warringah Community Based Heritage Study Review.pdf	Study	Yes
Warringah LEP 2011_Heritage Planning Proposal.pdf	Proposal	Yes
Warringah Heritage Study_New heritage sites.pdf	Proposal	Yes
Warringah Heritage Study_Alterations.pdf	Proposal	Yes
Warringah Council Review_Final Report_Ordinary Council - 20130326 - Item Number 8.6 - Warringah Council.pdf	Proposal	Yes
Signed cover letter.pdf	Proposal Covering Letter	Yes
1800_COM_HER_001_020_20130423.pdf	Map	Yes
1800_COM_HER_002_020_20130423.pdf	Map	Yes
1800_COM_HER_004_020_20130423.pdf	Map	Yes
1800_COM_HER_006_020_20130423.pdf	Map	Yes
1800_COM_HER_007_020_20130423.pdf	Map	Yes
1800_COM_HER_008_020_20130423.pdf	Map	Yes
1800_COM_HER_008A_010_20130423.pdf	Map	Yes
1800_COM_HER_009_020_20130423.pdf	Map	Yes
1800_COM_HER_010_020_20130423.pdf	Map	Yes
1800_COM_HER_010A_010_20130423.pdf	Map	Yes
Warringah Heritage Review_Information Checklist.pdf	Proposal	No
Warringah Heritage Review_Project Timeline.pdf	Proposal	No
Warringah Heritage Review_Evaluation Criteria for the Delegation of Plan Making functions.pdf	Proposal	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **2.3 Heritage Conservation**

Additional Information : **It is recommended that the Planning Proposal proceed subject to the following conditions:**

1. The Planning Proposal is exhibited for 14 days; and
2. The Planning Proposal is completed in 9 months time.
3. Council proposes to progress the Planning Proposal under delegation. This matter is considered to be of local significance and the use of Council's delegation is supported.
4. Consultation is required with the owners of the final list of nominated properties. The outcome of the consultations should be included in the planning proposal for assessment.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
6. The Planning Proposal is consistent with all relevant s117 Directions and no further consideration of s117 Directions is required.

The RPA should be advised that:

1. The Planning Proposal should be amended prior to exhibition along the following

Warringah LEP Heritage Amendments

lines in the 'Objectives' section.

a) The Planning Proposal aims to correct errors and anomalies with heritage maps and Schedule 5, following a comprehensive heritage review undertaken by Council.

2. No further studies are required.

Supporting Reasons :

The proposal should be allowed to proceed as it updates heritage information and corrects anomalies.

Signature:

DPitney

Printed Name:

DAVID PITNEY

Date:

17/5/13