

Housekeeping amendments to Schedule 5 - Environmental Heritage

Proposal Title : **Housekeeping amendments to Schedule 5 - Environmental Heritage**

Proposal Summary : **The proposal seeks to remove nine items from the Leichhardt Local Environmental Plan 2013 (LLEP 2013) Schedule 5 – Environmental Heritage, which no longer have heritage significance, or which were listed in error.**

PP Number : **PP_2014_LEICH_003_00** Dop File No : **14/05489-1**

Proposal Details

Date Planning Proposal Received : **07-Mar-2014** LGA covered : **Leichhardt**

Region : **Sydney Region East** RPA : **Leichhardt Municipal Council**

State Electorate : **BALMAIN** Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street :	86 Johnston		
Suburb :	Annandale	City :	Sydney
		Postcode :	2038
Land Parcel :	CP for Lots 1-7 SP 60153 and Lots 1-7 SP 60153		
Street :	39 Trafalgar Street		
Suburb :	Annandale	City :	Sydney
		Postcode :	2038
Land Parcel :	Lot 1 DP 1098781		
Street :	2 Broderick Street		
Suburb :	Balmain	City :	Sydney
		Postcode :	2041
Land Parcel :	Lot 1 DP 1031094		
Street :	95 Mort Street		
Suburb :	Balmain	City :	Sydney
		Postcode :	2041
Land Parcel :	Lot 1 DP 772283		
Street :	71A and 71B Reynolds Street		
Suburb :	Balmain	City :	Sydney
		Postcode :	2041
Land Parcel :	CP for Lot 1, 2 SP 60413, Lot 1, 2 SP 60413		
Street :	4 Gilchrist Place		
Suburb :	Balmain East	City :	Sydney
		Postcode :	2041
Land Parcel :	Lot 115 DP 810997		
Street :	24A Pearson Street		
Suburb :	Balmain East	City :	Sydney
		Postcode :	2041
Land Parcel :	Lot 101 DP 872400		

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Street : **160-180 Balmain Road**
Suburb : **Leichhardt** City : **Sydney** Postcode : **2040**
Land Parcel : **Part Lot 100 DP 1147039**
Street : **: 134 James Street**
Suburb : **Lilyfield** City : **Sydney** Postcode : **2040**
Land Parcel : **Lot 20 Sec 4 DP 1162**

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro Inner West 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 : **Yes**

If No, comment :

Have there been
meetings or
communications with
registered lobbyists? : **No**

If Yes, comment : **The Department of Planning and Environment's Code of Conduct has been complied with. Metropolitan Delivery (CBD) has not met with or communicated with any lobbyist in relation to this planning proposal.**

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Supporting notes

Internal Supporting
Notes :

All nine items are listed in Council's table of items to be removed (pages 3-5 of the planning proposal), which includes statements of heritage significance and justification/management recommendations. They are also detailed in Council's Appendix 1 - Heritage Inventory. Council is seeking removal of the nine items from Schedule 5 as they have all lost significance due either to previous alterations/additions undertaken, have an association with an adjoining property that is no longer relevant, or were listed in error. The removal of all items is not considered controversial and only three are further discussed in the planning team report:

- 86 Johnston Street, Annandale
- 160-180 Balmain Road, Leichhardt
- 134 James Street, Lilyfield

The project timeline accompanying the planning proposal indicates that Council will submit the draft LEP for finalisation in July 2014.

Council has requested plan making delegations for the planning proposal. Council's request is supported.

External Supporting
Notes :

Council supports this planning proposal because it results from Council's Heritage Inventory Sheets Review. The review of the inventory sheets of heritage items listed in Leichhardt Local Environmental Plan 2000 Schedule 2 was undertaken in 2013 to supplement Council's preparation of the standard template Leichhardt Local Environmental Plan 2013. In translating the current planning objectives and controls into the new format, nine items were found to have been either listed in error, or no longer worthy of heritage listing. This housekeeping planning proposal seeks to remove the nine items from Schedule 5 of the Leichhardt Local Environmental Plan 2013.

Adequacy Assessment

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

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

Comment : The objective of the planning proposal is to remove nine items from Leichhardt Local Environmental Plan (LEP) 2013 Schedule 5 – Environmental Heritage. The outcome of the amendment will be the removal of nine properties which no longer have heritage significance, or which were listed in error.

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

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

Comment : The planning proposal provides an explanation of provisions for each amendment. Each item is accompanied by a statement of significance and a management recommendation by the Heritage Inventory Review Consultant, both in a table in the PP and in a separate Inventory.

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

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

7.1 Implementation of the Metropolitan Plan for Sydney 2036

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

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

d) Which SEPPs have the RPA identified?

N/A

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e) List any other matters that need to be considered :

Matters to still be considered are:

- **160-180 Balmain Road, Leichhardt** – this item is currently incorrectly identified in the LLEP 2013. LLEP 2013 Heritage Maps currently identify Item 717 to be the Department of Education school campus on the southern part of Lot 100 DP 1147039, but Item 717 is the playing field to the north. The playing field has heritage significance due to its association with the former Tram and Bus Depot that operated on the playing field and adjacent land in the early part of the twentieth century. LLEP 2013 Heritage Maps currently show the playing fields as having no heritage listing. It is recommended that the item be removed, that the mapping error be corrected as part of this planning proposal and the amended plan be exhibited.

Two matters are listed here for noting only, as they are slightly more complex in nature, although still of minor significance:

- **86 Johnston Street, Annandale** – the original building was built c. 1890 and has local heritage significance as part of the history of the area. Also the additions in the front of the building have significance due to an association with Peter Melocco of the Melocco Brothers, who operated a local plaster, marble, mosaic and terrazzo business. The heritage significance of the original building has been severely compromised by the conversion to flats by Peter Melocco, sometime after 1921. The site is located in a conservation area and any future development on the site will be required to address the character of the streetscape. Council has no information in their system regarding the potential heritage significance of any of the internal fabric of the original building. Given the extent to which the building has been altered both externally and internally, however, it is likely that the heritage significance of the interior fabric will be equally compromised. It is recommended that the item be removed and that the amended plan be exhibited.

- **134 James Street, Lilyfield** – this item was mistakenly listed instead of 138 James Street, Lilyfield. 138 James Street, Lilyfield, is proposed to be listed via a separate future planning proposal. It is recommended that the item be removed and that the amended plan be exhibited.

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

The planning proposal is not inconsistent with any s117 Directions or SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The planning proposal includes maps showing the properties that are to have their heritage listing removed. It is recommended that the gateway determination include a condition requiring the preparation of new maps prior to exhibition (ie. with the nine sites removed and the mapping error at 168-180 Balmain Road, Leichhardt, corrected) and that both existing and new maps be exhibited.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

A public exhibition period of 28 days is recommended by Council. This is considered reasonable.

Additional Director General's requirements

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

If Yes, reasons :

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Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2013**

Comments in
relation to Principal
LEP :

Leichhardt LEP 2013 was notified on 23 December 2013.

Assessment Criteria

Need for planning
proposal :

The planning proposal is a result of Council's review of their Heritage Inventory Sheets drafted for each heritage item listed within LLEP 2000 Schedule 2. It is required to address various changes in heritage significance that have resulted from past development and various drafting errors in the LLEP 2013.

1. 86 Johnston Street, Annandale (Flats, including interiors) – Item 49. The building was constructed c. 1890 and converted to flats sometime after 1921. The local heritage significance of the original building has been severely compromised, due to later additions to the front and rear of the building and changes to the interior. The site is located in a heritage conservation area.

2. 39 Trafalgar Street, Annandale (House, including interiors) – Item 84. The building was constructed c. 1966 and has no heritage significance. The site is located in a heritage conservation area.

3. 2 Broderick Street, Balmain (House, including interiors) – Item 143. The building was constructed recently and has no heritage significance. The site is located in a heritage conservation area.

4. 95 Mort Street, Balmain (House, including interiors) – Item 265. The building was constructed in the 1930s and has no heritage significance. The site is located in a heritage conservation area.

5. 71A and 71B Reynolds Street, Balmain (House, including interiors) – Item 297. The building was constructed in 1997 and has no heritage significance. The site is located in a heritage conservation area.

6. 4 Gilchrist Place, Balmain East (House, including interiors) – Item 438. The building was constructed in 1980 and has no heritage significance. The site is located in a heritage conservation area.

7. 24A Pearson Street, Balmain East (Flats, including interiors) – Item 481. The building was constructed c. 1970 and has no heritage significance. The site is located in a heritage conservation area.

8. 160-180 Balmain Road, Leichhardt (Department of Education) – Item 620. The site (the playing field to the north of the school buildings) has local heritage significance due to its proximity to the Tram and Bus Depot that previously occupied the playing field and adjacent land, but the heritage significance of the site has been severely degraded due to the gradual loss of function and associated structures on the site. There is now no evidence of the original structures or functions on the site and there is no apparent connection to the remaining buildings on the adjacent site. The site is NOT located in a heritage conservation area.

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9. 134 James Street, Lilyfield (Semi-detached house, including interiors) – Item 717. The building was constructed in the early twentieth century, but has limited heritage significance and was listed in error. The site is NOT located in a heritage conservation area.

Consistency with strategic planning framework :

The amendments are minor amendments consistent with the objectives and strategies of the Metropolitan Plan for Sydney 2036, the draft Metropolitan Strategy for Sydney 2031 (exhibited) and the Inner West Draft Subregional Strategy, particularly with regard to Inner West Draft Subregional Strategy Actions:

- E6.1 — Provide a consistent approach to identify, enliven and protect Sydney's cultural heritage;
- E6.2 — Recognise where Sydney's cultural heritage contributes to its character and manage change appropriately to reinforce local distinctiveness;
- E6.3 — Interpret and promote Sydney's cultural heritage.

The planning proposal is consistent with the following objectives within Council's Community Strategic Plan Leichhardt 2020+ and draft Leichhardt 2025+.

The planning proposal is consistent with all relevant s117 Directions and SEPPs.

Environmental social economic impacts :

None of the amendments apply to land that has been identified as containing critical habitat or threatened species, populations or ecological communities, or their habitats. No adverse environmental or social impacts are raised with the planning proposal.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** 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. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

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Documents

Document File Name	DocumentType Name	Is Public
Cover Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Maps.pdf	Map	Yes
Proposed Community Consultation and Project Timeline.pdf	Proposal	Yes
Appendix 1 - Heritage Inventory.pdf	Proposal	Yes
Attachment 4 - Delegation Request.pdf	Determination Document	No

Planning Team Recommendation

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

S.117 directions: **2.3 Heritage Conservation**
 4.1 Acid Sulfate Soils
 4.3 Flood Prone Land
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the planning proposal proceed subject to the following conditions:**

- 1. The planning proposal is exhibited for a minimum of 14 days, or 28 days, consistent with Council's intentions.**
- 2. The planning proposal be completed within 6 months.**
- 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.**
- 4. Council must consult with the Heritage Division of the NSW Office of Environment and Heritage under section 56(2)(d) of the Environmental Planning and Assessment Act, 1979.**
- 5. A written authorisation to exercise delegation under section 59 of Environmental Planning and Assessment Act, 1979 is issued to Council in relation to the planning proposal.**
- 6. New maps are to be prepared prior to exhibition, showing the nine sites with current heritage listing removed and with the mapping error at 160-180 Balmain Road Leichhardt corrected, and both the current and new maps are to be exhibited.**

Supporting Reasons : **The planning proposal is supported for the following reasons:**

- It is consistent with Council's strategic plans and the NSW strategic planning framework;**
- It makes minor changes and corrects errors to the LLEP 2013 in line with Council's recent review of the Heritage Inventory Sheets and Council resolution (C207/13e).**

Signature:



Printed Name:

Diane Sarkles

Date:

7/5/14

