

Planning Services

Plan Finalisation Report

Local Government Area: Inner West Council

File Number: 17/12687

1. NAME OF DRAFT LEP

Marrickville Local Environmental Plan 2011 Amendment No.10 (draft LEP).

2. SITE DESCRIPTION

The planning proposal applies to land at various sites across the former Marrickville local government area.

3. PURPOSE OF PLAN

The draft LEP seeks to include 53 new Heritage Items and two new Heritage Conservation Areas, amend an existing Heritage Item and three existing Heritage Conservation Areas, and correct various anomalies to Schedule 5 (Environmental Heritage) of Marrickville LEP 2011.

4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Marrickville Electorate. Jo Haylen MP is the State Member for Marrickville.

Anthony Albanese MP is the Federal Member for Grayndler.
To the regional planning team's knowledge, neither MP has made any written representations regarding the proposal.

5. PROBITY

NSW Government Lobbyist Code of Conduct

There have been no meetings or communications with registered lobbyists with respect to this proposal.

NSW Government reportable political donation

There are no donations or gifts to disclose and a political donation disclosure is not required.

6. GATEWAY DETERMINATION AND ALTERATIONS

The Gateway determination issued on 24 November 2015 (**Attachment C**) determined that the proposal should proceed subject to conditions. The Gateway determination was altered on 24 November 2016 to extend the timeframe for completion to 1 June 2017 (**Attachment D**).

7. PUBLIC CONSULTATION

In accordance with the Gateway determination, community consultation was undertaken by Council from 4 July until 25 August 2016.

23 submissions were received which objected to 23 of the proposed heritage listings contained within the planning proposal. The objections included pro-forma letters signed by multiple signatories and multiple submissions relating to the same property. All submissions raising heritage concerns were referred to Council's Heritage Consultant for review.

Common themes in objections to the planning proposal, raised during the public exhibition process, included claims that:

- new heritage Items are in poor condition;
- new heritage Items have insufficient heritage significance;
- listing a new item would require more expensive maintenance;
- listing a new item would reduce its value and make it more difficult to demolish, redevelop or sell; and
- listing a new item would mean greater costs and delays in obtaining development approval.

As a result of the submissions received, additional consultation was offered to property owners objecting to their proposed heritage listing via an onsite meetings. 13 meetings were held with property owners to discuss their property in detail and to enable Council's Heritage Consultant to undertake internal inspections of these properties.

To respond to the objections received, Council engaged an independent consultant to undertake an independent heritage review. The review included undertaking a reassessment and making a recommendation for each disputed property. As a result, a number of post exhibition changes have been made, as outlined in section 9 of this report.

The proposed changes are supported by two heritage assessments and community consultation processes and seek to more accurately reflect existing Heritage Items and Heritage Conservation Areas. The proposed changes aim to address concerns regarding a perceived loss of heritage within the local government area.

The Department considers that Council has reviewed and satisfactorily addressed all issues raised in submissions from the public.

8. ADVICE FROM PUBLIC AUTHORITIES

Council consulted with the Office of Environment and Heritage (OEH) in accordance with the Gateway determination. OEH did not raise any objections to the planning proposal.

9. POST EXHIBITION CHANGES

Council has made the following post exhibition changes to the proposal.

The mapping for one proposed new heritage item (below) is being refined to only map the significant elements on the site.

Property Address	Item Name	Ref. No.
20 Canal Road, St Peters	Cooks River Container Terminal	I366

Two further heritage items (below) have been demolished as part of the Westconnex project and so also need to be deleted from the planning proposal and not listed as heritage items or heritage conservation areas.

Property Address	Item Name	Ref. No.
28-44 Campbell Street, St Peters	Terrace houses	I364
82 Campbell Street, St Peters	Modest worker's cottage	I365

One existing heritage item (below) is being refined to list 2 facades and one building only.

Property Address	Item Name	Ref. No.
10 Carrington Road (façade only); 16 Carrington Road (central brick building only); 47 Carrington Road (facade only).	Carrington Road industrial precinct – select industrial facades	I68

Council has recommended the following items be deleted from the planning proposal and not listed as heritage items.

Property Address	Item Name	Ref. No.
50 & 52 Warren Road, Marrickville	Pair of Inter war Art Deco style residential flat buildings	I353
48 & 50 Frederick Street, St Peters	Corner Shop & Residence	I368
2-12 Warburton Street, Marrickville	Group of three pairs of Federation Queen Anne style semi-detached houses	I351
Various	Street trees, sandstone and brick kerb and guttering	I319 – Ness Avenue I325 – Beauchamp St I328 – Bruce St I329 – Cahill Place I333 – Day St I338 – High St

		I339 – Illawarra Rd I345 – Osgood Avenue I347 – Prince St I371 – sandstone kerb I372 – brick kerb I373 - remove I373 label – (already heritage listed as I293)
149 Unwins Bridge Road, Tempe	Skelton – quarryman’s cottage	I384
294 Livingstone Road, Marrickville	Roseen-Dhu – detached house	I342
51 Frederick Street, St Peters	Shop	I368
389 Illawarra Road, Marrickville	Church of Christ	I340
545 Princes Highway and 2 Samuel Street, Tempe	Peters & St Paul Catholic Church and Presbytery	I379

Further minor post exhibition changes to the planning proposal have been made by Council to correct street addresses for five of the new heritage items and update the status of one new heritage item from Local to State significance

It is recommended that these amendments be endorsed without requiring further exhibition as it does not change the intent of the planning proposal as exhibited, but merely adds clarity and reduces the number of properties affected. Further detail regarding the suitability of these changes is to be discussed below.

10. ASSESSMENT

The planning proposal is supported as it:

- will more accurately reflect existing Heritage Items and Heritage Conservation Areas;
- is generally consistent with the preferred community outcomes identified during community consultation; and
- is consistent with State Government objectives to manage and protect items with heritage significance.

Council engaged a heritage consultant to undertake an independent review of objections to the planning proposal. An on-site meeting with this consultant was offered to each objector to discuss all issues raised in their individual submission. The post-exhibition changes outlined above largely reflect the recommendations of this independent review.

The planning proposal is supported as it was supported by two heritage assessments and community consultation processes and seeks to more accurately reflect existing

Heritage Items and Heritage Conservation Areas and list new Heritage Items by amending Schedule 5 (Environmental Heritage) of Marrickville LEP 2011.

Section 117 Directions

The draft LEP is consistent with relevant Section 117 Directions.

State Environmental Planning Policies

The draft LEP is consistent with relevant State Environmental Planning Policies.

11. MAPPING

The maps associated with this amendment have been submitted via the ePlanning Portal and checked by GIS staff. The maps have been sent to Parliamentary Counsel.

12. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument and confirmed on Thursday 2 November 2017 that it was happy with the draft and that the Plan should be made (**Attachment E**).

13. PARLIAMENTARY COUNSEL OPINION

On 5 December 2017, Parliamentary Counsel provided the final Opinion (**Attachment PC**) that the draft LEP could legally be made.

14. RECOMMENDATION

It is recommended that Greater Sydney Commission's delegate determine to make the draft LEP because:

- Council supports the draft LEP;
- Council has satisfied all conditions of the Gateway determination;
- there are no outstanding agency concerns; and
- it seeks to more accurately reflect existing Heritage Items and Heritage Conservation Areas and list new Heritage Items based on robust heritage assessment and community consultation processes.

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