

Correction of mapping error to reinstate the Parramatta Road Conservation Area on Heritage Map sheet 005.

Proposal Title : Correction of mapping error to reinstate the Parramatta Road Conservation Area on Heritage Map sheet 005.

Proposal Summary : The planning proposal seeks to rectify a mapping error which removed the Parramatta Road Conservation Area from the Leichhardt Local Environmental Plan 2013 (LEP) Heritage Map (Sheet 005) when the LEP was gazetted. The conservation area is identified in Schedule 5 of the LEP; therefore, only a mapping amendment is required.

PP Number : PP_2014_LEICH_006_00 **Dop File No :** 14/17608

Proposal Details

Date Planning Proposal Received : 08-Oct-2014 **LGA covered :** Leichhardt

Region : Metro(CBD) **RPA :** Leichhardt Municipal Council

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

LEP Type : Housekeeping

Location Details

Street :

Suburb : **City :** **Postcode :**

Land Parcel : Multiple lots on Parramatta Road, Young Street, Norton Street, Jarrett Street and Renwick Street

DoP Planning Officer Contact Details

Contact Name : Andrew Watkins

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RPA Contact Details

Contact Name : Katie Miles

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Contact Email : katiem@lmc.nsw.gov.au

DoP Project Manager Contact Details

Contact Name : Diane Sarkies

Contact Number : 0285754111

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Land Release Data

Growth Centre : **Release Area Name :**

Regional / Sub Regional Strategy : Metro Inner West subregion **Consistent with Strategy :** Yes

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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 : **Metropolitan Delivery (CBD) is not aware of any meetings or communications with registered lobbyists concerning this proposal.**

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

If Yes, comment :

Supporting notes

Internal Supporting Notes :

1. On 30 May 2014, Council formally advised the Department that it had become aware that the Parramatta Road Conservation Area had been erroneously omitted from the Leichhardt LEP 2013, but remained listed in Schedule 5 Environmental Heritage of the LEP.

Council requested that the error be corrected by way of an amendment under section 73A of the Act.

The Department sought internal legal advice and was advised that the amendment should be made by way of a planning proposal, including community consultation, as this would ensure that affected landowners are made aware of the proposal to correct the omission.

The Metropolitan Delivery (CBD) team considered that, as Council had previously exhibited Heritage Map sheet 005 (with the conservation area included) during the public exhibition of the then draft Leichhardt LEP 2013, Council should use its discretion in determining the need for further community consultation.

Subsequently, the Department advised Council (by letter dated 12 August 2014) that the matter should be rectified by way of a planning proposal, and that the Gateway would "consider previous community engagement when determining the requirements of the determination."

Given the previous exhibition of the then 'correct' Heritage Map sheet 005 and the absence of any submissions from the community and public authorities referring to the conservation area, it is considered that in terms of consultation, Council should be required to consult only with owners of land/property within the proposed 'reinstated' conservation area.

It is not considered necessary in this instance to consult the Office of Environment and Heritage on the planning proposal, given the administrative/corrective nature of the planning proposal and that the Office did not raise any issues relating to the identification of the Parramatta Road Conservation Area when the 'correct' Heritage Map was exhibited as part of the then draft Leichhardt LEP 2013.

2. Council has provided a project timeline which indicates that the proposal can be submitted for finalisation in December 2014.

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External Supporting
Notes :

In April 2014, the omission of the conservation area was discovered by Council, and on further investigation, it was found that the error had occurred in the transference of GIS data from Council to the Department, prior to the plan being made. Notwithstanding this, the version of the heritage map that was placed on exhibition with the draft LEP 2013, and subsequently adopted post-exhibition, did actually correctly display the Parramatta Road Conservation Area.

Adequacy Assessment

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

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

Comment : Council's stated objective is to ensure that the LEP 2013 correctly displays the Parramatta Road Conservation Area on Heritage Map sheet 005. This is to ensure that the area remains protected under clause 5.10 Heritage Conservation of the LEP so that the area's heritage significance is retained for future generations.

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

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

Comment : The proposal requires only the amendment of the Heritage Map sheet 005 to show the location and boundary of the conservation area.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* 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?

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

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

If No, explain : Being the correction of a mapping error, the planning proposal is not directly relevant or subject to any SEPPs or REPs (or deemed SEPPs), that might otherwise have applied.

However, re-identification of the conservation area will ensure that certain development types, deemed inappropriate in conservation areas, can no longer be carried out within the area under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The planning proposal includes an extract of the exhibited draft Heritage Map sheet 005 and that which was presented to Council for final adoption, in addition to the proposed Heritage Map sheet 005 to show the conservation area.

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Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment :

1. Council considers that as the proposal is low impact in that it simply rectifies a mapping error made prior to the publication of the Leichhardt LEP 2013, community consultation would normally be a period of 14 days. However, Council states that the maps have already been exhibited (with the draft LEP 2013), and that therefore such consultation may not be necessary.

2. Prior to the lodgement of this planning proposal, the Department advised Council that previous community engagement would be considered when determining the requirements of the Gateway determination.

In this respect, Council's summary tables of submissions received in relation to the exhibition of the then draft LEP 2013 indicate that there were no submissions received, from the community or public authorities, in relation to the application of Parramatta Road Conservation Area. It is therefore considered that 'general' community consultation is not necessary in this instance.

However, given that the absence of the conservation area on the Heritage Map may have created an expectation that there are currently no heritage controls relating to properties within the area, it is considered appropriate that affected landowners are consulted. Therefore, it is recommended that Council ensure that all affected landowners are consulted with directly on this planning proposal.

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 : **December 2013**

Comments in relation to Principal LEP :

Leichhardt LEP 2013 was notified on 23 December 2013 and commenced on 3 February 2014. The error to be remedied by this planning proposal was discovered in April 2014.

Assessment Criteria

Need for planning proposal :

The planning proposal results from the discovery of an LEP 2013 mapping error in which the Parramatta Road Conservation Area was inadvertently omitted from Heritage Map sheet 005, prior to the LEP's notification.

Consistency with strategic planning framework :

The planning proposal is considered consistent with the strategic planning framework. There is no change or deviation from policy; the proposal is administrative/corrective in nature, and reflects Council's current practices in relation to heritage protection.

Environmental social economic impacts :

Given the administrative/corrective nature of the planning proposal, it is not expected that it will result in any adverse environmental, social or economic impacts.

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Assessment Process

Proposal type : **Minor** Community Consultation Period : **NII**

Timeframe to make LEP : **3 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) :

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 :

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

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

S.117 directions:

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

- 1. Council is to ensure that all land owners within the proposed conservation area are to be consulted directly on the planning proposal over a minimum period of 14 days.**
- 2. Other than as specified by Condition 1, no community consultation is required under sections 56(2)(c) and 57 of the EP&A Act.**
- 3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.**

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4. A public hearing is not required to be held.

5. The planning proposal is to be completed within 3 months from the week following the date of the Gateway determination.

It is also recommended that a written authorisation to exercise delegation under section 59 of the Environmental Planning and Assessment Act 1979 is issued to Council in relation to the planning proposal.

Supporting Reasons :

The planning proposal should be approved for the following reasons:

- It will remedy an existing mapping error and clarify the heritage status of the area;**
- the extent of the conservation area has already been exhibited during the preparation of the then draft Leichhardt LEP 2013 and did not generate any specific submissions.**
- Council proposes to progress the planning proposal under delegation. The matter is considered to be of local significance and the use of Council's delegation is supported.**

Signature:



Printed Name:

Diane Sarkies

Date:

27/10/14