

Item No: R2 Recommendation to Council
Subject: **PLANNING PROPOSAL - HERITAGE HOUSEKEEPING AMENDMENT TO THE WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014 TO CORRECT ADMINISTRATIVE ERRORS AND ANOMALIES IN SCHEDULE 5 - ENVIRONMENTAL HERITAGE AND THE ASSOCIATED HERITAGE MAP**

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File No: 22/68543
Purpose of the Report: To obtain Council's approval to forward a housekeeping planning proposal to the Minister for Planning and Homes (or delegate) requesting a Gateway determination to allow public exhibition.
Alignment to Delivery Program: Strategy 4.3: Protect our heritage, including significant architecture and the natural environment.

Recommendation:

- A. THAT the planning proposal at **Attachment 2** of the report to the Environmental Planning Committee meeting of 2 May 2022 to correct administrative errors and anomalies in *Schedule 5 – Environmental Heritage* and the associated Heritage Map of the *Woollahra Local Environmental Plan 2014* be forwarded to the Minister for Planning and Homes (or delegate) requesting a Gateway determination to allow public exhibition.
- B. THAT Council request the Minister for Planning and Homes (or delegate) authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environmental plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

Executive Summary:

Council staff have prepared an administrative housekeeping planning proposal to amend the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) to correct minor heritage errors and anomalies in *Schedule 5 – Environmental Heritage* and the corresponding Heritage Map. The matters that will be addressed in the planning proposal have been identified by Council staff during the ongoing application of the Woollahra LEP 2014.

In summary, the housekeeping planning proposal recommends over 100 amendments in the Heritage Map and *Schedule 5 - Environmental Heritage* of the Woollahra LEP 2014 to:

- Update the descriptions, legal property descriptions, addresses and significance
- Remove multiple listings for single items
- Remove listings for two trees that have been removed
- Rectify minor mapping anomalies
- Update the heritage item labels to ensure that the Woollahra LEP 2014 is consistent with the state guidelines by identifying an 'I' prefix.

A full list of the amendments is at **Attachment 1**.

As these changes are administrative in nature, there will be no alteration to the heritage protection of each item listed.

The purpose of this report is to seek Council's support to forward the housekeeping planning proposal to the Minister for Planning and Homes (the Minister) (or delegate) requesting a Gateway determination to allow public exhibition.

Discussion:

Planning proposal

Using the schedule of amendments at **Attachment 1**, the planning proposal (at **Attachment 2**) seeks to correct a number of administrative amendments to the Woollahra LEP 2014 which are minor errors and anomalies that have been identified in *Schedule 5 – Environmental Heritage* and the associated Heritage Map.

The planning proposal can be classified as a “Basic Planning Proposal”¹ as it corrects a number of administrative errors. A basic planning proposal refers to any one or more of the following proposed LEP amendment types, including an amendment to correct an administrative error or a few minor ‘housekeeping’ amendments. The proposed amendments will not alter the heritage protection of each item listed.

The planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) and the relevant guidelines prepared by the NSW Department of Planning and Environment (DPE), including *Local Environmental Plan Making Guideline (December 2021)*.

The planning proposal satisfies the requirements of section 3.33 of the Act as it includes:

- A statement of the objectives or intended outcome of the amendment to Woollahra LEP 2014.
- An explanation of the provisions that are to be included in the amendment to Woollahra LEP 2014.
- The justification for the objectives, outcomes and provisions and the process for their implementation.
- Proposed amendments to the Heritage Map.
- Details of the community consultation that is to be undertaken.

Objective of the amendment to Woollahra LEP 2014

By correcting a number of errors and anomalies in *Schedule 5 – Environmental Heritage* and the associated Heritage Map of the Woollahra LEP 2014, the objective of the planning proposal is to improve the operation and accuracy of the Woollahra LEP 2014.

Relationship to the strategic planning framework

The planning proposal is consistent with the strategic planning framework including the *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018), *Eastern City District Plan* (2018), *Woollahra Local Strategic Planning Statement 2020*, and *Woollahra 2030* (Council’s community strategic plan). The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable State environmental planning policies. The planning proposal is consistent with applicable section 9.1 directions.

Consistency with the strategic framework is discussed in the justification section of the planning proposal (see **Attachment 2**).

¹ In line with the Local Environmental Plan Making Guidelines (dated December 2021), subject to its contents, a planning proposal can either be categorised as “Basic”, “Standard”, “Complex” or “Principal”.

Advice of the Woollahra Local Planning Panel is not required

Under the *Local Planning Panels Direction – Planning Proposals* (the Direction) issued by the Minister on 27 September 2018 Council is required to seek the advice of the Woollahra Local Planning Panel (LPP). However, the advice of the Woollahra LPP is not required if the planning proposal relates to:

- a) *The correction of an obvious error in a local environmental plan*
- b) *Matters that are of a consequential, transitional machinery or other minor matter, or*
- c) *Matters that council's general manager considers will not have any significant adverse impact on the environment or adjoining land.*

This planning proposal is a housekeeping amendment which seeks to address obvious errors and anomalies in *Schedule 5 – Environmental Heritage* of the Woollahra LEP 2014 and the associated Heritage Map. Accordingly, consistent with 1(a) and 1 (b) of the Direction, Council is not required to refer the planning proposal to the Woollahra LPP.

Options:

As a consequence of this report, Council may resolve to forward the planning proposal to correct over 100 administrative errors and anomalies in *Schedule 5 – Environmental Heritage* and the associated Heritage Map of the Woollahra LEP 2014.

Alternatively, Council may resolve not to support the preparation of a planning proposal or require staff to make amendments.

Community Engagement and / or Internal Consultation:

Subject to the Council's decision, the planning proposal (with updates to make reference to the Council decision) will be referred to the Department of Planning and Environment (DPE) requesting a Gateway determination. This will allow the planning proposal to be placed on public exhibition.

The public exhibition of the planning proposal will be undertaken in accordance with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2021*, relevant DPE guidelines, the Gateway determination and the *Woollahra Community Participation Plan 2019*.

Public notification of the exhibition will comprise:

- A notice on Council's website.
- A weekly notice in the Wentworth Courier for the duration of the exhibition period (if a hardcopy is being published).

During the exhibition period the following material will be available on Council's website and in the customer service area at Woollahra Council offices (subject to current COVID-19 health orders):

- The planning proposal, in the form approved by the gateway determination.
- The gateway determination.
- Information relied upon by the planning proposal (such as relevant Council reports).

After public exhibition, the planning proposal and submissions received will be reported to a future meeting of the Council.

To streamline the plan-making process, the Minister can delegate some plan-making powers to Council for routine matters. In this case, we will request authorisation to exercise the functions of the Minister to make an LEP under section 3.36 of the Act. Part B of the recommendation for this report deals with this request. After public exhibition, the planning proposal and submissions received will be reported to Council.

Policy Implications:

Should Council resolve to prepare a planning proposal, and should the planning proposal progress to finalisation, there will be policy implications by amending the Woollahra LEP 2014.

Financial Implications:

NIL

Resourcing Implications:

Staff resource implications will be associated with progressing a planning proposal and requesting a Gateway determination from the DPE, managing the public exhibition and preparing a post exhibition report to a meeting of Council.

Conclusion:

This report seeks to obtain Council's resolution to forward a housekeeping planning proposal to the Minister for Planning and Homes (or delegate) requesting a Gateway determination to allow public exhibition. The planning proposal is administrative in nature and will amend the Woollahra LEP 2014 to correct minor errors and anomalies in *Schedule 5 – Environmental Heritage* and on the Heritage Map.

The objective of the planning proposal is to improve the operation and accuracy of the Woollahra LEP 2014 and will not alter the heritage protection of each item listed.

Staff recommend that Council resolves to proceed with the planning proposal at **Attachment 2**.

Attachments

1. Schedule of proposed heritage amendments to Woollahra Local Environmental Plan 2014
2. Planning Proposal - Heritage Housekeeping amendment to the Woollahra Local Environmental Plan 2014