



IRF22/2164

## Gateway determination report – PP-2022-2002

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Woollahra Heritage Housekeeping Amendments 2022

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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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### Table 1 Supporting Material

| Appendices   |
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| Planning Proposal (revised July 2022)                                |
| Schedule of Proposed Heritage Amendments (revised July 2022)         |
| Report to the Environmental Planning Committee Meeting of 2 May 2022 |

Ordinary Council Meeting Minutes of 23 May 2022

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

|                                 |   |
|---------------------------------|---|
| <b>LGA</b>                      | <b>Woollahra</b>  |
| <b>PPA</b>                      | Woollahra Municipal Council   |
| <b>NAME</b>                     | Woollahra Heritage Housekeeping Amendments 2022   |
| <b>NUMBER</b>                   | PP-2022-2002  |
| <b>LEP TO BE AMENDED</b>        | Woollahra Local Environmental Plan (LEP) 2014   |
| <b>ADDRESS</b>                  | Various sites across LGA  |
| <b>RECEIVED</b>                 | 1/06/2022   |
| <b>FILE NO.</b>                 | IRF22/2164  |
| <b>POLITICAL DONATIONS</b>      | There are no donations or gifts to disclose and a political donation disclosure is not required       |
| <b>LOBBYIST CODE OF CONDUCT</b> | There have been no meetings or communications with registered lobbyists with respect to this proposal |

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to improve the operation and accuracy of the Woollahra Local Environmental Plan (LEP) 2014 by correcting errors and anomalies that have been identified throughout its application.

## 1.3 Explanation of provisions

The planning proposal seeks to amend Schedule 5 *Environmental Heritage*, Part 1 of Woollahra LEP 2014 per the changes below:

- Update the heritage item labels to ensure that Schedule 5 is consistent with the Department's technical guidelines by identifying items with an "I" prefix.
- Update legal descriptions and property addresses.
- Remove duplications of heritage listings for the same items.
- Delete three heritage listings relating to trees which have recently been removed due to declining health and public safety considerations.
- Revise the level of significance for an item from local to state in alignment with the State Heritage Register.

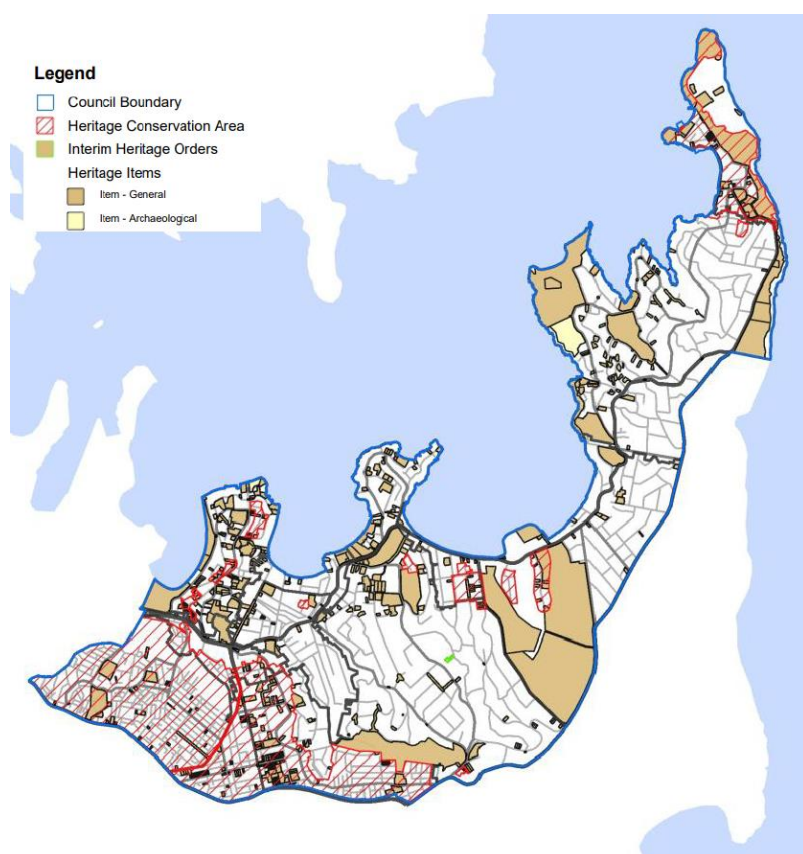
- Amend Schedule 5, Part 2 – Heritage conservation areas (HCAs) to correct the suburb of an existing HCA to reflect its extent across two suburbs.

The proposal also seeks to amend the Woollahra LEP 2014 Heritage Map to rectify mapping anomalies.

It should be noted that the amendments are administrative in nature and no new heritage listings are proposed under the planning proposal.

## 1.4 Site description and surrounding area

The planning proposal applies to various sites identified as containing heritage items within the Woollahra local government area. The map below depicts the heritage listings under the existing Heritage Map of the Woollahra LEP 2014.



**Figure 1: Existing Woollahra LEP 2014 Heritage Map (combined) (Source: Council Planning Proposal)**

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the following sheets of the Woollahra LEP 2014 Heritage Map, which are generally suitable for community consultation:

- HER\_001
- HER\_002
- HER\_003A
- HER\_003B
- HER\_003C
- HER\_003E
- HER\_005

## 1.6 Background

The planning proposal was presented to Council's Environmental Planning Committee (EPC) on 2 May 2022.

The planning proposal was then considered by Council at its meeting of 23 May 2022, who resolved to endorse the proposal to be forwarded to the Department seeking a Gateway determination.

On 1 June 2022, Council forwarded the planning proposal to the Department seeking a Gateway determination.

In its consideration of the proposal, the Department identified misdescriptions of property addresses and details when checked against relevant mapping sources.

On 30 June 2022, the Department requested that Council provide an updated planning proposal and schedule of amendments to address the above issue identified by the Department. Council provided a revised planning proposal and schedule of amendments on 1 July 2022.

## 2 Need for the planning proposal

The planning proposal does not derive from a specific strategic study or report. The proposal has been prepared to implement administrative changes including rectification of minor errors, duplications and mapping anomalies that relate to Schedule 5 Environmental Heritage and the associated Heritage Map of the Woollahra LEP 2014.

The planning proposal is the best means of achieving the intended outcomes as it would improve the operation of the instrument through one single house-keeping amendment.

## 3 Strategic assessment

### 3.1 District Plan

The site is within the Eastern City District and the Greater Sydney Commission (currently Greater Cities Commission) released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for liveability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

The planning proposal seeks to give effect to Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's Heritage.

Although the planning proposal is administrative in nature, the proposal seeks to improve the identification of heritage in the Woollahra LGA by correcting minor errors and mapping anomalies that have arisen throughout the application of the Woollahra LEP 2014.

### 3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 6 Local strategic planning assessment**

| Local Strategies                          | Justification  |
|---|--|
| Local Strategic Planning Statement (LSPS) | The planning proposal gives effect to planning priority 5 of the LSPS which seeks to proactively conserve and monitor heritage in the Municipality including ‘ <i>Reviewing and updating provisions in the Woollahra LEP 2014.</i> ’   |
| Community Strategic Plan (Woollahra 2030) | The proposal states that it gives effect to Goal 4 of the Woollahra Community Strategic Plan which is “Well planned neighbourhoods” under the theme “quality places and spaces”. This includes a strategy to “protect heritage, including significant architecture and the natural environment”. |

### 3.3 Local planning panel (LPP) recommendation

The planning proposal has not been considered by the Woollahra Local Planning Panel.

It is noted that the Local Planning Panel’s Direction issued by the Minister requires planning proposals to be referred to the relevant LPP for advice prior to Council considering whether or not to forward to the Minister seeking a Gateway determination.

The Direction allows for the relevant Council General Manager to determine that a proposal is not required to be forwarded to the LPP if the proposal relates to:

- The correction of an obvious error in a local environmental plan;
- Matters that are of consequential, transitional, machinery or other minor nature; or
- Matters that a Council’s general manager considers will not have any significant adverse impact on the environment or adjoining land.

As the planning proposal is considered to be administrative in nature and will not have any significant or adverse impact on the environment or adjoining land, the Department considers that the proposal is not required to be forwarded to the Woollahra LPP for advice.

### 3.4 Section 9.1 Ministerial Directions

The planning proposal’s consistency with relevant section 9.1 Directions is discussed below:

**Table 7 9.1 Ministerial Direction assessment**

| Directions                | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency   |
|---------------------------|----------------------------|--|
| 3.2 Heritage Conservation | Yes                        | The direction seeks to ensure the conservation of items, areas, objects and places of environmental heritage significance. It requires proposals to contain provisions that facilitate heritage conservation. The proposal is considered to give effect to the direction as it seeks to improve the application of heritage provisions within the Woollahra LGA. |



|                                   |     |   |
|-----------------------------------|-----|---|
| 6.1 Residential Zones             | Yes | The direction applies as the proposal relates to land that is zoned for residential purposes. The proposed provisions will not contradict or hinder the application of the direction. The proposal simply seeks to correctly identify existing heritage items within the Woollahra LGA. |
| 7.1 Business and Industrial Zones | Yes | The direction applies as the proposal relates to land that is zoned for employment purposes. The proposed provisions will not contradict or hinder the application of the direction. The proposal simply seeks to correctly identify existing heritage items within the Woollahra LGA.  |

### 3.5 State environmental planning policies (SEPPs)

The planning proposal is of a minor administrative nature and will not hinder the application of any relevant SEPPs.

## 4 Site-specific assessment

### 4.1 Environmental

The proposal is administrative in nature and is not anticipated to have any adverse impacts on critical habitat areas, threatened species, populations or ecological communities or their habitats.

### 4.2 Social and economic

The planning proposal is not anticipated to result in any adverse social or economic impacts as the proposal is of a minor administrative nature.

The proposal may provide for some positive social impacts through improving the accuracy of heritage identification to ensure better protection of items of heritage significance throughout the Woollahra LGA.

### 4.3 Infrastructure

The provision or funding of state infrastructure is not considered relevant to this planning proposal.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 14 calendar days.

The LEP Making Guidelines recommends a consultation period of 10 working days for 'basic' proposals.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

## 5.2 Agencies

The proposal does not specifically raise which agencies will be consulted. It is recommended that Heritage NSW be consulted on the planning proposal and given 20 working days to comment.

It is considered that the proposal should be forwarded to Heritage NSW for comment as several administrative amendments relate to items that are also listed on the State Heritage Register.

## 6 Timeframe

Council proposes a six month time frame to complete the LEP.

The Department recommends a time frame of 6 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is considered to be of local significance the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- Improve the accuracy and transparency of the Woollahra LEP 2014 by removing a series of historical errors and anomalies.
- Ensure the protection of heritage items through correct identification.
- Seeks to remove the identification of heritage items from Schedule 5 Environmental Heritage that no longer exist.

## 9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Consultation is required with the following public authorities:
  - Heritage NSW
2. The planning proposal should be made available for community consultation for a minimum of 10 working days.
3. The planning proposal must be exhibited 2 months from the date of the Gateway determination.
4. The planning proposal must be reported to council for a final recommendation not more than 4 months from the date of the Gateway determination.
5. The timeframe for completing the LEP is to be on or before 14 December 2022.
6. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



6 July 2022

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