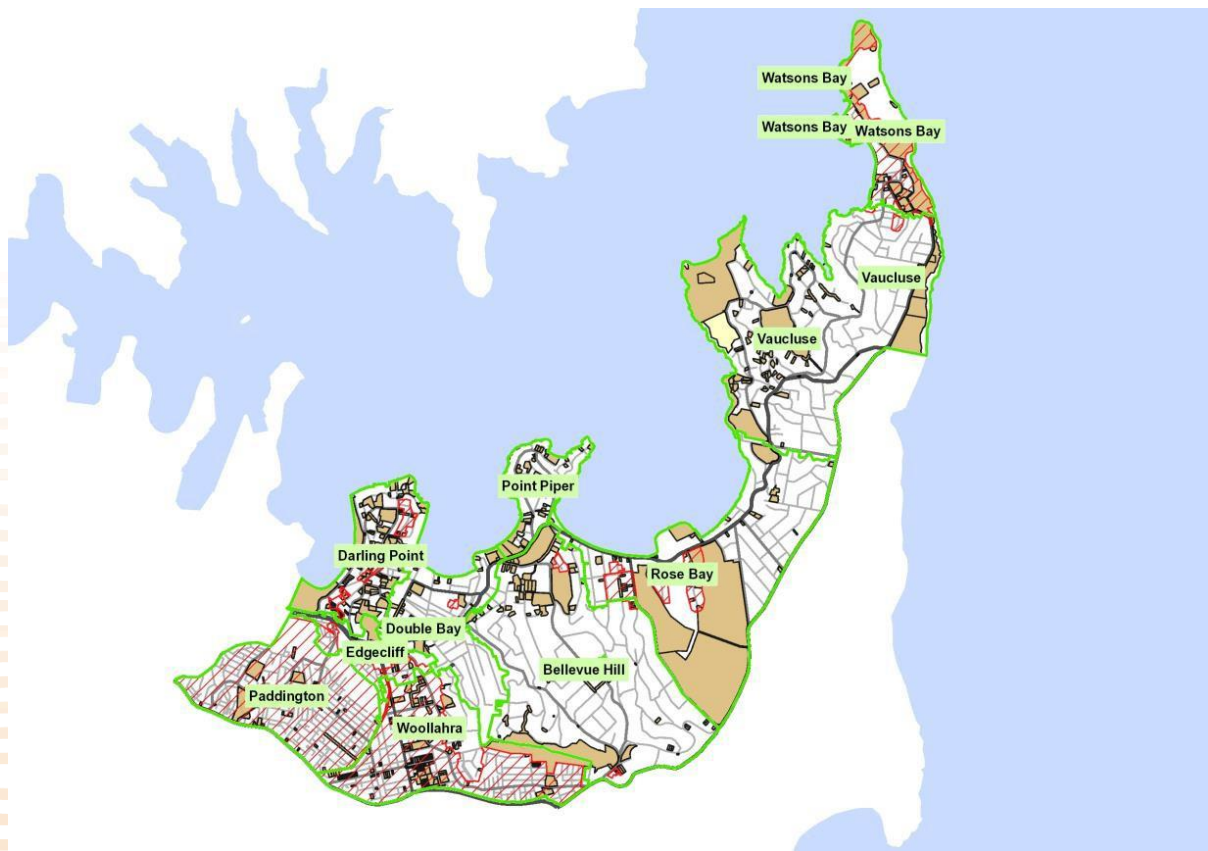


Planning Proposal



Heritage Housekeeping amendment to the *Woollahra Local Environmental Plan 2014*



Version Date:	April 2022
Division/Department:	Planning and Place/Strategic Planning
Responsible Officer:	Fiona Aghili – Strategic Planner
HPE CM Record Number:	22/69509

Acknowledgement of Country

We acknowledge the Gadigal and Birrabirragal people as the traditional custodians of the land in our local area.

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SUPPLEMENTARY MATERIAL (circulated separately)

- Schedule of proposed heritage amendments to Woollahra LEP 2014.
- Report to the Environmental Planning Committee of 2 May 2022.
- Council Meeting Minutes of 23 May 2022.

1. Background

On 2 May 2022, a report was presented to Council's Environmental Planning Committee (EPC) regarding the proposed heritage housekeeping amendment. On 23 May 2022 Council endorsed the following:

*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, subject to also consulting with local residents groups and subject to including the amendments identified in the late correspondence to the Council meeting of 23 May 2022 namely items 44, 177, 244 and 310 with the deletion of item 615.*

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.

2. Introduction

This planning proposal seeks to amend the Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) to correct minor errors and anomalies that have been identified in *Schedule 5 - Environmental heritage* and the Heritage Map. These matters will be resolved by this heritage housekeeping amendment to the Woollahra LEP 2014.

The proposed amendments to the Woollahra LEP 2014 will:

- Update the legal property descriptions and addresses.
- Remove multiple listings for single items.
- 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.
- Seek the removal of three existing heritage listings.
- 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* (HCA) to correct the suburb of an existing HCA to reflect its extent across two suburbs.

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

3. Existing site and surrounding context

3.1. The site

This planning proposal affects numerous properties across the Woollahra Local Government Area (LGA).

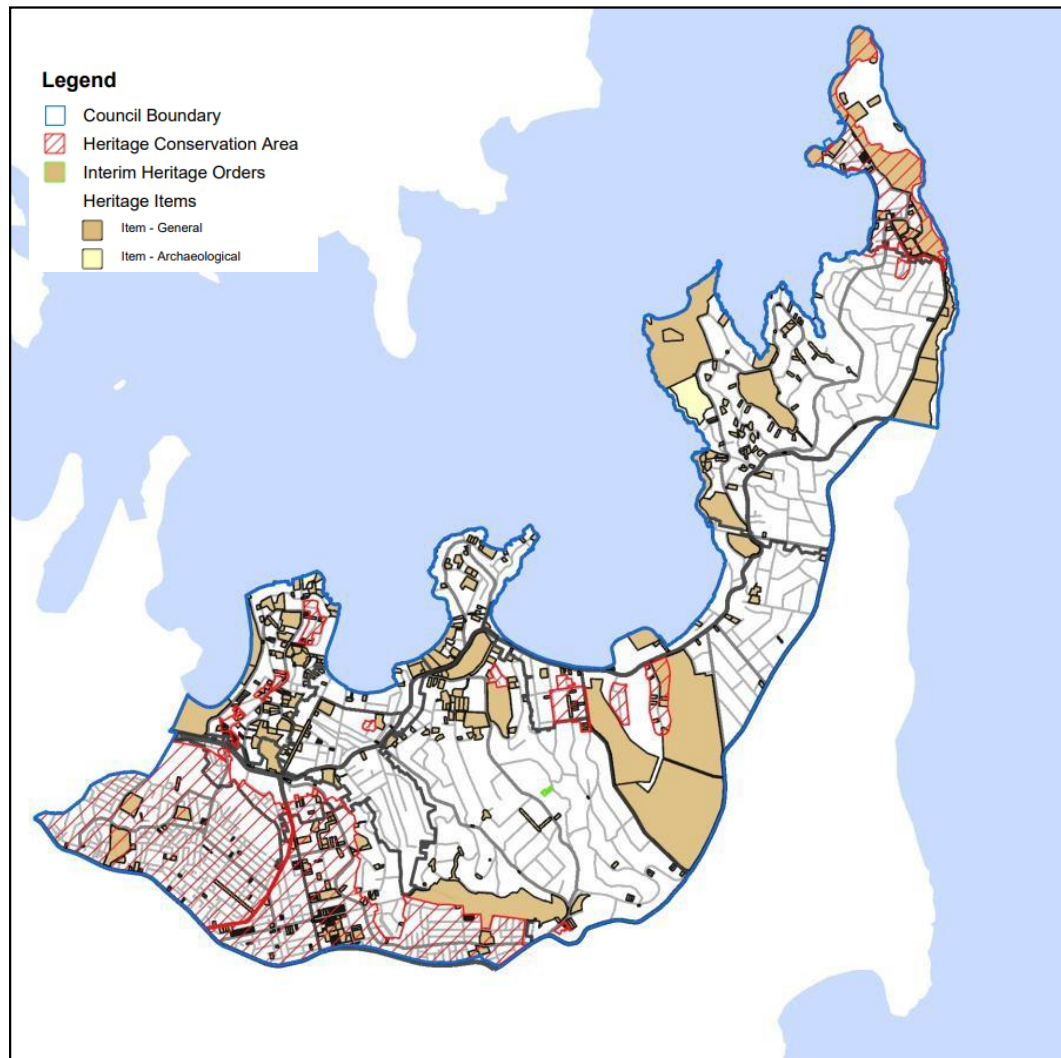


Figure 1: Woollahra LEP 2014 Heritage Map (Woollahra Council Mapping, 2022)

4. Existing planning controls

Woollahra Local Environmental Plan 2014

Under the Woollahra LEP 2014, items of heritage significance are protected under section 5.10 Heritage conservation and are listed in *Schedule 5 - Environmental Heritage* and shown on the associated Heritage map.

5. Objectives of planning proposal

The objective of the planning proposal is to improve the operation and accuracy of the Woollahra LEP 2014 by correcting errors and anomalies that have been identified in *Schedule 5 - Environmental Heritage* and the associated Heritage Map.

6. Explanation of provisions

The intended outcome will be achieved by amending over 100 heritage items in the Heritage Map and *Schedule 5 - Environmental Heritage* of the Woollahra LEP 2014. The amendments are all identified in the *Schedule of proposed heritage amendments to Woollahra LEP 2014*.

In summary, the proposed amendments to the Woollahra LEP 2014 will:

- Update the heritage item labels to ensure that the Woollahra LEP 2014 is consistent with the state guidelines by identifying an 'I' prefix.
- Update the legal property descriptions and addresses.
- Remove multiple listings for single items.
- Rectify minor mapping anomalies.
- Seek the removal of three existing heritage listings.
- 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* to correct the suburb of an existing HCA to reflect its extent across two suburbs.

This housekeeping amendment has been limited to address minor errors where no specialist studies are necessary. No new heritage items are proposed as part of this planning proposal.

7. Justification

The planning proposal has strategic merit and the key reasons to amend Woollahra LEP 2014 are demonstrated in part 6.1 to 6.3 below.

7.1. Need for planning proposal

1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

No. The planning proposal is not the result of a specific strategic study or report. The proposed amendments have been identified during the practical application of the heritage provisions of the Woollahra LEP 2014. The planning proposal is primarily administrative in nature and will correct minor errors and anomalies in *Schedule 5 - Environmental Heritage* and the corresponding Heritage Map.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The planning proposal is the best and only means of achieving the intended outcome. An amendment to the Woollahra LEP 2014 is required to correct the errors that have been identified in the written instrument and map sheets.

This housekeeping amendment is the most efficient way of updating the Woollahra LEP 2014 as it will resolve the identified matters in a single amendment which will remove the need to prepare individual planning proposals for each matter.

7.2. Relationship to strategic planning framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including exhibited draft plans or strategies)?

Yes. The planning proposal is broadly consistent with the relevant objectives of the *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the relevant planning priorities and actions of the *Eastern City District Plan* (2018), as discussed below.

Greater Sydney Region Plan: A Metropolis of Three Cities

The planning proposal is broadly consistent with the directions and objectives of *Greater Sydney Region Plan: A Metropolis of Three Cities*, particularly Objective 13 under the Direction: *A city of great places*:

Objective 13: Environmental heritage is identified, conserved and enhanced

The proposed amendment will correct minor errors and anomalies in *Schedule 5 - Environmental Heritage* and the Heritage Map, which will update the Woollahra LEP 2014 and support the ongoing conservation of heritage items.

Eastern City District Plan

The planning proposal is consistent with the planning priorities and actions of the *Eastern City District Plan*, particularly Planning Priority E6: *Creating and renewing great places and local centres, and respecting the District's heritage*.

The planning proposal is primarily administrative in nature and seeks to correct minor errors and anomalies in the Woollahra LEP 2014. This will contribute to the ongoing conservation and management of heritage items by improving the operation and accuracy of the Woollahra LEP 2014.

4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Yes. The planning proposal is consistent with the Council's Community Strategic Plan, *Woollahra 2030 – Our community, our place, our plan* (Woollahra 2030) and the *Woollahra Local Strategic Planning Statement 2020* (Woollahra LSPS 2020).

The planning proposal is consistent with Planning Priority 5 the Woollahra LSPS 2020 under the theme *Liveability*:

Planning Priority 5: Conserving our rich and diverse heritage

Action 28: Continue to proactively conserve and monitor heritage in the Municipality including:

- *Reviewing and updating provisions in the Woollahra Local Environmental Plan 2014 and Woollahra Development Control Plan 2015*

The planning proposal is also consistent with *Woollahra 2030* particularly Goal 4: Well planned neighbourhoods under the theme Quality places and spaces:

Strategy 4.3 Protect our heritage, including significant architecture and the natural environment

The planning proposal seeks to make housekeeping amendments to the Woollahra LEP 2014 that will correct minor errors and anomalies in *Schedule 5 – Environmental Heritage* and the associated Heritage Map. The changes are administrative in nature and will not alter the heritage protection of each item listed. There are two occurrences where Council staff have verified that a heritage listed tree no longer exists, therefore these listings are no longer required.

5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

There are no applicable State and regional strategies. 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.

6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable State Environmental Planning Policies (refer to **Schedule 1**).

7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes. The planning proposal is consistent with applicable section 9.1 directions (refer to **Schedule 2**).

7.3. Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

No. There are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the subject land. Accordingly, the proposal will not have any impact in this regard.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. There are no likely environmental effects that would arise as a result of the planning proposal. The nature of this planning proposal is administrative only. It seeks to amend the Woollahra LEP 2014 to correct minor errors and anomalies identified in *Schedule 5 – Environmental Heritage* and the corresponding Heritage Map.

10. Has the planning proposal adequately addressed any social and economic effects?

Yes. The planning proposal will not have any adverse social and economic effects. The matters addressed in this planning proposal are primarily administrative and will update the Woollahra LEP 2014 to improve its operation and accuracy.

7.4. Infrastructure (Local, State and Commonwealth)

11. Is there adequate public infrastructure for the planning proposal?

Yes. The planning proposal is primarily administrative and seeks to correct minor errors identified in *Schedule 5 - Environmental Heritage* and the associated Heritage Map. There is no infrastructure demand that will result from the planning proposal.

7.5. State and Commonwealth Interests

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

This section will be completed following consultation with public authorities identified in the gateway determination.

Any other authorities identified by the Greater Sydney Commission and the Department of Planning and Environment will be consulted during the public exhibition of the planning proposal.

8. Mapping

The planning proposal seeks to amend the Woollahra LEP 2014 Heritage Map. The map sheets to be amended are:

- HER_001
- HER_002
- HER_003A
- HER_003B
- HER_003C
- HER_003E
- HER_005

Refer to the ***Schedule of proposed heritage amendments to Woollahra LEP 2014*** which provides a detailed list of the proposed housekeeping amendments to the Woollahra LEP 2014 Heritage Map.

9. Community consultation

Public exhibition will be undertaken in accordance with the requirements of the Act and the *Environmental Planning and Assessment Regulation 2021*. It will also have regard to the *Local Environmental Plan Making Guideline* dated 2021 and any conditions of the Gateway Determination.

We recommend that the planning proposal is exhibited for a minimum of 14 days.

Public notification of the exhibition will comprise:

- weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period, when a hardcopy version of that newspaper is being published.
- a notice on Council's website.
- consult with local resident groups.

During the exhibition period the following material will be available on Council's website and in the customer service area at Woollahra Council offices:

- the planning proposal, in the form approved by the gateway determination.
- the gateway determination.
- Woollahra LEP 2014.
- Section 9.1 Directions.

10. Project timeline

If Council is authorised to exercise the functions of the Minister for Planning under section 3.36 of the *Environmental Planning and Assessment Act 1979*, the proposed timeline for completion is as follows:

Plan-making step	Estimated completion
Environmental Planning Committee recommends proceeding	May 2022
Council resolution to proceed	May 2022
Gateway determination	June 2022
Completion of technical assessment	Usually none required
Government agency consultation	July 2022
Public exhibition period	Same time as agency consultation
Submissions assessment	August 2022
Council assessment of planning proposal post exhibition	September 2022
Council decision to make the LEP amendment	September 2022
Council to liaise with Parliamentary Counsel to prepare LEP amendment	October 2022
Forwarding of LEP amendment to Greater Sydney Commission and Department of Planning and Environment for notification	November 2022
Notification of the approved LEP	December 2022

Schedules

Schedule 1 – Consistency with State Environmental Planning Policies

State environmental planning policy	Comment on consistency
SEPP (Biodiversity and Conservation) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Exempt and Complying Development Codes) 2008	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Housing) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Industry and Employment) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Planning Systems) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Precincts – Eastern Harbour City) 2021	Applicable There are currently no identified state significant precincts located in the Woollahra LGA.
SEPP (Precincts – Central River City) 2021	Not applicable.
SEPP (Precincts – Regional) 2021	Not applicable.
SEPP (Precincts – Western Parkland City) 2021	Not applicable.

SEPP (Primary Production) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Resilience and Hazards) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Resources and Energy) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Transport and Infrastructure) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP 65 (Design Quality of Residential Apartment Development)	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Building Sustainability Index: BASIX)	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

Schedule 2 – Compliance with section 9.1 directions

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
1	Planning systems	
1.1	Implementation of Regional Plans	Applicable. The planning proposal is consistent with the objectives of the <i>Greater Sydney Regional Plan: A Metropolis of Three Cities</i> , particularly Objective 13: Environmental heritage is identified, conserved and enhanced. Refer to Schedule 1 of this report.
1.2	Development of Aboriginal Land Council land	Not applicable. This planning proposal does not affect Aboriginal Land Council Land.
1.3	Approval and referral requirements	The planning proposal seeks to amend the Woollahra LEP 2014 to resolve minor errors and anomalies in <i>Schedule 5 – Environmental Heritage</i> and on the Heritage Map. This is not expected to require any additional approval or referral requirements. The planning proposal is consistent with this direction.
1.4	Site specific provisions	The planning proposal does not contain any unnecessarily restrictive site specific planning controls. The planning proposal is consistent with the direction
1	Planning systems (cont.) – place based	
1.5 – 1.17	Implementation Plans	Not applicable. These plans do not apply to the Woollahra LGA.
2	Design and place	
3	Biodiversity and conservation	
3.1	Conservation zones	Applicable and consistent. The planning proposal will not affect the conservation standards of any environmentally sensitive land.
3.2	Heritage conservation	Applicable and consistent. The planning proposal seeks to amend the Woollahra LEP 2014 to resolve minor errors and anomalies in <i>Schedule 5 – Environmental Heritage</i> and on the Heritage Map. The proposed amendments are primarily administrative and will not adversely affect the provisions for heritage conservation.
3.3	Sydney drinking water catchments	Not applicable. This direction does not apply to the Woollahra LGA.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
3.4	Application of C2 and C3 zones and environmental overlays in Far North Coast LEPs	Not applicable. This direction does not apply to the Woollahra LGA.
3.5	Recreation vehicle areas	Not applicable. The planning proposal does not apply to sensitive land or land with significant conservation values. It will not allow land to be developed for a recreation vehicle area.
4	Resilience and hazards	
4.1	Flooding	Applicable and consistent. The planning proposal will not rezone flood liable land or affect the application of controls that ensure that development on flood liable land will not result in risk to life or damage to property. The planning proposal is consistent with the direction.
4.2	Coastal management	Not applicable. The planning proposal will not affect land in a coastal zone.
4.3	Planning for bushfire protection	Not applicable. The planning proposal will not affect bushfire prone land.
4.4	Remediation of contaminated land	Applicable. Consistent. The planning proposal does not rezone or permit a change of use of the land in the Woollahra LGA. The planning proposal does not contain a provision which is contrary to the objective of this direction.
4.5	Acid sulfate soils	Applicable and consistent. Existing acid sulfate soils provisions will not be altered by the planning proposal.
4.6	Mine subsidence and unstable land	Not applicable. The planning proposal does not apply to land within a proclaimed Mine Subsidence District or to land identified as unstable.
5	Transport and infrastructure	
5.1	Integrating land use and transport	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the aims, objectives and principles of: <ul style="list-style-type: none"> Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001).

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
5.2	Reserving land for public purposes	The planning proposal does not amend reservations of land for public purposes. The planning proposal is consistent with the direction
5.3	Development near regulated airport and defence airfields	Applicable and consistent. The planning proposal does not contain a provision which is contrary to this direction.
5.4	Shooting ranges	Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.
6	Housing	
6.1	Residential zones	Applicable and consistent. The planning proposal seeks to make administrative amendments to <i>Schedule 5 – Environmental Heritage</i> and the Heritage Map. The planning proposal does not contain a provision which is contrary to the objective of this direction.
6.2	Caravan parks and manufactured home estates	The planning proposal will not affect any caravan parks or manufactured housing estates.
7	Industry and employment	
7.1	Business and industrial zones	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the objective of this direction. The planning proposal does not seek to rezone business or industrial land or reduce permissible floor space in these zones.
7.2	Reduction in non-hosted short-term rental accommodation period	Not applicable. This direction does not apply to the Woollahra LGA.
7.3	Commercial and retail development along the Pacific Highway, North Coast	Not applicable. This direction does not apply to the Woollahra LGA.
8	Resources and energy	
8.1	Mining, petroleum production and extractive industries	Not applicable. This planning proposal will not affect any of the nominated activities.
9	Primary production	

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
9.1	Rural zones	Not applicable. This planning proposal will not affect any rural zones.
9.2	Rural lands	Not applicable. This planning proposal will not affect any rural lands.
9.3	Oyster aquaculture	Not applicable. This planning proposal will not affect any Priority Oyster Aquaculture Areas.
9.4	Farmland of state and regional significance on the NSW Far North Coast	Not applicable. This direction does not apply to the Woollahra LGA.