

Our ref: SF21/5293

12 August 2022

Simon Ip
Manager, Place and Infrastructure
Department of Planning and Environment
Level 18
12 Darcy Street
Parramatta NSW 2150

PLANNING PROPOSAL – Heritage Policy Implementation Planning Proposal

Dear Mr Ip,

I am writing with regards to a Ministerial Direction as it relates to some items within the Heritage Policy Implementation Planning Proposal ('the Heritage PP'). Specifically, I am writing in relation to the Local Planning Panels Direction – Planning Proposals and the requirement for planning proposals to be referred to the relevant local planning panel (in this instance, the Waverley Local Planning Panel - WLPP).

Background

The Heritage PP was referred to the WLPP on 23 June 2021, as per the Ministerial Direction. The WLPP's advice was thereafter provided to and considered by the Council at a Strategic Planning and Development Committee meeting on 5 April 2022. At this meeting Council resolved to support the Heritage PP proceeding to Gateway Determination, with the following amendments:

1. Add a group local listing for 50–58 Campbell Parade.
2. Amend the western boundaries of the O'Brien Urban Conservation Area and the Bondi Basin Urban Conservation Area.
3. Add the Waverley War Memorial Hospital site bounded by Birrell, Bronte, Church and Carrington Road as a local Heritage Conservation Area.
4. Rectify a housekeeping error relating to existing Item number A541.

Following the receipt of the submission of the Planning Proposal to the Department of Planning and Environment (DPE), the DPE enquired with Council Officers if the amendments had been reported to the WLPP. As a result, this letter has been prepared in response to this enquiry to address the matter.

Ministerial Direction

As detailed in the Ministerial Direction, planning proposals prepared after 1 June 2018 are not required to be referred to the local planning panel for advice if a council's general manager determines that 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 nature, or
- (c) Matters that council's general manager considers will not have any significant adverse impact on the environment or adjoining land.

Discussion

The four (4) numbered changes to the Heritage PP were not sent back to the WLPP before proceeding to Gateway Determination due to changes numbered 1 – 4 falling under criteria (c) and change number 5 falling under criteria (a) above. This is discussed as follows:

Criteria (a) The correction of an obvious error in a local environmental plan

Local archaeological heritage item A541 is incorrectly marked on the WLEP Heritage Map and features the wrong written address and property description under Schedule 5 of the WLEP. This is a historical error that has only recently been identified.

The existing WLEP Heritage Map and Schedule 5 associates 85-87 Birrell Street, Queens Park with item number A541, however, 93-97 Birrell Street is meant to be associated with item number A541.

As such, this Planning Proposal seeks to amend this historical obvious error and replace reference to 85-87 Birrell Street with 93-97 Birrell Street in relation to A541.

Criteria (c) Matters that council's general manager considers will not have any significant adverse impact on the environment or adjoining land

The following changes are considered to fall under this category, so can therefore be exempt from being referred back to the WLPP. Each point relates to a new or amended Heritage Item or Heritage Conservation Area. Inherently, heritage item and area listings do not have a significant adverse impact on the environment or adjoining land as they do not prevent nor encourage development, but rather provide considerations that guide future development. The natural environment and adjoining land will not be impacted by the following listings. Further, the proposed War Memorial Hospital Heritage Conservation Area is bound on all sides by a road, providing physical separation between sites not included in the proposed HCA.

1. Add a group local listing for 50–58 Campbell Parade.
2. Amend the western boundaries of the O'Brien Urban Conservation Area and the Bondi Basin Urban Conservation Area.
3. Add the Waverley War Memorial Hospital site bounded by Birrell, Bronte, Church and Carrington Road as a local Heritage Conservation Area.

In addition to the abovementioned discussion, I believe that referring the amendments back to the WLPP would not provide any additional value as Council has already thoroughly considered the matters and made their resolution. It is also standard practice for similar minor changes to planning proposals made by Council to progress to Gateway Determination without being reviewed by the WLPP again.

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Conclusion

I trust that the above information provides enough information and justification for not referring the subject changes to the Waverley Local Planning Panel in accordance with the Ministerial Direction. If you have any further questions, please contact Emma Rogerson, Strategic Planner on 9083 8194 or by email at emma.rogerson@waverley.nsw.gov.au.

Best regards,

Emily Scott
General Manager, Waverley Council

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