

Local Planning Panel

Agenda

Local Planning Panel notice of meeting and agenda

Thursday 26 July 2018

You are invited to attend the next meeting to be held in the Council Chambers
62-64 Menangle Street, Picton on Thursday 26 July 2018 commencing at 5.30pm.

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ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES AND LEAVE OF ABSENCE REQUESTS

DECLARATION OF INTEREST

CONFIRMATION OF MINUTES

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- 1 Draft Planning Proposal – Heritage Housekeeping Amendments 3

1. **Draft Planning Proposal – Heritage Housekeeping Amendments**
277528 TRIM 8738

DEVELOPMENT INFORMATION

Reason for LLP referral	To comply with the Local Planning Panels Direction for Planning Proposals
DA No:	TRIM 8738
Subject Site	Various
Proposal	Draft Planning Proposal to correct inaccuracies in Schedule 5 and the associated Heritage Map in the Wollondilly Local Environment Plan 2011
Zoning	Various
Permissibility	Various
Cost of Development	N/A
Applicant	Wollondilly Shire Council
Owner	Various
Notification	June 2017 & February 2018
Submissions	1
Variations	N/A
Site Inspection	N/A
Recommendation	Referred for advice

EXECUTIVE SUMMARY

- The purpose of this report is to seek the Panel's advice on a proposed Council initiated planning proposal for housekeeping amendments to *Wollondilly Local Environment Plan 2011* to correct and/or update provisions as they apply to individual heritage.
- The changes are necessary to ensure adequate protection of heritage items and landscapes and also to remove unnecessary statutory burdens where there are no heritage items.
- This matter has been referred to the Panel for advice in accordance with Section 2.19 of the *Environmental Planning & Assessment Act 1979*.
- It is requested that the Local Planning Panel provide advice on the proposed Heritage Housekeeping Planning Proposal for various sites to amend the *Wollondilly Local Environmental Plan 2011* ahead of a report to Council.

REPORT

1.1 BACKGROUND

Schedule 5 of the *Wollondilly Local Environment Plan 2011* (WLEP 2011) provides a comprehensive list of Heritage items (Part 1), Heritage conservation areas (Part 2) and Archaeological sites (Part 3) that have been identified for their heritage value across the Shire. This list provides a description of the item, the item number and the item's property identifiers which include street address, relevant lot and deposited plan number and heritage significance.

The WLEP 2011 is accompanied by a series of maps. These include a set of Heritage Maps (HER) that identify the location of heritage items listed in Schedule 5 and a set of land zoning maps which nominate the location of land zones listed in the Land Use Table.

1.2 DESCRIPTION OF PROPOSAL

The Draft Planning Proposal seeks to make a number of housekeeping amendments to the WLEP 2011 as they apply to heritage in Wollondilly.

These include amendments to:

- Schedule 5 Environmental Heritage (Part 1 and Part 3); to correct/update either the item name, property description, property address, and/or heritage significance,
- The Heritage Map; to correct/update the area identified on the Heritage Map for each item listed in Schedule 5,
- The Heritage Map; to expand the Menangle Landscape Conservation Area to include all land originally identified for protection, and
- The Land Zoning Map; to include an additional land use annotation on land zoned SP2 Infrastructure to accurately reflect the current land use on the land for two heritage items.

The amendments have been identified from a review of heritage provisions within the Local Environmental Plan as they apply to specific land holdings. This review has included:

- A desktop review of the information included in Schedule 5. For example, to check property information and heritage significance listed for each heritage item is correct.
- Reviewing individual properties where notification has been received from Development Management that a change is required in response to an issued development consent; For example, where land containing a heritage item will be subdivided and a curtilage needs to be amended.
- A comparison of Schedule 5 against the State Heritage Register.
- Consideration of landowner feedback.

The housekeeping amendment has been limited to minor corrections or changes to the local environmental plan where no specialist studies are considered necessary to inform the changes. No new heritage items are proposed as part of these amendments.

No changes are proposed to Part 2 of Schedule 5 which lists Heritage Conservation Areas. However, it is proposed to amend the Heritage Map to increase the Menangle Landscape Conservation Area to include all land originally identified for protection.

In 2011 MUSEcape Pty Ltd were engaged by Council to undertake a heritage assessment of the significance of the landscape around the Menangle Village Conservation Area.

The report called *'Menangle Landscape Conservation Area Assessment of Significance & Proposed Boundaries'* was finalised in 2012 and recommended the creation of a Landscape Conservation Area *'to protect the historical, associational, aesthetic and other heritage values of the wider cultural landscape setting of Menangle Village'*.

The area included within the Menangle Landscape Conservation Area is slightly smaller than the boundary recommended by the study. This is because during the statutory process to establish the landscape conservation area Council was required to remove land identified for employment purposes under the planning proposal for land in Moreton Park Road, Menangle. That planning proposal was refused by the Joint Regional Planning Panel (JRPP) in 2014 and never proceeded. There are no planning proposals that currently apply to this land.

A report to Council in February 2018 on proposed planning controls for the Menangle Landscape Conservation Area identified a need to consider implementing the full boundary as originally intended. It is proposed to include approximately 50 hectares of new land within the Menangle Landscape Conservation Area. The additional land proposed to be included is shown at Attachment 2.

1.3 NEED FOR AMENDMENTS

It is acknowledged that Council is commencing a comprehensive review of the Local Environmental Plan in response to the recent release of the Greater Sydney Region Plan and Western City District Plan by the Greater Sydney Commission.

However, a significant number of minor corrections and updates are considered necessary to Schedule 5 as soon as possible as the current planning controls have a number of implications for land owners;

- In some case landowners are unnecessarily burdened because their land is affected by heritage provisions where there are no heritage items.
- In some cases heritage is not currently being adequately protected and there is an immediate risk to conserving heritage items and landscapes.
- In a couple of cases, the current land zoning presents barriers to the orderly development of land containing a heritage item.

CONSULTATION

2.1 FORMAL CONSULTATION WITH COUNCIL STAFF THAT PROVIDE SPECIALIST COMMENT

Council's Heritage Advisor has been consulted regarding the proposed amendments to Schedule 5 (Parts 1 and 3) of the WLEP 2011 and associated mapping and has supported all changes.

Planning staff have been encouraged to identify and provide advice on heritage items requiring an update in Schedule 5.

Given the Planning Proposal relates to administrative corrections and maintenance of planning instruments only, there is not considered to be a need to consult more broadly at this stage.

2.2 CONSULTATION WITH PUBLIC AGENCIES

Consultation with public agencies usually occurs after a Gateway determination is issued and it has been established that a proposal has strategic merit.

Should the proposal be supported by Council, any subsequent Gateway determination will outline the consultation requirements with Government agencies.

2.3 COMMUNITY CONSULTATION

An open community consultation period has not been held as part of the preparation of the proposed amendments. However, a letter has been sent to the owner(s) of each affected property for proposed changes to Part 1 Heritage items and Part 3 Archaeological sites to inform them of the proposed changes that will affect their property and inviting them to provide feedback. The letters were sent in June 2017 and February 2018. Council staff received a number of phone enquiries in response. In general, land owners were seeking to better understand the process, implications, and in some cases questioned the merit of the heritage listing. The scope of this heritage review has been to identify corrections and not to reassess the merit of the heritage listing except where the heritage item has been legally demolished.

Only one written submission has been received in response to landowner consultation. This submission was received from JBA Urban Planning Consultants Pty Ltd on behalf of Anglican Church Property Trust.

The submission raises no objections to the proposed amendment to apply the correct property address for the heritage item associated with St Mark's Anglican Church in Picton.

However, the submission has requested consideration to include an additional change within the housekeeping amendment to make corrections to the Land Zoning Map as it applies to St Mark's Anglican Church in Picton and also St Luke's Anglican Church in Wilton. Both of which are heritage items under the local environmental plan.

At present both of these land holdings are zoned SP2 Infrastructure with "Cemetery" as the annotated land use on the Land Zoning Map. However, both of these sites are currently being used a Place of Public Worship as well as a cemetery.

It is not clear why the annotated land use for these sites has been restricted to a cemetery. From a quick review of other active churches around the shire with cemeteries there does not appear to have been a consistent approach applied in moving to the Standard Instrument format back in 2011.

The use of the infrastructure zone is appropriate given the presence of a cemetery. However, both of these locations now rely on existing use rights for the church component of the land use which is not ideal, particularly as it limits flexibility. This issue could be rectified by including an additional land use annotation for 'Place of Public Worship' on the Land Zoning Map for these two sites.

It is considered reasonable to incorporate the submitter's request into this planning proposal given the sites are both heritage items and the change would reflect the current use of these heritage items.

It is anticipated that consultation with the broader public will be undertaken if a Gateway Determination is issued for the Planning Proposal to proceed. It is considered that as part of any broader community consultation the following stakeholders should also be invited to provide comments:

- Tourism and Heritage Community Advisory Committee,
- Appin Historical Society,
- The Oaks Historical Society, and
- Picton & District Historical and Family History Society.

Preliminary consultation has not been undertaken to date for the additional land proposed to be included within the Menangle Landscape Conservation Area. It is anticipated that will happen before the proposal is reported to Council.

2.4 PREPARATION OF A PLANNING PROPOSAL

Should Council resolve to support the outlined changes, a Planning Proposal will be prepared in accordance with Section 3.33 (formerly Section 55) of the *Environmental Planning & Assessment Act 1979* and guidelines published by the Department of Planning & Environment. The Planning Proposal is then forwarded to the Greater Sydney Commission for a Gateway Determination.

In deciding to forward a Planning Proposal to the Gateway process, Council is endorsing the Planning Proposal and it is deemed to be Council's Planning Proposal.

Council's options are:

1. Resolve to support the changes and prepare a Planning Proposal accordingly.
2. Resolve not to support a Planning Proposal for these changes.

Option **1** is the recommendation of this report.

FINAL FORM OF PLANNING PROPOSAL

3.1 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)

Following consideration of responses from initial consultation and notification and preliminary investigation of all items listed in Schedule 5, it is considered that the Planning Proposal should take the form detailed below.

The Planning Proposal seeks the following amendments to WLEP 2011:

- Amend Schedule 5 Environmental Heritage to update information under Part 1 Heritage Items and Part 3 Archaeological sites as outlined in Attachment 1.
- Amend the relevant Heritage Maps as outlined in Attachment 1 of this report to correctly identify individual heritage items and archaeological sites.
- Amend the Heritage Map for the Menangle Landscape Conservation Area to include all of the area shown in Attachment 2.
- Amend the Land Zoning Map to include an additional land use annotation for 'place of public worship' to the SP2 Infrastructure land use zone for land associated with St Mark's Church Picton and St Luke's Church Wilton.

Some of the proposed changes apply to land either in Council's ownership or at least under Council maintenance. For this reason it is not considered appropriate for Council to request delegation to make the amendments.

FINANCIAL IMPLICATIONS

Funding for the maintenance of Planning Instruments is part of the ongoing operational budget for Strategic Planning and no additional funding sources are required.

This matter has no financial impact on Council's adopted budget or forward estimates.

NEXT STEPS & OFFICER'S RECOMMENDATION TO COUNCIL

The Draft Planning Proposal will be reported to Council for consideration with comments provided by the Wollondilly Shire Local Planning Panel.

At this stage it is proposed to generally recommend as follows:

1. That Council support the Heritage Housekeeping Planning Proposal for various sites to amend Wollondilly Local Environment Plan 2011 as follows;
 - Amend Schedule 5 (various changes),
 - Amend the Heritage Map (various changes),
 - Amend the Land Zoning Map to identify an additional land use annotation for 'place of public worship' to the SP2 Infrastructure zone as it applies to St Mark's Church Picton and St Luke's Church Wilton.
2. That the Planning Proposal be forwarded to the Greater Sydney Commission for a Gateway Determination.
3. That if it is determined that any component of the Planning Proposal requires the preparation of a specialist study then that component is removed from this housekeeping amendment and considered for inclusion within the comprehensive LEP review instead.
4. That persons who made submissions regarding the Planning Proposal be notified of Council's Resolution.

ATTACHMENTS IN SEPARATE BOOKLET

1. Table of proposed changes to Schedule 5 Environmental heritage of the Wollondilly Local Environmental Plan 2011
2. Plan identifying additional land to be included within the Menangle Landscape Conservation Area

RECOMMENDATION

That the Panel provide comments on the proposed Council initiated Heritage Housekeeping Planning Proposal.