

**PLANNING PROPOSAL TO AMEND MARRICKVILLE LOCAL ENVIRONMENTAL
PLAN 2011 (MLEP 2011)**

Heritage listing of 34 Belmore Street, Enmore (“Ashley Villa”)

March 2017

Introduction

This planning proposal seeks Gateway approval to amend Marrickville Local Environmental Plan 2011 (MLEP 2011) to include as a local heritage item the property known as 34 Belmore Street, Enmore (Lot 4, DP 136).

At its meeting on 20 October 2015 (Item 17 C1015), Council resolved to place an Interim Heritage Order (IHO) on 34 Belmore Street, Enmore. An expert assessment of the heritage significance established that the house met the NSW Office of Environment and Heritage’s criteria for local heritage significance. The expert’s report recommended that the property be listed as a local heritage item in Schedule 5 of MLEP 2011.

A report on the matter was considered by Council at its 1 March 2016 Infrastructure and Planning Services Committee Meeting (Item 2 IP0316) when Council resolved (amongst other things) to prepare a planning proposal for submission to the NSW Department of Planning & Environment to include 34 Belmore Street, Enmore, as a heritage item in MLEP 2011.



Image 1: 34 Belmore Street, Enmore (“Ashley Villa”)

PART 1: OBJECTIVE OF INTENDED OUTCOME

The objective of the Planning Proposal is:

- i. To include 34 Belmore Street, Enmore, as a local heritage item within the MLEP 2011

PART 2: EXPLANATION OF THE PROVISIONS

The intended outcomes of the planning proposal will be achieved by the following amendments to the MLEP 2011:

- Inserting the following into Part 1 of Schedule 5 of MLEP 2011:

Enmore	Weatherboard 34 Belmore Street Lot 4, DP 136	Local	I391
	Victorian Filigree style freestanding house – “Ashley Villa”		
	Including interiors		

- Amending the MLEP 2011 Heritage Map (HER_003) for 34 Belmore Street, Enmore to be identified with distinctive colouring and with black edging with its heritage item reference number

PART 3: JUSTIFICATION

Section A – Need for the planning proposal

1. Is the planning proposal the result of any strategic study or report?

The planning proposal is a result of an Interim Heritage Order (IHO) process initiated by Council following a request from the Marrickville Heritage Society in response to a development application proposing demolition of the dwelling house on the land at 34 Belmore Street, Enmore.

An IHO was made over the property by Council on 20 October 2015, pursuant to section 25(2) of the *Heritage Act 1977*. In accordance with the terms of the IHO, a heritage assessment was undertaken which concluded that the house and its setting meet the NSW Office of Environment and Heritage's criteria for local heritage listing based on its rarity, intactness and representativeness as an extant freestanding Victorian Filigree timber house on its original lots within the 1876 Ashley Estate subdivision. Following consideration of a report on the heritage assessment's conclusions, Council resolved to list 34 Belmore Street, Enmore, as a local heritage item.

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

The planning proposal is the best way to afford the property protection from demolition or unsympathetic alteration. Listing the site within the MLEP 2011 as a local heritage item grants it protection under Clause 5.10 of the instrument. It protects the property from demolition as complying development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

3. Is there a net community benefit?

The former Marrickville Council received over 60 submissions objecting to the proposed

demolition of 34 Belmore Street, Enmore. Evidently, this building is highly appreciated by the local community. Its inclusion as a local heritage item within MLEP 2011 will ensure its ongoing protection and retention for the local and wider community.

Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes, the planning proposal is consistent with objectives of *A Plan for Growing Sydney* (2014), which includes the following:

Action 3.4.4: Identify and re-use heritage sites, including private sector re-use through the Priority Precincts program.

A Plan for Growing Sydney notes that 'heritage studies identify buildings and places to be listed as heritage items or heritage conservation areas in a Local Environmental Plan to enable their ongoing protection and management.' This proposed new heritage listing is part of this ongoing process of local government protection of local heritage places.

The *draft Central District Plan* (dCDP) was released for public exhibition in November 2016 and identifies the importance of heritage conservation. The dCDP includes the following priorities and objectives:

- *Liveability Priority 7: 'conserve heritage and unique local characteristics'; and*
- *Liveability Action L13: 'conserve and enhance environmental heritage including Aboriginal, European and natural'*

It is considered that this planning proposal is consistent with these priorities and actions as it seeks to protect a building with identified heritage values for current and future generations.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The *Marrickville Community Strategic Plan (Our Place, Our Vision)* was adopted in 2010 to define the long term aspirations and strategic directions for the community. That document, the result of an extensive community engagement process, established four 'key result areas' that summarise the objectives and strategies for the Marrickville community over the next decade. The plan was reviewed and updated in 2012/2013. The Plan's 4 key result areas are as follows:

1. *A diverse community that is socially just, educated, safe and healthy;*
2. *A creative and cultural Marrickville;*
3. *A vibrant economy and well planned, sustainable urban environment and infrastructure; and*
4. *An innovative, effective, consultative and representative Council.*

Key result area 3 is relevant for this planning proposal as it includes Action 3.9: 'Marrickville's built environment demonstrated good urban design and the consideration of heritage, as well as social and environmental sustainability'; and Action 3.9.1 to 'provide effective planning controls to ensure that the built environment reflects community expectations and changing needs, conserve heritage and is socially and environmentally sustainable'.

The planning proposal is consistent with Marrickville Council's Strategic Plan, particularly in relation to key result area 3 as it seeks to protect an item of local environmental heritage for the benefit of the community.

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

The planning proposal has been assessed against all relevant State Environmental Planning Policies (SEPPs) as detailed below. Based on this assessment, Council has concluded that overall, the planning proposal is consistent with all relevant SEPPs as follows:

- SEPP No. 1 – Development Standards

This SEPP makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary.

No matters within this planning proposal relate to amendments to development standards. Notwithstanding the above, by virtue of Clause 1.9(2) of MLEP 2011, SEPP No. 1 does not apply to land to which MLEP 2011 applies.

- SEPP No. 19 - Bushland in Urban Areas

This SEPP aims to protect and preserve bushland within certain urban areas as part of the natural heritage or for recreational, educational and scientific purposes. It is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.

No matters within this Planning Proposal alter the degree to which urban bushland will be protected under MLEP 2011. The Planning Proposal is consistent with this SEPP.

- SEPP No. 21 - Caravan Parks

This SEPP ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years.

This planning proposal does not include any provisions relating to caravan parks. The Planning Proposal is consistent with the SEPP.

- SEPP No. 30 - Intensive Agriculture

This SEPP requires development consent for cattle feedlots having a capacity of 50 or more cattle or piggeries having a capacity of 200 or more pigs. The policy sets out information and public notification requirements to ensure there are effective planning control over this export-driven rural industry. The policy does not alter if, and where, such development is permitted, or the functions of the consent authority.

The Planning Proposal is consistent with this SEPP.

- SEPP No. 33 - Hazardous and Offensive Development

This SEPP amends the definitions of hazardous and offensive industries and includes provisions relating to such developments. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of the proposal. The consent authority must carefully consider the specifics the case, the location and the way in which the proposed activity is to be carried out. The policy also requires specified matters to be considered for proposals that are potentially hazardous or potentially offensive as

defined in the policy. The definitions contained within the SEPP were incorporated into the Standard Instrument and the Dictionary to MLEP 2011 includes those definitions.

The planning proposal does not relate to any of those uses and is therefore consistent with the objectives of the SEPP.

- SEPP No. 50 - Canal Estate Development

This SEPP aims to prohibit canal estate development in order to ensure that the environment is not adversely affected by the creation of new developments of that kind. The planning proposal does not propose any changes in the instrument relating to provisions for canal estate developments.

The Planning Proposal is consistent with this SEPP.

- SEPP No. 55 - Remediation of Land

This SEPP introduced a State wide planning approach to the remediation of contaminated land across NSW. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must be undertaken before the land is developed.

The planning proposal does not include any provisions relating to the remediation of land as the property is currently used as a dwelling house. The Planning Proposal is consistent with this SEPP.

- SEPP No. 62 - Sustainable Aquaculture

This SEPP encourages the sustainable expansion of the aquaculture industry in NSW. The policy implements the regional strategies already developed by creating a simple approach to identify and categorise aquaculture development on the basis of its potential environmental impact. The SEPP also identifies aquaculture development as a designated development only where there are potential environmental risks.

The Planning Proposal is consistent with this SEPP.

- SEPP No. 64 - Advertising and Signage

This SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

None of the matters in this Planning Proposal raise issues in relation to this SEPP. The Planning Proposal is consistent with this SEPP.

- SEPP No. 65 - Design Quality of Residential Apartment Development

This SEPP aims to improve the quality of design of residential apartment development across the NSW through the application of design principles. It provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential apartment development and involvement of a qualified designer throughout the design, approval and construction stages.

The Planning Proposal is consistent with this SEPP.

- SEPP (Housing for Seniors or People with a Disability) 2004

This SEPP encourages the development of quality accommodation for the ageing population and for people who have disabilities, in keeping with the local neighbourhood.

The Planning Proposal does not include any provisions that would, directly or indirectly, affect housing for seniors or people with a disability, nor would it affect any provision within the SEPP. The Planning Proposal is consistent with this SEPP.

- SEPP (Building Sustainability Index: BASIX) 2004

This SEPP operates in conjunction with EP&A Amendment (Building Sustainability Index: BASIX) Regulation 2004 to implement consistent building sustainability provisions across NSW.

The Planning Proposal does not include any provisions that would, directly or indirectly, affect BASIX or any provision that relates to building sustainability. The Planning Proposal is consistent with this SEPP.

- SEPP (State Significant Precincts) 2005

This SEPP aims to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State, and to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.

The Planning Proposal does not include any provisions that would, directly or indirectly, affect any provision within the SEPP. The Planning Proposal is consistent with this SEPP.

- SEPP (Mining, Petroleum Production and Extractive Industries) 2007

This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The Policy establishes appropriate planning controls to encourage ecologically sustainable development.

The Planning Proposal is consistent with this SEPP.

- SEPP (Temporary Structures) 2007

This SEPP provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity.

None of the matters in this Planning Proposal raise issues in relation to the SEPP. The Planning Proposal is consistent with this SEPP.

- SEPP (Infrastructure) 2007

This SEPP provides a consistent planning regime for infrastructure and the provision of services across NSW. It is intended to provide greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

Nothing in the planning proposal relates to matters within the SEPP and, therefore, the Planning Proposal is consistent with this SEPP.

- SEPP (Exempt and Complying Development Codes) 2008

This SEPP simplifies assessment processes for development that complies with specified development standards. It identifies types of minor development that may be carried out without development consent, or carried out in accordance with a complying development certificate.

The Planning Proposal is consistent with this SEPP.

- SEPP (Affordable Rental Housing) 2009

This SEPP establishes a consistent planning regime for the provision of affordable rental housing.

The planning proposal is consistent with this SEPP.

- SEPP (State and Regional Development) 2011

The aims of this Policy are to identify development that is State significant development or State significant infrastructure and critical State significant infrastructure and to confer functions on joint regional planning panels to determine development applications.

None of the matters in the Planning Proposal raise issues in relation to this SEPP. The Planning Proposal is consistent with this SEPP.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

An assessment of the planning proposal against all relevant s.117 Directions is provided below. From that assessment, Council has concluded that the planning proposal is consistent with all applicable Ministerial Section 117 Directions as follows:

2. Environmental and Heritage

- Direction 2.3: Heritage Conservation

This Direction applies when a relevant planning authority prepares a planning proposal and states that the planning proposal must, inter alia, contain provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area.

The direction states that a planning proposal must include (amongst other things) provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area.

The planning proposal is seeking to add an additional heritage item to MLEP 2011 to protect the property's identified heritage values for future generations. It is considered that this objective is consistent with the aims of the direction.

3. Housing, Infrastructure & Urban Development

- Direction 3.5: Development Near Licensed Aerodromes

The objectives of this direction are: (a) to ensure the effective and safe operation of aerodromes; (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. This direction applies to a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.

The property is located within the 20-25 Australian Noise Exposure Forecast (2033) Contour and is an existing dwelling house. The planning proposal is to heritage list 34 Belmore Street, Enmore. It is considered that the planning proposal is consistent with this direction.

4. Hazard and Risk

- Direction 4.1: Acid Sulfate Soils

This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils, as shown on Acid Sulfate Soils Planning Maps held by the Department of Planning.

The subject land is not identified on the Acid Sulfate Soils Map. The planning proposal is consistent with this Direction.

- Direction 4.3: Flood Prone Land

This Direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

The subject land is not identified as flood liable land. The planning proposal is consistent with this Direction.

6. Local Plan Making

- Direction 6.1: Approval & Referral Requirements

This Direction applies when a relevant planning authority prepares a planning proposal and states, inter alia, that the planning proposal must minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of the appropriate Minister or public authority, and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).

The planning proposal is consistent with this Direction.

- Direction 6.3: Site Specific Provisions

This direction applies to the planning proposal. The objective of the direction is to discourage unnecessarily restrictive site specific planning controls. The Direction requires a planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:

- (a) allow that land use to be carried out in the zone the land is situated on; or
- (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any additional development standards or requirements; or
- (c) allow that land use on the relevant land without imposing any additional development standards or requirements.

There are no site specific components to this planning proposal which is consistent with the subject Direction.

7. Metropolitan Planning

- Direction 7.1: Implementation of A Plan for Growing Sydney

This Direction applies to the planning proposal. *A Plan for Growing Sydney "provides key directions and actions to guide Sydney's productivity, environmental management, and liveability – including the delivery of housing, employment, infrastructure and open space".*

A Plan for Growing Sydney (2014) includes the following:

Action 3.4.4: Identify and re-use heritage sites, including private sector re-use through the Priority Precincts program.

A Plan for Growing Sydney notes that 'Heritage studies identify buildings and places to be listed as heritage items or heritage conservation areas in a Local Environmental Plan to enable their ongoing protection and management.' This proposed new listing is part of this ongoing process of local government protection of local heritage places.

It is considered that this planning proposal is consistent with these proprieties and actions as it seeks to protect a building with assessed heritage values for current and future generations.

Section C – Environmental, social and economic impact

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

All significant issues in relation to critical habitat or threatened species, populations or ecological communities, or their habitats were taken into account in the making of MLEP 2011. The planning proposal does not include any proposed amendments to those controls. Consequently it is considered little likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, would be adversely affected as a result of the proposal.

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

There are unlikely to be environmental effects, either individually or cumulatively, as a result of the planning proposal.

9. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal would result in an additional local heritage item. The proposal will have a positive social effect by ensuring the retention of a building of heritage significance. The proposal may have economic impacts on the value of the property due to loss of development potential, however there is no academic consensus as to whether heritage listing diminishes property values or enhances them.

Section D – State and Commonwealth Interests

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

The planning proposal relates to heritage listing an existing individual property and will not have any public infrastructure impacts.

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

As this planning proposal has not yet proceeded to Gateway determination, the views of State and Commonwealth public authorities have not been sought, nor is this required at this stage.

PART 4: MAPPING

The maps related to this planning proposal are included in this submission. The individual maps show the current planning controls applying to the subject land and the proposed planning controls.

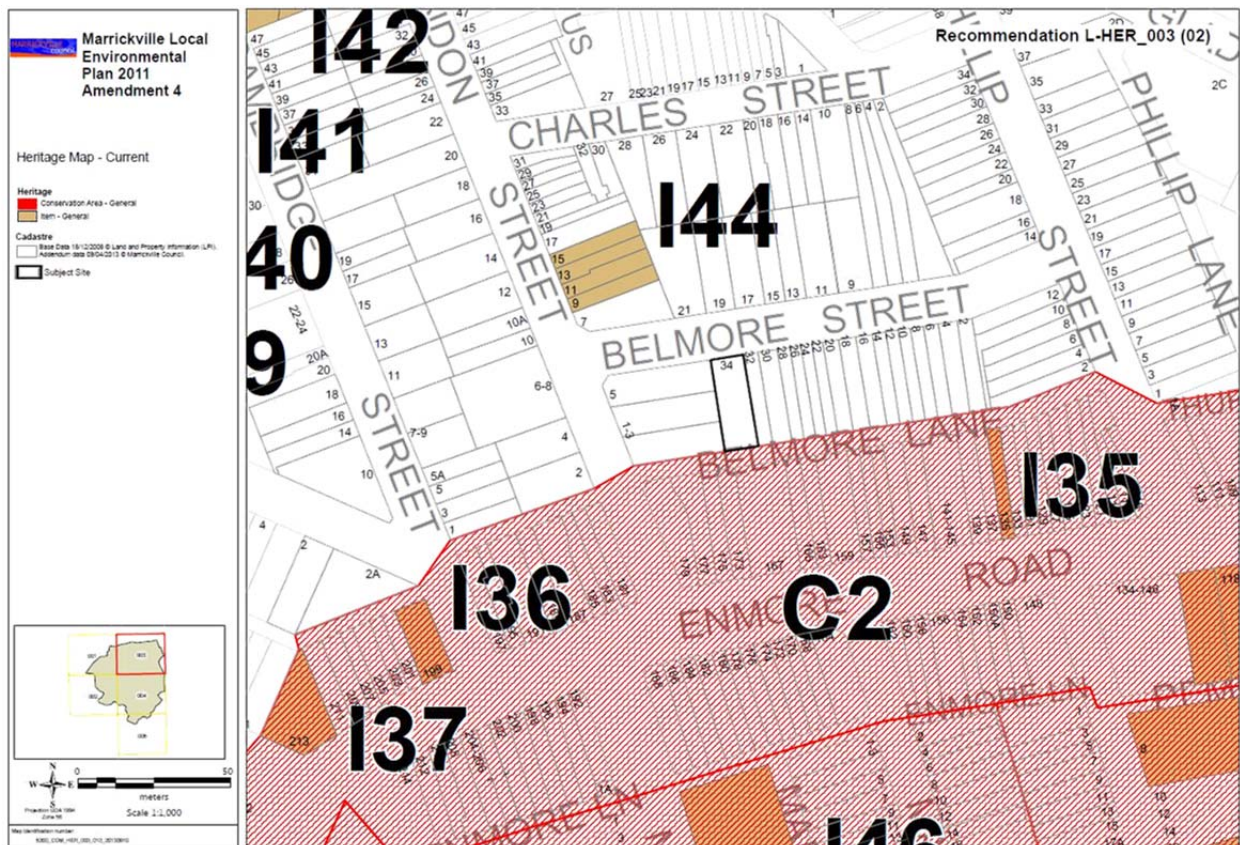


Image 2: Current MLEP 2011 Heritage Map

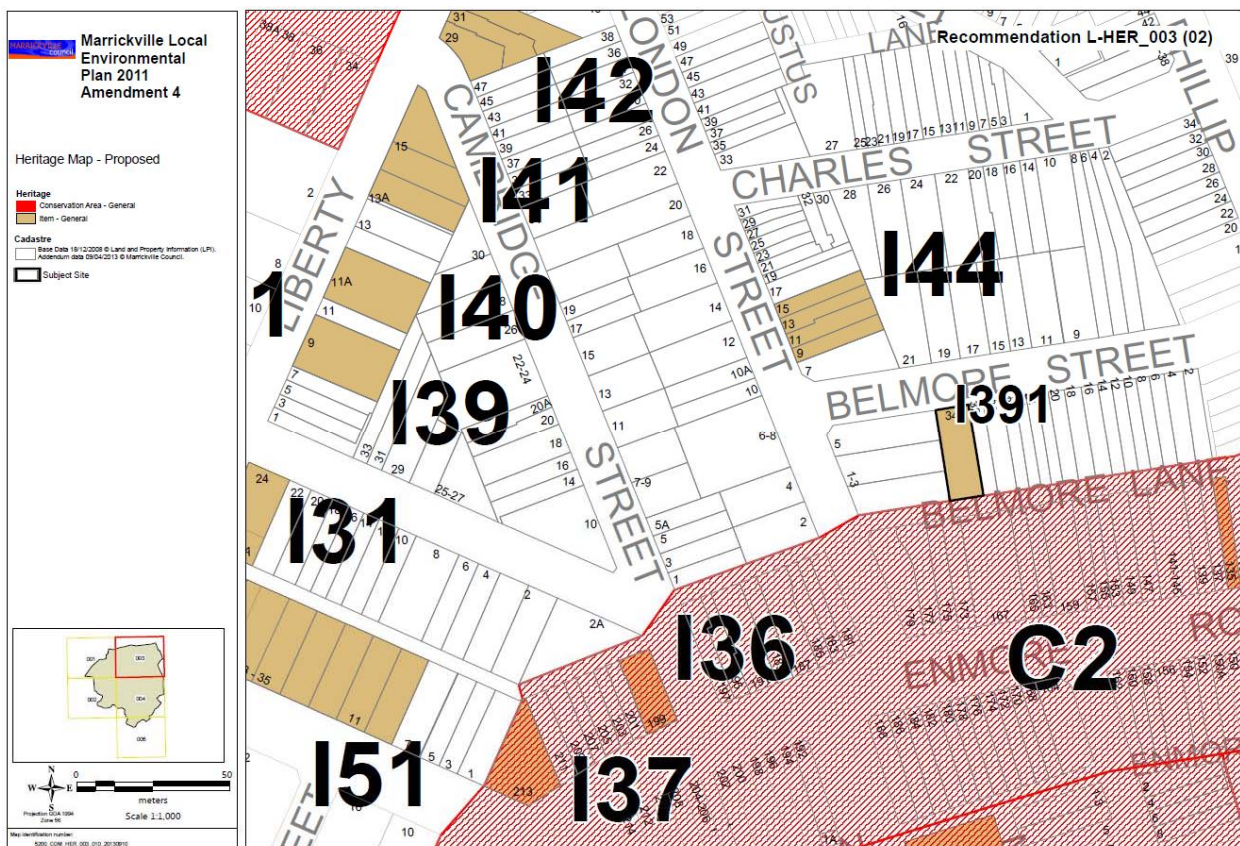


Image 3: Proposed MLEP 2011 Heritage Map



Image 4: Aerial photograph of 34 Belmore Street, Enmore

PART 5: COMMUNITY CONSULTATION

This planning proposal is considered to be a low impact proposal. The planning proposal will be publicly exhibited in accordance with the requirements of any Gateway determination issued.

PART 6: PROJECT TIMELINE

Following are estimated dates (month/year) for completion of key tasks in the planning proposal process:

- anticipated commencement date (date of Gateway determination) – April 2017;
- anticipated timeframe for the completion of required technical information – April 2017;
- timeframe for government agency consultation (pre and post exhibition as required by Gateway determination) – to be determined after Gateway determination;
- commencement and completion dates for public exhibition period – May 2017;
- dates for public hearing (if required) – N/A at this stage;
- timeframe for consideration of submissions – June 2017;
- timeframe for the consideration of a proposal post exhibition – July 2017;
- date of submission to the Department to finalise the LEP – August 2017; and
- anticipated date RPA will forward to the Department for notification – August 2017.

Marrickville Local Environmental Plan 2011 (Amendment No. X) – 34 Belmore Street, Enmore

> STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) – (e) of the EP&A Act)

- | | |
|--|--|
| <ul style="list-style-type: none"> • Objectives and intended outcome • Mapping (including current and proposed zones) • Community consultation (agencies to be consulted) | <ul style="list-style-type: none"> • Explanation of provisions • Justification and process for implementation (including compliance assessment against relevant section 117 direction/s) |
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> STEP 2: MATTERS - CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context			Urban Design Considerations		
• Demonstrated consistency with relevant Regional Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• Existing site plan (buildings vegetation, roads, etc)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Demonstrated consistency with relevant sub-regional strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• Building mass/block diagram study (changes in building height and FSR)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Lighting impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Demonstrated consistency with Threshold Sustainability Criteria	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Development yield analysis (potential yield of lots, houses, employment generation)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site Description/Context			Economic Considerations		
• Aerial photographs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• Economic impact assessment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Site photos/photomontage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• Retail centres hierarchy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Traffic and Transport Considerations			• Employment land	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Local traffic and transport	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Social and Cultural Considerations		
• TMAP	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Heritage impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Public transport	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Aboriginal archaeology	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Cycle and pedestrian movement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Open space management	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental Considerations			• European archaeology	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Bushfire hazard	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Social and cultural impacts	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Acid Sulfate Soil	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Stakeholder engagement	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Noise impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Infrastructure Considerations		
• Flora and/or fauna	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Infrastructure servicing and potential funding arrangements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Soil stability, erosion, sediment, landslip assessment, and subsidence	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Miscellaneous/Additional Considerations		

• Water quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>List any additional studies</i>
• Stormwater management	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• Flooding	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• Land/site contamination (SEPP55)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• Sea level rise	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Attachment 4 – Evaluation criteria for the delegation of plan making functions

Marrickville Local Environmental Plan 2011 (Amendment No. X) – 34 Belmore Street, Enmore

Checklist for the review of a request for delegation of plan making functions to councils
Local Government Area: Inner West Council (Plan only relates to land in the former Marrickville LGA)
Name of draft LEP: Marrickville Local Environmental Plan 2011 (Amendment No. X)
Address of Land (if applicable): 34 Belmore Street, Enmore
Intent of draft LEP:
The intent of the draft LEP is: i. To amend Part 1 Schedule 5 of Marrickville Local Environmental Plan 2011 to include 34 Belmore Street, Enmore, as a local heritage item
Additional Supporting Points/Information:
Council Report & Minutes: C1015 Item 17 Council Meeting 20 October 2015 Council Report & Minutes: IP0316 Item 2 IPES Meeting 1 March 2016 Heritage Assessment for 34 Belmore Street, Enmore, Paul Davies Pty. Ltd. MLEP 2011 Mapping Amendments: i. Heritage – HER_003

Marrickville Local Environmental Plan 2011 (Amendment No. X) – 85 Margaret Street, Petersham

Evaluation criteria for issuing an Authorisation				
(NOTE – where the matter is identified as relevant and the requirement has not been met, council is to attach information to explain why the matter has not been addressed)	Council response		Department	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Yes			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Yes			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Yes			
Does the planning proposal contain details related to proposed consultation?	Yes			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Yes			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Yes			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Yes			
Minor Mapping Error Amendments				
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		N/A		
Heritage LEPs				
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	No – study has not yet been endorsed by Heritage Office			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?	No			

Evaluation criteria for issuing an Authorisation				
(NOTE – where the matter is identified as relevant and the requirement has not been met, council is to attach information to explain why the matter has not been addressed)	Council response		Department	
	Y/N	Not relevant	Agree	Not agree
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?	No			
Reclassifications				
Is there an associated spot rezoning with the reclassification?		N/A		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A		
Is the planning proposal proposed to rectify an anomaly in a classification?		N/A		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		N/A		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		N/A		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		N/A		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A		
Spot rezonings				
Will the proposal result in a loss of development potential for the site (i.e. reduced FSR or building height) that is not supported by an endorsed strategy?		N/A		

Evaluation criteria for issuing an Authorisation				
(NOTE – where the matter is identified as relevant and the requirement has not been met, council is to attach information to explain why the matter has not been addressed)	Council response		Department	
	Y/N	Not relevant	Agree	Not agree
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?		N/A		
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?		N/A		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		N/A		
Does the planning proposal create an exception to a mapped development standard?		N/A		
Section 73A Matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to		N/A		

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.