

Amendments to Schedule 5 of Burwood LEP 2012 to add 100 Lucas Road, Burwood as a local heritage item and delete 13 Archer Street, Burwood as a local heritage item

Proposal Title : **Amendments to Schedule 5 of Burwood LEP 2012 to add 100 Lucas Road, Burwood as a local heritage item and delete 13 Archer Street, Burwood as a local heritage item**

Proposal Summary : **The planning proposal seeks to amend Schedule 5 of the Burwood Local Environmental Plan 2012 to list 100 Lucas Road, Burwood as a local heritage item and to delete the heritage listing of 13 Archer Street, Burwood.**

PP Number : **PP_2015_BURWO_003_00** Dop File No : **15/14415**

Proposal Details

Date Planning Proposal Received : **01-Oct-2015** LGA covered : **Burwood**

Region : **Metro(CBD)** RPA : **Burwood Council**

State Electorate : **STRATHFIELD** Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street : **100 Lucas Road**

Suburb : **Burwood** City : **Sydney** Postcode : **2134**

Land Parcel : **Lot 2, DP235214**

Street : **13 Archer Street**

Suburb : **Burwood** City : **Sydney** Postcode : **2134**

Land Parcel : **Lot 15 DP1087605**

DoP Planning Officer Contact Details

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RPA Contact Details

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Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub
Regional Strategy :

Consistent with Strategy :

MDP Number :

Date of Release :

Area of Release (Ha)
:

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **The Metropolitan (CBD) branch has not met any lobbyists in relation to this planning proposal, nor has the Director of Metropolitan (CBD) been advised of any meetings between other Departmental officers and lobbyists concerning this proposal.**

Supporting notes

Internal Supporting Notes :

Council has submitted a planning proposal seeking to amend Schedule 5 of the Burwood Local Environmental Plan 2012 (BLEP 2012) to add 100 Lucas Road, Burwood, as a local heritage item and delete 13 Archer Street, Burwood, as a local heritage item. Listing local heritage items under Schedule 5 of the BLEP 2012 activates the provisions under Clause 5.10 Heritage Conservation which will apply to 100 Lucas Road, Burwood.

100 LUCAS ROAD, BURWOOD

The site is currently the subject of an Interim Heritage Order, in force until May 2016. In April 2015, Council engaged a heritage consultant to undertake a preliminary heritage assessment, which found that the property is considered to be of local heritage significance on the basis of its historic and aesthetic values. On 24 August 2015, following a peer review of the heritage assessment and preparation of a detailed inventory sheet of the property, Council resolved to endorse the heritage listing and the preparation of a planning proposal.

13 ARCHER STREET, BURWOOD

The house on 13 Archer Street was subject to a fire on 19 July 2013. The NSW Police Force confirmed that the fire was accidental and no suspicious circumstances were detected. A DA, supported by heritage and structural engineering reports, was lodged with Council for the demolition of the building in November 2013. The DA was granted consent and the building on the site has since been demolished.

External Supporting Notes :

The planning proposal seeks to amend Schedule 5 of the Burwood Local Environmental Plan 2012 (BLEP 2012) to include 100 Lucas Road, Burwood as a local heritage item. The property is currently the subject of an Interim Heritage Order until May 2016. The planning proposal also seeks to remove a heritage item at 13 Archer Street, Burwood which Council has granted consent for the demolition. The heritage item was damaged as a result of fire in January 2014. The building on site has since been demolished.

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Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The planning proposal seeks to facilitate the heritage listing of 100 Lucas Road, Burwood under Schedule 5 of the Burwood Local Environmental Plan 2012 (BLEP 2012). The proposal also seeks to delete 13 Archer Street, Burwood from Schedule 5 of BLEP 2012.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The planning proposal seeks to amend BLEP 2012 as follows:

- to list 100 Lucas Road, Burwood as a local heritage item under Schedule 5 of the BLEP 2012; and
- delete a heritage item at 13 Archer Street, Burwood from Schedule 5 of the BLEP 2012; and
- amend the Heritage Map of the BLEP 2012 to reflect the proposed inclusion of 100 Lucas Road, Burwood and the deletion of 13 Archer Street, Burwood.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

2.3 Heritage Conservation

3.1 Residential Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

6.1 Approval and Referral Requirements

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **N/A**

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

S.117 DIRECTION 2.3 HERITAGE CONSERVATION

The objective of this direction is to conserve items which have heritage significance. The proposal facilitates conservation of an item on 100 Lucas Road, Burwood which has been investigated to have local heritage significance. Council has undertaken a heritage assessment, in accordance with the NSW Heritage Council evaluation criterion, which supports its listing on the basis of its historic and aesthetic values.

The proposal also seeks to delete 13 Archer Street, Burwood from Schedule 5 of the BLEP 2012. The heritage item was subject to a fire and has been demolished through a DA under Council consent in January 2014. The inconsistency of the demolition is considered minor significance as the heritage item no longer exist on the site.

There are no inconsistencies with any other s117 Directions or State Environmental Planning Policies (SEPPs).

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Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The proposal has provided aerial photos and maps to indicate the locations of the affected properties which is adequate for the purposes of assessment of this planning proposal. Council will need to prepare amending BLEP 2012 heritage maps to indicate the inclusion and deletion of heritage items.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Due to the low impact of the proposal, Council proposes to exhibit the planning proposal for a period of 14 days. The Department supports this timeframe.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The principal Burwood LEP 2012 was notified on 9 November 2012.**

Assessment Criteria

Need for planning proposal : **A planning proposal is the appropriate mechanism to list and delist heritage items.**

Consistency with strategic planning framework : **The planning proposal is consistent with A Plan for Growing Sydney and the Inner West Draft Subregional Strategy. The facilitation of conserving heritage item at 100 Lucas Road is consistent with Direction 3.4 of A Plan for Growing Sydney to promote Sydney's 'heritage, art and culture'. The purpose of the planning proposal also aligns with Action E6.2 of the Draft Subregional Strategy which recognises the contribution of Sydney's cultural heritage to its character and management of appropriate change to reinforce local distinctiveness.**

Burwood 2030 Community Strategic Plan identifies the importance in the preservation of heritage to establish a "sense of community". The objective of this proposal is consistent with the Strategic Goal of 1.5.4 concerning the identification of ways to promote heritage and encourage preservation of historic buildings in Burwood.

The deletion of 13 Archer Street, Burwood from Schedule 5 will not diminish the consistency of the proposal with the aforementioned strategic framework. As the historic building was subject to a fire and subsequently demolished, the property no longer retains heritage significance. Therefore, the deletion of 13 Archer Street, Burwood from Schedule 5 listing is corrective in nature and updates the current on-ground situation of the site.

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Environmental social
economic impacts :

There is no known critical habitat or threatened species, populations or ecological communities or their habitats located on the affected properties.

Council considers there to be social benefits to be gained for the community from the conservation of a heritage building at 100 Lucas Road, Burwood. The heritage assessment reports consider the building to have met the State Heritage Inventory criteria for listing as a local heritage item and is heritage significant on a local level as follows:

- the house is a good rare example of a single storey c.1914 Federation Arts and Crafts style house; and
- the overall form of the building, particularly the front, makes a positive visual contribution to the Lucas Road Streetscape; and
- the building possesses social significance as the early owners of the building was a successful migrant family during the 1880s, known as the Ipkanzenz family, who operated the Royal Exchange Hotel in Marrickville c1885. The Ipkanzenz family achieved high level of acceptance/integration within the local community and Australian society.

The planning proposal is not expected to have any adverse social or economic effects.

Assessment Process

Proposal type : **Minor** Community Consultation **14 Days**
Period :

Timeframe to make **6 months** Delegation : **RPA**
LEP :

Public Authority **Office of Environment and Heritage**
Consultation - 56(2)(d)
:

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes

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Heritage Assessment report_.pdf	Study	Yes
Preliminary Heritage Assessment.pdf	Study	Yes
Memorandum - 13 Archer Street.pdf	Study	Yes
Delegation checklist.pdf	LEP Approval	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **2.3 Heritage Conservation**
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
6.1 Approval and Referral Requirements
7.1 Implementation of A Plan for Growing Sydney

Additional Information : **Recommended to proceed with the following conditions:**
1. Prior to exhibition, Council is required to update the planning proposal to prepare draft Heritage Map Sheets, which includes existing and proposed changes to the sites. The proposed maps should be prepared in accordance with the Standard Technical Requirements for Local Environmental Plan maps.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
a) the planning proposal is considered low impact and must be made publicly available for a minimum of 14 days; and
b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2013).
3. Consultation is required under section 56(2)(d) of the Act with the Heritage division of the Office of Environment and Heritage.
The Heritage division is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
4. The planning proposal is to be completed within 6 months of the Gateway Determination.

Supporting Reasons : **The planning proposal is supported as it seeks to include a property of local heritage significance at 100 Lucas Road, Burwood into Schedule 5 of the BLEP 2012 and delete another, at 13 Archer Street Burwood, which no longer holds heritage significance.**

Signature:



Printed Name:

Diane Sarkies

Date:

21/10/15