



Burwood Council

heritage ▪ progress ▪ pride

Planning Proposal

Revision of Schedule 5 – Heritage Items

October 2015

A Planning Proposal is the first step in proposing amendments to Council's principle environmental planning instrument, known as the Burwood Local Environmental Plan (BLEP) 2012. A Planning Proposal explains the intended effect of the proposed amendment and also sets out the justification for making the change. The Planning Proposal is submitted to the NSW Department of Planning and Environment (DP&E) for its consideration, referred to as the Gateway Determination, and is also made available to the public as part of the community consultation process.

Part 1 – Objectives or Intended Outcomes

The Planning Proposal seeks to facilitate the heritage listing of the property at No. 100 Lucas Road, Burwood under Schedule 5 of the Burwood Local Environmental Plan (BLEP) 2012. The property is subject to an Interim Heritage Order.

The Planning Proposal will also be taken as an opportunity to delete No. 13 Archer Street, Burwood from Schedule 5. Consent was granted to demolish the premises in January 2014 following a fire.

Part 2 – Explanation of the Provisions

The property, No. 100 Lucas Road, Burwood, would be listed in Schedule 5 of the BLEP 2012. In doing so, the Heritage Conservation provisions under clause 5.10 of the BLEP would apply to the property.

The Heritage Map of the BLEP 2012 would be amended to include the property at No. 100 Lucas Road, Burwood while No. 13 Archer Street, Burwood would be deleted.

Part 3 – Justification

Section A – Need for the Planning Proposal

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

No. 100 Lucas Road, Burwood

Yes. Council considered a report on 23 March 2015 and resolved as follows:

1. *Council enact the procedure that was adopted by Council, at its Meeting on 25 May 2010, for dealing with potential heritage items under threat.*
2. *Council engage a heritage consultant to undertake a preliminary heritage investigation.*
3. *That the findings of the investigation be reported back to Council.*
4. *That the applicant of DA 193/2014 be encouraged to investigate the retention of the existing house as part of their development proposal.*
5. *That further consideration of DA 193/2014 be held in abeyance pending Council's consideration of this matter.*

In April 2015, Council engaged a heritage consultant, Colin Israel, to undertake a preliminary heritage assessment (Appendix 2). The investigation found that the property is considered to be of local heritage significance, principally on the basis of its historic and aesthetic values.

The findings of the preliminary heritage investigation were reported to Council at its meeting on 27 April 2015, whereupon Council resolved as follows:

1. *That Council make an Interim Heritage Order (IHO) for the property at No. 100 Lucas Road, Burwood.*
2. *That a Gazettal Notice be prepared for signature by the General Manager as Council's delegate, before submitting to the Government Printing Office.*
3. *That a conclusive heritage assessment of the property be undertaken following the making of an IHO.*
4. *That findings of the conclusive heritage assessment be reported back to Council prior to the preparation of a Planning Proposal.*

In accordance with Council's resolution, an Interim Heritage Order was prepared and published in the Government Gazette on 1 May 2015. The Order provides protection of the item for an initial period of six months. Where Council resolves to list the property as a heritage item, the period of protection shall extend to twelve months. A notice appeared in the local newspaper, and notification letters were forwarded to the property owner, NSW Heritage Council and NSW Department of Land and Property Information.

On 24 August 2015, Council considered a report concerning the progression of the Interim Heritage Order to a heritage listing. The preliminary heritage assessment was reviewed and a conclusive heritage assessment was undertaken by a further heritage consultant. The assessment sought to verify the details provided in the preliminary heritage assessment, and provide a detailed inventory sheet of the property which would form part of any eventual heritage listing. It was resolved:

1. *That Council endorse the heritage listing of the property at No. 100 Lucas Road, Burwood and the preparation of a Planning Proposal.*
2. *That Council submit the Planning Proposal to NSW Planning and Environment for a Gateway Determination.*
3. *That subject to the Gateway Determination, the Planning Proposal be publicly exhibited and consultation with any relevant public authorities be undertaken.*
4. *That the results of the public exhibition and consultation be reported back to Council.*

This Planning Proposal seeks to implement the Council resolution.

No. 13 Archer Street, Burwood

Yes. The house was the subject of a fire on 19 July 2013. The NSW Police Force confirmed that there were no suspicious circumstances and the fire was accidental. A Development Application for demolition of the building was received by Council in November 2013, accompanied by heritage and structural engineering reports. Council granted consent for demolition in January 2014.

The building has since been demolished. There is no basis for retaining a heritage listing of the property.

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 means of achieving conservation of No. 100 Lucas Road, Burwood through a heritage listing in the BLEP. The Planning Proposal is the established procedure for implementing a heritage listing following an Interim Heritage Order. The PP is also the established procedure for deleting a heritage listing, as is the case of No. 13 Archer Street, Burwood.

Section B – Relationship to Strategic Planning Framework

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional and sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Yes. The proposal is consistent with the metropolitan strategy and earlier draft subregional strategy.

Direction 3.4 of *A Plan for Growing Sydney* is to 'promote Sydney's heritage, arts and culture'. It details how heritage buildings and sites contribute to a community's sense of place and identity, as well as help the community understand and learn about Sydney's past. Action 3.4.4 goes on to state that 'the Government, is committed to identifying, protecting and managing areas with heritage significance'.

The Draft Subregional Strategy for the Inner West Subregion identifies one of its Key Actions as 'identify and promote heritage assets'. Action E6.2 of the Draft Subregional Strategy refers to recognising where Sydney's cultural heritage contributes to its character and managing change appropriately to reinforce local distinctiveness. The Planning Proposal is in keeping with this action.

The strategy also recognises that '*the subregion has experienced many successive waves of development which have resulted in an eclectic mix of housing types and some of the nation's richest heritage suburbs*'. The heritage listing of No. 100 Lucas Road, Burwood seeks to conserve an early housing form.

Deletion of No. 13 Archer Street, Burwood from the heritage list ensures the list is accurate and robust. The property retains no heritage significance.

4. *Is the planning proposal consistent with a council's local strategy or other local strategic plan?*

Yes. The Burwood 2030 Community Strategic Plan recognises the challenge of balancing growth with maintaining lifestyles, preserving heritage and protecting the environment, while ensuring progress and innovation.

In developing the Community Strategic Plan, the Burwood community identified the importance of preserving heritage as a means of establishing a 'Sense of Community'. The Plan describes a Sense of Community as '*people being proud of where they live, feeling safe and engaged in the community and having access to facilities and services that ensure they can lead a healthy and satisfying lifestyle*'.

Strategic Goal 1.5.4 of the Community Strategic Plan is to "*identify ways to promote heritage and encourage the preservation of Burwood's historic buildings*". This Planning Proposal is in keeping with this Strategic Goal.

Council does not have any other current local planning strategy in place.

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

There are no State Environmental Planning Policies which would contravene the Planning Proposal.

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

Yes. Consistency with the list of Directions (under section 117(2) of the Environmental Planning and Assessment Act 1979 issued by the Minister for Planning) is assessed below.

Direction	Issue Date / Date Effective	Comment
1. Employment and Resources	1 July 2009	
1.1 Business and Industrial Zones		Not relevant
1.2 Rural Zones		Not relevant
1.3 Mining, Petroleum Production and Extractive Industries		Not relevant
1.4 Oyster Aquaculture		Not relevant
1.5 Rural Lands		Not relevant
2. Environment and Heritage	1 July 2009	
2.1 Environment Protection Zones		Not relevant
2.2 Coastal Protection		Not relevant
2.3 Heritage Conservation		The Planning Proposal seeks the conservation of an item of local heritage significance while removing another item from the heritage list. Clause 5.10 of the BLEP has been implemented under the Standard Instrument in satisfaction of the Direction.
2.4 Recreation Vehicle Areas		Not relevant

3. Housing, Infrastructure and Urban Development	1 July 2009 (Except for new Direction 3.6 – effective 16 February 2011)	
3.1 Residential Zones		The subject sites are zoned R2 Low Density Residential. The Planning Proposal does not seek to amend the zoning or range of permissible uses on the site.
3.2 Caravan Parks and Manufactured Home Estates		Not relevant
3.3 Home Occupations		Not relevant
3.4 Integrating Land Use and Transport		The Planning Proposal does not alter the land zoning, and as such, would not affect travel demand or the availability of transport options.
3.5 Development Near Licensed Aerodromes		Not relevant
3.6 Shooting Ranges		Not relevant
4. Hazard and Risk	1 July 2009	
4.1 Acid Sulfate Soils		The properties have been identified as Class 5 on the Acid Sulfate Soils Map, representing the lowest probability of containing Acid Sulfate Soils.
4.2 Mine Subsidence and Unstable Land		Not relevant
4.3 Flood Prone Land		Not relevant
4.4 Planning for Bushfire Protection		Not relevant
5. Regional Planning	1 July 2009 (Except for new Direction 5.4 effective 29 Nov 2009 & Direction 5.2 effective 3 Mar 2011 & Direction 5.9 effective 30 Sep 2013)	
5.1 Implementation of Regional Strategies		Not relevant
5.2 Sydney Drinking Water Catchments		Not relevant
5.3 Farmland of State and Regional Significance on the NSW Far North Coast		Not relevant
5.4 Commercial and Retail Development along the Pacific		Not relevant

Highway, North Coast		
5.5 (Revoked 18 June 2010)		Not relevant
5.6 (Revoked 10 July 2008)		Not relevant
5.7 (Revoked 10 July 2008)		Not relevant
5.8 Second Sydney Airport: Badgerys Creek		Not relevant
5.9 North west Rail Link Corridor Strategy		Not relevant
6. Local Plan Making	1 July 2009	
6.1 Approval and Referral Requirements		The Planning Proposal will not contain provisions which require the concurrence, referral or consultation of other public authorities, nor identify any use as designated development.
6.2 Reserving Land for Public Purposes		Not relevant
6.3 Site Specific Provisions		Not relevant
7. Metropolitan Planning	1 February 2010	
7.1 Implementation of the Metropolitan Plan for Sydney 2036		The Planning Proposal is not inconsistent with the overall intent of the Plan for Growing Sydney, and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.

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?*

No. There is no known critical habitat or threatened species, populations or ecological communities, or their habitats affected by the Planning Proposal.

8. *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 other likely environmental effects as a result of the Planning Proposal, such as flooding, landslip, bushfire hazard and the like.

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

The Planning Proposal is not expected to have any adverse social or economic effects. Council holds there to be social benefits, particularly to the local community, to be gained from the conservation of items and places of cultural heritage.

Section D – State and Commonwealth Interests

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

The Planning Proposal is not expected to generate demand for additional infrastructure or services.

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

Council proposes that the NSW Office of Environment and Heritage be consulted (following a positive Gateway Determination) as the Planning Proposal relates to a heritage matter. It is noted that the Planning Proposal relates to two heritage items of local significance, as opposed to State significance which is the main responsibility of the NSW Office of Environment and Heritage.

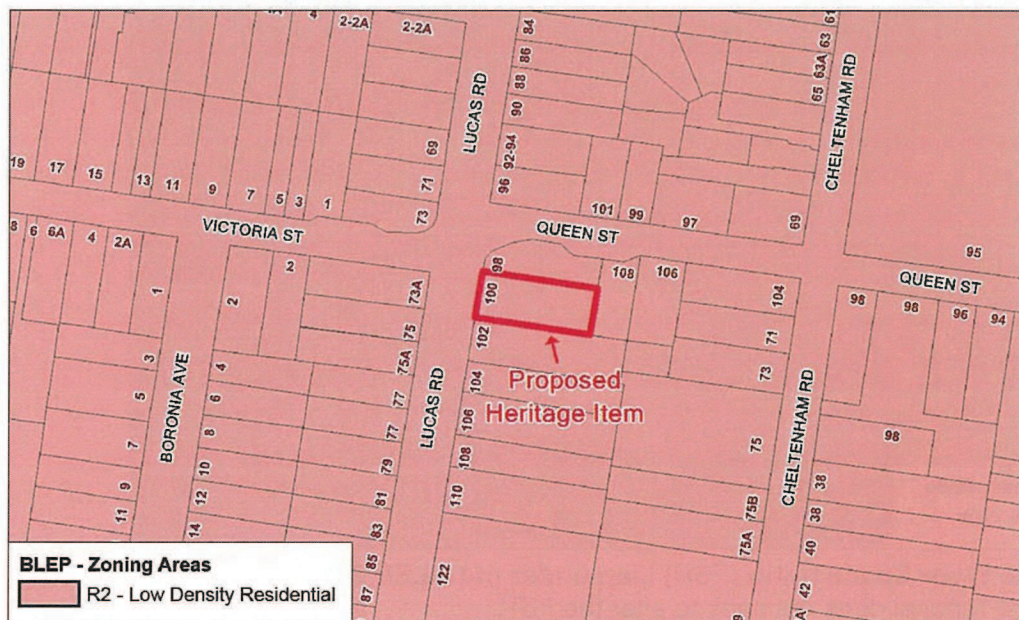
The Gateway Determination will confirm and specify any consultation required with State and Commonwealth authorities on the Planning Proposal.

Part 4 – Mapping

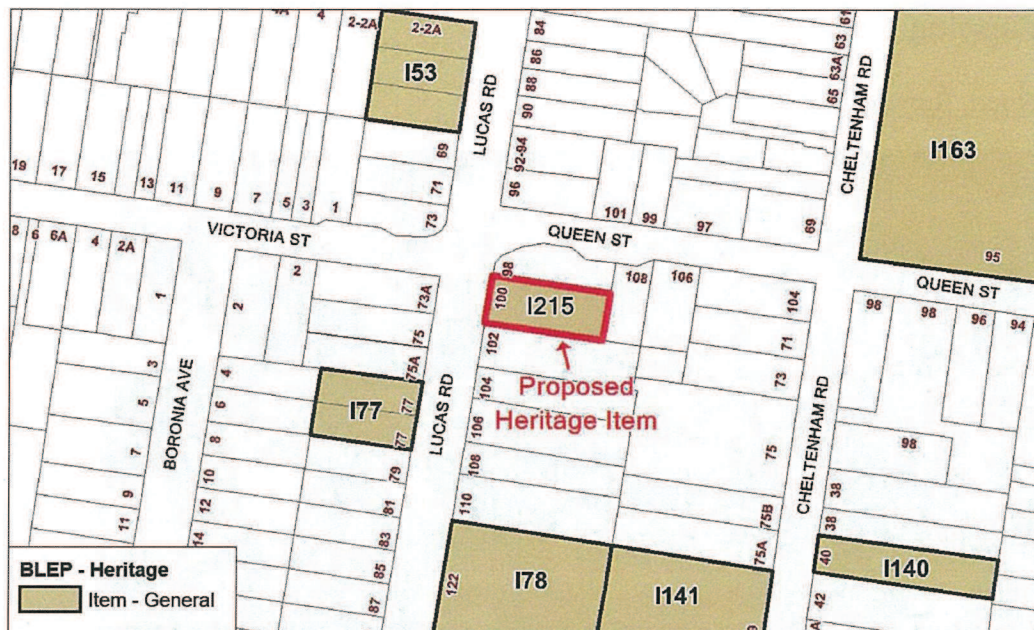
100 Lucas Road, Burwood



Aerial Photograph of No. 100 Lucas Road Burwood
Subject site is shown outlined in red.



Extract of the Zoning Map under the BLEP 2012.
The Planning Proposal does not seek to alter the zoning.



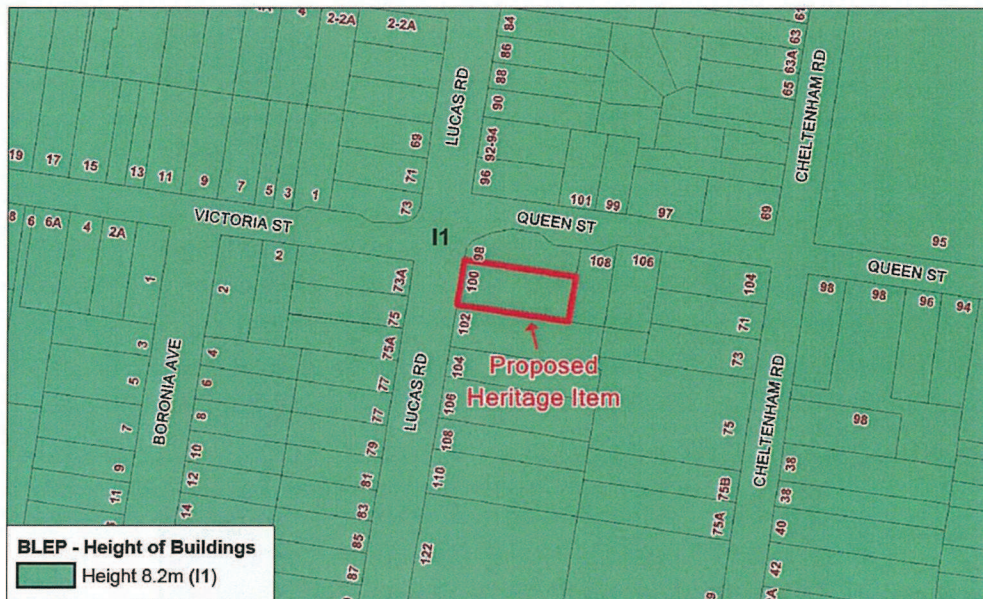
Extract of the Heritage Map under the BLEP 2012.

The Planning Proposal seeks to identify No. 100 Lucas Road Burwood as a heritage item upon the Heritage Map (and in Schedule 5 of the BLEP 2012).



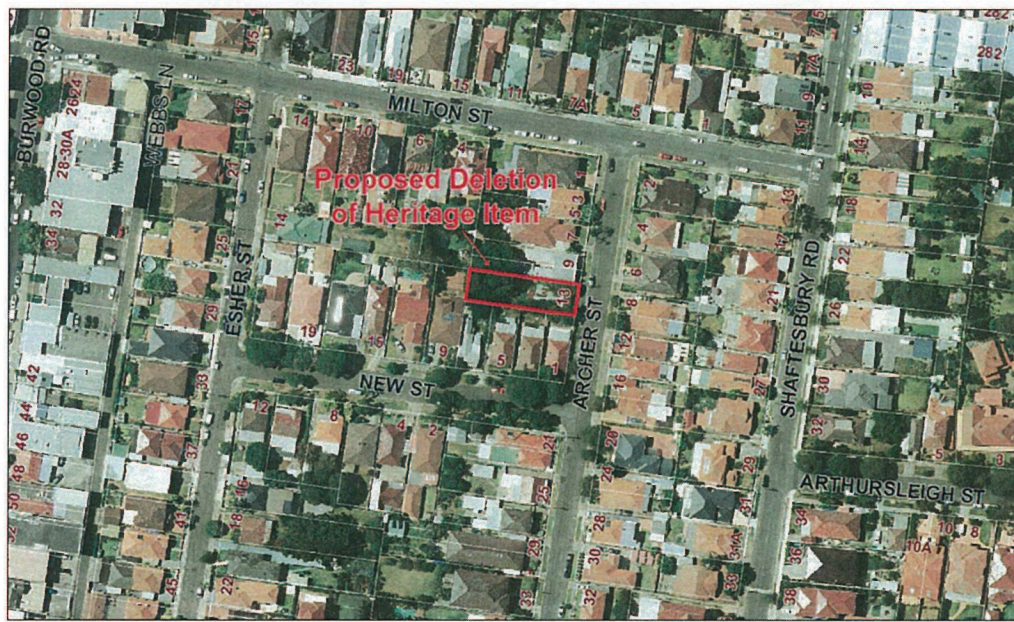
Extract of the Floor Space Ratio (FSR) Map under the BLEP 2012.

The Planning Proposal does not seek to alter the FSR.

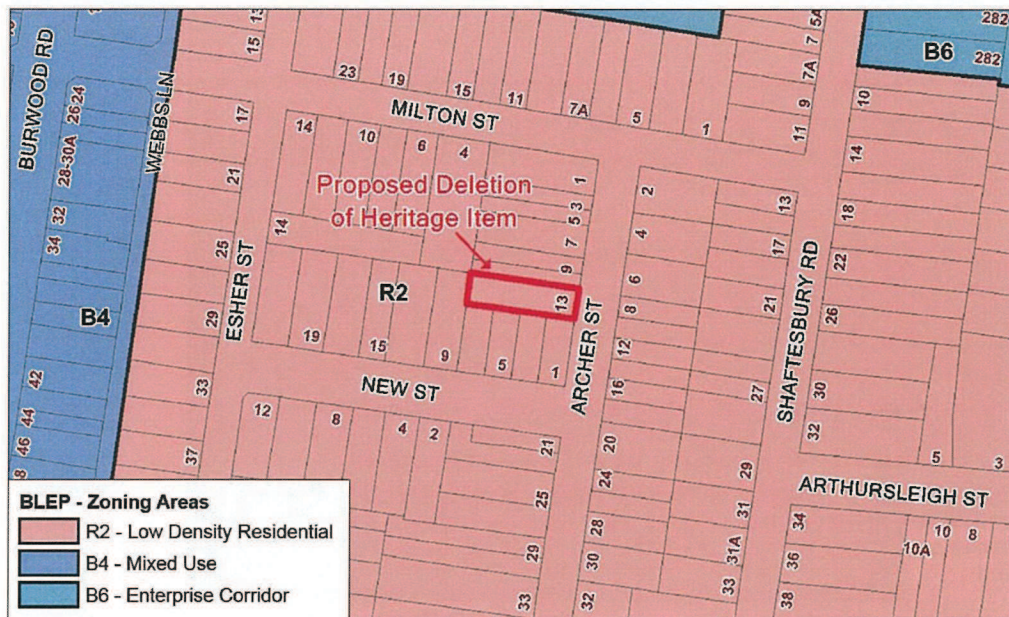


Extract of the Height of Building Map under the BLEP 2012.
The Planning Proposal does not seek to alter the height of building.

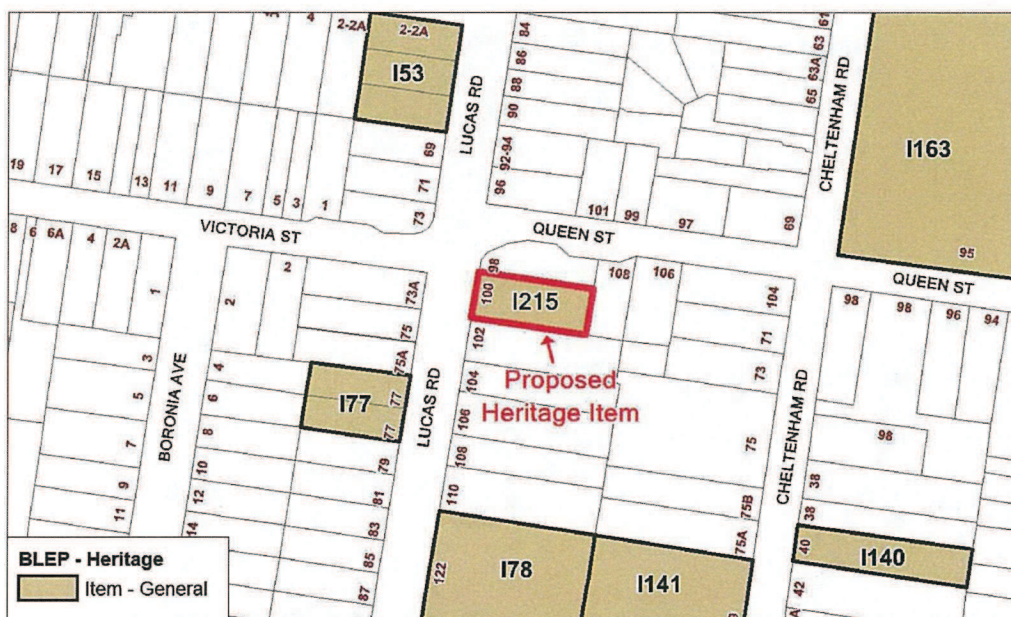
No 13 Archer Street, Burwood



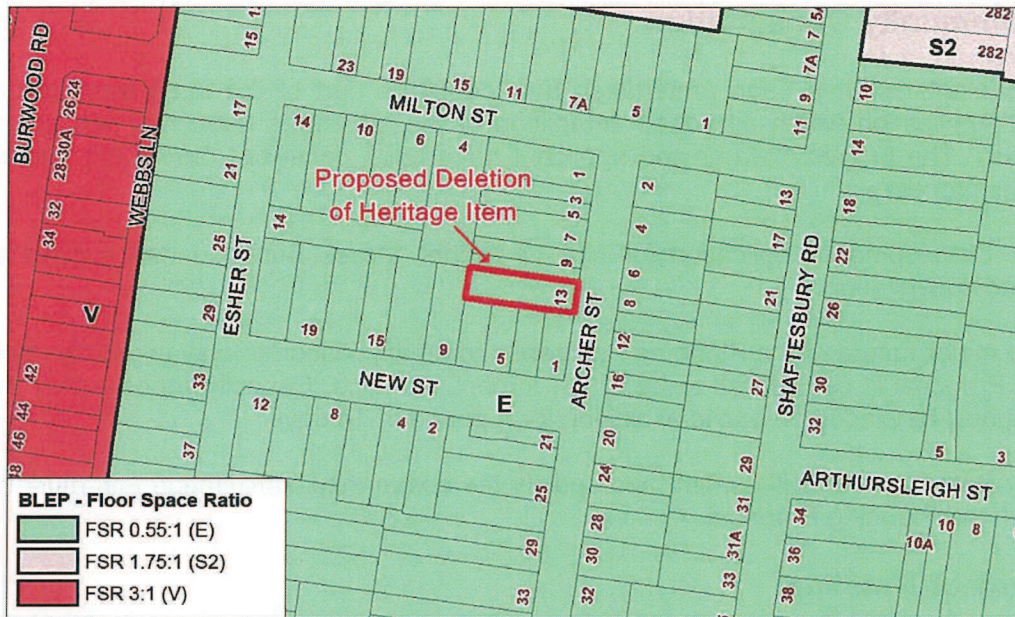
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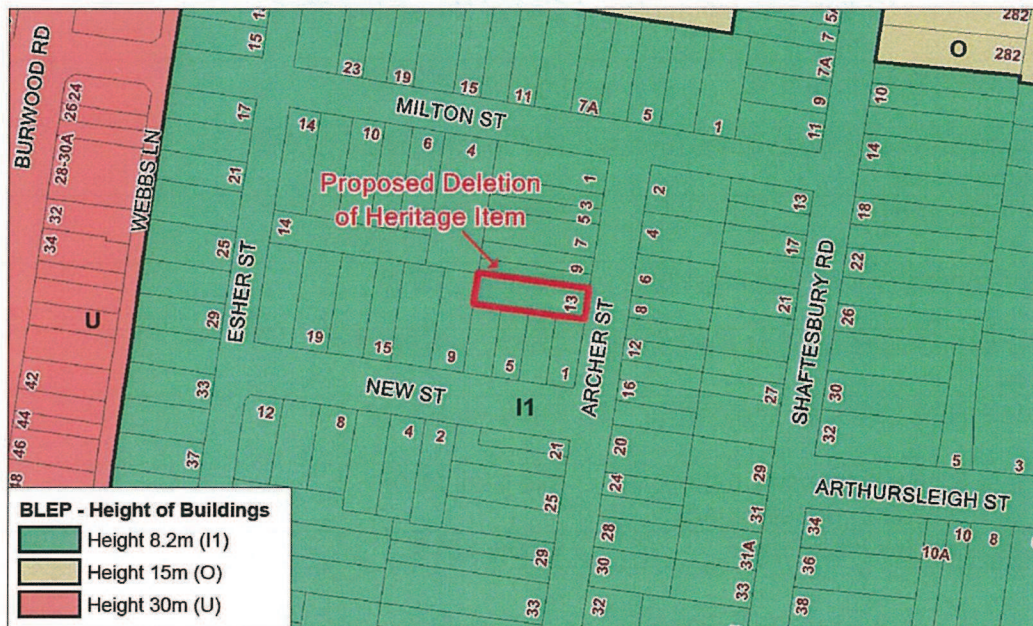
Extract of the Zoning Map under the BLEP 2012.
The Planning Proposal does not seek to alter the zoning



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Extract of the Floor Space Ratio (FSR) Map under the BLEP 2012.
The Planning Proposal does not seek to alter the FSR.



Extract of the Height of Building Map under the BLEP 2012.
The Planning Proposal does not seek to alter the height of building.

Part 5 – Community Consultation

Community consultation has been undertaken by Council as part of the notification of the Development Application which proposed demolition of the structures upon No. 100 Lucas Road, Burwood. The property owner and applicant have been consulted during the Interim Heritage Order process.

Similarly, the Development Application for No. 13 Archer Street, Burwood was subject to notification and consultation.

In view of the minor nature of the Planning Proposal and its application to only two properties, the Planning Proposal is considered to be of low impact. As such, Council proposes that the Planning Proposal be placed on public exhibition for a period of 14 days.

The Gateway Determination will confirm and specify the community consultation that must be undertaken on the Planning Proposal.

Part 6 – Project Timeline

Anticipated date of Gateway Determination	By end of October 2015
Anticipated timeframe for the completion of required technical information	End of November 2015
Timeframe for government agency consultation	December 2016
Commencement and completion dates for the public exhibition period	Mid to late January 2016
Dates for public hearing	Not applicable
Timeframe for consideration of submissions	February 2016
Timeframe for the consideration of a proposal post exhibition	End March 2016
Anticipated date RPA will make the plan (if delegated)	Early April 2016
Anticipated date RPA will forward to the department for notification (if delegated)	Mid April 2016
Interim Heritage Order lapse date	1 May 2016

Appendix One

- Delegation Checklist

Appendix Two

- Preliminary Heritage Assessment for No.100 Lucas Road, by Colin Israel

Appendix Three

- Heritage Inventory Sheet – No. 100 Lucas Road, Burwood

Appendix Four

- Development Assessment Referral for No. 13 Archer Street, Burwood

Links to Supporting Material

- Council Report of 23 March 2015 is available on Council's website:
http://www.burwood.nsw.gov.au/verve/resources/CM_23032015_AGN_AT.pdf
- Council Report of 27 April 2015 is available on Council's website:
http://www.burwood.nsw.gov.au/verve/resources/CM_27042015_AGN_AT.PDF
- Council Report of 24 April 2015 is available on Council's website:
http://www.burwood.nsw.gov.au/verve/resources/CM_27042015_AGN_AT.PDF
- Burwood 2030 Community Strategic Plan is available on Council's website:
http://www.burwood.nsw.gov.au/verve/resources/FINAL_Community_Strategic_Plan_file.pdf