



Planning Proposal

Heritage Listing of No. 18 Wyatt Avenue Burwood

September 2014

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. 18 Wyatt Avenue Burwood under Schedule 5 of the Burwood Local Environmental Plan (BLEP) 2012. The property is subject to an Interim Heritage Order.

Part 2 – Explanation of the Provisions

The property, No. 18 Wyatt Avenue 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. 18 Wyatt Avenue, Burwood. Heritage items may require renumbering.

Part 3 – Justification

Section A – Need for the Planning Proposal

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

Yes. Council considered a Mayoral Minute on 31 March 2014 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 an external Heritage Consultant to undertake a preliminary heritage investigation.*
3. *The Applicant be requested to reimburse Council for the expense of the Heritage Report.*
4. *The findings of the investigation be reported back to Council.*
5. *The Applicant of DA 106/2013 be encouraged to investigate the retention of the existing house as part of their development proposal.*
6. *That further consideration of DA 106/2013 be held in abeyance pending Council's consideration of this matter.*

In April 2014, Council engaged an independent heritage consultant, Perumal Murphy Alessi Pty Ltd, 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 consultant supported the retention of the front portion of the house, being the original circa 1908 wing. The later 1980s addition, located to the south and east of the original house, is identified as having relatively low significance. As such, adaption, alteration or removal of the 1980s addition may be considered under a future Development Application.

The findings of the preliminary heritage investigation were reported to Council at its meeting on 26 May 2014, whereupon Council resolved as follows.

1. *That Council make an Interim Heritage Order (IHO) for the property at No. 18 Wyatt Avenue 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 an in-depth heritage assessment of the property be undertaken following the making of an IHO.*
4. *That findings of the in-depth 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 30 May 2014. 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, applicant, NSW Heritage Council and NSW Department of Land and Property Information.

On 25 August 2014, Council considered a report concerning the progression of the Interim Heritage Order to a heritage listing. The preliminary heritage assessment was reviewed and

an in-depth heritage assessment was undertaken by a further heritage consultant. The in-depth heritage 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. 18 Wyatt Avenue Burwood and the preparation of a Planning Proposal.*
2. *That Council submit the Planning Proposal to NSW Planning & 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.

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 the subject property through a heritage listing in the BLEP. The Planning Proposal is the established procedure for implementing a heritage listing following an Interim Heritage Order.

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 draft subregional and metropolitan strategies.

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. 18 Wyatt Avenue Burwood seeks to conserve an early housing form.

The more recent draft *Metropolitan Strategy for Sydney* makes limited reference to heritage, but it does identify the vision for Sydney to 2031 as being a strong global city and a liveable local city. Inherent in such a vision is the protection of heritage assets which provides for a diverse built environment and a desirable place to live.

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. 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 site is zoned R3 Medium Density Residential. The Planning Proposal does not seek to amend the zoning or range of permissible uses on the site. Indeed, the preliminary heritage assessment has indicated that a townhouse development toward the rear of the property may be an appropriate means of retaining the circa 1908 house and existing streetscape character.
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 property has 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 Highway, North Coast		Not relevant
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 NSW Government's Metropolitan Plan for Sydney 2036 published in December 2010 refers to heritage matters in only general terms. The Planning Proposal is not inconsistent with the overall intent of the Plan, 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?*

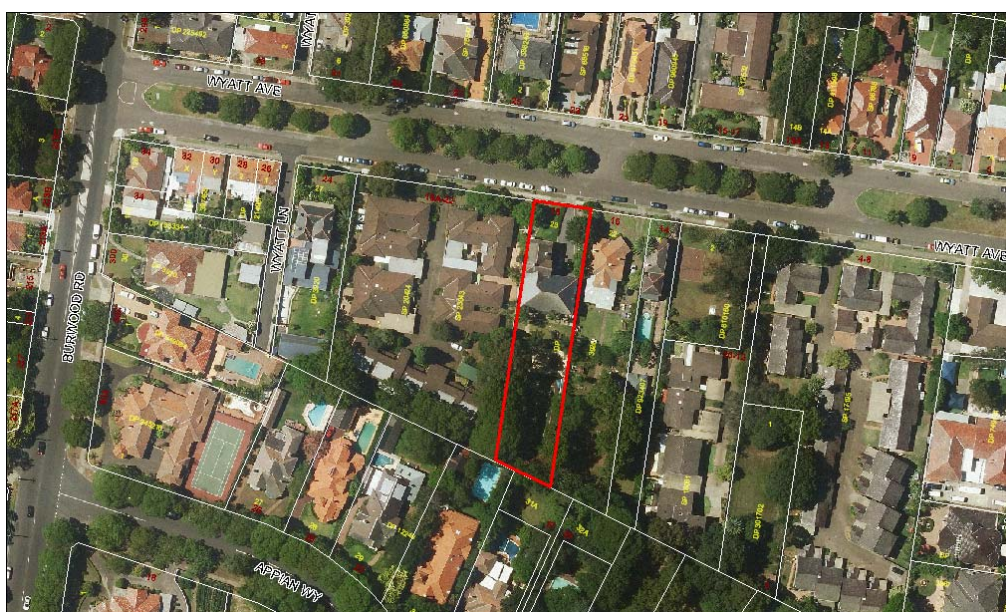
The Planning Proposal is not expected to generate demand for additional infrastructure or services.

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

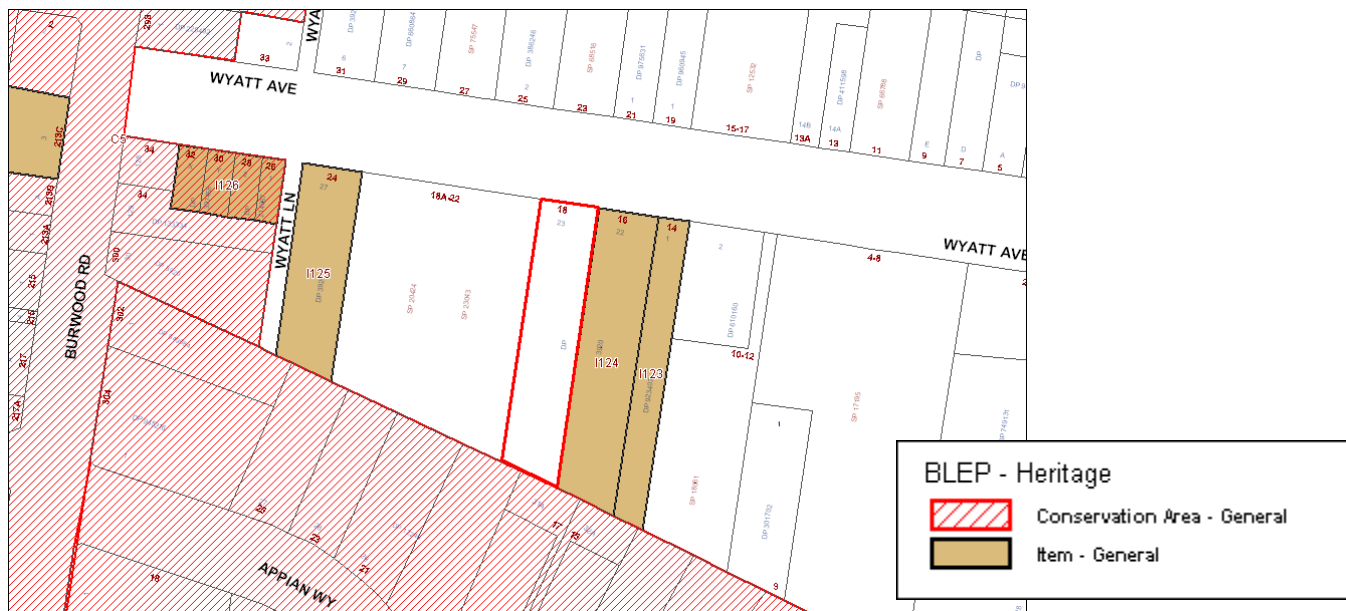
Council proposes that the NSW Office of Environment and Heritage be consulted (following a positive Gateway Determination) as the Planning Proposal relates to a heritage matter. It is noted that the Planning Proposal seeks to identify No. 18 Wyatt Avenue Burwood as a heritage item of local significance, 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

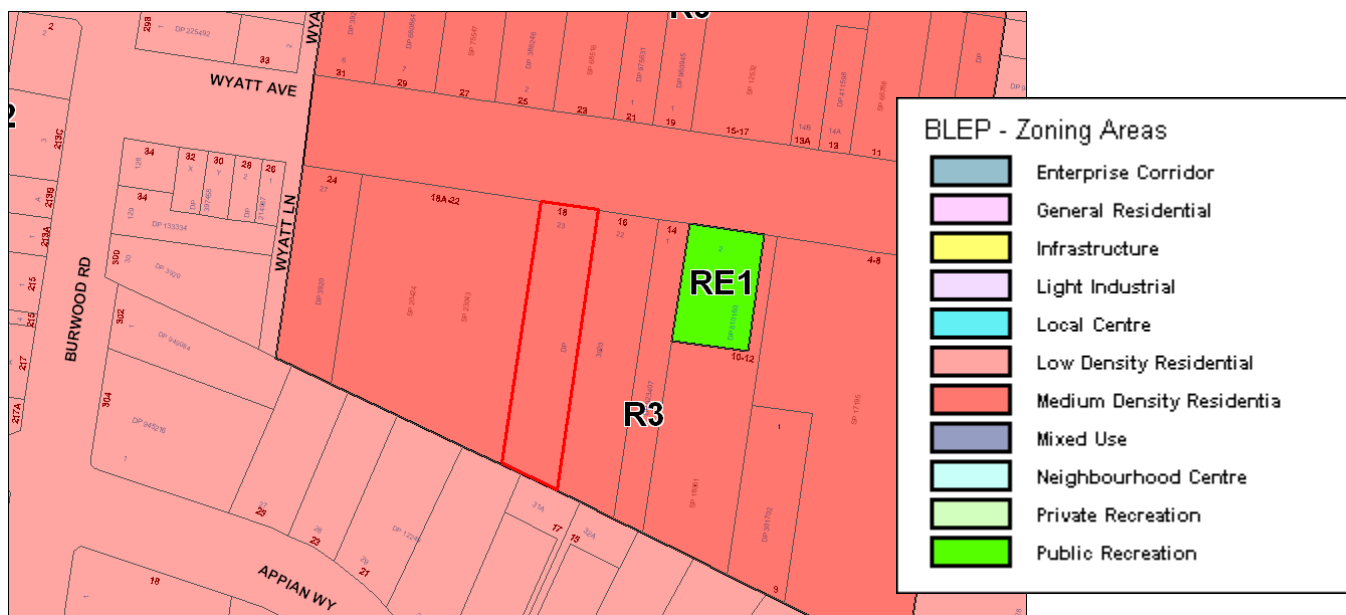


Aerial Photograph of No. 18 Wyatt Avenue Burwood.
Subject site is shown outlined in red.



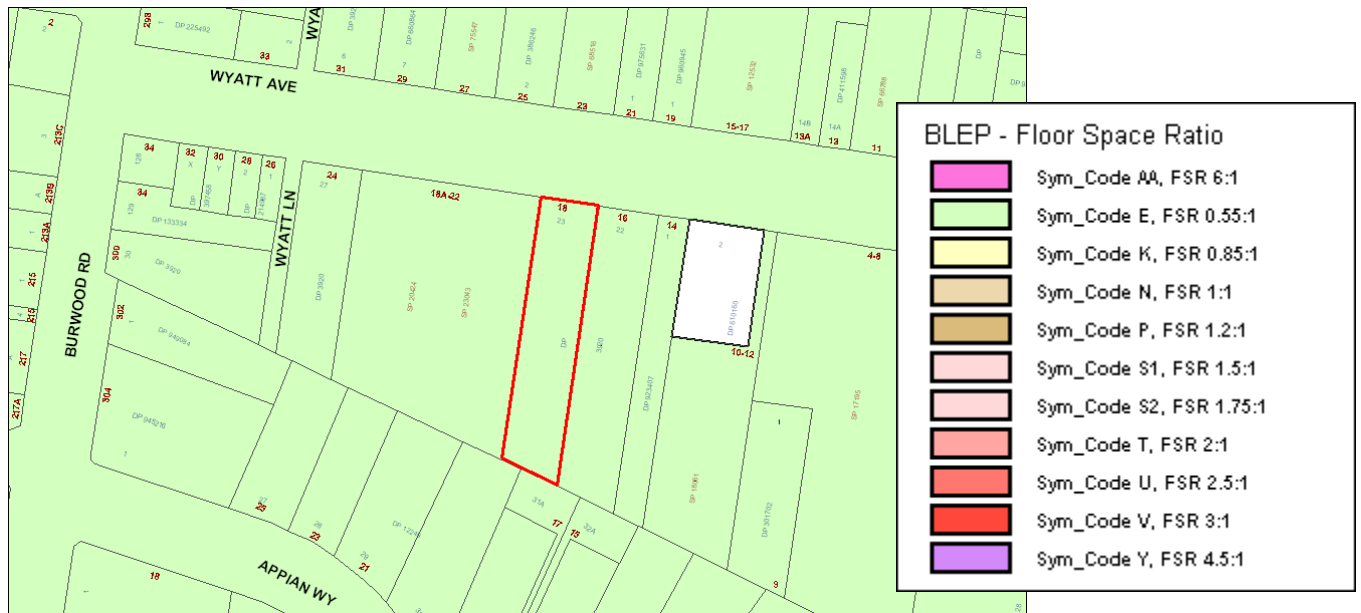
Extract of the Heritage Map under the BLEP 2012.

The Planning Proposal seeks to identify No. 18 Wyatt Avenue Burwood as a heritage item upon the Heritage Map (and in Schedule 5 of the BLEP 2012).

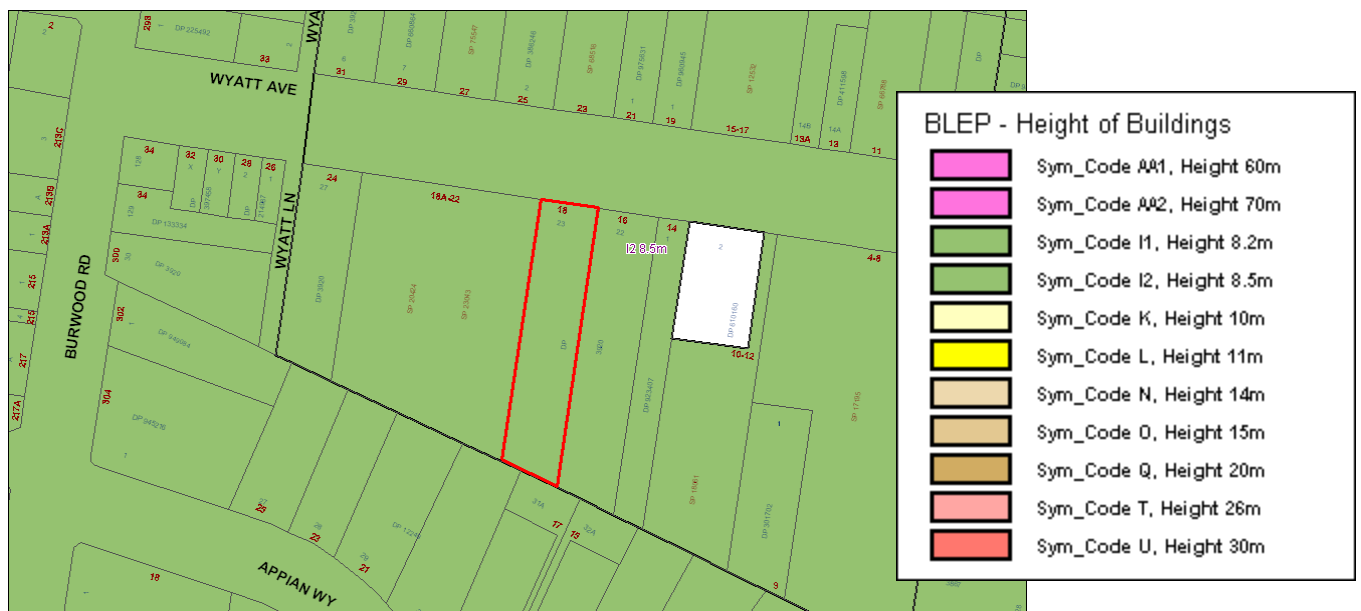


Extract of the Zoning Map under the BLEP 2012.

The Planning Proposal does not seek to alter the zoning.



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. 18 Wyatt Avenue Burwood. The property owner and applicant have been consulted during the Interim Heritage Order process.

In view of the minor nature of the Planning Proposal and its application to a single property, 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 2014
Anticipated timeframe for the completion of required technical information	End November 2014
Timeframe for government agency consultation	December 2015
Commencement and completion dates for the public exhibition period	Mid to late January 2015
Dates for public hearing	Not applicable
Timeframe for consideration of submissions	February 2015
Timeframe for the consideration of a proposal post exhibition	End March 2015
Anticipated date RPA will make the plan (if delegated)	Early April 2015
Anticipated date RPA will forward to the department for notification (if delegated)	Mid April 2015
Interim Heritage Order lapse date	30 May 2015

Appendix One

- Delegation Checklist

Appendix Two

- Preliminary Heritage Assessment, Perumal Murphy Alessi Pty Ltd

Links to Supporting Material

- Mayoral Minute on 31 March 2014 is available on Council's website:
http://www.burwood.nsw.gov.au/verve/resources/CM_31032014_MIN_PF.pdf
- Council Report of 26 May 2014 is available on Council's website:
http://www.burwood.nsw.gov.au/verve/resources/CM_26052014_AGN_AT.PDF
- Council Report of 25 August 2014 is available on Council's website:
http://www.burwood.nsw.gov.au/verve/resources/CM_25082014_AGN_AT.pdf
- Burwood 2030 Community Strategic Plan is available on Council's website:
http://www.burwood.nsw.gov.au/verve/resources/FINAL_BURWOOD_CSP_2030_low_res.pdf

Appendix One

Delegation Checklist

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

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:

Burwood

Name of draft LEP:

Heritage Listing of No. 18 Wyatt Avenue Burwood

Address of Land (if applicable):

18 Wyatt Avenue Burwood

Intent of draft LEP:

To facilitate the heritage listing of the subject property.

Additional Supporting Points/Information:

Refer to Planning Proposal



Evaluation criteria for the issuing of an Authorisation				
(NOTE – where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
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	Y/N			
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?	N			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?	Y	(IHO process)		
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?	N			
Reclassifications	Y/N			
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 <i>Local Government Act, 1993</i> ?		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) <i>Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?		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 Rezoning	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?		N/A		
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(A1)(c) of the Act in order for a matter in this category to proceed).		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.				

Appendix Two

Preliminary Heritage Assessment