



Heritage listing of a local item, 18 Wyatt Avenue, Burwood

Proposal Title : **Heritage listing of a local item, 18 Wyatt Avenue, Burwood**

Proposal Summary : **To amend Schedule 5 of the Burwood Local Environmental Plan (BLEP 2012) to incorporate the listing of 18 Wyatt Avenue Burwood as a local heritage item.**

PP Number : **PP_2014_BURWO_002_00**

Dop File No : **14/15888**

Proposal Details

Date Planning Proposal Received : **16-Sep-2014**

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 : **18 Wyatt Avenue**

Suburb : **Burwood**

City : **Sydney**

Postcode : **2134**

Land Parcel : **Lot 23 DP3920**

DoP Planning Officer Contact Details

Contact Name : **Casey Farrell**

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RPA Contact Details

Contact Name : **Diwei Luo**

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DoP Project Manager Contact Details

Contact Name : **Diane Sarkies**

Contact Number : **0285754111**

Contact Email : **diane.sarkies@planning.nsw.gov.au**

Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub

Consistent with Strategy :

Regional Strategy :

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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 Conduct has been complied with. Metropolitan Delivery (CBD) has not met with or communicated with any lobbyist in relation to this planning proposal.**

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

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

This planning proposal seeks to amend Schedule 5 of the Burwood Local Environmental Plan 2012 (BLEP 2012) to adopt 18 Wyatt Avenue, Burwood, as a local heritage item. Listing local heritage items under Schedule 5 also activates Clause 5.10 Heritage Conservation of the BLEP 2012, triggering additional assessment requirements and considerations for development applications.

The site is currently the subject of an Interim Heritage Order, in force until 30 May 2015. At the 25 August 2014 Burwood Council meeting, Council resolved to endorse heritage listing for the site and the preparation of a planning proposal to this effect.

The real property description is Lot 23 DP 3920.

The subject site includes one large "L"-shaped, two-storey Federation style building (constructed circa 1908), swimming pool, tennis courts and landscaping. The building's setback on the site is typical of Federation buildings.

A preliminary Heritage Assessment Report for the site, commissioned by Burwood Council and prepared by Perumal Murphy Alessi, has identified the following features found at the property to have 'high' heritage significance:

- the overall form of the front, original section of the building and existing front setbacks;
- two-storey scale and roofscaping, including front and eastern gable and two chimneys;
- open 'wrap around' front verandah and balcony and associated details including marble access steps, timber elements;
- bay on the eastern side and separate hipped roof;
- roughcast render and external rendered mouldings and detail;
- pattern of openings on the front main section and original timber framed windows and doors;
- internal layout of the front main section of the building;
- high ceilings and spatial qualities;
- chimney breasts and internal arches in the hall and main spaces; and,
- internal original finishes.

The heritage assessment report also notes that Wyatt Avenue is a dual carriageway and characterised by wide verges. Within the local area, there are a number of one- and two-storey detached dwellings, built circa late 19th to early 20th century.

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External Supporting Notes :

In 1985, Burwood Council approved a development application for works at the site, including an alteration and addition to the original structure, construction of a swimming pool and tennis courts. The Heritage Assessment Report assumes changes to the site's landscaping from original are associated with 1985 works.

Directly to the east of the site are two local heritage items already listing under Schedule 5 – 14 and 16 Wyatt Avenue – and another two local heritage items are located to the west of the site (24 and 26-32 Wyatt Avenue). These properties are listed under Schedule 5. The site is bounded by large heritage conservation sites to the east, west and south (Tag F).

This planning proposal seeks to amend Schedule 5 of the Burwood Local Environmental Plan 2012 (BLEP 2012) to include 18 Wyatt Avenue, Burwood as a local heritage item. The Heritage Map, HER_001, would also be amended to reflect 18 Wyatt Avenue as a local item. By listing the site as a local heritage item, Heritage Conservation provisions under clause 5.10 of the BLEP 2012 will apply.

The property is currently the subject of an Interim Heritage Order and this Order is set to expire in May 2015.

Located on the site is a two-storey Federation style dwelling, constructed circa 1908. Some alterations have been made to the site since original construction, including an alteration and addition, the construction of a swimming pool and tennis courts. The property is set back from the front which is typical for Federation era buildings.

A preliminary Heritage Assessment Report, commissioned by Burwood Council, has been prepared. The report found the site had local heritage and cultural significance.

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 18 Wyatt Avenue, Burwood, under Schedule 5 of the BLEP 2012. The property is subject to an Interim Heritage Order.

The statement of objectives is adequate.

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

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

Comment : The planning proposal seeks to list 18 Wyatt Avenue Burwood as a local heritage item under Schedule 5 Environmental Heritage of the BLEP 2012.

By listing this site as a local heritage item, Clause 5.10 Heritage Conservation provisions apply to the site. The proposal will also amend the applicable Heritage Map (HER_001), to identify the site as a local heritage item.

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

* May need the Director General's agreement

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 the Metropolitan Plan for Sydney 2036

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 :

SEPPs

There are no SEPPs applicable to this planning proposal.

Section 117 Directions

The following section 117 Directions have been identified in the planning proposal.

2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places which have heritage significance. The Direction requires a planning proposal to include conservation provisions for items that have historical, scientific, cultural, social, archaeological, aesthetic, architectural or natural significance.

Council contends the planning proposal seeks to conserve an item of local heritage significance by listing the site under Schedule 5. The Heritage Assessment Report indicates the main property on the site is of local historic and aesthetic significance.

The planning proposal is consistent with this direction. Heritage conservation provisions under BLEP 2012 will automatically apply if the site is listed as a local heritage item, thus protecting an item of local historic and aesthetic significance.

3.1 Residential Zones

This direction encourages a wide variety of housing choice and types and the efficient use of infrastructure and services. The Direction is triggered when a planning proposal affects land within an existing or proposed residential zone.

The site is zoned R3 Medium Density Residential. The planning proposal does not seek to alter the R3 zoning or permissible uses within the zoning. However, if the site is listed as a local heritage item, provisions applicable to the site will be altered. That is, heritage conservation provisions in Clause 5.10 of the BLEP 2012 will apply to the site.

This alteration is considered to be of minor significance and does not affect the application of the R3 zone, and the inconsistency is therefore justified.

3.4 Integrating Land Use and Transport

This direction aims to improve non-car based access to housing, jobs and services, reduce travel demand and supports public transport and efficient freight movement. The direction applies when a council prepares a draft LEP that creates, alters or removes a zone or provision relating to urban land.

The planning proposal does not create, alter or remove a zoning applicable to the subject site, but it does alter a provision applying to the site. The subject site, if listed under Schedule 5, will be subject to heritage protection and heritage provisions contained under 5.10 of the BLEP 2012. The alteration only applies to protections to the site and is not considered major. The planning proposal only seeks to list the subject site as a local heritage item and does not propose any further development on the site.

The planning proposal is, therefore, not inconsistent with this direction.

4.1 Acid Sulfate Soils

The direction aims to avoid adverse environmental impacts from the use of land that contains acid sulfate soil.

The site has been identified as Class 5 Acid Sulfate soil.

The planning proposal is not inconsistent with this direction as the proposal does not intensify use on the site. The proposal only seeks to list the site as a heritage item. The proposal is consistent with this direction.

6.1 Approval and Referral Requirements

The direction seeks to improve the efficiency of development assessment by streamlining concurrence, consultation and referral requirements.

Listing the site as a heritage item will not introduce any new concurrence, consultation or referral requirements nor has the planning proposal identified any use as designated development. However, should development on the site be proposed in the future, additional requirements and considerations will have to be met, subject to clause 5.10.

Concurrence provisions already exist under clause 5.10 for works to archaeological sites and for demolition works to listed heritage items. These provisions already exist in the BLEP 2012 and would automatically apply if the site was to be listed in Schedule 5. No new provisions are being created by this proposal.

The planning proposal is consistent with this direction.

The Office of Environment and Heritage have been provided with a copy of the planning proposal for comment. No comment has been received to date.

7.1 Implementation of the Metropolitan Plan for Sydney 2036

This direction gives legal effect to the Metropolitan Plan for Sydney 2036 and planning proposals are required to detail how the objectives and actions of the plan are to be met.

Council notes the Metropolitan Plan for Sydney 2036 addresses heritage in general terms. Council states the planning proposal is consistent with the general intent of the Plan.

The Metropolitan Plan has two actions that address heritage conservation and preservation:

- Action B3.3 Provide for the protection and adaptive reuse of heritage items in centres undergoing urban renewal; and,
- Action 4.1 Identify heritage landscapes in Sydney and develop appropriate responses to plan for their protection and interpretation of the Subregional Strategies and LEPs.

Action B3.3 is not applicable as the subject site is not within an urban renewal area. The planning proposal supports Action 4.1 as it seeks to protect a local heritage item through an amendment to a LEP and the proposal takes into consideration the heritage streetscape.

The planning proposal is consistent with this direction, as it does not conflict with the implementation of the Metropolitan Plan.

Draft Inner West Subregional Strategy

Under the draft Inner West Subregional Strategy, Action E6.2 seeks to 'recognise where Sydney's cultural heritage contributes to its character and manage change appropriately to reinforce local distinctiveness'. The planning proposal is consistent with this action, as the proposal seeks to preserve a local heritage item and, by doing so, protects the streetscape in a heritage-dense area.

Draft Metropolitan Strategy for Sydney to 2031

The draft Metropolitan Strategy for Sydney 2031 includes two actions for the protection of heritage items. The following actions are outlined in the draft Metropolitan Strategy:

- Action 7.3: Identify significant heritage precincts to inform future planning
- Action 7.4: Work with local councils to facilitate heritage protection schemes

The planning proposal is not inconsistent with these actions. The site is located in close proximity to other listed heritage items and large Heritage Conservation Areas.

The site's location may assist Council with future heritage planning. The proposal supports Action 7.4, as Council are protecting a local heritage item.

NSW Heritage Assessment Criteria

The NSW Heritage Council has developed an evaluation criterion for the assessment

and determination of potential heritage items. The Preliminary Heritage Assessment Report contains an evaluation of the site against the 7 criteria. The assessment's response follows each criteria:

a. An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area);

The report states the site and building is of local historical significance as it demonstrates the pattern of Federation subdivision and architecture.

b. An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area);

The report states the site (and the local area) is associated with local land speculators (including the Wyatt Brothers) and the site has a link to a former State and Federal politician, EG Theodore.

c. An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the cultural or natural history of the local area);

The building is of aesthetic significance as it is an example of Federation style development. Much of the original architectural design and features have remained intact, despite some alterations in 1985. The report suggests the front, original section of the building contributes to the streetscape on Wyatt Avenue.

d. An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reason;

The report notes the building does not have a particular association with a social or cultural group.

e. An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area);

It is unlikely that the building will reveal or contribute archaeological information; although the front original section may assist in understanding building techniques in the Federation era.

f. An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area);

The report contends Federation style buildings are not rare.

g. An item is important in demonstrating the principal characteristics of a class in NSW's:

- Cultural or natural places; or
- Cultural or natural environs.

The front, original section of the building represents Federation style architecture and development.

BURWOOD 2030 COMMUNITY STRATEGIC PLAN

The Burwood 2030 Community Strategic Plan contains three specific goals for preserving local heritage items:

- 1.5.1 Preserve Burwood's diverse heritage and provide more information on the history of the area;
- 1.5.4 Identify ways to promote heritage and encourage the preservation of Burwood's historic buildings; and,
- 5.4.1 Preserve local heritage through relevant planning strategies.

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The planning proposal is consistent with these actions. The proposal seeks to preserve a building of local heritage significance. The proposal demonstrates particular consistency with Goal 5.4.1, as it seeks to preserve a local heritage item through an amendment to the BLEP 2012.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : All maps are adequate. Mapping provided clearly identifies the site and indicates the applicable development controls (including heritage items and conservation areas) under the BLEP 2012.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council are proposing to exhibit the planning proposal for a period of 14 days in accordance with standard exhibition and notification procedures.

A 14 day notification period has been requested due to the low impact of the proposal.

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 : The planning proposal submitted by Council is considered adequate.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Assessment Criteria

Need for planning
proposal : The planning proposal reflects Council's intention to preserve a local heritage item. A planning proposal is required to incorporate the site as a local heritage item and the proposal is supported by Council. The preliminary Heritage Assessment Report also identifies a number of heritage features of the building, which warrants formal protection.

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Consistency with strategic planning framework :

The planning proposal is consistent with NSW strategic planning framework. The strategic planning framework contains a limited number of directions on heritage conservation. However, the planning proposal is not inconsistent with these objectives and actions.

Council states the planning proposal is consistent with the draft subregional and metropolitan strategies. In particular, Council demonstrates the proposal is consistent with Action 6.2 of the Inner West Subregional Strategy. This action requires identification of cultural heritage assets and the management of local change and Council contends the planning proposal is in line with this action. The draft subregional strategy also recognises that the inner west has experienced significant waves of development, resulting in an eclectic mix of housing types. Council argue the listing of the subject site as a local heritage item will protect and conserve an early form of housing in Burwood.

The proposal also demonstrates consistency with local strategic plans, namely the Burwood 2030 Community Strategic Plan. The proposal is consistent with the general directions under "A Sense of Community" which provides for heritage protection and particularly, Strategic Goal 1.5.4 Identify ways to promote heritage and encourage the preservation of Burwood's historic buildings.

Environmental social economic impacts :

The planning proposal will not adversely affect any critical habitat or threatened species, populations or ecological communities and their habitats.

Assessment Process

Proposal type : Minor Community Consultation Period : 14 Days

Timeframe to make LEP : 6 months Delegation : RPA

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

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

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Tag A - Delegation Checklist.pdf	Proposal Covering Letter	Yes
Tag B - Planning Proposal.pdf	Proposal	Yes
Tag C - Preliminary Heritage Assessment.pdf	Study	Yes
Tag D - Satellite Image for 18 Wyatt Avenue Burwood.pdf	Map	Yes
Tag E - Land Zoning Map.pdf	Map	Yes
Tag F - Heritage Map.pdf	Map	Yes

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 the Metropolitan Plan for Sydney 2036

Additional Information : **Recommended to proceed with the following conditions:**
 • The planning proposal is to be publicly exhibited for 14 days;
 • External consultation with the Office of Environment and Heritage to be undertaken;
 • The planning proposal is to be completed within six months of the Gateway
 Determination.

Supporting Reasons : **The proposal for 18 Wyatt Avenue, Burwood to be listed as a local heritage item is
supported and will assist in preserving an item of local significance.**

Signature: _____



Printed Name: _____

Diane Sarkies

Date: _____

24/10/14

