



**INNER WEST COUNCIL**

# Planning Proposal

73 & 73A The Boulevarde, Dulwich Hill

September 2018

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# Planning Proposal

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## INTRODUCTION

This Planning Proposal has been prepared by the Inner West Council to explain the intent of and justification for an amendment to *Marrickville Local Environmental Plan 2011* (MLEP 2011) to list 73 and 73A The Boulevarde, Dulwich Hill, as items of environmental heritage on Schedule 5.

The heritage significance of 73 The Boulevarde, Dulwich Hill was investigated in response to the imminent threat associated with a development application (DA) to demolish a house and construct a four storey residential flat building. Council undertook a preliminary heritage assessment, which concluded it was likely, on further inquiry or investigation, to be found to be of local heritage significance. An Interim Heritage Order (IHO) was Gazetted on 23 March 2018 to protect the property, while the heritage assessment was being undertaken. Council engaged a heritage consultant (Robertson & Hindmarsh) to provide an expert heritage assessment. The heritage assessment report established that the house at 73, as well as the adjoining house at 73A The Boulevarde, Dulwich Hill, meets the NSW Office of Environment and Heritage's criteria for local heritage significance and recommended both properties being heritage listed. On the 28 August 2018 the proposed Planning Proposal was required to be considered by the Inner West Local Planning Panel (Panel) to advise Council, who supported the listing. On the same day the matter was considered by Council at which it was resolved to proceed with this Planning Proposal.

This Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (the Act) and the Department of Planning and Environment's documents '*A guide to preparing planning proposals*' and '*A guide to preparing local environmental plans*'.

## BACKGROUND

A DA (DA201800049) was lodged with Council, to demolish the house and existing improvements at 73 The Boulevarde, Dulwich Hill and to construct a 4 storey residential flat building with basement parking, on 5 February 2018. The adjoining neighbour at 73A The Boulevarde, Dulwich Hill objected to the proposal and included in their submission a heritage assessment prepared by Sue Rosen Associates, which they had commissioned. This heritage assessment considered 73 and 73A The Boulevarde, Dulwich Hill to have a high degree of local historical significance and recommended that the individual heritage status of 73 and 73A The Boulevarde be reassessed with a view to their entry onto Schedule 5 of the Inner West Council's relevant local environment plan, as local heritage items. Also given the consistency of the identified qualities of The Boulevarde between 73A and 104 The Boulevarde and Eltham Street, to the nearby Lewisham Conservation Area, this heritage assessment recommended that consideration be given to the inclusion of the area in the heritage conservation area (HCA). The owner of 73A The Boulevarde, Dulwich Hill informed Council that they supported their property being heritage listed and included in a HCA.

In response to the imminent threat associated with the DA and the potential heritage significance, Council undertook a preliminary heritage assessment. The preliminary heritage assessment concluded it was likely, on further inquiry or investigation, to be found to be of local heritage significance. It also concluded that without imposing an IHO, Council cannot protect 73 The Boulevarde, Dulwich Hill from demolition, which could be demolished under a Complying Development Certificate. Accordingly, it recommended imposing an IHO to ensure the house was

protected, while further research was carried out on the heritage significance of the property. A recommendation was made to the General Manager for an IHO to be placed on the property and this was Gazetted on 23 March 2018. A copy of the Gazetted IHO is included as **ATTACHMENT 1** to this Planning Proposal.

Under the terms of the IHO, it lapsed six months from the date that it was made (by 23 September 2018), unless Council passed a resolution to place the item on the heritage schedule of the MLEP 2011.

Council engaged a heritage consultant (Robertson & Hindmarsh) to provide an expert heritage assessment, included as **ATTACHMENT 2** to this Planning Proposal. The heritage assessment report established that the house at 73, as well as the adjoining house at 73A The Boulevard, Dulwich Hill, meets the NSW Office of Environment and Heritage's criteria for local heritage significance and recommends both properties being heritage listed.

The affected owner (the proponent of the DA at 73 The Boulevard, Dulwich Hill) made an appeal to the Land and Environment Court (Court) against the making of an IHO by Council. The Commissioner's judgment determined that the dwelling is likely, on further inquiry or investigation, to be found to be of local heritage significance and therefore that the IHO should remain. Accordingly, the Court ordered that the appeal be dismissed. The Commissioner's judgement can be viewed at the following link:

<https://www.caselaw.nsw.gov.au/decision/5b624595e4b0b9ab4020e4bf>

In response to matters raised in the heritage assessments prepared by the consultants for the DA Applicant, forming part of the Land and Environment Court proceedings, the expert heritage consultant Council engaged (Robertson & Hindmarsh) also provided a further letter, providing further documentary evidence and refutes contentions from these heritage assessments, included as **ATTACHMENT 3**.

The Planning Proposal was required to be referred to Council's Panel for advice to Council in accordance with the Local Planning Panel Direction – Planning Proposals, and was reported to the 28 August 2018 Meeting, on the same day before the Council Meeting. The proponent's heritage consultant prepared heritage comments and spoke on the matter, as did Council's planning officer and Council's heritage advisor. The unanimous decision of the Panel was that:

*The Panel supports the listing of 73 and 73A The Boulevard, Dulwich Hill, as items of Environmental Heritage on Schedule 5 of Marrickville Local Environmental Plan 2011 as proposed in the Council's assessment report.*

*The reasons for the Panel's decision are listed below:*

*The Panel accepts the findings and recommendations in Council's planning proposal assessment report. In addition the Panel:*

- (i) Notes that the mission interior is found in other heritage listed homes which suggest that it is worthy of being listed.*
- (ii) Notes that the other examples in the report of Mr Stephen Davies are not from the interwar period.*
- (iii) Notes that the other examples in the report of Mr Stephen Davies are not in the local area which suggests that the mission interior is rare in the local area.*

The report and minutes of the Panel are included as **ATTACHMENT 4** to this Planning Proposal.

The matter was reported to the 28 August 2018 Council Meeting, at which it was resolved:

*THAT Council:*

Consider the advice from the Inner West Local Planning Panel in relation to 73 and 73A The Boulevarde, Dulwich Hill. Subject to Council's consideration of this advice:

- a) resolve to include 73 The Boulevarde, Dulwich Hill (Lot 1 DP 301656) in Schedule 5 of the Marrickville Local Environmental Plan 2011 as a local item of environmental heritage. The listing is to include the interiors of the intact rooms, including the inglenook;
- b) resolve to include 73A The Boulevarde, Dulwich Hill (Lot X DP 411590) in Schedule 5 of the Marrickville Local Environmental Plan 2011 as a local item of environmental heritage. The listing is to include the front garden, path & fence, the exterior of the front section of the house (in front of the first floor addition); and the interior of the front section of the house (including the interiors of the intact rooms, including the ceilings and fireplaces);
- c) submit the planning proposal and the advice of the Inner West Local Planning Panel to the Minister for Planning for a Gateway determination to include Nos. 73 and 73A The Boulevarde, Dulwich Hill as items of environmental heritage in Schedule 5 of the Marrickville Local Environmental Plan 2011, in accordance with Section 3.34 of the Environmental Planning & Assessment Act 1979;
- d) requests that delegated plan making functions be granted in relation to the planning proposal; and
- e) publicly exhibit the planning proposal following a Gateway determination being issued.

The report and minutes of the Council are included as **ATTACHMENT 5** to this Planning Proposal.

## **SITE DESCRIPTION**

### **Site Location and Description**

The sites that the Planning Proposal relates to are 73 The Boulevarde, Dulwich Hill (Lot 1 DP 301656), having a site area of 662 m<sup>2</sup>, and 73A The Boulevarde, Dulwich Hill (Lot X DP 411590), having a site area of 621 m<sup>2</sup>. The sites are located on the eastern side of The Boulevarde between Eltham Street to the north-east and Pigott Street to the south-west.

No. 73 The Boulevarde contains a part 1, part 2 storey dwelling house setback substantially from the street (approximately 10m) in which there is a large Norfolk Pine tree. A carport is located in front of the building line. There is a narrow driveway along the southern side of the dwelling connecting to a rear garage. The rear yard also includes a pergola at the back of the house, paved area, and a swimming pool.

73A The Boulevarde contains a part 1, part 2 storey dwelling house, setback approximately 5m from the front boundary. There is a driveway along the northern side of the dwelling connecting to a rear garage with roof deck. The rear yard also includes a pergolas at the back of the house, lawn area and a swimming pool.

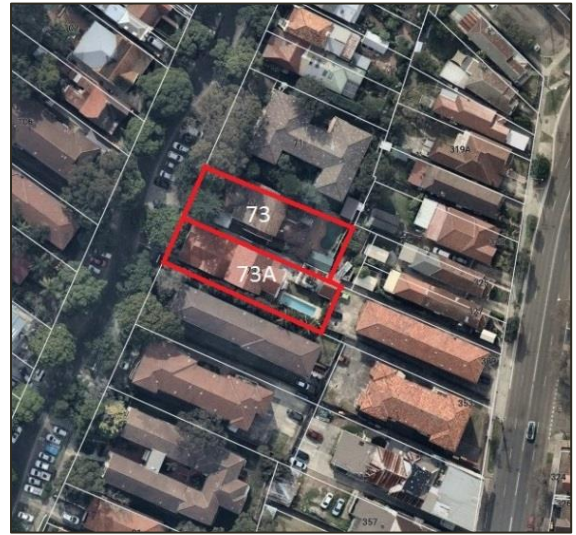


Fig. 1 & 2 – Cadastre and aerial location maps for 73 & 73A The Boulevard, Dulwich Hill



Fig. 3 – Photograph of 73 The Boulevard, Dulwich Hill



Fig. 4 – Photograph of 73A The Boulevard

### ***Adjacent and surrounding development***

To the north-east of the sites at 71 The Boulevard, there is a face brick three storey residential flat building (RFB) above semi-basement car parking. This site contains mature trees along the approximately 9m front setback, as well as the side setback adjoining the subject site.

To the south-west of the sites at 75 The Boulevard, there is a face brick four storey RFB, with three storeys housing above one storey of ground level car parking.

To the east (rear) of the sites addressed to New Canterbury Road are a mix of dwelling houses heading to the north-east along New Canterbury Road and RFBs heading south-west along New Canterbury Road.

To the west of the sites, across The Boulevard, are a mix of dwelling houses and RFBs.

The broader streetscape of this section of The Boulevard includes wide landscaped footpaths containing mature trees, as well as hard stand car spaces on the deep verges moving from one side to the other, created by an altered street configuration that meanders from side to side. The housing is a mix of one and two storey dwelling houses and two to four storey RFBs, with dwelling houses predominant to the north-east and RFBs predominant to the south-west.



Fig. 5 – Photograph of the RFB to the north-east (71 The Boulevard, Dulwich Hill)



Fig. 6 – Photograph of the RFB to the south-west (75 The Boulevard, Dulwich Hill)





Fig. 7 – Photograph of the mix of dwelling houses and RFBs to the east (rear)



Fig. 8 – Photograph of the mix of dwelling houses and RFBs west of The Boulevard



Fig. 9 – Photograph of the broader The Boulevard streetscape

### ***Current Planning Controls***

Both properties are currently zoned R1 General Residential under the MLEP 2011 Land Zoning Map and are designated as Code N, which equates to a maximum building height of 14m, under the MLEP 2011 Height of Buildings Map. Under the MLEP 2011 Floor Space Ratio (FSR) Map the properties are designated as Code F, which equates to a maximum 0.6:1 FSR. However, under Clause 4.4 (2A) a variable FSR applies for dwelling houses, being 0.5:1 for each of the subject properties, as they have greater than 400 m<sup>2</sup> area. Also, under Clause 4.4 (2B), a maximum 0.85:1 FSR is allowed for RFBs. Under the MLEP 2011 Heritage Map there are no heritage items or heritage conservation area (HCA) close to the properties. However, the Lewisham Estate HCA (labelled C26) is located to the north and south, the Hoskins Park and Environs (Dulwich Hill) HCA (labelled C36) is located to the west and the Dulwich Hill Commercial Precinct HCA (labelled C28) is located to the south.

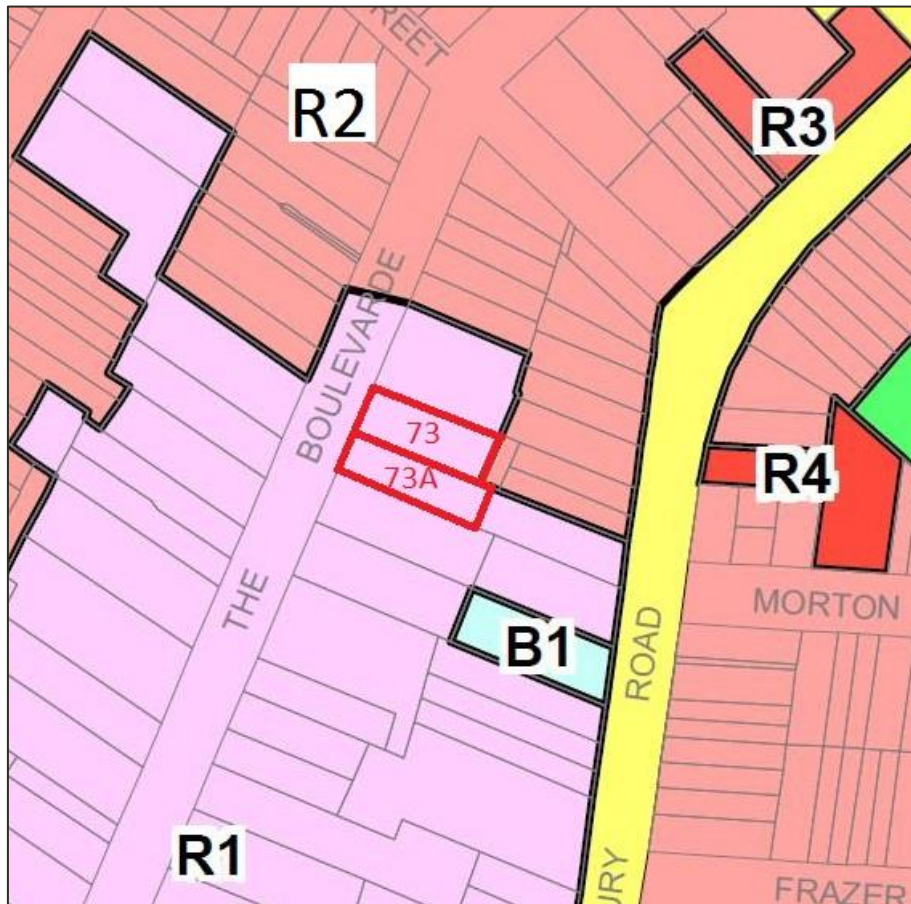


Fig. 10 – MLEP 2011 Zoning Map



Fig. 11 – MLEP 2011 Height of Buildings Map

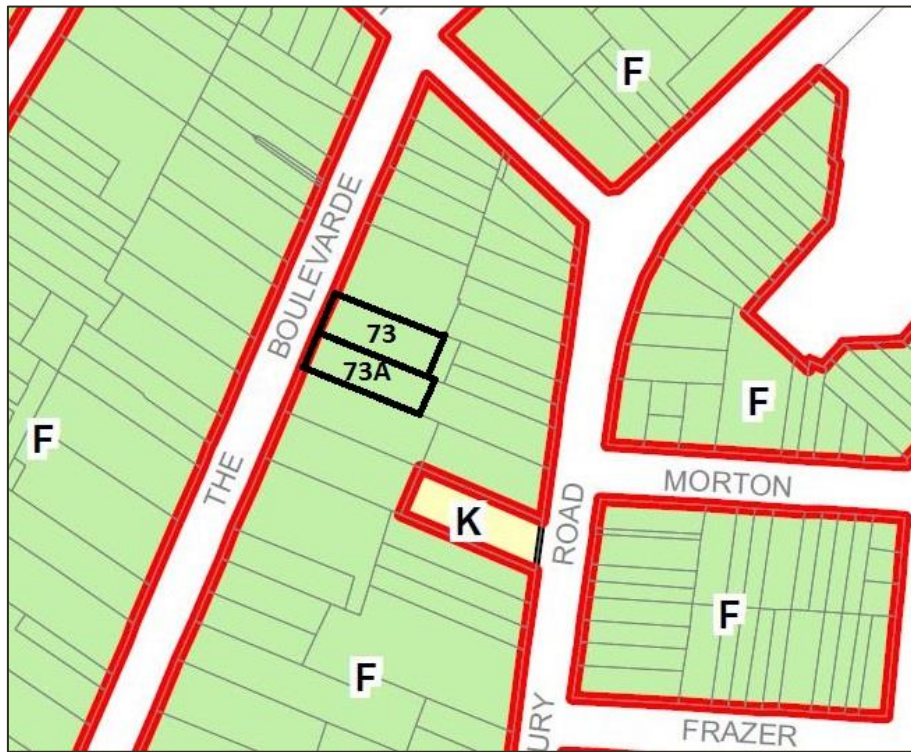


Fig. 12 – MLEP 2011 FSR Map

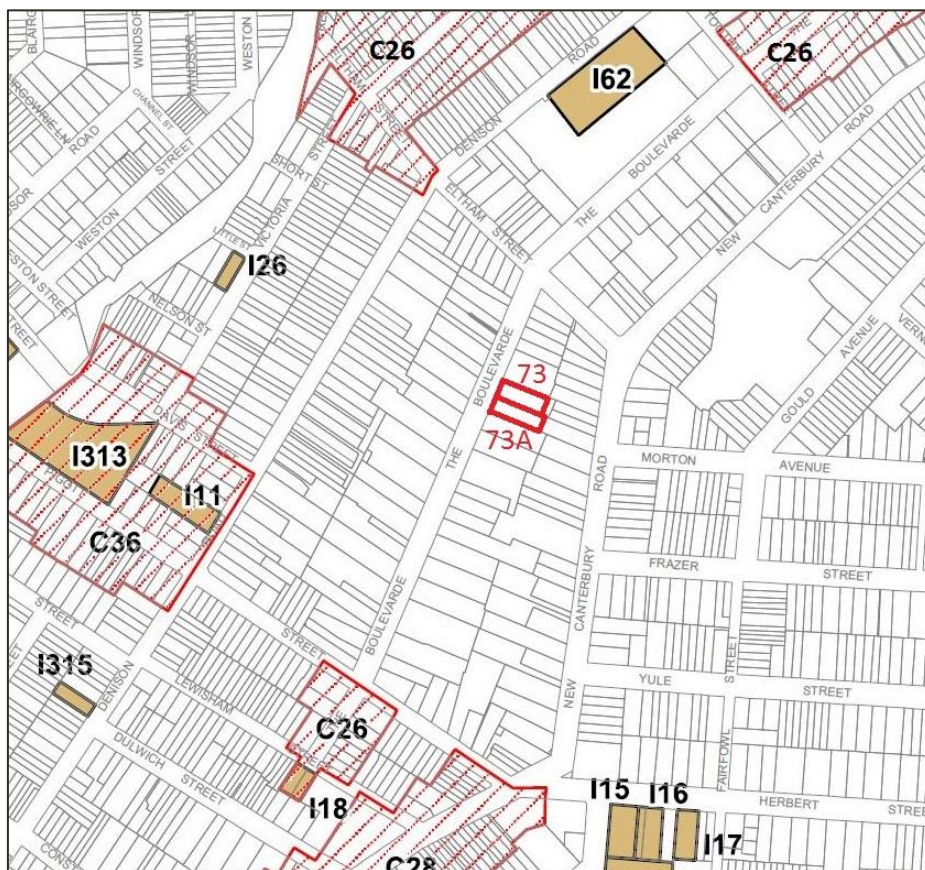


Fig. 13 – MLEP 2011 Heritage Map

## PART 1 - OBJECTIVES AND INTENDED OUTCOMES

### Objectives:

The objective of this Planning Proposal is to amend MLEP 2011, to list 73 and 73A The Boulevarde, Dulwich Hill as items of environmental heritage on Schedule 5.

### Outcomes:

The outcome of this Planning Proposal is to conserve the local environmental heritage in the local government area by conserving the heritage significance of identified local heritage items, including associated fabric, settings and views.

## PART 2 - EXPLANATION OF PROVISIONS

### *Marrickville Local Environmental Plan 2011*

To achieve the intended outcomes, this Planning Proposal seeks to amend the Marrickville Local Environmental Plan 2011 as follows:

- include 73 The Boulevarde, Dulwich Hill (Lot 1 DP 301656) and 73A The Boulevarde, Dulwich Hill (Lot X DP 411590) in Schedule 5 of the Marrickville Local Environmental Plan 2011 as a local items of environmental heritage.

The final clause to be inserted into Schedule 5 Part 1 would be subject to drafting and agreement by Parliamentary Counsel's Office but may be written as follows:

After the listing of Heritage Item No. I25 Waratah Flour Mills, insert as follows:

| Locality     | Item name   | Address            | Property description | Significance | Item No. |
|--------------|---|--------------------|----------------------|--------------|----------|
| Dulwich Hill | Interwar bungalow' —“Bertsonie”, including inglenook and interiors and Norfolk Island pine tree in the front garden | 73 The Boulevarde  | Lot 1 DP 301656      | Local        | I392     |
| Dulwich Hill | Interwar bungalow, including ceilings, fireplaces and interiors and front garden, path and fence                    | 73A The Boulevarde | Lot X DP 411590      | Local        | I393     |

## PART 3 - JUSTIFICATION

### Section A - Need for the planning proposal

#### Q1. Is the planning proposal a result of any strategic study or report?

The Planning Proposal has come about due to the heritage significance being investigated in response to the imminent threat associated with a DA for 73 The Boulevarde, to demolish a house and construct a four storey residential flat building, rather than from a broader heritage study.

Council undertook a preliminary heritage assessment, which concluded it was likely, on further inquiry or investigation, to be found to be of local heritage significance. An Interim Heritage Order (IHO) was Gazetted on 23 March 2018 to protect the property, while the heritage assessment was being undertaken. Council engaged a heritage consultant (Robertson & Hindmarsh) to provide an expert heritage assessment.

#### Heritage Item Assessment

The heritage assessment report identifies the following statements of significance:

##### Statement of Significance for No. 73 The Boulevarde, Dulwich Hill

*No. 73 The Boulevarde, Dulwich Hill ("Bertsonie") is of historical significance at a Local level as an example of an interwar bungalow that constituted an important component in the infill development of the inner west suburbs (in between earlier Victorian and Federation houses) as well as being the result of the demolition of larger houses and subdivision of their grounds. The ground floor plan remains almost intact and the original room uses are evident and so the house still allows an interpretation of the historic uses of the rooms and an understanding of the way of life. The survival of the original milk and bread delivery box is also significant in being a physical manifestation of a food supply system that is no longer extant but is of historical and social importance. The survival of the 1920s asbestos cement-clad garage is of significance as tangible physical evidence of the spread of car ownership in the interwar period.*

*No 73 The Boulevarde, Dulwich Hill is of aesthetic significance at a Regional level because of the intact nature of the decorative ceilings, joinery, wall panelling and flooring in the Entry Vestibule, Cross Hall, Living Room, Dining Room, and Bedrooms 1, 2 & 3 are excellent examples of the application of Gustav Stickley's Craftsman houses to the Australian upper middle-class mass housing context. The intact inglenook is particularly rare in any housing in Australia, let alone suburban housing. Intact Craftsman interiors of this quality and size are rare in the Sydney context and rare in the speculative housing market.*

##### Statement of Significance for No. 73A The Boulevarde, Dulwich Hill

*No 73A The Boulevarde, Dulwich Hill is of historical significance at a Local level as an example of an interwar bungalow that constituted an important component in the infill development of the inner west suburbs (in between earlier Victorian and Federation houses) as well as being the result of the demolition of larger houses and subdivision of their grounds. The front portion of the ground floor plan remains almost intact and the original room uses are evident in this section.*

*No 73A The Boulevarde, Dulwich Hill is of social significance as an example of the work of builder/developer, William Mitchell, who developed, financed and let houses in the wider Sydney area.*

*No 73A The Boulevarde, Dulwich Hill is of aesthetic significance at a Local level because of the intact nature of the decorative ceilings, fireplaces and joinery in the front section of the house as applied to a house intended for the upper middle class mass housing market.*

Accordingly, the heritage assessment report has established that the house at 73, as well as the adjoining house at 73A The Boulevarde, Dulwich Hill, meets the NSW Office of Environment and Heritage's criteria for local heritage significance and recommended both properties being heritage listed in Schedule 5 of MLEP 2011.

### **Heritage Conservation Area Alterations**

In regards to potential alterations to Council's HCAs, the heritage assessment evaluates that:

*The report by Sue Rosen Associates suggested that both Nos 73 & 73A The Boulevarde could be incorporated into an expanded Lewisham Heritage Conservation Area including Eltham Street. The housing in Eltham Street, and extending part of the way into the adjacent streets of The Boulevarde and Denison Road is primarily of the Victorian period and the houses have a consistency of form and, in most cases, of detailing that warrants further investigation by Inner West Council for a possible new Heritage Conservation Area or an addition to an existing Heritage Conservation Area. However, the two houses at Nos 73 & 73A The Boulevarde are interwar bungalows which is of a different period of construction and architectural style than the majority of the area surrounding Eltham Street. Whilst one of the characteristics of the Lewisham Heritage Conservation Area is a mixture of nineteenth and twentieth century architectural styles and building forms the consistency of the housing in the Eltham Street area may preclude the inclusion of these two interwar bungalows. Moreover, the two houses at Nos 73 & 73A The Boulevarde are separated from the Victorian period housing by a 1960s three-storey block of flats at No 71 The Boulevarde.*

*However, it is recommended that Council investigate the possibility of the two houses being listed as a small group (including interiors but excluding the non-original additions).*

The heritage assessment concludes that:

*It is recommended that Council investigate the creation of a Heritage Conservation Area centred on Eltham Street, Dulwich Hill. Refer to the attached map of the area for a suggested area for further investigation and evaluation.*

*It is not recommended that Nos 73 & 73A The Boulevarde, Dulwich be included in any expanded or new Heritage Conservation Area but they be investigated for listing as a small group (including the interiors but excluding the modern additions).*

The investigations of the creation of potential amendment or additional HCAs will be considered as part of the new local environment plan and development control plan project for the Inner West Council and does not form part of this Planning Proposal.

### **Q2. 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 the objectives or intended outcomes. The listing of the properties in Schedule 5 of MLEP 2011 is the only way to ensure the heritage significance of the property, particularly the significant interiors, are conserved. Without the listing, Council cannot protect the property from demolition, which could be demolished under a Complying Development Certificate. If they were only included in a HCA, the interior could be altered as Minor building alterations (internal) under State Environmental Planning Policy (Exempt and Complying Development Code) 2008.

## Section B - Relationship to strategic planning framework

**Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?**

### A PLAN FOR GROWING SYDNEY

A Plan for Growing Sydney was released in December 2014 and outlines the State Government's vision for Sydney over the next 20 years. It identifies key challenges facing Sydney including a population increase of 1.6 million by 2014, 689,000 new jobs and a requirement of 664,000 new homes. The Plan provides direction for Sydney's productivity, environmental management, and liveability; and for the location of housing, employment, infrastructure and open space.

Consistency with the Plan is outlined in the table below:

**Table 1: Consistency with A Plan for Growing Sydney**

| Direction   | Response  |
|---|---|
| <b>GOAL 3: A great place to live with communities that are strong, healthy and well connected</b> |   |
| Direction 3.4 : Promote Sydney's heritage, arts and culture                                       | The protection of these two ' <i>interwar bungalows</i> ', including the substantially intact interiors and external landscape and setting, will contribute to the conservation of Sydney's housing heritage and will allow for future education and promotion of this. |

Accordingly, the Planning Proposal is consistent with *A Plan for Growing Sydney*.

### GREATER SYDNEY REGION PLAN

The Greater Sydney Commission released the final Greater Sydney Region Plan in March 2018. It sets out a vision, objectives, strategies and actions for a metropolis of three cities that will rebalance growth and deliver its benefits more equally and equitably to residents across Greater Sydney.

The Plan is based on a vision where the people of Greater Sydney live within 30 minutes of their jobs, education and health facilities, services and great places. The vision seeks to meet the needs of a growing population by transforming Greater Sydney into a metropolis of three cities - the Western Parkland City, the Central River City and the Eastern Harbour City.

The Plan presents opportunities to:

- Enhance Greater Sydney's natural and built environment;
- Create more liveable neighbourhoods and well connected and resilient communities;
- Better connect people with opportunities for education, housing and jobs across Greater Sydney;
- Leverage unprecedented infrastructure investment and provide the right transport connections across the city and within neighbourhoods;
- Elevate Greater Sydney from a top 20 to a top 10 global city.

Consistency with the directions and objectives of the Plan is outlined below:



**Table 2: Consistency with the Greater Sydney Region Plan**

| Objective  | Response   |
|--|--|
| <b>Direction 3: A city for people</b>  |  |
| Objective 8: Greater Sydney's communities are culturally rich with diverse neighbourhoods. | The protection of these two ' <i>interwar bungalows</i> ', including the substantially intact interiors and external landscape and setting, will contribute to the conservation of the Region's rich and diverse housing heritage.   |
| <b>Direction 5: A city of great places</b>   |  |
| Objective 13: Environmental heritage is identified, conserved and enhanced.                | The protection of these two ' <i>interwar bungalows</i> ', including the substantially intact interiors and external landscape and setting, will conserve the environmental heritage and allow understanding of how we dwelled in the past.                                  |
| <b>Direction 8: A city in its landscape</b>  |  |
| Objective 28: Scenic and cultural landscapes are protected.                                | The listing of the two ' <i>interwar bungalows</i> ', including the Norfolk Island pine tree in the substantial front setback of No. 73 The Boulevard set in the broader 'leafy' The Boulevard streetscape, will ensure the protection of the scenic and cultural landscape. |

Accordingly, the Planning Proposal is consistent with the *Greater Sydney Region Plan*.

#### EASTERN CITY DISTRICT PLAN

The Greater Sydney Commission released the final Eastern City District Plan in March 2018. This Plan sets out planning priorities and actions for the development of the Eastern City District.

The Eastern City District covers the Bayside, Burwood, City of Sydney Canada Bay, Inner West, Randwick, Waverley and Woollahra local government areas. The plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. It guides the implementing of the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

The plan establishes a 40-year vision for the Eastern City to be a greater sustainability leader, managing growth while maintaining and enhancing the district's liveability, productivity and attractiveness for residents and visitors. Priorities and associated actions for productivity, liveability and sustainability seek to deliver this vision.

Consistency with the Planning Priorities and Actions of this Plan is outlined below:

**Table 3: Consistency with the Eastern City District Plan**

| Priority  | Response   |
|---|--|
| <b>Direction 5: A city of great places</b>  |  |
| Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage. | The protection of these two ' <i>interwar bungalows</i> ', including the substantially intact interiors and external landscape and setting, will respect the District's residential heritage.  |
| <b>Direction 8: A city in its landscape</b>   |  |
| Planning Priority E16: Protecting and enhancing scenic and cultural landscapes.                                     | The listing of the two ' <i>interwar bungalows</i> ', including the Norfolk Island pine tree in the substantial front setback of No. 73 The Boulevard set in the broader 'leafy' The Boulevard streetscape, will ensure the protection of the scenic and cultural landscape. |

Accordingly, the Planning Proposal is consistent with the *Eastern City District Plan*.

#### STRATEGIC MERIT TEST

'A guide to preparing planning proposals' established Assessment Criteria to be considered in justification of a planning proposal.

Consistency of the Planning Proposal against the criteria is outlined in the table below:

**Table 4: Consistency with the Assessment Criteria**

| Criteria  | Assessment  |
|---|---|
| <b>Does the proposal have strategic merit? Is it:</b>   |   |
| Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment. | Yes, the Planning Proposal is consistent with the Region and District Plan as assessed above. The site is not located within any corridor/precinct plans or draft corridor/precinct plans.  |
| Consistent with relevant local council strategy that has been endorsed by the Department  | Council has not prepared a local strategy for the Inner West Council, however, the Planning Proposal is consistent with the Marrickville Urban Strategy, the most recent council strategy of the former Marrickville Council, that outlined that " <i>heritage is highly valued in Marrickville and presents a development constraint given the desire to retain this value</i> ". Despite being zoned R1 General Residential, which permits residential flat buildings, this R1 zoned area was not a new area identified to accommodate renewal, it was a roll over from the previous Marrickville LEP 2001, reflecting the area |

|   |   |
|---|---|
|   | predominantly containing existing residential flat buildings, which were predominantly built in 1960-1970s.   |
| Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls  | There is no change in circumstances, infrastructure or demographics that are relevant.  |
| <b>Does the proposal have site-specific merit, having regard to the following:</b>  |   |
| The natural environment (including known significant values, resources or hazards)  | The proposed listing of No. 73 The Boulevard is to include protection of the Norfolk Island pine tree.  |
| The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal  | As above, while zoned to permit residential flat buildings, the listing of the properties is in an area not currently identified for any major renewal, therefore the listing will not alter strategic directions. In any case, the proposed listing is due to the specific heritage significance of the properties, rather than consideration of existing, approved or likely future uses of land in the vicinity of the proposal. |
| The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision. | This is not applicable.   |

**Q4. Is the planning proposal consistent with a council's strategy or other local strategic plan?**

The local strategies and plans which are relevant to the Planning Proposal, are considered below:

INNER WEST COMMUNITY STRATEGIC PLAN - *OUR INNER WEST 2036* (IWCS 2036)

The IWCS 2036 identifies the community's vision for the future, long-term goals, strategies to get there and how to measure progress towards that vision and it:

- Informs the strategic decision-making that will shape our future community and environment
- Protects and enhances the community's values and everything that makes Inner West unique
- Paves the way for the future by anticipating change and the impacts of that change on the community, economy and environment
- Achieves inclusivity, sustainability, accountability and innovation in service delivery

The table below outlines the relevant goals of this Plan for the subject planning proposal.

Table 5: Consistency with IWCS 2036

| Outcomes  | Strategies   | Comment   |
|---|--|---|
| <b>Strategic direction 2: Unique, liveable, networked neighbourhoods</b>                |  |   |
| <b>2.2 The unique character and heritage of neighbourhoods is retained and enhanced</b> | 1. Provide clear and consistent planning frameworks and processes that respect heritage and the distinct characters of urban villages<br><br>2. Manage change with respect for place, community history and heritage | The protection of these two ' <i>interwar bungalows</i> ', including the substantially intact interiors and external landscape and setting, will conserve the environmental heritage and allow understanding of how we dwelled in the past. |

**Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

This Planning Proposal does not contain provisions that would contradict or hinder application of any SEPPs.

**Q6. Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?**

This Planning Proposal has been assessed against each Section 117 Direction. Consistency with these Directions is shown in the table below.

Table 6: Consistency with Section 117 Directions

| Direction                       | Consistency  | Comment   |
|---------------------------------|--|---|
| <b>Employment and Resources</b> |  |   |
| 1.1                             | Business and Industrial Zones                          | N/A   |
| 1.2                             | Rural zones  | N/A   |
| 1.3                             | Mining, Petroleum Production and Extractive Industries | N/A   |
| 1.4                             | Oyster Aquaculture                                     | N/A   |
| 1.5                             | Rural Lands  | N/A   |
| <b>Environment and Heritage</b> |  |   |
| 2.1                             | Environment Protection Zones                           | N/A   |
| 2.2                             | Coastal Protection                                     | N/A   |
| 2.3                             | Heritage Conservation                                  | Y<br><br>This planning proposal has been undertaken to conserve these two ' <i>interwar bungalows</i> ', including the substantially intact interiors and |

|   |   |     |                                 |
|---|---|-----|---------------------------------|
|   |   |     | external landscape and setting. |
| 2.4   | Recreation Vehicle Areas  | N/A |                                 |
| 2.5   | Application of E2 and E3 zones and Environmental Overlays in Far North Coast LEPs | N/A |                                 |
| <b>Housing Infrastructure and Urban Development</b> |   |     |                                 |
| 3.1   | Residential Zones   | N/A |                                 |
| 3.2   | Caravan Parks and Manufactured Home Estates                                       | N/A |                                 |
| 3.3   | Home Occupations  | N/A |                                 |
| 3.4   | Integrating Land Use and Transport  | N/A |                                 |
| 3.5   | Development Near Licensed Aerodromes  | N/A |                                 |
| 3.6   | Shooting Ranges   | N/A |                                 |
| <b>Hazard and Risk</b>                              |   |     |                                 |
| 4.1   | Acid Sulphate Soils   | N/A |                                 |
| 4.2   | Mine Subsidence and Unstable Land   | N/A |                                 |
| 4.3   | Flood Prone Land  | N/A |                                 |
| 4.4   | Planning for Bushfire Protection  | N/A |                                 |
| <b>Regional Planning</b>                            |   |     |                                 |
| 5.1   | Implementation of Regional Strategies   | N/A |                                 |
| 5.2   | Sydney Drinking Water Catchments  | N/A |                                 |
| 5.3   | Farmland of State and Regional Significance on the NSW Far North Coast            | N/A |                                 |
| 5.4   | Commercial and Retail Development along the Pacific Highway, north Coast          | N/A |                                 |
| 5.8   | Second Sydney Airport: Badgerys Creek   | N/A |                                 |
| 5.9   | North West Rail Link  | N/A |                                 |

|                              |   |     |                         |
|------------------------------|---|-----|-------------------------|
|                              | Corridor Strategy   |     |                         |
| 5.10                         | Implementation of Regional Plans  | N/A |                         |
| <b>Local Plan Making</b>     |   |     |                         |
| 6.1                          | Approval and Referral Requirements  | N/A |                         |
| 6.2                          | Reserving Land for Public Purposes  | N/A |                         |
| 6.3                          | Site Specific Provisions  | N/A |                         |
| <b>Metropolitan Planning</b> |   |     |                         |
| 7.1                          | Implementation of a Plan for Growing Sydney   | N/A | Refer to Section B, Q3. |
| 7.2                          | Implementation of Greater Macarthur Land Release Investigation  | N/A |                         |
| 7.3                          | Parramatta Road Corridor Urban Transformation Strategy  | N/A |                         |
| 7.4                          | Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan                 | N/A |                         |
| 7.5                          | Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | N/A |                         |

### ***Section C - Environmental, Social and Economic Impact***

**Q7. 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 will be no physical change as part of this planning proposal, as it will conserve the environmental heritage of the existing buildings.

**Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

## HERITAGE

The listing the properties in Schedule 5 of MLEP 2011 will ensure the heritage significance of the properties, including the significant interiors, are conserved, which can ensure that any future development of the properties can be managed to protect the heritage significance.

### **Q9. Has the planning proposal adequately addressed any social and economic effects?**

The proposed social and economic impacts of the planning proposal are discussed below:

#### SOCIAL IMPACTS

The conservation of these properties will enable opportunity for social heritage activities for future generations.

#### ECONOMIC IMPACTS

The listing of the properties in Schedule 5 of MLEP 2011 will limit the development potential of the properties and therefore economic activity. However, it is noted that this R1 zoned area was not a new area identified to accommodate renewal, it was a roll over from the previous Marrickville LEP 2001, reflecting the area predominantly containing existing residential flat buildings, which were predominantly built in 1960-1970s.

#### *Section D - State and Commonwealth interests*

### **Q10. Is there adequate public infrastructure for the planning proposal?**

This Planning Proposal will not require any additional public infrastructure.

### **Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

The Gateway determination will advise the full list of public authorities to be consulted as part of the Planning Proposal process and any views will be included in this Planning Proposal following consultation. It is requested that public authority consultation be undertaken concurrently with community consultation.

## **PART 4 - MAPPING**

The Planning Proposal will require designation of 73 The Boulevarde (Lot 1 DP 301656) and 73A The Boulevarde (Lot X DP 411590), Dulwich Hill on the Heritage Map of MLEP 2011, with a tan colour, black borders and respective labelling as I392 and I393.

## **PART 5 - COMMUNITY CONSULTATION**

Public consultation will be undertaken in accordance with the requirements of the Gateway determination.

It is proposed that, at a minimum, this will involve the notification of the public exhibition of the Planning Proposal:

- on the Inner West Council Your Say website;
- in the Inner West Courier; and
- in writing to the owners and occupiers of the subject property, adjoining and nearby properties.

It is expected that the Planning Proposal will be publicly exhibited for a period of 14 days as a 'Low impact proposal', in accordance with section 5.5.2 of *'A guide to preparing local environmental*

*plans*. Consultation with relevant NSW agencies and authorities and other relevant organisations will be undertaken in accordance with the Gateway determination conditions.

## PART 6 - PROJECT TIMELINE

The following project timeline will assist with tracking the progress of the Planning Proposal through its various stages of consultation and approval.

As the properties are currently protected by an interim heritage order, which will expire 12 months from when it was gazetted, on 23 March 2019, the Planning Proposal **must be processed as a matter of urgency, requiring the rapid release of a Gateway determination by mid-October and the amendment to MLEP 2011 to be completed by mid-February.**

**Table 7: Anticipated timeframes**

| Stage  | Anticipated timeframe   |
|--|---|
| Submit Planning Proposal to the Department of Planning and Environment seeking a Gateway Determination | Mid-September 2018  |
| Receive Gateway Determination  | Mid-October 2018  |
| Public exhibition and public authority consultation of Planning Proposal                               | Beginning of November 2018 (14 days as a 'Low impact proposal') |
| Review of submissions during public exhibition and public authority consultation                       | November 2018   |
| Post exhibition report to Council meeting  | 11 December 2018  |
| Drafting of instrument and finalisation of mapping   | December 2018   |
| Submission to the Department to finalise the LEP   | Late-December 2018  |
| Amendment to MLEP 2011 legally drafted and made  | Mid-February 2019   |