



Planning Proposal

Extension of the Wallace and Brady Streets Conservation Area

November 2009

A Local Environmental Plan (LEP) is required to make amendments to Council's principle planning document, known as the Burwood Planning Scheme Ordinance (BPSO). The first step in creating a new LEP is the preparation of a Planning Proposal. A Planning Proposal is a document that explains the intended effect of the proposed LEP and also sets out the justification for making the proposed LEP. The Planning Proposal is submitted to the NSW Department of Planning 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

To protect the heritage values and streetscape qualities within a part of Clifton Avenue, Fitzroy Street and Tahlee Street.

The identified heritage values and streetscape qualities of the precinct are similar to those of the adjacent Wallace and Brady Streets Conservation Area. As such, it is envisaged that the existing Conservation Area be extended to incorporate the subject area.

Part 2 – Explanation of the Provisions

To amend the Burwood Planning Scheme Ordinance (BPSO) Map to provide for the expansion of the existing Wallace and Brady Streets Conservation Area.

Refer to the map at Attachment 1 for an explanation of the land affected by this planning proposal.

Part 3 – Justification

Section A – Need for the Planning Proposal

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

Yes. In May 2005, Council resolved to investigate the heritage values of the area referred to as Shaftesbury East (refer Attachment 2). Council subsequently engaged a heritage consultant, Clive Lucas Stapleton and Partners, to conduct a heritage assessment, including an inventory of all properties within the study area using the NSW Heritage Council assessment criteria (refer Attachment 6).

The initial study found that the area did not warrant designation as a heritage conservation area. Instead, the study recommended that Council investigate the listing of nine (9) individual properties as heritage items. At its meeting in November 2006, Council expressed concern at the study findings and resolved to have the study peer reviewed.

Heritage consultant, Colin Israel Heritage Advice, was engaged to undertake the peer review (refer Attachment 7). The peer review concluded that the initial heritage study understated the heritage values of the area. The review included a revised Statement of Significance for the study area. The study recommended, in part, that the area be established as a heritage conservation area. The study argued that a conservation area would represent a more equitable approach than relying on individual heritage listings, and would also ensure that streetscape qualities are protected.

Council resolved on 22 September 2009 to exclude Paisley Road, Brooklyn Street and Wyalong Street from the investigation of a conservation area in view of the substantial number of objections from property owners and residents of the northern portion of the study area. A number of properties along Shaftesbury Road, including the Burwood RSL, were also excluded from the conservation area investigation as these later-built structures do not contribute to the significance of the precinct. Upon consideration of both study findings, together with the results of extensive community consultation, Council resolved on 20 October 2009 that a conservation area be progressed for part of Clifton Avenue, Fitzroy Street and Tahlee Street.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes. Council considered several options to protect the heritage values and streetscape qualities of the study area. Council determined a heritage conservation area to be the best means to achieve the objectives.

An alternative option was to rely on “Building Appearance” and “Streetscape” provisions within Council’s Single Dwelling House Code. However, this option fails to take account of heritage values, nor would it be a sufficient basis to protect significant properties against demolition or prevent substantial alterations under the Exempt and Complying Development Codes. The assessment of building appearance and streetscape may also be more difficult in the absence of a Statement of Significance, which is a key component of a conservation area.

A further option involved the individual heritage listing of the properties identified within the study and peer review. This option fails to take account of contributory items within the study

area and Council also considered that the controls for heritage items are generally stricter upon development. There was also a concern that individual heritage listings have a “flow-on” effect to properties in the vicinity, which is not readily apparent to the owners and prospective purchasers through section 149 planning certificates. Also, the identification of individual heritage items is less equitable because the wider locality can benefit from heritage protection, but this is achieved by placing the responsibility upon only a small number of individual properties.

A combination of a conservation area and individual heritage items was also presented as an option to Council. This approach shared some of the limitations expressed above in respect to the individual heritage listing of properties. The combination of conservation area and heritage items is more complex, and potentially more difficult for property owners and residents to understand the differences in development approaches.

3. *Will the net community benefit outweigh the cost of implementing and administering the planning proposal?*

The cost of implementation would be relatively low as these costs relate to the preparation of the planning proposal and subsequent LEP, which are to be undertaken predominately in-house by Council staff.

The costs of administration are also considered low. Increases in administration costs would only apply where development consent is now required by virtue of properties being located within a conservation area, but for which consent would not previously have been required. The Codes SEPP provides for a range of development categories which are exempt within a conservation area. Accordingly, development consent (where not previously required) would only be necessary for communication dishes, demolition, driveways, evaporative cooling units, front fences, hard stand areas, external building alterations and solar water heaters. These categories of development are expected to account for a low number of development applications in an established residential area.

In all other respects, the costs would be generally no greater than the costs borne by Council in the administration and management of its existing conservation areas.

The community benefits associated with a heritage conservation area include the protection of local heritage values, the retention of quality environments and streetscapes, and greater certainty for property owners and prospective purchasers about the future development potential and character of an area. Such values are difficult to quantify, however it is generally accepted that the net community benefit would outweigh the cost of implementing and administering the planning proposal.

Section B – Relationship to Strategic Planning Framework

4. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional and sub-regional strategy?*

Yes. The proposal is consistent with the Metropolitan Strategy and the draft Inner West Subregional Strategy.

The Metropolitan Strategy only refers to heritage conservation matters in general terms, while the draft Inner West Subregional Strategy contains a direction to “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 objective.

The draft Subregional Strategy sets a target that the Department of Planning in consultation with local councils will develop an approach to manage conservation areas whilst achieving growth targets. It is understood that this initiative has not been undertaken by the Department to date. Notwithstanding, the proposed conservation area extension is located outside the Burwood Town Centre and therefore, is not expected to affect the achievement of growth targets.

5. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

Yes. In 2004, Council adopted The Vision Document which contains Council's planning and policy directions as well as implementation priorities for the local government area. Section 3.1.4 of the Vision Document recommends the consolidation of conservation areas in and around Malvern Hill to help preserve the integrity of this regionally significant area and assist in reinforcing Burwood's identity. The planning proposal is in keeping with this strategic vision.

Council is soon to establish a Community Strategic Plan and Resourcing Strategy which will provide a strategic direction for Council up to 2030. The Community Strategic Plan is yet to be finalised, but would incorporate the planning proposal along with other Council strategic actions.

6. *Is the planning proposal consistent with applicable state environmental planning policies?*

There are no applicable state environmental planning policies which relate specifically to conservation areas.

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

Yes. The planning proposal relates to Direction 2.3 (Heritage Conservation) issued on 1 July 2009. The planning proposal is consistent with the objective of this direction which is to conserve items, areas, objects and places of environmental heritage significance.

Section C – Environmental, Social and Economic Impact

8. *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 within the subject area.

9. *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.

10. *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. Extensive community consultation has been undertaken to ascertain the community's views and their concerns. The details of the community consultation are contained within the Community Consultation Report prepared by communications firm, Kathy Jones and Associates (KJA).

Section D – State and Commonwealth Interests

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

The planning proposal would not affect the public infrastructure requirements or demand of the area.

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

The gateway determination will specify any consultation required with State and Commonwealth authorities on the planning proposal.

Part 4 – Community Consultation

The gateway determination will specify the community consultation that must be undertaken on the planning proposal.

Extensive community consultation has been undertaken by Council leading up to its resolution to progress the conservation area extension. The community consultation findings are outlined within the Community Consultation Report prepared by KJA.

Attachments

- Attachment 1 - Map of Proposed Conservation Area Extension
- Attachment 2 - Map of Shaftesbury East Study Area
- Attachment 3 - Council Report of 20 October 2009 and Council's Resolution
- Attachment 4 - Community Consultation Report prepared by KJA
- Attachment 5 - Wallace and Brady Streets Conservation Area - Statement of Significance
- Attachment 6 - Heritage Study prepared by Clive Lucas Stapleton and Partners
- Attachment 7 - Peer Review prepared by Colin Israel Heritage Advice

Other References

- The Vision Document is available on Council's website:
<http://www.burwood.nsw.gov.au/upload/nysqc31663/VisionDocument.pdf>
- The Metropolitan Strategy and draft Inner West Subregional Strategy are available on the NSW Government website: <http://www.metrostrategy.nsw.gov.au>

Attachment 1

Map of Proposed Conservation Area Extension

Attachment 2

Map of Shaftesbury East Study Area

Attachment 3

Council Report of 20 October 2009 and Council's Resolution

Attachment 4

Community Consultation Report prepared by KJA

Attachment 5

Wallace and Brady Streets Conservation Area - Statement of Significance

Attachment 6

Heritage Study prepared by Clive Lucas Stapleton and Partners

Attachment 7

Peer Review prepared by Colin Israel Heritage Advice