

PLANNING PROPOSAL

ITEM 3

HERITAGE LISTING

**79 ALLEN STREET, LEICHHARDT
(Lot 1, Sec 1, DP 318)**

Part 1 – Objectives or Intended Outcomes

This planning proposal seeks to list 79 Allen Street, Leichhardt as a heritage item in Schedule 5 of *Leichhardt Local Environmental Plan (LEP) 2013*.

The objective of the heritage listing is to protect and conserve the heritage significance of the subject site.

Part 2 – Explanation of the Provisions

The proposal will be achieved by an amendment to the *Leichhardt LEP 2013 Schedule 5 – Environmental Heritage* to include the subject site, 79 Allen Street, Leichhardt (Lot 1, Sec 1, DP 318), and altering the relevant Heritage map.

Part 3 – Justification

Section A – Need for planning proposal

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

Yes. In July 2013 Council received an application for a pre-DA assessment of 79 Allen Street, Leichhardt. The pre-DA proposed demolition of existing structures and erection of new residential development. An initial assessment of the property by Council's heritage assessment officers indicated that the early 20th century corner shop and associated residential dwelling represented a highly intact example of this kind of building and land use.

Heritage consultants Godden Mackay Logan were engaged by Council to undertake an assessment of 79 Allen Street to ascertain whether there would be merit in making an Interim Heritage Order (IHO) for the property (see **Appendix 1**). The report confirmed that the property may have heritage value of local significance and that it would be appropriate for Council to make an IHO. Council resolved to make an Interim Heritage Order, which was published in the NSW Government Gazette on 27 September 2013.

The NSW Heritage Manual guidelines and criteria, developed by the NSW Heritage Office, provided the framework for the assessment of the heritage significance of the site.

A subsequent more detailed heritage significance assessment by Godden Mackay Logan (see **Appendix 2**) concluded that:

- the property has historical significance as an example of a purpose built retail building in a residential neighbourhood that has retained its long-term use as a butchers shop and many internal features,
- the property has social significance. Its ongoing use as a local butcher shop since at least 1913 means the building contributes to the communities sense of place,
- the property exhibits rare and uncommon elements local history. Unlike most purpose built retail buildings in residential neighbourhoods it has retained its long-term use with a high degree of integrity of the internal fabric associated with this use; and
- the property is significant as it is a representative of a once common type of building in inner Sydney and its associated land use.

The assessment indicates that the site exhibits many characteristics of a heritage item, in its rarity, social value and being representative of a local shop which has operated in the long-term as the use it was built for. It has been determined that the heritage significance

of the site is high with regard to Criteria A (Historical), F (Rarity) and G (Representativeness), and it also meets Criterion D (Social).

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The proposal involves an amendment to LEP 2013 that is considered to be of significance and requires exhibition and community consultation. The planning proposal is the necessary mechanism to list 79 Allen Street, Leichhardt in the LEP’s heritage schedule.

Section B – Relationship to strategic planning framework.

Q3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The planning proposal is consistent with the State Government’s current Metropolitan Plan for Sydney 2036, the Draft Metropolitan Strategy for Sydney 2031 (exhibited) and the Inner West Draft Subregional Strategy. The following actions and objectives outlined in the tables below are of particular relevance.

Metropolitan Plan for Sydney to 2036 (Current)
Objective
H4 – To continue to identify, enliven and protect places of special cultural, social and community value.

Draft Metropolitan Strategy for Sydney to 2031 (Exhibited)
Objective
8 – Create socially inclusive places that create social cultural and recreational opportunities

Inner West Draft Subregional Strategy
Action
E6.1 – Provide a consistent approach to identify and protect Sydney’s cultural heritage
E6.2 – Recognise where Sydney’s cultural heritage contributes to its character and manage change appropriately to reinforce local distinctiveness
E6.3 – Interpret and promote Sydney’s cultural heritage

Q4. Is the planning proposal consistent with the local council’s Community Strategic Plan, or other local strategic plan?

The planning proposal is consistent with the following objectives within Council’s Community Strategic Plan ‘Leichhardt 2020+’ and ‘Draft Leichhardt 2025+’.

Leichhardt 2020+
<i>3 Place Where We live and Work</i>
<ul style="list-style-type: none"> 3.1 Our town plan and place plans optimise the potential of our area through integrating the built and natural environment with a vision of how we want to live as a community and how areas should develop to meet future needs. 3.2 Develop a clear, consistent and equitable planning framework and process that enables people to develop our area according to a shared vision for the community.
6 Sustainable Services & Assets
<ul style="list-style-type: none"> 6.1 Apply our Values to deliver transparent, consistent, efficient and effective participative processes.

Draft Leichhardt 2025+
<i>Community well being</i>
<ul style="list-style-type: none"> • People are connected to place
<i>Place where we live and work</i>
<ul style="list-style-type: none"> • Our town plan and place plans optimise the potential of our area through integrating the built and natural environment with a vision of how we want to live as a community and how areas should develop to meet future needs. • A clear, consistent and equitable planning framework and process is provided that enables people to develop our area according to a shared vision for the community. • An integrated planning process is promoted to make planning easier for the community and to establish a service that people want to use.
<i>Sustainable Service and Assets</i>
<ul style="list-style-type: none"> • Transparent, consistent, efficient and effective participative processes are delivered.

Q5. *Is the planning proposal consistent with applicable state environmental planning policies?*

The planning proposal is consistent with the applicable State Environmental Planning Policies (see table below).

Consideration of State Environmental Planning Policies (SEPPs)

SEPP Title	Applicable	Comments
1. Development Standards	No	Will not apply to LGA on adoption of the Standard Instrument LEP.
14. Coastal Wetlands	No	This LGA does not contain any coastal wetlands.
15. Rural Landsharing Communities	No	This LGA does not contain any rural land.
19. Bushland in Urban Areas	No	N/A to proposal.
21. Caravan Parks	No	N/A to proposal.
26. Littoral Rainforests	No	This LGA does not include any littoral rainforests.
29. Western Sydney Recreation Area	No	Does not apply to this LGA.
30. Intensive Agriculture	No	Development covered by this SEPP does not occur in this LGA.
32. Urban Consolidation (Redevelopment of Urban Land)	No	N/A to proposal.
33. Hazardous and Offensive Development	No	N/A to proposal.
36. Manufactured Home Estates	No	Does not apply to this LGA.
39. Spit Island Bird Habitat	No	Does not apply to this LGA.
44. Koala Habitat Protection	No	Does not apply to this LGA.
47. Moore Park Showground	No	Does not apply to this LGA.
50. Canal Estate Development	No	Does not apply to this LGA.
52. Farm Dams and Other Works in Land and Water Management Plan Areas	No	Does not apply to this LGA.
55. Remediation of Land	No	N/A to proposal.

SEPP Title	Applicable	Comments
59. Central Western Sydney Regional Open Space and Residential	No	Does not apply to this LGA.
62. Sustainable Aquaculture	No	Development covered by this SEPP does not occur in this LGA.
64. Advertising and Signage	No	N/A to proposal.
65. Design Quality of Residential Flat Development	No	N/A to proposal.
70. Affordable Housing (Revised Schemes)	No	N/A to proposal.
71. Coastal Protection	No	Applies only to the coastal zone. LGA is not within the coastal zone.
SEPP (Affordable Rental Housing) 2009	No	N/A to proposal.
SEPP (Building Sustainability Index: BASIX) 2004	No	N/A to proposal.
SEPP (Exempt and Complying Development Codes) 2008	No	N/A to proposal.
SEPP (Housing for Seniors or People with a Disability) 2004	No	N/A to proposal.
SEPP (Infrastructure) 2007	No	N/A to proposal.
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	No	Does not apply to this LGA.
SEPP (Kurnell Peninsula) 1989	No	Does not apply to this LGA.
SEPP Major Development 2005	No	N/A to proposal.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	No	N/A to proposal.
SEPP (Penrith Lakes Scheme) 1989	No	Does not apply to this LGA.
SEPP (Port Botany and Port Kembla) 2013	No	Does not apply to this LGA.
SEPP (Rural Lands) 2008	No	Does not apply to this LGA.
SEPP (SEPP 53 Transitional Provisions) 2011	No	Does not apply to this LGA
SEPP (State and Regional Development) 2011	No	N/A to proposal.
SEPP (Sydney Drinking Water Catchment) 2011	No	Does not apply to this LGA.
SEPP (Sydney Region Growth Centres) 2006	No	Does not apply to this LGA.
SEPP (Miscellaneous Consent Provisions) 2007	No	N/A to proposal.
SEPP (Urban Renewal) 2010	No	Does not apply to this LGA.
SEPP (Western Sydney Employment Area) 2009	No	Does not apply to this LGA.
SEPP (Western Sydney Parklands) 2009	No	Does not apply to this LGA.

Consideration of deemed State Environmental Planning Policies (SEPPs) (former Regional Environmental Plans (REPs))

REP Title	Applicable	Consistent
8. Central Coast Plateau Areas	No	Does not apply to this LGA.
9. Extractive Industry (No 2—1995)	No	Does not apply to this LGA.
16. Walsh Bay	No	Does not apply to this LGA.
18. Public Transport Corridors	No	Does not apply to this LGA.
19. Rouse Hill Development Area	No	Does not apply to this LGA.
20. Hawkesbury-Nepean River (No 2—1997)	No	Does not apply to this LGA.
24. Homebush Bay Area	No	Does not apply to this LGA.
25. Orchard Hills	No	Does not apply to this LGA.
26. City West	No	N/A to proposal.
28. Parramatta	No	Does not apply to this LGA.
30. St Marys	No	Does not apply to this LGA.
33. Cooks Cove	No	Does not apply to this LGA.
SREP (Sydney Harbour Catchment) 2005	No	Does not apply to this LGA.

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

The planning proposal is consistent with the applicable Ministerial Directions (s.117 Directions) see table below.

Consideration of Ministerial Directions

s.117 Direction Title	Applicable	Consistent	Comments
1. Employment & Resources			
1.1 Business and Industrial Zones	No	N/A	
1.2 Rural Zones	No	N/A	
1.3 Mining, Petroleum Production and Extractive Industries	No	N/A	
1.4 Oyster Aquaculture	No	N/A	
1.5. Rural lands	No	N/A	
2. Environment & Heritage			
2.1 Environment Protection Zones	No	N/A	
2.2 Coastal protection	No	N/A	
2.3 Heritage Conservation	Yes	Yes	The amendment aims to protect and conserve the heritage significance of the subject site.
2.4 Recreation Vehicle Areas	No	N/A	
3. Housing Infrastructure & Urban Development			
3.1 Residential Zones	No	N/A	
3.2 Caravan Parks and Manufactured Home Estates	No	N/A	
3.3 Home Occupations	No	N/A	
3.4 Integrating Land Use & Transport	No	N/A	
3.5 Development near licensed aerodromes	No	N/A	
3.6 Shooting Ranges	No	N/A	

s.117 Direction Title	Applicable	Consistent	Comments
4. Hazard & Risk			
4.1 Acid Sulphate Soils	Yes	Yes	It is considered that there is no change to existing policy.
4.2 Mine Subsidence and Unstable land	No	N/A	
4.3 Flood Prone Land	Yes	Yes	It is considered that there is no change to existing policy.
4.4 Planning for Bush Fire Protection	No	N/A	
5. Regional Planning			
5.1 Implementation of Regional Strategies	No	N/A	
5.2 Sydney Drinking Water Catchments	No	N/A	
5.3 Farmland of State and Regional Significant on the NSW Far North Coast	No	N/A	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	N/A	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No	N/A	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No	N/A	
5.8 Second Sydney Airport: Badgerys Creek	No	N/A	
6. Local Plan Making			
6.1 Approval and Referral Requirements	No	N/A	
6.2 Reserving Land for Public Purposes	No	N/A	
6.3 Site Specific Provisions	No	N/A	
7. Metropolitan Planning			
Implementation of the Metropolitan Strategy	Yes	Yes	Consistent with the terms of this direction see Q3.

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?

The proposal does not apply to land that has been identified as containing critical habitat or threatened species, populations or ecological communities, or their habitats. Should it be discovered through community consultation, or by another means, that species, populations, communities or habitats may be adversely affected, this will be taken into consideration and the planning proposal will be modified if necessary.

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

Given the nature of the proposal it is not anticipated that there will be any adverse environmental effects.

Q9. How has the planning proposal adequately addressed any social and economic effects?

Given the nature of the proposal it is not expected that the proposal will have any adverse social or economic effects.

Section D – State and Commonwealth interests

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

Given the nature of the proposal the above question is not considered relevant.

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

This section of the planning proposal is completed following the gateway determination which identifies which State and Commonwealth Public Authorities are to be consulted.

It is likely that the Heritage Council will be consulted.

Part 4 – Mapping

Figure 1 – Aerial view of 79 Allen Street, Leichhardt



Figure 2 – Subject site at 79 Allen Street, Leichhardt

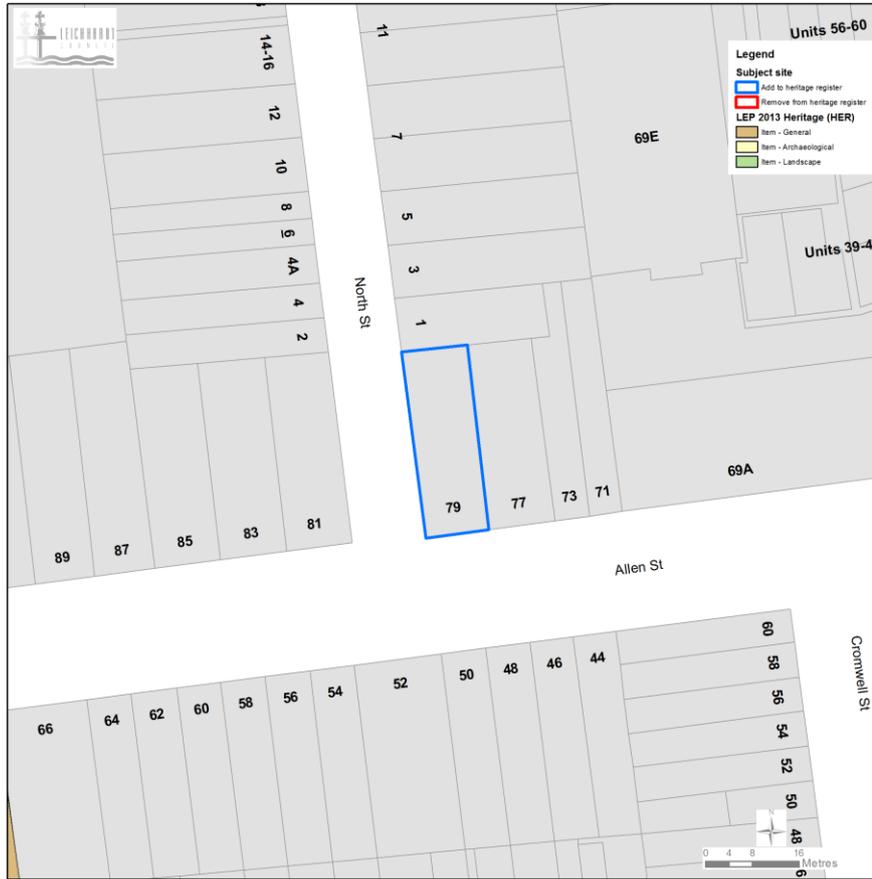


Figure 3 – Mapping change to include 79 Allen Street, Leichhardt as heritage item



Part 5 – Community Consultation

The planning proposal will be publicly exhibited as outlined in “*A guide to preparing local environmental plans*”. The planning proposal will be exhibited for a minimum of 28 days.

Part 6 – Project Timeline

Anticipated Project Timeline	Proposed Date (s)
Anticipated commencement date (date of Gateway determination)	1 April 2014
Anticipated timeframe for the completion of required technical information	Not required.
Timeframe for government agency consultation	21 Days
Commencement and completion dates for public exhibition period	6 May 2014 – 3 June 2014
Dates for public hearing (if required)	To be determined post exhibition - unlikely
Timeframe for consideration of submissions	June 2014
Report final Draft Planning Proposal to Council	22 July 2014
Date of submission to Planning and Infrastructure to finalise the LEP	23 July 2014