

PLANNING PROPOSAL

ITEM 2

**AMENDMENTS TO
LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013
SCHEDULE 5 – ENVIRONMENTAL HERITAGE**

Part 1 – Objectives or Intended Outcomes

This planning proposal seeks to remove nine items from *Leichhardt Local Environmental Plan (LEP) 2013 Schedule 5 – Environmental Heritage*.

The outcome of the amendment will be the removal properties which no longer have heritage significance and those listed in error from Schedule 5.

Part 2 – Explanation of the Provisions

The proposal will be achieved by an amendment to the *Leichhardt LEP 2013 Schedule 5 – Environmental Heritage* to remove the following properties and alter the relevant Heritage maps:

Address	Legal Description	Item No.
86 Johnston Street, Annandale (Flats)	CP for Lots 1-7 SP 60153 and Lots 1-7 SP 60153	49
39 Trafalgar Street, Annandale (House)	Lot 1 DP 1098781	84
2 Broderick Street, Balmain (House)	Lot 1 DP 1031094	143
95 Mort Street, Balmain (House)	Lot 1 DP 772283	265
71A and 71B Reynolds Street, Balmain (Semi-detached house)	CP for Lot 1, 2 SP 60413, Lot 1, 2 SP 60413	297
4 Gilchrist Place, Balmain East (House)	Lot 115 DP 810997	438
24A Pearson Street, Balmain East (Flats)	Lot 101 DP 872400	481
160-180 Balmain Road, Leichhardt (Department of Education)	Part Lot 100 DP 1147039	620
134 James Street, Lilyfield (House)	Lot 20 Sec 4 DP 1162	717

Part 3 – Justification

Section A – Need for planning proposal

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

Yes, this planning proposal is a result of a review of Council's Heritage Inventory Sheets drafted for each of the heritage items listed within Leichhardt Local Environmental Plan 2000 Schedule 2. The planning proposal has been prepared in response to Council resolution (C207/13e) on the Heritage Inventory Sheets Review requesting "a report be prepared addressing errors in the heritage listing identified by the inventory sheets review".

These issues include:

- loss of significance due to development/works undertaken,
- association with an adjoining property which is no longer relevant; and
- original listing was an error

The issues associated with each property are detailed in the table below and in **Appendix 1** to this planning proposal.

Address	Legal Description	Item No.	Statement of Significance	Recommended Management By Heritage Inventory Review Consultants
86 Johnston Street, Annandale	CP for Lots 1-7 SP 60153 and Lots 1-7 SP 60153	49	The original late Victorian two storey building at No. 86 Johnston Street has local historic significance as part of the history of the area and the front additions have some association with Peter Melocco of the Melocco Brothers as he was involved in the conversion of the original house to flats. The original building has been severely compromised by later additions at the front and rear of the property and has become sandwiched between the two additions. The front of the building has had further alterations and appears out of character in the streetscape with its bulky appearance.	The original building has been severely compromised by later additions and has lost most of its significance. It would be preferable to remove it from the heritage item list. It is located in the local conservation area and any replacement building should reflect the streetscape quality of surrounding buildings.
39 Trafalgar Street, Annandale	Lot 1 DP 1098781	84	No. 39 Trafalgar Street, whilst associated with the neighbouring building, "Edwinville", No. 41 Trafalgar Street, is a modest brick veneer cottage of no particular aesthetic, social or technological significance.	Listing on LEP heritage schedule is not warranted or recommended due to the building's limited cultural significance. The existing building is of limited aesthetic significance and of little architectural merit as a typical example of a dwelling constructed in c. 1966 that incorporates standard materials and details. The building makes no particular contribution to the streetscape or area and is dominated by the adjacent multi-storey and historic built context.
95 Mort Street, Balmain	Lot 1 DP 1031094	143	No. 95 Mort Street is a two storey timber framed structure initially constructed in the early decades of the 20th century. The building is of limited cultural significance and has undergone extensive modifications and enlargement which have impacted on the building's character and does not warrant heritage listing.	It is recommended that this property be removed from the LEP listing. The justification is explained in the column to the left.

Address	Legal Description	Item No.	Statement of Significance	Recommended Management By Heritage Inventory Review Consultants
71A-71B Reynolds Street, Balmain	Lot 1 DP 772283	265	No. 71 A and B Reynolds Street is a two storey rendered brick structure constructed in 1997. It replaces a Victorian semi-detached cottage. The building is of limited cultural significance and is not sympathetic in design and character with the surrounding buildings and overall does not warrant heritage listing.	It is recommended that this property be removed from the LEP listing. The justification is explained in the column to the left.
2 Broderick Street, Balmain	CP for Lot 1, 2 SP 60413, Lot 1, 2 SP 60413	297	The site may be of some historical significance due to its association with No. 4 Broderick Street The building is of relative recent construction and is of no particular style, historical or aesthetic character and does not warrant heritage listing.	It is recommended that No. 2 Broderick Street be removed from the LEP listing. The justification is explained in the column to the left.
4 Gilchrist Place, Balmain East	Lot 115 DP 810997	438	No. 4 Gilchrist Avenue is part of the 20th century development of the area constructed in the early 1980s. The building is of no particular architectural style and incorporates standard construction materials and techniques. The building is not visible from the street and makes no visual contribution to the streetscape or area in general and overall does not warrant listing on the LEP heritage schedule.	Listing on LEP heritage schedule is not warranted or recommended due to the building's limited cultural significance. The site is part of a subdivision of the 1960s. The existing building is of limited aesthetic significance and of little architectural merit as a typical example of a dwelling constructed in that early 1980s that incorporates standard materials and details.
24A Pearson Street, Balmain East	Lot 101 DP 872400	481	The site may be of some historical significance due to its association with No. 24 Pearson Street, however, the building is of relative recent construction and is of no particular style, historical or aesthetic character and does not warrant heritage listing.	It is recommended that 24A Pearson Street be removed from the LEP listing. The justification is explained in the column to the left.

Address	Legal Description	Item No.	Statement of Significance	Recommended Management By Heritage Inventory Review Consultants
160-180 Balmain Road, Leichhardt	Part Lot 100 DP 1147039	620	The open playing field at Nos. 160-180 Balmain Road is associated with the former Tram and Bus Depot that occupied the land between Balmain Road, Moore Street west and Derbyshire Road, however, this association has been degraded by the successive loss of functions and demolition of the structures that occupied the area. There is now no evidence of the structures or functions that were carried out in this section of the site and no apparent connection to the remaining buildings on the adjacent sites. The site has been redeveloped. As such it is recommended that Nos. 160-180 Balmain Road be removed from the heritage schedule of the LEP.	It is recommended that the site be removed from the heritage schedule of the LEP. The justification is explained in the column to the left.
134 James Street, Lilyfield	Lot 20 Sec 4 DP 1162	717	No. 134 James Street is a modified cottage that is of limited cultural significance and mistakenly listed and should be removed from the LEP heritage listing.	It is recommended that 134 James Street be removed from the LEP listing. The justification is explained in the column to the left.

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 remove the listed properties from Schedule 5 of the LEP.

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 promote 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+
3 Place Where We live and Work
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
6.1 Apply our Values to deliver transparent, consistent, efficient and effective participative processes.

Draft Leichhardt 2025+
Community well being
• People are connected to place
Place where we live and work
• 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.
Sustainable Service and Assets
• 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	Does not apply to this LGA.
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.
22. Shops and Commercial Premises	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 at Water Management Plan Areas	No	Does not apply to this LGA.
55. Remediation of Land	No	N/A to proposal.
59. Central Western Sydney Regional Open Space and Residential	No	Does not apply to this LGA.

SEPP Title	Applicable	Comments
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 remove properties from the heritage schedule which no longer have heritage significance or are errors.
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	

s.117 Direction Title	Applicable	Consistent	Comments
3.6 Shooting Ranges	No	N/A	
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.

As part of the Heritage Inventory Sheets Review all owners of heritage listed properties were consulted on the draft inventory sheet relevant to their property. The owners of the items proposed to be removed from Schedule 5 through this planning proposal will be consulted further as part of the consultation strategy (see Part 6).

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.