

(ITEM 7/21) PLANNING PROPOSAL - HERITAGE LISTING OF 17 ETHEL STREET BURWOOD

File No: 21/171

REPORT BY DIRECTOR CITY STRATEGY

Summary

A preliminary heritage investigation of 17 Ethel Street Burwood has been undertaken by a heritage consultant. The investigation has found that the property has potential heritage significance and progression of a heritage listing is recommended. A Planning Proposal has been prepared and considered by the Burwood Local Planning Panel (BLPP).

Operational Plan Objective

- 1.4.4 Promote and celebrate the area's heritage and Indigenous history.
- 4.3 Integrate Burwood's existing heritage with high quality urban design.
- 4.3.2 Maintain and preserve heritage through relevant planning strategies.

Background

A Mayoral Minute was put at the Council Meeting on 28 July 2020 concerning the potential heritage significance of the property at 17 Ethel Street Burwood. It was resolved:

1. *Council engage an external heritage consultant to undertake a preliminary heritage investigation of 17 Ethel Street Burwood.*
2. *The findings of the investigation be reported back to Council.*
3. *The property owner be advised of Council's resolution.*

In accordance with the resolution, letters were forwarded to the then property owner and the real estate agent marketing the property. The letter advised a heritage assessment would occur and this would require the inspection of the exterior of the house including photography from public vantage points. It was made clear that interior access would not be required, but that providing access would assist the assessment process. The letter also requested that the prospective purchasers of the property be advised of Council's undertaking. The new owner subsequently made contact with Council staff and declined to provide internal access to the property.

In September 2020, Council engaged City Plan Heritage to undertake the investigation. While the consultant was unable to obtain internal access to the property, a visual inspection did occur. The investigation found that the property is considered to be of local heritage significance, principally on the basis of its historic and aesthetic values. The heritage consultant also prepared a draft heritage inventory sheet for the property.

The heritage investigation found that:

...the subject site, most notably the house identified as 'Lansdowne', meets the significance assessment criteria and is of sufficient significance to warrant individual heritage listing under Part 1 of Schedule 5 of the Burwood Local Environmental Plan (BLEP) 2012.

'Lansdowne' was first constructed in c. 1888 as 'Landour' and exhibits elements of both the Victorian Italianate and Federation Arts and Crafts architectural styles, most notably in the primary (southern) façade, and is highly intact internally. The house maintains a high degree of historic and aesthetic significance with landmark qualities and should be maintained and conserved.

The findings of the heritage investigation were reported to Council at its meeting on 8 December 2020, whereupon Council resolved as follows:

1. *That Council endorse the heritage listing of the property at 17 Ethel Street Burwood and the preparation of a Planning Proposal.*
2. *That the Planning Proposal be submitted to the Burwood Local Planning Panel (BLPP) for their consideration.*
3. *That the results of the BLPP's consideration be reported back to Council.*

In accordance with Council's resolution, a Planning Proposal has been prepared and this report presents the outcome of the BLPP's consideration.

BLPP's Consideration

The BLPP considered the Planning Proposal at its meeting on 9 February 2021. It was resolved:

That the Council Officer's recommendation on this item be adopted. The Panel supports the planning proposal to heritage list the property at 17 Ethel Street Burwood.

On the basis of the BLPP's resolution, it is recommended that Council endorse the Planning Proposal and progress the heritage listing of 17 Ethel Street Burwood.

Consultation

The property owner is aware of the preliminary heritage investigation. The owner was invited to attend the Council Meeting on 8 December 2020. Three speakers (the owner and two others on her behalf) spoke at the Council Meeting via teleconference link as the customary face-to-face public participation had been replaced under Covid-19 protocols. The recording of this Meeting is available on Council's website.

The owner was also advised of the BLPP Meeting, and invited to make representations (in writing or via teleconference under current Covid-19 protocols) to the BLPP Meeting. However, they were not in attendance at the said meeting.

The owner has also been advised of this Council Meeting, and the owner has again been invited to make representations.

It is recommended that a Planning Proposal be progressed to facilitate the heritage listing of the property. The Planning Proposal process includes consultation with affected property owners, public exhibition, and consultation with relevant agencies. The Gateway Determination, if issued by the State Government, would confirm any requirements for public exhibition and community consultation. The results of any such consultation and public exhibition would be reported back to Council.

Planning or Policy Implications

Heritage listing of a property is undertaken through a Planning Proposal. It is advisable that any Planning Proposal for heritage listing be progressed in a timely manner, therefore limiting opportunities for demolition proposals or substantial alterations to the building ahead of listing.

The advice of the BLPP has been sought in respect to the Planning Proposal, as required. The BLPP has recommended that the Planning Proposal be progressed.

Should Council resolve to endorse the Planning Proposal, the general steps would be as follows:

- The Planning Proposal is submitted to the NSW Department of Planning, Industry and Environment (DPIE) for a Gateway Determination. This step will determine whether the proposal can proceed and outlines the community consultation required.
- Undertake public exhibition and consultation with relevant State agencies.
- The outcomes of community consultation are reported back to Council. The Council is asked whether it wishes to adopt the Planning Proposal and proceed to plan-making.
- If adopted, Council staff liaises with the DPIE to amend the BLEP.
- The property is listed in Schedule 5 of the BLEP.

The above process would take in the order of nine months to complete all steps as outlined above. However, the property is afforded heritage protection (i.e. deemed a “draft heritage item”) as soon as the Planning Proposal is placed on public exhibition.

Financial Implications

Progression of a Planning Proposal would have implications on staff allocation and resources, but should generally be within existing budgetary means.

The City Plan Heritage report is considered sufficient to support a heritage listing of the property and at this stage it is not proposed to undertake any further review.

Conclusion

In accordance with the findings of the heritage investigation by an external heritage consultant, it is recommended that the property be heritage listed in the BLEP 2012 as a local heritage item, with a view to providing long term protection. In view of the BLPP’s support for the Planning Proposal, Council’s endorsement is sought for progressing the Planning Proposal to a Gateway Determination.

Recommendation(s)

1. That Council endorse the heritage listing of the property at 17 Ethel Street Burwood.
2. That Council submit the Planning Proposal to NSW Department of Planning, Industry and Environment for a Gateway Determination.
3. That subject to the Gateway Determination, affected property owners be notified, the Planning Proposal be publicly exhibited and consultation with any relevant public authorities be undertaken.
4. That the results of the public exhibition and consultation be reported back to Council.

Attachments

- 1 Draft Planning Proposal



Planning Proposal

Heritage Listing of 17 Ethel Street Burwood

January 2021

A Planning Proposal is the first step in proposing amendments to Council's principle environmental planning instrument, known as the Burwood Local Environmental Plan (BLEP) 2012. A Planning Proposal explains the intended effect of the proposed amendment and also sets out the justification for making the change. The Planning Proposal is submitted to the NSW Department of Planning, Infrastructure and Environment (DPIE) 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

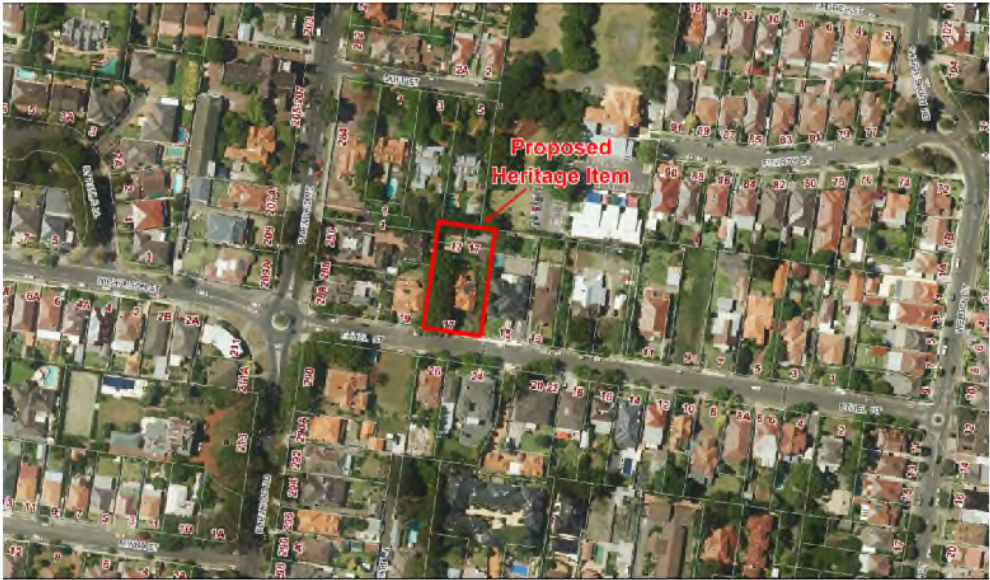
The Planning Proposal seeks to facilitate the heritage listing of the property at 17 Ethel Street Burwood under Schedule 5 of the Burwood Local Environmental Plan (BLEP) 2012.

Part 2 – Explanation of the Provisions

The property at 17 Ethel Street Burwood (comprising three land parcels) would be listed in Schedule 5 of the BLEP 2012. In doing so, the Heritage Conservation provisions under clause 5.10 of the BLEP would apply to the property.

The Heritage Map of the BLEP 2012 would be amended to include the property at 17 Ethel Street Burwood.

The heritage listing would apply to the whole of the property, as is the usual case for listings under Schedule 5 and the Heritage Map. Refer to Appendix One for particulars of the proposed Schedule 5 entry.



Aerial Photograph of 17 Ethel Street Burwood.
Subject site is shown outlined in red.



Existing BLEP Heritage Map of 17 Ethel Street Burwood.
Subject site is shown outlined in red.



Photograph of 17 Ethel Street Burwood.
Source: City Plan Heritage Assessment, 2020.

Part 3 – Justification

Section A – Need for the Planning Proposal

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

Yes. In September 2020, Council engaged a heritage consultant, City Plan Heritage, to undertake a heritage assessment (Appendix 2). The investigation found that the property is considered to be of local heritage significance, principally on the basis of its historic and aesthetic values. The heritage consultant also prepared a heritage inventory sheet for the property.

The findings of the heritage investigation were reported to Council at its meeting on 8 December 2020, whereupon Council resolved as follows:

1. *That Council endorse the heritage listing of the property at 17 Ethel Street Burwood and the preparation of a Planning Proposal.*
2. *That the Planning Proposal be submitted to the Burwood Local Planning Panel (BLPP) for their consideration.*

3. *That the results of the BLPP's consideration be reported back to Council.*

On [insert date], the Burwood Local Planning Panel (BLPP) considered a report on the proposed heritage listing of 17 Ethel Street Burwood and draft Planning Proposal. The BLPP resolved:

[insert BLPP resolution]

On [insert date], Council considered a report on the BLPP's recommendations. The Council resolved:

[insert Council resolution]

This Planning Proposal seeks to implement the Council resolution.

2. *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 conservation of the subject property through a heritage listing in the BLEP. A Planning Proposal is the established procedure for implementing heritage listings.

Section B – Relationship to Strategic Planning Framework

3. *Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy?*

Yes. The proposal is consistent with metropolitan, subregional and district strategies.

The State Government has prepared the *Eastern City District Plan* (to which Burwood LGA belongs) to manage growth for the next 20 years in the context of economic, social and environmental matters at a district level, to contribute towards the 20-year vision for Greater Sydney. It contains the planning priorities and actions for implementing the Greater Sydney Region Plan, *A Metropolis of Three Cities*, at a district level, and is a bridge between local and regional planning.

Objective 13 of *A Metropolis of Three Cities* states that '*environmental heritage is identified, conserved and enhanced*'. Meanwhile, Planning Priority E6 of the *Eastern City District Plan* relates to '*creating and renewing great places and local centres, and respecting the District's heritage*'. In addition, the *Eastern City District Plan* states:

Heritage and history are important components of local identity and great places. The District's rich Aboriginal, cultural and natural heritage reinforces its sense of place and identity...

Identifying, conserving, interpreting and celebrating Greater Sydney's heritage values leads to a better understanding of history and respect for the experiences of diverse communities. Heritage identification, management and interpretation are required so that heritage places and stories can be experienced by current and future generations.

By identifying a property of local heritage significance, this Planning Proposal supports Objective 13 of the Region Plan, and Planning Priority E6 of the District Plan.

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

Yes. The Burwood 2030 Community Strategic Plan recognises the challenge of balancing growth with maintaining lifestyles, preserving heritage and protecting the environment, while ensuring progress and innovation.

In developing the Community Strategic Plan, the Burwood community identified the importance of preserving heritage as a means of establishing a 'Sense of Community'. The Plan describes a Sense of Community as *'people being proud of where they live, feeling safe and engaged in the community and having access to facilities and services that ensure they can lead a healthy and satisfying lifestyle'*.

Strategic Goal 1.5.4 of the Community Strategic Plan is to *'identify ways to promote heritage and encourage the preservation of Burwood's historic buildings'*. This Planning Proposal is in keeping with this Strategic Goal.

Burwood's Local Strategic Planning Statement (LSPS) was endorsed by the Greater Sydney Commission (GSC) in March 2020. The vision for Burwood makes reference to *'cherished heritage conservation areas, ...well designed buildings and... neighbourhoods filled with distinct character'*. One the LSPS's objectives include:

Preserve local character by preventing extensive redevelopment in those parts of the LGA which have heritage significance or a significant local character.

By identifying a property of local heritage significance, this Planning Proposal is in keeping with the vision and objectives of the LSPS.

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

Yes. There are no State Environmental Planning Policies (SEPPs) which would be contravened by the amendments proposed in the Planning Proposal.

All SEPPs applicable to the Burwood local government area are set out in the table below, together with a comment regarding the Planning Proposal's consistency:

SEPP	Comment
SEPP No. 1 – Development Standards	Not relevant. BLEP 2012 contains a clause which replaces this SEPP in relation to variations to development standards.
SEPP No. 19 – Bushland in Urban Areas	Not relevant.
SEPP No. 21 – Caravan Parks	Not relevant.
SEPP No. 30 – Intensive Agriculture	Not relevant.
SEPP No. 33 – Hazardous and Offensive Development	Not relevant.

SEPP No. 50 – Canal Estate Development	Not relevant.
SEPP No. 55 – Remediation of Land	Not relevant. There is no indication that previous uses at the subject sites would trigger site remediation requirements.
SEPP No. 64 – Advertising and Signage	Not relevant
SEPP No. 65 – Design Quality of Residential Apartment Development	Not relevant. Applicable to development of three storeys or more, while the subject building is only two storeys at present. The property is zoned R2 – Low Density Residential with a height limit of 8.5 metres, which would only allow for two storey development.
SEPP No. 70 – Affordable Housing (Revised Schemes)	Not relevant. The subject properties are not known to contain affordable housing.
SEPP (Building Sustainability Index: BASIX) 2004	Not relevant.
SEPP (Housing for Seniors or People with a Disability) 2004	Not relevant.
SEPP (Major Developments) 2005	Not relevant.
SEPP (Infrastructure) 2007	Not relevant.
SEPP (Miscellaneous Consent Provisions) 2007	Not relevant.
SEPP (Mining, Petroleum and Extractive Industries) 2007	Not relevant.
SEPP (Repeal of Concurrence and Referral Provisions) 2008	Not relevant.
SEPP (Exempt and Complying Development Codes) 2008	Not relevant. The heritage listing of properties may alter whether development under the Codes SEPP may be carried out on that site, but this Planning Proposal would not contravene the SEPP in any way.
SEPP (Affordable Rental Housing) 2009	Not relevant. The heritage listing of properties may alter whether development under the ARH SEPP may be carried out on that site, but this Planning Proposal would not contravene the SEPP in any way.
SEPP (Vegetation in Non-Rural Areas) 2017	Not relevant. This SEPP contains provisions in respect to heritage trees. The heritage listing of properties may alter whether development under the SEPP may be carried out on that site, but this Planning Proposal would not contravene the SEPP in any way.
SEPP (Educational Establishments and Child Care Facilities) 2017	Not relevant.
Draft Coastal Management SEPP	Not relevant. The subject properties are not located within the coastal areas identified by this SEPP.

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

Yes. Consistency with the list of Directions (under section 117(2) of the Environmental Planning and Assessment Act 1979 issued by the Minister for Planning) is set out in the following table.

Direction	Issue Date / Date Effective	Comment
1. Employment and Resources	1 July 2009 (Except for new Direction 1.2 effective 14 April 2016 and 1.1 effective 1 May 2017 and new Direction 1.5 effective 28 February 2019)	
1.1 Business and Industrial Zones		Not relevant.
1.2 Rural Zones		Not relevant.
1.3 Mining, Petroleum Production and Extractive Industries		Not relevant.
1.4 Oyster Aquaculture		Not relevant.
1.5 Rural Lands		Not relevant.
2. Environment and Heritage	1 July 2009 (Except for new Direction 2.5 effective 2 March 2016, Direction 2.1, 2.2 and 2.4 effective 14 April 2016)	
2.1 Environment Protection Zones		Not relevant.
2.2 Coastal Protection		Not relevant.
2.3 Heritage Conservation		The Planning Proposal seeks the conservation of items of local heritage significance. Clause 5.10 of the BLEP has been implemented under the Standard Instrument in satisfaction of the Direction.
2.4 Recreation Vehicle Areas		Not relevant.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs		Not relevant.
3. Housing, Infrastructure and Urban Development	1 July 2009 (Except for new Direction 3.6 effective 16 February 2011, Direction 3.1, 3.2, 3.4 and 3.5 effective 14 April 2016, Direction 3.7 effective 15 February 2019)	
3.1 Residential Zones		The property is zoned R2 – Low Density Residential. The Planning Proposal does not seek to amend the zoning or range of permissible uses on the site. The sensitive development of heritage properties is supported by Council's Development Control Plan (DCP).

3.2 Caravan Parks and Manufactured Home Estates		Not relevant.
3.3 Home Occupations		The Planning Proposal would not alter the permissibility of home occupations at the subject site under the Exempt and Complying Development Codes SEPP, nor BLEP.
3.4 Integrating Land Use and Transport		The Planning Proposal does not alter the land zoning, and as such, would not affect travel demand or the availability of transport options.
3.5 Development Near Licensed Aerodromes		Not relevant.
3.6 Shooting Ranges		Not relevant.
3.7 Reduction in non-hosted short term rental accommodation period		Not relevant.
4. Hazard and Risk	1 July 2009	
4.1 Acid Sulfate Soils		The property has been identified as Class 5 on the Acid Sulfate Soils Map, representing the lowest probability of containing Acid Sulfate Soils.
4.2 Mine Subsidence and Unstable Land		Not relevant.
4.3 Flood Prone Land		Not relevant.
4.4 Planning for Bushfire Protection		Not relevant.
5. Regional Planning	1 July 2009 (Except for new Direction 5.2, effective 3 March 2011, Direction 5.9 effective 30 September 2013, Direction 5.4 effective 21 August 2015, Direction 5.8 and 5.10 effective 14 April 2016, Direction 5.1 and 5.3 effective 1 May 2017, Direction 5.11 effective 6 February 2019)	
5.1 (Revoked 17 October 2017)		Not relevant.
5.2 Sydney Drinking Water Catchments		Not relevant.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast		Not relevant.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast		Not relevant.
5.5 (Revoked 18 June 2010)		Not relevant.
5.6 (Revoked 10 July 2008)		Not relevant.
5.7 (Revoked 10 July 2008)		Not relevant.

5.8 Second Sydney Airport: Badgerys Creek		Not relevant.
5.9 North West Rail Link Corridor Strategy		Not relevant.
5.10 Implementation of Regional Plans		Not relevant.
5.11 Development of Aboriginal Land Council Land		Not relevant.
6. Local Plan Making	1 July 2009	
6.1 Approval and Referral Requirements		The Planning Proposal will not contain provisions which require the concurrence, referral or consultation of other public authorities, nor identify any use as designated development.
6.2 Reserving Land for Public Purposes		Not relevant.
6.3 Site Specific Provisions		Not relevant.
7. Metropolitan Planning	1 February 2010 (Except for Direction 7.2 effective 22 September 2015)	
7.1 Implementation of A Plan for Growing Sydney		The NSW Government's Metropolitan Plan and District Plan contain objectives in respect to heritage. The Planning Proposal is not inconsistent with the intent of these Plans, and does not undermine the achievement of their vision, policies, outcomes or actions. Section B, 3 of this Planning Proposal describes its consistency with metropolitan and district planning documents.
7.3 Parramatta Road Corridor Urban Transformation Strategy	9 December 2016	Not relevant. The subject properties are not within the Parramatta Road corridor, nor undermine the achievement of that Strategy's vision or objectives.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	15 May 2017	Not relevant.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	25 July 2017	Not relevant.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	5 August 2017	Not relevant.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	22 December 2017	Not relevant.
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	20 August 2018	Not relevant.

7.9 Implementation of Bayside West Precincts 2036 Plan	25 September 2018	Not relevant.
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	25 September 2018	Not relevant.

Section C – Environmental, Social and Economic Impact

7. *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 affected by the Planning Proposal.

8. *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.

9. *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. Council believes there to be social benefits, particularly to the local community, to be gained from the conservation of items and places of cultural heritage.

Section D – State and Commonwealth Interests

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

The Planning Proposal is not expected to generate demand for additional infrastructure or services.

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

Council proposes that Heritage NSW be consulted (following a positive Gateway Determination) as the Planning Proposal relates to heritage matters.

The Gateway Determination will confirm and specify any consultation required with State and Commonwealth authorities on the Planning Proposal.

Part 4 – Mapping

The Planning Proposal seeks to identify 17 Ethel Street Burwood as a heritage item upon the Heritage Map.

A draft Heritage Map and Site Identification Map are contained at the end of this Planning Proposal.

The Planning Proposal does not seek to alter the zoning, height of buildings, floor space ratio, or any other BLEP maps.

Part 5 – Community Consultation

Burwood Council has consulted the property owner ahead of preparing this Planning Proposal. The property owner has been invited to each Council Meeting and BLPP Meeting where this matter was considered. The property owner, and her representatives, made verbal representations to the Councillors at the initial Council Meeting. The property owner and her representatives have also had detailed phone conversations with Council's Heritage Advisor. The property owner has objected to the proposed heritage listing.

Council will continue to consult the property owner in respect to this Planning Proposal.

In view of the minor nature of the Planning Proposal and its application to a single property, the Planning Proposal is considered to be of low-impact. As such, Council proposes that the Planning Proposal be placed on public exhibition for a period of 14 days.

The Gateway Determination will confirm and specify the community consultation that must be undertaken on the Planning Proposal.

Part 6 – Project Timeline

Anticipated date of Gateway Determination	By end of March 2021
Anticipated timeframe for the completion of required technical information	End of April 2021
Timeframe for government agency consultation	May 2021
Commencement and completion dates for the public exhibition period	Mid to late May 2021
Dates for public hearing	Not applicable
Timeframe for consideration of submissions	End of July 2021
Timeframe for the consideration of a proposal post exhibition	End of July 2021
Anticipated date RPA will make the plan (if delegated)	August 2021
Anticipated date RPA will forward to the department for notification (if delegated)	End of September 2021

Appendix One

- Proposed Amendment to Schedule 5

Appendix Two

- Delegation Checklist

Supporting Documentation

- List of supporting documents that are provided under separate cover.

Links to Supporting Material

- Council Report of 8 December 2020 is available on Council's website (refer Item 119/20):
<https://www.burwood.nsw.gov.au/files/sharedassets/public/council-meeting-minutes-and-agendas/2020/council-meeting-agenda-8-december-2020.pdf>
- BLPP Report of [insert date] is available on Council's website (refer Item):
[insert link]
- Council Report of [insert date] is available on Council's website (refer Item):
[insert link]

Appendix One

Proposed Amendment to Schedule 5

The proposed heritage item would be inserted into Schedule 5 of the BLEP 2012 (in alphabetical order by suburb and address).

For the avoidance of doubt, the following table sets out the proposed new Schedule 5 text.

Suburb	Item name	Address	Property description	Significance	Item no
Burwood	"Lansdowne" - house and interiors	17 Ethel Street	Lots A, B & D, DP 101675	Local	i224

The wording of any BLEP provisions will be subject to possible revision by the Parliamentary Counsel's Office.

Appendix Two

Delegation Checklist and Evaluation Criteria

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:

Burwood.

Name of draft LEP:

Heritage listing of 17 Ethel Street Burwood.

Address of Land (if applicable):

17 Ethel Street Burwood.

Intent of draft LEP:

The heritage listing of the subject property.

Additional Supporting Points/Information:

Please refer to the PP.

Evaluation criteria for the issuing of an Authorisation				
(NOTE - where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	N			
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	Y*			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		N/A		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		N/A		
Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		N/A		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A		
Is the planning proposal proposed to rectify an anomaly in a classification?		N/A		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under section 30 of the <i>Local Government Act, 1993</i> ?		N/A		

* It is proposed that the PP be submitted to the Heritage NSW during the consultation stage. Heritage assessments have been carried out in accordance with Heritage NSW guidelines.

Draft Planning Proposal

If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		N/A		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) <i>Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?		N/A		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A		
Spot Rezoning	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		N/A		
Does the planning proposal create an exception to a mapped development standard?		N/A		
Section 73A matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE - the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).		N/A		
NOTES <ul style="list-style-type: none"> Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance. Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department. 				

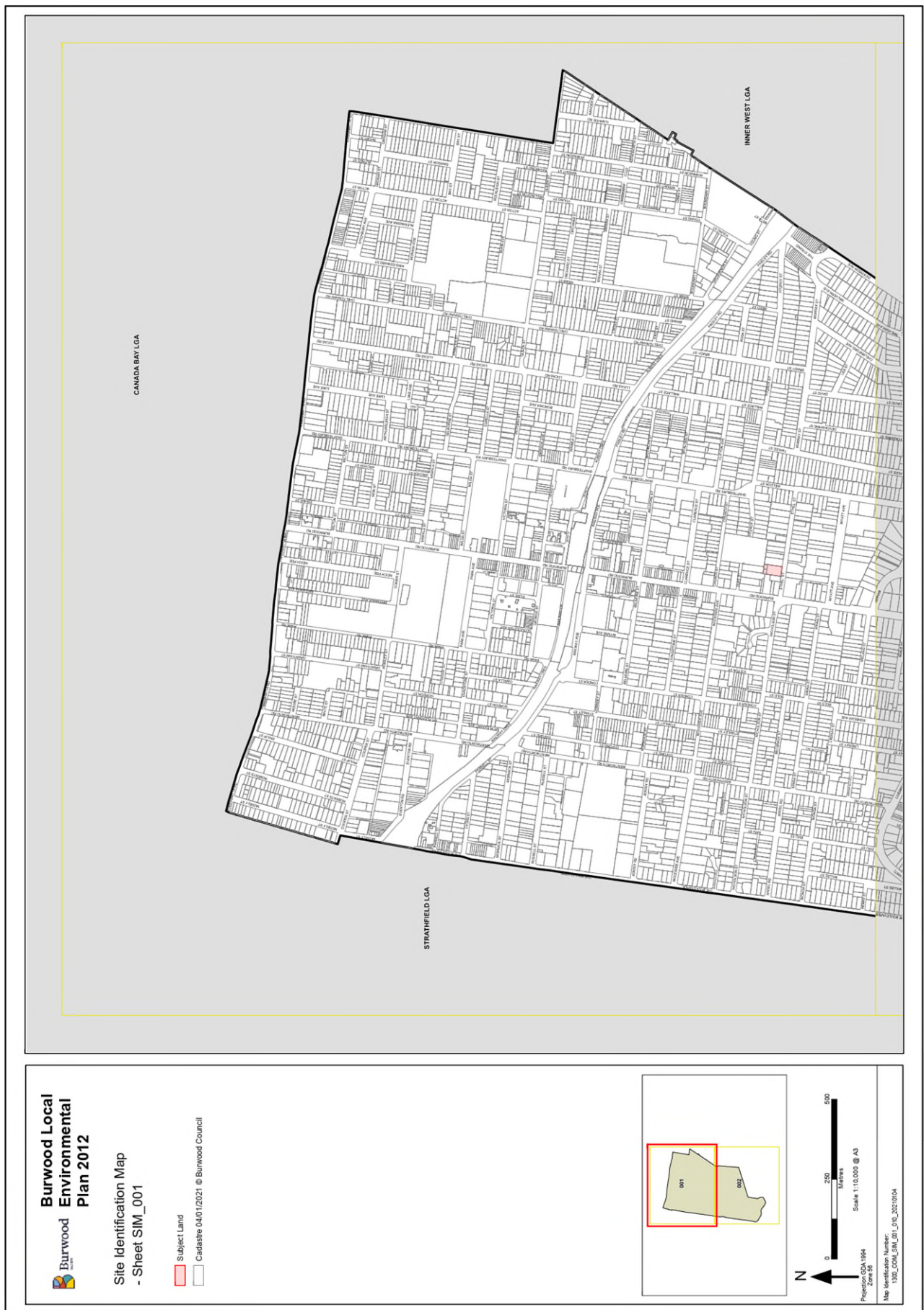
Supporting Documentation

Heritage assessments and other supporting documents are provided
under separate cover

Enclosure No.	Description
1	Heritage Assessment of 17 Ethel Street Burwood, undertaken by City Plan Heritage in November 2020.

Mapping

Draft Planning Proposal



Draft Planning Proposal

