

Planning Proposal

Heritage Listing of 11 Seale Street Burwood

March 2022; As amended 29 April 2022

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 and Environment (DPE) 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 and Intended Outcomes

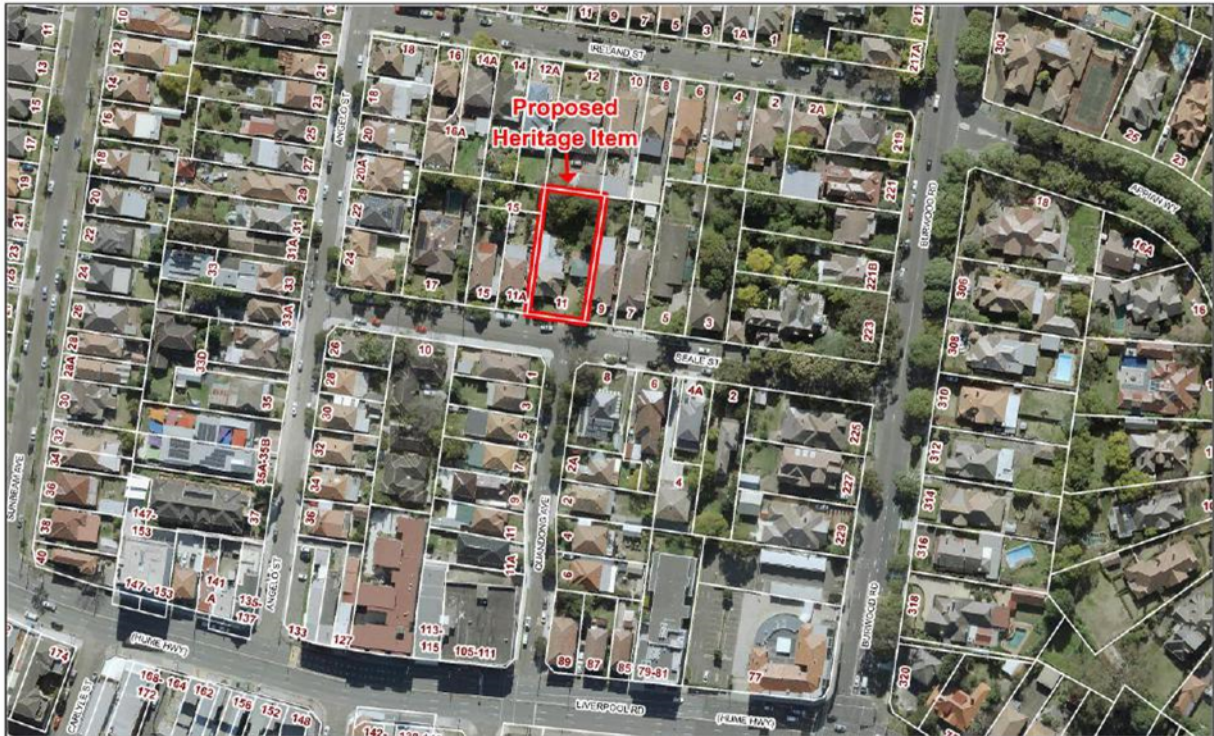
The Planning Proposal seeks to facilitate the heritage listing of the property at 11 Seale Street Burwood under Schedule 5 of the Burwood Local Environmental Plan (BLEP) 2012.

Part 2 – Explanation of Provisions

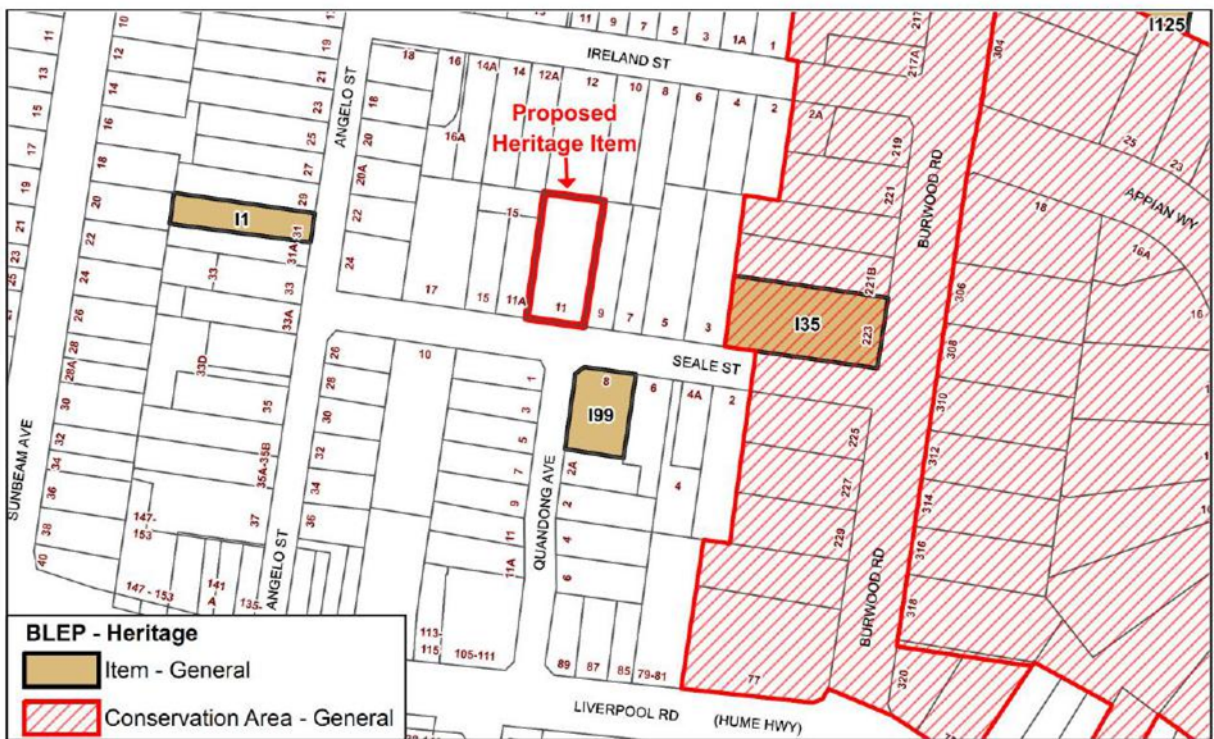
The property at 11 Seale Street Burwood would be listed in Schedule 5 of the BLEP 2012. In doing so, the Heritage Conservation provisions under clause 5.10 of the BLEP would apply to the property.

The Heritage Map of the BLEP 2012 would be amended to include the property at 11 Seale 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 11 Seale Street Burwood.
Subject site is shown outlined in red.



Existing BLEP Heritage Map of 11 Seale Street Burwood.
Subject site is shown outlined in red.



Photograph of 11 Seale Street Burwood.

Source: [realestate.com.au](https://www.realestate.com.au)

Part 3 – Justification of strategic and site-specific merit

Section A – Need for the planning proposal

1. *Is the planning proposal a result of an endorsed LSPS, strategic study or report?*

Yes. In July 2021, Council engaged a heritage consultant, GML Heritage, to undertake a heritage assessment (Attached in Supporting Documentation). The investigation found that the property demonstrates heritage significance at the local level and met the threshold of local significance for criteria (a), (b), (c) and (f) and (g) of the standard assessment criteria. 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 26 October 2021, whereupon Council resolved as follows:

1. *That Council endorse the heritage listing of the property at 11 Seale Street Burwood.*
2. *That the General Manager proceed with the preparation of a Planning Proposal for the property.*
3. *That the Planning Proposal, when prepared, be submitted to the Burwood Local Planning Panel (BLPP) for their consideration.*

0. *That the results of the BLPP's consideration be reported back to Council before being referred to NSW Government for Gateway determination.*

On 8 March 2022, the Burwood Local Planning Panel (BLPP) considered a report on the proposed heritage listing of 11 Seale Street Burwood and draft Planning Proposal. The BLPP resolved:

That the Burwood Local Planning Panel support the Planning Proposal to heritage list the property at 11 Seale Street Burwood.

On 22 March 2022, Council considered a report on the BLPP's recommendations. The Council resolved:

1. *That Council endorse the heritage listing of the property at 11 Seale 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.*

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 and there is no other recognised method with the same statutory weight.

Section B – Relationship to the 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 LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?*

Yes. 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 of 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.

Also, 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.

5. *Is the planning proposal consistent with any other applicable State and regional studies or strategies?*

None are applicable.

6. *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 |
|---|---|
| Housing (2021) | Not relevant. The subject property is not known to contain affordable housing. The heritage listing of properties may alter whether development under the former ARH SEPP may be carried out on that site, but this Planning Proposal would not contravene the SEPP in any way. |
| Design and Place (2021) | Not relevant. Applicable to development of three storeys or more. While the subject building is only one 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. |
| Environment | Not relevant. |
| Planning Systems (2021) | Not relevant. |
| Biodiversity and Conservation (2021) | 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. |
| Resilience and Hazards (2021) | Not relevant. There is no indication that previous uses at the subject sites would trigger site remediation requirements. The subject properties are not located within the coastal areas identified by this SEPP. |
| Transport and Infrastructure (2021) | Not relevant. |
| Industry and Employment (2021) | Not relevant. |
| Resources and Energy (2021) | Not relevant. |
| Primary Production (2021) | Not relevant. |
| Precincts – Eastern Harbour City (2021) | Not relevant. |
| Precincts – Central River City (2021) | Not relevant. |
| Precincts – Western Harbour City (2021) | Not relevant. |
| Precincts – Regional | Not relevant. |
| 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.

7. *Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?*

Yes. Consistency with the list of Directions (under section 9.1 of the Environmental Planning and Assessment Act 1979 issued by the Minister for Planning) is set out in the following table.

| Direction | | Comment |
|---|---|--|
| Focus area 1: Planning Systems | | |
| 1.1 | Implementation of the Minister's Planning principles | |
| 1.2 | Implementation of Regional Plans | Not relevant. |
| 1.3 | Development of Aboriginal Land Council land | Not relevant. |
| 1.4 | 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. |
| 1.5 | Site Specific Provisions | Not relevant. |
| Focus area 1: Planning Systems – Place based | | |
| 1.6 | Parramatta Road Corridor Urban Transformation Strategy | Not relevant. The subject properties are not within the Parramatta Road corridor, nor undermine the achievement of that Strategy's vision or objectives. |
| 1.7 | Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan | Not relevant. |
| 1.8 | Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | Not relevant. |
| 1.9 | Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | Not relevant. |
| 1.10 | Implementation of Glenfield to Macarthur Urban Renewal Corridor | Not relevant. |
| 1.11 | Implementation of the Western Sydney Aerotropolis Plan | Not relevant. |
| 1.12 | Implementation of Bayside West Precincts 2036 Plan | Not relevant. |
| 1.13 | Implementation of Planning Principles for the Cooks Cove Precinct | Not relevant. |
| 1.14 | Implementation of St Leonards and Crows Nest 2036 Plan | Not relevant. |
| 1.15 | Implementation of Greater Macarthur 2040 | Not relevant. |
| 1.16 | Implementation of the Pyrmont Peninsula Place Strategy | Not relevant. |
| 1.17 | North West Rail Link Corridor Strategy | Not relevant. |
| Focus area 2: Design and Place | | |
| Focus area 3: Biodiversity and Conservation | | |
| 3.1 | Conservation zones | Not relevant. |
| 3.2 | 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. |
| 3.3 | Sydney Drinking Water Catchments | Not relevant. |
| 3.4 | Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs | Not relevant. |
| 3.5 | Recreation Vehicle Areas | Not relevant. |
| Focus area 4: Resilience and Hazards | | |
| 4.1 | Flooding | Not relevant. |
| 4.2 | Coastal Management | Not relevant. |
| 4.3 | Planning for Bushfire Protection | Not relevant. |
| 4.4 | Remediation of Contaminated Land | Not relevant. |
| 4.5 | 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. |
| 4.6 | Mine Subsidence and Unstable Land | Not relevant. |
| Focus area 5: Transport and Infrastructure | | |
| 5.1 | 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. |
| 5.2 | Reserving Land for Public Purpose | Not relevant. |
| 5.3 | Development Near Regulated Airports and Defence Airfields | Not relevant. |
| 5.4 | Shooting Ranges | Not relevant. |
| Focus area 6: Housing | | |
| 6.1 | 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). |
| 6.2 | Caravan Parks and Manufactured Home Estates | Not relevant. |
| Focus area 7: Industry and Employment | | |
| 7.1 | Business and Industrial Zones | Not relevant. |
| 7.2 | Reduction in non-hosted short-term rental accommodation period | Not relevant. |
| 7.3 | Commercial and Retail development along the Pacific Highway, North Coast | Not relevant. |
| Focus area 8: Resources and Energy | | |
| 8.1 | Mining, Petroleum Production and Extractive Industries | Not relevant. |
| Focus area 9: Primary Production | | |
| 9.1 | Rural Zones | Not relevant. |
| 9.2 | Rural Lands | Not relevant. |
| 9.3 | Oyster Aquaculture | Not relevant. |
| 9.4 | Farmland of State and Regional Significance on the NSW Far North Coast | Not relevant. |

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 because 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.

- 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. 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 – Infrastructure (Local, State and Commonwealth)

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

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

Section E – State and Commonwealth Interests

- 12. *What are the views of state and federal public authorities and government agencies consulted in order to inform 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 – Maps

The Planning Proposal seeks to identify 11 Seale 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 where this matter was considered. The property owner and their representatives have also had phone conversations with Council's Heritage Advisor. 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. In accordance with the Gateway Determination issued on 20 April 2022 by the Department of Planning & Environment, the Planning Proposal be placed on public exhibition for a minimum period of 20 working days.

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

Part 6 – Project Timeline

| | |
|---|-----------------------|
| Burwood Local Planning Panel Meeting for advice | March 2022 |
| Consideration by Council | March 2022 |
| Date of Gateway Determination | 20 April 2022 |
| Anticipated timeframe for the completion of required technical information (pre-exhibition) | May 2022 |
| Timeframe for government agency consultation | May 2022 |
| Commencement and completion dates for the public exhibition period | 16 May – 10 June 2022 |
| Dates for public hearing | Not applicable |
| Timeframe for consideration of submissions | June 2022 |
| Timeframe for the consideration of a proposal post exhibition – Report to Council | 26 July 2022 |
| Referral to Parliamentary Counsel for drafting of legal instrument | Beginning August 2022 |
| Anticipated date RPA will make the plan (if delegated) | September 2022 |
| Gazettal of LEP amendment | October 2023 |

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

- Mayoral Minute to the Council meeting of 29 June 2021 is available at the link below. Please select 29 June 2020 Ordinary Council Meeting, then Item MM13/21 in Minutes.
<https://www.burwood.nsw.gov.au/Our-Council/Council-and-Committee-Meetings/Minutes-and-Agendas>
- Report to the Council meeting of 26 October 2021 is available at the link below. Please select 26 October 2021 Ordinary Council Meeting, then Item 73/21 in Agenda.
<https://www.burwood.nsw.gov.au/Our-Council/Council-and-Committee-Meetings/Minutes-and-Agendas>
- Report to the Burwood Local Planning Panel meeting of 8 March 2022 is available at the link below. Please select 8 March 2022 Burwood Planning Panel Meeting, then Item GB1/22 in Agenda.
<https://www.burwood.nsw.gov.au/Our-Council/Council-and-Committee-Meetings/Minutes-and-Agendas>
- Report to the Council meeting of 22 March 2022 is available at the link below. Please select 22 March 2022 Ordinary Council Meeting, then Item 11/22 in Agenda.
<https://www.burwood.nsw.gov.au/Our-Council/Council-and-Committee-Meetings/Minutes-and-Agendas>

Appendix One

Proposed Amendment to Schedule 5

The proposed heritage item would be inserted into Schedule 5 of the BLEP 2012. The proposed Item No is indicative and will be confirmed by Parliamentary Counsel at the finalisation stage of the LEP amendment

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 | Carinya | 11 Seale Street | Lot 1, DP 942801 | Local | i225 |

Note: 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 11 Seale Street Burwood. |
| | |
| | |
| Address of Land (if applicable): | |
| | 11 Seale Street Burwood. |
| | |
| | |
| Intent of draft LEP: | |
| | The heritage listing of the subject property. |
| | |
| | |
| Additional Supporting Points/Information: | |
| | Please refer to the PP. |
| | |
| | |
| | |

[illegible]

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

| | | | | |
|--|-----|-----|--|--|
| | | N/A | | |
| | | N/A | | |
| | | N/A | | |
| | Y/N | | | |
| | N | | | |
| | N | | | |
| | N | | | |
| yes, does the planning proposal contain sufficient supported justification to enable the matter to proceed? | | N/A | | |
| | | N/A | | |
| | | | | |
| | | N/A | | |
| | | | | |
| | | | | |

Supporting Documentation

Heritage assessments and other supporting documents are provided under separate cover

| Enclosure No. | Description |
|---------------|---|
| 1 | Heritage Assessment of 11 Seale Street Burwood, undertaken by GML Heritage Pty Ltd in October 2021. |

Mapping





Burwood
COUNCIL


Burwood Local Environmental Plan 2012

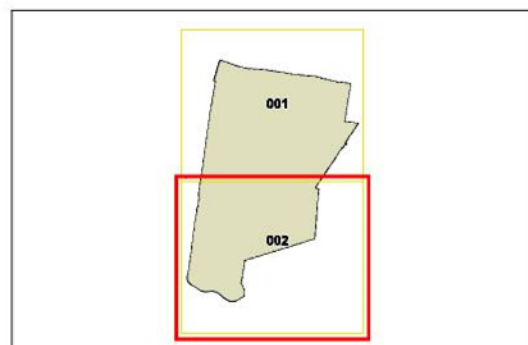
Heritage Map - Sheet HER_002

Heritage

-  Conservation Area - General
-  Item - General

Cadastre

 Cadastre 11/02/2022 © Burwood Council



N



0 250 500
Metres

Scale 1:10,000 @ A3

Projection GDA 1994
Zone 56

Map Identification Number:
1300_COM_HER_002_010_20220211

STRATHFIELD
LGA



INNER WEST
LGA

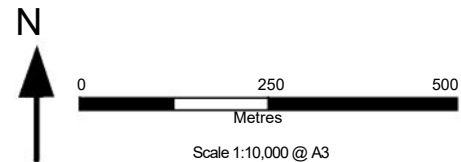
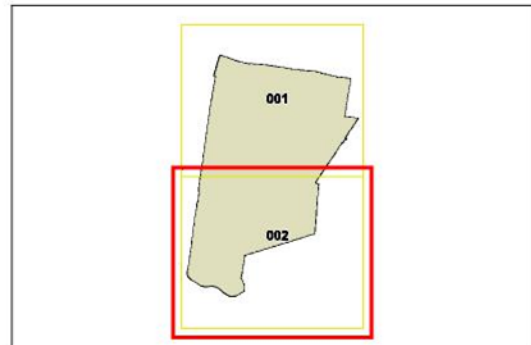
CANTERBURY-BANKSTOWN
LGA



Burwood Local Environmental Plan 2012

Site Identification Map - Sheet SIM_002

-  Subject Land
-  Cadastre 11/02/2022 © Burwood Council



Projection GDA 1994
Zone 56
Map Identification Number:
1300_COM_SIM_002_010_20220211

