



IRF23/508

## Gateway determination report – PP-2023-332

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Local heritage group listings of five properties at Cooper Street, Strathfield and seven electricity substations in the Burwood Local Government Area

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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Planning Proposal (Burwood Council, January 2023)
Heritage Assessment Report of 4-10 and 14 Cooper Street, Strathfield (GML Heritage Pty Ltd, December 2022)

Draft Heritage Inventory Sheet – 4-10 and 14 Cooper Street, Strathfield (GML Heritage Pty Ltd, November 2022)

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Heritage Assessment of Ausgrid electricity substations (Burwood Council, February 2023)

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Draft Heritage Inventory Sheet – Electricity Substations (Burwood Council, 12 January 2023)

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Burwood Council Meeting Agenda and Minutes (14 February 2023)

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Burwood Local Planning Panel Meeting Agenda and Minutes (7 February 2023)

# 1 Planning proposal

## 1.1 Overview

The planning proposal seeks to amend the Burwood Local Environmental Plan 2012 to create two group heritage listings, one for properties at 4-10 and 14 Cooper Street, Strathfield and one for seven electricity substations in the Burwood Local Government Area (LGA).

The planning proposal is supported by heritage assessments and draft heritage inventory sheets:

- Heritage Assessment Report of 4-10 and 14 Cooper Street, Strathfield (GML Heritage Pty Ltd, December 2022) and Draft Inventory Sheet; and
- Heritage Assessment of Ausgrid electricity substations (Burwood Council, February 2023) and Draft Inventory Sheet.

**Table 2 Planning proposal details**

<b>LGA</b>	<b>Burwood</b>
<b>PPA</b>	Burwood Council
<b>NAME</b>	Local group heritage listing of five properties at Cooper Street, Strathfield and seven electricity substations in the Burwood LGA
<b>NUMBER</b>	PP-2023-332
<b>LEP TO BE AMENDED</b>	Burwood Local Environmental Plan 2012
<b>ADDRESS</b>	<ul style="list-style-type: none"> <li>• 4, 6, 8, 10 and 14 Cooper Street, Strathfield</li> <li>• 12 Icton Street, Burwood</li> <li>• 32 Wallace Street, Croydon</li> <li>• 25A Angel Road, Strathfield</li> <li>• 2B Cooper Street, Strathfield</li> <li>• 4 Badminton Road, Croydon</li> <li>• 5 Burwood Road, Enfield</li> <li>• 1A Princes Street, Burwood</li> </ul>
<b>DESCRIPTION</b>	<ul style="list-style-type: none"> <li>• Lot 22 DP 2089; Lot 21 and Lot 1 DP 2089 and DP 911709; Lot 1 DP 925133; Lot 1 and Lot 17 DP 1040940 and DP 2089; Lot 15 DP 2089</li> <li>• Lot 13 DP 607950</li> <li>• Lot 1 DP 319038</li> <li>• Lot 1 DP 325573</li> <li>• Lot 1 DP 324150</li> <li>• Lot 1 DP 324990</li> <li>• Lot 1 DP 574784</li> <li>• Lot 1 DP 449839</li> </ul>
<b>RECEIVED</b>	21/02/2023

<b>FILE NO.</b>	IRF23/508
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to recognise the local heritage significance of the five properties at 4-10 and 14 Cooper Street, Strathfield and the seven electricity substations located in various suburbs in the Burwood LGA.

The objective of this planning proposal is clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Burwood LEP 2012 to:

- insert a local heritage group listing in Part 1 (Heritage items) of Schedule 5 (Environmental heritage) for each of the following:
  - Victorian Italianate houses at 4, 6, 8, 10 and 14 Cooper Street, Strathfield.
  - Electricity Substations at various addresses (see section 1.4 of this report) in the Burwood LGA.
- amend the relevant Heritage Maps (HER\_001 and HER\_002) to identify the sites as heritage items at their respective addresses.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site description and surrounding area

The planning proposal relates to five properties at Cooper Street, Strathfield and seven electricity substations spread across the Burwood LGA (each individual site is identified and described in **Table 3**). An overview of the sites and context is provided below.

### Cooper Street, Strathfield

The Cooper Street sites comprise detached dwellings fronting Cooper Street and bound by Cowdery Lane to the south, all zoned R1 General Residential (**Figure 1**). The sites have generous front setbacks with landscaping.

The sites are approximately 250m north-east of Strathfield Train Station and 350m south of Parramatta Road.

The Cooper Street sites are in an established residential area, with surrounding development including a mix of single dwellings and residential flat buildings of varying ages and styles.

To the north on the opposite side of Cooper Street are two heritage conservation areas (HCAs), the Philip Street HCA (C16) and the Mosely and Roberts Streets HCA (C15). There are local heritage items adjacent and nearby to the sites (**Figure 2**):

- Item 190 *Victorian house* at 2 Cooper Street, Strathfield



- Item 192 1950s house and garden at 18A Cooper Street, Strathfield
- Item 207 Victoria villa at 45 Wentworth Road, Strathfield



Figure 1 Aerial image of 4-10 and 14 Cooper Street (outlined in blue) (base source: Nearmap)



Figure 2 Existing (left) and proposed (right) heritage map: Cooper Street (source: Planning proposal)

### Electricity substations

The proposal relates to seven sites scattered across the suburbs of Burwood, Croydon, Enfield and Strathfield. Each site accommodates an electricity substation, which are installations containing high-voltage switchgear, transformers, regulators or converters for the purpose of switching, transforming or converting electricity.





The sites are all zoned R2 Low Density Residential, except for 1A Princes Street, Burwood which is zoned R3 Medium Density Residential.

Two substations are located in existing heritage conservation areas (HCAs) being the substations at 32 Wallace Street (in the Wallace and Brady HCA) and at 4 Badminton Road (in the Badminton Road to Culdees Road HCA).



**Table 3: Properties identified for local heritage listing in planning proposal**

<b><u>Cooper Street, Strathfield properties</u></b>	
<b>4 Cooper Street, Strathfield</b>	
<b>Lot DP</b>	Lot 22 DP 2089
<b>Description</b>	Detached single-storey Victorian Italianate cottage set on a narrow lot towards the eastern end of Cooper Street.
<b>Site photo</b>	 <p><b>Figure 3 The site as viewed from Cooper Street (source: Planning proposal)</b></p>
<b>6 Cooper Street, Strathfield</b>	
<b>Lot DP</b>	Lot 21 and Lot 1, DP 2089 and DP 911709
<b>Description</b>	Single-storey detached brick cottage constructed in the Victorian Italianate style.
<b>Site photo</b>	 <p><b>Figure 4 The site as viewed from Cooper Street (source: Planning proposal)</b></p>


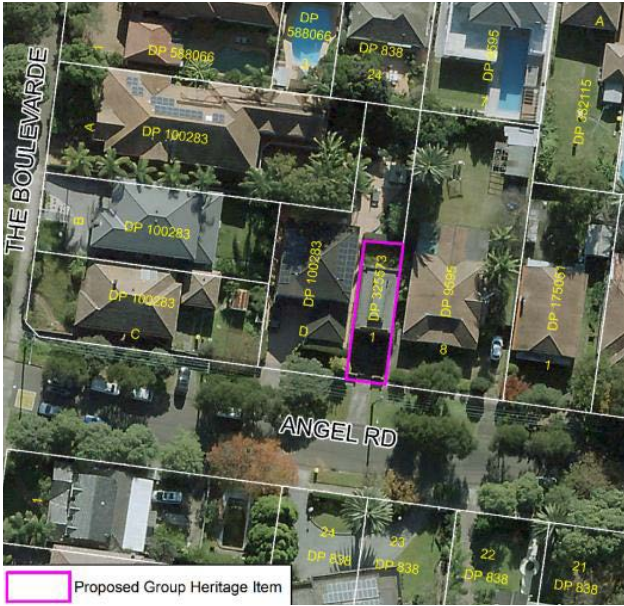




8 Cooper Street, Strathfield	
Lot DP	Lot 1 DP 925133
Description	Single-storey detached, rendered and painted brick cottage constructed in the Victorian Italianate style.
Site photo	 <p>Figure 5 The site as viewed from Cooper Street (source: Planning proposal)</p>
10 Cooper Street, Strathfield	
Lot DP	Lot 1 and Lot 17, DP 1040940 and DP 2089
Description	Single-storey detached brick cottage constructed in the Victorian Italianate style, with some later additions.
Site photo	 <p>Figure 6 The site as viewed from Cooper Street (source: Planning proposal)</p>
14 Cooper Street, Strathfield	
Lot DP	Lot 15 DP 2089
Description	Detached two-storey Victorian villa set on a narrow lot.

<b>Site photo</b>	 <p><b>Figure 7 The site as viewed from Cooper Street (source: Planning proposal)</b></p>
<b><u>Electricity substation sites</u></b>	
<b>Substation Site 1: 12 Iceton Street, Burwood</b>	
<b>Lot DP</b>	Lot 13 DP 607950
<b>Substation no.</b>	241
<b>Description</b>	Single storey building in the Interwar Stripped Classical style, set back from the street behind a low brick wall.
<b>Map</b>	 <p><b>Figure 8 Aerial image of the site shown by the pink outline (source: Planning proposal)</b></p>



<b>Site photo</b>	 <p><b>Figure 9 The site as viewed from Iceton Street (source: Planning proposal)</b></p>
<b>Substation Site 2: 32 Wallace Street, Croydon</b>	
<b>Lot DP</b>	Lot 1 DP 319038
<b>Substation no.</b>	250
<b>Description</b>	Tuck-pointed brick building built in the Interwar Georgian Revival style, set back from the street behind a low brick wall.
<b>Map</b>	 <p><b>Figure 10 Aerial image of the site shown by the pink outline (source: Planning proposal)</b></p>





<b>Site photo</b>	 <p><b>Figure 11 The site as viewed from Wallace Street (source: Planning proposal)</b></p>
<b>Substation Site 3: 25A Angel Road, Strathfield</b>	
<b>Lot DP</b>	Lot 1 DP 325573
<b>Substation no.</b>	294
<b>Description</b>	Double height building designed in a mixture of the Interwar Georgian Revival and Mediterranean style and set back from the street behind a low brick wall.
<b>Map</b>	 <p><b>Figure 12 Aerial image of the site shown by the pink outline (source: Planning proposal)</b></p>

<p><b>Site photo</b></p>	 <p><b>Figure 13 The site as viewed from Angel Road (source: Planning proposal)</b></p>
<p><b>Substation Site 4: 2B Cooper Street, Strathfield</b></p>	
<p><b>Lot DP</b></p>	<p>Lot 1 DP 324150</p>
<p><b>Substation no.</b></p>	<p>308</p>
<p><b>Description</b></p>	<p>A single storey brick substation constructed circa 1929.</p>
<p><b>Map</b></p>	 <p><b>Figure 14 Aerial image of the site shown by the pink outline (source: Planning proposal)</b></p>



<b>Site photo</b>	 <p><b>Figure 15 The site as viewed from Cooper Street (source: Planning proposal)</b></p>
<b>Substation Site 5: 4 Badminton Road, Croydon</b>	
<b>Lot DP</b>	Lot 1 DP 324990
<b>Substation no.</b>	313
<b>Description</b>	A double height building designed in a mixture of the Interwar Georgian Revival and Mediterranean styles, set back from the street behind a low brick wall.
<b>Map</b>	 <p><b>Figure 16 Aerial image of the site shown by the pink outline (source: Planning proposal)</b></p>

<b>Site photo</b>	 <p><b>Figure 17 The site as viewed from Badminton Road (source: Planning proposal)</b></p>
<b>Substation Site 6: 5 Burwood Road, Enfield</b>	
<b>Lot DP</b>	Lot 1 DP 574784
<b>Substation no.</b>	319
<b>Description</b>	Double height building with a symmetrical façade and designed in a mixture of the Interwar Georgian Revival, and Mediterranean styles.
<b>Map</b>	 <p><b>Figure 18 Aerial image of the site shown by the pink outline (source: Planning proposal)</b></p>

<b>Site photo</b>	 <p><b>Figure 19 The site as viewed from Burwood Road (source: Planning proposal)</b></p>
<b>Substation Site 7: 1A Princes Street, Burwood</b>	
<b>Lot DP</b>	Lot 1 DP 449839
<b>Substation no.</b>	48
<b>Description</b>	Single storey building constructed in the Interwar Art Deco style, set back from the street behind a contemporary low brick wall and entrance gate. Note: this site is also referred to as 'the Cheltenham Road substation.'
<b>Map</b>	 <p><b>Figure 20 Aerial image of the site shown by the pink outline (source: Planning proposal)</b></p>



**Site photo**

**Figure 21 The site as viewed from Burwood Road (source: Planning proposal)**

## 1.5 Mapping

The planning proposal includes indicative mapping showing the proposed changes to the Heritage Maps, which are suitable for community consultation.

## 1.6 Background

### Cooper Street sites

Planning proposal (PP-2020-533 / PP\_2016\_BURWO\_003\_00)

- On 14 January 2020, a planning proposal for 2-18A Cooper Street (excluding 2B) and 43A and 45 Wentworth Road, Strathfield was finalised by the Department as the local plan-making authority which amended the Burwood LEP 2012 (Amendment No 16).
- Relevant to the current planning proposal, this rezoning included the properties at 4, 6, 8, 10 and 14 Cooper Street.
- Amongst other amendments, the proposal rezoned the land from R2 Low Density Residential to R1 General Residential and increased the maximum height of buildings and floor space ratio (FSR). Relevant to the current proposal, for land at 4-10 and 14 Cooper Street, the height of buildings standards were amended from 8.2m, to 14m and 20.5m, and the FSR from 0.55:1, to 1.5:1 and 2.3:1.
- The current planning proposal states that *'At the time of preparing the planning proposal, there was a review of existing heritage listed items within the vicinity of the subject site, but the prospect of listing other individual properties in Cooper Street was not raised as an issue.'*
- The current planning proposal states that *'Subsequent Development Applications have acknowledged that potentially there is a heritage streetscape in this section of Cooper Street.'*

### Development applications

2, 2A and 4 Cooper Street, Strathfield

- On 6 January 2021, a development application (DA) (DA.2021.1) was lodged with Council for demolition of the existing dwelling at 2A Cooper Street, restoration and alterations to the existing heritage dwelling (2 Cooper Street), alterations and additions to 4 Cooper Street

and construction of a part 3/4 storey boarding house, two levels of basement car parking and associated landscaping.

- On 27 April 2021, a deemed refusal appeal of the DA was lodged in the Land and Environment Court (LEC).
- On 6 January 2022, the LEC issued deferred commencement consent for the development.
- The planning proposal stated the deferred commencement condition required a previous complying development certificate (CDC) (11.2020.105.1) issued in October 2020 for demolition and construction of a replacement dwelling at 4 Cooper Street, to be surrendered which was satisfied on 1 June 2022.

At the Council meeting on 28 June 2022, Council resolved that an independent heritage consultant be engaged to provide a heritage significance assessment of 4-10 and 14 Cooper Street, Strathfield. This responded to a Mayoral Minute considered at the 24 August 2021 Council meeting where Council resolved to investigate the suitability of obtaining an Interim Heritage Order over properties at 2B to 18A Cooper Street.

### **Electricity substations**

Section 170 of the *NSW Heritage Act 1977* requires all State agencies to establish and keep a 'Heritage and Conservation Register' (Section 170 Register). All items identified on the Section 170 Register should have an accompanying heritage inventory sheet available to the public.

The seven electricity substations are currently identified on the Section 170 Register maintained by Ausgrid but are not listed in any environmental planning instrument made under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

On 22 December 2021 Ausgrid informed Council in writing that it had undertaken a review of its Section 170 Register and does not consider the seven electricity substation sites to meet the criteria for inclusion in the Register pursuant to Clause 22 of the *Heritage Regulation 2012*, which provides that:

*(1) The following classes of items of the environmental heritage are prescribed for the purposes of section 170(4)(a) of the Act –*

- (a) items that are listed as heritage items under an environmental planning instrument made under the Environmental Planning and Assessment Act 1979,*
- (b) items that are subject to an interim heritage order,*
- (c) items that are listed on the State Heritage Register,*
- (d) items identified by the government instrumentality concerned as having State heritage significance.*

On 26 April 2022, Council considered a report on a comprehensive review of the Burwood LEP 2012, and recommended that Council's Heritage Advisor review the substations and make any recommendations for heritage listing in the LEP. Council then undertook their own heritage review of the sites and concluded all seven substations fulfil the criteria for local heritage listing.

On 12 January 2023, Council advised Ausgrid of its intention to proceed with a planning proposal to heritage list the substations. Council advises Ausgrid has agreed to retain these items on its Section 170 Register indefinitely pending the planning proposal process and Council updating Ausgrid on the progress of the proposal.

On 7 February 2023 the Burwood Local Planning Panel supported the planning proposal. On 14 February 2023, Council resolved to support the planning proposal and forward it to the Department for Gateway determination. On 21 February 2023, the planning proposal was submitted to the Department for Gateway determination.



## 2 Need for the planning proposal

The planning proposal is based on the recommendations of the Heritage Assessment undertaken by GML Heritage Pty Ltd, and the Heritage Assessment undertaken by Council's heritage officers which concluded that these sites meet the threshold for listing as local heritage items.

Each of the twelve sites were assessed against the seven criteria included in the NSW Heritage Office Guideline *Assessing Heritage Significance*. If an item meets one of the seven listing criteria at a local level and retains the integrity of its key attributes, it can be considered to have local heritage significance. The key findings of the assessments are summarised below in **Table 4**.

**Table 4: Summary of the heritage assessments**

Address	a) historic	b) association	c) aesthetic	d) social	e) research potential	f) rarity	g) representative- ness
4 Cooper Street, Strathfield	✓	✓	✓	✗	✗	✗	✓
6 Cooper Street, Strathfield	✓	✗	✓	✗	✗	✗	✓
8 Cooper Street, Strathfield	✓	✗	✓	✗	✗	✗	✓
10 Cooper Street, Strathfield	✓	✗	✓	✗	✗	✗	✓
14 Cooper Street, Strathfield	✓	✗	✓	✗	✗	✗	✓
12 Icelton Street, Burwood	✓	✗	✓	✗	✗	✓	✓
32 Wallace Street, Croydon	✓	✗	✓	✗	✗	✗	✓
25A Angel Road, Strathfield	✓	✗	✓	✗	✗	✗	✓
2B Cooper Street, Strathfield	✓	✗	✓	✗	✗	✗	✓
4 Badminton Road, Croydon	✓	✗	✓	✗	✗	✗	✓
5 Burwood Road, Enfield	✓	✗	✓	✗	✗	✗	✓

Address	a) historic	b) association	c) aesthetic	d) social	e) research potential	f) rarity	g) representative- ness
1A Princes Street, Burwood  (also referred to as 'the Cheltenham Road substation')	✓	✗	✓	✗	✗	✓	✓

The key findings are of the heritage assessments of each site is outlined below:

### Criterion (a) Historical significance

#### Cooper Street properties

Council's heritage assessment considers all Cooper Street properties have significance at a local level under this criterion, because 'As a group the dwellings subdivision pattern, consistent setbacks, garden setting, Victorian Italianate architectural style, form and features demonstrate a pattern and form of housing typical of the late Victorian period.'

#### Electricity substations

Council's heritage assessment considers all seven substations to be historically significant as examples of the critical electricity infrastructure built by the Municipal Council of Sydney in the 1920's and 30's during the rapid suburban electricity network expansion into the Burwood LGA.

### Criterion (b) Historical associative significance

#### Cooper Street properties

Council's heritage assessment considers that only 4 Cooper Street has significance at a local level under this criterion as Richard Shute resided at the property from 1896 to 1918. Mr Shute was an architect, alderman of Burwood from 1893 to 1913, served as mayor three times and was involved in various sporting clubs. There is also association with Mr Shute's son, Robert Elliot Shute has accolades in sporting, and in 1923 a memorial shield was created in his name for Sydney's first-grade rugby competition which is ongoing.

#### Electricity substations

Council's heritage assessment considers the substations do not meet the threshold under this criterion.

### Criterion (c) Aesthetic significance

#### Cooper Street properties

Council's heritage assessment considers all Cooper Street properties to have significance at a local level under this criterion as they demonstrate the typology of a late Victorian Italianate dwelling and have a reasonable degree of integrity and intactness.

#### Electricity substations

Council's heritage assessment considers that all substations meet the threshold for aesthetic significance as they have a high degree of intactness in structure and provide a different architectural style in their residential locations. Five substations are designed in a mix of Interwar Georgian Revival and Mediterranean styles, Princes Street/Cheltenham Road substation is in Art Deco design and Iceton Street is in Stripped Classical design.

### Criterion (d) Social significance

### Cooper Street properties

Council's heritage assessment considers the Cooper Street properties do not meet the threshold under this criterion.

### Electricity substations

Council's heritage assessment considers the substations do not meet the threshold under this criterion.

## **Criterion (e) Technical/Research potential**

### Cooper Street properties

Council's heritage assessment considers the Cooper Street properties do not meet the threshold under this criterion.

### Electricity substations

Council's heritage assessment considers the substations do not meet the threshold under this criterion.

## **Criterion (f) Rarity**

### Cooper Street properties

Council's heritage assessment considers the Cooper Street properties do not meet the threshold under this criterion as Victorian Italianate dwellings are not rare in the Burwood LGA.

### Electricity substations

Council's heritage assessment considers that only two substations meet this criterion: Princes Street/Cheltenham Road (Art Deco design) and Icceton Street (Stripped Classical design). These are the only two substations in the Burwood LGA built in their respective styles.

## **Criterion (g) Representativeness**

### Cooper Street properties

Council's heritage assessment considers that all Cooper Street properties to have significance at a local level under this criterion. As the dwellings are a group of modest Victorian Italianate dwellings, the retention of the historical character and overall visual consistency allows the group to serve as a good example of surviving Victorian streetscapes in the Burwood LGA.

### Electricity substations

Council's heritage assessment considers that all substations meet the threshold under this criterion as they represent examples of the electricity infrastructure constructed as part of the fast expansion of electricity delivery in the 1920s and 30s to Burwood residents.

Overall, the objective of the proposal is to recognise and provide the statutory mechanism to protect the heritage significance of the sites. The proposal states that the best means of achieving this objective is through amending Burwood LEP 2012 to list the sites as local heritage items, which is achieved through the planning proposal process.

An administrative condition is recommended to ensure the street address for 1A Princes Street, Burwood (aka the Cheltenham Road Substation) (Substation No 48) is correct (a search of the property appeared to also show no street address being available for this site).

## 3 Strategic assessment

### 3.1 Regional and District Plans

The site is within the Eastern City District and the Greater Cities Commission (formerly Greater Sydney Commission) released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration and liveability, in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the EP&A Act. The following table includes an assessment of the planning proposal against relevant directions and actions.

**Table 4 Region and District Plan assessment**

Regional Plan Objectives	District Plan Priorities	Justification
Objective 13 – Environmental heritage is identified, conserved and enhanced	Planning Priority E6 – Creating and renewing great places and local centres and respecting the District’s heritage	<p>The planning proposal is consistent with this Priority as it seeks to provide the statutory mechanism to protect and respect the District’s heritage.</p> <p>The heritage assessments considered the various sites should be identified as local heritage items under the Burwood LEP 2012 as each item has reached the threshold for listing at a level.</p> <p>The proposal will recognise and provide ongoing protection of the heritage significance of the Cooper Street properties and the seven substations through listing them in the LEP.</p>

### 3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 5 Local strategic planning assessment**

Local Strategies	Justification
Local Strategic Planning Statement (LSPS)	<p>The Burwood LSPS is a 20 year plan that sets out the Burwood community’s economic, social and environmental land use needs and includes a vision for the Burwood LGA. The LSPS identifies the special characteristics of Burwood that contribute to its identity, the shared community values which are to be maintained and enhanced, and how growth and change will be managed into the future.</p> <p>The planning proposal is particularly consistent with <i>Planning Priority 5 – Identify local character areas considering preservation, enhancement and desired future character</i>. This Priority recognises Burwood’s rich cultural heritage includes numerous places that have unique and special built, archaeological, Aboriginal cultural and heritage significance.</p>

	<p>The proposal is consistent with this Priority as it will retain and protect properties identified as having local heritage values, which in turn will contribute to the local character of the area.</p> <p>By identifying properties of local heritage significance, this planning proposal is in keeping with the vision and objectives of the LSPS.</p>
Community Strategic Plan (CSP)	<p>The Burwood CSP, <i>Burwood 2036</i>, presents a long term vision for Burwood, describes the community, identifies current and future challenges and presents Council's goals and strategies.</p> <p>The planning proposal is consistent with the plans aim of creating places that are for and built around people. Specifically, the planning proposal would contribute to achieving Community Outcome 2.1 <i>'An urban environment that maintains and enhances our sense of identity and place'</i> and Strategy 2.1.2 <i>'Protect our unique built heritage and maintain or enhance local character'</i> as it would retain and protect items of local heritage significance in the Burwood area.</p>

### 3.3 Local Planning Panel (LPP) recommendation

On 7 February 2023, the Burwood LPP considered a report on the planning proposal. The LPP recommended Council proceed with the planning proposal.

### 3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 7 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.2 Heritage Conservation	Consistent	<p>This Direction requires that a planning proposal must contain provisions which facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance, as identified in a study of the environmental heritage of the area.</p> <p>The planning proposal is informed by heritage assessments undertaken in accordance with the NSW Heritage Office guideline.</p> <p>The assessments concluded that the subject sites satisfy the relevant criteria for local heritage listing and thereby the proposal is warranted. The proposal will facilitate the conservation and protection of these sites. The proposal is consistent with this Direction.</p>
6.1 Residential Zones	Yes	<p>This Direction applies to any planning proposal that would affect land within an existing residential zone. All of the sites are located within existing residential zones (R1, R2 and R3).</p> <p>The planning proposal does not seek to alter the existing residential zoning of any of the sites or any applicable development standards.</p> <p>The listing of the sites as local heritage items would require any future development application for the sites to be assessed against the</p>



provisions of Clause 5.10 *Heritage Conservation* under the Burwood LEP 2012. The proposal is consistent with this Direction.

### 3.5 State Environmental Planning Policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 8 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP Housing (2021)	This SEPP aims to promote the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services and designing housing in a way that reflects and enhances its locality.	Yes	The proposal is consistent with the SEPP as it does not prevent the site being used for residential purposes. The proposal will also not alter the existing zoning and development standards applicable to the site.
SEPP Exempt and Complying Development Codes (2008)	The policy aims to provide streamlined assessment processes for development that complies with specified development standards by providing exempt and complying development codes that have State-wide application.	Yes	<p>The proposal seeks to amend Schedule 5 of the Burwood LEP to group list multiple properties as local heritage items.</p> <p>The Codes SEPP does not apply to heritage items.</p> <p>The application of the SEPP will be slightly reduced in the Burwood LGA if this proposal is finalised. The SEPP was designed to have limited impact on buildings with heritage values, and thus this impact is a result of the SEPP operating as intended.</p> <p>In relation to this SEPP, the planning proposal states ‘...all properties are currently included in the heritage conservation area.’ however this is not the case. A Gateway condition is recommended to require this statement in the proposal to be updated prior to public exhibition.</p>
SEPP (Transport and Infrastructure) 2021	Note that under this SEPP, electricity substations are a component of <i>electricity transmission or distribution network</i> . The SEPP identifies exempt development and development permitted without consent relating to	Yes	The proposed heritage listing would not affect the operation of this SEPP. However the proposal states that this SEPP is not applicable, a Gateway condition is recommended for this commentary to be revised.

electricity transmission or distribution network.		
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## 4 Site-specific assessment

### 4.1 Environmental

The planning proposal relates only to the listing of the sites as items of local heritage significance and does not propose any changes to the LEP controls that would facilitate intensification of land use.

The planning proposal states there are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the subject sites. Overall, there are no likely negative environmental impacts that would arise as a result of the planning proposal.

### 4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 10 Social and economic impact assessment**

Social and Economic Impact	Assessment
Social	<p>The planning proposal is unlikely to result in any significant adverse social impacts. Listing the 12 sites as group heritage items will provide the community with greater certainty regarding the heritage significance of the sites and facilitate their ongoing protection.</p> <p>Through the community consultation process, the wider community will have an opportunity to voice their views regarding the values of the sites and whether the proposed listings are warranted.</p>
Economic	<p>There would be a minor economic impact for the landowner and/or asset owner/operator as the heritage listing of the properties may require specialist heritage studies to form part of any future development application submission.</p> <p>However, the proposal does not change the zoning or development standards applicable to the sites and will facilitate conservation of their heritage significance. As discussed above, the proposed listings means that the consent authority will need to consider the effect of any future development on the heritage significance of the sites pursuant to clause 5.10 of the LEP, it does not prohibit change or development as such.</p>

### 4.3 Infrastructure

There is no additional infrastructure demand that will result from the planning proposal as it does not involve any amendments to the planning controls that will facilitate intensified development.

The proposal states that all properties have access to adequate public infrastructure such as water, sewer, electricity and telephone services.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of a minimum of 28 days.

This timeframe is consistent with the Department's *Local Environmental Plan Making Guideline 2022* (LEP Making Guideline) timeframe of 20 working days for a standard planning proposal. A Gateway condition has been included to require the planning proposal to be exhibited for 20 working days, consistent with the benchmark timeframes in the Guideline.

The proposal states that public exhibition will include a letter to landowners/occupiers and owners of properties in the vicinity of each site.

#### Prior landowner consultation

The proposal states Ausgrid and the affected property owners on Cooper Street have been notified by letter *'regarding Council's resolutions to investigate the heritage significance of their properties and have been regularly updated on the progress of this process.'*

While the Department was considering this request for Gateway, the Department received a letter on behalf of landowners raising concerns about the planning proposal process prior to gateway. Their concerns included a lack of notification of Council meetings. Council is encouraged to notify landowners of public exhibition in writing.

### 5.2 Agencies

Council has nominated to consult with Ausgrid and Heritage NSW about the planning proposal.

This is considered appropriate, and it is recommended the agencies be given at least 30 days to comment on the proposal.

## 6 Timeframe

Council proposes a 6 month time frame to complete the LEP (by August 2023).

The Department concurs with this timeframe in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring Council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the proposed heritage listing is considered a local matter, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposed heritage listings are supported by heritage significance assessments and inventory sheets, undertaken in accordance with the NSW Heritage Office Guidelines, which finds that the sites are of local heritage significance as group items.

- The proposal will recognise and provide ongoing protection of the heritage significance of the sites; and
- The proposal is consistent with the Eastern City District Plan, Council's Local Strategic Planning Statement, and relevant SEPPs and Section 9.1 Directions.

## 9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to public exhibition to:
  - Confirm the street address for the location of the electricity substation stated to be at 1A Princes Street, Burwood (Lot 1 DP 449839); and
  - Correct the commentary on the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 where it is mistakenly stated that all properties are currently in a heritage conservation area; and
  - Include commentary on the applicability of the State Environmental Planning Policy (Transport and Infrastructure) 2021.
2. Consultation is required with the following public authorities:
  - Ausgrid
  - Heritage NSW (Department of Planning and Environment)
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
4. The planning proposal should be placed on public exhibition no later than 2 months from the date of the Gateway determination.
5. The planning proposal should be reported to Council for a final recommendation no later than 4 months from the date of the Gateway determination.
6. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination.
7. Given the nature of the proposal, Council is authorised to be the local plan-making authority.



13/04/2023

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14/04/2023

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