



Planning Proposal

Amendment to Schedule 5 of the Burwood LEP 2012

Group Heritage Listing - Nos 4-10 and 14 Cooper Street, Strathfield
Group Heritage Listing - Seven Ausgrid electricity substations

Approved by Council for Gateway Determination: 14 February 2023
Updated to comply with Gateway Determination: May 2023
Prepared by: City Planning

Part 1 – Objectives and Intended Outcomes

This planning proposal seeks to amend the provisions of the Burwood Local Environmental Plan 2012 (Burwood LEP 2012) to:

- (a) include as a group heritage listing five (5) properties in Cooper Street, Strathfield in Schedule 5 and on the Heritage Map of the Burwood LEP 2012; and
- (b) include as a group heritage listing seven (7) electricity substations which Ausgrid has proposed to remove from the Ausgrid Section 170 Register to ensure their ongoing preservation and maintenance. These properties will be included in Schedule 5 and on the Heritage Map of the Burwood LEP 2012.

This planning proposal has been prepared in accordance with section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) and the document prepared by the Department of Planning, Industry and Environment titled *Local Environmental Plan Making Guideline* (December 2021).

Part 2 – Explanation of Provisions

The planning proposal seeks the following amendments to Burwood LEP 2012:

- Insert a listing for the relevant properties in Cooper Street, Strathfield and each substation (as identified in Table 1 below) in Part 1 (Heritage Items) of Schedule 5 (Environmental Heritage). The exact wording of the amendment will be determined by the Parliamentary Counsel prior to the making of the LEP.
- Amend the Heritage Map (Sheets HER_001 & HER_002) to identify 12 additional heritage items at their relevant addresses. Refer to Figure 1, Figure 2 and Figure 4 below.

Table 1: Properties included in planning proposal

| Cooper Street Strathfield | | | |
|----------------------------------|--------------------------|-------------------|------------------------------|
| Address | | Lot Number | Deposited Plan Number |
| 4 Cooper Street, Strathfield | | Lot 22 | DP 2089 |
| 6 Cooper Street, Strathfield | | Lot 21 and Lot 1 | DP 2089 and DP 911709 |
| 8 Cooper Street, Strathfield | | Lot 1 | DP 925133 |
| 10 Cooper Street, Strathfield | | Lot 1 and Lot 17 | DP 1040940 and DP 2089 |
| 14 Cooper Street, Strathfield | | Lot 15 | DP 2089 |
| Electricity Substations | | | |
| Address | Substation Number | Lot Number | Deposited Plan Number |
| 12 Icton Street, Burwood | 241 | Lot 13 | DP 607950 |
| 32 Wallace Street, Croydon | 250 | Lot 1 | DP 319038 |
| 25A Angel Road, Strathfield | 294 | Lot 1 | DP 325573 |
| 2B Cooper Street, Strathfield | 308 | Lot 1 | DP 324150 |

| | | | |
|---|-----|-------|-----------|
| 4 Badminton Road, Croydon | 313 | Lot 1 | DP 324990 |
| 5 Burwood Road, Enfield | 319 | Lot 1 | DP 574784 |
| Substation – Princes Street, Burwood (Lot 1 DP 449839), known as 1A Princes Street, Burwood | 48 | Lot 1 | DP 449839 |



Figure 1: Aerial Photograph of Cooper Street, Strathfield subject properties.
Subject properties are shown outlined in red.

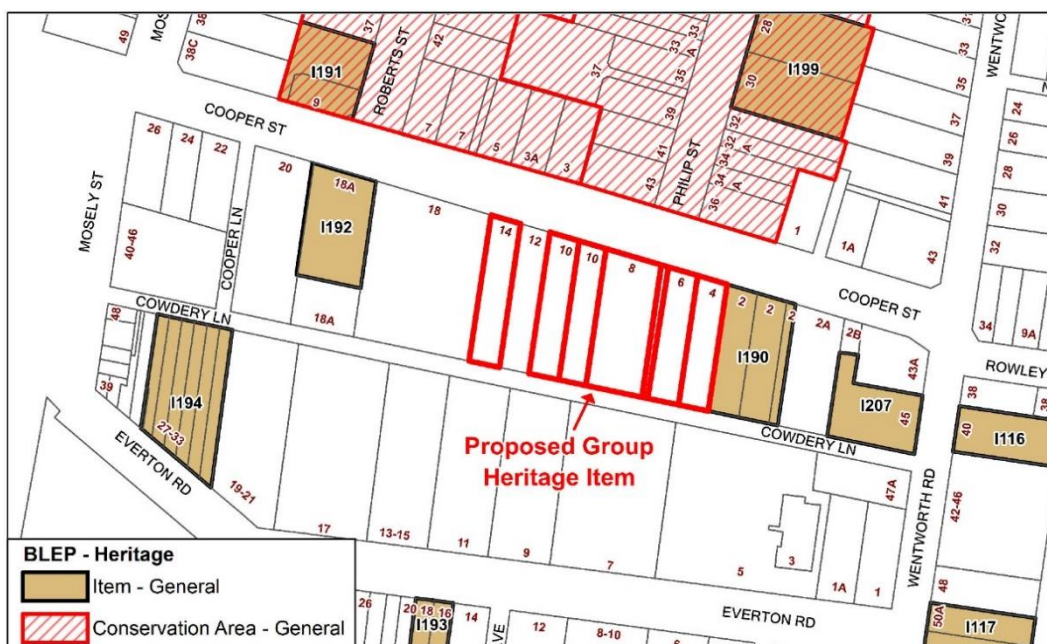


Figure 2: Existing BLEP Heritage Map of Cooper Street, Strathfield with proposed group item.
Subject properties are outlined in red.



4 Cooper Street, Strathfield



6 Cooper Street, Strathfield



8 Cooper Street, Strathfield



10 Cooper Street, Strathfield

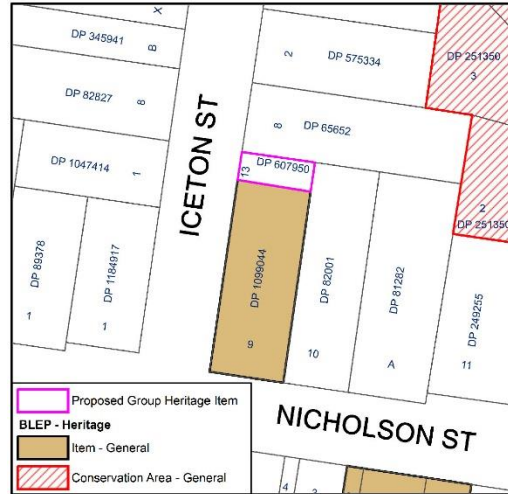


14 Cooper Street, Strathfield

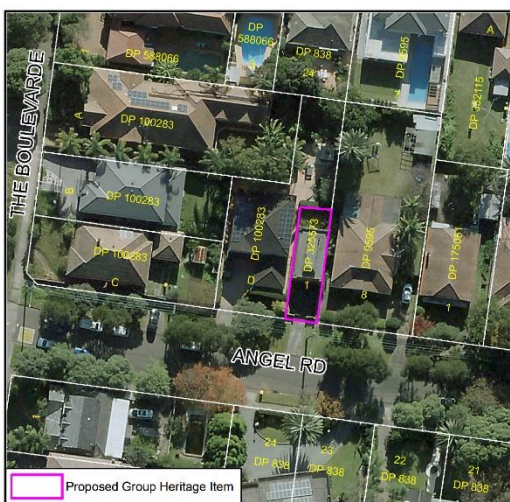
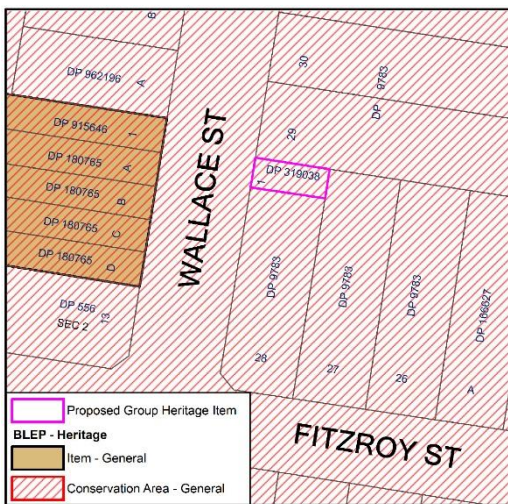
Figure 3: Photographs of Cooper Street, Strathfield subject properties
Source: GML Heritage Pty Ltd December 2022



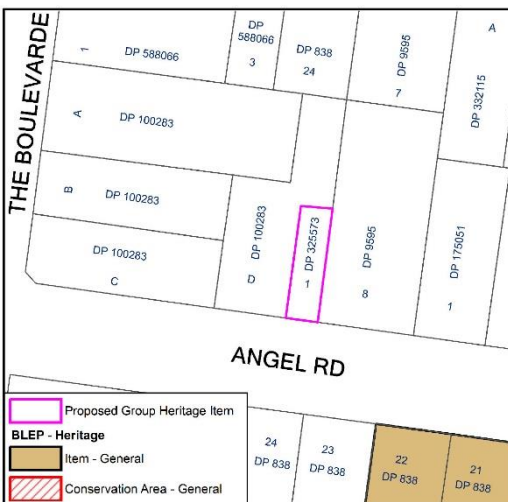
12 Iceton Street, Burwood

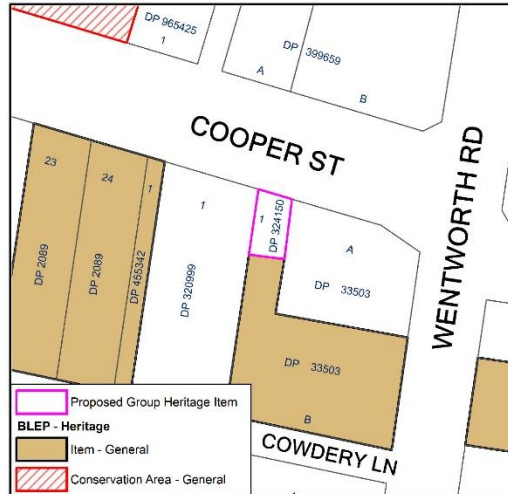


32 Wallace Street, Croydon

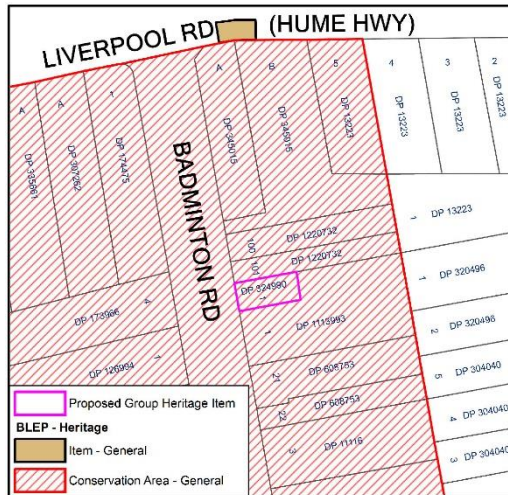


25A Angel Road, Strathfield

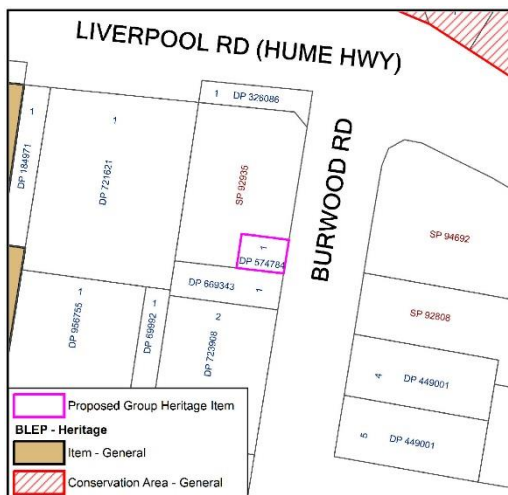




2B Cooper Street, Strathfield



4 Badminton Road, Croydon



5 Burwood Road, Enfield



Substation – Princes Street, Burwood (Lot 1 DP 449839), known as 1A Princes Street, Burwood

Figure 4: Aerial photographs of subject electricity substations; and existing BLEP Heritage Map with proposed group item.

Subject properties are outlined in pink.



12 Iceton Street, Burwood



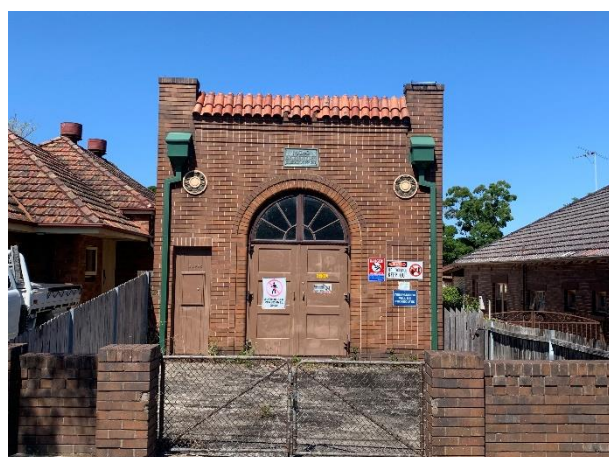
32 Wallace Street, Croydon



25A Angel Road, Strathfield



2B Cooper Street, Strathfield



4 Badminton Road, Croydon



5 Burwood Road, Enfield



Substation – Princes Street, Burwood (Lot 1 DP 449839), known as 1A Princes Street, Burwood

Figure 5: Photographs of subject electricity substations

Source: Burwood Council January 2023

Part 3 – Justification of strategic and site-specific merit

Section A – Need for the planning proposal

The planning proposal has strategic merit.

Nos 4-10 & 14 Cooper Street, Strathfield

The objective of the amendment to Burwood LEP 2012 is to recognise the heritage significance of five (5) properties in Cooper Street, Strathfield and provide them with statutory heritage protection. Heritage listing of these properties aims to ensure the recognition of their significance, as well as protection through ensuring any future modification proposals are assessed against heritage provisions in the Burwood LEP 2012.

The properties in Cooper Street were the subject of a planning proposal in 2019 that increased heights and densities to allow for medium/high density residential development consistent with the R1 General Residential zone. 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.

Subsequent Development Applications have acknowledged that potentially there is a heritage streetscape in this section of Cooper Street.

As a result of this, and also in response to feedback from the community, a report was considered by Council, at its meeting on 28 June 2022. Council, resolved that an independent heritage consultant be appointed to prepare a detailed heritage assessment of the heritage significance of Nos 4 – 10 and 14 Cooper Street, Strathfield.

Ausgrid substations

The key reason for amending the Burwood LEP 2012 is that Ausgrid have undertaken a review of their S170 heritage and conservation register and have identified properties that do not fall under any of the classes from Clause 22 of the *Heritage Regulation 2012*.

There are in total seven (7) properties listed in the S170 Register in the Burwood local government area (LGA) that do not fall into any of the four classes listed in Clause 22. The subject properties have been listed on the relevant S170 Register but are not listed under any environmental planning instrument made under the Environmental Planning and Assessment Act 1979. The substations are currently listed on the Ausgrid Section 170 Register based on a heritage study undertaken by Ausgrid in 2008.

On 22 December 2021, Council received correspondence from Ausgrid advising that they were intending on removing seven (7) electricity substations of varying ages and styles from their S.170 Register. Once the substations are removed from the S.170 Register, as they are not listed in Schedule 5 of the Burwood LEP 2012 or on the State Heritage register, there would be no heritage protection over these sites.

Council, at its meeting on 26 April 2022 considered a report on a comprehensive review of the Burwood LEP 2012. As part of this report, it was recommended that Council's Heritage Advisor undertake a review of the substations, and where appropriate make recommendations for heritage listing under Schedule 5 of Burwood LEP 2012.

In response to Ausgrid's correspondence, Council staff have undertaken a review of the potential heritage significance of these electricity substations and, based on the information available, found that all seven (7) of these fulfil the criteria for local heritage listing in Schedule 5 of the Burwood LEP 2012.

Accordingly, this planning proposal has been prepared by Council staff to amend Schedule 5 to include these substations as local heritage items to ensure their ongoing preservation and maintenance.

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

This planning proposal has been prepared as a result of a heritage assessment undertaken by:

- GML Heritage Pty Ltd in December 2022 for Nos 4-10 and 14 Cooper Street, Strathfield (refer to Attachment 1);
- Council's Heritage Advisor in January 2023 for the Ausgrid electricity substations (refer to Attachment 3).

GML Heritage and Council's Heritage Advisor have undertaken a heritage assessment of each of the subject properties which have been determined to demonstrate heritage significance at the local level and meet the threshold of local significance for the relevant criteria, as outlined below.

The properties were assessed against the seven criteria in the guidelines as outlined in Table 2 below.

Each criterion has inclusions and exclusions guidelines which are used to assist in the assessment process. If an item meets one of the seven heritage criteria at a local level, and retains the integrity of its key attributes, it can be considered to have local heritage significance.

Table 2: NSW Heritage assessment criteria summary

| Criteria | |
|---|--|
| (a) Historic significance | An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area) |
| (b) Associational significance | An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area) |
| (c) Aesthetic significance | An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area) |
| (d) Social significance | An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons |
| (e) Technological significance/ research potential | An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area) |
| (f) Rarity | An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area) |
| (g) Representativeness | An item is important in demonstrating the principal characteristics of a class of NSW's <ul style="list-style-type: none"> - cultural or natural places; or - cultural or natural environments. - or a class of the local area's - cultural or natural places; or - cultural or natural environment |

Nos 4-10 & 14 Cooper Street, Strathfield

The heritage assessment report concludes that the subject properties demonstrate heritage significance at the local level for the following reasons:

- The cottages at 4 Cooper Street (Allema), 6 Cooper Street (Urangara), 8 Cooper Street (Duntroon), 10 Cooper Street (Illam) and 14 Cooper Street (Huggerstone) form a good example of a cohesive group of Victorian Italianate dwellings. They exhibit historic setting, form, features and design elements typical of their typology and the group is a good example of residential development within the Burwood LGA from the late Victorian period.

- They are indicative of the more modest accommodation that was prevalent in the Victorian period within Strathfield and the Burwood LGA.
- The Schute family resided in 4 Cooper Street for over 20 years, between 1890 and 1918. During this period, Richard Schute served as alderman of Burwood (from 1893 to 1913) and as Mayor three times (1896, 1909 and 1910). His son Robert Schute is associated with the Shute Shield, the rugby union cup that was named in his honour.
- As a group, the dwellings display a fair level of intactness and many architectural attributes typical of the Victorian Italianate style. This includes their asymmetrical form, hipped slated roof with intact chimneys, faceted bay, front verandah with cast iron decorations and posts, decorative mouldings, timber-framed windows and original timber doors of narrow proportions.
- Their consistent subdivision pattern, low fencing, setbacks, front gardens, form and features create visual uniformity and contribute to the streetscape character of Cooper Street. They contribute to the historic setting of Cooper Street, Strathfield, and the Burwood LGA.
- Based on the information available for the purpose of this assessment, the group at 4–10 and 14 Cooper Street meets the threshold for local heritage listing based on its historical, aesthetic and representative attributes. No. 4 Cooper Street is additionally noted for its associative values and No. 14 for its high degree of integrity externally.

A copy of the draft inventory sheet is included at Attachment 2.

Ausgrid Substations

The heritage assessment report prepared by Council's Heritage Advisor concludes that the subject properties demonstrate heritage significance at the local level for the following reasons:

- The substations meet historical significance due to their ability to demonstrate the fast growing demand for electricity in the Sydney and wider regions during the first half of the 20th Century. They demonstrate how local distribution of electricity was organised at that time and the similarity in design of a new building typology across Burwood and the broader Sydney area.
- They meet aesthetic significance due to their unique design as a building typology – infrastructure nestled within residential dwellings. The substations in Burwood LGA (which form part of this report) are all generally intact. The majority (5) are designed in the Interwar Georgian Revival with Mediterranean influences. These present attractive one storey and double height small buildings, with fanlights, arches and Spanish profile terracotta roof tiles.
- Two substations, Cheltenham Road (Art Deco) and Iceton Street (Stripped Classical) also meet the Rarity criterion as being the only substations built in their respective styles in the Burwood LGA.
- The substations all meet the threshold as Representative examples of the electricity substation typology of the first half of the 20th Century, in design and location.

A copy of the draft inventory sheet for the Ausgrid substations is included at Attachment 4.

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

Yes. The objective is to recognise the heritage significance of the identified properties and provide them with statutory heritage protection. The best means of achieving this objective is through an amendment to the Burwood LEP 2012 to list the sites as local heritage items. This is achieved through the planning proposal process.

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 planning proposal is consistent with the relevant objectives of the Greater Sydney Region Plan: A Metropolis of Three Cities (2018) and the relevant planning priorities and actions of the Eastern City District Plan (2018), as discussed below.

Greater Sydney Region Plan: A Metropolis of Three Cities

The planning proposal is consistent with the directions and objectives of *Greater Sydney Regional Plan: A Metropolis of Three Cities*, particularly Objective 13: “Environmental heritage is identified, conserved and enhanced”.

Identifying these sites as local heritage items will provide ongoing protection and recognition of their heritage significance.

Eastern City District Plan

The planning proposal is generally consistent with the directions, priorities and objectives of the Eastern City District Plan, particularly Planning Priority E6 and Action 20:

Planning Priority E6 Creating and renewing great places and local centres, and respecting the District’s heritage

Objective 13 ‘Environmental heritage is identified, conserved and enhanced’

Action 20 ‘Identifying, conserving and enhancing the environmental heritage of the local area’ through:

- a. engaging with the community early to understand heritage values*
- b. applying adaptive re-use and interpreting heritage to foster distinctive local places managing and monitoring the cumulative impact of development on the heritage values and character of places*

Heritage listing of these sites will provide ongoing protection and recognition of the heritage significance of these items.

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 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 properties of local heritage significance, this planning proposal is in keeping with the vision and objectives of the LSPS.

Also, the Burwood 2036 Community Strategic Plan recognises the need to create places for people that are built around people while protecting the unique built heritage of Burwood.

Community Outcome 2.1 aims to '*create an urban environment that maintains and enhances our sense of identity and place*'. Strategy 2.1.2 is to '*Protect our unique built heritage and maintain or enhance local character*'.

The planning proposal is consistent with both Council's LSPS and Community Strategic Plan.

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

Yes. The planning proposal is consistent with other relevant State or regional study or strategy.

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

Yes. The planning proposal is consistent with the Standard Instrument – Principal Local Environmental Plan and all other applicable State Environmental Planning Policies (refer to Table 3 below).

Table 3: Consistency with State Environmental Planning Policies

| SEPP | Comment on Consistency |
|----------------|--|
| Housing (2021) | <p>Not relevant.</p> <p>The subject properties are not known to contain affordable housing.</p> <p>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</p> |

| | |
|---|--|
| No 65 – Design Quality of Residential Apartment Development | 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) | Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy. |
| Industry and Employment (2021) | Not relevant. |
| Resources and Energy (2021) | Not relevant. |
| Primary Production (2021) | Not relevant. |
| Precincts – Eastern Harbour City | Not relevant. |
| Precincts – Central River City | Not relevant. |
| Precincts – Western Parkland City | Not relevant. |
| Precincts – Regional | Not relevant. |
| Exempt and Complying Development Codes (2008) | Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy. |
| Building Sustainability Index: BASIX (2004) | Consistent and not contravened. |

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

Yes. The planning proposal is consistent with applicable section 9.1 directions (refer to Table 4 below).

Table 4: Consistency with Ministerial Directions

| Direction | | Comment |
|---------------------------------------|----------------------------------|----------------|
| Focus area 1: Planning Systems | | |
| 1.1 | Implementation of Regional Plans | Not applicable |

| Direction | | Comment |
|---|---|--|
| 1.2 | Development of Aboriginal Land Council land | Not applicable |
| 1.3 | 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. |
| 1.4 | Site Specific Provisions | Not applicable |
| Focus area 1: Planning Systems – Place based | | |
| 1.5 | Parramatta Road Corridor Urban Transformation Strategy | Not applicable The subject properties are not within the Parramatta Road corridor, nor undermine the achievement of that Strategy's vision or objectives. |
| 1.6 | Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan | Not applicable |
| 1.7 | Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | Not applicable |
| 1.8 | Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | Not applicable |
| 1.9 | Implementation of Glenfield to Macarthur Urban Renewal Corridor | Not applicable |
| 1.10 | Implementation of the Western Sydney Aerotropolis Plan | Not applicable |
| 1.11 | Implementation of Bayside West Precincts 2036 Plan | Not applicable |
| 1.12 | Implementation of Planning Principles for the Cooks Cove Precinct | Not applicable |
| 1.13 | Implementation of St Leonards and Crows Nest 2036 Plan | Not applicable |
| 1.14 | Implementation of Greater Macarthur 2040 | Not applicable |

| Direction | | Comment |
|--|---|--|
| 1.15 | Implementation of the Pyrmont Peninsula Place Strategy | Not applicable |
| 1.16 | North West Rail Link Corridor Strategy | Not applicable |
| 1.17 | Implementation of the Bays West Place Strategy | Not applicable |
| 1.18 | Implementation of the Macquarie Park Innovation Precinct | Not applicable |
| 1.19 | Implementation of the Westmead Place Strategy | Not applicable |
| Focus area 2: Design and Place | | |
| Focus area 3: Biodiversity and Conservation | | |
| 3.1 | Conservation zones | Not applicable |
| 3.2 | Heritage Conservation | The planning proposal is consistent with this Direction. |
| 3.3 | Sydney Drinking Water Catchments | Not applicable |
| 3.4 | Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs | Not applicable |
| 3.5 | Recreation Vehicle Areas | Not applicable |
| 3.6 | Strategic Conservation Planning | Not applicable |
| Focus area 4: Resilience and Hazards | | |
| 4.1 | Flooding | Not applicable |
| 4.2 | Coastal Management | Not applicable |
| 4.3 | Planning for Bushfire Protection | Not applicable |
| 4.4 | Remediation of Contaminated Land | Not applicable |

| Direction | | Comment |
|---|--|---|
| 4.5 | Acid Sulfate Soils | The properties have 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 applicable |
| 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 Purposes | Not applicable |
| 5.3 | Development Near Regulated Airports and Defence Airfields | Not applicable |
| 5.4 | Shooting Ranges | Not applicable |
| Focus area 6: Housing | | |
| 6.1 | Residential Zones | The planning proposal does not seek to amend the zoning or range of permissible uses on the sites. The sensitive development of heritage properties is supported by Council's Development Control Plan (DCP). |
| 6.2 | Caravan Parks and Manufactured Home Estates | Not applicable |
| Focus area 7: Industry and Employment | | |
| 7.1 | Business and Industrial Zones | Not applicable |
| 7.2 | Reduction in non-hosted short-term rental accommodation period | Not applicable |
| 7.3 | Commercial and Retail Development along the Pacific Highway, North Coast | Not applicable |
| Focus area 8: Resources and Energy | | |
| 8.1 | Mining, Petroleum Production and Extractive Industries | Not applicable |
| Focus area 9: Primary Production | | |

| Direction | | Comment |
|-----------|--|----------------|
| 9.1 | Rural Zones | Not applicable |
| 9.2 | Rural Lands | Not applicable |
| 9.3 | Oyster Aquaculture | Not applicable |
| 9.4 | Farmland of State and Regional Significance on the NSW Far North Coast | Not applicable |

3.2 Heritage Conservation

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. This Direction applies when a relevant planning authority prepares a planning proposal (see Table 5 below).

Table 5: Heritage Conservation Direction Assessment

| Direction Requirement | Assessment |
|---|--|
| A planning proposal must contain provisions that facilitate the conservation of: | |
| a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area | <p>The accompanying reports prepared by GML Heritage and Council's Heritage Advisor have examined each of the properties for local heritage significance. This planning proposal seeks to list these properties as new items local heritage significance, as part of group listings.</p> <p>Once listed the provisions of Clause 5.10 Heritage Conservation of the Burwood LEP would apply to these properties. The provisions of Clause 5.10 of the Burwood LEP seek to conserve the environmental heritage of Burwood.</p> |
| b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and | N/A. |
| c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people. | There are no Aboriginal objects or places within the curtilages (or nearby) of the proposed heritage items in this proposal. |

The planning proposal is consistent with this direction

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 are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the subject land. Accordingly, the proposal will not have any impact in this regard.

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 likely environmental effects that would arise as a result of the planning proposal. Protection of the items will be required when development is proposed, or if there is development proposed in its vicinity. Protection measures are not likely to result in environmental harm and will be managed through the development assessment process.

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

Yes. The heritage assessments undertook consideration of the criteria for cultural significance in the *Australia ICOMOS Burra Charter 2013*, as meaning the aesthetic, historic, scientific, social or spiritual value for past, present or future generations. This determined all properties hold significance at the local level.

The planning proposal is also considered to have positive social effect for the community. This will ensure the protection and retention of local heritage and that appropriate development controls and/or restrictions are in place to guide any future development. This will ensure best practice urban design and development that retains character and is sympathetic. The heritage listing will facilitate ongoing protection and recognition of the heritage significance of the sites ensuring ongoing conservation is implemented.

Social heritage are the non-physical aspects of our culture in our society. By retaining items of cultural significance this has positive effects on restoring the social effects of heritage. The planning proposal is considered to have positive economic effect for the community. Amending the LEP to include new heritage items will have a positive effect on the community as it ensures that cultural heritage and local character will be protected.

The planning proposal is not expected to have any adverse social or economic effects.

Section D – Infrastructure (Local, State and Commonwealth)

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

The planning proposal seeks to list new heritage items, as group listings in Schedule 5 of the Burwood LEP 2012 and the planning proposal does not alter the land zoning, and as such, does not have the potential to increase the current demand on public infrastructure.

All properties have access to adequate public infrastructure such as water, sewer, electricity and telephone services. There is no significant infrastructure demand that will result from the

planning proposal. The existing services that are available to the site are suitable for the proposal of a local heritage listing.

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?*

Pre Gateway consultation

On 12 January 2023, Council notified Ausgrid of the preparation of a planning proposal to heritage list the seven electricity substations which are currently listed on the Ausgrid Section 170 Register.

Ausgrid confirmed they understand the process and may make a submission as part of any future exhibition of the planning proposal.

Post Gateway consultation

Should the planning proposal proceed to public exhibition, consultation with the relevant public authorities will be carried out. These authorities will include, but are not limited to:

- Ausgrid
- Heritage NSW

Further consultation will take place with any other authorities identified by the Gateway Determination

Part 4 – Maps

The planning proposal seeks to amend the Burwood LEP 2012 Heritage Maps (Sheets HER_001 and Sheet HER_002)

The planning proposal does not seek to alter the zoning, height of buildings, floor space ratio, or any other Burwood LEP 2012 maps.

Part 5 – Community Consultation

Burwood Council notified Ausgrid on 12 January 2023 informing them of Council's intention to prepare this planning proposal.

Affected property owners in 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.

Public exhibition will be undertaken in accordance with the requirements of the Act and the *Environmental Planning and Assessment Regulation 2021*. It will also have regard to the other relevant plans and guidelines including the *Community Participation Plan*, the *Local Environmental Plan Making Guideline (2021)* and any conditions of the Gateway Determination.

We recommend that the planning proposal is exhibited for a minimum of 28 days and it is proposed that affected and adjoining property owners be consulted.

The public exhibition will include:

- a notice on Council's Participate Burwood page as well as reference to the DPE planning proposal tracker
- a letter to land owners/occupiers and owners of properties in the vicinity of each site,

Part 6 – Project Timeline

Council requests to be authorised to exercise the functions of the Minister for Planning under section 3.36 of the *Environmental Planning and Assessment Act 1979* for this planning proposal. As such, the proposed timeline for completion is as follows:

| Plan Making Step | Estimated Completion |
|---|----------------------|
| Report to Burwood Local Planning Panel | February 2023 |
| Council resolution to proceed | February 2023 |
| Submit to DPE seeking a Gateway Determination | February 2023 |
| Gateway Determination | April 2023 |
| Government agency consultation | May 2023 |
| Public exhibition period | May 2023 |
| Dates for public hearing | Not applicable |
| Submissions assessment | June 2023 |
| Council decision to make the LEP amendment | July 2023 |
| Council to liaise with Parliamentary Counsel to prepare LEP amendment | August 2023 |
| Notification of the approved LEP | September 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

- Links to Council meeting reports and resolutions to be added later.

Appendix One

Proposed Amendment to Schedule 5

The proposed heritage items would be inserted into Schedule 5 of the BLEP 2012. The proposed Item Numbers 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 |
|-------------|-----------------------------|--|--|--------------|---------|
| Strathfield | Victorian Italianate Houses | 4-10 and 14 Cooper Street, Strathfield | Lots 15, 17, 21, 22, DP 2089; Lot 1, DP 925133; Lot 1, DP 1040940; Lot 1, DP 911709. | Local | |

| Suburb | Item name | Address | Property Description | Significance | Item no |
|--|-------------------------|--|--|--------------|---------|
| Burwood, Croydon, Enfield, Strathfield | Electricity Substations | 12 Iceton Street, Burwood, Substation – Princes Street, Burwood (Lot 1 DP 449839), known as 1A Princes Street, Burwood, 5 Burwood Road, Enfield, 32 Wallace Street, Croydon, 4 Badminton Road, Croydon, 25A Angel Road, Strathfield, 2B Cooper Street, Strathfield | Lot 13, DP 607950; Lot 1, DP 319038; Lot 1, DP 325573; Lot 1, 324150; Lot 1, 324990; Lot 1, 574784; Lot 1, DP 449839 | Local | |

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:

Amendment of Schedule 5 of the Burwood LEP 2012 to heritage list (group listing) 4-10 and 14 Cooper Street, Strathfield; and heritage list (group listing) seven (7) electricity substations.

Address of Land (if applicable):

4-10 and 14 Cooper Street, Strathfield; 12 Iceton Street, Burwood, Substation – Princes Street, Burwood (Lot 1 DP 449839), known as 1A Princes Street, Burwood, 5 Burwood Road, Enfield, 32 Wallace Street, Croydon, 4 Badminton Road, Croydon, 25A Angel Road, Strathfield, 2B Cooper Street, Strathfield.

Intent of draft LEP:

Group heritage listing of the subject Cooper Street properties and group heritage listing of electricity substations.

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.

| | | | | |
|---|-----|-----|--|--|
| 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 4-10 and 14 Cooper Street, Strathfield, undertaken by GML Heritage Pty Ltd in December 2022 |
| 2 | Draft Inventory Sheet |
| 3 | Heritage Assessment of electricity substations, undertaken by Council's Heritage Advisor in January 2022 |
| 4 | Draft Inventory Sheet |

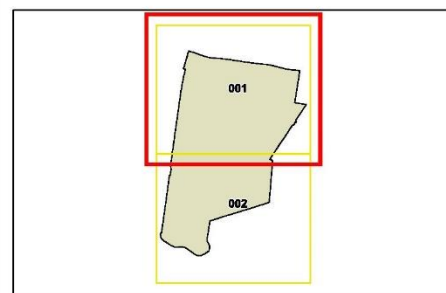
Mapping



Burwood Local Environmental Plan 2012

Site Identification Map - Sheet SIM_001

-  Subject Land
-  Cadastre 17/01/2023 © Burwood Council

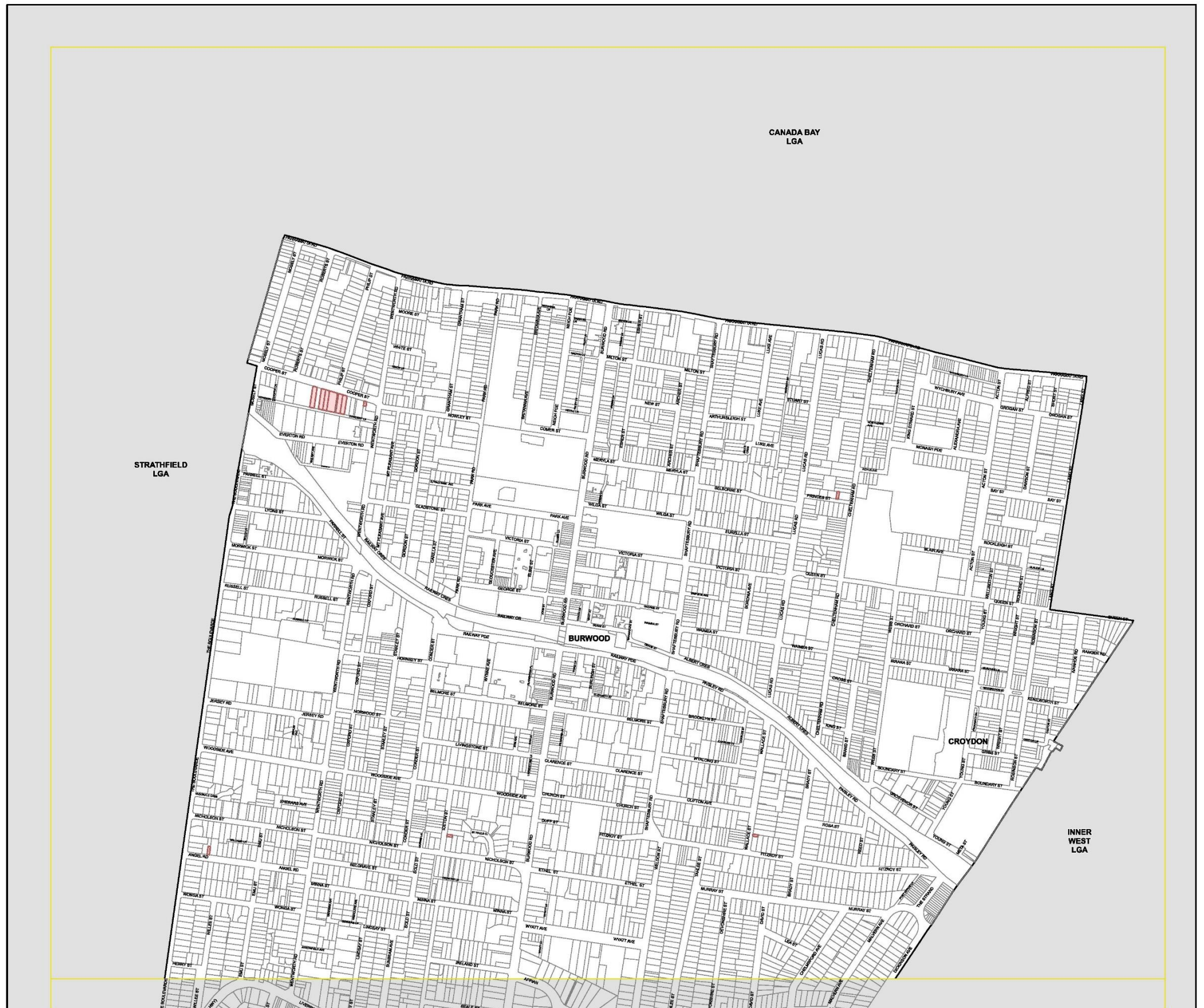


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Scale 1:10,000 @ A3

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Zone 56


Map Identification Number:
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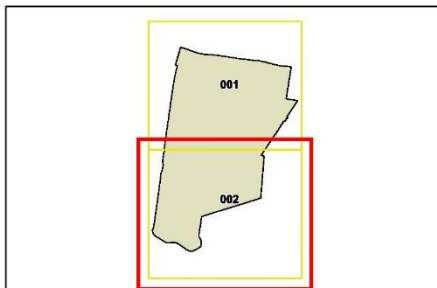


Burwood Local Environmental Plan 2012

Site Identification Map - Sheet SIM_002

 Subject Land

 Cadastre 17/01/2023 © Burwood Council

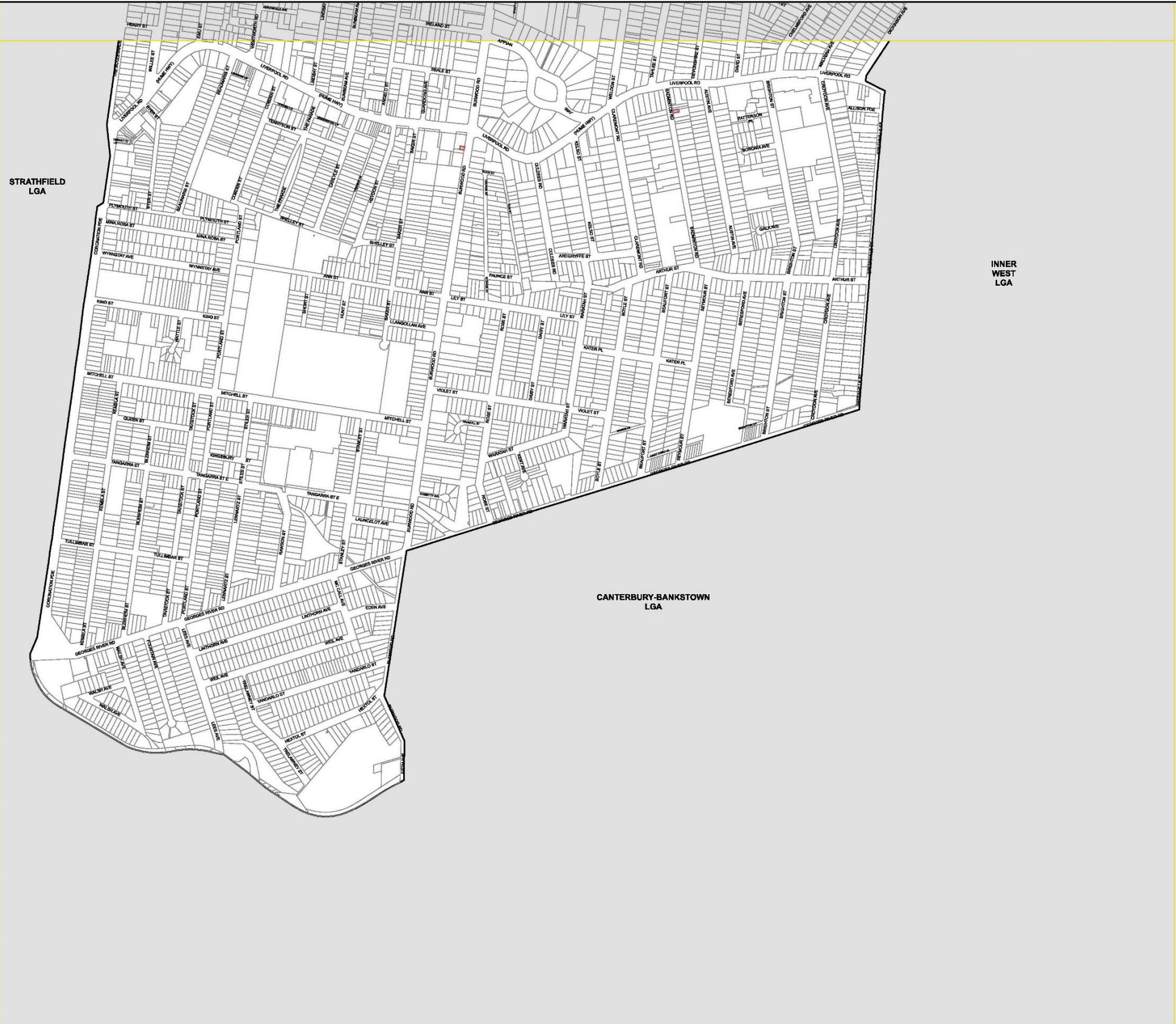


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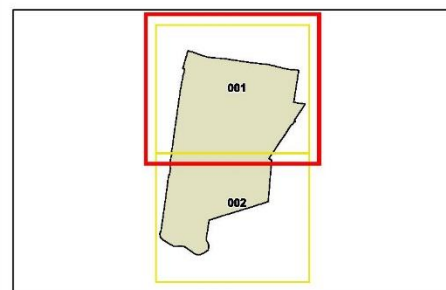


Burwood Local Environmental Plan 2012

Heritage Map - Sheet HER_001

Heritage
 Conservation Area - General

Cadastre
 Cadastre 17/01/2023 © Burwood Council

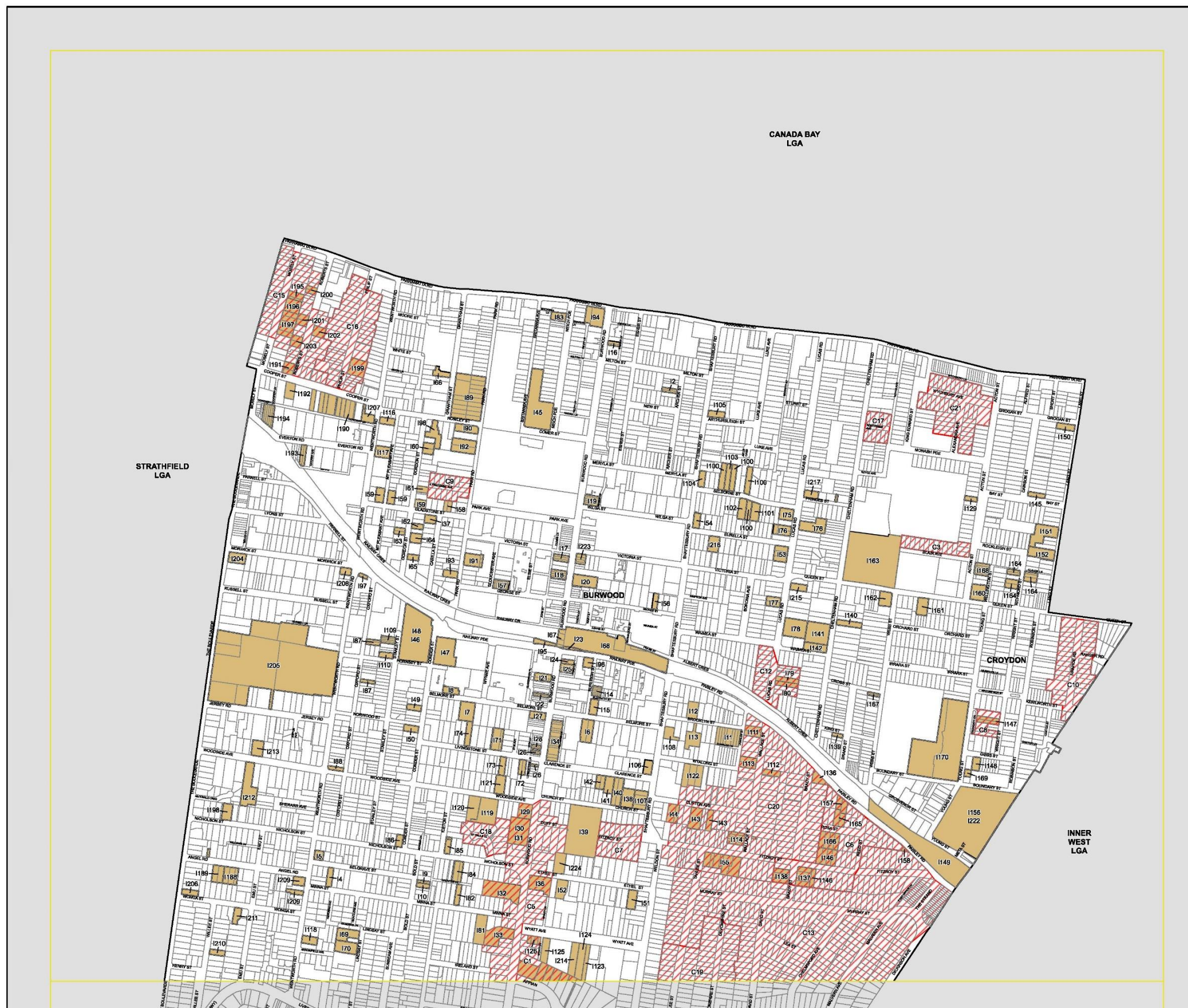


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Burwood Local Environmental Plan 2012

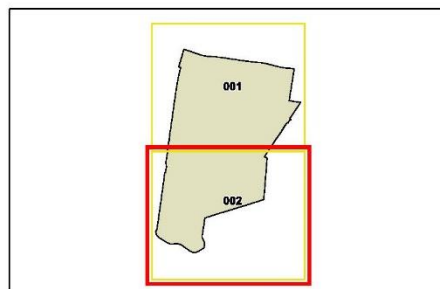
Heritage Map - Sheet HER_002

Heritage

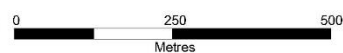
- Conservation Area - General
- Item - General

Cadastre

- Cadastre 17/01/2023 © Burwood Council



N



Scale 1:10,000 @ A3

Projection GDA 1994
Zone 56

Map Identification Number:
1300_COM_HER_002_010_20230117

