

(Item 82/23) Planning Proposal - Group Heritage Listing of 23, 25 and 27 Woodside Avenue, Burwood

File No: 23/45558

Report By General Manager

Summary

A Planning Proposal has been prepared to facilitate the group heritage listing of the properties at Nos. 23, 25 and 27 Woodside Avenue, Burwood under Schedule 5 of the Burwood Local Environmental Plan (BLEP) 2012.

The subject properties have been assessed against the NSW Heritage Criteria and meet the threshold of local significance for the relevant heritage assessment criteria. The Planning Proposal has been presented to the Burwood Local Planning Panel who support the proposed heritage listing. It is recommended that Council now endorse the Planning Proposal for submission to the Department of Planning & Environment for a Gateway Determination.

Operational Plan Objective

C.3 An urban environment that maintains and enhances our sense of identity and place

C.3.2 Protect our unique built heritage and maintain or enhance local character

P.14 Identify and plan for built heritage and local character

A.38 Undertake a heritage assessment of existing building stock to identify and update the register of contributory or heritage items

Background

Council, at its meeting on 23 May 2023, considered a Mayoral Minute relating to a heritage investigation of Woodside Avenue, Burwood and resolved the following:

- 1. The General Manager initiates a preliminary in-house heritage review of the properties in Woodside Avenue, Burwood and if deemed appropriate, a further report be brought back to Council seeking authorisation to proceed with heritage listing if considered appropriate.*
- 2. The General Manager be authorised to obtain an Interim Heritage Order (IHO) if it becomes apparent that there is an imminent threat to the property located at 23 Woodside Avenue.*
- 3. It is also requested that the General Manager write to the current owners of 23 Woodside Avenue and other properties being considered for heritage listing, to inform them of the preliminary heritage investigation and this mayoral minute.*

In response to item 1 of Council's resolution, a preliminary heritage assessment of the properties in Woodside Avenue, Burwood was undertaken by Council's Heritage Advisor. Based on the preliminary heritage assessment, it was concluded that the three Federation properties, Nos. 23, 25 and 27 Woodside Avenue, Burwood were highly likely to meet the threshold of heritage significance criteria.

In this regard, a report on the preliminary heritage significance investigation of Nos. 23, 25 and 27 Woodside Avenue, Burwood was considered by Council, at its meeting on 27 June 2023.

Subsequently, Council resolved (34/23) the following:

- 1. That Council engage an independent consultant to undertake a heritage assessment of the properties at 23, 25 and 27 Woodside Avenue to determine the local heritage significance of the properties.*

2. *That the General Manager initiate a detailed heritage assessment, to be undertaken by Council's Heritage Advisor, of the potential new Woodside Avenue West Heritage Conservation Area.*
3. *That the findings of the independent heritage investigation of No 23, 25 & 27 Woodside Avenue, Burwood as a heritage item (or group heritage item) and the detailed heritage assessment of the potential new Woodside Avenue West Heritage Conservation Area, undertaken by Council's Heritage Advisor be reported back to Council.*

In accordance with Council's resolution, Council appointed independent heritage consultant, Lisa Trueman Heritage Advisor, to undertake a heritage assessment of the properties at Nos. 23, 25 and 27 Woodside Avenue, Burwood. The independent heritage assessment concluded that all three properties demonstrate heritage significance at the local level and progression to a group heritage listing is recommended. A copy of the independent Heritage Assessment is included at **Attachment 1**.

The findings of the independent heritage assessment were reported to Council, at its meeting on 24 October 2023, where it resolved (74/23) the following:

1. *That Council endorse the preparation of a Planning Proposal to amend Schedule 5 of the Burwood LEP 2012 to group heritage list the properties at Nos 23, 25 and 27 Woodside Avenue, Burwood.*
2. *That the Planning Proposal be submitted to the Burwood Local Planning Panel (BLPP) for their advice and then following the BLPP meeting, the Planning Proposal be reported to Council.*

The Planning Proposal has been prepared in response to Council's resolution. A copy of the Planning Proposal is included at **Attachment 2**.

Burwood Local Planning Panel Consideration

The Planning Proposal was considered by the Burwood Local Planning Panel (BLPP) at its meeting on 14 November 2023. The BLPP resolved to:

- (a) *support the Planning Proposal to amend Schedule 5 of the Burwood LEP 2012 to group list the properties at Nos. 23, 25 and 27 Woodside Avenue, Burwood which as part of an independent assessment demonstrate heritage significance and meet the threshold of local significance for the relevant criteria, as outlined in the Planning Proposal.*
- (b) *provides advice to Council to proceed with the Planning Proposal at Attachment 2 to group list the properties at Nos. 23, 25 and 27 Woodside Avenue, Burwood as a local heritage item in the Burwood LEP 2012.*

Heritage Assessment

The Heritage Assessment prepared by Lisa Trueman Heritage Advisor concludes that all three Federation style houses at 23, 25 and 27 Woodside Avenue, Burwood demonstrate historic, aesthetic, rarity and representative significance at the local level and No. 23 Woodside Avenue Burwood also has associative significance for the following reasons:

NSW Heritage Criteria	Assessment
Historical <ul style="list-style-type: none"> ▪ important in the course, or pattern, of Burwood's cultural or natural history 	<p>The land on which the houses at 23, 25 and 27 Woodside Street is located originally formed part of Thomas Rowley's grant, named Burwood Farm.</p> <p>The land was subdivided in 1893, forming lots 7,8 and 9 of</p>

	<p>Section H of the Cheltenham Estate.</p> <p>The land at No. 23 Woodside Avenue was purchased by John Ogilvie Henry Wrenford Mathews in December 1909 and the Federation style dwelling was erected by Mathews in 1910. Originally called Amsterdam, it was renamed 'Wandook' in 1924. The Mathews family was a prominent and active family in Burwood society and retained ownership of the property until 1953.</p> <p>The land at 25 Woodside Avenue was purchased by Bertha Newton Ward in 1910 and the house was constructed in 1912, and named 'Landstein', and later 'Toxteth'. The property was retained by the Ward family until 1926.</p> <p>The land at 27 Woodside Avenue was purchased by Sara Susan Nolan, in 1912 and the house on the site was constructed by Nolan in 1912 and named 'Finmount'. The property was retained by the Nolan family until 1948.</p> <p>The properties have historical significance at the local level as being part of an early subdivision and the houses, built 1910-1912 formed part of the Federation period of development that was historically important in the Burwood area.</p>
<p>Associative</p> <ul style="list-style-type: none"> has strong or special association with the life or works of a person, or group of persons, of importance in Burwood's cultural or natural history 	<p>The property at 23 Woodside Avenue is associated with John Ogilvie Wrenford Mathews and his family. The Mathews family was a prominent and active family in Burwood society, hosting many events at the house. Mathews was a prominent sheep classed and wool expert who worked in the NSW Department of Agriculture and contributed to Australia's agricultural development and wool industry.</p> <p>The properties at 25 and 27 Woodside Avenue do not have any known associations with any persons of importance to the history of the local area.</p> <p>No. 23 Woodside Avenue has significance at the local level under this criterion.</p>
<p>Aesthetic or Technical</p> <ul style="list-style-type: none"> important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in Burwood 	<p>The dwellings at Nos 23, 25 and 27 Woodside Avenue demonstrate the typology of the Federation Bungalow with Queen Anne details. They demonstrate a very high degree of integrity and intactness and incorporate many key architectural features typical of the style and period. The setting and curtilage of the dwellings is highly intact, their original lot boundaries have not been altered since the construction of the dwellings and they retain their small open gardens to the street and larger levels gardens to the rear.</p> <p>The houses at 25 and 27 Woodside Avenue display a very high level of integrity with little alteration.</p> <p>No 23 Woodside Avenue has minor additions thought to have been constructed in the 1990s. These modifications have been designed to reflect the original style of the dwelling and do not</p>

	<p>diminish its aesthetic appeal when viewed from the street. This property retains a lawn tennis court at the rear of the house that has existed since at least the 1930s and likely earlier.</p> <p>Significant elements of the houses include the steep pitched roofs with projecting gables, face brick facades, deep verandahs and entry porches with tessellated tiles and decorative timber posts and brackets or brick piers, prominent brick and rendered chimneys, timber framed windows with slender proportions and colours or lead light features, and gardens with planter beds and lawns.</p> <p>The interiors have a very high level of integrity, retaining their original configurations and internal walls, timber flooring, decorative timber and plaster mouldings, decorative plaster ceilings, original internal doors, marble and timber fireplaces and fretwork.</p> <p>The dwellings are notable and highly intact examples of their typology and provide a strong contribution to the historic character of Woodside Avenue, the suburb of Burwood and the wider Burwood local government area.</p>
Social <ul style="list-style-type: none"> strong or special association with a particular community or cultural group in Burwood (social, cultural or spiritual reasons) 	<p>Although a detailed social values study has not been undertaken, there is no evidence to suggest that the properties hold any strong or significant associations with any local community of cultural groups.</p> <p>Nos. 23, 25 and 27 Woodside Avenue do not meet the threshold for heritage listing under this criterion.</p>
Research Potential <ul style="list-style-type: none"> potential to yield information that will contribute to an understanding of Burwood's cultural or natural history 	<p>An assessments of the properties archaeological potential is beyond the scope of this assessment.</p>
Rarity <ul style="list-style-type: none"> possesses uncommon, rare or endangered aspects of Burwood's cultural or natural history 	<p>The high level of integrity and intactness of the lot boundary curtilage, setting and fabric of the three Federation dwellings, including interior layout and details, is rare within the Burwood area, where development and subdivision of larger properties is common.</p> <p>The retention of the early lawn tennis court at the rear of No. 23 Woodside Avenue is very rare within the local area.</p> <p>Nos. 23, 25 and 27 Woodside Avenue have significance at the local level under this criterion.</p>
Representative <ul style="list-style-type: none"> important in demonstrating the principal characteristics of a class of Burwood's cultural or natural places, or cultural or natural environments 	<p>The dwellings at 23, 25 and 27 Woodside Avenue are fine representative examples of Federation Bungalows with Queen Anne details. They exhibit typical features of the style, including the steep pitched roofs with projecting gables, face brick facades, deep verandahs and entry porches with tessellated tiles and decorative timber posts and brackets or brick piers, prominent brick and rendered chimneys, timber framed windows with slender proportions and colours or lead light features,</p>

	<p>gardens with planter beds and lawns, original configurations and internal walls, timber flooring, decorative timber and plaster mouldings, decorative plaster ceilings, original internal doors, marble and timber fireplaces and fretwork. The very high and unusual degree of integrity and intactness of the houses and their settings make them particularly fine representations of the type.</p> <p>Nos. 23, 25 and 27 Woodside Avenue have cultural significance at the local level under this criterion.</p>
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In conclusion, Nos 23, 25 and 27 Woodside Avenue, Burwood, demonstrate heritage significance at the local level for the following reasons:

- The dwellings date from the early twentieth century, a key period in the development of Burwood.
- No. 23 Woodside Street has a longstanding association with the Mathews family, who were a prominent local family in Burwood in the early twentieth century.
- The houses are Federation Bungalows with Queen Anne details, a typology that is historically important in the development of Burwood.
- The original lot sizes have not been modified since the construction of the houses and the original curtilage of the three houses, separately and together, has been retained.
- The dwellings demonstrate key architectural features of the Federation Bungalow style and are a fine representation of the typology in the Burwood area. The houses have a very high degree of integrity, both internal and external, that is rare in the locality.
- The lawn tennis court at No 23 Woodside Avenue, which originates from the early era of development of the site, is rare in the locality.
- The houses contribute to the historical and visual character of the Burwood LGA.
- The scale, setting, form, architectural features, materials and very high degree of intactness of the houses is comparable to other heritage listed houses and groups of houses in the Burwood LGA.

Planning Proposal

The Planning Proposal seeks to list the properties at Nos. 23, 25 and 27 Woodside Avenue, Burwood as a group item of local heritage significance.

The Planning Proposal has strategic and site specific merit. It is consistent with the relevant objectives of the Greater Sydney Regional Plan: A Metropolis of Three cities and the actions identified under the Eastern City District Plan.

The Planning Proposal is consistent with Council's Community Strategic Plan Burwood 2036 as well as the Burwood Local Strategic Planning Statement (LSPS) which was endorsed by the former Greater Sydney Commission 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.

The Planning Proposal is consistent with the Standard Instrument – Principal Local Environmental Plan and all other applicable State Environmental Planning Policies and applicable section 9.1 Ministerial Directions.

Consultation

Affected property owners of Nos. 23, 25 and 27 Woodside Avenue, Burwood have been notified by letter on three occasions prior to the preparation of the Planning Proposal.

- A letter was sent to abovementioned property owners on 16 August 2023 advising that Council resolved (27 June 2023) to undertake a heritage assessment of properties located at Nos. 23, 25 and 27 Woodside Avenue, Burwood to determine whether the properties should be listed as local heritage item, and the site inspection of each property undertaking by Council's independent external heritage consultant.
- A letter was sent to abovementioned property owners on 19 October 2023 advising of the findings of the heritage assessment prepared by Council's independent heritage consultant where it is concluded properties at Nos. 23, 25 and 27 Woodside Avenue, Burwood demonstrate historic, aesthetic, rarity and representative significance at the local level and No. 23 Woodside Avenue Burwood also has associative significance.
- A letter was sent to abovementioned property owners on 26 October 2023 advising that Council resolved at its meeting 24 October 2023 to prepare a Planning Proposal to amend Schedule 5 of the Burwood Local Environmental Plan 2012 to group heritage list the properties at Nos. 23, 25 and 27 Woodside Avenue, Burwood.

It is proposed that the owners of Nos. 23, 25 and 27 Woodside Avenue, Burwood, will be further consulted during the exhibition of the Planning Proposal. The specific timeframes for this consultation will be outlined in the Gateway Determination. The public exhibition will encompass the following:

- Electronic copy of all relevant information on Council's Participate Burwood website, as well as the DPE Planning Proposal tracker.
- Letters to the owners of Nos. 23, 25 and 27 Woodside Avenue, Burwood and owners of adjoining properties in the vicinity of the subject site.
- Letters to relevant State agencies and other authorities/agencies nominated by the DPE as part of the Gateway Determination.

The public exhibition will be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (the Act) and the *Environmental Planning and Assessment Regulation 2021* (the Regulation), also having regard to other relevant plans and guidelines including the *Burwood Community Engagement Strategy* and *Local Environmental Plan Making Guideline* (August 2023) and any conditions of the Gateway Determination.

Planning or Policy Implications

Heritage listing of properties is undertaken through a Planning Proposal. Should Council resolve to progress the Planning Proposal, the general steps would be as follows:

- The Planning Proposal is submitted to the Department of Planning and Environment (DPE) for a Gateway Determination. This step will determine whether the proposal can proceed and outline the community and agency consultation required.
- Public exhibition of the planning proposal and consultation with relevant State government agencies.

- The outcomes of community consultation are reported back to Council for consideration. The Council is asked whether it wishes to adopt the Planning Proposal and proceed to plan-making.
- If adopted, Council staff will liaise with the DPE and Parliamentary Counsel to amend the BLEP 2012.
- The properties are group listed in Schedule 5 of the BLEP 2012.

It is anticipated that the process would take approximately seven (7) months to complete, taking into account the December/January period.

Prior to the finalisation of the amendment, the identified properties will be afforded greater heritage protection, by way of being deemed as a draft heritage item, as soon as the Planning Proposal is placed on public exhibition. A notation has already been included for the subject properties in Part 5 of the Planning Certificates. Should Council endorse the progression of the Planning Proposal, the Planning Certificates will be updated to include a notation in Part 2. This ensures that the information is available to current and future land owners.

Financial Implications

It is expected that there are no other financial implications with respect to the Planning Proposal other than staff allocation and resources.

Conclusion

A Planning Proposal has been prepared to facilitate the group heritage listing of the properties at Nos. 23, 25 and 27 Woodside Avenue, Burwood, under Schedule 5 of the Burwood LEP 2012.

An independent heritage assessment of the subject properties has been undertaken by Lisa Trueman Heritage Advisor. This report concludes that Nos 23,25 & 27 Woodside Avenue, Burwood demonstrate historic, aesthetic, rarity and representative significance at the local level and meet the threshold for listing as a group item of local significance under the Burwood LEP 2012.

In view of the Burwood Local Planning Panel's support of the Planning Proposal, Council's endorsement is sought to progress the Planning Proposal to the Department of Planning & Environment for a Gateway Determination.

Recommendation(s)

1. That Council support the group listing of the properties at Nos. 23, 25 and 27 Woodside Avenue, Burwood as a group item of local heritage significance under Schedule 5 of the Burwood Local Environmental Plan 2012 as outlined in the Planning Proposal
2. That Council endorse the forwarding of the Planning Proposal to the NSW Department of Planning and Environment (DPE) to request a Gateway Determination under Section 3.33 of the Environmental Planning and Assessment Act 1979 for an amendment to the Burwood Local Environmental Plan 2012 to:
 - i. List the properties at Nos. 23, 25 and 27 Woodside Avenue, Burwood as a group heritage item under Schedule 5 Environmental heritage; and
 - ii. Include Nos. 23, 25 and 27 Woodside Avenue, Burwood as an "Item – General" on the Heritage Map
3. That subject to the Gateway Determination, affected property owners be notified in writing of the exhibition of the Planning Proposal.
4. That following the conclusion of the exhibition of the Planning Proposal, a report be presented back to Council.

Attachments

- 1 ➡ 23, 25 and 27 Woodside Avenue Burwood - Heritage Assessment
- 2 ➡ Planning Proposal - Group Heritage Listing of 23, 25 & 27 Woodside Avenue, Burwood