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Environment

EF21/5688

Gateway determination report – PP-2021-3128

Local Heritage Listing of 17 Ethel Street, Burwood

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1 Planning Proposal

1.1 Overview and objectives of planning proposal

The planning proposal (**Attachment A**) is supported by the following report:

- Heritage Assessment of 17 Ethel Street, Burwood, prepared by City Plan Heritage in November 2020 (**Attachment D**)

Table 1 Planning proposal details

LGA	Burwood
PPA	Burwood Council
NAME	Local heritage listing of 17 Ethel Street (including interiors), Burwood.
NUMBER	PP-2021-3128
LEP TO BE AMENDED	Burwood Local Environmental Plan 2012
ADDRESS	17 Ethel Street
DESCRIPTION	Lot A, B and D of DP 101675
RECEIVED	19/04/2021
FILE NO.	EF21/5688
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Site description and surrounding area

The subject site is located at 17 Ethel Street, Burwood, (**Figure 1**), a residential area located to the south of the Burwood train station and town centre. The site incorporates Lot A, Lot B and Lot D of DP 101675 (**Figure 2**).

The site is occupied by a two-storey dwelling known as 'Lansdowne', and includes established gardens. The site is located in a low-density residential area, characterised by single-storey and two-storey dwellings. Directly north of the site is Woodstock Park, Woodstock Community Centre, Fitzroy Hall, and Woodstock Child Care Centre.

The site is not within a heritage conservation area (HCA) under Schedule 5 of the Burwood Local Environmental Plan (Burwood LEP) 2012 (**Figure 4**). The site is, however, bordered to the north-west and south-west, by the Burwood Road HCA (reference C5 on Figure 4.).

The Fitzroy Street HCA is located to the north-east of the site (reference C7 of Figure 4).

Figure 4 also identifies the following heritage items in proximity to the site, including:

- I29 – Victoria Villas, 201 and 203 Burwood Road

- I30 – St Paul's Anglican Church and pipe organ, 205-207 Burwood Road
- I36 – “Denolee”, 290 Burwood Road
- I39 – “Woodstock” house, 22 Church Street
- I52 – “Victoria Villa”, 24 Ethel Street
- C5 – Burwood Road heritage conservation area
- C7 – Fitzroy Street heritage conservation area

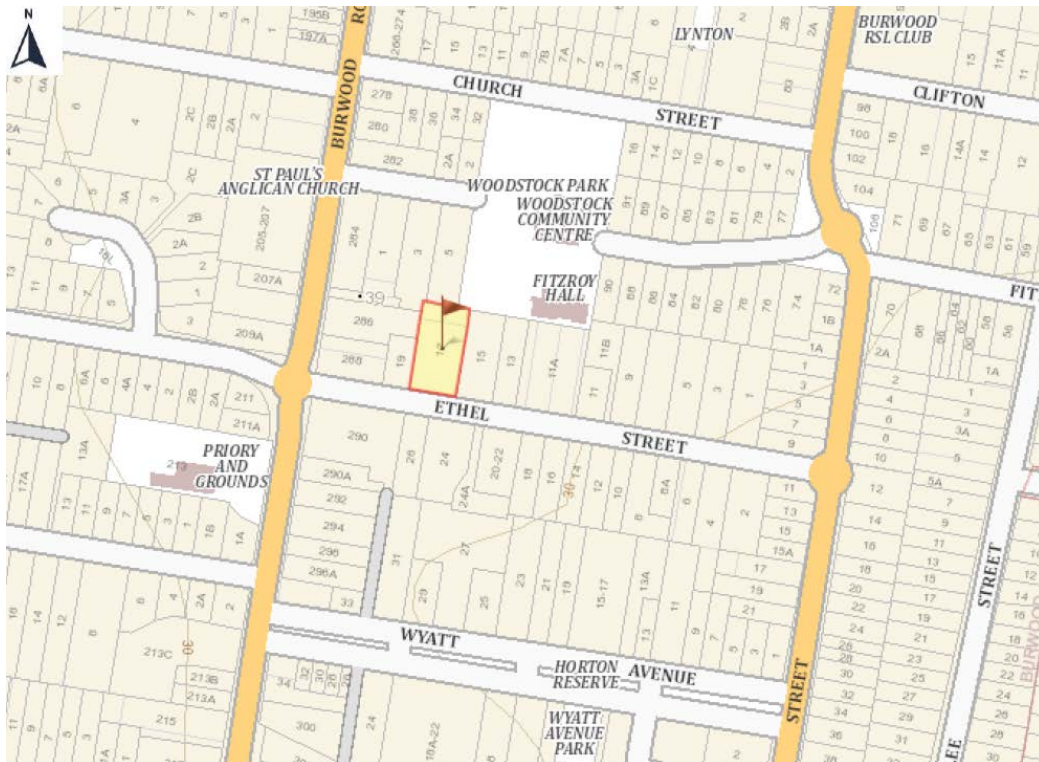


Figure 1 – Site location (source: Planning Proposal and base Six Maps)

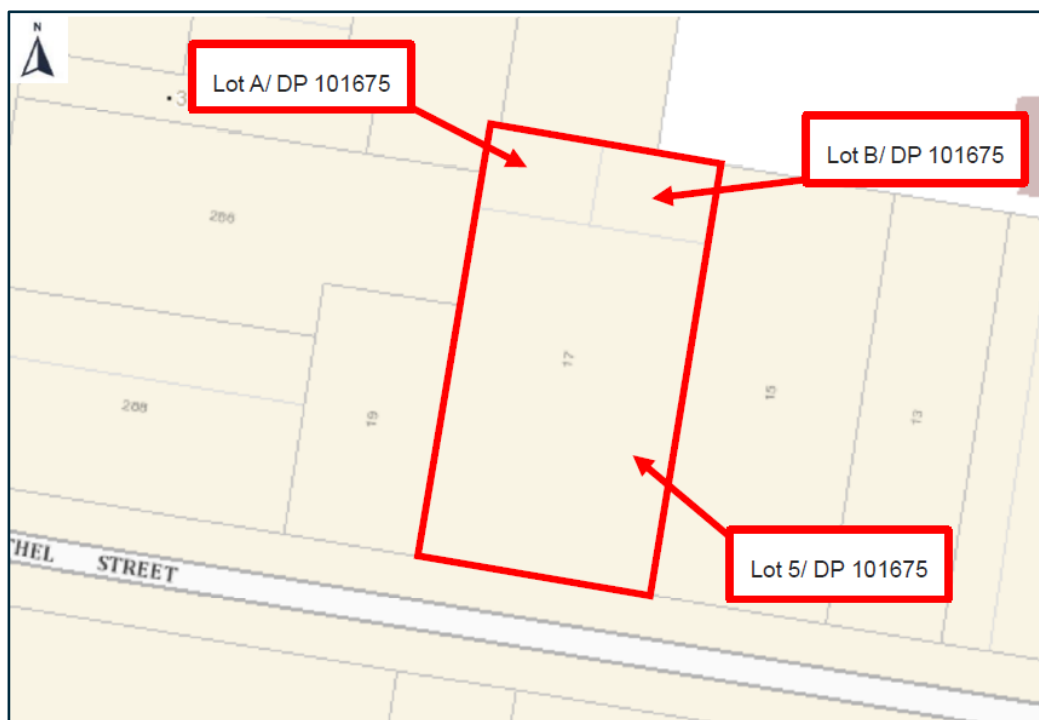


Figure 1 – The lot boundaries at the site (source: Six Maps)



Figure 3 - Subject site as viewed from Ethel Street (Source: City Plan Heritage Assessment)



Figure 4 The site's surrounding heritage context with the site outlined in blue (Source: City Plan and Burwood LEP 2012)

2 Proposal

2.1 Objectives or intended outcomes

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 heritage significance of 17 Ethel Street, Burwood, (including interiors) and provide it with additional statutory protection.

The objectives of this planning proposal are clear and adequate.

2.2 Explanation of provisions

The planning proposal seeks to amend the BLEP 2012 to:

- insert a local heritage listing for 17 Ethel Street Burwood, including interiors, in Part 1 (Heritage Items) of Schedule 5 Environmental Heritage; and
- amend the Heritage Map (Sheet HER_001) of the Burwood LEP 2012 to identify 17 Ethel Street as a heritage item.

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

2.3 Mapping

The planning proposal includes mapping showing the proposed change to the Heritage Map, which is suitable for community consultation. **Figure 5** and **Figure 6** show the current and proposed Heritage Map.

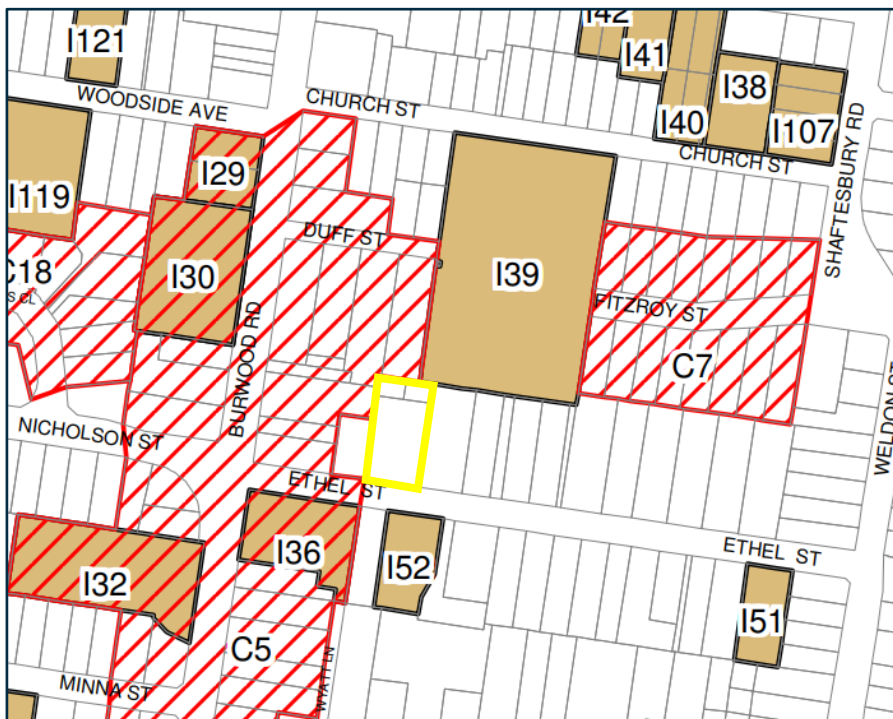


Figure 5 - Current Heritage map with the site shown by the yellow outline
(Source: BLEP 2012 Map Index)

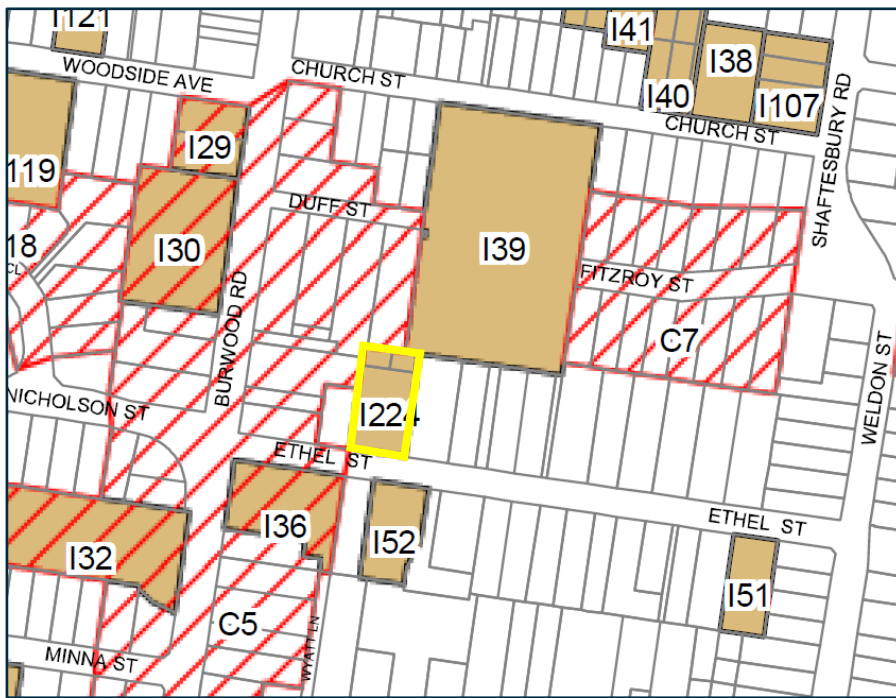


Figure 6 - Proposed Heritage map (note: the item number is indicative only and subject to confirmation at finalisation stage (Source: Burwood Council))

3 Need for the planning proposal

The planning proposal is based on the recommendations of a Heritage Assessment prepared by City Plan Heritage in November 2020 (**Attachment D**). The assessment concluded that 17 Ethel Street, including interiors, is of local heritage significance and meets the criteria for listing as a local heritage item.

The assessment was undertaken in accordance with the NSW Heritage Office (now Heritage NSW) Guidelines, *Assessing Heritage Significance*.

The key findings of the assessment for each item are outlined below:

Historic significance – the site is of local historical significance as one of the few remaining country homes in the Burwood area dating to the late Victorian and early Federation periods. It is an intact example of the larger country homes that gained popularity in the Burwood area following the construction of the Sydney to Parramatta railway in 1855.

The site has association with the original 1810 land granted to William Faithful, tea merchant Robert Remington and the Adams and Larcombe families for 100 years from the 1890's to 1980's. The site also has association with the Federation Arts and Crafts style, popularised by architects such as Edward Jeafferson Jackson during the late 19th and early 20th centuries. The design of the house is similar to Jackson's known works, but Jackson's involvement in 'Lansdowne' could not be confirmed.

Aesthetic significance - the site is highly intact and has aesthetic value with elements of both the Victorian Italianate and Federation Arts and Crafts architectural styles. This includes the use of an asymmetric front façade, rounded arches, facebrick and roughcast render, and a hip and gabled terracotta tiled roof with tall painted brick decorative chimneys and a Belvedere/belfry tower. The compilation of styles is not typical for the Burwood local area.

Research significance – The site was initially comprised of three separate lots (Lot 5, A and B) which were consolidated by the Larcombe family in 1953. Little historical information is known about Lots A and B prior to this time and their association with the historical development of the site or the adjacent heritage listed 'Woodstock' site. There is potential for sub-surface archaeological remnants

that may contribute to further understanding the development of the local area and use of Lots A and B prior to 1953.

Representativeness – It is a unique example of the types of larger country homes established in the Burwood local area during the late 19th and early 20th centuries following the establishment of the Sydney to Parramatta railway. The design characteristics of the house reflect the transition from Victorian architectural styles into the Federation architectural styles, and is representative of new technologies and materials, such as terracotta roof tiling. It also has strong similarities to the houses designed by Jeaffreson Jackson.

The objective of the planning proposal is to recognise and provide a statutory mechanism to protect the heritage significance of the site.

The planning proposal states that the best means of achieving conservation of the property is through a heritage listing in the Burwood LEP 2012. The planning proposal states that the planning proposal process is the established procedure for implementing heritage listings.

The Department agrees that the planning proposal process is the best means for protecting the site.

4 Strategic assessment

4.1 District Plan

The 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 site is consistent within the priorities for 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 *Environmental Planning and Assessment Act 1979*. **Table 2** includes an assessment of the planning proposal against the relevant direction:

Table 2 - District Plan assessment

District Plan Priorities	Justification
Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage	The planning proposal is consistent with this Priority as it seeks to provide the statutory mechanism to protect and respect the District's heritage. The proposal will recognise and provide on-going statutory protection of the heritage significance of 17 Ethel Street, Burwood (including interiors) through listing it in Schedule 5 of the Burwood LEP 2012.

4.2 Local

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

Table 3 - Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement (LSPS)	<p>The planning proposal is consistent with the endorsed Burwood LSPS, particularly with Planning Priority 5 – Identity local character areas considering preservation, enhance and desired future character.</p> <p>The proposal intends to facilitate the conservation and protection of 17 Ethel Street and its interiors which have been identified as having local heritage significance in a Heritage Assessment commissioned by Council.</p>
Community Strategic Plan (CSP)	<p>The planning proposal is consistent with Council's CSP, particularly with Action 5.4 – 'Activate village precincts and preserve the distinct characters of surrounding residential areas'.</p> <p>The proposal is also consistent with Strategic Goal 1.5.4 to 'identify ways to promote heritage and courage the preservation of Burwood's historic buildings'.</p> <p>The proposal seeks to recognise and protect the local heritage significance of the site.</p>

4.3 Local planning panel (LPP) recommendation

On 9 February 2021 the planning proposal was considered by the Burwood Local Planning Panel (**Attachment B**). The Panel supported the planning proposal and recommended it be submitted to the Department for Gateway determination.

On 16 February 2021 Council resolved to endorse the heritage listing of the site and submit the planning proposal to the Department for Gateway determination (**Attachment C**).

4.4 Section 9.1 Ministerial Directions

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

Table 4 - 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
2.3 Heritage Conservation	Consistent	<p>The Direction requires that a planning proposal must contain provisions which facilitate the conservation of items, places, buildings, works, relics, movable objects or precinct of environmental heritage significance, as identified in a study of the environmental heritage area.</p> <p>The planning proposal is informed by a Heritage Assessment prepared by City Plan Heritage. The assessment was undertaken in accordance with the NSW Heritage Council's guidelines. The report concluded the subject site satisfied the relevant criteria for local heritage listing and the proposal is warranted.</p> <p>The proposal will facilitate the conservation and protection of the site and is therefore considered to be consistent with the Direction.</p>

4.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

5 Site-specific assessment

5.1 Environmental

There are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the subject site. There are no likely environmental impacts that would result from the planning proposal.

5.2 Social and economic

Social: The planning proposal is unlikely to result in any adverse social impacts. As the site is not in a heritage conservation area, listing 17 Ethel Street and its interiors as a heritage item will afford statutory protection to conserve the heritage significance of the site and allow the building to be appreciated by the local community.

Economic: The inclusion of 17 Ethel Street and its interiors into Schedule 5 of Burwood LEP 2012 could result in minor economic impacts on the landowner as there are additional costs in preparing a development application for a heritage listed site. The heritage listing would also prevent certain works from being carried out as either exempt or complying development.

Notwithstanding this, the proposal does not change the zoning or development standards applicable to the site, and the heritage listing of the site would conserve the significance of the building and its contribution to the character of the area.

5.3 Infrastructure

There is no significant infrastructure demand that will result from the planning proposal. The planning proposal does not involve any amendments to the planning controls that could facilitate intensified development. The site has access to adequate public infrastructure such as water, sewer, electricity and telephone services.

6 Consultation

6.1 Community

Council proposes a community consultation period of 14 days. The Department recommends a minimum community consultation period of 28 days to allow the community and landowner proper consideration of the proposal. This timeframe is recommended as a condition of the Gateway determination.

Landowner

The planning proposal notes the current landowner has been consulted in the preparation of the planning proposal and invited to the Council and Local Planning Panel meetings. The planning proposal notes the landowner has objected to the heritage listing of the site.

The Department notes the landowner will have the opportunity to provide feedback, including the presentation of further expert reports as during the exhibition period.

6.2 Agencies

Council did not nominate to consult with any government agencies in relation to the proposal.

The Department notes that consultation with NSW Heritage Council is only required in relation to matters pertaining to the NSW State Heritage Register. As the proposal is for local heritage listing under the Burwood LEP 2012, consultation with NSW Heritage Council is not considered necessary.

It is recommended the following agencies / organisations be consulted on the planning proposal and given at least 21 days to comment:

- Heritage NSW
- The National Trust of NSW.

7 Timeframe

Council proposes a 7 month time frame to complete the LEP.

The Department agrees with Council's proposed time frame to complete the LEP

8 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the planning proposal is minor in nature and of local significance, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

9 Assessment Summary

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

- The proposed heritage listing is supported by a Heritage Assessment and inventory sheet which determined that 17 Ethel Street and its interiors are of local heritage significance. The heritage significance assessment has been undertaken in accordance with the NSW Heritage Office Guidelines.
- The proposal will recognise and provide ongoing statutory protection of the heritage significance of 17 Ethel Street Burwood, including its interiors.
- The proposal is consistent with the Eastern City District Plan, Council's local strategic plans, relevant SEPPs and Section 9.1 Directions.

As discussed in Section 7, the proposal should be updated to:

- Update the project timeline to reflect the timeframe allowed to complete the LEP, where appropriate.

10 Recommendation

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

1. The planning proposal is be updated prior to community consultation to:
 - Update the project timeline to reflect the timeframe allowed to complete the LEP, where appropriate.
2. Consultation is required with the following public authorities/organisations:
 - Heritage NSW

- The National Trust of NSW.
- 3. The planning proposal is to be made publicly available for community consultation for a minimum of 28 days.
- 4. The timeframe for completing the LEP is to be 9 months from the date of Gateway determination.
- 5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



5 May 2021

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5 May 2021

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