

(ITEM 62/23) PLANNING PROPOSAL - GROUP HERITAGE LISTING OF APPIAN WAY CENTRAL RESERVE AND PUBLIC DOMAIN

File No: 23/38542

REPORT BY MANAGER CITY PLANNING

Summary

A Planning Proposal has been prepared to facilitate the group heritage listing of the Appian Way central reserve and public domain under Schedule 5 of the Burwood Local Environmental Plan (Burwood LEP) 2012.

The subject lands proposed to be listed as part of the group listing meet the threshold of local significance for the relevant heritage assessment criteria. It is recommended that Council endorse the Planning Proposal 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.13 Identify and plan for built heritage and local character

A.37 Undertake a heritage assessment of existing building stock to identify and update the register of contributory or heritage items

Background

Council, at its meeting of 28 March 2023 considered a post exhibition report on the Planning Proposal to heritage list properties within the Appian Way Heritage Conservation Area, and resolved, in part the following:

6. *That Council's Heritage Adviser undertake an investigation of the landscape features (significant trees and vegetation) and the Appian Way Recreation Club and if appropriate prepare a planning proposal for the heritage listing of the items.*

This Planning Proposal responds to this Council resolution.

The Appian Way

The Appian Way Conservation Area has been long considered to be one of the most significant Federation precincts in Australia with exemplary heritage significance. The National Trust of Australia (NSW) describes the conservation area as:

"Probably the finest Edwardian bungalow precinct in Sydney. By virtue of its architectural cohesiveness, idyllic landscaped environment of street and allotment alike with community related sports reserve, this development sets a high standard by today's criteria". (National Trust, 1977).

Council and organisations such as the National Trust (NSW) and the Burwood and District Historical Society have strongly advocated for protection of the precinct. Through continued lobbying, dwellings associated with the Hoskins Estate (Appian Way) first gained heritage protection in May 1977.

The Appian Way Precinct was afforded a 'classified precinct' listing by the National Trust of Australia (NSW), followed by the establishment of the Appian Way Urban Conservation Area (with a much larger area than today) in March 1981. The precinct was listed on the Australian Heritage Commission's Register of the National Estate and had an Interim Conservation Order (No. 182)

under the Heritage Act 1977, which gave temporary protection until the preparation of a Local Environmental Plan (LEP).

In 1985 permanent protection was granted and Appian Way was one of the first conservation areas gazetted in New South Wales. Burwood Local Environmental Plan No. 10 afforded the precinct statutory protection setting out development controls preserving the significant characteristics of the precinct.

Burwood Development Control Plan (BDCP) No. 4 replaced LEP10 and was adopted by Council 22 May 2001. This provided more detailed guidance and incorporated changes to heritage protection such as the Burra Charter. This afforded the precinct a similar level of statutory protection under the Burwood Planning Scheme Ordinance (BPSO) 1977.

The Standard Instrument LEP framework was released and the BLEP 2012 replaced the BPSO. Under this framework development control plans lost their statutory weight they had under planning scheme ordinances, but the controls from BDCP No. 4 were incorporated into Council's new DCP, which was adopted 12 February 2013. Development Applications (DAs) within the precinct continued to be assessed as if they had statutory protection the same as listed items under the BLEP. The dwellings had protection as part of the Appian Way Conservation Area, with controls in the BDCP providing guidance.

Council's experience with DAs and outcomes resulting from Land and Environment Court approvals demonstrated a need for a greater level of heritage protection. Outcomes of Land and Environment Court approvals, such as at 13 Appian Way had resulted in alterations which compromise the integrity of the Appian Way Conservation Area.

These circumstances and considerations led to the preparation of the Planning Proposal to facilitate the group heritage listing of approximately 30 properties within the Appian Way Conservation Area under Schedule 5 of the BLEP 2012, resulting in Amendment No. 24 to the BLEP coming into force on 26 May 2023.

Submissions received by Council, in response to the public exhibition of the abovementioned Planning Proposal, called for the inclusion of the Appian Way central reserve (containing open space, tennis courts and pavilion), which is owned by the Appian Way Recreation Club, and street trees as a heritage item.

Council's Heritage Advisor has since undertaken such investigation in accordance with the Heritage Significance Assessment Guidelines published by Heritage NSW. The investigation has revealed that the subject lands meet the threshold for having local heritage significance, resulting in the preparation of this Planning Proposal.

Burwood Local Planning Panel Consideration

The Planning Proposal was considered by the Burwood Local Planning Panel (BLPP) at its meeting on 12 September 2023. The BLPP recommended to:

- (a) support the Planning Proposal to amend Schedule 5 of the BLEP 2012 to group list the Appian Way central reserve and public domain that 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 Appian Way central reserve and public domain in the Appian Way Conservation Area as a local heritage item in the BLEP 2012.*
- (c) commend the officers on the quality of the report.*

The Panel considered the Council Officer's Planning Report and had the opportunity to ask questions of the authors of the report.

The Panel members individually undertook site inspections of the planning proposal site and familiarised themselves with the environment.

In formulating its advice, the Panel had regard to the heritage significance of the Appian Way and the criteria for recognising that significance by listing the Appian Way as a local heritage item in the Burwood LEP 2012.

Heritage Assessment

Council's Heritage Advisor has undertaken a heritage assessment of the Appian Way central reserve (under the ownership of Appian Way Recreation Club) and public domain (encompassing the roadway and paths) against the seven criteria in the Heritage Significance Assessment Guidelines. This assessment has revealed that the subject lands meet the historical, associative, aesthetic, rarity and representative criteria, as outlined in Table 1 below:

Table 1: NSW Heritage assessment criteria summary

NSW Heritage Criteria	Assessment
(a) Historical significance <ul style="list-style-type: none"> important in the course, or pattern, of Burwood's cultural or natural history 	<p>It is a personal and individual interpretation of the architectural and planning styles of the early 1900's by George Hoskins and builder/designer William Richards within the confines of a 'garden city' style suburb within a suburb.</p> <p>Each original dwelling within the group heritage item I226 represent the historical 'garden city' planning movement, but unusually on a smaller scale (as opposed to Haberfield and Daceyville).</p> <p>Likely influences have been the first 'Garden Suburbs' in England at Bedford Park 1876 and in Bournemouth. Ebenezer Howard published a book "Garden Cities for tomorrow" in 1897 promoting integration of recreational and residential areas. Hoskins inclusion of a recreational area may be an idea taken from the Haberfield Estate development of R.Stanton with its provision of recreational facilities including lawns and a community meeting pavilion.</p> <p>There was no regulation regarding sub-divisions in New South Wales until 1906. Although William Richards had migrated from England the designs in the Appian Way are said to be based mainly on local Australian Architecture.</p> <p>The landscape elements, including the club house/pavilion, picket fence, organic shaped circular street the native Brush Box (<i>Lophostemon confertus</i>) - believed to have been planted in 1905, <u>meet the threshold for Historical Significance</u>.</p>
Associative significance <ul style="list-style-type: none"> has strong or special association with the life or works of a person, 	<p>In 1903 George Hoskins who was founder of Australian Iron and Steel Industries, purchased 8ha of land at the intersection of Liverpool Road and Burwood Road. He</p>

<p>or group of persons, of importance in Burwood's cultural or natural history</p>	<p>conceived a design for a model suburban estate. The design included large houses on expansive grounds arranged around a central reserve.</p> <p>Mr. Hoskins, from 1893, resided in St. Cloud, No.223 Burwood Road, which overlooked the Appian Way.</p> <p>Therefore, landscape elements and streetscape of the Appian Way <u>meet the threshold for Associative Significance.</u></p>
<p>Aesthetic or Technical significance</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 street consists of rare Federation Queen Anne (sometimes referred to as Edwardian Bungalow) precinct of architectural and constructional excellence. The group of dwellings and the landscape elements represents an almost intact, complete Federation streetscape (though not strictly in Federation style) and is a unique part of the development of Burwood, and more broadly, Sydney with exceptionally generous landscaped settings of high quality. The ideas that influenced Richards' design of Hoskins Estate Houses were those of the Federation Queen Anne Style popular from the early 1890's to the start of World War One.</p> <p>Generally, the houses are of complex, asymmetrical form, being dominated by extensive verandahs and prominent, irregular rooflines. The verandahs often have a corner emphasis and as the houses are placed on wide allotments, they tend to feature carefully designed and executed side elevations as well as street facades.</p> <p>The trees and shrubs used in the gardens have changed over the years, but original planting were probably a combination of Australian natives and exotic species. The landscape and organic shape of the Appian Way streetscape combine with the dwellings to form a particularly aesthetic precinct.</p> <p>The landscape elements and overall streetscape <u>meet the threshold for aesthetic significance.</u></p>
<p>Social significance</p> <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>There is social significance within the landscaped elements, particularly focused on the recreational area and club house/pavilion. It is a rare 'garden city' estate whose early residents were likely to have been regular tennis players and/or users of the recreational space. This continues to this day, with the owners of dwellings within the Appian Way also shareholders of the recreational area and club house/pavilion. However, the site does not meet the criteria as there is no evidence of historically important people being a part of the group.</p> <p>The landscape elements and overall streetscape <u>do not meet the threshold for Social significance.</u></p>
<p>Research Potential</p> <ul style="list-style-type: none"> potential to yield information that 	<p>There is research potential within the combined landscaped area and grouped heritage dwellings as a</p>

will contribute to an understanding of Burwood's cultural or natural history	<p>rare 'garden city' estate.</p> <p>This is recognised within the Appian Way HCA. However, the potential does not extend to the landscape elements alone. Therefore they <u>do not meet the threshold for Research Potential.</u></p>
<p>Rarity</p> <ul style="list-style-type: none"> possesses uncommon, rare or endangered aspects of Burwood's cultural or natural history 	<p>The landscaped elements and overall streetscape is a rare example of a garden city with recreational area for residents only.</p> <p>When considered with the surrounding dwellings, it is rare because no two allotments are of same shape or size, with complex free standing designs quite different from the average urban street. No two houses are identical, yet are consistent in their overall Federation era form.</p> <p>The landscape elements and overall streetscape (particularly when considered with the dwellings) <u>meet the threshold for this criteria.</u></p>
<p>Representativeness</p> <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>It is a representative of an innovative approach to residential development that contains outstanding examples of Edwardian and Federation architecture in a garden setting with central recreational area.</p> <p>The landscape elements and overall streetscape of the Appian Way <u>meet the threshold for representative significance.</u></p>

The following statement of heritage significance is provided in Council's Heritage Advisor's assessment:

A rare Edwardian 'garden city' bungalow precinct surrounded by excellent Federation Queen Anne and at least one Federation Arts and Crafts architectural and landscape detail. The landscape elements and streetscape are largely intact incorporating significant elements, around an unusual and beautifully landscaped oval, containing a resident-owned recreational and sporting facility.

The design and construction of the estate, including its unique organic street layout, was based on a vision of suburban utopia of its owner George Hoskins who was instrumental in developing the steel industry in NSW.

The concept for the design was based on 'Garden City' ideas being developed in England and USA at the time, for example, "Riverside" in Chicago by Frederick Law Olmstead and Vaux and "Bedford Park", "Port Sunlight" and "Letchworth" in England designed by Barry Parker and Raymond Unwin springing from the 'Picturesque Landscaping Movement' of the 18th Century in England.

The landscape elements and streetscape of the Appian Way (especially when considered with the surrounding group heritage item dwellings), have local significance for their ability to demonstrate early and unique subdivision pattern within Burwood (and more broadly NSW), their unique yet consistent Federation aesthetic, their rarity as a garden city suburb, for their association with George Hoskins and for their representative value as fine planning example of its type.

The heritage assessment undertaken by Council's Heritage Advisor is included as Attachment 1.

Planning Proposal

The Planning Proposal seeks to list the Appian Way central reserve, owned by the Appian Way Recreation Club, and public domain, encompassing the entire roadway and paths from Liverpool Road to Burwood Road, as a group item of local heritage significance. The Planning Proposal is included at Attachment 2.

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

The Planning Proposal is consistent with the Council's Community Strategic Plan and the Burwood Local Strategic Planning Statement which was endorsed by the 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 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 directions.

Consultation

Burwood Council did not consult with the Appian Way Recreation Club or residents of the Appian Way Conservation Area prior to preparing this Planning Proposal. Instead, the views expressed by the community during the previous Planning Proposal's consultation were taken into account. The subject lands are already part of the Appian Way Conservation Area, and this Planning Proposal aims to provide greater protection by listing the central reserve and the entire Appian Way public domain encompassing the roadway and paths as a group heritage item.

It is proposed that the Appian Way Recreation Club, as well as all owners within and adjacent to the Appian Way Conservation Area, will be consulted during the exhibition of the Planning Proposal. The specific timeframes for this consultation will be outlined in the Gateway Determination issued by the Department of Planning & Environment (DPE). The public exhibition will encompass the following:

- Electronic copy of all relevant information on Council's Participate Burwood page, as well as the DPE planning proposal tracker
- Letters to the Appian Way Recreation Club and all land owners within and adjacent to the HCA.
- 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 Act and the *Environmental Planning and Assessment Regulation 2021*, also having regard to other relevant plans and guidelines including the *Burwood Community Engagement Strategy* and *Local Environmental Plan Making Guideline* and any conditions of the Gateway Determination.

Planning or Policy Implications

Heritage listing of properties is undertaken through a Planning Proposal.

Should Council then resolve to progress the Planning Proposal, the general steps would be as follows:

- The Planning Proposal is submitted to the DPE for a Gateway Determination. This step will determine whether the proposal can proceed and outlines the community consultation required.
- Undertake public exhibition and consultation with relevant State agencies.
- The outcomes of community consultation are reported back to Council. The Council is asked whether it wishes to adopt the Planning Proposal and proceed to plan-making.
- If adopted, Council staff liaises with the Department of Planning & Environment to amend the Burwood LEP.
- The lands are group listed in Schedule 5 of the Burwood LEP.

It is anticipated that the process would take approximately six (6) months to complete all steps as outlined above. However, the lands are afforded greater heritage protection (i.e. deemed a “draft heritage item”) as soon as the Planning Proposal is placed on public exhibition and a notation will be placed on Council’s Planning Certificates to ensure 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 Appian Way central reserve and public domain encompassing the entire roadway and paths between Liverpool Road and Burwood Road, within the Appian Way Conservation Area, under Schedule 5 of the BLEP 2012.

Council’s Heritage Advisor has undertaken a heritage assessment of the subject lands, which have been deemed to demonstrate heritage significance at the local level and meet the threshold of local significance for the relevant criteria.

In view of the BLPP’s support for the Planning Proposal, Council’s endorsement is sought for progressing the Planning Proposal to a Gateway Determination.

Recommendation(s)

1. That Council support the group listing of the Appian Way central reserve, owned by the Appian Way Recreation Club, and public domain, encompassing the entire roadway and paths from Liverpool Road to Burwood Road, as a group item of local heritage significance as outlined in the Planning Proposal as a local group heritage item on the heritage schedule of the Burwood Environmental Plan 2012.
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. group list the Appian Way central reserve, and public domain, encompassing the entire roadway, paths and trees from Liverpool Road to Burwood Road, as a group as a heritage item in Schedule 5 Environmental heritage; and
 - ii. Mapping the land as “Item – General” on the Heritage Map
3. That subject to the Gateway Determination, affected property owners be notified in writing.
4. That the results of the public exhibition and consultation be reported back to Council.

Attachments

- 1 Appian Way Central Reserve and Public Domain - Heritage Assessment
- 2 Planning Proposal - Heritage Listing of Appian Way Central Reserve and Public Domain