

## **(Item GB4/23) Planning Proposal - Group Heritage Listing of Appian Way Central Reserve and Public Domain**

File No: 23/30810

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 (BLEP) 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.

### **Operational Plan Objective**

- 2.1 An urban environment that maintains and enhances our sense of identity and place
- 2.1.2 Protect our unique built heritage and maintain or enhance local character

### **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.

### **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**

<b>NSW Heritage Criteria</b>	<b>Assessment</b>
<b>(a) Historical significance</b> <ul style="list-style-type: none"> <li>important in the course, or pattern, of Burwood's cultural or natural history</li> </ul>	<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>
<p><b>Associative significance</b></p> <ul style="list-style-type: none"> <li>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</li> </ul>	<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 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><b>Aesthetic or Technical significance</b></p> <ul style="list-style-type: none"> <li>important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in Burwood</li> </ul>	<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</p>

	<p>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>
<b>Social significance</b> <ul style="list-style-type: none"> <li>strong or special association with a particular community or cultural group in Burwood (social, cultural or spiritual reasons)</li> </ul>	<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>
<b>Research Potential</b> <ul style="list-style-type: none"> <li>potential to yield information that will contribute to an understanding of Burwood's cultural or natural history</li> </ul>	<p>There is research potential within the combined landscaped area and grouped heritage dwellings as a 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>
<b>Rarity</b> <ul style="list-style-type: none"> <li>possesses uncommon, rare or endangered aspects of Burwood's cultural or natural history</li> </ul>	<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>
<b>Representativeness</b> <ul style="list-style-type: none"> <li>important in demonstrating the principal characteristics of a class of Burwood's cultural or natural places, or cultural or natural environments</li> </ul>	<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 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 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. It is advisable that any Planning Proposal for heritage listing be progressed in a timely manner, therefore limiting the risk of further unsympathetic alterations to significant sites within the Appian Way Conservation Area.

This report seeks the advice of the BLPP in respect to the Planning Proposal. The BLPP's advice would be reported back to Council for their consideration.

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 DPE to amend the BLEP.
- The lands are group listed in Schedule 5 of the BLEP.

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.

It is recommended that the Burwood Local Planning Panel support the Planning Proposal and provide advice to Council to proceed with the group listing of the subject lands in the Appian Way Conservation Area.

***Recommendation(s)***

That the Burwood Local Planning Panel:

- (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.

**Attachments**

- 1 [↓](#) Appian Way Central Reserve and Public Domain - Heritage Assessment
- 2 [↓](#) Planning Proposal to List Appian Way Central Reserve and Public Domain as a Group Item of Local Heritage Significance



## LANDSCAPE HERITAGE ASSESSMENT THE APPIAN WAY



Report Prepared by: Gavin Patton, Burwood Council  
Date: September 2023



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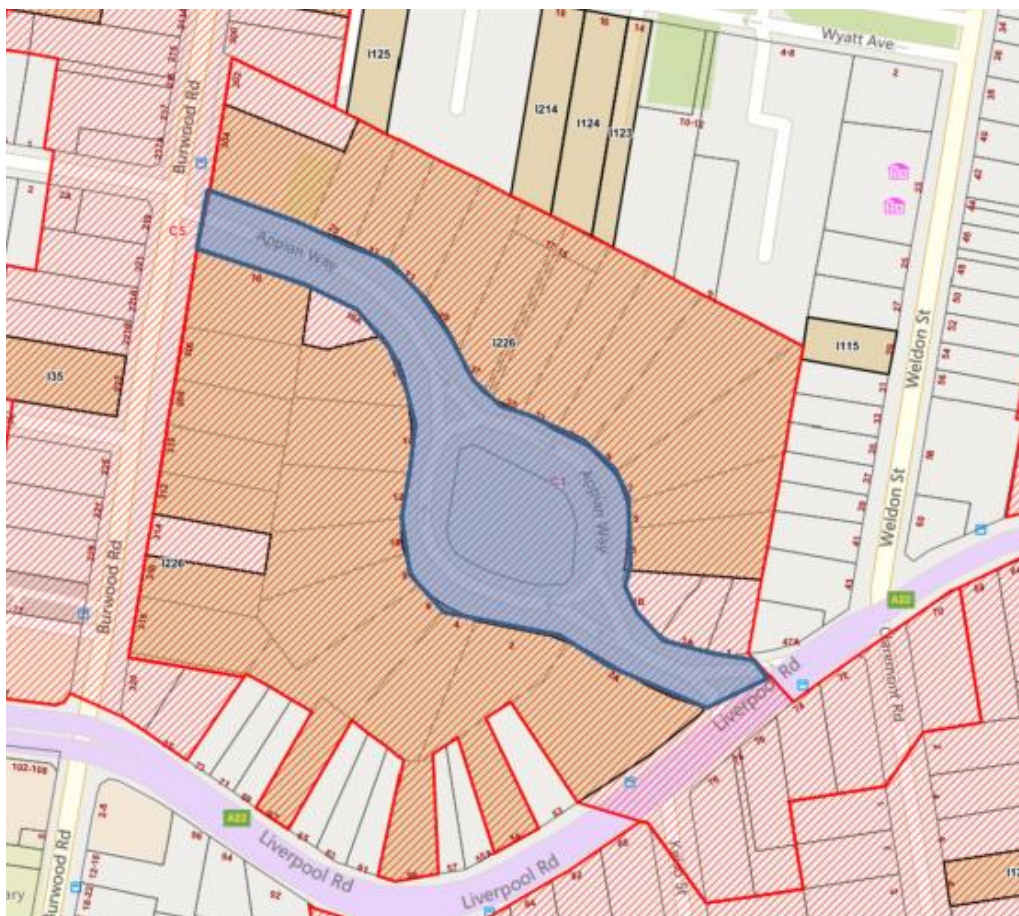
## 1 Introduction

## 1.1 Scope

Council, at its meeting on 28 March 2023 resolved, in part, the following:

*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.*

A heritage significance assessment on the landscape heritage of the Appian Way has been undertaken, and is detailed in this report.



**Figure 1 - The subject site – the proposed Landscape Heritage Item in blue.**

## 1.2 Author

This report was prepared by Gavin Patton (Heritage Advisor, Burwood Council) and reviewed by Rita Vella (Manager City Planning).

### 1.3 Methodology

This review has been prepared in accordance with the heritage significance assessment guidelines published by Heritage NSW in 2001, the updated Assessing Heritage Significance (June 2023) and Investigating Heritage Significance (2021). It is also consistent with the relevant principles and guidelines of the Australian ICOMOs Charter for Places of Cultural Significance 2013 (the Burra Charter).

An independent external heritage consultant was not engaged for this assessment due to the site having previously been recognised as holding heritage significance within the conservation area and the broadly known heritage significance of the Appian Way HCA, its historic significance, its aesthetic significance and its rarity.

### 1.4 Limitations

No sites internal areas of the club buildings were inspected. The report does not include any Aboriginal or archaeological assessment.

## 2 The Landscape Elements

Table 1 – Individual Elements Included in this Assessment

Element
<b>Trees</b> <p>The trees which frame the internal and external streetscape are native Brush Box (<i>Lophostemon confertus</i>). It is believed these trees were planted in 1905 (Heritage NSW). It can be demonstrated that the trees have remained the original plantings throughout the 20<sup>th</sup> Century until today (with some additional planting) via the historical aerial imagery contained in Section 4 of this report. It is noted that severe pruning has previously occurred, particularly noticeable in the 1955 aerial image.</p>
<b>Recreational Area/Reserve</b> <p>The recreational area itself includes the inner area of the Appian Way, and forms part of the original Hoskins Estate. The area has been used as a lawn tennis club since at least 1909<sup>1</sup> with aerial images demonstrating that use has continued to today. The tennis club had a restricted member of 30 men and 15 ladies when it commenced operation.</p> <p>The recreational area/reserve also includes the area surrounding the recreational club ground. This area has shrubbery, along with the Brush Box trees and noticeable shallow guttering. This guttering was likely added in the later 20<sup>th</sup> Century with little to no guttering in that location prior.</p>
<b>Club House/Pavilion</b> <p>There are two pavilions that form part of the club. These are located on the eastern end of the recreational area. They likely date from c.1909 when the tennis club was created and are likely the outcome of early decisions made by residents of the Appian Way in how to best use the recreational area.</p>

<sup>1</sup> Daily Telegraph, July 1909.

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It is clear from aerial images date from the 1930s that tennis has been a prominent recreational use of the site, with three tennis courts visible. Netting equipment etc, remains in place and adds to the ambiance and design intent of the recreational area.
<b>Picket Fence</b>
The existing timber picket fence, while not original, is likely a replacement to an earlier timber picket fence in the same location and of similar appearance. The fence adds to the Edwardian era streetscape and compliments similar fences on the dwellings.
<b>Safety Fence</b>
The safety tennis/ball proof fences located on the northern and southern ends of the recreational area are likely to date from the mid 20 <sup>th</sup> Century or later. They possibly replaced earlier fences or screens which served a similar purpose. They add to the feeling of the central space being designed for recreational purposes, in particular tennis.
<b>AWRC Gates</b>
It is not possible to completely date the AWRC gate, although it is likely to date from c.1920. The gate adds to the landscaped elements providing a place making nameplate to the recreational area.
<b>Roadway/Carriageway</b>
While the original road way has been resurfaced, the layout and footprint of the road way remain the same as when constructed.
<b>Footpaths</b>
The existing footpath 'footprint' remains the same (or similar) to that shown in the 1930 aerial image with many sections likely original. Overtime concrete needs replacing due to cracking etc, this should be continued, however remain in similar location and constructed in plain concrete.

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### 3 History

#### 3.1 Pre-Contact

*The following Pre-Contact history has been extracted from the Burwood Council website.*

The story of Burwood commences with the original owners of our island nation – the Aboriginal people. Long before the convict history and early European settlers, Aboriginals lived in complete harmony with nature. Archaeological evidence suggests that Aboriginal people occupied the area in and around Sydney at least 11,000 years ago and they may well have been there much longer.

The Aboriginals in Sydney belonged to two tribes; the 'Kuringal' or 'Eora' tribe who were coastal dwellers, and the 'Dharug' tribe who lived further inland to the foothills of the Great Dividing Range. Within these two tribes were specific clans or extended family groups.

The Aboriginals who lived in our neighbourhood, were known as the Wangal people. The Aboriginal leader Bennelong was a member of the Wangal clan.

Although the Wangal travelled about to trade and search for food, their territory was the land on the southern bank of the Parramatta River. Their boundaries extended to the west of Iron Cove to as far as Homebush Bay, with a southern boundary along the watershed between Cooks River and Sydney Harbour

The British First Lieutenant William Bradley writes in his journal about seeing a number of Wangal people along the banks of the river around Mortlake in 1788. When his exploration party stopped for breakfast on the opposite bank, a group of seven Wangals came over in canoes to meet them. "They left their spears in the canoes and came to us" wrote Lieutenant Bradley. When the Europeans had left, the Wangal people used the Europeans' fire to cook mussels they had gathered from surrounding rocks.

European invasion forced the retreat of the Wangal into alien territory, depriving them both of their source of food and spiritual connection with their country.

### 3.2 Development of Burwood

*The following historical information has been extracted from the Heritage Impact Statement for 15 Appian Way by John Oultram in September 2021 – with Burwood Council edits. All references are contained in the original document.*

The land which now includes The Appian Way, is sited within that part of Sydney granted to William Faithful in 1808. Faithful (1774-1847) was a private in the New South Wales Corps who had arrived in the penal colony in 1792. When discharged in 1799 he became the estate manager for Captain Foveaux. The new road to Liverpool (the Hume Highway) was put through Faithful's grant in 1815. At that time the 200 acres to the north of the road was purchased by Alexander Riley, and the land to the south of the road was re-granted to Simeon Lord.



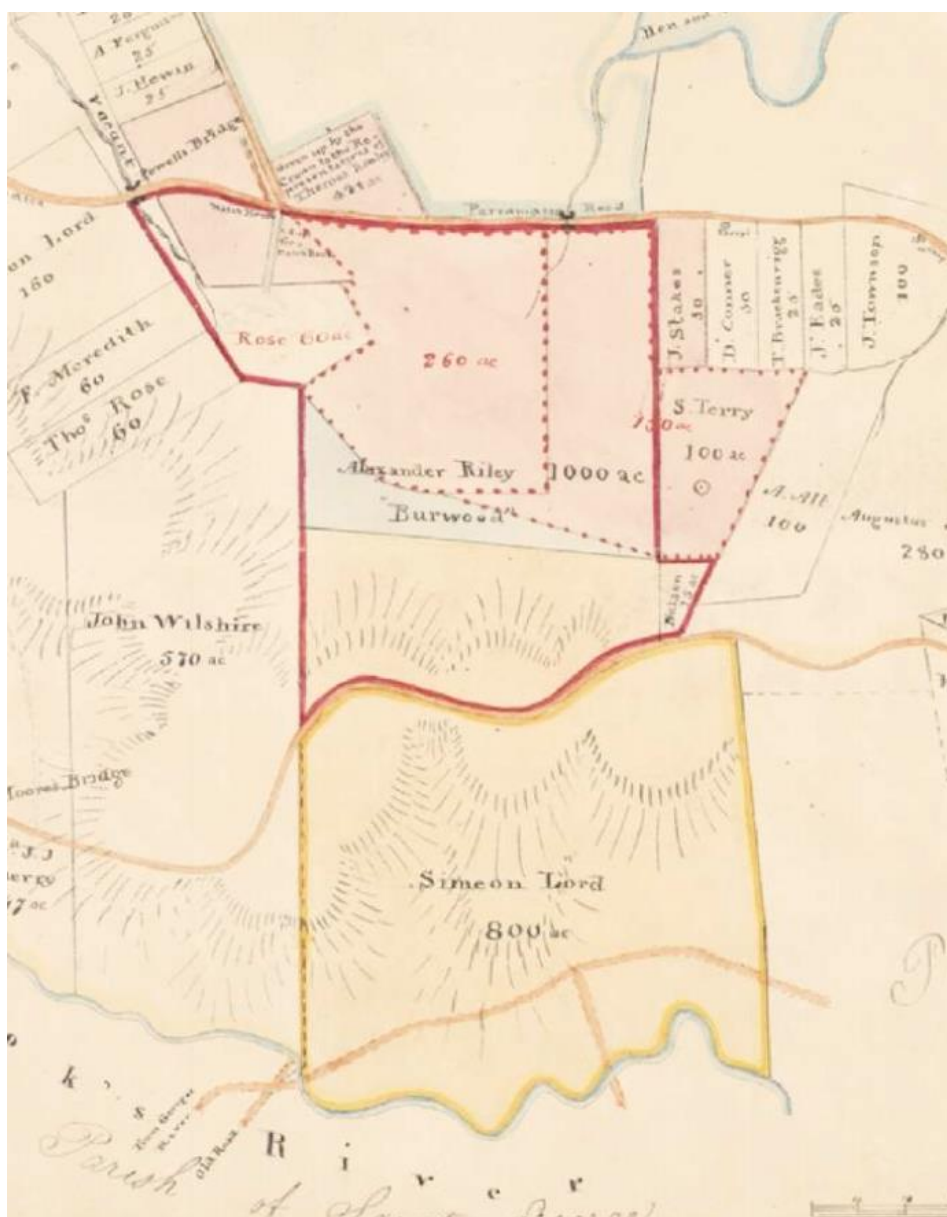


Figure 2 - This sketch survey was drawn in 1840 to show the various exchanges of land at Burwood. It recorded Faithfull's grant in yellow tint showing where Simeon Lord acquired the area south of Liverpool Road, and the area to its north now being Riley's Burwood. SLNSW

Riley (1778–1833) had arrived in Sydney in 1804 and was one of the first of the free settlers with capital to migrate to the colony. By 1809 he had settled on his grant beyond Liverpool named Raby and developed a pastoral industry there based on wool. Riley had purchased the late Captain Thomas Rowley' Burwood estate, then comprising 750 acres, in 1812.

At Burwood, Riley erected around 1812 a bungalow near the Parramatta Road boundary of his estate. The bungalow (demolished in 1937) and its timbered setting were depicted in the well-known painting by Joseph

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Lycett published in London in 1825. This vast estate with its extensive tree cover developed into something of a resort for Sydney's bushrangers in the mid-1820s, striking at travellers on the main roads to Liverpool and Parramatta and then retreating into the bush to evade capture.



Figure 3 - Joseph Lycett's painting of Riley's Burwood Villa, published in London in 1825. NLA

Following Riley's death in 1833, Rowley's children successfully claimed entitlement to the aforementioned 750 acres. That estate was divided then between Thomas Rowley (junior), John Rowley, John Lucas (the husband of Mary Rowley), and Henry Sparrow Briggs (the husband of Eliza Rowley), while the 200 acres formerly of Faithful's grant was shared equally between them.

Over the 1830s and 1840s small areas of Burwood were released for sale by the Rowley descendants. These sales were mainly along the arterial roads leading to Liverpool and Parramatta and the purchasers in many instances were involved in trade associated with the road, such as coaching inns and other licensed premises. The bulk of the Rowleys' Burwood was subdivided in 1854 with the release of the Burwood Estate and Cheltenham Estate, with present day Appian Way being located within the Burwood Estate land release.

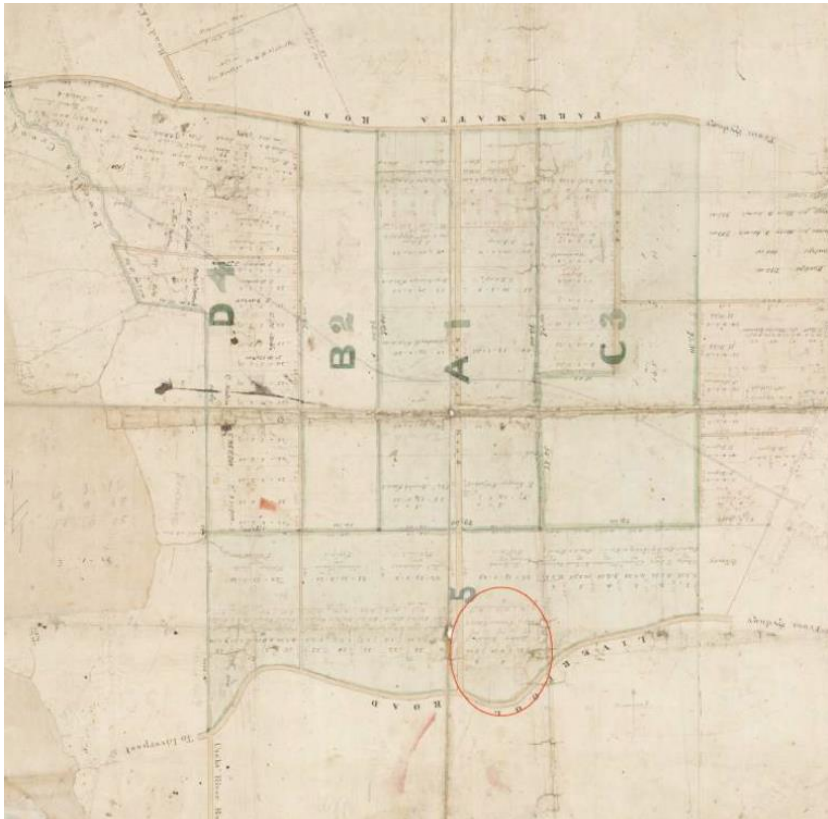


Figure 4 - This survey is of the Burwood Estate as subdivided. Not dated, after 1854. Marked-up to show the area of the future Hoskins Estate. Image reorientated for reproduction. SLNSW

These land releases were made in anticipation of the opening of the railway station at Burwood, which opened in September 1855 on the line between Sydney and Parramatta; with Burwood being one of four (Newtown, Ashfield, and Homebush) immediate stations at the time of the opening. Prior to the development of the suburban network of railways (and tramways) the population of Sydney was largely confined to the city and surrounding villages.

The population in the city rose markedly in the 1850s owing to the Gold Rush and migration; between 1851 and 1856 the population in the city wards increased by twenty per cent while the number of new houses completed over the same period was twelve per cent.<sup>2</sup>

The railway provided the means for people to live in suburbs and commute to the city to work.

The allotments in these Burwood land releases were large at between four to 10 acres and intended more for farmlets or subsistence farming. Re-subdivision of these blocks into suburban allotments commenced soon after: in 1858 in the area beside the railway station.

One outcome of this closer settlement was the incorporation of the district as Burwood Council in 1874 after some five years of debate.

Around the railway station and along Burwood Road a commercial and civic nexus soon developed. Being private land releases no reserves were made for civic services and these developed where they could. The site for St Paul's Anglican Church for example was purchased by



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the parish in 1872. The local public school, opened in 1871 after a false start in 1858, was located some distance to the west. A local post office opened in 1861, Burwood Park was acquired in 1878, etc.

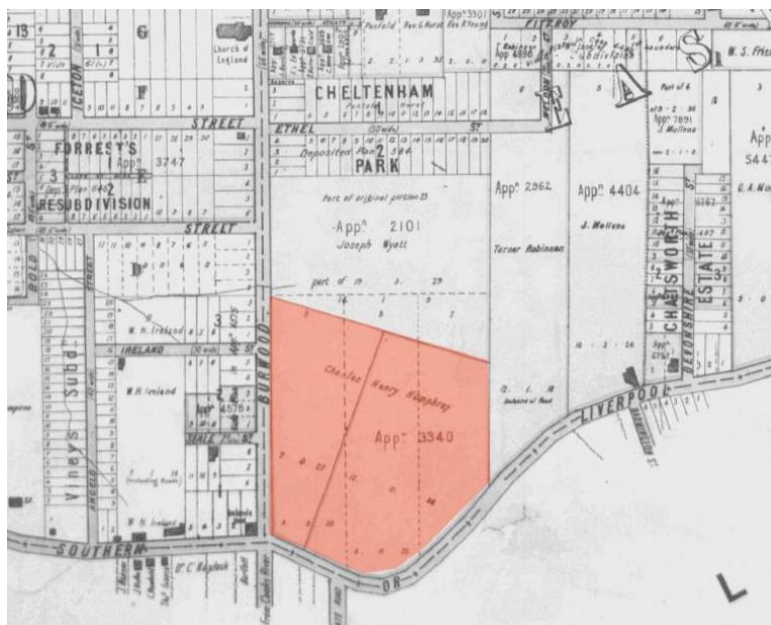


Figure 5 - Detail from Higinbotham and Robinson's 'Map of the Municipality of Burwood' published in 1893. SLNSW

The map above records the extensive re-subdivision that had occurred following the mid 1850s land releases. However, at the southeast corner of the municipality little development had occurred, and it was in this area that Hoskins developed his model estate. Marked up to show the extent of the Hoskins Estate comprising about 19&12 acres

### 3.3 Hoskin's Estate/The Appian Way

The developer of this estate, which comprises Appian Way and the original 39 houses, was George John Hoskins. These houses are situated within the 19&12 acres Hoskins purchased in 1903 from the executors of the late Charles Henry Humphrey.

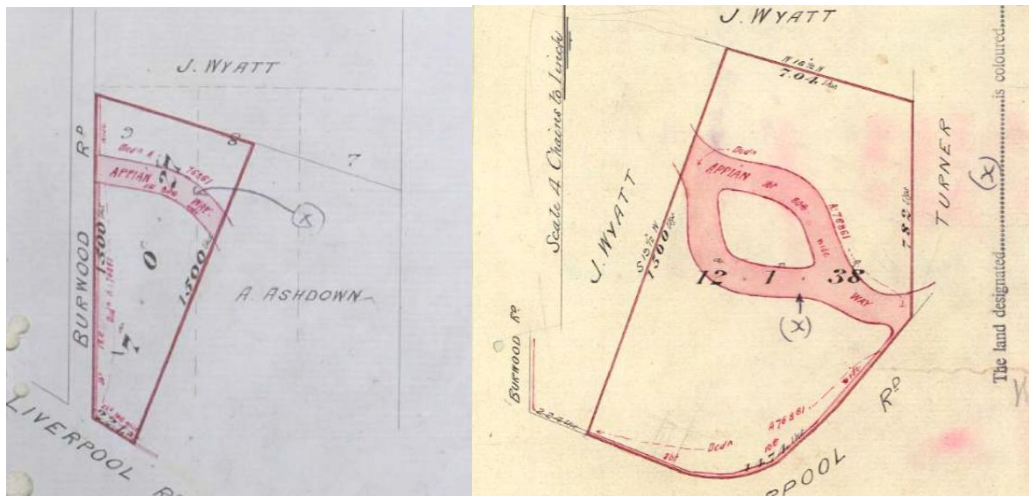


Figure 6 - Plans of the two parcels of land Hoskins purchased in 1903 from the Humphrey family. The total area was about 198½ acres. At a later date the public road of Appian Way was delineated. NSW LRS.

Humphrey (1817-1898) and his family had lived in Burwood since the late 1860s and resided at Luscombe (12 Livingstone Street). His background prior to coming to Burwood and the source of his income have not been reported. He was an alderman for Burwood from its inception in 1874 and was the mayor for 1875. He also was a founder of the Burwood School of Arts, benefactor of numerous charitable institutions, and a local magistrate.

George John Hoskins (1847-1926) was in partnership with his brother Charles Henry (1851-1926) who were manufacturing engineers that commenced trading in 1876 in Ultimo. A move to Blackwattle Bay was made in 1889 and the brothers commenced production of steel pipes. In 1908 the brothers purchased William Sandford's ironworks at Eskbank. After, Charles pursued the business of iron production trading as Hoskins Iron and Steel Co Ltd from 1920, which was developed by his sons in the mid 1920s with a new plant at Port Kembla, and it became a subsidiary of BHP in 1935. George from 1908 pursued other business interests.

Hoskins purchased Humphrey's land with the intention of developing a model housing estate, and he informed Burwood Council of this in June 1903.<sup>5</sup> By that date a plan had been prepared that has not survived, but by newspaper accounts it depicted an estate comprising 39 houses set within half acre blocks.

By September 1903 the Council had approved Hoskins' scheme and it took on the construction of Appian Way, its connection with Burwood and Liverpool-roads, and laying on the drainage.

There was also a communal space incorporating a tennis court at the centre available for use by local occupiers, much in the manner of a private housing estate in London.

The construction of the houses was staged. By August 1908 a number of cottages had been completed, which were available for lease from 104 pounds per annum (\$16,694 adjusted for inflation). By April 1905 some 15 cottages had been completed.

The full suite of cottages seems to have been completed by 1909.



It has been stated that Richards also designed these houses, however architects Slatyer and Cosh (soon after becoming Spain and Cosh) were involved in some aspect of the development it would seem.

#### 4 Historical Aerial Image Comparison of the Appian Way

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Figure 8 - 1930 (Source: NSW Historical Imagery SIXMAPS)





Figure 9 - 1943 (Source: NSW Historical Imagery SIXMAPS)



Figure 10 - 1955 (Source: NSW Historical Imagery SIXMAPS)



Figure 11 - 1971 (Source: NSW Historical Imagery SIXMAPS)





Figure 12 - 1982 (Source: NSW Historical Imagery SIXMAPS)



Figure 13 - 1991 (Source: NSW Historical Imagery SIXMAPS)



Figure 14 - 1998 (Source: NSW Historical Imagery SIXMAPS)



Figure 15 - 2005 (Source: NSW Historical Imagery SIXMAPS)





Figure 16 - 2023 (Source: MetroMap)

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## 5 Existing Statutory Heritage Context

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The area for this study is all currently included with The Appian Way Heritage Conservation Area/Precinct, identified as C1 within Schedule 5 of the *Burwood LEP 2012*. Surrounding the Appian Way Landscape road way and recreation club are a group heritage item of a number of Federation era dwellings (I226)

## Appian Way Landscape Heritage Assessment

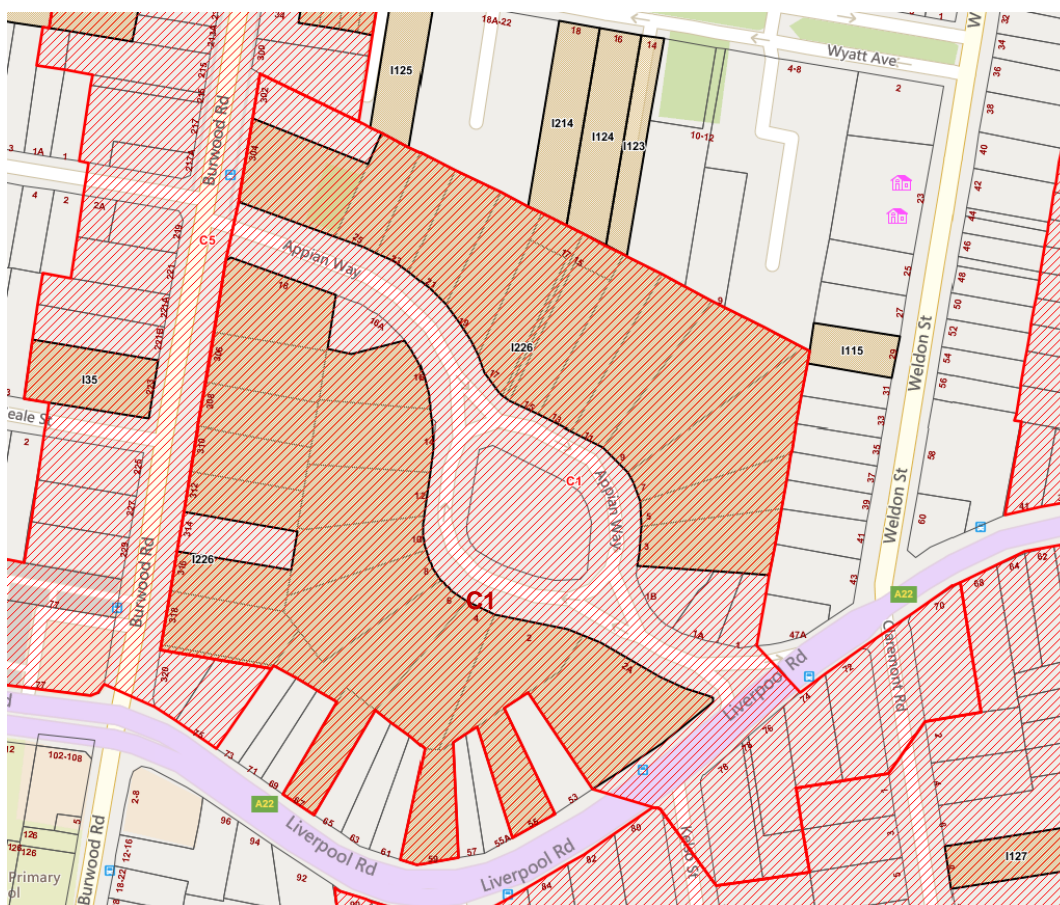


Figure 17 – The Appian Way Heritage Conservation Area/Precinct (C1) and recently listed group houses (I226).

## 6 Heritage Assessment – Grouped Item

Table 2 – Summary Heritage Significance – Grouped Item

Address/ Name	Historical	Associative	Aesthetic or Technical	Social	Research Potential	Rarity	Representative
The Appian Way Landscape	✓	✓	✓	✗	✗	✓	✓

Table 3 – Grouped Item Heritage Assessment

NSW Heritage Criteria	Assessment
<b>Historical Significance</b> <ul style="list-style-type: none"> <li>important in the course, or pattern, of Burwood's cultural or natural history</li> </ul>	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.

NSW Heritage Criteria	Assessment
	<p>Each original dwelling within the group 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, 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>
<p><b>Associative significance</b></p> <ul style="list-style-type: none"> <li>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</li> </ul>	<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 conceived a design for a model suburban estate. The design included large houses on expansive grounds arranged around a centre recreation reserve.</p> <p>Mr. Hoskins, from 1893, resided in St. Cloud, No.223 Burwood Road, which overlooked the Appian Way.</p> <p><u>Therefore, landscape elements and streetscape of the Appian Way meet the threshold for Associative Significance.</u></p>
<p><b>Aesthetic or Technical significance</b></p> <ul style="list-style-type: none"> <li>important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in Burwood</li> </ul>	<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>



NSW Heritage Criteria	Assessment
	<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><b>Social significance</b></p> <ul style="list-style-type: none"> <li>strong or special association with a particular community or cultural group in Burwood (social, cultural or spiritual reasons)</li> </ul>	<p>There is social significance within the landscaped elements, particularly focussed on the recreational area and club house. 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. 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 do not meet the <u>threshold for Social significance.</u></p>
<p><b>Research Potential</b></p> <ul style="list-style-type: none"> <li>potential to yield information that will contribute to an understanding of Burwood's cultural or natural history</li> </ul>	<p>There is research potential within the combined landscaped area and grouped heritage dwellings as a 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, <u>they do not meet the threshold for Research Potential.</u></p>
<p><b>Rarity</b></p> <ul style="list-style-type: none"> <li>possesses uncommon, rare or endangered aspects of Burwood's cultural or natural history</li> </ul>	<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 same shape or size, with complex free standing designs quite different from the average</p>

NSW Heritage Criteria	Assessment
	<p>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>
<b>Representative</b> <ul style="list-style-type: none"> <li>important in demonstrating the principal characteristics of a class of Burwood's cultural or natural places, or cultural or natural environments</li> </ul>	<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>

### 6.1 Statement of Significance

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 heritage item dwellings), have local (and State) 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.

## 7 Conclusions and Recommendations

It is recommended that the following allotments be included in Schedule 5 of the *Burwood Local Environmental Plan 2012* as a landscape heritage item. The Inventory Sheet will include descriptions of each element which contribute to the listing.

- DP12249 Lot 44– Recreation Club

- Public Land as indicated in Figure 1 – encompassing the entire Appian Way from Liverpool Road to Burwood Road.



## Planning Proposal

### **Amendment of Schedule 5 of the Burwood LEP 2012 to list Appian Way Central Reserve and Public Domain as a Group Heritage Item**

September 2023

*A Planning Proposal is the first step in proposing amendments to Council's principle environmental planning instrument, known as the Burwood Local Environmental Plan (BLEP) 2012. A Planning Proposal explains the intended effect of the proposed amendment and also sets out the justification for making the change. The Planning Proposal is submitted to the NSW Department of Planning and Environment (DPE) for its consideration, referred to as the Gateway Determination, and is also made available to the public as part of the community consultation process.*

## Planning Proposal to List Appian Way Central Reserve and Public Domain as a Group Item of Local Heritage Significance

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### Part 1 – Objectives and Intended Outcomes

This Planning Proposal proposes to list under Schedule 5 of the Burwood Local Environmental Plan (BLEP) 2012, the Appian Way central reserve and the public domain, within the Appian Way Heritage Conservation Area (HCA), as a group heritage item of local heritage significance.

### Part 2 – Explanation of Provisions

The Burwood LEP 2012 is to be amended by:

1. Amending Schedule 5 Environmental heritage of the Burwood LEP 2012 to add to Part 1 Heritage items the following lands as a group heritage item of local significance (see Table 1 below).

**Table 1: Sites included in planning proposal**

Address	Lot Number	Deposited Plan Number
Appian Way Central Reserve	Lot 44	DP12249
Appian Way public domain, encompassing the entire roadway and paths from Liverpool Road to Burwood Road	-	-

The heritage listing is proposed to apply to the whole of the lands described above. Appendix 1 includes details of the proposed listing, which will be subject to review by Parliamentary Counsel.

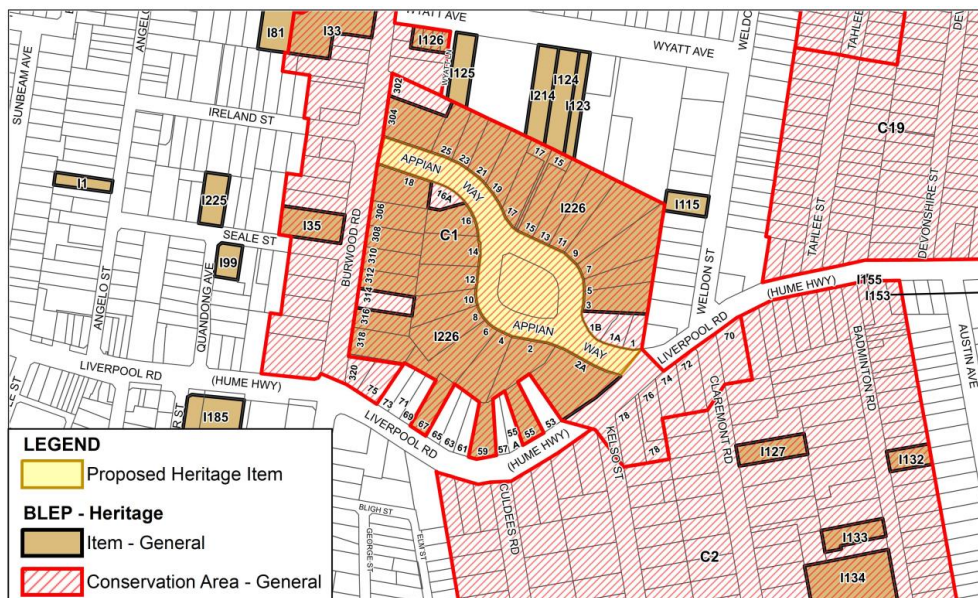
2. Amend the relevant Heritage Map (HER\_001 & HER\_002) consistent with Figure 1 and Figure 2 below.



Planning Proposal to List Appian Way Central Reserve and Public Domain as a Group Item of Local Heritage Significance



**Figure 1: Aerial Photograph of subject lands**  
Subject lands are shown outlined in red and hatched



**Figure 2: Existing BLEP Heritage Map of Appian Way Burwood with proposed group item**  
Subject properties are shown in yellow.

## Part 3 – Justification of strategic and site-specific merit

### Section A – Need for the planning proposal

#### 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 an assessment undertaken by Council's Heritage Advisor.

The subject lands are located within the Appian Way Heritage Conservation Area (HCA), which is listed in Schedule 5 of the Burwood LEP. Approximately 30 properties, surrounding the central reserve and located along both sides of the Appian Way, Burwood Road and Liverpool Road, have recently been listed as a group heritage item (Item I226) through Amendment 24 to the Burwood LEP 2012, which was gazetted on 26 May 2023.

Submissions received by Council, in response to the public exhibition of the planning proposal to group heritage list the 30 odd properties in the Appian Way HCA, 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.

It is considered that there is merit in listing the landscape features (significant trees and vegetation) and the Appian Way central reserve as a heritage item, to allow for greater protection of the streetscape and character of the area, as a result, Council at its meeting on 28 March 2023, resolved (in part) the following:

*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.*

Council's Heritage Advisor has undertaken an investigation in accordance with the Heritage Significance Assessment Guidelines (2001), Investigating Heritage Significance (2021) and the updated Assessing Heritage Significance (June 2023), published by Heritage NSW or its precursor.

An independent external heritage consultant was not engaged for this assessment, as the entire Appian Way HCA has previously been recognised as holding heritage significance, meeting the historical, aesthetic and rarity criteria.

The assessment by Council's Heritage Advisor has revealed that the subject lands meet the historical, associative, aesthetic, rarity and representative criteria, as outlined in Table 2 below:

**Table 2: Assessment Against Heritage Significance Assessment Criteria**

NSW Heritage Criteria	Assessment
<b>Historical significance</b> <ul style="list-style-type: none"> <li>important in the course, or pattern, of Burwood's cultural or natural history</li> </ul>	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.

## ITEM NUMBER GB4/23 - ATTACHMENT 2

### Planning Proposal to List Appian Way Central Reserve and Public Domain as a Group Item of Local Heritage Significance

NSW Heritage Criteria	Assessment
	<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>
<p><b>Associative significance</b></p> <ul style="list-style-type: none"> <li>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</li> </ul>	<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 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><b>Aesthetic or Technical significance</b></p>	<p>The street consists of rare Federation Queen Anne</p>

## ITEM NUMBER GB4/23 - ATTACHMENT 2

### Planning Proposal to List Appian Way Central Reserve and Public Domain as a Group Item of Local Heritage Significance

NSW Heritage Criteria	Assessment
<ul style="list-style-type: none"> <li>important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in Burwood</li> </ul>	<p>(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><b>Social significance</b></p> <ul style="list-style-type: none"> <li>strong or special association with a particular community or cultural group in Burwood (social, cultural or spiritual reasons)</li> </ul>	<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>

## ITEM NUMBER GB4/23 - ATTACHMENT 2

### Planning Proposal to List Appian Way Central Reserve and Public Domain as a Group Item of Local Heritage Significance

NSW Heritage Criteria	Assessment
	The landscape elements and overall streetscape <u>do not meet the threshold for Social significance.</u>
<b>Research Potential</b> <ul style="list-style-type: none"> <li>potential to yield information that will contribute to an understanding of Burwood's cultural or natural history</li> </ul>	<p>There is research potential within the combined landscaped area and grouped heritage dwellings as a 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>
<b>Rarity</b> <ul style="list-style-type: none"> <li>possesses uncommon, rare or endangered aspects of Burwood's cultural or natural history</li> </ul>	<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>
<b>Representative</b> <ul style="list-style-type: none"> <li>important in demonstrating the principal characteristics of a class of Burwood's cultural or natural places, or cultural or natural environments</li> </ul>	<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.*

## Planning Proposal to List Appian Way Central Reserve and Public Domain as a Group Item of Local Heritage Significance

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*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 assessment by Council's Heritage Advisor is included as Attachment 1. The Heritage Inventory Sheet is included as Attachment 2.

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

The planning proposal is the only means of listing the subject lands as a group heritage item of local significance and ensuring their protection within the Appian Way HCA.

**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 proposal is consistent with metropolitan, subregional and district strategies and plans.

The State Government has prepared the *Eastern City District Plan* (applicable to the Burwood LGA) to manage growth for the next 20 years in the context of economic, social and environmental matters at a district level, to contribute towards the 20-year vision for Greater Sydney. It contains the planning priorities and actions for implementing the Greater Sydney Region Plan, *A Metropolis of Three Cities*, at a district level, and is a bridge between local and regional planning.

Objective 13 of *A Metropolis of Three Cities* states that 'environmental heritage is identified, conserved and enhanced'. Meanwhile, Planning Priority E6 of the *Eastern City District Plan*

## Planning Proposal to List Appian Way Central Reserve and Public Domain as a Group Item of Local Heritage Significance

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relates to 'creating and renewing great places and local centres, and respecting the District's heritage'. In addition, the *Eastern City District Plan* states:

*Heritage and history are important components of local identity and great places. The District's rich Aboriginal, cultural and natural heritage reinforces its sense of place and identity....*

*Identifying, conserving, interpreting and celebrating Greater Sydney's heritage values leads to a better understanding of history and respect for the experiences of diverse communities. Heritage identification, management and interpretation are required so that heritage places and stories can be experienced by current and future generations.*

By identifying the subject lands as a group heritage listing of local significance, this planning proposal supports Objective 13 of the Region Plan, and Planning Priority E6 of the District Plan.

**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 LSPS was endorsed by the former 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 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.*

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

The Burwood 2036 Community Strategic Plan (CSP) set the vision as follows:

*Burwood is a welcoming and inclusive community that is defined by our diversity of people, liveable places and progressive ideas. We acknowledge and celebrate our history and place, protect our heritage and environment and share a quality of life that is equitable, sustainable and supports each other to thrive and prosper.*

The CSP further states:

*Our places are built around people, protecting our heritage and are well planned and liveable with housing, transport and infrastructure that meet the diverse and changing needs of our community.*



## Planning Proposal to List Appian Way Central Reserve and Public Domain as a Group Item of Local Heritage Significance

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

Yes. The planning proposal is consistent with the Standard Instrument – Principal Local Environmental Plan and all other applicable State Environmental Planning Policies.

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

Yes. There are no State Environmental Planning Policies (SEPPs) which would be contravened by the amendments proposed in the planning proposal.

All SEPPs applicable to the Burwood local government area are set out in Table 3 below, together with a comment regarding the planning proposal's consistency:

**Table 3: Consistency with State Environmental Planning Policies**

SEPP	Comment
Housing (2021)	Not relevant.  The subject properties are not known to contain affordable housing.  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 the SEPP in any way.
No 65 – Design Quality of Residential Apartment Development	Not relevant.
Planning Systems (2021)	Not relevant.
Biodiversity and Conservation (2021)	Not relevant.  This SEPP contains the definition of heritage development, and provides that heritage development may be carried out only with development consent. 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 lands are not located within the coastal areas identified by this SEPP.
Transport and Infrastructure (2021)	Not relevant.
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.



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### Planning Proposal to List Appian Way Central Reserve and Public Domain as a Group Item of Local Heritage Significance

Precincts – Western Parkland City	Not relevant.
Precincts – Regional	Not relevant.
Exempt and Complying Development Codes (2008)	Not relevant.  The heritage listing of properties may alter whether development under the Codes SEPP may be carried out on those lands, but all lands in Appian Way are currently included in the HCA. This planning proposal would not contravene the SEPP in any way.
Building Sustainability Index: BASIX (2004)	Consistent and not contravened.

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

Yes. Consistency with the list of Directions (under section 9.1(2) of the *Environmental Planning and Assessment Act 1979* issued by the Minister for Planning) is set out in Table 4 below.

**Table 4: Consistency with Ministerial Directions**

Direction		Comment
<b>Focus area 1: Planning Systems</b>		
1.1	Implementation of Regional Plans	Not relevant.
1.2	Development of Aboriginal Land Council	Not relevant.
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 relevant.
<b>Focus area 1: Planning Systems – Place based</b>		
1.5	Parramatta Road Corridor Urban Transformation Strategy	Not relevant. The subject lands 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	Not relevant.
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation	Not relevant.
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and	Not relevant.
1.9	Implementation of Glenfield to Macarthur Urban Renewal	Not relevant.
1.10	Implementation of the Western Sydney Aerotropolis Plan	Not relevant.
1.11	Implementation of Bayside West	Not relevant.
1.12	Implementation of Planning Principles for the Cooks Cove	Not relevant.

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### Planning Proposal to List Appian Way Central Reserve and Public Domain as a Group Item of Local Heritage Significance

Direction		Comment
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	Not relevant.
1.14	Implementation of Greater Macarthur	Not relevant.
1.15	Implementation of the Pyrmont Peninsula Place Strategy	Not relevant.
1.16	North West Rail Link Corridor Strategy	Not relevant.
1.17	Implementation of the Bays West Place	Not relevant.
1.18	Implementation of the Macquarie Park Innovation Precinct	Not relevant.
1.19	Implementation of the Westmead Place Strategy	Not relevant.
<b>Focus area 2: Design and Place</b>		
<b>Focus area 3: Biodiversity and Conservation</b>		
3.1	Conservation zones	Not relevant.
3.2	Heritage Conservation	Refer to discussion below
3.3	Sydney Drinking Water Catchments	Not relevant.
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North	Not relevant.
3.5	Recreation Vehicle Areas	Not relevant.
3.6	Strategic Conservation Planning	Not relevant.
<b>Focus area 4: Resilience and Hazards</b>		
4.1	Flooding	Not relevant.
4.2	Coastal Management	Not relevant.
4.3	Planning for Bushfire Protection	Not relevant.
4.4	Remediation of Contaminated Land	Not relevant.
4.5	Acid Sulfate Soils	The lands 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 relevant.
<b>Focus area 5: Transport and Infrastructure</b>		
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 relevant.
5.3	Development Near Regulated Airports and Defence Airfields	Not relevant.
5.4	Shooting Ranges	Not relevant.
<b>Focus area 6: Housing</b>		
6.1	Residential Zones	The Appian Way central reserve is zoned RE2 Private Recreation and the entire Appian Way public domain encompassing the roadway and paths is zoned R2 – Low Density Residential under the Burwood LEP 2012. The planning proposal does not seek to amend the zoning or range of permissible uses for the subject lands.
6.2	Caravan Parks and Manufactured Home	Not relevant.
<b>Focus area 7: Industry and Employment</b>		
7.1	Business and Industrial Zones	Not relevant.

## Planning Proposal to List Appian Way Central Reserve and Public Domain as a Group Item of Local Heritage Significance

Direction		Comment
7.2	Reduction in non-hosted short-term rental	Not relevant.
7.3	Commercial and Retail Development along the Pacific Highway, North	Not relevant.
<b>Focus area 8: Resources and Energy</b>		
8.1	Mining, Petroleum Production and Extractive Industries	Not relevant.
<b>Focus area 9: Primary Production</b>		
9.1	Rural Zones	Not relevant.
9.2	Rural Lands	Not relevant.
9.3	Oyster Aquaculture	Not relevant.
9.4	Farmland of State and Regional Significance on the NSW Far North	Not relevant.

### 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>Council's Heritage Advisor has conducted an assessment of the subject lands and concluded that the lands possess sufficient historical, associative, aesthetic, rarity, and representative values to warrant their listing as a group heritage item of local significance.</p> <p>This PP seeks to list the subject lands as a group heritage item. Once listed the provisions of Clause 5.10 Heritage Conservation of the Burwood LEP would apply to these lands. This clause seeks 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	The heritage investigation conducted by Council's Heritage Advisor does not encompass any Aboriginal assessment.

## Planning Proposal to List Appian Way Central Reserve and Public Domain as a Group Item of Local Heritage Significance

Direction Requirement	Assessment
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.	

The planning proposal is consistent with Direction 3.2 Heritage Conservation.

### 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 is no known critical habitat or threatened species, populations or ecological communities, or their habitats affected by the planning proposal.

**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 other likely environmental effects as a result of the planning proposal, such as flooding, landslip, bushfire hazard and the like.

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

The planning proposal is considered to have positive social effect for the community, as it will enhance the protection and retention of local heritage, and will ensure best practice urban design and development that retains character and is sympathetic to adjoining heritage properties and/or the HCA.

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 proposal seeks to list the subject sites as a group heritage item in Schedule 5 of the Burwood LEP 2012. As a result, it does not have the potential to increase the current demand on public infrastructure.

#### 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**

The proposal is minor in nature and as such, no State or Commonwealth authorities have been consulted as part of the preparation of this planning proposal.

##### **Post Gateway consultation**

Following the receipt of any Gateway Determination, Council proposes to seek the views of the following state and federal public authorities and government agencies:

- Heritage NSW

#### **Part 4 – Maps**

The planning proposal seeks to amend the following LEP Maps:

- Heritage Maps
  - Sheet HER\_001
  - Sheet HER\_002

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

#### **Part 5 – Community Consultation**

In response to the public exhibition of the planning proposal to list approximately 30 properties within the Appian Way HCA as a group heritage item, submissions were received requesting the inclusion of additional lands. These lands consist of the central reserve owned by the Appian Way Recreation Club, which contains tennis courts and a pavilion, as well as the trees and streetscape along the Appian Way public roadway and footpaths. Council's Heritage Advisor, however, considered that these lands have distinct characteristics that differentiate them from other residential properties, suggesting that they should be considered separately for heritage listing.

Burwood Council did not consult with the Appian Way Recreation Club or residents of the Appian Way HCA 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 HCA, 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.

## Planning Proposal to List Appian Way Central Reserve and Public Domain as a Group Item of Local Heritage Significance

It is proposed that the Appian Way Recreation Club, as well as all owners within and adjacent to the HCA, will be 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 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.

### Part 6 – Project Timeline

The timeframe for the Planning Proposal is that, from date of Gateway Determination to date of submission to the DPE, to finalise the LEP is a period of 9 months.

**Table 6: Project Timeframe**

Submit to DPE seeking a Gateway Determination	Early October 2023
Receive Gateway Determination	November 2023
Consult with State/commonwealth agencies	November- first half of December 2023
Commencement and completion dates for the public exhibition period	November- first half of December 2023
Dates for public hearing	Not applicable
Review of Public Submissions and preparation of report to Council	February 2024
Seek Parliamentary Counsel Office's (PCO) opinion	February 2024
Submit maps for DPE review	February 2024
Gazettal of LEP amendment	March 2024

### 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 group heritage item would be inserted into Schedule 5 of the BLEP 2012. The proposed item number 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
Burwood	Appian Way central reserve and public domain associated with the Appian Way Heritage Conservation Area	Central Reserve, Appian Way, Burwood  Public domain, Appian Way, Burwood	Lot 44 in DP 12249  Public domain, encompassing the entire roadway and paths from Liverpool Road to Burwood Road	Local	1227

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:
<b>Burwood.</b>
Name of draft LEP:
<b>Burwood Local Environmental Plan 2012 (Amendment No 25)</b>
Address of Land (if applicable):
<b>Appian Way central reserve and public domain encompassing the roadway and paths</b>
Intent of draft LEP:
<b>To amend Schedule 5 Environmental heritage of the Burwood LEP 2012 to list sites within the Appian Way Heritage Conservation Area as a group heritage item of local heritage significance</b>
Additional Supporting Points/Information:
<b>Please refer to the Planning Proposal.</b>

## ITEM NUMBER GB4/23 - ATTACHMENT 2

### Planning Proposal to List Appian Way Central Reserve and Public Domain as a Group Item of Local Heritage Significance

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			
<b>Minor Mapping Error Amendments</b>	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			
<b>Heritage LEPs</b>	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		
<b>Reclassifications</b>	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.

## ITEM NUMBER GB4/23 - ATTACHMENT 2

### Planning Proposal to List Appian Way Central Reserve and Public Domain as a Group Item of Local Heritage Significance

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		
<b>Spot Rezoning</b>	<b>Y/N</b>			
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		
<b>Section 73A matters</b>				
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? <b>(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).</b>		N/A		
<b>NOTES</b> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>				

# Supporting Documentation

Heritage assessments and other supporting documents are provided  
under separate cover

Enclosure No.	Description
1	Burwood Council – The Appian Way Central Reserve and Public Domain - Heritage Assessment, undertaken by Council's Heritage Advisor in July 2023

# Mapping





