

## Planning Proposal

### **Amendment of Schedule 5 of the Burwood LEP 2012 to list 23, 25 and 27 Woodside Avenue Burwood as a Group Heritage Item**

November 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.*

## Part 1 – Objectives and Intended Outcomes

The Planning Proposal (PP) proposes to amend the provisions of Part 1, Schedule 5 and the Heritage Map under the Burwood Local Environmental Plan (BLEP) 2012 to include three (3) properties at Nos. 23, 25 and 27 Woodside Avenue, Burwood as a group heritage item of local heritage significance.

This planning proposal has been prepared in accordance with section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) and Local Environmental Plan Making Guideline (August 2023) issued by the NSW Department of Planning and Environment.

## Part 2 – Explanation of Provisions

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

1. Insert a listing for the three (3) properties at Nos. 23, 25 and 27 Woodside Avenue, Burwood under Schedule 5 Environmental Heritage, Part 1 Heritage items the following lands as a group heritage item of local significance as identified in Table 1 below.
2. Amend the Heritage Map (Sheet HER\_001) as shown in Figure 1 and Figure 2 below.

**Table 1. Properties included in planning proposal**

| Address                     | Lot Number | Deposited Plan Number |
|-----------------------------|------------|-----------------------|
| 23 Woodside Avenue, Burwood | 10         | 935162                |
|                             | 11         | 166782                |
| 25 Woodside Avenue, Burwood | 1          | 936531                |
| 27 Woodside Avenue, Burwood | 1          | 925281                |

The heritage listing would 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.



Figure 1. Aerial Photograph of subject properties at 23, 25 and 27 Woodside Avenue, Burwood.

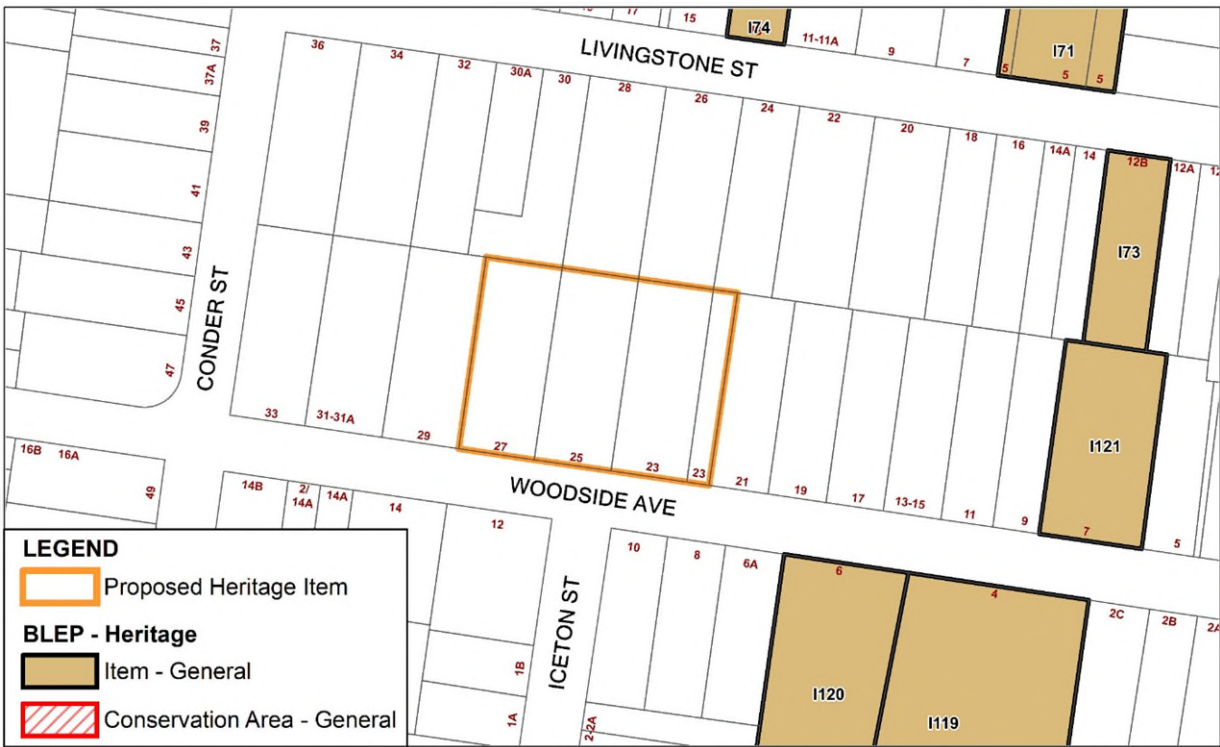


Figure 2. Existing BLEP Heritage Map with proposed heritage item at Woodside Avenue, Burwood





23 Woodside Avenue, Burwood



25 Woodside Avenue, Burwood



27 Woodside Avenue, Burwood

Figure 3. Photographs of subject properties at Woodside Avenue, Burwood

Source: Lisa Trueman Heritage Advisor (October 2023)

## 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?*

Yes.

This planning proposal has been prepared as a result of an assessment undertaken by an independent heritage consultant, Lisa Trueman Heritage Advisor in October 2023 for Nos 23, 25 and 27 Woodside Avenue, Burwood. A copy of the independent heritage assessment is included at **Attachment 1** and the draft Heritage Inventory Sheet is included at **Attachment 2**.

The independent heritage assessment has assessed each of the properties against the Guidelines for Assessing Heritage Significance (May 2023) prepared by the NSW Department of Planning and Environment. Each of the properties has been assessed in accordance with the seven criteria as outlined in Table 2 below.

The independent heritage assessment concludes that each of the subject properties have been determined to demonstrate heritage significance at the local level and meet the historical, aesthetic, rarity and representative criteria, as summarised in Table 2 below.



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

| NSW Heritage Criteria  | Assessment  |
|--|---|
| <p><b>Historic significance</b></p> <ul style="list-style-type: none"> <li>▪ important in the course, or pattern, of Burwood's cultural or natural history</li> </ul>  | <p>The land on which the houses at 23, 25 and 27 Woodside Street is located originally formed part of Thomas Rowley's grant, named Burwood Farm. The land was subdivided in 1893, forming lots 7,8 and 9 of Section H of the Cheltenham Estate.</p> <p>The land at No. 23 Woodside Avenue was purchased by John Ogilvie Henry Wrenford Mathews in December 1909 and the Federation style dwelling was erected by Mathews in 1910. Originally called Amsterdam, it was renamed 'Wandook' in 1924. The Mathews family was a prominent and active family in Burwood society and retained ownership of the property until 1953.</p> <p>The land at 25 Woodside Avenue was purchased by Bertha Newton Ward in 1910 and the house was constructed in 1912, and named 'Landstein', and later 'Toxteth'. The property was retained by the Ward family until 1926.</p> <p>The land at 27 Woodside Avenue was purchased by Sara Susan Nolan, in 1912 and the house on the site was constructed by Nolan in 1912 and named 'Finmount'. The property was retained by the Nolan family until 1948.</p> <p>The properties have historical significance at the local level as being part of an early subdivision and the houses, built 1910-1912 formed part of the Federation period of development that was historically important in the Burwood area.</p> <p>Nos. 23, 25 and 27 Woodside Avenue <u>meet the threshold for Historic Significance</u>.</p> |
| <p><b>Historical association</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>The property at 23 Woodside Avenue is associated with John Ogilvie Wrenford Mathews and his family. The Mathews family was a prominent and active family in Burwood society, hosting many events at the house. Mathews was a prominent sheep classed and wool expert who worked in the NSW Department of Agriculture and contributed to Australia's agricultural development and wool industry.</p> <p>The properties at 25 and 27 Woodside Avenue do not have any known associations with any persons of importance to the history of the local area.</p>   |

|  |  |
|--|--|
|  | <p>No. 23 Woodside Avenue has significance at the local level under this criterion.</p> <p>However, Nos. 25 and 27 Woodside Avenue <u>do not meet the threshold for Associative Significance</u>.</p>  |
| <p><b>Aesthetic or Technical</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 dwellings at Nos 23, 25 and 27 Woodside Avenue demonstrate the typology of the Federation Bungalow with Queen Anne details. They demonstrate a very high degree of integrity and intactness and incorporate many key architectural features typical of the style and period. The setting and curtilage of the dwellings is highly intact, their original lot boundaries have not been altered since the construction of the dwellings and they retain their small open gardens to the street and larger levels gardens to the rear.</p> <p>The houses at 25 and 27 Woodside Avenue display a very high level of integrity with little alteration.</p> <p>No 23 Woodside Avenue has minor additions thought to have been constructed in the 1990s. These modifications have been designed to reflect the original style of the dwelling and do not diminish its aesthetic appeal when viewed from the street. This property retains a lawn tennis court at the rear of the house that has existed since at least the 1930s and likely earlier.</p> <p>Significant elements of the houses include the steep pitched roofs with projecting gables, face brick facades, deep verandahs and entry porches with tessellated tiles and decorative timber posts and brackets or brick piers, prominent brick and rendered chimneys, timber framed windows with slender proportions and colours or lead light features, and gardens with planter beds and lawns.</p> <p>The interiors have a very high level of integrity, retaining their original configurations and internal walls, timber flooring, decorative timber and plaster mouldings, decorative plaster ceilings, original internal doors, marble and timber fireplaces and fretwork.</p> <p>The dwellings are notable and highly intact examples of their typology and provide a strong contribution to the historic character of Woodside Avenue, the suburb of Burwood and the wider Burwood local government area.</p> <p>Nos. 23, 25 and 27 Woodside Avenue <u>meet the threshold for Aesthetic Significance</u>.</p> |

|   |  |
|---|--|
| <p><b>Social, cultural and spiritual</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>Although a detailed social values study has not been undertaken, there is no evidence to suggest that the properties hold any strong or significant associations with any local community of cultural groups.</p> <p>Nos. 23, 25 and 27 Woodside Avenue <u>do not meet the 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>An assessments of the properties' archaeological potential is beyond the scope of this assessment. However, they are unlikely to yield any information that could contribute to the understanding of the local area that is not otherwise available.</p> <p>Nos. 23, 25 and 27 Woodside Avenue <u>do not meet the threshold for Research Potential</u>.</p>   |
| <p><b>Rare</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 high level of integrity and intactness of the lot boundary curtilage, setting and fabric of the three Federation dwellings, including interior layout and details, is rare within the Burwood area, where development and subdivision of larger properties is common. The retention of the early lawn tennis court at the rear of No. 23 Woodside Avenue is very rare within the local area.</p> <p>Nos. 23, 25 and 27 Woodside Avenue <u>meet the threshold for Rarity</u>.</p>  |
| <p><b>Representative</b></p> <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>The dwellings at 23, 25 and 27 Woodside Avenue are fine representative examples of Federation Bungalows with Queen Anne details. They exhibit typical features of the style, including the steep pitched roofs with projecting gables, face brick facades, deep verandahs and entry porches with tessellated tiles and decorative timber posts and brackets or brick piers, prominent brick and rendered chimneys, timber framed windows with slender proportions and colours or lead light features, gardens with planter beds and lawns, original configurations and internal walls, timber flooring, decorative timber and plaster mouldings, decorative plaster ceilings, original internal doors, marble and timber fireplaces and fretwork. The very high and unusual degree of integrity and intactness of the houses and their settings make them particularly fine representations of the type.</p> <p>Nos. 23, 25 and 27 Woodside Avenue <u>meet the Representative Significance</u>.</p> |



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

Yes.

The planning proposal is the only means of listing the subject properties as a group heritage item of local significance and ensuring statutory heritage protection to be provided.

**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* 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 Local Strategic Planning Statement (LSPS) was endorsed by the former Greater Sydney Commission (GSC) in March 2020. The vision for Burwood makes reference to ‘*cherished heritage conservation areas, ...well designed buildings and... neighbourhoods filled with distinct character*’. One 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.*

The planning proposal is consistent with Community Outcome 2.1 of “An urban environment that maintains and enhances our sense of identity and place”, Strategy 2.1.2 is set to “protect our unique built heritage and maintain or enhance local character”.

The planning proposal is consistent with both Council's LSPS and CSP.

**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 other relevant State or regional study or strategies.

**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 with each SEPP respectively.

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

| <b>SEPP</b>   | <b>Comment</b>  |
|---|---|
| Housing (2021)  | <p>Not relevant.</p> <p>The subject properties are not known to contain affordable housing.</p> <p>The heritage listing of properties may alter whether development under the former ARH SEPP may be carried out on that site, but this planning proposal would not contravene the SEPP in any way.</p> |
| Transport and Infrastructure (2021)                         | Not relevant.   |
| Primary Production (2021)                                   | Not relevant.   |
| Biodiversity and Conservation (2021)                        | <p>Consistent.</p> <p>This SEPP contains provisions with respect to 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.</p>  |
| Resilience and Hazards (2021)                               | <p>Not relevant.</p> <p>There is no indication that previous uses at the subject sites would trigger site remediation requirements.</p> <p>The subject lands are not located within the coastal areas identified by this SEPP.</p>  |
| Industry and Employment (2021)                              | Not relevant.   |
| Resources and Energy (2021)                                 | Not relevant.   |
| Planning Systems (2021)                                     | Not relevant.   |
| Precincts – Eastern Harbour City                            | Not relevant.   |
| Precincts – Central River City                              | Not relevant.   |
| Precincts – Western Parkland City                           | Not relevant.   |
| Precincts – Regional  | Not relevant.   |
| No 65 – Design Quality of Residential Apartment Development | Not relevant.   |

|   |   |
|---|---|
| (Exempt and Complying Development Codes) 2008 | Not relevant.<br><br>The heritage listing of properties may alter whether development under the Codes SEPP may be carried out on those lands, but this planning proposal would not contravene with the SEPP in any way. |
| Sustainable Buildings (2022)                  | Consistent  |

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

Yes.

The latest list of local planning directions issued by Department of Planning and Environment on 21 September 2023 under section 9.1(2) of the *Environmental Planning and Assessment Act 1979* issued by the Minister is set out in Table 4 below, together with a comment regarding the planning proposal's consistency with each Ministerial Direction respectively.

**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 land   | 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.<br><br>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 Infrastructure Implementation Plan | Not relevant.  |



|      |   |               |
|------|---|---------------|
| 1.7  | Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | Not relevant. |
| 1.8  | Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan             | Not relevant. |
| 1.9  | Implementation of Glenfield to Macarthur Urban Renewal Corridor   | Not relevant. |
| 1.10 | Implementation of the Western Sydney Aerotropolis Plan  | Not relevant. |
| 1.11 | Implementation of Bayside West Precincts 2036 Plan  | Not relevant. |
| 1.12 | Implementation of Planning Principles for the Cooks Cove Precinct   | Not relevant. |
| 1.13 | Implementation of St Leonards and Crows Nest 2036 Plan  | Not relevant. |
| 1.14 | Implementation of Greater Macarthur 2040  | 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 Strategy  | Not relevant. |
| 1.18 | Implementation of the Macquarie Park Innovation Precinct  | Not relevant. |
| 1.19 | Implementation of the Westmead Place Strategy   | Not relevant. |
| 1.20 | Implementation of the Camellia-Rosehill Place Strategy  | Not relevant. |
| 1.21 | Implementation of South West Growth Area Structure Plan   | Not relevant. |
| 1.22 | Implementation of the Cherrybrook Station 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   | Consistent.<br>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 Coast LEPs | Not relevant.   |
| 3.5  | Recreation Vehicle Areas  | Not relevant.   |
| 3.6  | Strategic Conservation Planning   | Not relevant.   |
| 3.7  | Public Bushland   | Not relevant.   |
| 3.8  | Willandra Lakes Region  | Not relevant.   |
| 3.9  | Sydney Harbour Foreshores and Waterways Area                                      | Not relevant  |
| 3.10   | Water Catchment Protection  | 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 land to which the properties located on is 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 seek to alter the land zoning or permitted land uses, and as such, would not affect the travel demand or the choice of transport options.  |

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| 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  | Not inconsistent.<br><br>The planning proposal does not seek to alter the land zoning or range of permitted uses on the land. Sympathetic development of heritage properties could be supported in accordance with Burwood Development Control Plan. |
| 6.2  | Caravan Parks and Manufactured Home Estates                              | Not relevant.  |
| <b>Focus area 7: Industry and Employment</b> |  |  |
| 7.1  | Employment Zones   | Not relevant.  |
| 7.2  | Reduction in non-hosted short-term rental accommodation period           | Not relevant.  |
| 7.3  | Commercial and Retail Development along the Pacific Highway, North Coast | 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 Coast   | Not relevant.  |

### Direction 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. Assessment of Direction 3.2 Heritage Conservation**

| Direction Requirement   | Assessment  |
|---|---|
| A planning proposal must contain provisions that facilitate the conservation of:  |   |
| a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area                                     | <p>The independent heritage consultant Lisa Trueman Heritage Advisor has conducted an assessment of the subject lands and concluded that the lands possess sufficient historical, aesthetic, rarity, and representative values to warrant their listing as a group heritage item of local significance.</p> <p>This planning proposal 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 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 heritage assessment undertaken by independent heritage consultant Lisa Trueman Heritage Advisor does not encompass any assessment of the historical archaeological potential or First Nations cultural values of the sites.   |

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 Heritage Conservation Areas (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?***

Yes.

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

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

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

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

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

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

## 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 4-5 months. It is anticipated that the whole process will take no longer than 7 months, taking into account December/January period.

**Table 6. Project Timeline**

|  |                            |
|--|----------------------------|
| Report to Burwood Local Planning Panel                               | November 2023              |
| Consideration by Council and Council decision                        | November 2023              |
| Submission of Planning Proposal to DPE seeking Gateway Determination | December 2023              |
| Gateway Determination received                                       | February 2024              |
| Government agency consultation                                       | February to mid-March 2024 |
| Commencement and completion of public exhibition period              | February to mid-March 2024 |
| Dates for public hearing   | Not Applicable             |
| Consideration of submissions   | March to April 2024        |
| Report to Council, post exhibition                                   | May 2024                   |
| Liaison with Parliamentary Counsel Office's (PCO)                    | May 2024                   |
| Submission of the mapping for DPE review for finalisation            | May 2024                   |
| Gazettal of LEP amendment  | May 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 | Federation Bungalows | 23, 25 and 27 Woodside Avenue, Burwood | Lot 10, DP 935162;<br>Lot 11, DP 166782;<br>Lot 1, DP 936531;<br>Lot 1, DP 925281. | Local        |         |

The wording of any BLEP provisions will be subject to possible revision by the Parliamentary Counsel's Office.



# Appendix Two

## Delegation Checklist and Evaluation Criteria

| Checklist for the review of a request for delegation of plan making functions to councils   |
|---|
| Local Government Area:  |
| <b>Burwood.</b>   |
| Name of draft LEP:  |
| <b>Burwood Local Environmental Plan 2012 (Amendment No. 26)</b>   |
| Address of Land (if applicable):  |
| <b>23, 25 and 27 Woodside Avenue, Burwood</b>   |
| Intent of draft LEP:  |
| <b>To amend Schedule 5 Environmental heritage of the Burwood Local Environmental Plan 2012 to list Nos. 23, 25 and 27 Woodside Avenue, Burwood as a group heritage item of local heritage significance.</b> |
| Additional Supporting Points/Information:   |
| <b>Please refer to the Planning Proposal.</b>   |

| 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.

|   |     |     |  |  |
|---|-----|-----|--|--|
| 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>  | Y/N |     |  |  |
| Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?   | N   |     |  |  |
| Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?  | N   |     |  |  |
| Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?   | N   |     |  |  |
| If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?   |     | N/A |  |  |
| Does the planning proposal create an exception to a mapped development standard?  |     | N/A |  |  |
| <b>Section 73A matters</b>  |     |     |  |  |
| Does the proposed instrument<br>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?;<br>b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or<br>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?<br><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<br>No. | Description  |
|------------------|--|
| 1                | Heritage Assessment of 23, 25 and 27 Woodside Avenue, Burwood undertaken by Lisa Trueman Heritage Advisor (October 2023) |
| 2                | Draft Inventory Sheet  |

# Mapping



