

OUTCOMES COMMITTEE

Meeting Date 14 July 2026

Item Number. 63

SUBJECT: Public Exhibition - Planning Proposal for Local Heritage Listings

FILE NUMBER: 25/06107

PREVIOUS ITEMS: 67 - Public Exhibition - Heritage Review - Planning Proposal for Local Heritage Listings - Outcomes Committee - 08 Jul 2025

REPORT BY: Kerren Ven, Senior Strategic Land Use Planner; Vanessa Holtham, Heritage Advisor

RECOMMENDATION:

That:

1. The Planning Proposal be submitted to the Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination in accordance with the provisions of the Environmental Planning and Assessment (EP&A) Act 1979 and Regulations 2021.
2. Council request that the Minister for Planning and Public Spaces (or delegate) be the responsible local plan-making authority for the Planning Proposal.
3. Upon receipt of a Gateway Determination, exhibition and consultation be conducted in accordance with the requirements of the EP&A Act 1979 and with the Gateway Determination requirements.
4. A report be submitted to Council at the conclusion of the exhibition period.

Note: This report deals with a planning decision made in the exercise of a function of Council under the Environmental Planning & Assessment Act and a division needs to be called.

SUPPORTING DOCUMENTS:

AT-A ↓	Planning Proposal	25 Pages
AT-B ↓	Council Memorandum on 97 Vine Street Fairfield	2 Pages
AT-C ↓	Heritage Assessment - 158 Broomfield Street Cabramatta	29 Pages
AT-D ↓	Heritage Assessment - 20 Cabramatta Road Cabramatta	29 Pages
AT-E ↓	Heritage Assessment - 97 Vine Street Fairfield	42 Pages

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CITY PLAN

This report is linked to *Theme 2 Places and Infrastructure* in the Fairfield City Plan.

SUMMARY

Council at its meeting on 29 July 2025 considered 10 potential heritage properties for listing. Council resolved to remove 4 of the properties that had previously been proposed as potential items and undertake early consultation with the owners of the remaining potential heritage items.

Since the July 2025 meeting, consultation has been undertaken with the owners of the remaining 6 properties. This process has concluded with this report recommending that 3 of the identified properties proceed to a local heritage listing under Fairfield Local Environmental Plan 2013.

It should be noted that 2 of the proposed dwellings were demolished subsequent to the July meeting. The demolition of those dwellings removed the heritage case for an adjoining dwelling meaning that 3 of the potential items have been omitted due to these demolition works.

Accordingly, this report recommends that Council proceed with a planning proposal and seek a Gateway Determination from the NSW Department of Planning, Housing and Infrastructure for the 3 remaining properties.

BACKGROUND & HISTORY

One of the objectives of the Environmental Planning & Assessment Act 1979 is to promote the sustainable management of built and cultural heritage. Heritage conservation is a key priority for government agencies to recognise, protect and celebrate places that give meaning to communities. This is supported by Council's Fairfield Heritage Strategy and the Fairfield Local Strategic Planning Statement.

A Heritage Review was undertaken in 2025 with the 10 properties that were considered at the 29 July 2025 Council meeting under Item No.67 identified for potential listing, as follows:

1. 112 John Street Cabramatta
2. 116 John Street Cabramatta
3. 118 John Street Cabramatta
4. 121 John Street Cabramatta
5. 123 John Street Cabramatta
6. 125-127 John Street Cabramatta
7. 158 Broomfield Street Cabramatta
8. 20 Cabramatta Road Cabramatta
9. 173-175 Edensor Road Edensor Park
10. 97 Vine Street Fairfield

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Four of the 10 properties had been previously considered for a heritage listing as part of the original 1994 Fairfield Heritage Study. Those were 'Edensor House' (being the City's oldest colonial homestead that remains standing) and a row of early 20th century federation period homes at 112, 116 and 118 John Street Cabramatta.

These properties were removed from potential listing at the time of the 1994 study on the basis that the landowners believed that the dwellings were falling into disrepair and that they would be financially disadvantaged if they were unable to redevelop.

At the 29 July 2025 Council meeting (Item No.67) Council resolved to remove the proposed listing of the 4 properties that were previously considered in 1994.

Council resolved that the remaining 6 properties that were not considered in the 1994 study be the subject of early consultation of Council's intention of a heritage listing.

Following the resolution, the remaining 6 landowners were notified via mailout, including a physical door knock with letterbox drop-off and phone calls. Responses received were from 1 private landowner and Council's Assets Division for 97 Vine Street Fairfield (Council owned property).

Council also resolved that a Councillor briefing be conducted prior to the matter being reported post consultation. However, mandatory provisions introduced under the *2025 Model Code of Meeting Practice for Local Councils in NSW* have come into effect from 1 January 2026, resulting in the inability to conduct confidential pre-meeting briefings.

CONSULTATION OUTCOMES

The following discussion summarises the consultation and status of each property that is proposed for heritage listing.

1. 121 & 123 John Street Cabramatta

On 11 July 2025, a letter was sent to the landowner informing that a report was being considered at the 29 July 2025 Council meeting for potential listing and an opportunity to meet with Council officers to discuss the implications of a listing was made available.

No response was received, however, a phone conversation was conducted on 18 August 2025 with the landowner. The landowner informed Council officers to directly email the request to arrange a meeting, however, after undertaking a site inspection it was found that the early 20th century federation style dwellings had been demolished.

A review of Council records determined that the consent was granted for the demolition of the dwellings under DA 890/2006 and DA 891/2006. It is understood these consents had not been acted upon and without substantial commencement would have lapsed on 3 August 2008.

Irrespective of whether the consents had been legally activated, the dwellings no longer exist and the land no longer has any heritage value towards the built environment for a heritage listing. The properties therefore do not have any merit for a heritage listing and are not included in the draft Planning Proposal recommended for adoption by Council for a Gateway Determination.

2. 125 & 127 John Street Cabramatta

Council's Heritage Advisor met with the landowner who informed of their preference to not have these properties heritage listed. The owner provided an independent heritage review.

The independent heritage review prepared on behalf of the landowner submits that the semi-detached dwelling has experienced significant additions and alterations that have greatly impacted the original form of the building to not be distinctive, notable or unique in Fairfield and therefore should not be considered for a heritage listing.

The independent assessment further explains that given 121 and 123 John Street had been demolished, the group listing is no longer appropriate and recommends that investigations be considered for 112, 116, 118 and 120 John Street that better reflect the characteristics of dwellings of the period and which are substantially more intact and in a clear row.

Council's Heritage Advisor determined that the semi-detached dwellings at 125 and 127 John Street do not warrant an individual heritage listing. This is because the consideration for potential listing was based on the collective as a precinct with 121 and 123 John Street, as well as 112, 116, 118 and 120 John Street (removed from consideration at the July 2025 meeting as had been previously considered for listing in 1994) which would meet the Heritage NSW assessment criteria.

As the semi-detached dwellings have undergone significant alterations and additions to both the internal and external building fabric, they do not therefore have heritage integrity that warrants a standalone heritage listing.

3. 97 Vine Street Fairfield (Council owned property)

Internal discussions have been conducted regarding the potential heritage listing of the Council owned property at 97 Vine Street Fairfield.

A memorandum (Attachment B) provided by the Assets Division contends that the potential listing does not meet the threshold for statutory listing for a number of reasons. A discussion of these reasons and a response to each is provided below:

- A.** Lack of architectural distinction as the federation style cottage with original fabric has been irretrievably lost and should not hinge on hypothetical future works. By comparison there are numerous Federation and Inter-war era houses of greater aesthetic value in Fairfield City.

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Response – An analysis of the dwelling finds that the property retains original ceilings, wall and floor fabric noting that the walls and floors have mostly been overlaid in later cladding. In addition to this, the original 4 principal rooms within the front section of the house demonstrate the full integrity of the heritage fabric.

In this respect, the fabric of the dwelling remains to demonstrate its heritage value by representing a typical-timber weatherboard federation style dwelling, now relatively rare in Fairfield.

- B.** Alterations to the internal and external fabric have reduced the integrity of the dwelling including removal of significant outbuildings that does not demonstrate original historic use or association.

Response – In addition to the response in item A with regards to having overlaid original fabric, the dwelling and the land hold both built but more importantly social historical significance in association with Carl Konemann. Despite the original smithy workshop being demolished, the land retains the original cottage and the paddock area shows evidence of the historical rural agricultural use associated with the former use of the land.

It is paramount to understand the heritage listing focuses on the social and historical values and influence of the migration and agriculture in Fairfield. The site and house are directly linked to notable local historic figure Carl Konemann, who was an early German immigrant, instrumental in local business and agriculture. Konemann was also known for constructing the former timber bridge over Prospect Creek that is located adjacent to the dwelling. The site is associated with the historical agricultural use of the area and early blacksmith workshop/retail premises through Konemann's established smithy.

To add further justification, some case studies of other heritage listings in the State demonstrate similarity of listings based on the significance associated with migration settlement and agricultural commerce in other LGAs.

Examples such as the Glenrosa House in Hunters Hill ([HMS - ViewItem](#)) is of local historical significance as a house built by Carol Cerutti, stonemason and is illustrative of the work of local 19th century migrant stonemasons in Hunters Hill and of 19th century working class housing in Hunters Hill. The house is of local aesthetic significance as a fine Victorian Georgian style sandstone house, representative of the style, featuring cast iron posts and iron lace brackets to the front veranda.

Also similar is Council owned local heritage item Von Heiden Gardens ([HMS – View Item](#)) at 1 Houghton Street Carramar which contains remnant elements of a garden of the family property of pioneering German settler and piano maker Carl Wilhelm Gunther von Heiden thus not making it a unique reason for a local heritage listing.

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- C. Loss of the original rural setting in the context of subdivisions and redevelopment occurring restricting the curtilage to a small lot; further explaining that there are existing listed dwellings of the federation period statutorily listed for preservation.

Response – In addition to the response in item B, the historical analysis within the heritage assessment indicates the house sitting on the land clearly occupies the curtilage of the heritage item. Its association with the historical agricultural use of the area and smithy established by Konemann recognises the evolution and the historic and social significance of the heritage item in association with Carl Konemann.

- D. Limited research potential with the loss of associated structures and features, there is limited capacity to yield further information for heritage or archaeological value.

Response – It is noted that there may be limited research potential without a further detailed investigation of the land, however, it does not limit the findings in the heritage assessment report that focuses on both the built architectural and social historically significant themes.

It is prudent to understand the history of the site is likely to have significance in the location and setting without a more recent thematic study or archaeological investigation of the land. Despite not having an archaeological assessment or more current thematic study, the association of Carl Konemann and the land demonstrates the former rural setting and history of Fairfield becoming the growing multicultural suburbanised city it is today.

- E. Existing recognition associated with Carl Konemann and his family are formally acknowledged by the adjacent Konemann's Bridge including preserved artefacts and oral histories by the Fairfield City Museum & Gallery.

Response – Whilst the existing efforts made to recognise Carl Konemann are acknowledged they are not situated on the land which is where Carl Konemann once resided and used the land as a smithy. It should be noted that the land also recognises the historical built environment of the federation style dwelling aside from the land also signifying Fairfield's settlement and migration influence on the City's suburbanisation in the developing local economy during the time.

- F. Approval for demolition issued through a Complying Development Certificate (CDC) remains current.

Response – Council officers acknowledge that a CDC has been issued prior to consideration of the local heritage listing. However, the CDC for demolition does not negate consideration of the properties heritage values and demonstrates Council's commitment to protecting the City's heritage and its significance to its community. If demolition is imminent then an interim heritage order by the General Manager under the Heritage Act 1977 may be issued as per the Council's July 2025 resolution to safeguard the property during the listing process.

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- G. Condition of the dwelling and its surroundings is considered not appropriate for a residence.

Response – Council officers acknowledge that the dwelling has been subject to squatters and cosmetically may be in poor condition. The dwelling is considered structurally sound unless confirmed by a structural engineer report deeming it inappropriate for use. The dwelling is not considered inappropriate for residency and maintenance repairs is sufficient to make the dwelling usable.

- H. Flood mitigation and erosion control was the intended purpose of purchasing the land. The conservation, maintenance and adaptive reuse of the flood affected property is considered not practical in the long-term.

Response – It is acknowledged that the site was purchased by Council under the NSW State Government's Floodplain Management Program to perform flood mitigation works as part of the 1990 Lower Prospect Creek Floodplain Management Plan voluntary purchase scheme.

In 2001 the owner subdivided the land into 2 lots and sold the rear lot (now 69-85 Vine Street) to Council who constructed a floodway on the land. The owner kept the front lot at 97 Vine Street as his residence and in 2006, Council purchased 97 Vine Street as part of the same scheme to provide access to the floodway rear lot.

Whilst the property was purchased under the Voluntary Purchase Scheme as part of the 1990 Lower Prospect Creek Floodplain Management Plan, flood mitigation works from this Plan have significantly reduced flood levels in the area. The Bewsher Consulting (2006) Prospect Creek Floodplain Management Plan, Flood Study Review shows that the front lot is now in a Low Flood Risk Precinct. Therefore, demolition of the building is no longer necessary.

It is noted that the 2010 Outcomes Committee report considered the site fit for use as a community centre. As the property was purchased with State Government funds, the Department of Environment Climate Change and Water (DECCW) were consulted with regards to using the building as a community centre. Subsequently, DECCW agreed to this proposal provided that the income generated from leasing the premises is placed in Council's Voluntary Purchase Reserve.

Based on the above considerations, there is the opportunity to support the future use of the site for community facilities supported by Council's studies and strategies including:

- Increasing community facility floorspace in Fairfield by 1000m² to meet benchmarks (short-long term) (*Community Facilities Strategy 2023*)
- Investigating a creative arts centre (long term) (*Community Facilities Strategy 2023*)

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Both of these actions are included as projects in the Works Schedules of the Local Infrastructure Contribution Plan 2023.

Other possible uses identified could include:

- Fairfield food service fit for purpose facility (*Community Facilities Strategy 2023*).
- Due to the proximity of the site to the RE1 zoned land to the southwest the expansion of the open space and possible biodiversity features.

The site is in close proximity to the Fairfield Leisure Centre, Fairfield Adventure Park, Fairfield Park and Community First Step and is well serviced by public transport (both bus and train) which is consistent with the Community Facilities Strategy Action 2.1 All new facilities are to be built within 400m of public transport.

Council officers acknowledge the memorandum in Attachment B and concern of the long-term management of the property from an asset management perspective. The property nevertheless retains heritage significance and meets the Heritage NSW Assessment of Significance Criteria as explained in the Heritage Assessment (Attachment E).

- a) **Historical Significance** – Associated with historical agricultural and Konemann's early blacksmith demonstrates NSW cultural and natural history of the area of Fairfield.
- b) **Historical Associational Significance** – Linked to local figure Carl Konemann, early German immigrant instrumental in local business and agriculture also constructed the former timber bridge over Prospect Creek having strong association with the cultural and natural history of the area of Fairfield.
- c) **Aesthetic and/or Technical Significance** – The weatherboard federation style dwelling being substantially intact and retains original internal fabric.
- d) **Social and/or Cultural Significance** – Associated with German immigration in Fairfield LGA and being significant to living relatives of Carl Konemann.
- e) **Rarity & Representativeness** – The weatherboard federation style dwelling has become increasingly rare in the Fairfield LGA.

Based on the above evaluation, it is considered that the concerns raised have been appropriately addressed. It is recommended that Council proceed with the local heritage listing of 97 Vine Street Fairfield. In support of this, there is opportunity to fund the conservation and management of the dwelling through adaptive reuse explored through community uses, as detailed above.

Under the Environmental Planning and Assessment Act 1979 and the Fairfield Local Environmental Plan 2013, Council has a duty to conserve and promote the sustainable management of heritage. The adaptive reuse of the land will continue to demonstrate Council's commitment to the ongoing protection of heritage in Fairfield City and will be of community benefit, contributing to the value of the City's heritage.

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4. 158 Broomfield Street Cabramatta and 20 Cabramatta Road East Cabramatta

For the remaining properties at 158 Broomfield Street Cabramatta and 20 Cabramatta Road East Cabramatta, Council officers have not received a response from the landowners. The properties nevertheless demonstrate heritage significance warranting listing and it is recommended that they be assigned a local heritage listing as part of this planning proposal.

The landowners will have the opportunity to formally make a submission to Council at the public exhibition stage of the Planning Proposal.

PLANNING PROPOSAL FOR LOCAL HERITAGE LISTINGS

Based on the above evaluation, it is recommended for Council to proceed with 3 of the 6 potential heritage listings.

The Planning Proposal gives effect to listing properties in the Schedule 5 Environmental Heritage of the Fairfield Local Environmental Plan (FLEP) 2013 that contributes to the ongoing heritage conservation in the City and has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment (EP&A) Act 1979.

The intent of the Planning Proposal is to amend Schedule 5 Environmental heritage of the Fairfield Local Environmental Plan 2013 and its associated mapping by inserting the following new items into Part 1 of Schedule 5:

Suburb	Item Name	Address	Property Description	Significance	Item No.
Cabramatta	158 Broomfield Street – House and interiors	158 Broomfield Street	Lot: 8 DP: 19194	Local	I1
Cabramatta	20 Cabramatta Road East – House, interiors, grounds including Canary Island Palms	20 Cabramatta Road East	Lot: 3 DP: 580730 & Lot: 1 DP: 586180	Local	I2
Fairfield	97 Vine Street (including grounds and interiors)	97 Vine Street	Lot: 1 DP: 1038743	Local	I3

Alignment with the Strategic Planning Framework

The Planning Proposal has considered the strategic merit of the proposal. The following table provides an assessment of the proposal against the relevant directions and objectives within the State and local strategic planning framework.

Strategic Framework	Justification
Greater Sydney Region Plan (GSRP) – A Metropolis of Three Cities	The Planning Proposal is consistent with the directions and objectives of the Greater Sydney Region Plan: A Metropolis of Three Cities – Objective 13 references that environmental heritage is identified, conserved and enhanced.

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Strategic Framework	Justification
Our Greater Sydney 2056 – Western City District Plan (2018)	The Planning Proposal is generally consistent with the priorities and actions of the Western City District Plan, in particular with Planning Priority 6 – creating and renewing great places and local centres and respecting the District's heritage.
<i>Draft Sydney Plan</i>	The draft Plan is the State's next 20-year strategic land use plan that will repeal the GSRP & District Plans when in effect. It focuses on 12 actions for better Aboriginal community outcomes, housing choices, well located place aligned with growing population opportunity and protecting the natural environment. While the proposal is not a direct response to the draft Plan, it supports the City by demonstrating resilience through sustainable build environments protecting the character of the area.
Fairfield Local Strategic Planning Statement 2040	The Planning Proposal (PP) is consistent with the Planning Priority and actions of the Fairfield Local Strategic Planning Statement in particular with Planning Priority 5 – protect the City's heritage. The PP aligns with the actions of this priority by the review of potential new heritage items in the FLEP 2013.
Fairfield City Plan 2022-2032	The Planning Proposal is consistent with Theme 1 Community Wellbeing with its goal to have a proud diverse community of many cultures that is valued and celebrated. This is achieved by the community strategy to preserve, protect and celebrate local heritage protected buildings and sites of local significance as well as encouraging active uses.
Fairfield Heritage Strategy 2025-2027	The Planning Proposal is consistent with the Fairfield Heritage Strategy pertaining to several recommendations of the Strategy from identifying heritage items to list in the FLEP 2013, manage local heritage in a positive manner, increased awareness and appreciation of heritage and set a good example to the community by managing heritage placed owner or operated by Council.

Social, Environmental, Financial Impacts and Risk Implications of the Proposal

The proposal for local heritage listings is unlikely to result in any adverse social or environmental impacts on the site and surrounding area. In addition to this, the listings have been considered within the existing budgets allocated for Council's Heritage Program.

The listings will allow ongoing heritage conservation and provide an appropriate level of heritage recognition and protection of the City's heritage. It is crucial to understand that a heritage listing does not limit development on a heritage site. It is sensible for Council to consider the ongoing heritage conservation of the City to maintain its reputation to continue to identify and protect culturally, environment and built heritage significant places.

Any potential effects resulting from the proposal are considered positive and having benefit to the social and cultural connection to the Fairfield community.

Consultation & Timing

The proposal is categorised as a basic planning proposal in accordance with the NSW LEP Making Guidelines. Upon receiving a Gateway Determination from NSW DPHI, public exhibition will be required as part of the process. All relevant information will be published on Council's website and the NSW Planning Portal.

Community consultation will involve re-notification to landowners of the properties identified for heritage listing and nearby adjoining landowners. State and public agency consultation will also be required as conditioned within the Gateway.

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Following public exhibition period, a report will be presented to Council to consider the outcomes of the public exhibition period. The table below outlines the estimated project timeline and may change subject to if any issues arise during the exhibition stage.

No.	Step	Process content	Timeframe
1	Consideration by Council	Prepare and report Planning Proposal to Council for decision	June 2026
3	Gateway determination	Update report on Gateway requirements	July 2026
4	Pre-exhibition	In accordance with Council resolution and conditions of the Gateway Determination.	July 2026
5	Commencement and completion of public exhibition period	Notification letters to Government Agencies as required by Gateway Determination	August 2026
6	Consideration of submissions	Under the Gateway Determination issued by DPI&E public hearing is not required.	September 2026
7	Post-exhibition review and additional studies	Assessment and consideration of submissions	September 2026
8	Submission to the Department for finalisation (where applicable)	Includes assessment and preparation of report to Council	September 2026
9	Gazettal of LEP amendment	Covering possible changes to draft Planning Proposal in light of community consultation	October 2026
Estimated Time Frame			6 months

Exception to Fairfield Local Planning Panel Advice

As part of the process, under the section 9.1 Ministerial Directions, applications may need to be referred to the Fairfield Local Planning Panel (FLPP) for advice prior to the matter being considered by Council, as follows:

'A Council to whom the direction applies is required to refer all planning proposal to the local planning panel for advice, unless the Council's general manager determines that the planning proposal relates to:

- A correction of an obvious error in a local environmental plan,*
- Matters that are consequential, transitional, machinery or other minor in nature, or*
- Matters that Council's general manager considers will not have any significant adverse impact on the environment or adjoining land.'*

It is considered the proposal will not cause any adverse effects to the environment or adjoining properties due to the nature of the proposal which relates to heritage protection.

Additionally, the FLPP members do not comprise of heritage experts which means that any advice would have limited value to the process. In preparation of the previous Council report, the General Manager (Acting at the time) supported that referral to the FLPP for advice is not warranted for this proposal to proceed to Gateway.

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CONCLUSION

This report recommends that Council proceed with the listing process of 3 additional local heritage listings in Schedule 5 Environmental Heritage and the associated mapping within the Fairfield Local Environmental Plan (FLEP) 2013.

The objective of the Planning Proposal is to continue to conserve the City's remaining environmental and built heritage within the heritage schedule of the FLEP 2013.

The Planning Proposal is aligned with the directions of the Greater Sydney Region Plan, Western District Plan, Council's LSPS and the local Heritage Strategy. Based on this, it is recommended that Council resolve to proceed with the Planning Proposal for a Gateway Determination to the Department of Planning, Housing and Infrastructure (DPHI).

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