

Burwood Council

heritage ▪ progress ▪ pride

ORDINARY COUNCIL MEETING

Notice is hereby given that a meeting of the Council of Burwood will be held in the Council Chamber, Suite 1, Level 2, 1-17 Elsie Street, Burwood on Tuesday 6 February 2018 at 6.00 pm to consider the matters contained in the attached Agenda.

Bruce Macdonnell
ACTING GENERAL MANAGER

Our Mission

**Burwood Council will create a quality lifestyle for its citizens
by promoting harmony and excellence in the delivery of its services**

CONFLICT OF INTERESTS

What is a "Conflict of Interests" - A conflict of interests can be of two types:

Pecuniary - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

Non-pecuniary – are private or personal interests the Council official has that do not amount to a pecuniary interest as defined in the Local Government Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

Who has a Pecuniary Interest? - A person has a pecuniary interest in a matter if the pecuniary interest is the interest of:

- The person, or
- The person's spouse or de facto partner or a relative of the person, or a partner or employer of the person, or
- A company or other body of which the person, or a nominee, partner or employer of the person, is a member.

No Interest in the Matter - However, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body, or
- Just because the person is a member of, or is employed by, a Council or statutory body or is employed by the Crown.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter so long as the person has no beneficial interest in any shares of the company or body.

N.B. "Relative", in relation to a person means any of the following:

- a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person's spouse;
- b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
 - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - A person does not breach the Act if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

What interests do not have to be disclosed (S 448 Act)?

- (a) an interest as an elector,
- (b) an interest as a ratepayer or person liable to pay a charge,
- (c) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Part,
- (d) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part,
- (e) an interest as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not),
- (f) an interest of a member of a council committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the committee member has been appointed to represent the organisation or group on the committee,
- (g) an interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument other than an instrument that effects a change of the permissible uses of:
 - (i) land in which the person or a person, company or body referred to in section 443 (1) (b) or (c) has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and any other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise), or
 - (ii) land adjoining, adjacent to or in proximity to land referred to in subparagraph (i), if the person or the person, company or body referred to in section 443 (1) (b) or (c) would by reason of the proprietary interest have a pecuniary interest in the proposal,
- (h) an interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company,

- (i) an interest of a person arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the committee) of the association or is a partner of the partnership,
- (j) an interest of a person arising from the making by the council of a contract or agreement with a relative of the person for or in relation to any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - (i) the performance by the council at the expense of the relative of any work or service in connection with roads or sanitation,
 - (ii) security for damage to footpaths or roads,
 - (iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council or by or under any contract,
- (k) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor),
- (l) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252,
- (m) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor,
- (n) an interest of a person arising from the passing for payment of a regular account for wages or salary of an employee who is a relative of the person,
- (o) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or member of a council committee,
- (p) an interest arising from appointment of a councillor to a body as representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 448 of the Local Government Act.

Non-pecuniary Interests - Must be disclosed in meetings.

If you are a Council official, other than a member of staff of Council and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- a) Remove the source of the conflict by relinquishing or divesting the interest that creates the conflict, of reallocating the conflicting duties to another Council official;
- b) Have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in Section 451(2) of the Act apply.

If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

Disclosures to be Recorded - A disclosure (and the reason/s for the disclosure) made at a meeting of the Council or Council Committee must be recorded in the minutes of the meeting.

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AGENDA

**FOR AN ORDINARY MEETING OF BURWOOD COUNCIL
TO BE HELD ON TUESDAY 6 FEBRUARY 2018 IN THE COUNCIL CHAMBERS, 1-17 ELSIE STREET,
BURWOOD COMMENCING AT 6.00 PM.**

I DECLARE THE MEETING OPENED AT (READ BY MAYOR)

ACKNOWLEDGEMENT OF COUNTRY (READ BY MAYOR)

"I would like to acknowledge the Wangal people who are the Traditional Custodian of this Land. I would also like to pay respect to the Elders both past and present of the Wangal Nation and extend that respect to other Aboriginals present".

PRAYER (READ BY MAYOR)

"Lord, we humbly beseech thee to vouchsafe thy blessing on this Council, direct and prosper its deliberations for the advancement of this area and the true welfare of its people."

TAPE RECORDING OF MEETING (READ BY MAYOR)

"Members of the Public are advised that Meetings of Council and Council Committees are audio recorded for the purpose of assisting with the preparation of Minutes."

The tape recordings will be subject to the provisions of the Government Information (Public Access) Act 2009 (GIPA).

Tapes are destroyed two (2) months after the date of the recording"

APOLOGIES/LEAVE OF ABSENCES

DECLARATIONS OF INTERESTS BY COUNCILLORS

DECLARATION OF POLITICAL DONATIONS (READ BY MAYOR)

"Councillors & Members of the Gallery

As a result of recent changes to the Legislation that governs the legal process for the determination of Development Applications before Council, a person who makes a relevant application to Council or any person with a financial interest in the application must now disclose any reportable political donation or gift made to any local Councillor or employee of Council. Council will now require in its Development Application Forms this disclosure to be made.

Council is also required to publish on its website all reportable political donations or gifts. Should any person having business before Council this evening and being an applicant or party having a financial interest in such application feel that they have not made the appropriate disclosure, Council now invites them to approach the General Manager and to make their disclosure according to Law."

RECORDING OF COUNCILLORS VOTING ON PLANNING DECISIONS

In accordance with Section 375A of the Local Government Act a division must be called for and taken on every Environmental Planning & Assessment decision. The names of those Councillors supporting and those opposed to the decision are to be recorded in the meeting minutes and the register retained by the General Manager.

OPEN FORUM ACKNOWLEDGMENT (READ BY MAYOR)

The Mayor to ask each speaker to confirm that they had read the guidelines about addressing the Council and acknowledge that they had been informed that the meeting was being recorded and that the Council accepts no responsibility for any defamatory comments made. Speakers should refrain from providing personal information unless it is necessary to the subject being discussed, particularly where the personal information relates to persons not present at the meeting

OPEN FORUM COMMENCES

CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the following Meeting of Burwood Council:

A. Council Meeting held on 12 December 2017

copies of which were previously circulated to all Councillors be and hereby confirmed as a true and correct record of the proceedings of that meeting.

ADDRESS BY THE PUBLIC ON AGENDA ITEMS ACKNOWLEDGMENT (READ BY MAYOR)

The Mayor to ask each speaker to confirm that they had read the guidelines about addressing the Council and acknowledge that they had been informed that the meeting was being recorded and that the Council accepts no responsibility for any defamatory comments made.

ADDRESS BY THE PUBLIC ON AGENDA ITEMS COMMENCES

MAYORAL MINUTES

GENERAL BUSINESS

(ITEM 1/18)	44 BADMINTON ROAD CROYDON - DEVELOPMENT APPLICATION BD.2016.091 - DEMOLITION OF EXISTING STRUCTURES, SUBDIVISION OF 1 LOT INTO 2 LOTS, AND CONSTRUCT A PART 1 PART 2 STOREY DWELLING ON EACH LOT	7
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CONFIDENTIAL ITEMS

(ITEM 8/18)	APPOINTMENT OF INDEPENDENT HEARING AND ASSESSMENT PANEL (IHAP) INCLUDING THE COMMUNITY REPRESENTATIVES
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That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) of the Local Government Act 1993, as the matter involves personnel matters concerning particular individuals.

QUESTIONS WITHOUT NOTICE

Councillors are requested to submit any Questions Without Notice in writing.

(ITEM 2/18) 44 BADMINTON ROAD CROYDON - DEVELOPMENT APPLICATION BD.2016.091 - DEMOLITION OF EXISTING STRUCTURES, SUBDIVISION OF 1 LOT INTO 2 LOTS, AND CONSTRUCT A PART 1 PART 2 STOREY DWELLING ON EACH LOT

File No: 18/970

REPORT BY ACTING DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

Applicant: Design Link Australia
Location: Eastern Side of Badminton Road, Northerly from Arthur Street, Croydon
Zoning: R2 Low Density Residential Burwood Local Environmental Plan 2012

Proposal

The applicant seeks approval to demolish the single level dwelling, subdivide the subject property by creating two allotments and construct a two storey dwelling on each allotment.

The proposal has had several revisions due to planning and heritage issues; however, there remain significant planning concerns with respect to the relevant planning controls, which are further discussed within the report.

The current proposal provides:

1. Demolish the existing dwelling
2. Subdivide existing allotment to create Lot 1 and Lot 2
3. Construct a part one and part two storey dwelling on each allotment

Background

On 5 July 2016 Council received development application DA91/2016 to demolish the single level dwelling, subdivide the subject property to create two allotments, and construct a two storey dwelling on each allotment.

On 20 July 2016 Council forwarded an email to the applicant requesting adjoining owners consent from the adjoining southern properties, for the purpose of connecting stormwater drainage. Stormwater drainage pipes are located along the northern side boundary of 48 Badminton Road further to the south. However, the consent from 46 and 48 Badminton to traverse these properties has not been provided.

On 27 July 2016 Council further contacted the applicant about planning/heritage matters, and drainage issues impacting 'downhill' properties that front Austin Avenue. The issues comprise: the Heritage Impact Statement did not satisfactorily detail the heritage aspects of BDCP 2013, the resultant lot widths of 10 metres does not meet the BDCP 2013 development guideline of 12 metres. In addition, the applicant was advised that Provision No. P42 of BDCP 2013 does not favour subdivisions within heritage conservation areas, the narrow fronted elongated building design is not in keeping with the established residential development pattern, front setback controls, attic style roofs encouraged rather than two stories, excessive hardstand areas within the building frontage, proposed garages not supported, initial design does not articulate the 'period' detail for heritage conservation area, rear yards dominated by Onsite Stormwater Detention (OSD) drainage systems. For reasons briefly outlined above, the applicant was encouraged to withdraw DA91/2016.

Responding to the planning issues, the current design, submitted on 4 December 2017, has reduced the two storey component, fronting Badminton Road, to a single level; however, maintains the two separate car parking areas within the frontage. Contending that the information submitted addresses stormwater easements, architectural design, additional heritage comments, minimum lot frontages, and heritage conservation values, the applicant seeks Councils support. However, as

evidenced within the planning report, the current design has not addressed all the concerns raised by Council Staff. In particular, there is uncertainty relating to obtaining owners consent for the purpose of carrying out drainage works through adjoining properties. The owners representative and the applicant, stated that the issue could be dealt with as a “deferred commencement” condition. However, on 16 November 2016 Council advised the applicant that a deferred commencement approval is not supported, and that consideration shall be made to withdrawing DA91/2016.

Statutory Requirements

Heads of Consideration

The Application is assessed under the provisions of Section 79C of the Act, as amended. Key planning instruments and considerations include:

- *State Environmental Planning Policy No 55-Remediation of Land*
- *Burwood Local Environmental Plan 2012 (BLEP 2012)*
- *Burwood Development Control Plan 2013 (BDCP 2013)*
- Likely impact of the development:
 - environmental, social and economic impacts
- The suitability of the site for the development
- Any submissions made
- The public interest

Locality

The site’s location is indicated in Figure 1.

Site and surrounding area

The site is situated on the eastern side of Badminton Road, between Liverpool Road to the north and Arthur Street to the south. The subject property comprises an area measuring 833.7 square metres. The site is rectangular in shape with the following dimensions:

- 20.115 metres fronting Badminton Road
- 20.115 metres rear eastern boundary
- 41.455 metres – northern side boundary
- 41.455 metres – southern side boundary

A single level dwelling sits comfortably on the subject property with its single driveway and side garage along the southern side boundary. A low level chain mesh fence sits along the frontage of Badminton Road. The subject property has a slope from Badminton Road (30.35 metres Australian Height Datum (AHD)) sloping to the rear (27.35 metres AHD) measuring 3 metres.

The subject property is located within the “Badminton Road to Culdees Heritage Conservation Area” (C20) under Schedule 5 of BLEP 2012, and is situated opposite Heritage Item “I134” on 43-45 Badminton Road Croydon, known as “Ooma” a Victorian villa (formerly 29 Badminton Road Croydon). The site of 43-45 Badminton Road Croydon is currently used as the “Sydney Missionary & Bible College”.

A single level cottage adjoins the sites northern side boundary, whilst a single level dwelling with attic style roof adjoins the southern side boundary.

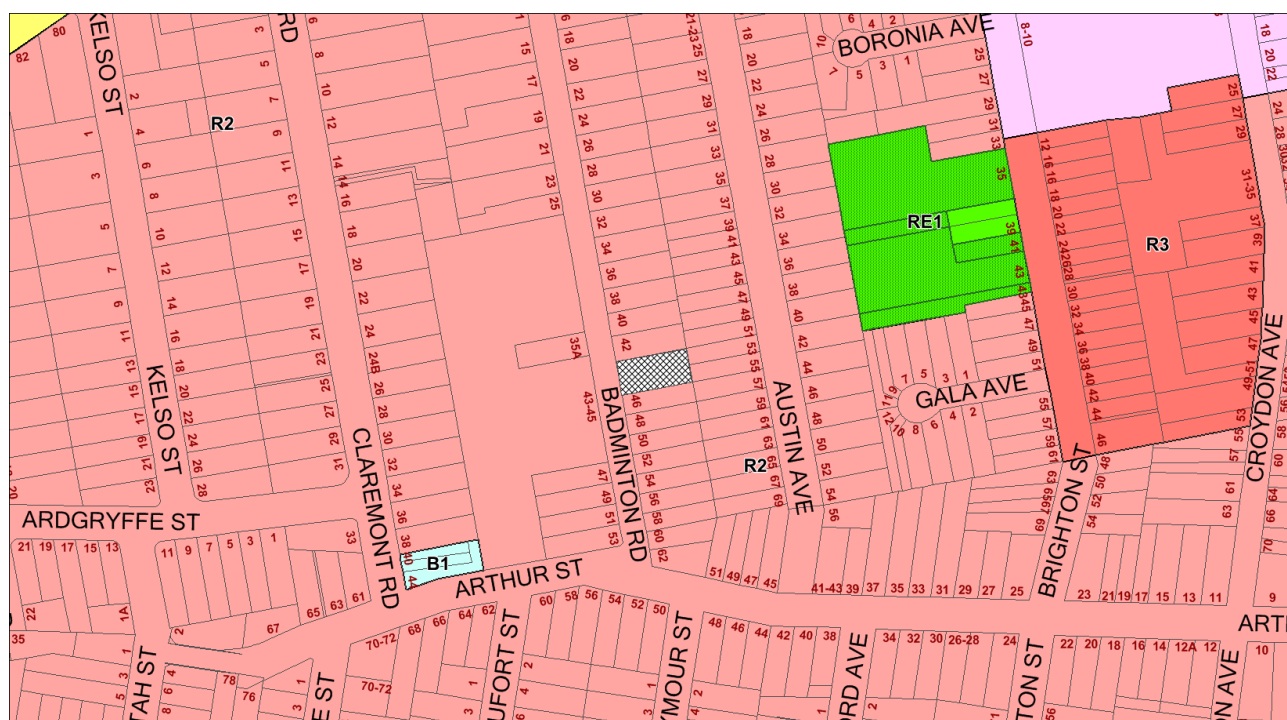


Figure 1 – Site Location

Planning Assessment

BLEP 2012

The subject site is zoned R2-Low Density Residential under BLEP 2012, which permits subdivisions and dwellings, subject to Council consent.

In assessing applications for development, Council is required to consider the impacts of that development within the context of the surrounding area. In this instance, the subject site is located within the Badminton Road Culdees Road Heritage Conservation Area (Ref “C2”) under Schedule 5 of BLEP 2012. In this regard, Clause 5.10(4) of BLEP 2012 requires a heritage assessment:

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

In this regard, the following comments were provided by Councils Heritage Planner:

The applicant’s Heritage Impact Statement and subsequent Additional Heritage Information do not provide adequate research into the historic subdivision pattern of the HCA to substantiate the proposed subdivision. Council’s own research indicates that the existing site frontage (historically referred as 1 chain, 100 links, or 66 feet; being 20.12 metres) was the prevailing frontage in the Austinlee and Badminton Estates, on which the HCA is based. At least 70 parcels in the original estates observed this “100 links” frontage.

It is historically significant that 44 Badminton Road maintains its “100 links” frontage. Council’s research indicates that this parcel does so because it had an older Victorian period house, known as “Badminton” and later “Kurrajong”, which pre-dated the establishment of the estates. This original house appears to have existed at 44 Badminton Road up until the present c.1976 Masterton Home was constructed.

SEPP 55 Remediation of land

The proposal includes excavations, to be carried out from the midway of the subject site for at least the length of the building towards the rear of the two dwellings. Council Officers estimate the area to be excavated measures 19 metres wide by 19 metres in length. The depth varies from 1.5 metres at the midway point to 0 metres given the slope of the land towards the rear. The subject site has been used for non-industrial purposes for many years and it is considered that due to its recent history has not been impacted by contamination.

The proposal has been measured against the provisions of BLEP 2012 and BDCP 2013 as follows:

Development Standards/Controls	Permitted/Required	Proposed	Compliance
<u>BLEP 2012</u>			
Zone cl. 4.1 Lot sizes	R2 400 square metres per allotment	>400 square metres per resultant allotment	Yes However, refer to Heritage comments below this table.
cl. 4.3 Minimum building height	Maximum allowable - 8.5 metres	6.78 metres at its highest point ground to roof ridge.	Yes
cl. 4.4 Maximum floor space ratio (FSR)	0.55:1 for each dwelling house	0.48:1 – Lot 1 and Lot 2	Yes
cl. 5.10 Heritage (conservation area)	Heritage Impact Statement to be submitted with DA	Revised submitted; however, not significantly detailed.	No Refer to Heritage comments below this table.
cl. 6.1 Sulphate salts	Class 4 or 5	Class 5 - no requirements	Yes
<u>BDCP 2013</u>			
<u>Section 4.5 Dwelling Houses</u> 4.5.3.1 Building Appearance and Streetscape	Design and materials to compliment the locality.	Single level design fronting Badminton Road.	No Refer to Heritage comments below this table.
4.5.3.2 Streetscape appearance (heritage related provisions)	Applies to areas shown within Section 8.2 (Heritage).	Within conservation area.	No Refer to Heritage comments below this table.

Development Standards/Controls	Permitted/Required	Proposed	Compliance
4.5.3.3 Sunlight	Reduce impacts to adjoining properties.	Adjoining southern property impacted by shadow at mid-winter. Rear yards receive 3 hours of direct sunshine. (east west aligned site)	Satisfactory.
4.5.3.4 Privacy	Balcony widths to be 1.5 metres Reduce impacts of overlooking/privacy.	Not proposed for current design. Minimal overlooking to adjoining dwellings. High light windows proposed for upper storey.	Yes Satisfactory
4.5.3.5 Overall Building Height of Dwelling	Maximum 8.2 metres from natural ground level to roof ridge.	Within BLEP 2102 maximum allowable 8.5 metres. Single level "hip" design. Adjoining properties provide single level gable design.	Yes Acceptable
Ground slab height	P5: Top ground slab no greater than 0.75 metres above existing ground level.	Cross section plans show top of ground slab elevated between 0.6 metres to 1.5 meters approximately.	No
Floor-to-Ceiling Height of Dwelling	<i>Ground floor</i> – Maximum 2.7 metres. <i>First floor</i> – Maximum 2.6 metres.	Ground level – 2.7 metres Lower ground level 2.9 metres	Acceptable as total height less than BLEP 2012.
4.5.3.7 Front Setback of Dwelling	<i>Ground floor</i> - 6 metres <i>First floor</i> - 9 metres.	Lot 1 - 7.4 metres to front porch. Lot 2 - 6.6 metres to front porch. Development provides lower ground excavation at rear. Single level frontage to Badminton Road.	Yes Yes N/A
Side Setbacks of Dwelling	Ground Floor – 0.9 metres Two storey elevation – 1.5 metres.	Maintains 0.9 metres at ground level, and 1.5 metres at upper levels. 1.5 metre wide setback observed.	Acceptable
Rear Setback of Dwelling	Single storey elevation – 3 metres. Two storey elevation – 6 metres.	Roof structure at 7.4 metres. Roof structure at 10 metres.	Yes Yes

Development Standards/Controls	Permitted/Required	Proposed	Compliance
4.5.3.8 Floor Space Ratio (FSR) & Built Area	P1: 0.55:1 per BLEP 2012.	0.48:1 – Lot 1 and Lot 2	Yes
	P2: Built Area: Maximum 67% – excludes any underground basement, external paving and swimming pool.	Council Staff calculate 71%.	No
	P3: Maximum 450 square metres. Refers to actual area of the building.	Each dwelling measures 271.64 square metres	Yes
Car Parking Spaces (applicable for FSR calculations)	Minimum 1 space at rear. (refer to Heritage comments)	One car space per dwelling fronting Badminton Road. Creation of additional car parking within building frontage.	No
4.5.3.9 Landscaped Areas	Landscape plan required within conservation area.	No schedule of species provided. Minimal rear yard for growing large trees due to proposed stormwater.	No
4.5.3.10 Utility Areas (water, telephone, electricity)	Utility services to be provided.	To be connected from street.	Conditions to be imposed if approved.
4.5.3.11 Drainage	Council's standard required. Agreements for easements required if through adjoining properties.	Concept drainage plans received. However, no agreements from affected property owners downstream.	No
4.5.3.12 Swimming Pools	Minimum 1 metre setback - water's edge to boundary.	N/A	N/A
4.5.3.13 Fire Safety	Fire resistant construction required.	To comply with BCA.	Conditions to be imposed if approved.
4.5.3.14 Demolition	Minimise sediment and disturbance within locality.	Demolish existing single level Masterton dwelling.	Conditions to be imposed if approved.
4.5.3.15 Earthworks	Sedimentation controls to be provided.	Excavation required for lower ground level: 2.5 metres and less (towards the rear) below natural ground level.	Conditions to be imposed if approved.

Development Standards/Controls	Permitted/Required	Proposed	Compliance
<u>Section 4.7</u> <u>Heritage Controls</u> The applicant was advised about the heritage concerns. Refer to Heritage comments below this Table.	O1 - retention & maintain heritage properties.	Existing building is not a heritage item. Current design does not maintain the existing established allotment pattern.	No
	- P1 - justification for proposal to be satisfactorily researched and demonstrated.	- Revised HIS submitted.	No Revised HIS not satisfactorily detailed
	- P41 - front setback not to alter the established pattern of development in that street	- Existing width 20 metres reduced to 10 metres.	No
	- P46 - carports or garages to be sited at rear, or at side of dwelling if insufficient width. - Front fences.	- To the side; fronting Badminton Road. - No details submitted.	No N/A However, subject to future DA
<u>Section 5.1</u> <u>Subdivision</u>	- Lot sizes. min. 400 square metres Refer to BLEP	- 416.76 square metres (Lot 1) - 416.28 square metres (Lot 2)	Yes
	- Must have frontage to street	- Two street frontages	Yes
	- minimum 12 metre wide	- 10.057 metres (Lot 1) - 10.058 metres (Lot 2)	No No
	- Must have 2.5 metre width	- Not proposed	N/A
	- Lots to be regular in shape	- Rectangular in shape	Yes

As highlighted within the above table, the proposal provides inconsistencies with Councils DCP. The applicant has mitigated the previous two storey design fronting Badminton Road. However, the current design maintains a bulky appearance due to, the "Built Area" calculations, proposed reduced lot widths, and front car parking areas within the heritage conservation area. As a consequence, whilst within the heritage conservation area, the current design is not appropriate. In

this respect, the proposal is incompatible with the established heritage character and streetscape. This aspect is further discussed within the Heritage Referral comments below.

The critical element of the proposal is subdivision, and a drainage easement (discussed previously). The lot frontages are less than the “benchmark” established under Councils DCP. The applicant provided a table which sets out the frontages of properties nearby (including 14 properties in Badminton Road and 12 properties in Austin Avenue) to support their case for a site frontage of 10 metres. However, the investigation relies on a small sample of properties, with nearly half falling outside the Conservation Area.

Council Staff undertook a broader analysis of all 172 properties in this Conservation Area, finding that the median frontage is 15.26 metres and the median property size is 721 square metres in this precinct. The analysis also shows that there would be only three residential properties with smaller frontages than the proposed lots – one of these involving a conversion to a semi-detached dwelling in 1980, and the other two being irregular-shaped lots which widen at the building line to over 12 metres wide.

The site area of properties has also been analysed. The converted semis at 8 & 8A Badminton Road would be the only residential properties having a smaller area than the proposed lots. While there are some residential properties in the Conservation Area with narrow frontages, these narrow properties all have larger areas than the proposed lots. It is also worth noting that the older properties with narrow frontages were built without on-site parking (for example 46 and 60 Badminton Road), or still managed to provide garaging to the rear of the site (for example 58 Badminton Road).

This analysis, by Council's Heritage Advisor, re-affirms the view that the character of the conservation Area is one of larger blocks and wider frontages than those proposed. The subdivision is therefore not supported on heritage grounds.

In terms of car parking, the previously proposed garages have been amended to carports; however remain within the frontage visible from a streetscape perspective, as the site is within the heritage conservation area. The applicant was advised that Councils preference, as stated within Provision P49 of Section 4.7.2 of the DCP, was that, a different design approach, such as a dual-occupancy could be supported with car parking located at the rear or behind the building. However, the applicant has not addressed this approach. The subject site is within a heritage conservation area. The proposal remains dominated by parking due to the two new dwellings on comparatively narrow sites. It would be inappropriate to allow exceptions to the DCP controls in the case of a “new-build” where Council has applied these controls to existing dwellings and more constrained sites elsewhere in the conservation areas.

In respect of drainage consideration of imposing a deferred commencement requires substantial certainty with Council being satisfied about the overall development itself. A deferred commencement approval shall only be considered where there is significant certainty about a development. In this instance, given the planning/heritage issues highlighted within this report, and the lack of support from adjoining owners in respect of drainage issues it is considered that the current proposal cannot be supported in its current form.

Referrals

Heritage Advisor Comments:

Objections are raised to the proposal on the following basis:

- *The applicant's Heritage Impact Statement and subsequent Additional Heritage Information do not provide adequate research into the historic subdivision pattern of the HCA to substantiate the proposed subdivision. Council's own research indicates that the existing site frontage (historically referred as 1 chain, 100 links, or 66 feet; being 20.12 metres) was the*

prevailing frontage in the Austinlee and Badminton Estates, on which the HCA is based. At least 70 parcels in the original estates observed this “100 links” frontage. Refer image below:

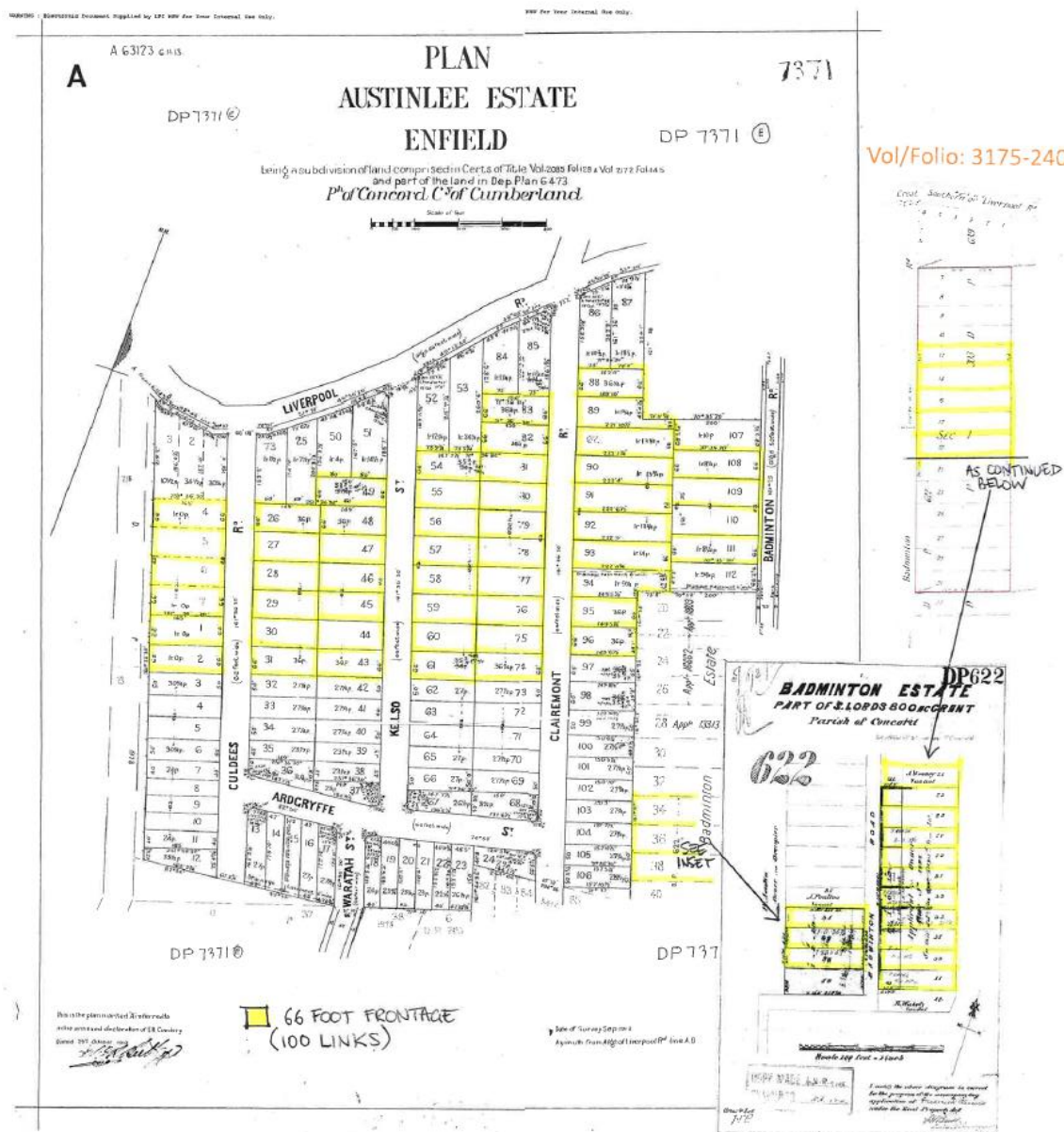


Figure 2 – Plan of Austinlee and Badminton Estates

- It is historically significant that 44 Badminton Road maintains its “100 links” frontage. Council’s research indicates that this parcel does so because it had an older Victorian period house, known as “Badminton” and later “Kurrajong”, which pre-dated the establishment of the estates. This original house appears to have existed at 44 Badminton Road up until the present c.1976 Masterton Home was constructed.
- The proposed site frontage of each parcel is proposed to be 10.06 metres. Section 5.1 of the DCP states that the minimum width of a lot at the street frontage is 12 metres. The proposal would set an undesirable precedent for subdivision within the Burwood area, but particularly for heritage conservation areas.
- The proposed 10.06 metres frontages are inconsistent with the character of the Badminton Road to Culdees Road Heritage Conservation Area (HCA). Council’s analysis of all parcels within this HCA has found that the median frontage is 15.26 metres and the median property size is 721 square metres. The analysis also shows that there would be only three residential properties with smaller frontages than the proposed lots – one involving a conversion to a

semi-detached dwelling in 1980, and the other two being irregular-shaped lots which widen at the building line to over 12 metres wide.

- *The subdivision of land in a heritage conservation area is contrary to the provisions of the DCP. Section 4.7.2, P42 states:*
 - *Subdivision of a heritage property is generally not supported by virtue of the likely impact on the setting and curtilage of the significant building or place, and on account of limiting the ability of the heritage property to adapt to future needs on a significantly reduced lot size.*
- *The proposed dwellings feature a carport within both their front elevations. Section 4.7.2, P46 of the DCP states that 'the garage or carport must be sited to the rear of the property' in a conservation area. It would be inappropriate to allow exceptions to the DCP controls in the case of a "new-build" where Council has applied these controls to existing dwellings and more constrained sites elsewhere in the conservation areas.*
- *The adverse impacts of incorporating a carport within the front elevation of the two dwellings includes the following:*
 - a. *The carport dominates the design of the proposed dwellings, i.e. the carport accounts for 37% of the building width;*
 - b. *The proposed porches extend forward of the main front wall, rather than to the side of the main street-facing gable, as is more typical of Inter-War period houses (indeed, this pattern can be seen in the eight properties to the south of the site, and many others in the vicinity).*
- *The conservation area is characterised by landscaped gardens and generous setbacks. It is typical for these older properties to have side setbacks of around 1-1.5 metres, as well as a driveway along one side of the house. The large front yards, back yards and side setbacks provide a "sense of openness" and enable a landscaped setting. Conversely, the proposal would provide minimum side setbacks, limited landscaping, and a front yard dominated by driveways and paths.*
- *Council officers have suggested that a more sensitive proposal may be to investigate a "front and back" dual occupancy development or battle-axe subdivision, with a shared driveway. The applicant has not demonstrated that these alternatives have been explored. This is contrary to the NSW Heritage Guidelines for 'Statements of Heritage Impact' which states:*
 - *Where the effect of proposed work is likely to be detrimental to the heritage significance of the item or area, a SOHI needs to argue why such action is the only viable solution and explain why alternatives are not.*
- *The rear yards are largely given over to storm water detention basins, meaning there will be limited opportunity for trees and landscape features that contribute to the character of the conservation area. This is also considered to provide poor amenity for residents.*
- *The discharge of stormwater to a Council system cannot be demonstrated at this stage. The procurement of an easement through an adjoining property would be necessary, and the applicant proposes to enforce this provision through the courts.*

The applicant has not clearly demonstrated the need to vary Councils development guideline relating to the width of the street frontage, particularly of properties located within heritage conservation area.

Building Surveyor Comments:

Conditions to be imposed if approved.

Development Engineer Comments:

Councils Design Engineer has required the resolution of an easement through adjoining property at No. 46 Badminton Road Croydon shall be resolved prior to approval.

In addition, the stormwater pipe the applicant wishes to connect the drainage from the site to is situated on No. 48 Badminton Road Croydon, 2 properties away from the subject site. This means that the applicant for this development would need easements over 2 adjoining properties and any future connection requires an agreement from these property owners. This agreement has not been provided to Council and is considered a major constraint on the development. An extract from Council's GIS provides an indication of the location of the current drainage lines below:

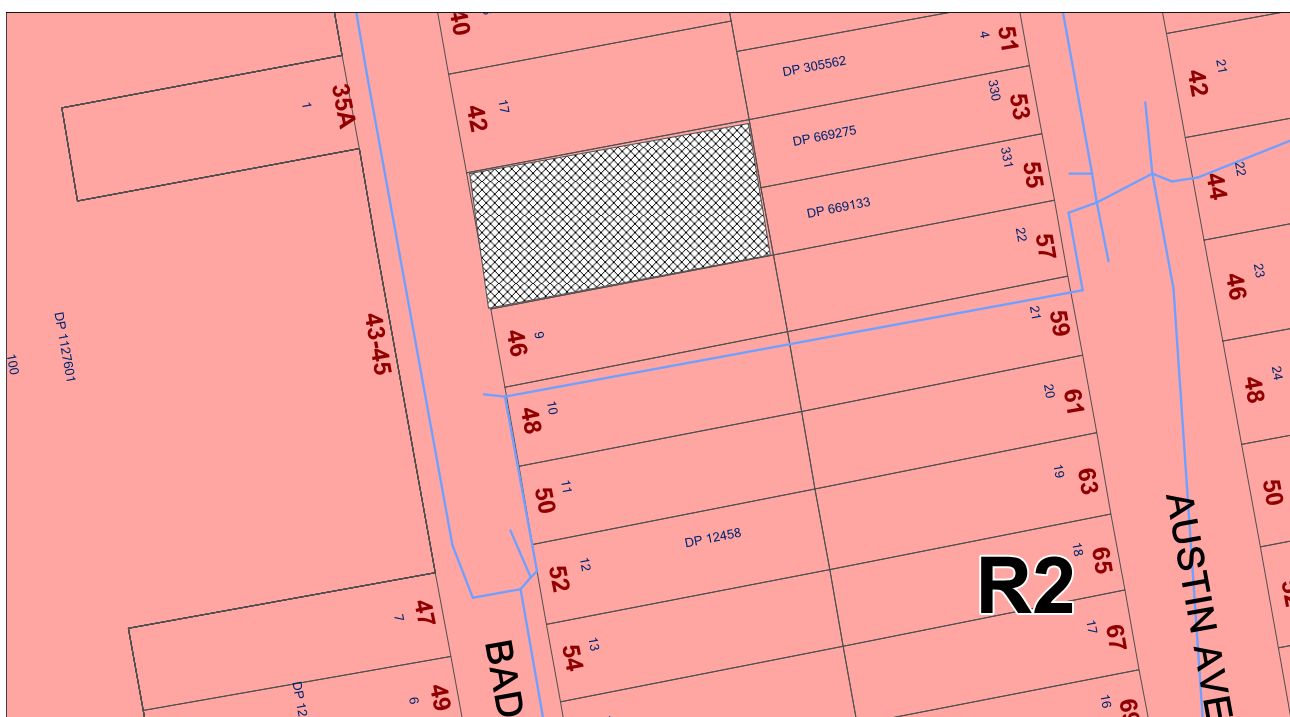


Figure 3 – Extract showing drainage pipes

Likely impact of the development

The applicant was advised of the planning and heritage issues, in particular, the proposal to provide reduced property frontages. The DCP guideline provides for 12 metre frontages; however, the current design proposes 10.67 metres. The applicant contends that the previous and current proposal are viable. However, as outlined by Councils Heritage Advisor, the proposal does not accord with the historic subdivision pattern which currently exists, and the incompatibility of the design with the established heritage character and streetscape.

Suitability of the site for the development

The subject site provides a property frontage measuring 20.115 metres to Badminton Road, with a side dimension measuring 41.455 metres. The subject site is located within a conservation area. Without the two lot subdivision component, the subject site has potential to create a development that provides two dwellings; such as in the form of a dual occupancy: However, the applicant states that this is not viable. As discussed the current design does not accord with Councils subdivision and heritage development standards contained under BDCP 2013.

Any submissions made

As described within the report, the initial development attracted three submissions, two from one property objecting to the proposal. The applicant was advised of the submissions and planning issues, where the applicant submitted revised proposals. However, whilst the applicant has endeavoured to reduce initial issues of bulk and scale of the two dwellings, there remain concerns with respect to “Built Area” calculated at 71%, adjoining owner’s agreement to stormwater drainage through their properties, parking and general visual appearance.

The public interest

It is considered that the proposal is contrary to the ‘public interest’. As outlined within the report, the current design does not accord with the conservation principles such that the established subdivision pattern shall be preserved. The subdivision itself does not contribute to the maintaining the streetscape qualities currently provided. The development itself has not been resolved in terms of an alternate design to preserve the conservation values, reduce the streetscape appearance of fragmented lot frontages and visual appearance of similarly designed dwellings, drainage and stormwater disposal. These matters were conveyed to the applicant to reconsider the design options; however, the applicant has requested Council to consider the current design (submitted on 4 December 2017).

Community Consultation

Public notification of the development application took place from 14 July 2016 until 26 July 2016. Three submissions were received, two from one property, to the initial proposal raising the following issues; over-development of the site, privacy, drainage, parking, reduced front yards. The applicant was advised of the submissions and planning concerns, and repeatedly submitted revised plans to address Councils concerns.

The current design was not required to be notified under Section 7.2.6 Councils Notification Policy under BDCP 2013, as it was considered that the current design mitigated some of the initial neighbour concerns.

The issues raised in the initial submissions, with comments on each, are provided below:

- The proposed buildings provide three storey in height at the rear.

Comment:

The concern was raised based on the original proposal. The subject site provides a slope from Badminton Road to the rear of the property. The initial design created a traditional two storey building for both dwellings, and included a undercroft area comprising an underground cellar comprising a “pump out” drainage system. The applicant has modified the proposal where the current design has reduced the three storey height issue. However, given the slope of the land, the current elevation presents a bulky appearance at the rear of the buildings. The current height of the building is within the maximum allowable height limit under provisions of BLEP 2012; however, given the “Built Area” measuring 71%, the current design is not supported.

- The proposed development provides second storey windows and balconies which create privacy concerns.

Comment:

The current design provides a single level, with a large undercroft area at the rear. The concern is raised such that the upper level provides five windows along the common side boundary that have potential for overlooking. The applicant’s current design provides ‘high level’ windows to mitigate the concern raised. No upper balconies are proposed, rather

'Alfresco Areas' are provided closer to ground level at the rear of the buildings. The applicant has addressed privacy concerns, and this aspect of the development is considered acceptable.

- Existing drainage has not been resolved.

Comment:

The subject site has a significant slope 'downhill' from the road frontage to the rear property boundary. The concerns are raised such that existing stormwater runoff occurs onto downstream properties causing drainage issues. The proposal is to construct drainage works through adjoining properties. The applicant was advised that Councils policy for affected downstream properties is to provide written authority from those affected. In terms of any agreements from adjoining properties, Council Staff are not aware of any agreements being agreed to and submitted. As discussed above, the proposal does not meet Councils development guidelines; therefore cannot support the current design. Significant uncertainty exists about drainage easements and the development itself. As no agreements to drainage have been received, DA91/2016 is not supported based on this issue alone.

- Parking structures within the building frontage detract from the streetscape.

Comment:

The concerns raised stem from the proposal providing car parking spaces visible from the street, which is contrary to Councils DCP. In addition, the proposal provides for three bedrooms and large study at ground level, such that any additional car parking will be carried out within the buildings frontage, and that Badminton Road is narrow to accommodate additional car parking. Given that the two dwellings are similar, these impacts are 'doubled'. Councils DCP provides that, parking of vehicles are to be garaged or parked within the rear of the property if the subject site is within a conservation area. In this instance, the current design is inconsistent with Councils policies and guidelines as commented above.

- The front yards will be reduced with hard stand areas impacting the streetscape.

Comment:

The current design of the two lot subdivision with the resultant dwellings significantly reduces the grassed or landscape features by adding additional hardstand areas to that which currently exists. The existing allotment provides a single driveway and separate pathway from Badminton Road. The current design seeks to double these, thus diminishing the established predominant streetscape within a conservation area. The established streetscape pattern, within the Badminton Road to Culdees Heritage Conservation Area, provides large frontages of predominantly 15 metre wide frontage or greater. These elements are inconsistent with Councils policies and guidelines as commented above. Therefore, it is considered that by creating further subdivision, the established streetscape will be compromised.

Conclusion

Whilst the applicant has endeavoured to reduce the impacts of the 2 x two storey dwellings fronting Badminton Road, there remain major concerns with respect to observing Council's development requirements and policies. The proposed subdivision, the incompatibility of the design with the established heritage character and streetscape, and stormwater consideration are contrary to Councils retention of the established future desired character within heritage conservation areas. The applicant was previously advised of the planning issues, and was offered an opportunity to withdraw the proposal, or at least provide a different design approach. The applicant chose to

continue with the existing concept. However, the proposal does not accord with Councils standards and policies; therefore, as outlined above, the current proposal is not supported.

That Council call for a Division in accordance with Section 375A of the *Local Government Act 1993* to record Councillor's voting for and against on each planning decision.

Recommendation(s)

That the Development Application BD.2016.091 at 44 Badminton Road Croydon proposing the demolition of the single level dwelling, subdivide the subject property creating two allotments, and construct a two-storey dwelling on each allotment be refused for the following reasons:

1. The proposal is unsatisfactory pursuant to the provisions of Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* in that the proposed development is contrary to the provisions of Burwood LEP 2012 with respect to conserving the heritage significance of heritage conservation area, including fabric, setting and views, and is inconsistent with clause 5.3 (1) (b) of BLEP 2012.
2. The proposal is unsatisfactory pursuant to the provisions of Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* in that the proposed development is contrary to the provisions of Burwood LEP 2012 with respect to inadequate information to fully consider the historical nature of the locality in terms of the subdivision pattern, and is inconsistent with clause 5.4 (4) of BLEP 2012.
3. The proposal is unsatisfactory pursuant to the provisions of Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* in that the proposed two-lot subdivision is inconsistent with the prevailing subdivision pattern within the Badminton Road to Culdees Road Heritage Conservation Area as required under Section 4.7.2 (P41 and P42) of BDCP 2013.
4. The proposal is unsatisfactory pursuant to the provisions of Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* in that the proposed two-lot subdivision is contrary to the development provisions contained in Section 5.1 (P3) of BDCP 2013.
5. The proposal is unsatisfactory pursuant to the provisions of Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* in that the proposed dwellings provide carports within their front elevations which is inconsistent with Section 4.7.2 (P46 and P48) of BDCP 2013.
6. The proposal is unsatisfactory pursuant to the provisions of Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* in that the proposed development is inconsistent with provision of acceptable drainage arrangements such as obtaining approval of downstream properties and is inconsistent with Section 6.5 of BDCP 2013 and Councils Stormwater Management Code.
7. The proposal is unsatisfactory pursuant to the provisions of Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979* in that the subject site is not suitable for the proposed development for the reasons outlined above and below.
8. The proposal is unsatisfactory pursuant to the provisions of Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979* in that the proposed development is not well founded and is contrary to the public interest, in that objections are received in terms of non-compliance with Council policies, overdevelopment, overlooking onto adjoining properties, parking and traffic, stormwater runoff and heritage impacts.

Attachments

- 1 [↓](#) Submissions

ATTACHMENT 1

ITEM 1/18 44 Badminton Road Croydon - Development Application BD.2016.091 - Demolition of Existing Structures, Subdivision of 1 Lot Into 2 Lots, and Construct a Part 1 Part 2 storey Dwelling on Each Lot.DOC
Submissions

To Burwood Council

19 July 2016

Dear sir/madam

Ref No. BD2016.91

I'm the owner of [REDACTED] I have just received the letter from the council regarding [REDACTED] application for the notice of two houses being built upon that land. I would just like to request for you to inform the owner of [REDACTED] that before the houses are under construction that they should first of all investigate the piping since when currently it rains it causes a flooding in my backyard because of some piping issues. The water is able to enter my property because the elevation of the properties causes this. Changing the water systems piping would be idle since it will guide the water through a different route so it doesn't enter my backyard.

I sincerely hope that you take this request into regard and inform the owner and the contractor about this issue and in the future this will benefit relations between neighbours because it will be able to stop disputes between each other.

If you have any further Questions or concerns please contact this number:

Regards

[REDACTED]

ATTACHMENT 1

ITEM 1/18 44 Badminton Road Croydon - Development Application BD.2016.091 - Demolition of Existing Structures, Subdivision of 1 Lot Into 2 Lots, and Construct a Part 1 Part 2 storey Dwelling on Each Lot.DOC
Submissions

Tuesday, 19th July 2016

Burwood Council
Suite 1, Level 2
1-17 Elsie Street
Burwood, NSW, 2134

To Whom It May Concern:

Ref No. BD2016.91

RE: Notice of construction at 44 Badminton Road, Croydon, 2132/Current piping system causing flooding in backyard

I am writing in regards to the notice of construction on 44 Badminton Road, Croydon. [REDACTED], I would like to inform the council that when there is rain, I often experience flooding in my backyard. The water enters my property due to the elevation and slope of the adjoining property. I would like to request that the council ask that the new contractors investigate this issue and take this into account for the new design of the piping system. It would be ideal if the piping could be corrected so that it does not cause water to flood into my backyard.

The resolution of this issue would greatly assist with the ongoing relationship between my neighbour and I and would resolve any liability issues arising from damage to property or nuisance.

[REDACTED]
Please let me know if there are any questions or concerns. Looking forward to your reply.

Kind regards,

[REDACTED]

ATTACHMENT 1

ITEM 1/18 44 Badminton Road Croydon - Development Application BD.2016.091 - Demolition of Existing Structures, Subdivision of 1 Lot Into 2 Lots, and Construct a Part 1 Part 2 storey Dwelling on Each Lot.DOC Submissions

Your ref: BD 2016.91
Building and Development department
Burwood Local Council

Dear Sir/Madam

We are writing in relation to development application BD 2016.91 for 44 Badminton Rd, Croydon to express our objections to a number of issues regarding the nature of the development.

Firstly, the new dwellings will significantly impact on the privacy [REDACTED] adjoining properties. Our objections arise because the development application shows that the proposed new twin dwellings will reach a height of around 10 metres at the rear of the property and will be extremely close to the southern boundary. The height of 10 metres combined with the extremely large nature of both new dwellings will make it overbearing in nature. In addition the southern elevation shows 10 separate windows overlooking properties to the south including our property. 5 of these windows are on the second floor of the house. It also shows that the rear of the house will effectively be 3 stories high. In addition there are two proposed balconies at the rear of the residence with a floor height of around 4.5 metres above ground level meaning it will significantly overlook adjoining properties including our outdoor living areas and will majorly impact on privacy. This application should be refused on this aspect alone.

Secondly, both of the new dwellings are extremely large with little provision for parking. It is evident that both dwellings are designed to house multiple family units, however there is only 1 car space for each dwelling. Badminton Rd is a narrow road and already has issues with parking. We believe that the inadequate provision of on site parking will impact on parking in the street.

Other issues of concern include issues of storm water run off, as back yards in the street are already prone to minor flooding. Additionally we have serious concerns that the floor space ratio of the proposed development is too high for the area it is proposed to be in. Lastly, the new dwellings are not compatible with the streetscape. The buildings are both so large compared with surrounding dwellings and are incompatible with the character of our locality, so that they will dominate the streetscape and the view from our back garden will suffer significant visual offence due to the mass of structure.

We hope you will look favourably on our submission and look forward to hearing your response to our concerns.

[REDACTED]

(ITEM 2/18) PUBLIC EXHIBITION OF THE PLANNING PROPOSAL TO HERITAGE LIST ELY HOUSE, 122-126 BURWOOD ROAD BURWOOD

File No: 17/59198

REPORT BY ACTING DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

Summary

A Planning Proposal (PP) has been prepared to list the properties known as Ely House at 122-126 Burwood Road Burwood, as a local heritage item. The PP was placed on public exhibition for a period of 14 days in accordance with the Department of Planning and Environment's (DP&E) Gateway Determination. Two submissions were received in respect to the PP.

Background

At its meeting on 24 August 2015, Council considered the findings of the *Assessment of Potential Heritage Items - Stage 1*. The study recommended that several properties be listed as heritage items of local significance, including Ely House at 122-126 Burwood Road Burwood.

Council resolved to undertake preliminary consultation with property owners which was the subject of a subsequent report at the Council Meeting on 22 March 2016. Council resolved to undertake further investigation of four properties. This peer review included Ely House and the findings of the second study were reported to Council in November 2016.

At its meeting on 22 November 2016, Council considered a report on several heritage matters. A representative for the owners of Ely House spoke at the Council meeting against the heritage listing of that property. Council resolved to defer the matter to enable the owner to make a written submission.

In accordance with Council's resolution, a letter was sent inviting the owners of Ely House to make a submission. The owner's submission, which took the form of a report prepared by Urbis Pty Ltd, was the subject of a further report to Council on 25 July 2017. It was resolved:

1. *That Council endorse the preparation of a Planning Proposal for the heritage listing of Ely House at 122-126 Burwood Road Burwood and submit the Planning Proposal to NSW Planning and Environment for a Gateway Determination.*
2. *That subject to the Gateway Determination, the Planning Proposal be publicly exhibited and consultation with any relevant public authorities be undertaken.*
3. *That the results of the public exhibition and consultation be reported back to Council.*

This report discusses the outcomes of the public exhibition and consultation.

Proposal

The PP would amend Schedule 5 and Heritage Map of the Burwood Local Environment Plan 2012 (BLEP) to include Ely House at 122-126 Burwood Road Burwood as a local heritage item. The PP is at **Attachment 1**.

The PP was forwarded to DP&E on 8 September 2017 and a Gateway Determination, dated 6 October 2017 was received by Council. The Department determined that the PP should proceed subject to compliance with the Gateway Determination. Such conditions included the extent of public authority consultation and the duration of the public exhibition period.

The Department has also determined to issue an authorisation for Council to exercise delegation in

making the BLEP amendment in respect to this matter.

Consultation

Community consultation was undertaken in accordance with the conditions of the Gateway Determination and also in accordance with the community consultation requirements for public exhibition of PPs as set out in *A Guide to Preparing Local Environmental Plans*. The Gateway Determination stipulated that the matter be publicly exhibited for a period of 14 days.

Public Exhibition

The PP was placed on public exhibition from 14 November 2017 to 29 November 2017 inclusive. The PP was available for viewing at Council's Customer Service Centre and on Council's website. Notice of the public exhibition of the PP was also placed in the Inner West Courier on 14 November 2017.

One (1) public submission was received during the public exhibition period, objecting to the heritage listing (refer **Attachment 2**). The details of this submission are discussed below.

State Agency Consultation

In accordance with the Gateway Determination, the PP was forwarded to the Heritage Division of the Office of Environment and Heritage (OEH) for comment. The submission received from OEH does not raise objections to the PP (refer **Attachment 3**).

It is considered that Council should adopt the PP as exhibited to ensure the on-going protection of a significant heritage property.

Discussion

The owner's submission objects to the heritage listing of Ely House.

The owner's submission is accompanied by a document prepared by Urbis Pty Ltd. The Urbis document was first received by Council on 8 February 2017, and has been re-submitted during the recent public exhibition period. The Urbis document was already considered by Council at its meeting on 25 July 2017, but is summarised as follows:

- The mixed-use (commercial and residential) is common.
- The building has been substantially modified, specifically the ground floor and internally. The ground floor presents as a contemporary row of retail tenancies. Only on the first-floor does the building embody elements of the Inter-War Spanish Mission style.
- The building fabric is in poor condition and does not present a good example of its type as the building was of a representative design without distinction.
- The assessment of "rarity" should not be based on examples in the Local Government Area as these boundaries are subject to change. While the Spanish Mission style itself is potentially rare within the Burwood region, the style is evident in other significantly superior examples throughout Sydney.
- A heritage listing would promote façadism.

The full submission is at **Attachment 2**.

Preceding this submission, two heritage assessments were commissioned by Council which supported a heritage listing of the property. Both assessments were carried out by independent heritage consultants, being City Plan Services and Colin Israel Heritage Advice.

The following is an overview of matters considered in determining whether to progress a heritage listing of Ely House:

- The initial nomination for heritage listing came from the Burwood and District Historical Society.
- The owner's submission does not refute the historical facts (i.e. ownership details, date of construction, architectural style) contained in the assessments commissioned by Council.
- Both of the assessments commissioned by Council found the property to satisfy the heritage criteria of (a) historic significance, (c) aesthetic significance, and (f) rarity.
- The heritage listing would acknowledge that the ground floor shopfronts have been altered.
- The assessment criteria for local heritage items is based on its value to the "local area", regardless of Council boundaries, and are not based on a Sydney-wide context as suggested by the submission.
- In particular, Colin Israel's assessment found that:

Spanish Mission style buildings from the Inter-War period are relatively rare in Burwood. This example exemplifies characteristic features of the style and is prominently located within Burwood Road's streetscape. Apart from the alteration of the ground floor shops, the form, materials and design retain original character and stylistic elements.

Relevant sections of the heritage assessments by City Plan Services and Colin Israel Heritage Advice are at **Attachment 4** and **Attachment 5** respectively.

Planning or Policy Implications

It is recommended that Council endorse the PP as exhibited, and proceed to the preparation of the BLEP amendment.

In accordance with the delegated authorisation for making the BLEP, Council Officers will liaise with Parliamentary Counsel and DP&E representatives in preparing a draft BLEP and progressing the BLEP to notification, where it becomes law.

Financial Implications

There are no financial implications for Council.

Conclusion

The PP was placed on public exhibition in accordance with the Gateway Determination. A representative of the property owner made a submission objecting to the Planning Proposal. It is considered that the heritage listing would serve the public interest whilst ensuring that development is sympathetic to heritage values. Accordingly, this report recommends that Council endorse the PP as exhibited, and that it be progressed to the making of a BLEP amendment and subsequent notification.

Recommendation(s)

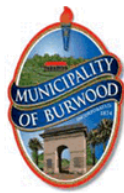
1. That Council note the findings of the review of submissions from the public exhibition of the Planning Proposal.
2. That Council use its authorisation to exercise delegation in the making of the BLEP to give effect to the Planning Proposal and progress the BLEP to notification.

3. That the property owners be advised of Council's resolution.

Attachments

- 1 [↓](#) Planning Proposal
- 2 [↓](#) Owner Submission
- 3 [↓](#) OEH Submission
- 4 [↓](#) Assessment by City Plan Services
- 5 [↓](#) Assessment by Colin Israel Heritage Advice

**ITEM 2/18 Public Exhibition of the Planning Proposal to Heritage List Ely House, 122-126
Burwood Road Burwood.DOC
Planning Proposal**



Burwood Council
heritage ▪ progress ▪ pride

Planning Proposal

Heritage Listing of Ely House - 122-126 Burwood Road, Burwood

Revised November 2017

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 (DP&E) 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 or Intended Outcomes

The Planning Proposal seeks to facilitate the heritage listing of the properties known as Ely House at 122-126 Burwood Road, Burwood under Schedule 5 of the Burwood Local Environmental Plan (BLEP) 2012.

Part 2 – Explanation of the Provisions

Ely House (comprising four land parcels) would be listed in Schedule 5 of the BLEP 2012. In doing so, the Heritage Conservation provisions under clause 5.10 of the BLEP would apply to the properties.

The Heritage Map of the BLEP 2012 would be amended to include the property at 122-126 Burwood Road, Burwood.

ATTACHMENT 1

ITEM 2/18 Public Exhibition of the Planning Proposal to Heritage List Ely House, 122-126 Burwood Road Burwood.DOC Planning Proposal

Note: This section was added to address requirements of the Gateway Determination.

The heritage listing would apply to the whole of the properties, as is the usual case for listings under Schedule 5 and the Heritage Map. The 'Item name' column in Schedule 5 would then specifically identify those parts of the property that are of heritage significance. The elements of heritage significance comprise:

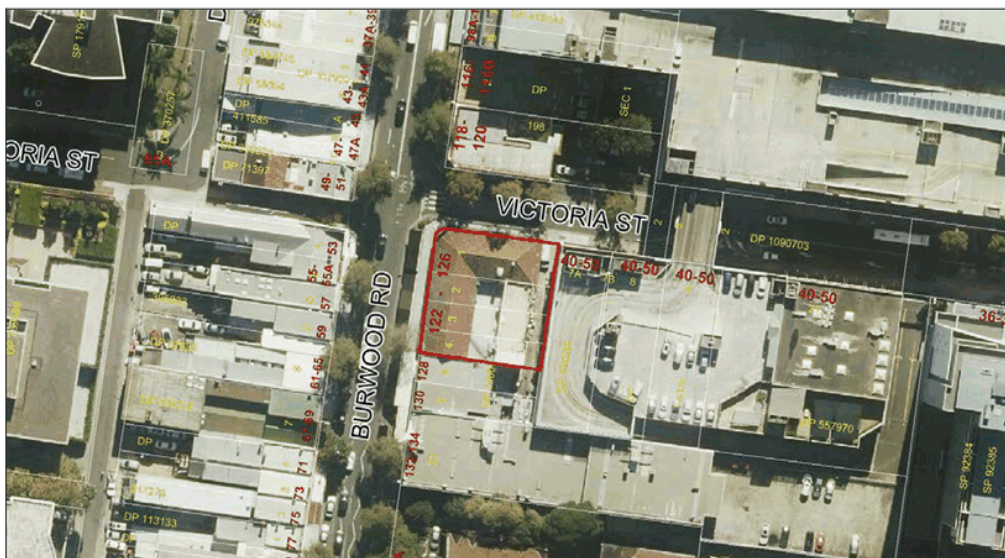
Facades, building name, balconies, French doors, windows, shutters, internal terrace with its surrounding walls, and staircase components on the first floor; the residential entrance way, staircase components, and Victoria Street facade to the ground floor; and the structural layout, location of openings, roof, box awnings and form of the building generally.

The Gateway Determination advocates an approach that lists all elements of heritage significance (see above). Council proposes that a simpler approach would be to exclude those parts of the building which have been significantly altered, such as:

"Ely House" excluding ground floor shopfronts.

The latter approach would ensure that historically significant elements have not been inadvertently left unprotected, by omission. This latter approach is most similar to the majority of heritage items already listed in Schedule 5 of the BLEP which identify the property name or building type, e.g. "Cranbrook" or Federation House.

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



Aerial Photograph of Ely House.
Subject site is shown outlined in red.

ITEM 2/18 Public Exhibition of the Planning Proposal to Heritage List Ely House, 122-126 Burwood Road Burwood.DOC
Planning Proposal



Photograph of Ely House.
Source: Google Street View.

Part 3 – Justification

Section A – Need for the Planning Proposal

1. Is the planning proposal part of any strategic study or report?

Yes. At its meeting on 24 August 2015, Council considered the findings of the *Assessment of Potential Heritage Items - Stage 1*, a study of several potential heritage items conducted by City Plan Heritage Pty Ltd. The study recommended that several properties be listed as heritage items of local significance, including Ely House at 122-126 Burwood Road, Burwood.

Council resolved to undertake preliminary consultation with property owners which was the subject of a subsequent report at the Council Meeting on 22 March 2016. Council resolved to undertake further investigation of four potential items. This peer review included Ely House and the findings of the second study (conducted by Colin Israel Heritage Advice) were reported to Council in November 2016.

At its meeting on 22 November 2016, a representative for the owners of Ely House spoke at the Council meeting against the heritage listing of that property. Council resolved (in part) at the meeting:

That heritage listing for 122-126 Burwood Road Burwood be deferred to enable the owner to make a written submission.

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Planning Proposal**

In accordance with Council's resolution, a letter was sent inviting the owners of Ely House to make a submission. The submission, prepared by Urbis Pty Ltd, was received by Council in February 2017. The submission objected to the heritage listing of Ely House.

Council considered the submission at its meeting on 25 July 2017. It was resolved at the meeting:

1. *That Council endorse the preparation of a Planning Proposal for the heritage listing of Ely House at 122-126 Burwood Road Burwood and submit the Planning Proposal to NSW Planning and Environment for a Gateway Determination.*
2. *That subject to the Gateway Determination, the Planning Proposal be publicly exhibited and consultation with any relevant public authorities be undertaken.*
3. *That the results of the public exhibition and consultation be reported back to Council.*

This Planning Proposal seeks to implement the Council resolution.

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 best means of achieving conservation of the subject properties through a heritage listing in the BLEP. A Planning Proposal is the established procedure for implementing heritage listings.

Section B – Relationship to Strategic Planning Framework

3. ***Is the planning proposal consistent with the objectives and actions of the applicable regional and sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?***

Yes. The proposal is consistent with the draft metropolitan, subregional and district strategies.

The Metropolitan Strategy for Sydney, 'A Plan for Growing Sydney', makes limited reference to heritage, but it does identify the vision for Sydney to 2031 as being a strong global city and a liveable local city. Inherent in such a vision is the protection of heritage assets which provides for a diverse built environment and a desirable place to live.

In November 2016, the Greater Sydney Commission released a draft amendment to update the abovementioned Strategy, titled 'Towards our Greater Sydney 2056'. This document describes a metropolitan priority which aims to '*respect and enhance heritage areas and assets*'.

The Draft Subregional Strategy for the Inner West Subregion identifies one of its Key Actions as '*identify and promote heritage assets*'. Action E6.2 of the Draft Subregional Strategy refers to recognising where Sydney's cultural heritage contributes to its character and managing change appropriately to reinforce local distinctiveness. The Planning Proposal is in keeping with this action.

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The Subregional Strategy also recognises that *'the subregion has experienced many successive waves of development which have resulted in an eclectic mix of housing types and some of the nation's richest heritage suburbs'*. The heritage designation of several of the subject properties seek to conserve early housing forms.

The Greater Sydney Commission released draft District Plans in November 2016. The Draft Central District Plan states that *'with change will come the need for smarter planning that protects the District's strong European and Aboriginal heritage'* and includes in its vision that *'cultural and environmental heritage will be celebrated'*.

The Draft Central District Plan contains "Livability Action" L13 being: *'Conserve and enhance environmental heritage including Aboriginal, European and natural'*. The accompanying outcome is the: *'identification and protection of heritage elements'*. The Planning Proposal is in keeping with this action.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Yes. The Burwood 2030 Community Strategic Plan recognises the challenge of balancing growth with maintaining lifestyles, preserving heritage and protecting the environment, while ensuring progress and innovation.

In developing the Community Strategic Plan, the Burwood community identified the importance of preserving heritage as a means of establishing a 'Sense of Community'. The Plan describes a Sense of Community as *'people being proud of where they live, feeling safe and engaged in the community and having access to facilities and services that ensure they can lead a healthy and satisfying lifestyle'*.

Strategic Goal 1.5.4 of the Community Strategic Plan is to *'identify ways to promote heritage and encourage the preservation of Burwood's historic buildings'*. This Planning Proposal is in keeping with this Strategic Goal.

Council does not have any other current local planning strategy in place.

5. 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 the table below, together with a comment regarding the Planning Proposal's consistency:

SEPP	Comment
SEPP No. 1 – Development Standards	Not relevant. BLEP 2012 contains a clause which replaces this SEPP in relation to variations to development standards.
SEPP No. 19 – Bushland in Urban Areas	Not relevant.
SEPP No. 21 – Caravan Parks	Not relevant.
SEPP No. 30 – Intensive Agriculture	Not relevant.

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SEPP No. 33 – Hazardous and Offensive Development	Not relevant.
SEPP No. 50 – Canal Estate Development	Not relevant.
SEPP No. 55 – Remediation of Land	Not relevant. There is no indication that previous uses at the subject sites would trigger site remediation requirements.
SEPP No. 64 – Advertising and Signage	Not relevant
SEPP No. 65 – Design Quality of Residential Apartment Development	Not relevant. Applicable to development of three storeys or more, while the subject building is only two storeys at present. The SEPP may become relevant should a redevelopment of the site be proposed in the future, in which case the heritage and design controls under the Apartment Design Guide (ADG) would need to be considered.
SEPP No. 70 – Affordable Housing (Revised Schemes)	Not relevant. The subject properties are not known to contain affordable housing.
SEPP (Building Sustainability Index: BASIX) 2004	Not relevant.
SEPP (Housing for Seniors or People with a Disability) 2004	Not relevant.
SEPP (Major Developments) 2005	Not relevant.
SEPP (Infrastructure) 2007	Not relevant.
SEPP (Miscellaneous Consent Provisions) 2007	Not relevant.
SEPP (Mining, Petroleum and Extractive Industries) 2007	Not relevant.
SEPP (Repeal of Concurrence and Referral Provisions) 2008	Not relevant.
SEPP (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 that site, but this Planning Proposal would not contravene the SEPP in any way.
SEPP (Affordable Rental Housing) 2009	Not relevant. The heritage listing of properties may alter whether development under the ARH SEPP may be carried out on that site, but this Planning Proposal would not contravene the SEPP in any way.
SEPP (Vegetation in Non-Rural Areas) 2017	Not relevant. While this SEPP contains provisions in respect to heritage trees, there are no known trees on the subject site.
SEPP (Educational Establishments and Child Care Facilities) 2017	Not relevant.
Draft Coastal Management SEPP	Not relevant. The subject properties are not located within the coastal areas identified by this SEPP.

6. *Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?*

Yes. Consistency with the list of Directions (under section 117(2) of the Environmental Planning and Assessment Act 1979 issued by the Minister for Planning) is set out in the following table.

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Direction	Issue Date / Date Effective	Comment
1. Employment and Resources	1 July 2009	
1.1 Business and Industrial Zones		Not relevant.
1.2 Rural Zones		Not relevant.
1.3 Mining, Petroleum Production and Extractive Industries		Not relevant.
1.4 Oyster Aquaculture		Not relevant.
1.5 Rural Lands		Not relevant.
2. Environment and Heritage	1 July 2009	
2.1 Environment Protection Zones		Not relevant.
2.2 Coastal Protection		Not relevant.
2.3 Heritage Conservation		The Planning Proposal seeks the conservation of items of local heritage significance. Clause 5.10 of the BLEP has been implemented under the Standard Instrument in satisfaction of the Direction.
2.4 Recreation Vehicle Areas		Not relevant.
3. Housing, Infrastructure and Urban Development	1 July 2009 (Except for new Direction 3.6 – effective 16 February 2011)	
3.1 Residential Zones		Not relevant. The properties are zoned Business B4 (Mixed Use). The Planning Proposal does not seek to amend the zoning or range of permissible uses on the site. The sensitive development of heritage properties is supported by Council's Development Control Plan (DCP).
3.2 Caravan Parks and Manufactured Home Estates		Not relevant.
3.3 Home Occupations		Not relevant.
3.4 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.
3.5 Development Near Licensed Aerodromes		Not relevant.
3.6 Shooting Ranges		Not relevant.
4. Hazard and Risk	1 July 2009	
4.1 Acid Sulfate Soils		All the properties have been identified as Class 5 on the Acid Sulfate Soils Map, representing the lowest probability of containing Acid Sulfate Soils.
4.2 Mine Subsidence and Unstable Land		Not relevant.
4.3 Flood Prone Land		Not relevant.
4.4 Planning for Bushfire Protection		Not relevant.

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5. Regional Planning	1 July 2009 (Except for new Direction 5.4 effective 29 Nov 2009 & Direction 5.2 effective 3 Mar 2011 & Direction 5.9 effective 30 Sep 2013)	
5.1 Implementation of Regional Strategies		Not relevant.
5.2 Sydney Drinking Water Catchments		Not relevant.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast		Not relevant.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast		Not relevant.
5.5 (Revoked 18 June 2010)		Not relevant.
5.6 (Revoked 10 July 2008)		Not relevant.
5.7 (Revoked 10 July 2008)		Not relevant.
5.8 Second Sydney Airport: Badgerys Creek		Not relevant.
5.9 North west Rail Link Corridor Strategy		Not relevant.
6. Local Plan Making	1 July 2009	
6.1 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.
6.2 Reserving Land for Public Purposes		Not relevant.
6.3 Site Specific Provisions		Not relevant.
7. Metropolitan Planning	1 February 2010	
7.1 Implementation of A Plan for Growing Sydney		The NSW Government's Metropolitan Plan for Sydney refers to heritage matters in only general terms. The Planning Proposal is not inconsistent with the overall intent of the Plan, and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions. Section B, 3 of this Planning Proposal describes its consistency with the most recent versions of metropolitan and district planning documents.
7.3 Parramatta Road Corridor Urban Transformation Strategy	9 December 2016	Not relevant. The subject properties are not within the Parramatta Road corridor, nor undermine the achievement of that Strategy's vision or objectives.

Section C – Environmental, Social and Economic Impact

- 7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result 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.

- 8. *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.

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

The Planning Proposal is not expected to have any adverse social or economic effects. Council holds there to be social benefits, particularly to the local community, to be gained from the conservation of items and places of cultural heritage.

Section D – State and Commonwealth Interests

- 10. *Is there adequate public infrastructure for the planning proposal?***

The Planning Proposal is not expected to generate demand for additional infrastructure or services.

- 11. *What are the views of State and Commonwealth authorities consulted in accordance with the gateway determination?***

Council proposes that the NSW Office of Environment and Heritage be consulted (following a positive Gateway Determination) as the Planning Proposal relates to heritage matters.

The Gateway Determination will confirm and specify any consultation required with State and Commonwealth authorities on the Planning Proposal.

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Planning Proposal

Part 4 – Mapping

The Planning Proposal seeks to identify 122-126 Burwood Road, Burwood as a heritage item upon the Heritage Map.

A draft Heritage Map is contained at Page 11. The Heritage Map incorporates two heritage items and one amendment which are proposed under LEP Amendment No. 13. LEP Amendment No. 13 is expected to be finalised ahead of any LEP Amendment resulting from this Planning Proposal.

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

Burwood Council has consulted the property owners ahead of preparing this Planning Proposal.

In view of the minor nature of the Planning Proposal and its application to a small number of properties, the Planning Proposal is considered to be of low-impact. As such, Council proposes that the Planning Proposal be placed on public exhibition for a period of 14 days.

The Gateway Determination will confirm and specify the community consultation that must be undertaken on the Planning Proposal.

Part 6 – Project Timeline

Anticipated date of Gateway Determination	By end of October 2017
Anticipated timeframe for the completion of required technical information	End November 2017
Timeframe for government agency consultation	December 2017
Commencement and completion dates for the public exhibition period	Mid to late January 2018
Dates for public hearing	Not applicable
Timeframe for consideration of submissions	End February 2018
Timeframe for the consideration of a proposal post exhibition	End February 2018
Anticipated date RPA will make the plan (if delegated)	March 2018
Anticipated date RPA will forward to the department for notification (if delegated)	End March 2018

Appendix One

- Proposed Amendments to Schedule 5

Appendix Two

- Delegation Checklist

Supporting Documentation

- Heritage assessments and other supporting documents provided under separate cover.

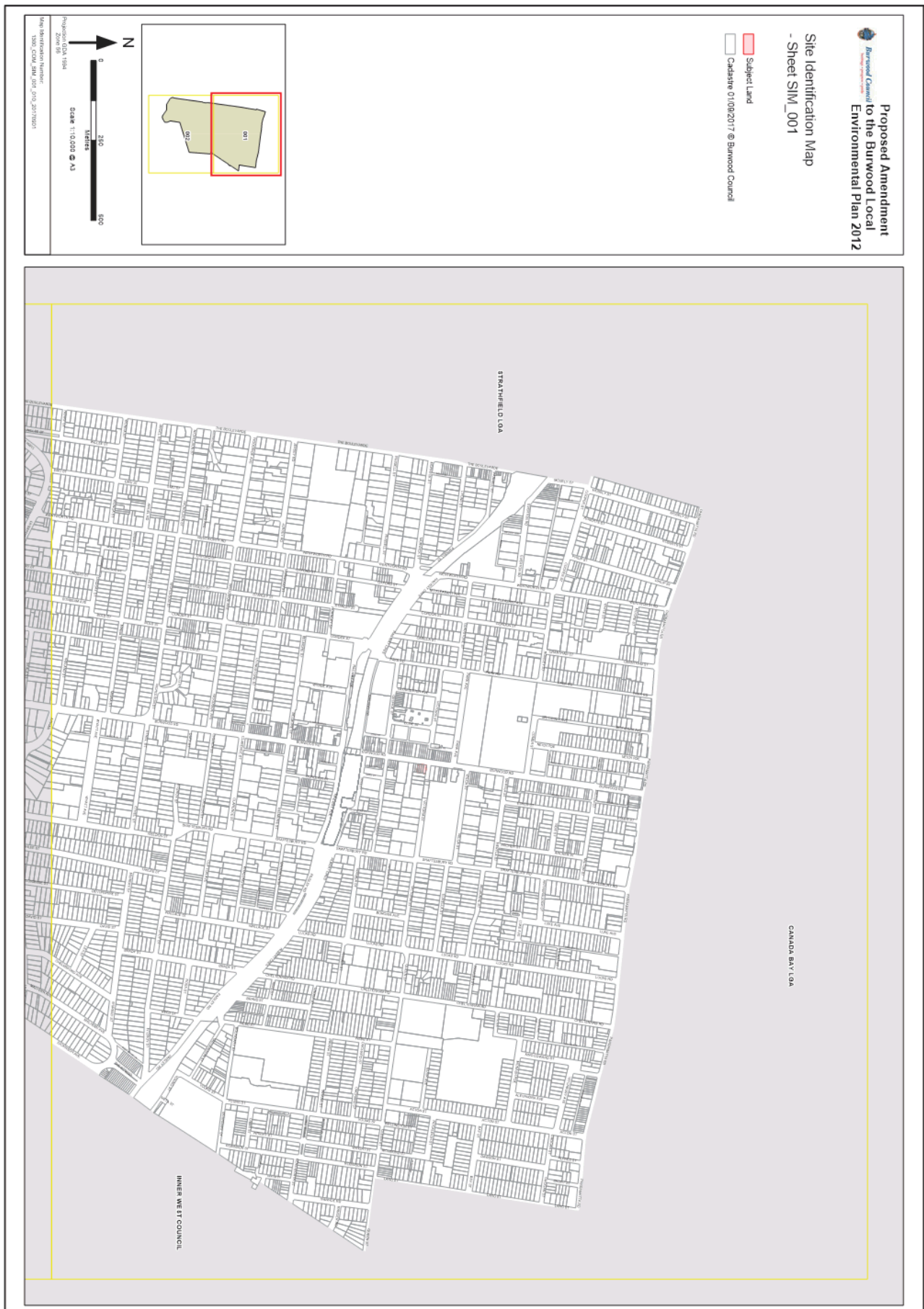
Links to Supporting Material

- Council Report of 24 August 2015 is available on Council's website (refer Item 83/15):
http://www.burwood.nsw.gov.au/verve/resources/CM_24082015_AGN_AT.PDF
- Council Report of 22 March 2016 is available on Council's website (refer Item 16/16):
[http://www.burwood.nsw.gov.au/verve/resources/CM_22032016_AGN_AT\(LowRes1\)_file_1.pdf](http://www.burwood.nsw.gov.au/verve/resources/CM_22032016_AGN_AT(LowRes1)_file_1.pdf)
- Council Report of 22 November 2016 is available on Council's website (refer Item 68/16):
http://www.burwood.nsw.gov.au/verve/resources/CM_22112016_AGN_AT.pdf
- Council Report of 25 July 2017 is available on Council's website (refer Item 40/17):
http://www.burwood.nsw.gov.au/verve/resources/CM_25072017_AGN_AT_website3.pdf
- Burwood 2030 Community Strategic Plan is available on Council's website:
http://www.burwood.nsw.gov.au/verve/resources/FINAL_BURWOOD_CSP_2030_low_res.pdf

Mapping

ATTACHMENT 1

ITEM 2/18 Public Exhibition of the Planning Proposal to Heritage List Ely House, 122-126 Burwood Road Burwood.DOC Planning Proposal



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Planning Proposal



Appendix One

Proposed Amendment to Schedule 5

The proposed heritage item would be inserted into Schedule 5 of the BLEP 2012 (in alphabetical order by suburb and address).

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	"Ely House" excluding ground floor shopfronts	122-126 Burwood Road	Lots 1-4, DP 14009	Local	i223

The wording of any BLEP provisions will be subject to possible revision by the Parliamentary Counsel's Office. There is further discussion available on Page 2 of the Planning Proposal.

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:	Burwood.
Name of draft LEP:	Heritage listing of Ely House.
Address of Land (if applicable):	122-126 Burwood Road, Burwood.
Intent of draft LEP:	The heritage listing of the subject properties.
Additional Supporting Points/Information:	Please refer to the PP.

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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			
Minor Mapping Error Amendments	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			
Heritage LEPs	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		
Reclassifications	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 NSW Heritage Office during the consultation stage. Heritage assessments have been carried out in accordance with NSW Heritage Office Guidelines.

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

Supporting Documentation

Heritage assessments and other supporting documents are provided
under separate cover

Enclosure No.	Description
1	Assessment of Potential Heritage Items undertaken by City Plan Heritage in March 2015.
2	Peer Review undertaken by Colin Israel Heritage Advice in September 2016.
3	Submission on behalf of property owner prepared by Urbis in February 2017.

ATTACHMENT 2

ITEM 2/18 Public Exhibition of the Planning Proposal to Heritage List Ely House, 122-126
Burwood Road Burwood.DOC
Owner Submission

From: Peter Spiegel [mailto:pspiegel@ozemail.com.au]
Sent: Tuesday, 21 November 2017 12:48 PM
To: Council
Subject: Submission

Please find attached a copy of the report from Stephen Davies, B Arts Dip. Ed., Dip. T&CP, Dip. Cons. Studies

DIRECTOR (HERITAGE)

CONCLUSION AND RECOMMENDATIONS

It is acknowledged that the two remaining first-floor façades to Burwood Road and Victoria Street have some merit for their Spanish Mission detail. However, they appear out of context compared with the modified and contemporary ground-floor of the building and we do not support the building's listing as a means of promoting facadism for their retention.

Having regard to the significance assessment included in Section 4.2, it is our opinion that the subject property Ely House does not meet the requisite criteria for heritage listing at the local or state level. Therefore, it is our recommendation that the subject property Ely House not be put forth for heritage listing as proposed in Burwood Council's 2015 report 'Assessment of Potential Heritage Items (Stage 1)'.

Peter Spiegel Director HRPE(Holdings) Pty Ltd
1122-126 Burwood Rd Burwood
pspiegel@ozemail.com.au
+61409447173

HERITAGE ASSESSMENT AND OBJECTION REPORT

122-126 BURWOOD RD, BURWOOD NSW 2134

8 FEBRUARY 2017
SH982
FINAL
PREPARED FOR EUSTON INVESTMENT PTY LTD, H.R.P.E. PTY LTD,
CELERMAJER INCOME TRUST

URBIS

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URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Stephen Davies, B Arts Dip. Ed., Dip. T&CP, Dip. Cons. Studies
Heritage Consultant	Ashleigh Roddan, B Property Economics
Job Number	SH982
Report Number	2017 02 07 Draft 2017 02 08 Final

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You must read the important disclaimer appearing within the body of this report.

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2. SITE DESCRIPTION

The subject site is a consolidation of four (4) lots located at the south-east corner of the intersection of Victoria Road and Burwood Road in Burwood. The site is described as the whole of the land contained within Lots 1, 2, 3 and 4 in Deposited Plan 14009. Together the site is a regular shaped corner site, with a total land area of approximately 750 square metres. The natural topography of the site is generally level.

Figure 2 – Aerial Image



Source: SIX Maps 2017

Immediately surrounding development comprises a mixture of retail and commercial use buildings in a shop-front configuration along both Burwood Road and Victoria Road. Most buildings are of a two-storey height with retail / commercial operations at the ground, street-level, and residential or commercial uses above. Opposite the subject property site along Victoria Street is located the Burwood Westfield complex, which itself occupies almost an entire block. An extension of this Westfield Complex, being the Event Cinema building, is located directly east of the subject property and adjoins its eastern boundary.

The subject property comprises a two-storey mixed-use building, with five (5) retail tenancies on the ground floor, and residential accommodation above. The building is constructed of brick with areas of exaggerated stucco render, and a timber framed and tiled roof. The building has been substantially modified with the ground floor presenting as a contemporary row of retail tenancies. Only the first-floor does the building still embody elements of the Inter-War Spanish Mission style, including its semi-circle tile capped splay corner parapet and grouped arched openings to first-floor balconies.

ATTACHMENT 2

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Picture 1 – View facing south east towards subject site
Source: Urbis



Picture 2 – View of Burwood Road frontage of the subject property
Source: Urbis



Picture 3 – View of the eastern elevation of the subject property
Source: Urbis



Picture 4 – View of the first-floor terrace
Source: Urbis



Picture 5 – View of the first-floor terrace
Source: Urbis



Picture 6 – View of the first-floor terrace
Source: Urbis

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Picture 7 – View of the internal staircase

Source: Urbis

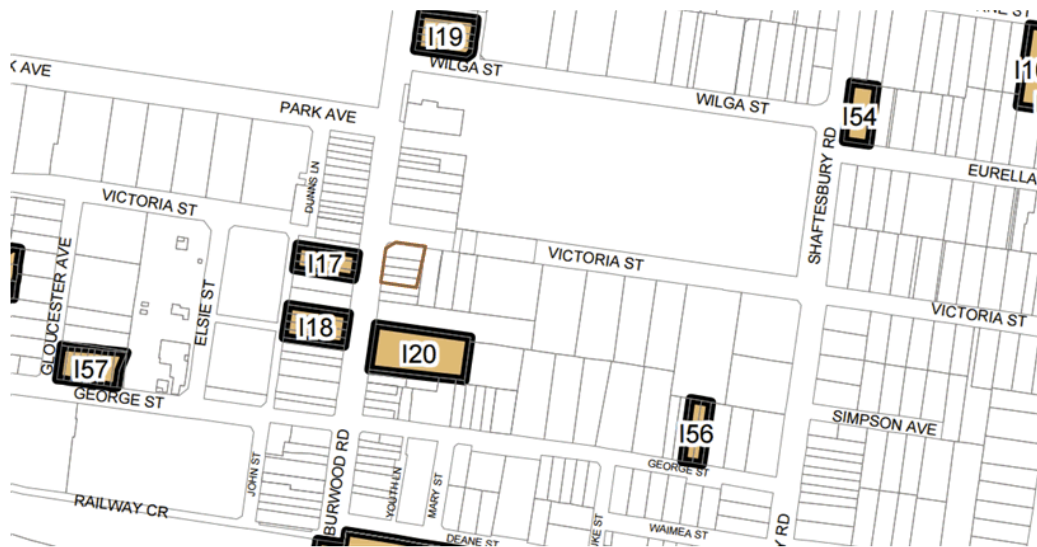


Picture 8 – View of an internal room on the first-floor

Source: Urbis

The subject site is not a heritage listed item under the Burwood Local Environmental Plan 2012, nor is it within a Heritage Conservation Area under this legislation.

Figure 3 – Extract of heritage map



Source: Burwood Local Environmental Plan 2012, Heritage Map HER_001

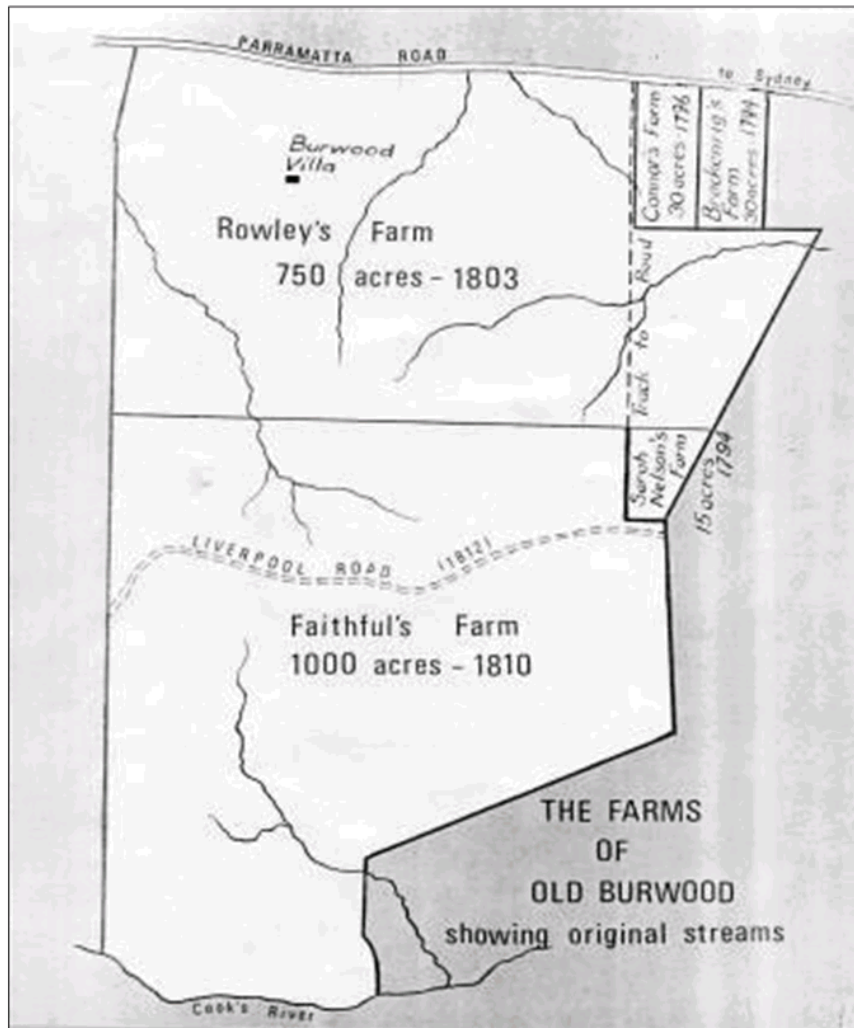
3. HISTORICAL OVERVIEW

3.1. AREA HISTORY

The subject property is located in the suburb of Burwood, approximately 12 kilometres to the west of Sydney City. The history of this suburb began in 1791 with the establishment of Parramatta Road, which was originally established as a way to connect Governor Phillip's settlement at Sydney Cove and a small farming community he had established at Parramatta (then 'Rose Hill'). The construction of the road improved the accessibility of land to the west of Sydney Cove, and settlement of the area soon followed.

In 1799, a 250-acre land grant was made by Governor Hunter to Captain Thomas Rowley, also of the NSW Corps. Rowley named this land 'Burwood Farm' after his hometown of Burwood, Cornwall, and it is from this estate that the modern suburb of Burwood derives its name (Sunday Times 18 November 1928: 22).

Figure 4 – Map showing early land grants in the Burwood area

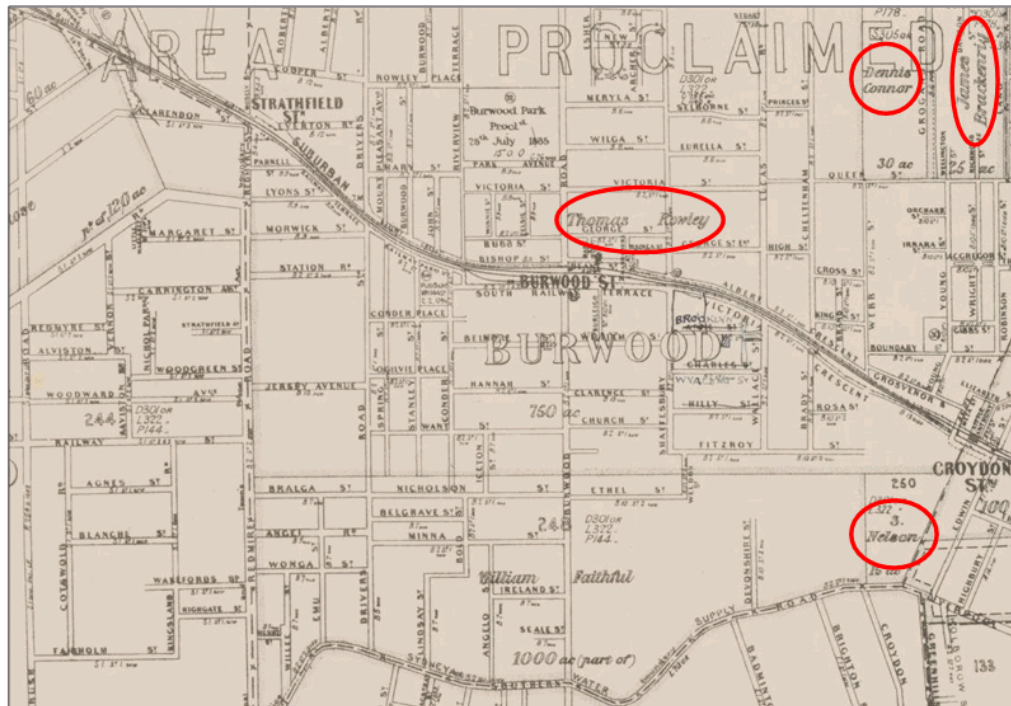


Source: Dunlop 1974: 195

**ITEM 2/18 Public Exhibition of the Planning Proposal to Heritage List Ely House, 122-126
Burwood Road Burwood.DOC
Owner Submission**

The first recorded resident of Burwood was Sarah Nelson. Nelson was a free settler who established a farm in 1794 on 15 acres of land in the area now known Malvern Hill. Nelson was closely followed in that same year by James Brackenrig, a private soldier in the New South Wales Corps who was granted 25 acres of land on the southern side of Parramatta Road. In 1796, a convict named Denis Connor was granted a 30-acre parcel of land to the immediate west of Brackenrig's property, and the settlement of Burwood had begun (Pollon 1988: 41) (Figure 5).

Figure 5 – 1898 Concord parish map showing the location of land grants



Source: MAP RM 2535, Spatial Information eXchange Maps – Historical Lands Records Viewer, 2014

Rowley died in 1806, and his will stipulated that the Rowley's children, who were the trustees of his estate, were not to sell the property. Rowley's children soon after relocated to England, at which time Governor Macquarie nominated Thomas Moore as trustee. Moore then sold the property to Alexander Riley in 1812 for £520, and it was inherited by his son W.E. Riley in 1833. Upon their return from England, Rowley's heirs learned that the property had been disposed of contrary to their father's will, and instigated court action. They were ultimately awarded the estate and went on to subdivide and sell the land from 1833 onwards. A number of other land owners in the local area followed suit, and Burwood entered a period of residential growth.

Prompted by the increasing number of residents and consequent increase of traffic along Parramatta Road, Burwood began to prosper. A stagecoach began running from Burwood to Parramatta in 1814, and during the 1820s a number of inns were built at 10 kilometre intervals along the road where the coaches stopped to change horses. In 1821 the Longbottom Government Farm was established; the farm eventually grew to cover over 700 acres of land, and provided employment for over 100 men. A stone schoolhouse was opened in 1847, and St Thomas' church was established in 1848. In 1855 the railway line connecting Sydney to Parramatta was opened and Burwood railway station was constructed, furthering the growth of the suburb (The Sydney Morning Herald 2 August 1913: 8).

The Municipality of Burwood was incorporated by proclamation into the Government Gazette on 27 March 1874. At this time, the population numbered some 1,200 people. By 1900 the population had grown to 7,400, and by 1930 this number had more than doubled.

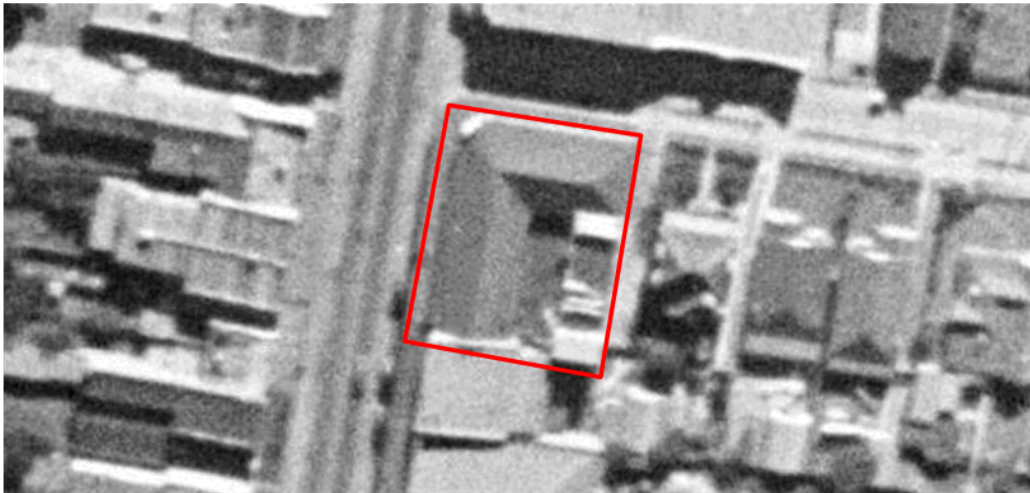
3.2. SUBJECT SITE HISTORY

The following specific site history has been drawn from the revised historical notes contained in the proposed heritage inventory sheet, included in Burwood Council's Ordinary Meeting Minutes of 22 November 2016, p.19.

The property was subdivided into its present form in 1925 by then owners George, Wilfred & Harold Bignam, who purchased the property that year. The sequence of construction is not known, but in 1929 the property was transferred to Maria and George Ely as Tenants in Common. Shortly afterwards, leases were signed with various tenants for the shops at 124 Burwood Road, including a Chemist, Motor Mechanic, Furniture Shop, Confectioners Shop and Radio Shop.

The building acquired its name from the new owners and was called 'Ely House' as displayed on the splay corner parapet. This suggests that the Ely's purchased the building as an investment from the Bignams who were most likely to have been responsible for its construction. The Bignams also sold the remaining lots from the 1925 subdivision. As the construction of the Ely building may have been staged, the date of construction is clouded, but the Ely building was certainly complete and fully tenanted by 1929.

Figure 6 – Extract of 1943 aerial



Source: SIX Maps 2017

4. HERITAGE SIGNIFICANCE

4.1. WHAT IS HERITAGE SIGNIFICANCE?

Before making decisions to change a heritage item, an item within a heritage conservation area, or an item located in proximity to a heritage listed item, it is important to understand its values and the values of its context. This leads to decisions that will retain these values in the future. Statements of heritage significance summarise the heritage values of a place; why it is important, why a statutory listing was made to protect these values.

4.2. SIGNIFICANCE ASSESSMENT

The Heritage Council of NSW has developed a set of seven criteria for assessing heritage significance, which can be used to make decisions about the heritage value of a place or item. There are two levels of heritage significance used in NSW: state and local. The following assessment of heritage significance has been prepared in accordance with the 'Assessing Heritage Significance' (2001) guides.

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Criteria	Urbis Significance Assessment	Current Inventory Detail and Colin Israel Response
<p>A – Historical Significance</p> <p><i>An item is important in the course or pattern of the local area's cultural or natural history.</i></p> <p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> • shows evidence of a significant human activity <input type="checkbox"/> • is associated with a significant activity or historical phase <input type="checkbox"/> • maintains or shows the continuity of a historical process or activity <input type="checkbox"/> <p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> • has incidental or unsubstantiated connections with historically important activities or processes <input type="checkbox"/> • provides evidence of activities or processes that are of dubious historical importance <input checked="" type="checkbox"/> • has been so altered that it can no longer provide evidence of a particular association <input checked="" type="checkbox"/> 	<p>Ely House was constructed for and occupied as a mixed-use development. This use is common throughout the Burwood town centre and of itself is not a historically significant use.</p> <p>Ely House does not meet this criterion for heritage listing at a state or local level.</p>	<p>Inventory Sheet Statement</p> <p>Ely House has continually operated as its original intended design as a mixed use commercial and residential development since the early 1930s. As a mixed use development it accommodated both residential and commercial activities combining more life and business to the surrounding street, this importance use is continuing today.</p> <p>Colin Israel's Discussion</p> <p>Statement indicates origin and continuity of activity 1920s and 1930s – mixed use of a substantial scale. While the activity is common the evidence of continuity in a particular historical phase is substantially intact.</p>

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Criteria	Urbis Significance Assessment	Current Inventory Detail and Colin Israel Response
<p>B – Associative Significance</p> <p><i>An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history.</i></p> <p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> • shows evidence of a significant human occupation <input type="checkbox"/> • is associated with a significant event, person, or group of persons <input type="checkbox"/> <p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> • has incidental or unsubstantiated connections with historically important people or events <input type="checkbox"/> • provides evidence of people or events that are of dubious historical importance <input checked="" type="checkbox"/> • has been so altered that it can no longer provide evidence of a particular association <input checked="" type="checkbox"/> 	<p>Ely House has no known significant associations with a person or group of persons. The building was named for Maria and George Ely, who purchased the property in 1929. However, it is not clear that they were responsible for the construction of the building, nor are they considered to be of historical importance.</p> <p>Ely House does not meet this criterion for heritage listing at a state or local level.</p>	<p>Nil.</p>

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Criteria	Urbis Significance Assessment	Current Inventory Detail and Colin Israel Response
C – Aesthetic Significance <i>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.</i> <u>Guidelines for Inclusion</u> <ul style="list-style-type: none"> • shows or is associated with, creative or technical innovation or achievement <input type="checkbox"/> • is the inspiration for a creative or technical innovation or achievement <input type="checkbox"/> • is aesthetically distinctive <input type="checkbox"/> • has landmark qualities <input type="checkbox"/> • exemplifies a particular taste, style or technology <input type="checkbox"/> <u>Guidelines for Exclusion</u> <ul style="list-style-type: none"> • is not a major work by an important designer or artist <input checked="" type="checkbox"/> • has lost its design or technical integrity <input checked="" type="checkbox"/> • its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded <input checked="" type="checkbox"/> • has only a loose association with a creative or technical achievement <input checked="" type="checkbox"/> 	<p>Ely House is a greatly modified example of an Inter-War mixed use building with elements of the Spanish Mission style. The building has been so substantially altered that its street-level presence bears no resemblance to its original Spanish Mission style. The integrity of the fabric has been further eroded by the recent removal of the original Victoria Street entry door.</p> <p>Whilst the first-floor facades to Burwood Road and Victoria Street retain a number of Spanish Mission elements, this fabric is in poor condition and does not present as a good example of its type as the building was of a representative design without distinction and has had half its façade altered significantly.</p> <p>In particular the variations between the Victoria Street first-floor façade and Burwood Road first-floor façade support the assumption that the building was a staged development and therefore does not present as a unified, cohesive Spanish Mission example.</p> <p>Internally, the integrity of the first-floor fabric has been substantially compromised by numerous modifications and is in poor aesthetic and functional condition. No original fabric remains on the ground floor internally. Being a representative example on the upper floor does not mean it meets the criterion for individual listing on aesthetic grounds. The building has not been included in previous heritage studies and there is the tendency to revisit buildings of poorer quality that do not meet the threshold.</p> <p>If this was a poor example in a streetscape of excellent examples, such as a group, then it may qualify under a group listing however this is not the case. It is an isolated and much altered example of a style much better represented and recognised elsewhere.</p> <p>Ely House does not meet this criterion for heritage listing at a state or local level.</p>	<p>Inventory Sheet Statement</p> <p>Ely House is a good example of the Inter-War Spanish Mission style architecture on the first floor and the access or entry stairwell on Victoria Street West. In addition, it contributes a sense of heritage character to the wider streetscape.</p> <p>Colin Israel's Discussion</p> <p>Spanish Mission style buildings from the Inter-War period are relatively rare in Burwood. This example exemplifies characteristic features of the style and is prominently located within Burwood Road's streetscape. Apart from the alteration of the ground floor shops, the form, materials and design retain original character and stylistic elements. Its original landmark qualities (as street corner feature) are subsumed by the scale of later surrounding development.</p>

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Criteria	Urbis Significance Assessment	Current Inventory Detail and Colin Israel Response
<p>D – Social Significance</p> <p><i>An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.</i></p> <p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> • is important for its associations with an identifiable group <input type="checkbox"/> • is important to a community's sense of place <input type="checkbox"/> <p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> • is only important to the community for amenity reasons <input checked="" type="checkbox"/> • is retained only in preference to a proposed alternative <input checked="" type="checkbox"/> 	<p>Ely House has no known significant social associations with a group of persons or community group.</p> <p>Ely House does not meet this criterion for heritage listing at a state or local level.</p>	<p>Nil.</p> <p>Colin Israel Response</p>

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Criteria	Urbis Significance Assessment	Current Inventory Detail and Colin Israel Response
<p>E – Research Potential</p> <p><i>An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history.</i></p> <p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> • has the potential to yield new or further substantial scientific and/or archaeological information <input type="checkbox"/> • is an important benchmark or reference site or type <input type="checkbox"/> • provides evidence of past human cultures that is unavailable elsewhere <input type="checkbox"/> <p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> • the knowledge gained would be irrelevant to research on science, human history or culture <input type="checkbox"/> • has little archaeological or research potential <input checked="" type="checkbox"/> • only contains information that is readily available from other resources or archaeological sites <input checked="" type="checkbox"/> 	<p>It probable likely that structures were located on the subject site prior to the construction of Ely House in c. 1929, based on Sands Directory records, however this has not been confirmed. The subject site has no known archaeological potential. Notwithstanding the above, it is beyond the scope of this report to assess the archaeological potential of the subject site.</p> <p>Ely House is a substantially modified building and a significant amount of the original fabric has been removed. It is unlikely that the building will provide any significant research or knowledge to the community that would not already be available, in a better intact example elsewhere or by recording the current building in the event of future redevelopment.</p> <p>Ely House does not meet this criterion for heritage listing at a state or local level.</p>	<p>Inventory Sheet Statement</p> <p>Ely House has potential to add research and educational knowledge to the community in regards to the documentation of the Inter-War Spanish Mission style architecture.</p> <p>Colin Israel's Discussion</p> <p>This assertion is largely conjectural.</p>

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Criteria	Urbis Significance Assessment	Current Inventory Detail and Colin Israel Response
<p>F – Rarity</p> <p><i>An item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history.</i></p> <p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> • provides evidence of a defunct custom, way of life or process <input type="checkbox"/> • demonstrates a process, custom or other human activity that is in danger of being lost <input type="checkbox"/> • shows unusually accurate evidence of a significant human activity <input type="checkbox"/> • is the only example of its type <input type="checkbox"/> • demonstrates designs or techniques of exceptional interest <input type="checkbox"/> • shows rare evidence of a significant human activity important to a community <input type="checkbox"/> <p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> • is not rare <input checked="" type="checkbox"/> • is numerous but under threat <input type="checkbox"/> 	<p>Rarity should not be based on the local government area as these areas have been and are currently subject to potential change. The decision must rest on the rarity as an architectural type and for this example there is been no evidence of survey work done by the consultants in Burwood or surrounding local government areas or in the Sydney region. Notwithstanding that the Spanish Mission style itself is potentially rare within the Burwood region, it is evident in other significantly superior examples throughout Sydney.</p> <p>The subject Ely House is a highly modified example of its type, with over 50% of its original fabric having been removed, and the ground floor level bearing no resemblance to the style at all. In heritage terms this equates to virtual demolition.</p> <p>As discussed above, the first-floor facades to Burwood Road and Victoria Street are considered to have some merit for their Spanish Mission details, however, these facades are not of a high architectural integrity and do not present Ely House as a cohesive well-planned singular building.</p> <p>Ely House does not meet this criterion for heritage listing at a state or local level.</p>	<p>Inventory Sheet Statement</p> <p>Ely House is a rare example of the Inter-War Spanish Mission style locally within the Burwood Municipality.</p> <p>Colin Israel's Discussion</p> <p>This style is rare within Burwood and is relatively rare in other Inter-War suburbs. Examples are therefore valued as part of the diversity of the Inter-War styles. Its use may also be indicative of more cosmopolitan tastes influenced by both immigration and Hollywood.</p>

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Criteria	Urbis Significance Assessment	Current Inventory Detail and Colin Israel Response
<p>G – Representative</p> <p><i>An item is important in demonstrating the principal characteristics of a class of NSWs (or the local area's) cultural or natural places or cultural or natural environments.</i></p> <p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> • is a fine example of its type <input type="checkbox"/> • has the principal characteristics of an important class or group of items <input type="checkbox"/> • has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity <input type="checkbox"/> • is a significant variation to a class of items <input type="checkbox"/> • is part of a group which collectively illustrates a representative type <input type="checkbox"/> • is outstanding because of its setting, condition or size <input type="checkbox"/> • is outstanding because of its integrity or the esteem in which it is held <input type="checkbox"/> <p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> • is a poor example of its type <input checked="" type="checkbox"/> • does not include or has lost the range of characteristics of a type <input checked="" type="checkbox"/> • does not represent well the characteristics that make up a significant variation of a type <input type="checkbox"/> 	<p>Ely House has some merit in it representative features of the Spanish Mission style. However, the building is substantially altered with a high degree of fabric having been removed, and as such it does not present as an intact example of the style.</p> <p>Ely House does not meet this criterion for heritage listing at a state or local level.</p>	<p>Nil.</p> <p>Colin Israel Response</p>

4.3. STATEMENT OF SIGNIFICANCE

The subject Ely House is not considered to meet the threshold for heritage listing on any of the above criteria. The substantially modified condition of the building has resulted in the loss of its Spanish Mission character, and removal of a substantial degree of original fabric. It is not considered to be a fine example of its type.

5. HERITAGE LISTING OBJECTION RATIONALE

The heritage assessment contained in Section 4.2 of this report concludes that the subject Ely House does not meet the requisite threshold for heritage listing at a state or local level. We do not support the proposed listing of the subject property for the following reasons:

- Ely House was constructed for and occupied as a mixed-use development. This use is common throughout the Burwood town centre and of itself is not a historically significant use. The continuation of this use since the 1920s is evident, but the continuity of this typical use does not provide sufficient justification for the heritage listing of the property.
- The subject Ely House is a highly-modified example of its type, with over 50% of its original fabric having been removed, and the ground floor level bearing no resemblance to the style at all. The integrity of the fabric has been further eroded by the recent removal of the original Victoria Street entry door. Internally, the integrity of the first-floor fabric has been substantially compromised by numerous modifications and is in poor aesthetic and functional condition. No original fabric remains on the ground floor internally. The historical significance of the building itself and its remaining original fabric has been sufficiently degraded from the removal of most of the original fabric. The substantial alterations undertaken and limited remaining fabric of any integrity is not considered sufficient reason to warrant a heritage listing.
- Being a representative example on the upper floor does not mean it meets the criterion for individual listing on aesthetic grounds. The building has not been included in previous heritage studies and there is the tendency to revisit buildings of poorer quality that do not meet the threshold.
- The first-floor facades to Burwood Road and Victoria Street are considered to have Spanish Mission details, however, these facades are not of a high architectural integrity and do not present Ely House as a cohesive well-planned singular building. The first-floor planning without a central courtyard around small flats with poor amenity, currently in poor condition, provides accommodation which will require considerable alteration to sustain the building's viability in the Burwood Town Centre. The retention of a resultant façade to Burwood Road and to Victoria Street does not meet the criteria for individual listing. Facadism, under the guise of whole building, is not to be encouraged in this situation. Without the original ground-floor and internal fabric, the two façades remain as the only somewhat significant features, albeit demeaned by their situation. Heritage listing the building as a means of protecting the remaining elements of the first-floor façades only is not sufficient cause for the listing of the whole property.

6. CONCLUSION AND RECOMMENDATIONS

It is acknowledged that the two remaining first-floor façades to Burwood Road and Victoria Street have some merit for their Spanish Mission detail. However, they appear out of context compared with the modified and contemporary ground-floor of the building and we do not support the building's listing as a means of promoting facadism for their retention.

Having regard to the significance assessment included in Section 4.2, it is our opinion that the subject property Ely House does not meet the requisite criteria for heritage listing at the local or state level. Therefore, it is our recommendation that the subject property Ely House not be put forth for heritage listing as proposed in Burwood Council's 2015 report 'Assessment of Potential Heritage Items (Stage 1)'.

7. BIBLIOGRAPHY AND REFERENCES

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[Note: Some government departments have changed their names over time and the above publications state the name at the time of publication.]

DISCLAIMER

This report is dated 8 February 2017 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Euston Investment Pty Ltd, H.R.P.E. Pty Ltd, Celermajer Income Trust (**Instructing Party**) for the purpose of Heritage Listing Objection (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.



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15 September 2016

RE: PEER REVIEW OF 4 POTENTIAL HERITAGE ITEMS – EXECUTIVE SUMMARY

A Peer Review has been prepared by Heritage Advice for Burwood Council of four of the properties recommended for heritage listing in the "Assessment of Potential Heritage Items for Burwood Council" prepared by City Plan Heritage P/L dated March 2015.

The properties reviewed are indicated in the excerpt from Table 3 of that report:

Item #	Suburb	Address	Item name
5	Burwood	Burwood Road, 122-126	"Ely House" (first floor only)
11	Croydon	Liverpool Road, 18	"Helmsdale"
12	Enfield	Burwood Road, 99	"Palm Cottage"
13	Enfield	Burwood Road, 109	Former John Hankinson's House

The Peer Review entailed examination of the Heritage Inventory Sheets drafted for each of the proposed items. Our initial findings supported the listing of each of the properties with some corrections to the Inventory Sheets with respect to classification of styles for "Helmsdale" and John Hankinson's House.


Additional study of Land Titles was recommended with respect to "Ely House" & "Helmsdale" to more precisely fix the likely date of construction. These are now provided with the final mark-up of these inventory sheets. Additional material was also provided in respect of curtilage issues and additional management policies including Interpretation and an Inclusion/Exclusion analysis for "Ely House".

Subject to incorporation of these further particulars on the Inventory Sheets this Peer Review supports the recommendations of City Plan Heritage P/L for listing of each of these properties as assessed.

This Peer Review finds that the potential heritage items would meet criteria for listing for historical, historical associations, aesthetic and rarity values as detailed on the Inventory Sheets for each, subject to incorporation of the detailed comments provided.

Our recommendation would be for Council to include listing of these properties as individual heritage items in Part 1 under Schedule 5 of the Burwood Local Environmental Plan (LEP) 2012.

Yours truly,



Colin Israel

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Principal Heritage Consultant
HERITAGE ADVICE

Conservation Management Plans
Heritage Impact Statements
Heritage Item Assessment
Conservation Area Assessment
Heritage Listings
D.A. Design Advice
Pre-Auction Inspection

Heritage Advisor Service
LEP & DCP guidelines
Conditions of Consent
Council DA Assessment
Archival Drawings
Photo Recording
Heritage Interpretation
Maintenance Schedules

Advocacy & Mediation
Land & Environment Court
Expert Witness Reports

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Response to request for information – BURWOOD ITEMS – PEER REVIEW

Ely House Inventory: You state on Page 15 that the item should be assessed against the inclusion/exclusion guidelines. Please undertake this assessment.

PLEASE SEE BELOW BRIEF ASSESSMENT AGAINST INCLUSION / EXCLUSION GUIDELINES - ELY HOUSE – BURWOOD ROAD

ASSESSMENT OF SIGNIFICANCE

Criterion (a) (local significance).

An item is important in the course, or pattern, of the local area's cultural or natural history

Inventory sheet statement:

Ely House has continually operated as its original intended design as a mixed used commercial and residential development since the early 1930s. As a mixed use development it accommodated both residential and commercial activities combining more life and business to the surrounding street, this important use is continuing today.

DISCUSSION:

Statement indicates origin and continuity of activity 1920's & 1930's – mixed use of substantial scale. While the activity is common the evidence of continuity in a particular historical phase is substantially intact.

ASSESSMENT:

Guidelines for INCLUSION		Guidelines for EXCLUSION	
• shows evidence of a significant human activity		• has incidental or unsubstantiated connections with	N/A
• is associated with a significant activity or historical phase	YES	historically important activities or processes	
• maintains or shows the continuity of a historical process or activity	YES	• provides evidence of activities or processes that are of dubious historical importance	
		• has been so altered that it can no longer provide evidence of a particular association	NO

7.2 Criterion (b) (local significance): NIL stated on inventory sheet

An item has strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of the local area.

7.3 Criterion (c) (local significance):

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.

Inventory sheet statement:

'Ely House' is a good example of the Inter-War Spanish Mission style architecture on the first floor and the access or entry stairwell on Victoria Street West. In addition, it contributes a sense of heritage character to the wider streetscape

DISCUSSION:

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Spanish Mission style buildings from the Inter-War period are relatively rare in Burwood.

This example exemplifies characteristic features of the style and is prominently located within Burwood Road's streetscape. Apart from the alteration of the ground floor shops the form, materials and design retain original character and stylistic elements.

Its original landmark qualities (as street corner feature) are subsumed by the scale of later surrounding development.

ASSESSMENT:

Guidelines for INCLUSION		Guidelines for EXCLUSION	
• shows or is associated with, creative or technical innovation or achievement	YES	• is not a major work by an important designer or artist	Not Known
• is the inspiration for a creative or technical innovation or achievement	NO	• has lost its design or technical integrity	NO
• is aesthetically distinctive	YES	• its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded	NO
• has landmark qualities	NO	• has only a loose association with a creative or technical achievement	NO
• exemplifies a particular taste, style or technology	YES		

7.4 Criterion (d) (local significance):. NIL stated on inventory sheet

An item has strong or special association with a particular community or cultural group in the area for social, cultural or spiritual reasons.

7.5 Criterion (e) (local significance):

An item has potential to yield information that will contribute to an understanding of the area's cultural or natural history.

Inventory sheet statement:

Ely house has potential to add research and educational knowledge to the community in regards to the documentation of the Inter-War Spanish Mission style architecture.

DISCUSSION:

This assertion is largely conjectural.

ASSESSMENT:

Guidelines for INCLUSION		Guidelines for EXCLUSION	
• has the potential to yield new or further substantial scientific and/or archaeological information	NO	• the knowledge gained would be irrelevant to research on science, human history or culture	YES
• is an important benchmark or reference site or type	NO	• has little archaeological or research potential	YES

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• provides evidence of past human cultures that is unavailable elsewhere	NO	• only contains information that is readily available from other resources or archaeological sites	YES
--	----	--	-----

REFERENCE TO LISTING FOR THIS CRITERIA SHOULD BE REMOVED FROM THE INVENTORY SHEET.

7.6 Criterion (f) (local significance):

An item possesses uncommon, rare or endangered aspects of the area's cultural or natural history.

Inventory sheet statement:

Ely House is a rare example of the Inter-War Spanish Mission style locally within the Burwood Municipality

DISCUSSION:

This style is rare within Burwood and is relatively rare in other Inter-War suburbs. Examples are therefore valued as part of the diversity of Inter-War styles. Its use may also be indicative of more cosmopolitan tastes influenced by both immigration and Hollywood.

ASSESSMENT:

Guidelines for INCLUSION		Guidelines for EXCLUSION	
• provides evidence of a defunct custom, way of life or process	N/A	• is not rare	NO
• demonstrates a process, custom or other human activity that is in danger of being lost	YES	• is numerous but under threat	NO
• shows unusually accurate evidence of a significant human activity	N/A		
• is the only example of its type (within Burwood LGA)	YES		
• demonstrates designs or techniques of exceptional interest	YES		
• shows rare evidence of a significant human activity important to a community	NO		

7.7 Criterion (g) (local significance):: GENERALLY COVERED UNDER ITEM (f)

An item is important in demonstrating the principal characteristics of a class of the area's
– cultural or natural places; or
– cultural or natural environments

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ITEM DETAILS					
Name of Item	Ely House (first floor only)				
Other Name/s					
Former Name/s					
Item type (if known)					
Item group (if known)					
Item category (if known)					
Area, Group, or Collection Name					
Street number	122-126				
Street name	Burwood Road				
Suburb/town	Burwood			Postcode	2134
Local Government Area/s	Burwood			Lots 1, 2, 3 & 4 in DP 14009	
Property description	Two-Story Shop-Top/Mixed Use Commercial & Residential Spanish Mission Style Lot 5 DP 14009.				
Location - Lat/long	Latitude	-33.875		Longitude	151.104
Location - AMG (if no street address)	Zone	B2	Easting		Northing
Owner	Euston Investment Pty Ltd				
Current use	Mixed use of business/residences				
Former Use	Mixed use of Business/residences				
Statement of significance	<p>Ely House's first floor is a historically and aesthetically significant local example of the Inter-War Spanish Mission style. While the ground floor remains completely altered and thus insignificant, the access stairway and entry on Victoria Street asides, the first floor remains contributory to the wider streetscape's heritage character. The Inter-War Spanish Mission Style is uncommon in the Burwood Municipality lending it the significance of rarity.</p>				
Level of Significance	State <input type="checkbox"/>			Local <input checked="" type="checkbox"/>	

Strathview and "Wentworth" 50 and 50A Wentworth Road

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DESCRIPTION					
Designer	Unknown				
Builder/ maker	Unknown				
Physical Description	<p>Ely House is a two-storey Spanish Mission style corner lot with facades onto Burwood Road and Victoria Street West.</p> <p>It occupies the entire rectangular block and features a terracotta tile hipped roof. The projecting roofline is supported by decorative brackets and coffered soffit panels. Its splayed corner façade at Victoria Street West and Burwood Road is truncated with a short parapet wall bearing the name 'Ely House' above its arched sash window surmounted by a pronounced keystone. Wall finish is a fan patterned cream coloured stucco, and there is a generous metal awning overtop the street level patio. First floor windows have louvered timber shutters, and there are two enclosed balcony areas with profiled brackets.</p> <p>The ground floor has been the subject of many alterations, and it is doubtful if any original fabric exists, besides from the residence access on Victoria Street West, the north-western most corner of the building, where a tiled floor, metal rail, and terrazzo staircase provides access to the communal courtyard and residences above. The eastern elevation remains intact although a clutter of services has been attached to its side. There is a narrow staircase from this dead-end alleyway to the first floor courtyard. The generous courtyard is intact but for a few places where some services have been attached to the wall and there is a large commercial kitchen sized ventilation unit jutting through the roof on the north wing. Timber sash windows remain and some are newly fitted with steel bars for added security.</p>				
Physical condition and Archaeological potential	<p>First floor, Victoria Street West and Burwood Road facades are in good condition, but require some painting and minor maintenance.</p> <p>-Rear or sides of building cluttered with attached services.</p> <p>-Groundfloor, aside from residences entrance on Victoria Street West, thoroughly altered.</p>				
Construction years	Start year	1929	Finish year	1930	Circa <input checked="" type="checkbox"/>
		After 1925		Prior to 1929	
Modifications and dates	<p>Development Application History:</p> <p>1925 - Subdivision of land: DP14009</p> <p>1934 - Lot subdivision</p> <p>1969 - Renovations to property</p> <p>1984 - Property used as chemist</p> <p>1984 - Property used as cafe</p> <p>1986 - Alterations to shops and above flats</p> <p>1988 - Shop fit out for hair salon</p> <p>1998 - Shop subdivision for Western Pacific Foods Pty Ltd</p> <p>1999 - Restaurant extension and extension of trading hours</p> <p>2001 - Shop fit out for Doctor's consulting rooms</p> <p>2002 - Shop Fit out for 7/11 Store</p> <p>2005 - Shop fit out for Mourched</p> <p>2005 - Shop 5 leased to Red Rooster</p> <p>2006 - Establishment of Wood Fire Pizza Restaurant</p> <p>2007 - Shop Fit out for Bakery</p> <p>2008 - Shop fit out for Trading Pty Ltd</p> <p>2008 - Installation of new advertising signs</p> <p>2008 - Installation of new awning</p> <p>2009 - Shop fit out for Thania Box Pty Ltd.</p> <p>2010 - Storm water and drainage works</p> <p>2010 - Shop fit out for beverage purposes</p> <p>2012 - Refurbishment and internal fit out of existing coffee shop</p>				

CT Volume 3790 Folio 35 show the property was purchased by George, Wilfred & Harold Bignam as Tenants in Common in October of 1925 (ATTACHMENT 1)

Subdivision into 9 Lots occurred subsequently in DP 14009. (Page 9)

This shows a single residence located on Lot 7 and the land otherwise undeveloped.

In February of 1929 Lots 1 2 3 & 4 were transferred to Maria and George Ely. A series of leases occurred shortly afterwards for various shops in Nos 124 - 126 Burwood Road.

CT Volume 4249 Folio 95 (ATTACHMENT 2)

Based on this sequence the construction date would be prior to February of 1929 and not before 1925.

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	2014 – Shop fit out
Further comments	

HISTORY	
Historical notes	<p>Subject Site History:</p> <p>According to the Sands directory plumber John Hawskford moved from Cheltenham Road to Burwood Road east just south of Victoria in 1892, and was listed as the tenant of the subject site until 1899. The property was briefly assumed by butcher William Watford and followed with John Bryant the boot-maker in 1900 for a year until Mrs L Ramsay, a dressmaker, took the location over. In 1905 a Bennet H. & Co. Produce merchants were listed for two years until Birke H.W. produce merchant in 1907. In 1910 Maurice Green was operated a pawn shop at this location. An Edward Wilcox was located at 122 Burwood Road from 1918-1925, and listed a fruiterer. Harne R&D was listed from 1925-1928, and L.V. Field, a tailor 1928-1930 (Sands Directories, 1858-1933).</p> <p>As the subject site commands the corner Victoria Street West and Burwood Road it is well suited for mixed use developments. <u>It is unclear whether or not it was built around 1930-1931 or after, because an Ely Pharmacy was listed at 124 Burwood Road in 1931. However, because 122-124 is listed with subdivided numbers it suggests that a larger block was in place in 1931. Nevertheless, the present Ely House was built by 1943, when the SixMaps aerial photo confirms the existence of the same roof that exists today.</u> This also correctly positions this Spanish Mission style building in its appropriate Inter-War time frame (Apperly, et. al., 1994). It currently operates as a mixed-use development.</p>

INSERT REVISED TEXT ON PAGE 5 BASED ON LAND TITLES SEARCHES BY COLIN ISRAEL -HERITAGE ADVICE

THEMES	
National historical theme	3 Developing local, regional and national economies 4 Building settlements, towns and cities
State historical theme	3 Commerce 4 Accommodation

APPLICATION OF CRITERIA	
Historical significance SHR criteria (a)	Ely House has continually operated as its original intended design as a mixed used commercial and residential development since the early 1930s. As a mixed use development it accommodated both residential and commercial activities combining more life and business to the surrounding street, this important use is continuing today.
Historical association significance SHR criteria (b)	Ely House has no known associations with a historical person, place, or event of significance.
Aesthetic significance SHR criteria (c)	'Ely House' is a good example of the Inter-War Spanish Mission style architecture on the first floor and the access or entry stairwell on Victoria Street West. In addition, it contributes a sense of heritage character to the wider streetscape.

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Social significance SHR criteria (d)	Ely house has no known associations with a specific historically significant community or culture.
Technical/Research significance SHR criteria (e)	Ely house has potential to add research and educational knowledge to the community in regards to the documentation of the Inter-War Spanish Mission style architecture. CI - questionable whether this is technical significance under the criteria as it relates to style rather than technology.
Rarity SHR criteria (f)	Ely House is a rare example of the Inter-War Spanish Mission style locally within the Burwood Municipality. See only other Item defined as IW-SM Strathview and "Wentworth" 50 and 50A Wentworth Road
Representativeness SHR criteria (g)	Ely House is a representative example of the Inter-War Spanish Mission style mixed residential and commercial buildings SEE CI NOTES ON PAGE 15
Integrity	The ground floor of Ely House has no traces of historically significant fabric, except for the narrow entranceway and staircase to the first floor on Victoria Street West. The first floor is in good condition, it retains its roof form, wall fabric, and most windows in original form. Original colour scheme cannot be confirmed, however, the existing colours are appropriate.

HERITAGE LISTINGS

Heritage listing/s	No current heritage listings. Recommended for listing under this heritage assessment study.
---------------------------	---

INFORMATION SOURCES

Include conservation and/or management plans and other heritage studies.

Type	Author/Client	Title	Year	Repository
Book	Richard Apperly, Robert Irving, & Peter Reynolds	A Pictorial Guide to Identifying Australian Architecture	1994	
Book	Frances Pollon	The Book of Sydney Suburbs	1996	-
Online Directory	John Sands	Sands Directories	1858-1933	City of Sydney Online Archive

RECOMMENDATIONS

Recommendations	<ol style="list-style-type: none"> 1) Archival photographic recording, in accordance with "Photographic Recording of Heritage Items Using Film or Digital Capture" (NSW Heritage Guidelines Series, 2006), should be undertaken before any major changes. 2) The First Floor of "122-126 Burwood Road, Ely House", should be listed under Schedule 5 of the <i>Burwood Local Environmental Plan 2012</i>.
------------------------	---

SOURCE OF THIS INFORMATION

Name of study or report	Burwood Assessment of Potential Heritage Items	Year of study or report	2015
Item number in study or report	5		
Author of study or report	City Plan Heritage		

Heritage Data Form

Inspected by	Flavia Scardamaglia and Evan Oxland		
NSW Heritage Manual guidelines used?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
This form completed by	Evan Oxland & Kerime Danis	Date	05/12/2014 & 05/01/2015

CI - ADDITIONAL MANAGEMENT RECOMMENDATIONS:

- 3) The entry to the first floor residential flats should be retained including the staircase, handrail, terrazzo treads and tiled landings. Elements should be repaired or replaced "like for like".
- 4) Important features of the street facade including tiled copings to parapets, recessed balconies and fanned stucco finishes should be retained and repaired or replaced "like for like"
- 5) Future major refurbishment should be subject to a detailed Heritage Impact Statement that more fully identifies original fabric and ensures its preservation. The impacts of accretions of services should be reduced or reversed in any future adaptation or change of use.

REVISED HISTORICAL NOTES - REPLACE ON PG 3 WHERE DELETED.

The property was subdivided into its present form in 1925 by then owners George, Wilfred & Harold Bigham who had purchased the property that year. The sequence of construction is not known but in 1929 the property was transferred to Maria and George Ely as Tenants in Common. Shortly afterwards leases were signed with various tenants for the shops at 124 Burwood Road including a Chemist, Motor Mechanic, Furniture Shop, Confectioners shop and Radio Shop.

The building also acquired its name from the new owners. This suggests that the Ely's purchased the building as an investment from the Bignams who were most likely to have been responsible for its construction. The Bignams also sold the remaining Lots from the 1925 subdivision. As the construction of the Ely Building may have been staged, the date of construction is clouded but the Ely Building was certainly complete and fully tenanted by 1929.

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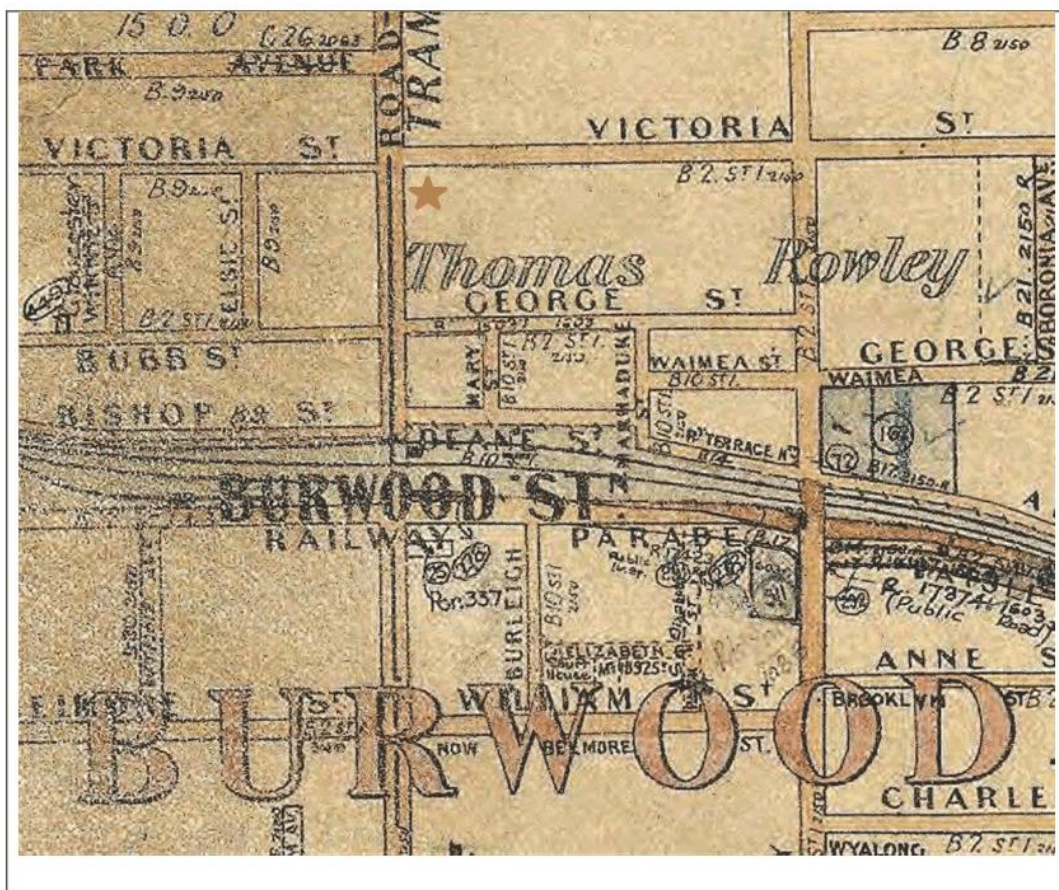
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IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	Parish of Concord Map, 1915 – Ely house marked with red star				
Image year	1915	Image by	HLRV-Pixel Viewer	Image copyright holder	NSW Land and Property Information



PARISH MAP NOT PARTICULARLY INFORMATIVE IN THIS INSTANCE

Land titles should be consulted to resolve unclear dating of the subdivision and allotments and possibly of the ownership at the time the building was constructed.

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Please supply images of each elevation, the interior and the setting.

Image caption	122-126 Burwood Road, 1943 Aerial photograph				
Image year	1943	Image by	SixMaps	Image copyright holder	NSW Land and Property Information



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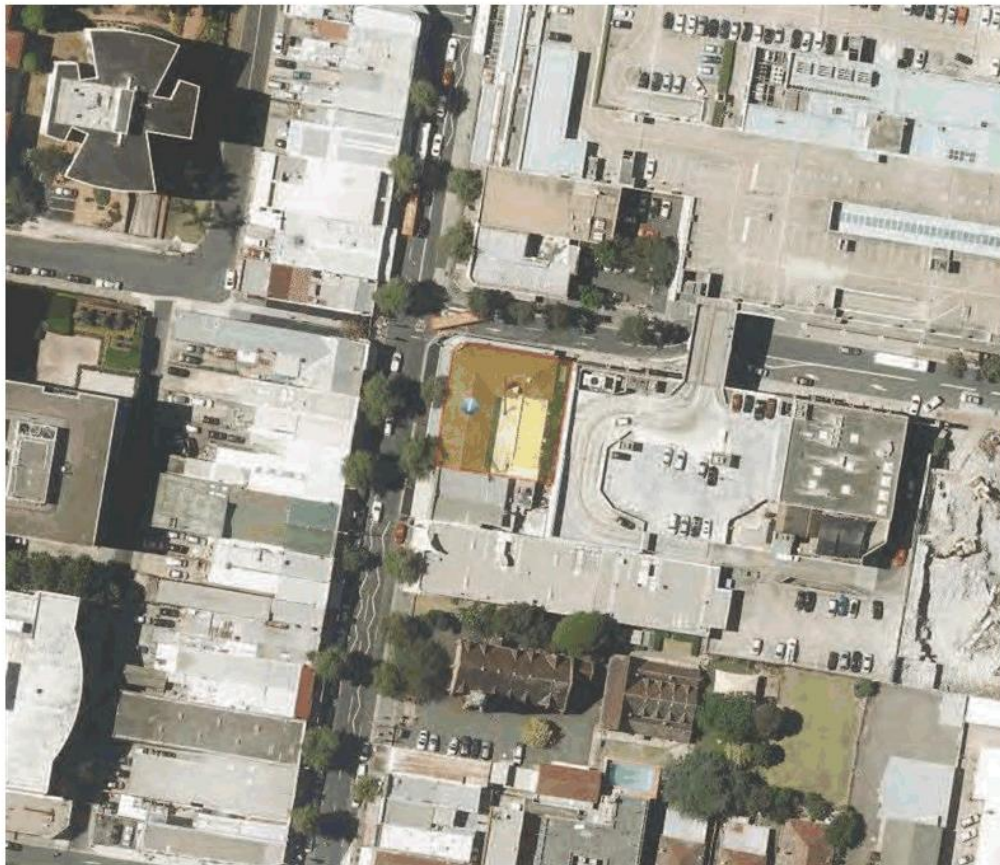
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IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	122-126 Burwood Road, 2014 Aerial photograph				
Image year	2014	Image by	Six Maps	Image copyright holder	NSW Land and Property Information



IMAGES - 1 per page

Image caption	Deposited Plan, Parish of Concord, County of Cumberland, DP 140009				
Image year	1925	Image by	Burwood City Council	Image copyright holder	Burwood City Council

Box:INRMW /Doc:EP 0014009 P /Rev:16-Apr-1999 /Sts:OK,OK /Prt:27-Aug-2004 20:41 /Pgs:ALL /Seq:1 of 2
WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.

Plan Form No. 2 (for Deposited Plan)

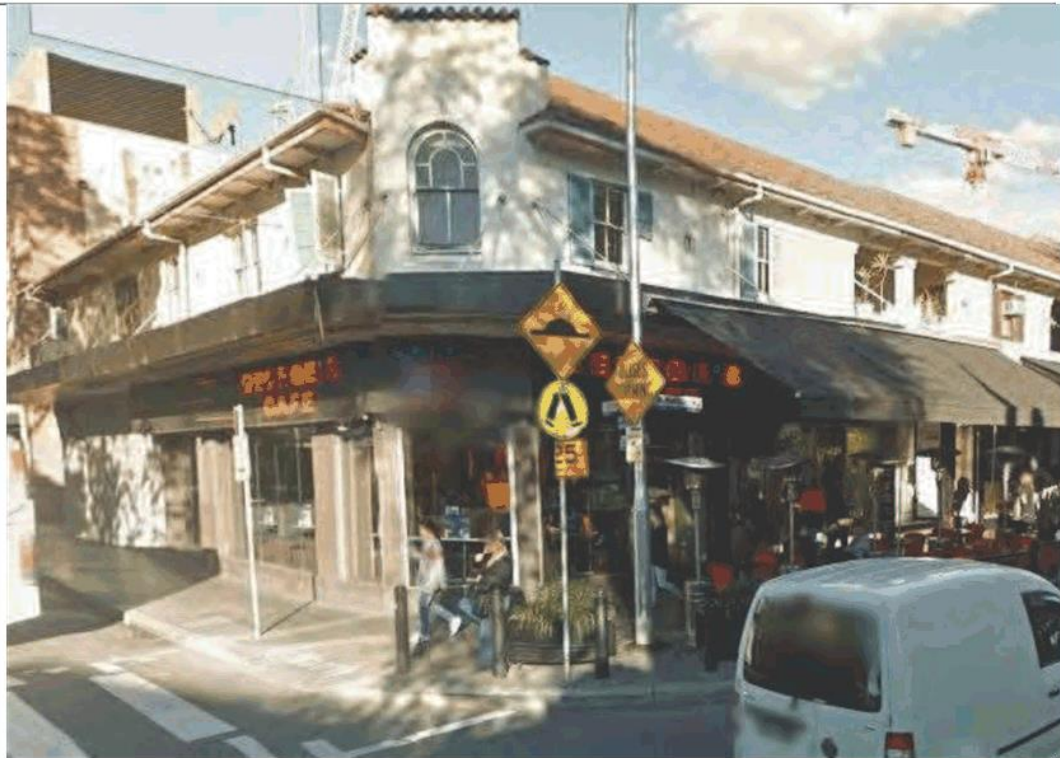
[illegible]

Heritage Data Form

IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	Ely House, Corner and North/West façades				
Image year	2012	Image by	Google Street View	Image copyright holder	Google Maps



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IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	Ely House, First floor internal courtyard				
Image year	2014	Image by	City Plan Heritage	Image copyright holder	Burwood Council



Heritage Data Form

IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	First floor residents access terrazzo staircase, and original tile work.				
Image year	2014	Image by	City Plan Heritage	Image copyright holder	Burwood Council



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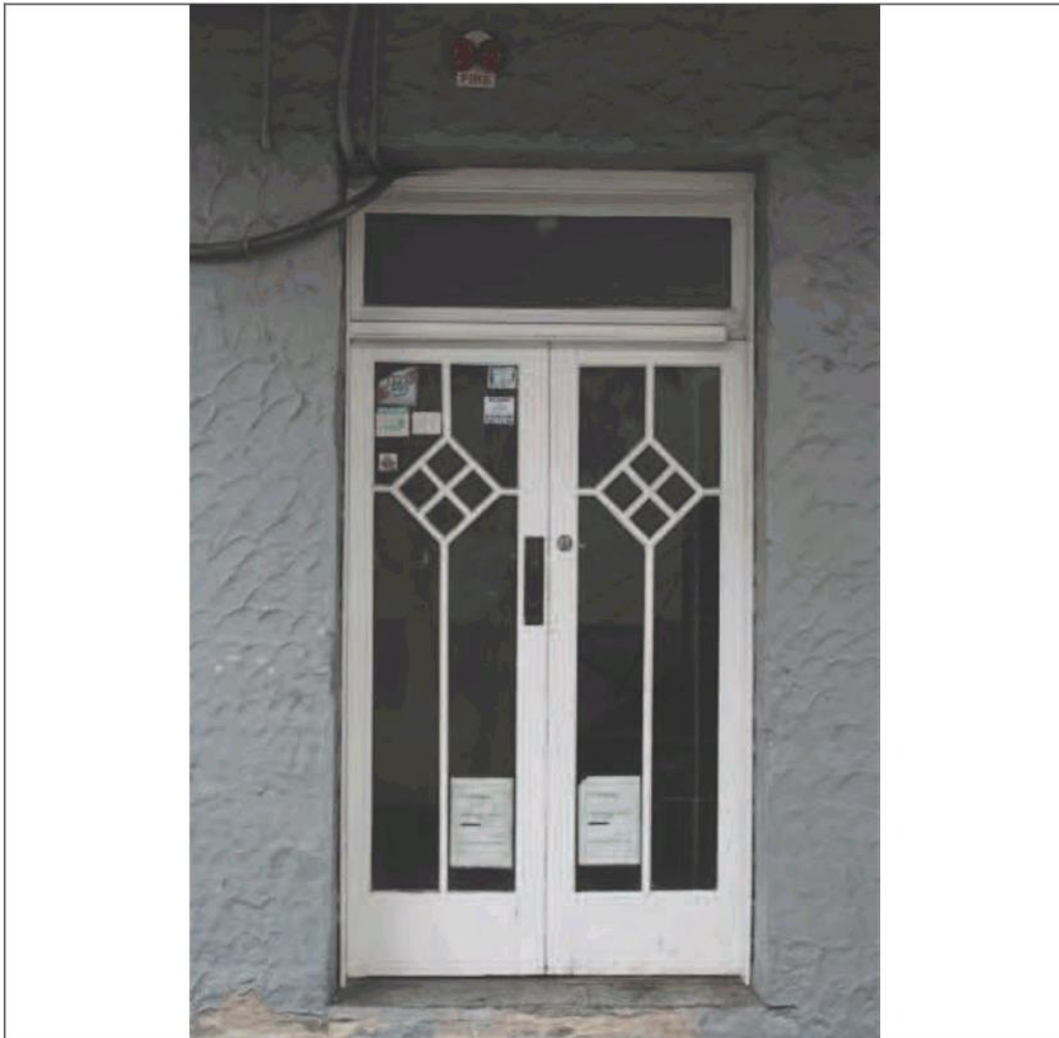
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IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	Extant door, original rendering texture, original render/paint colour unknown.				
Image year	2014	Image by	City Plan Heritage	Image copyright holder	Burwood Council



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CI - See additional policies re removal of accretions when approval of work is sought

IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	Rear, or eastern, elevation with a jungle of introduced services.				
Image year	2014	Image by	City Plan Heritage	Image copyright holder	Burwood Council



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IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	183 Burwood Road – another example of the Spanish Mission Style commercial frontage				
Image year	2014	Image by	Google 2014	Image copyright holder	Google 2014



INCLUSION & EXCLUSION checklist to be appended - see separate sheet.

Based on the Inventory Sheet the recommendation for listing as street facades (similar to other Burwood Road shops) would be supported, primarily on the basis of its rarity as an example of Inter-War Spanish Mission Style.

Rarity should be emphasized over representativeness in order not to cloud the assessment.

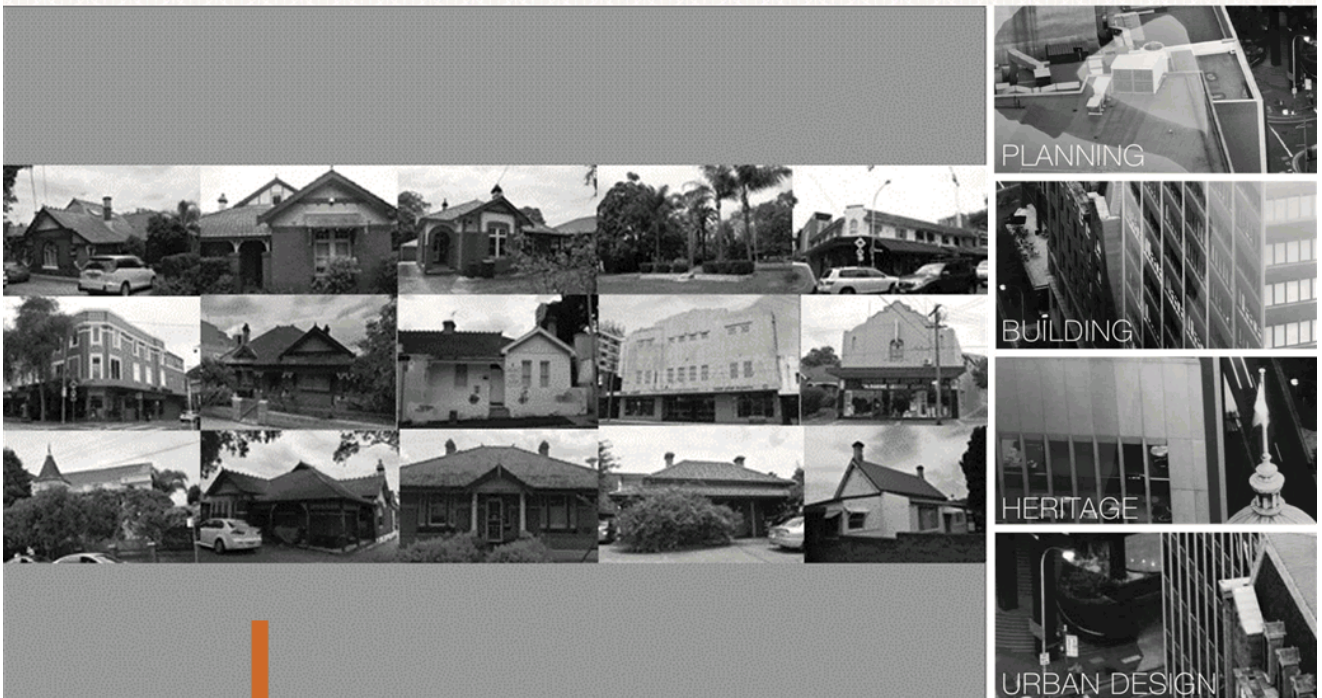
(The two are not necessarily mutually exclusive but it would be sound practice to determine one or other when proposing to list with rarity taking precedence. Representativeness in my opinion should be used for a fine or highly intact example. Loss of the ground floor and accretions suggest this is not the case).

The description of fabric is comprehensive and would demonstrate the categorization as IW-SM which is a rare style in Burwood. It is therefore important to preserve and record for this Local Government Area.

Colin Israel

Colin Israel,
BSc; BArch UNSW & M Herit Cons USYD
Principal Heritage Consultant – Heritage Advice

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Assessment of Potential Heritage Items Summary Report

Prepared for Burwood Council

FINAL


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March 2015 | 14-171

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Report Revision History

Revision	Date Issued	Prepared by	Reviewed by	Verified by
01	13/01/15	Evan Oxland <i>Graduate Heritage Consultant</i> Susan Kennedy <i>Senior Heritage Consultant</i>	Kerime Danis <i>Director - Heritage</i>	Kerime Danis <i>Director - Heritage</i> 
02	25/02/15	Evan Oxland <i>Graduate Heritage Consultant</i>	Susan Kennedy <i>Senior Heritage Consultant</i>	
03	19/03/15	Kerime Danis <i>Director - Heritage</i>	Kerime Danis <i>Director - Heritage</i>	

This document is preliminary unless approved by a Director of City Plan Heritage.

CERTIFICATION

This report has been authorised by City Plan Heritage, with input from a number of other expert consultants, on behalf of Burwood Council. The accuracy of the information contained herein is to the best of our knowledge not false or misleading. The comments have been based upon information and facts that were correct at the time of writing this report.

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1. Introduction

1.1 Background

In October 2014, the Municipality of Burwood engaged City Plan Heritage to prepare heritage assessment of fifteen (15) potential heritage items.

In September 2014, Burwood Council issued the following Project Brief:

Schedule 5 of the Burwood Local Environmental Plan 2012 currently identifies 213 heritage items and 21 heritage conservation areas. The majority of these items and precincts were identified within the Burwood Heritage Study 1989. Council is presently reviewing the Inventory Sheets of its existing heritage items to ensure the information is relevant and robust. Following from this exercise, Council seeks to assess the potential heritage significance of a number of properties that are not presently identified as heritage properties.

Consistent with the brief, Council has nominated fifteen properties that have been identified either by Burwood Council or the community as having potential heritage significance. City Plan Heritage has been engaged to assist in Council's assessment of the potential heritage significance of the fifteen properties that are not presently identified as heritage items.

The Burwood and District Historical Society and the Australian National Trust have both submitted items for heritage listing consideration by council. In part, this report is Council's due diligence in response to those organisation's recommendations.

1.2 Purpose

This study investigates and assesses the potential heritage significance of fifteen different properties in the Burwood Municipal area.

The primary purpose of this study is to identify sites of heritage significance which warrant statutory protection through the inclusion on Schedule 5 of the Burwood Local Environmental Plan (BLEP) 2013 as locally heritage listed items or within heritage conservation areas. Deliverables identified by Council are:

- An assessment of significance for each property undertaken in accordance with the NSW Heritage Division, Office of Environment and Heritage (formerly Heritage Office) publication 'Assessing Heritage Significance'.
- A completed Inventory Sheet for each of the fifteen (15) properties.
- A clear recommendation in respect to whether or not a property should be heritage listed or encompassed within a heritage conservation area.

1.3 Assessment Sites

The list of properties subject of this heritage significance assessment together with the basis for review and matters for consideration as identified by Burwood Council noted in the table below:

Table 1: List of fifteen properties nominated for consideration under this heritage assessment study.

Item #	Address/Item	Lot/DP	Basis for Review	Matters for Consideration
1.	55 Liverpool Road, Burwood Heights	Lot 43 DP 12249	One of three properties that formed part of the original Hoskins Estate (Appian Way) but were excluded from the heritage conservation area in 1985 because of subdivision	If found to be significant, consider the merits of individual heritage listing versus inclusion in the conservation area. If including in a

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Item #	Address/Item	Lot/DP	Basis for Review	Matters for Consideration
			and infill development. The cases of 92 Liverpool Road and 18 Wyatt Avenue suggest that these houses may be the subject of community concern if demolition were proposed. Identified by Historical Society in 2010.	conservation area, should it be only the three properties or group of properties along Liverpool Road.
2.	59 Liverpool Road, Burwood Heights	Lot 15 DP 12249	As above.	As above.
3.	67 Liverpool Road, Burwood Heights	Lot 12 DP 12249	As above.	As above.
4.	Burwood Park, Burwood (Bounded by Comer Street, Burwood Road, Park Avenue and Park Road)	Lot 1 DP 54247 & Lot 1 DP 1164681	The initial Heritage Study 1989 contains an inventory sheet (1.50) for the park, but no landscape items or reserves were heritage listed at that time. The Memorial Arch is also on the Australian Heritage Database. Identified by Historical Society as far back as 1994 and again in 2010 submission.	
5.	"Ely House", 122-126 Burwood Road, Burwood	Lots 1, 2, 3, 4 DP 14009	Identified by Historical Society in 2009 submission.	If found to be significant, consider the merits of listing only the "first floor facades" as with some other Burwood Road listings.
6.	Club Burwood, 97 Burwood Road, Burwood	Lot 1 DP 83700	Identified by Historical Society in 2009 submission.	If found to be significant, consider the merits of listing only the "upper floor facades" as with some other Burwood Road listings.
7.	29 Victoria Street, Burwood	Lot 22 DP 552	Federation house using concrete blocks. Recently listed by the National Trust NSW. Identified by Historical Society in 2005 and 2010.	
8.	4 Burleigh Street, Burwood	Lot E DP 438222	Early home of Angus and Malcolm Young of AC/DC, and older brother George Young of the Easybeats. Possible social significance. Recently listed by the National Trust NSW. Identified by Historical Society in 2010.	If found to be significant, consider whether the adjoining semi-detached property should also be conserved.

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Item #	Address/Item	Lot/DP	Basis for Review	Matters for Consideration
9.	Former Enfield Savoy Cinema, 306-308 Liverpool Road, Enfield	Lot C DP 316722	Identified by Historical Society in 1994 (referring to research by the Theatre Historical Society) and again in 2010. See also 'Cinemas of Burwood Municipality' and http://cinematreasures.org/theaters/35280	If possible, identify whether any significant interiors exist that warrant conservation.
10.	Former Croydon Park Theatre, 167-171 Georges River Road, Croydon Park	Lot 1 DP 4102	Identified by Historical Society in 1994 (referring to research by the Theatre Historical Society) and again in 2010. See also 'Cinemas of Burwood Municipality' and http://cinematreasures.org/theaters/35271	If possible, identify whether any significant interiors exist that warrant conservation.
11.	18 Liverpool Road, Croydon	Lot 1 DP 1179269 (SP 87303)	Council's resolution on LEP 48 makes an undertaking to investigate the potential heritage significance of this property (together with 99 Burwood Rd & 109 Burwood Rd).	
12.	99 Burwood Road, Enfield	Lot B DP 104640	Associated with Rupert Cook's Burwood Road Brickworks - refer 'Working the Clays'. Council's resolution on LEP 48 makes an undertaking to investigate the potential heritage significance of this property (together with 18 Liverpool Rd & 109 Burwood Rd). Identified by Historical Society in 2010.	Consider the impact of the second dwelling erected upon the site upon the setting/context of the original house.
13.	109 Burwood Road, Enfield	Lot C DP 304943	Associated with Rupert Cook's Burwood Road Brickworks - refer 'Working the Clays'. Council's resolution on LEP 48 makes an undertaking to investigate the potential heritage significance of this property (together with 99 Burwood Rd & 18 Liverpool Rd). Identified by Historical Society in 2010.	
14.	94 Liverpool Road, Burwood Heights	Lot A DP 360555	Following the demolition of the adjacent building at 92 Liverpool Road, the Burwood and District Historical Society has suggested that 94 Liverpool Road be heritage listed. Also separately nominated by a community	Consider extent of alterations. If found to be significant, consider recommendations to protect the house's context/setting at the

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Item #	Address/Item	Lot/DP	Basis for Review	Matters for Consideration
			member in 2010. Property has been subject to a number of modifications, including the subdivision and the replacement of its original roof and verandah posts. It is noted that the building was converted to two flats in 1966, a use which continued well into the 1980s, at which point the building was deemed to be dilapidated.	centre of a medium density precinct.
15.	"Koorali", 41 Nicholson Street, Burwood	Lot B DP 399238	Identified by Historical Society in 2010. Historical Society advises it was a former school and has some research on this house.	Consider extent of alterations.

1.4 Author Identification

This study has been undertaken by the following City Plan Heritage team members:

- Kerime Danis, Director - Heritage
- Susan Kennedy, Senior Heritage Consultant
- Flavia Scardamaglia, Heritage Consultant
- Anna McLaurin, Graduate Heritage Consultant
- Evan Oxland, Graduate Heritage Consultant

1.5 Acknowledgements

The study team acknowledges the support and assistance provided by the following:

- Diwei Luo, Manager Strategic Planning - Burwood Council
- Marianna Kucic, Executive Strategic Planner - Burwood Council
- Dr Noni Boyd - Australian Institute of Architects
- Kasia Malicka, Local Studies Librarian - Burwood Library and Community Hub
- Jon Breen, President - Burwood and District Historical Society

1.6 Assessment area

The area surrounding the subject properties in this Heritage Assessment includes the following suburbs:

- Burwood
- Burwood Heights
- Enfield
- Croydon
- Croydon Park

The assessment takes into consideration nearby heritage items and conservation areas, listed on Schedule 5 of the BLEP 2012, as the base rationale for individual site

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recommendation for either individual listing or inclusion into a heritage conservation area. The following heritage map identifies the general area of Burwood Council and existing state and locally listed heritage items and conservation areas:

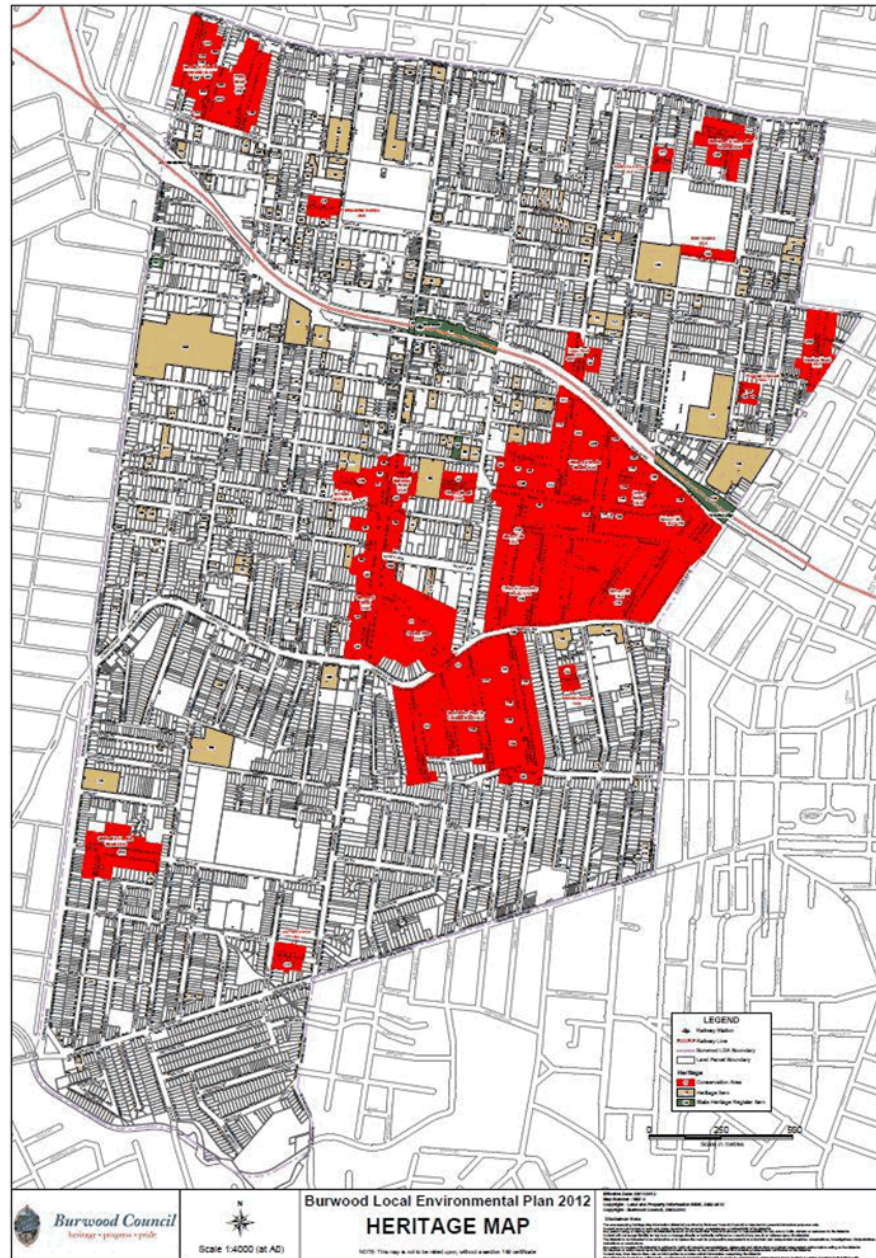


Figure 1: Heritage map identifying the general area of Burwood Council and existing state and locally listed heritage items and conservation area

1.7 Limitations

While every effort has been made to thoroughly investigate the study area, no heritage study is exhaustive and complete. The following limitations of this study are highlighted:

- Most potential items were identified and described on the basis of an external survey, with limited access to the properties themselves, or to the interior of buildings.
- Limited resources for historical research allowed for only brief historical notes for the identified potential heritage items; for example date of construction, builder or architect (where known), early owners, and the subdivision history. As such, this study should not be considered as a full heritage assessment of each site recommended for heritage listing rather it includes sufficient information to inform the decision making on the recommended potential heritage items.

2. Study methodology

This heritage study comprehensively reviewed the nominated fifteen properties through a range of methods. Consistent with best practice standards and guidelines for heritage assessments and studies, this study has investigated the history of each subject property alongside the completion of physical surveys. Through these combined methods, this study has recommended a number of the nominated properties that demonstrate the unique history and heritage values of Burwood for heritage listing.

2.1 Historic research

A major component of this assessment was conducting historic research of each individual property to understand its significance in itself and relational importance in regards to wider patterns of development or historic trends. This research was conducted in two main forms.

Firstly, research contained in secondary sources, including a past heritage study (1989) for the Burwood local government area, was reviewed and highlighted as a background to this study. National Trust listing sheets, were of particular use.

Primary document research was conducted to establish ownership, this included investigation of municipal records of rate books, property valuations, development applications, and the Sands directories. In addition, where relevant, historic newspapers, maps and photographs were also consulted.

Finally, the history of individual sites was researched and a summary history included in the State Heritage Inventory (SHI) forms for all fifteen properties considered as part of this heritage study. These inventories are included in Appendix 2. The primary and secondary sources researched for these site histories are outlined in the individual SHI forms.

2.2 Site Survey

Site surveys were conducted by City Plan Heritage during November and December 2014. All properties were observed from the public domain. Additional investigation undertaken where access was provided by owners or occupants of the properties. Some sites were investigated internally, but complete or even partial access could not be organised for all properties included in this study. The extent of survey is noted in Table 2 below. Detailed location maps are shown in Appendix 1.

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Table 2: Extent of survey undertaken

Item #	Address	Extent of Exterior Investigation	Extent of Interior Investigation
1.	55 Liverpool Road, Burwood Heights	From public domain.	No investigation, owners were not present.
2.	59 Liverpool Road, Burwood Heights	Complete investigation.	Complete investigation.
3.	67 Liverpool Road, Burwood Heights	From public domain.	No investigation, owners were not present.
4.	Burwood Park, Burwood	Complete investigation.	No investigation of components' interiors, access could not be organised.
5.	"Ely House", 122-126 Burwood Road, Burwood	Complete investigation.	No investigation of residences, owners were not present. Staircase and public interior hallways and courtyard investigated.
6.	Club Burwood, 97 Burwood Road, Burwood	Complete investigation.	Complete investigation.
7.	29 Victoria Street, Burwood	From public domain.	No investigation, owners not present.
8.	4 Burleigh Street, Burwood	From public domain.	No investigation, medical practise during office hours.
9.	Former Enfield Savoy Cinema, 306-308 Liverpool Road, Enfield	From public domain.	Partial investigation of public showroom, owner was not present.
10.	Former Croydon Park Theatre, 167-171 Georges River Road, Croydon Park	From public domain.	No investigation.
11.	18 Liverpool Road, Croydon	From public domain.	No investigation, owners were not present.
12.	99 Burwood Road, Enfield	From public domain.	No investigation, owners were not present.
13.	109 Burwood Road, Enfield	From public domain.	No investigation, owners were not present.
14.	94 Liverpool Road, Burwood Heights	Complete investigation.	Complete investigation.
15.	"Koorali", 41 Nicholson Street, Burwood	From public domain.	No investigation, owners were not present.

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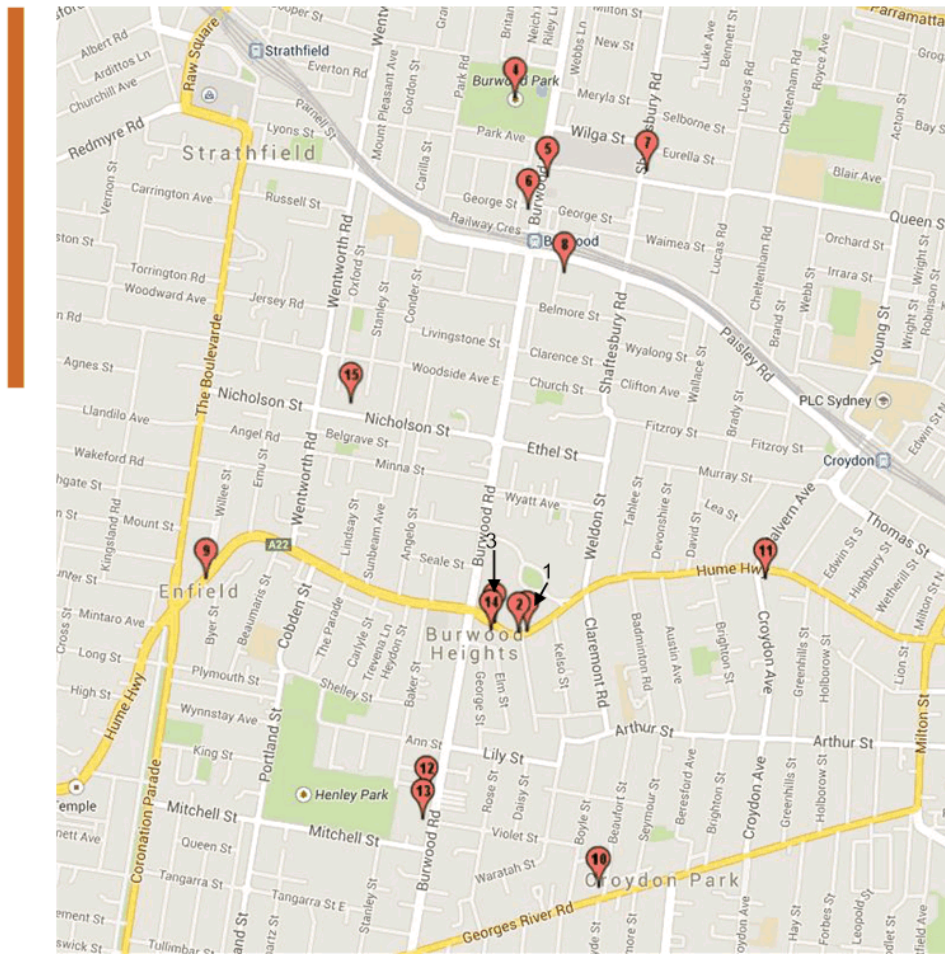


Figure 2: Nominated sites in the context of the surrounding area (Source: Google Maps)

2.3 Heritage Assessment Standards

This heritage assessment study has been prepared in accordance with the best practice heritage standards for assessing heritage significance and heritage studies established by the NSW Heritage Council, Heritage Division - Office of Environment and Heritage (formerly Heritage Office) and NSW Department of Urban Affairs and Planning, as set out in the *NSW Heritage Manual*.

It has also been prepared in accordance with the national best practice standards for heritage assessment contained in The *Australia ICOMOS Charter for Places of Cultural Significance* known as The Burra Charter (revised 2013). The Burra Charter defines significance as the:

Aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups.

To determine whether the nominated fifteen properties have heritage significance and therefore warrant heritage listing, each property has been assessed against the seven

NSW criteria of heritage significance as set out in the *NSW Heritage Manual*. The seven criteria for heritage significance include:

- *Criterion (a): An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area);*
- *Criterion (b): An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area);*
- *Criterion (c): An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area);*
- *Criterion (d): An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons;*
- *Criterion (e): An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the culture or natural history of the local area);*
- *Criterion (f): An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area);*
- *Criterion (g): An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places or environments.*

The *NSW Heritage Manual* guidelines establish that a site warrants heritage listing where it fulfils one or more of these seven criteria of local heritage significance. For each property recommended for listing in this study, a succinct statement of significance summarising this assessment has been prepared, contained in the inventory forms in Appendix 2 of this report.

Architectural style and detailing of all buildings considered under this study have been described and assessed in accordance with Apperly, R. Irving, R. Reynolds, P., 1989, *A Pictorial Guide to Identifying Australian Architecture: Styles and terms from 1788 to the present*.

3. Historical Context

A detailed historical investigation is beyond the scope of this report. The following historical summary is limited to the context of the nominated fifteen properties. It should be noted that this historical summary is limited to the post-contact settlement of the area surrounding the subject fifteen properties. No assessment of Aboriginal history is included, although it is recognised that Aboriginal people would have inhabited the site prior to European contact. At the time of European contact, indigenous people who lived around Burwood were the Wangal people of the Eora nation. The Wangal did travel for trade and food, but their general territory was to the south of Parramatta River.¹ The area in and surrounding Burwood lacked rock shelters for camping but was plentiful in Eucalypt trees, native grasses and access to both the Cook and Parramatta freshwater rivers. This was most likely an area where the Wangal people gathered and hunted food, making in a significant part of their territory.² Their land ranged from Iron Cove to Homebush Bay, and to the south from the Parramatta River to the watershed between Cooks River and Sydney Harbour.³

3.1 Burwood

Burwood's post-contact history begin with Australia's earliest pioneering and convict settlement days. By 1791 rough bush track forged by Governor Phillip between two of the earliest convict settlements Sydney Cove and Parramatta. By 1792 a small number of crude huts were built at the present site of St. Luke's Park as a resting place for parties of soldiers and convicts marching through the mid-point between the two settlements.⁴ The first European settlers included a free woman, a soldier and an ex-convict moved into the area around 1794 and established a small farming community. The suburb at this stage existed in heavily wooded country running parallel to the present-day Parramatta Road.⁵

The name 'Burwood' was officially established when a grant of 260 acres was made to Captain Thomas Rowley (1748 – 1806) who subsequently named his property Burwood Park after his native Cornwall. Rowley was granted increased holdings, expanding his property to 750 acres which ran from Parramatta Road to Nicholson Street, and from the Boulevard to Croydon Station.⁶

However, the largest share of contemporary Burwood was encompassed by a grant in Enfield to William Faithful who arrived in Australia in 1792. Faithful was a Private in the New South Wales Corps, his land was then bought by Simeon Lord, who became one of Sydney's wealthiest merchants, and in 1824 W.H. Moore bought and cleared the land for timber and farming (Parsons, 1966). Both the names of Rowley and Faithful remained on the municipal maps of Concord Parish, well into 1915 when the Greater Sydney area was regionally known as Cumberland.⁷

Upon Rowley's death in 1806 the land was sold by trustees in 1812, contrary to his will, to Sydney businessman Alexander Riley for £520. Riley built the first house in the area 'Burwood Villa' located west of Burwood Park. Riley further cleared over 500 acres of land and cultivated orange, lemon, pomegranate, cherry, grape, peach apple and other various fruit types to supply the colony.⁸ By 1833, Captain Rowley's children realised the fault of the trustees and undertook court action, winning the case and reclaiming their land.⁹

From 1834 the land was subdivided and gradually sold off by Rowley's children. Burwood remained a roadside village between Sydney and Parramatta until the railway line connecting the two settlements was established in 1855. The construction of a railway marked a change in the development of Burwood as the area became far more accessible

¹ (Attenbrow, 2014, P. 22).

² (Strathfield Heritage, 2014)

³ (Smith et. al., 2006 & Burwood Council, 2014).

⁴ (Burwood, 2014).

⁵ (Pollon, 1996, P. 41).

⁶ (Pollon, 1996, P. 42).

⁷ (Pollon, 1996).

⁸ (Fletcher, 1966)

⁹ (Pollon, 1996 & Burwood, 2014).

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to the population, attracting wealthy merchants and industrialists to build large country houses there.¹⁰ A public school was erected in 1858 and a post office in 1861, St Pauls Church was completed in 1871 and designed by notable architect Edmund Blacket who was also responsible for St. Andrew's Cathedral and the University of Sydney's Great Hall and Quadrangle.¹¹ By 1874 the Municipality of Burwood was incorporated and held the first council election amongst a population of 1,200 people and 300 buildings.¹²

Burwood was originally covered by Turpentine-Ironbark forest,¹³ but the construction of Riley's Burwood Villa in 1814 marked the beginning of land clearance and agricultural cultivation of the land that would become Burwood Park. In 1879, after 17 acres was dedicated as a public park on that January, a ratepayer's association signed a petition of 250 signatures. As a result the petitioned government was to appoint other trustees, and the council was without quorum when 5 aldermen, including the Mayor, resigned.¹⁴ On 4th of October, 1882, an area of 15 acres was resumed by the new Concord District Municipality for park purposes at the suggestion of Alderman A.J. Simson, and at a cost of 15,600 pounds.¹⁵ A prize of 5 pounds was awarded to the best design for the layout of the park, and F.A. Carson of Five Docks won this competition with the patriotic site plan layout based on the Union Jack. It was officially transferred to the control of the local Aldermen as its trustees on 28 July 1885,¹⁶ under the Public Parks Act.¹⁷ Its original main entrance was directly opposite Burwood Villa on Park Road. Mayor of Burwood in 1887, R.W. Hardie began the first concerted effort at formalised ornamental plantings which consisted of Ficus and Canariensis date palms, some of which still exist today.¹⁸ By 1890 pathways were constructed out of asphalt in the Union Jack pattern and flower beds and ornamental trees were established. Burwood Park has been a gathering place for community and local civic functions both historically and at present.

Around the time of council elections Burwood started to develop from a farming community towards a modern suburb. A steel industrial pioneer, George Hoskins, conceived a suburb inspired by international garden city/city beautiful ideas following international trends of model suburbs. A key tenant of these ideas includes the power of planning and architecture to normatively fashion good morals and citizenry through the creation of amenable environments of civic beauty, nature, and recreation.¹⁹ For this reason, Hoskins chose not to immediately sell the properties, and instead leased them out, remaining active in their operation throughout his life.²⁰ His finest Arts and Crafts and Queen Anne style homes were oriented around the heroically named Appian Way, after a historically early and strategic road between Ancient Rome and Brindisi in Puglia. As a planned suburb it is but a year or two later built than the development of Haberfield in nearby Ashfield Council.²¹

By 1930 the population of Burwood had risen to over 20,000 people namely because of access provided by the extensive electric tram network. However by 1948 the trams were decommissioned in favour of bus and car transportation services.²²

The development of Westfield Shopping Centre and Burwood Plaza led to a further population expansion, in 2011 it was cited at 12,466. More recently Burwood has become a popular residential area with particularly with the migrant Italian, Greek, Korean and Lebanese population.²³

¹⁰ (Burwood, 2014).

¹¹ (Pollon, 1996).

¹² (Burwood, 2014).

¹³ (Benson & Howell 1990, p. 52).

¹⁴ (SMH/Evening News, 1879).

¹⁵ (Dunlop, 1974).

¹⁶ (Ibid).

¹⁷ (Guy Sturt & Associates, 2006)

¹⁸ (Dunlop, 1974).

¹⁹ (Freestone, 2010).

²⁰ (Burwood, 1983).

²¹ (Burke, 1983).

²² (Burwood, 2014).

²³ (Burwood, 2014).

3.2 History of Enfield

The largest share of contemporary Burwood was encompassed by a grant in Enfield to William Faithful who arrived in Australia in 1792. Faithful was a Private in the New South Wales Corps, his land was then bought by Simeon Lord, who became one of Sydney's wealthiest merchants, and in 1824 W.H. Moore bought and cleared the land for timber and farming. By 1889 as the population had expanded to over two thousand people the suburb was granted its own municipal council. Both the names of Rowley and Faithful remained on the municipal maps of Concord well into 1915 when the Greater Sydney area was regionally known as Cumberland.²⁴ In 1949 the NSW State Government consolidated smaller suburban local governments into larger municipal populations, Enfield was then absorbed into both Burwood and Strathfield Municipal Councils.²⁵

3.3 History of Croydon

Croydon's post-contact story began as a resting place for convict gangs on the journey between Sydney Cove and Parramatta. The first official citing of the area was a map drawn by William Dawes in 1791, describing the area as 'a tract of good land to appearance in many places hereabout'.²⁶ Soon after Governor Grose sent gangs of convicts to clear the land of around 60 acres of land becoming the Longbottom Government Farm which eventually covered an area 700 acres by 1821.²⁷

The first settler to the area was Sarah Nelson, a free woman who followed her husband had been convicted and sent for transportation for seven years to the colony. In 1794 she received a land grant of 15 acres. Further land grants were allocated to James Eades, James Brackenrig and Dennis Connor which all extend into current day Croydon.²⁸

By the 1830s after the railway line was connected to the Burwood area large scale subdivisions occurred making the area a popular place for business owners as the land size was large and commute to the city was short.²⁹ By 1875 the area was still known as either Burwood or Ashfield, when a station name 'Five Dock' opened subdividing the land and creating a new suburban area. The name was shortly renamed Croydon after the London suburb on suggestion from the Ashfield Council.³⁰ At the turn of the century a small neighbourhood on the edge of Croydon proper close to Dulwich Hill and Enfield established itself as a separate entity in protest of the poor postal service the area received. The divide occurred because the local public school Parents and Citizens Association petitioned for a post office in the area. By 1914 the petition had been successful and the Croydon Park Post Office opened and the neighbourhood assumed the name.³¹

3.4 History of Croydon Park

The establishment of Croydon Park as a suburb only occurred in 1914 after a citizen's protest regarding poor postal service in the municipality of Croydon. Before this establishment Croydon Park existed as a part in Croydon.³² Following the establishment of the railway line in present day Croydon the area was divided to form the two large areas. Within the area where Croydon Park now lies a large tract of flood prone land that was subsequently conserved and turned into a public park. The establishment of this park is how Croydon Park gained its name.³³ Today the population of Croydon Park exists well over ten thousand with the majority of the population originating from Australia, Italy and China.³⁴

²⁴ (Pollon 1996, PP 96-97)

²⁵ (Strathfield Heritage, 2014).

²⁶ (Bladen, 1981)

²⁷ (Johnson, 2008).

²⁸ (Johnson, 2008)

²⁹ (Johnson 2008)

³⁰ (Pollon, 1996)

³¹ (Pollon, 1996)

³² (Pollon, 1996).

³³ (City of Canterbury, 2014).

³⁴ Dictionary of Sydney, 2014.

4. Listing recommendations

4.1 Listing rationale

This heritage assessment study surveyed the fifteen nominated properties in relation to NSW criteria for heritage significance, as set out in the NSW heritage guidelines "Assessing Heritage Significance" and "Local Government Heritage Guidelines". The criteria or rationale for listing included whether the building or structure was considered to demonstrate:

- Historic association with a person or group of historic significance
- Historic patterns of local development identified in the historic overview for the suburb or broader Burwood area
- A good example of its type for the locality, exhibiting typical characteristics of the building typology and period
- Fair integrity, in terms of intactness and condition of historic built form

Properties are recommended for listing where they satisfy these criteria. Where they do not satisfy these criteria, properties are not recommended for listing.

Individual properties which satisfy these criteria are recommended for heritage item listing. Where these properties are a part of a cohesive precinct, or where the group collectively rather than individually satisfy these criteria, incorporation to an existing conservation area is recommended. No items have been recommended for state or wider heritage listing.

4.2 Properties Recommended for Local Heritage Listing

The following 9 properties have been recommended for individual listing in Part 1 under Schedule 5 of the Burwood Local Environmental Plan (LEP) 2012.

Table 3: List of properties recommended for local heritage listing

Item #	Suburb	Address	Item name
4	Burwood	Burwood Park	Burwood Park
5	Burwood	Burwood Road, 122-126	"Ely House" (first floor only)
6	Burwood	Burwood Road, 97	Club Burwood (above awning facade only)
7	Burwood	Victoria Street, 29	"Marlborough"
9	Enfield	Liverpool Road, 306-308	Former Enfield Savoy Cinema
10	Croydon Park	Georges River Road, 167-171	Former Croydon Park Cinema
11	Croydon	Liverpool Road, 18	Helmsdale
12	Enfield	Burwood Road, 99	Palm Cottage
13	Enfield	Burwood Road, 109	Former John Hankinson's House

4.2.1 Item assessments

An individual assessment of each of these properties is provided in the State Heritage Inventory (SHI) forms contained in Appendix 2 of this report. These inventory forms outline the heritage significance, location, overall site components and a brief history for each of the above properties to support the above listing recommendations. It is noted that more

detailed assessment of these places will occur at the development stage when major changes are proposed, in accordance with the local planning controls.

4.3 Properties Recommended for Inclusion in Heritage Conservation Area

Some of the properties in this assessment meet the criteria for heritage listing individually, while others collectively satisfy the listing rationale for their historic period and distinct character as a group. The properties listed in Table 4 below were assessed in relation to their historical association and relative architectural values in comparison with the properties located within the "Appian Way Heritage Conservation Area". It was found that they do not hold a more distinct architectural or historical values than those properties within the conservation area, and as such they are recommended to be included in the heritage conservation area rather than be listed as individual items. The boundaries of the "Appian Way Heritage Conservation Area" listed as "C1" under Part 2 of Schedule 5 in the Burwood Local Environmental Plan 2012 are recommended to be extended as shown in Figure 3 overleaf to incorporate these properties only.

Table 4: List of properties recommended for inclusion within the "Appian Way Heritage Conservation Area"

Item #	Suburb	Address	Ranking
1	Burwood Heights	Liverpool Road, 55	Contributory item
2	Burwood Heights	Liverpool Road, 59	Contributory item
3	Burwood Heights	Liverpool Road, 67	Contributory item

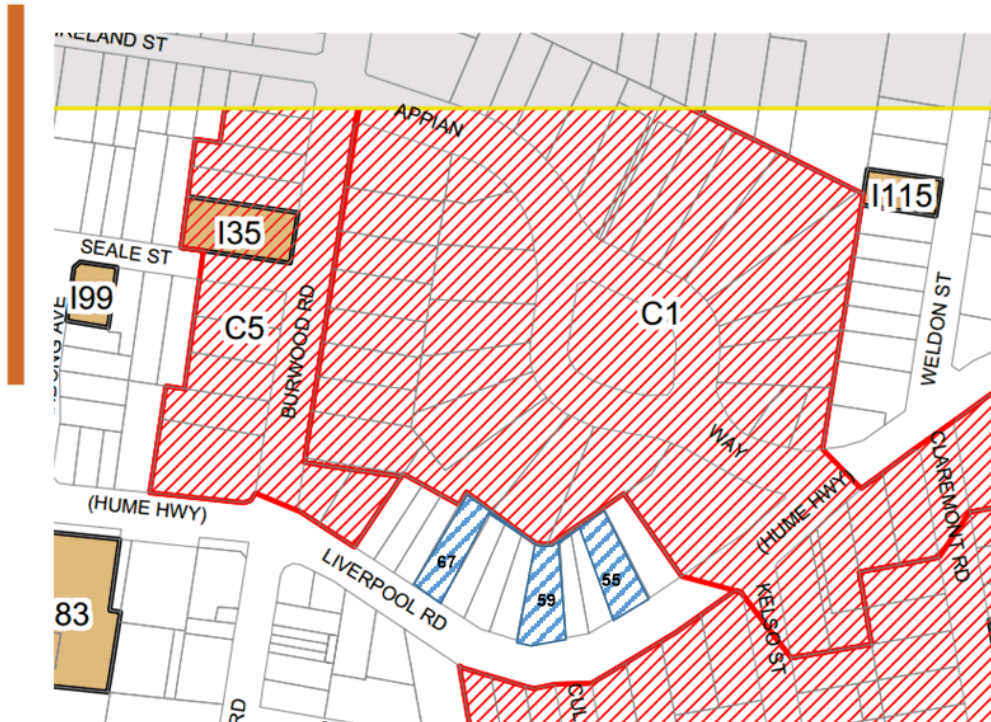


Figure 3: Recommended extension to the Appian Way Heritage Conservation Area marked in blue hatching.

4.4 Properties Not Recommended for Heritage Listing

As indicated previously, individual assessment of each of the nominated properties was undertaken. The properties noted in Table 5 below have failed to meet the criteria for listing due to their modest architectural value and the brief period of associational attributes with AC/DC to be relevant to the life and work of the band, or due to the significant modifications that diminished the ability of the building in demonstrating characteristics of a particular architectural style and historical use. Therefore they are not recommended for heritage listing rather alternative measure of acknowledging the associational value is recommended as noted in their respective inventory forms.

Table 5: List of items not recommended for heritage listing

Item #	Suburb	Address	Name
8	Burwood	Burleigh Street, 4	"Young House" (refer to the recommendations in the SHI form)
14	Burwood Heights	Liverpool Road, 94	"Uralla" (refer to the recommendations in the SHI form)
15	Burwood	Nicolson Street, 41	"Koorali"

5. Conclusions and recommendations summary

As a result of a comprehensive survey and assessment, this report recommends consideration of the following key actions for Burwood's heritage:

- **Additional listings:** Add 9 properties (noted in Table 3 above) to Part 1 of Schedule 5 of the Burwood Local Environmental Plan 2012;
- **Expansion of Conservation area:** Include an additional 3 properties in the "Appian Way Heritage Conservation Area" as shown in Figure 3.
- **Matters for further heritage study:** Further investigation, mapping or listing consideration is recommended for matters outside the scope of this study, including an updated Heritage Study of the Burwood LGA. For instance, a survey of Burwood Road to the south and north of the Railway station, which has strong evidence of early 20th century mixed-use commercial buildings that is significant in the development of Burwood, could help steer desirable development in a way that conserves important heritage, without the burden of individual listing on an owner. Some individual listings recommended in this report would then have been recommended for inclusion in hypothetical heritage conservation areas instead of individual listing.
- **Recommendations for properties that are not nominated for listing:** Council should consider the recommendations made in the inventory forms of the properties at 4 Burleigh Street, Burwood and 94 Liverpool Road, Burwood Heights in order to ensure the necessary mitigation measures are undertaken.

While these properties represent a small proportion of the built form of the Burwood LGA, these additional listings will capture the surviving buildings and structures of historical value from these important periods in Burwood's history. Combined with improved development guidelines and the existing heritage listings, the above actions recommended in this study will ensure that Burwood's heritage resource is appropriately recognised, managed and protected for current and future generations.

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Figure 1: A map of the Subdivision of Burwood Farm in 1833, Local History, Municipality of Burwood 2014, viewed 2 November 2014, http://www.burwood.nsw.gov.au/our_burwood/history/local_history.html, accessed online 2 December 2014.

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Planning Controls

Burwood Local Environmental Plan 2012,

<http://www.legislation.nsw.gov.au/maintop/view/inforce/epi+628+2012+cd+0+N>

Burwood Development Control Plan 2012

Repositories Accessed

Burwood Library local history collections
State Library of NSW online resources
Australian Institute of Architects
National Trust of Australia
State Records, Kingswood Reading rooms, online resources
Trove online resources
Land Property Information online services
City Plan Heritage private archives in relation to previous studies within the study area

ATTACHMENT 4

ITEM 2/18 Public Exhibition of the Planning Proposal to Heritage List Ely House, 122-126
Burwood Road Burwood.DOC
Assessment by City Plan Services

Heritage Data Form

ITEM DETAILS					
Name of Item	Ely House (first floor only)				
Other Name/s Former Name/s					
Item type (if known)					
Item group (if known)					
Item category (if known)					
Area, Group, or Collection Name					
Street number	122-126				
Street name	Burwood Road				
Suburb/town	Burwood			Postcode	2134
Local Government Area/s	Burwood				
Property description	Two-Story Shop-Top/Mixed Use Commercial & Residential Spanish Mission Style. Lot 5 DP 14009.				
Location - Lat/long	Latitude	-33.875		Longitude	151.104
Location - AMG (if no street address)	Zone	B2	Easting	Northing	
Owner	Euston Investment Pty Ltd				
Current use	Mixed use of business/residences				
Former Use	Mixed use of Business/residences				
Statement of significance	Ely House's first floor is a historically and aesthetically significant local example of the Inter-War Spanish Mission style. While the ground floor remains completely altered and thus insignificant, the access stairway and entry on Victoria Street asides, the first floor remains contributory to the wider streetscape's heritage character. The Inter-War Spanish Mission Style is uncommon in the Burwood Municipality lending it the significance of rarity.				
Level of Significance	State <input type="checkbox"/>			Local <input checked="" type="checkbox"/>	

Heritage Data Form

DESCRIPTION						
Designer	Unknown					
Builder/ maker	Unknown					
Physical Description	<p>Ely House is a two-storey Spanish Mission style corner lot with facades onto Burwood Road and Victoria Street West.</p> <p>It occupies the entire rectangular block and features a terracotta tile hipped roof. The projecting roofline is supported by decorative brackets and coffered soffit panels. Its splayed corner façade at Victoria Street West and Burwood Road is truncated with a short parapet wall bearing the name 'Ely House' above its arched sash window surmounted by a pronounced keystone. Wall finish is a fan patterned cream coloured stucco, and there is a generous metal awning overtop the street level patio. First floor windows have louvered timber shutters, and there are two enclosed balcony areas with profiled brackets.</p> <p>The ground floor has been the subject of many alterations, and it is doubtful if any original fabric exists, besides from the residence access on Victoria Street West, the north-western most corner of the building, where a tiled floor, metal rail, and terrazzo staircase provides access to the communal courtyard and residences above. The eastern elevation remains intact although a clutter of services has been attached to its side. There is a narrow staircase from this dead-end alleyway to the first floor courtyard. The generous courtyard is intact but for a few places where some services have been attached to the wall and there is a large commercial kitchen sized ventilation unit jutting through the roof on the north wing. Timber sash windows remain and some are newly fitted with steel bars for added security.</p>					
Physical condition and Archaeological potential	<p>First floor, Victoria Street West and Burwood Road facades are in good condition, but require some painting and minor maintenance.</p> <p>-Rear or sides of building cluttered with attached services.</p> <p>-Groundfloor, aside from residences entrance on Victoria Street West, thoroughly altered.</p>					
Construction years	Start year	1929	Finish year	1930	Circa	<input checked="" type="checkbox"/>
Modifications and dates	<p>Development Application History:</p> <p>1925 - Subdivision of land: DP14009</p> <p>1934 - Lot subdivision</p> <p>1969 - Renovations to property</p> <p>1984 - Property used as chemist</p> <p>1984 - Property used as cafe</p> <p>1986 - Alterations to shops and above flats</p> <p>1988 - Shop fit out for hair salon</p> <p>1998 - Shop subdivision for Western Pacific Foods Pty Ltd</p> <p>1999 - Restaurant extension and extension of trading hours</p> <p>2001 - Shop fit out for Doctor's consulting rooms</p> <p>2002 - Shop Fit out for 7/11 Store</p> <p>2005 - Shop fit out for Mourched</p> <p>2005 - Shop 5 leased to Red Rooster</p> <p>2006 - Establishment of Wood Fire Pizza Restaurant</p> <p>2007 - Shop Fit out for Bakery</p> <p>2008 - Shop fit out for Trading Pty Ltd</p> <p>2008 - Installation of new advertising signs</p> <p>2008 - Installation of new awning</p> <p>2009 - Shop fit out for Thania Box Pty Ltd.</p> <p>2010 - Storm water and drainage works</p> <p>2010 - Shop fit out for beverage purposes</p> <p>2012 - Refurbishment and internal fit out of existing coffee shop</p>					

Heritage Data Form

	2014 – Shop fit out
Further comments	

HISTORY

Historical notes	<p>Subject Site History:</p> <p>According to the Sands directory plumber John Hawksford moved from Cheltenham Road to Burwood Road east just south of Victoria in 1892, and was listed as the tenant of the subject site until 1899. The property was briefly assumed by butcher William Watford and followed with John Bryant the boot-maker in 1900 for a year until Mrs L Ramsay, a dressmaker, took the location over. In 1905 a Bennet H. & Co. Produce merchants were listed for two years until Birke H.W. produce merchant in 1907. In 1910 Maurice Green was operated a pawn shop at this location. An Edward Wilcox was located at 122 Burwood Road from 1918-1925, and listed a fruiterer. Harne R&D was listed from 1925-1928, and L.V. Field, a tailor 1928-1930 (Sands Directories, 1858-1933).</p> <p>As the subject site commands the corner Victoria Street West and Burwood Road it is well suited for mixed use developments. It is unclear whether or not it was built around 1930-1931 or after, because an Ely Pharmacy was listed at 124 Burwood Road in 1931. However, because 122-124 is listed with subdivided numbers it suggests that a larger block was in place in 1931. Nevertheless, the present Ely House was built by 1943, when the SixMaps aerial photo confirms the existence of the same roof that exists today. This also correctly positions this Spanish Mission style building in its appropriate Inter-War time frame (Apperly, et. al., 1994). It currently operates as a mixed-use development.</p>
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THEMES

National historical theme	3 Developing local, regional and national economies 4 Building settlements, towns and cities
State historical theme	3 Commerce 4 Accommodation

APPLICATION OF CRITERIA

Historical significance SHR criteria (a)	Ely House has continually operated as its original intended design as a mixed used commercial and residential development since the early 1930s. As a mixed use development it accommodated both residential and commercial activities combining more life and business to the surrounding street, this important use is continuing today.
Historical association significance SHR criteria (b)	Ely House has no known associations with a historical person, place, or event of significance.
Aesthetic significance SHR criteria (c)	'Ely House' is a good example of the Inter-War Spanish Mission style architecture on the first floor and the access or entry stairwell on Victoria Street West. In addition, it contributes a sense of heritage character to the wider streetscape.

ATTACHMENT 4

ITEM 2/18 Public Exhibition of the Planning Proposal to Heritage List Ely House, 122-126 Burwood Road Burwood.DOC Assessment by City Plan Services

Heritage Data Form

Social significance SHR criteria (d)	Ely house has no known associations with a specific historically significant community or culture.
Technical/Research significance SHR criteria (e)	Ely house has potential to add research and educational knowledge to the community in regards to the documentation of the Inter-War Spanish Mission style architecture.
Rarity SHR criteria (f)	Ely House is a rare example of the Inter-War Spanish Mission style locally within the Burwood Municipality.
Representativeness SHR criteria (g)	Ely House is a representative example of the Inter-War Spanish Mission style mixed residential and commercial buildings
Integrity	<p>The ground floor of Ely House has no traces of historically significant fabric, except for the narrow entranceway and staircase to the first floor on Victoria Street West.</p> <p>The first floor is in good condition, it retains its roof form, wall fabric, and most windows in original form. Original colour scheme cannot be confirmed, however, the existing colours are appropriate.</p>

HERITAGE LISTINGS

Heritage listing/s	No current heritage listings. Recommended for listing under this heritage assessment study.
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INFORMATION SOURCES

Include conservation and/or management plans and other heritage studies.

Type	Author/Client	Title	Year	Repository
Book	Richard Apperly, Robert Irving, & Peter Reynolds	A Pictorial Guide to Identifying Australian Architecture	1994	
Book	Frances Pollon	The Book of Sydney Suburbs	1996	-
Online Directory	John Sands	Sands Directories	1858-1933	City of Sydney Online Archive

RECOMMENDATIONS

Recommendations	<ol style="list-style-type: none"> 1) Archival photographic recording, in accordance with "Photographic Recording of Heritage Items Using Film or Digital Capture" (NSW Heritage Guidelines Series, 2006), should be undertaken before any major changes. 2) The First Floor of "122-126 Burwood Road, Ely House", should be listed under Schedule 5 of the <i>Burwood Local Environmental Plan 2012</i>.
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SOURCE OF THIS INFORMATION

Name of study or report	Burwood Assessment of Potential Heritage Items	Year of study or report	2015
Item number in study or report	5		
Author of study or report	City Plan Heritage		

ATTACHMENT 4

ITEM 2/18 Public Exhibition of the Planning Proposal to Heritage List Ely House, 122-126
Burwood Road Burwood.DOC
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Heritage Data Form

Inspected by	Flavia Scardamaglia and Evan Oxland		
NSW Heritage Manual guidelines used?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
This form completed by	Evan Oxland & Kerime Danis	Date	05/12/2014 & 05/01/2015

ATTACHMENT 4

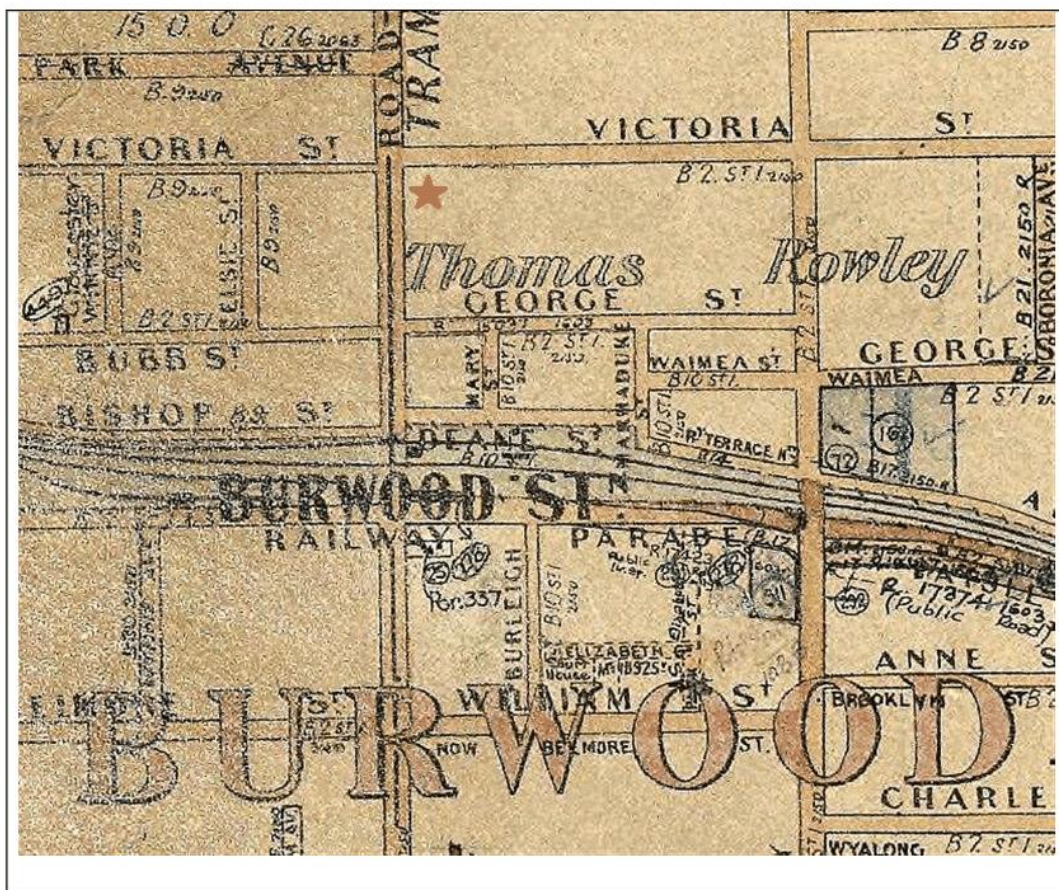
ITEM 2/18 Public Exhibition of the Planning Proposal to Heritage List Ely House, 122-126
Burwood Road Burwood.DOC
Assessment by City Plan Services

Heritage Data Form

IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	Parish of Concord Map, 1915 – Ely house marked with red star				
Image year	1915	Image by	HLRV-Pixel Viewer	Image copyright holder	NSW Land and Property Information



Heritage Data Form

IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	122-126 Burwood Road, 1943 Aerial photograph				
Image year	1943	Image by	SixMaps	Image copyright holder	NSW Land and Property Information



Heritage Data Form

IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	122-126 Burwood Road, 2014 Aerial photograph				
Image year	2014	Image by	Six Maps	Image copyright holder	NSW Land and Property Information



ATTACHMENT 4

ITEM 2/18 Public Exhibition of the Planning Proposal to Heritage List Ely House, 122-126
Burwood Road Burwood.DOC
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Heritage Data Form

IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	Ely House, Corner and North/West façades				
Image year	2012	Image by	Google Street View	Image copyright holder	Google Maps



Heritage Data Form

IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	Ely House, First floor internal courtyard				
Image year	2014	Image by	City Plan Heritage	Image copyright holder	Burwood Council

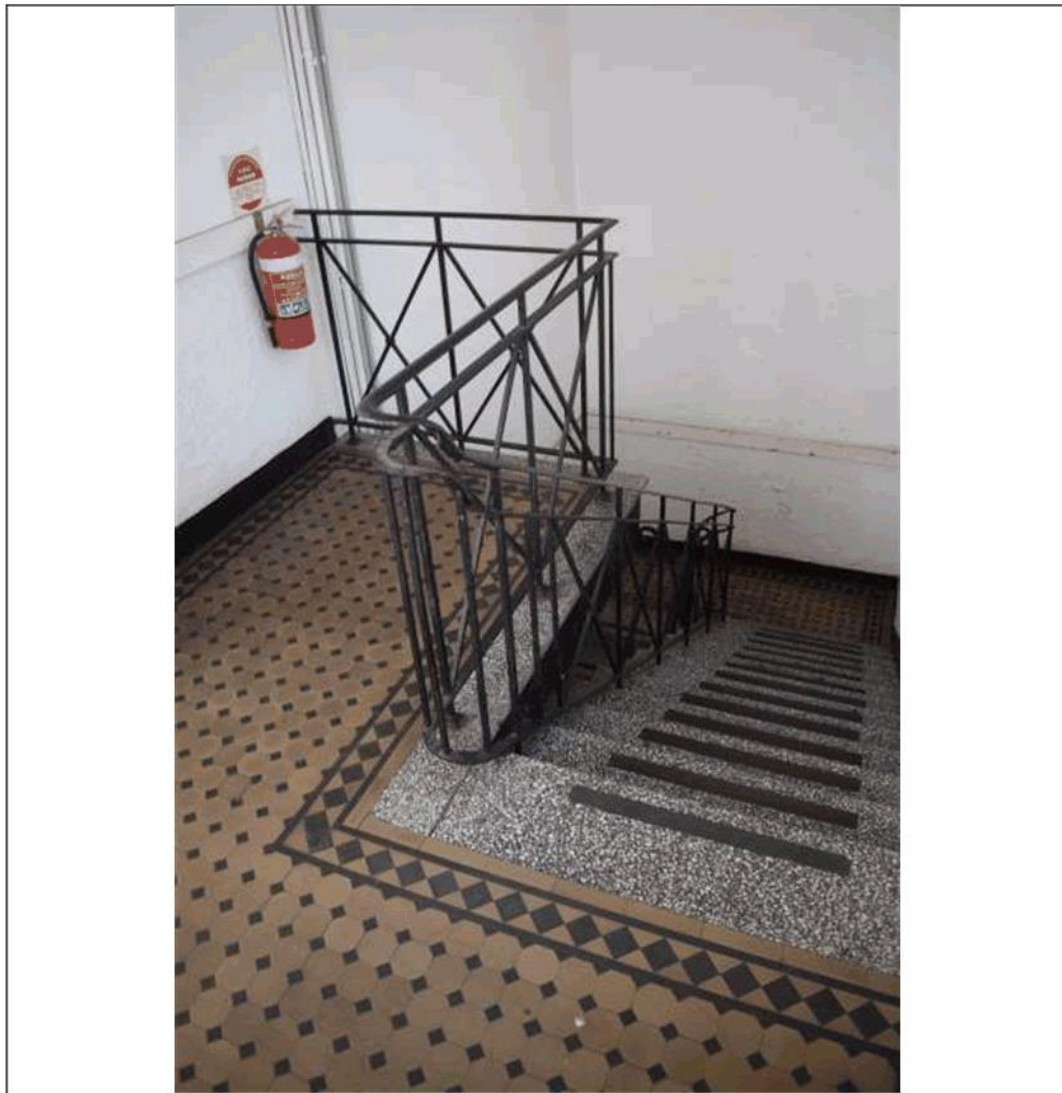


Heritage Data Form

IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	First floor residents access terrazzo staircase, and original tile work.				
Image year	2014	Image by	City Plan Heritage	Image copyright holder	Burwood Council

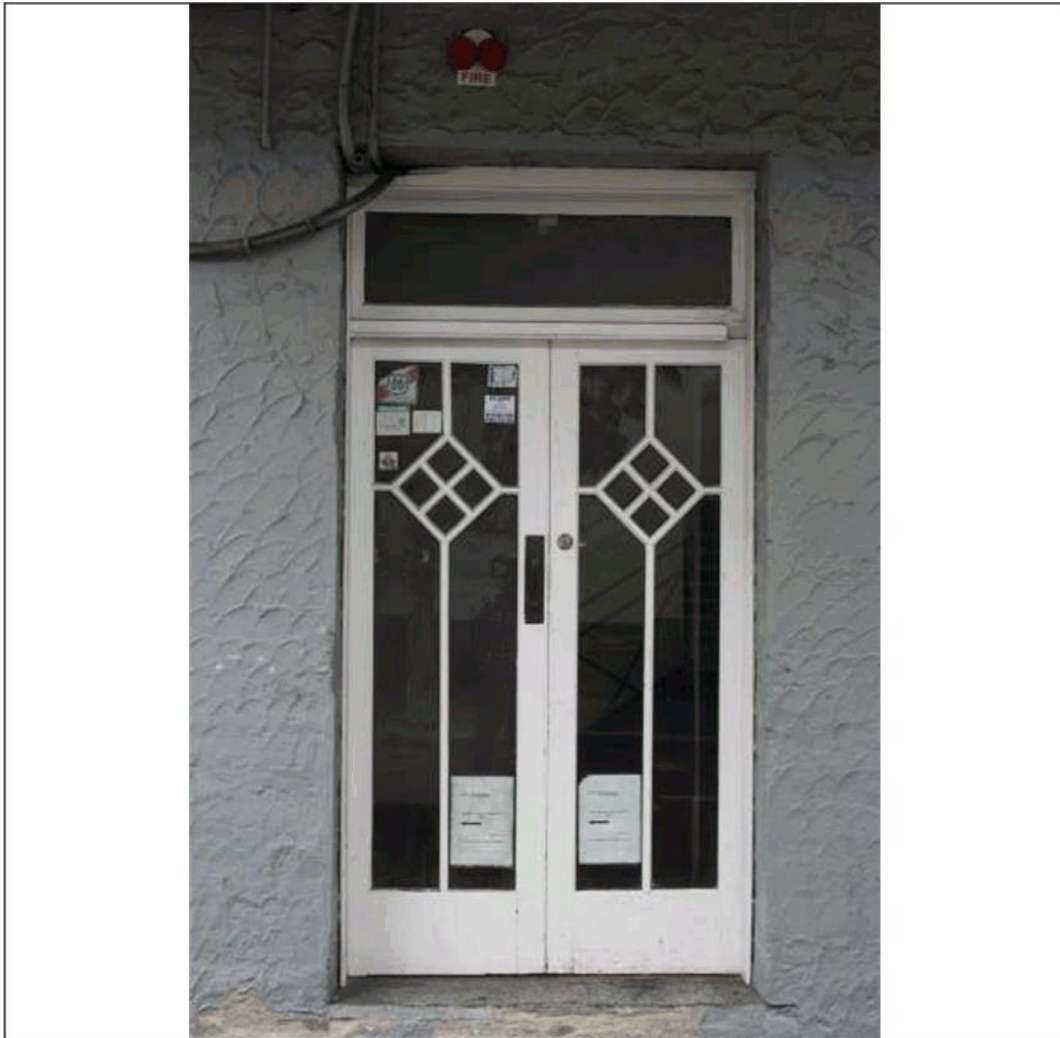


Heritage Data Form

IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	Extant door, original rendering texture, original render/paint colour unknown.				
Image year	2014	Image by	City Plan Heritage	Image copyright holder	Burwood Council



Heritage Data Form

IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	Rear, or eastern, elevation with a jungle of introduced services.				
Image year	2014	Image by	City Plan Heritage	Image copyright holder	Burwood Council



ATTACHMENT 4

ITEM 2/18 Public Exhibition of the Planning Proposal to Heritage List Ely House, 122-126
Burwood Road Burwood.DOC
Assessment by City Plan Services

Heritage Data Form

IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	183 Burwood Road – another example of the Spanish Mission Style commercial frontage				
Image year	2014	Image by	Google 2014	Image copyright holder	Google 2014



ATTACHMENT 5

ITEM 2/18 Public Exhibition of the Planning Proposal to Heritage List Ely House, 122-126 Burwood Road Burwood.DOC Assessment by Colin Israel Heritage Advice

COLIN ISRAEL
PRINCIPAL HERITAGE CONSULTANT TRADING AS
HERITAGE ADVICE

ABN: 23 155 854 944

Manager, Planning and Development
Burwood Council
Suite 1, Level 2
1-17 Elsie Street
BURWOOD NSW 2134

PO BOX 199
NORTH RYDE BUSINESS CENTRE
NSW 1670
heritage.advice@bigpond.com
M: 0408 462163
15 September 2016

RE: PEER REVIEW OF 4 POTENTIAL HERITAGE ITEMS – EXECUTIVE SUMMARY

A Peer Review has been prepared by Heritage Advice for Burwood Council of four of the properties recommended for heritage listing in the "Assessment of Potential Heritage Items for Burwood Council" prepared by City Plan Heritage P/L dated March 2015.

The properties reviewed are indicated in the excerpt from Table 3 of that report:

Item #	Suburb	Address	Item name
5	Burwood	Burwood Road, 122-126	"Ely House" (first floor only)
11	Croydon	Liverpool Road, 18	"Helmsdale"
12	Enfield	Burwood Road, 99	"Palm Cottage"
13	Enfield	Burwood Road, 109	Former John Hankinson's House

The Peer Review entailed examination of the Heritage Inventory Sheets drafted for each of the proposed items. Our initial findings supported the listing of each of the properties with some corrections to the Inventory Sheets with respect to classification of styles for "Helmsdale" and John Hankinson's House.

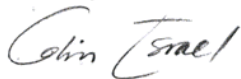
Additional study of Land Titles was recommended with respect to "Ely House" & "Helmsdale" to more precisely fix the likely date of construction. These are now provided with the final mark-up of these inventory sheets. Additional material was also provided in respect of curtilage issues and additional management policies including Interpretation and an Inclusion/Exclusion analysis for "Ely House".

Subject to incorporation of these further particulars on the Inventory Sheets this Peer Review supports the recommendations of City Plan Heritage P/L for listing of each of these properties as assessed.

This Peer Review finds that the potential heritage items would meet criteria for listing for historical, historical associations, aesthetic and rarity values as detailed on the Inventory Sheets for each, subject to incorporation of the detailed comments provided.

Our recommendation would be for Council to include listing of these properties as individual heritage items in Part 1 under Schedule 5 of the Burwood Local Environmental Plan (LEP) 2012.

Yours truly,



Colin Israel

B.Sc(Arch), B.Arch, UNSW; M. Herit. Cons. USYD

Principal Heritage Consultant

HERITAGE ADVICE

Conservation Management Plans
Heritage Impact Statements
Heritage Item Assessment
Conservation Area Assessment
Heritage Listings
D.A. Design Advice
Pre-Auction Inspection

Heritage Advisor Service
LEP & DCP guidelines
Conditions of Consent
Council DA Assessment
Archival Drawings
Photo Recording
Heritage Interpretation
Maintenance Schedules

Advocacy & Mediation
Land & Environment Court
Expert Witness Reports

ITEM 2/18 Public Exhibition of the Planning Proposal to Heritage List Ely House, 122-126 Burwood Road Burwood.DOC
Assessment by Colin Israel Heritage Advice

Response to request for information – BURWOOD ITEMS – PEER REVIEW

Ely House Inventory: You state on Page 15 that the item should be assessed against the inclusion/exclusion guidelines. Please undertake this assessment.

PLEASE SEE BELOW BRIEF ASSESSMENT AGAINST INCLUSION / EXCLUSION GUIDELINES - ELY HOUSE – BURWOOD ROAD

ASSESSMENT OF SIGNIFICANCE

Criterion (a) (local significance).

An item is important in the course, or pattern, of the local area's cultural or natural history

Inventory sheet statement:

Ely House has continually operated as its original intended design as a mixed used commercial and residential development since the early 1930s. As a mixed use development it accommodated both residential and commercial activities combining more life and business to the surrounding street, this important use is continuing today.

DISCUSSION:

Statement indicates origin and continuity of activity 1920's & 1930's – mixed use of substantial scale. While the activity is common the evidence of continuity in a particular historical phase is substantially intact.

ASSESSMENT:

Guidelines for INCLUSION		Guidelines for EXCLUSION	
• shows evidence of a significant human activity		• has incidental or unsubstantiated connections with	N/A
• is associated with a significant activity or historical phase	YES	historically important activities or processes	
• maintains or shows the continuity of a historical process or activity	YES	• provides evidence of activities or processes that are of dubious historical importance	
		• has been so altered that it can no longer provide evidence of a particular association	NO

7.2 Criterion (b) (local significance): NIL stated on inventory sheet

An item has strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of the local area.

7.3 Criterion (c) (local significance):

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.

Inventory sheet statement:

'Ely House' is a good example of the Inter-War Spanish Mission style architecture on the first floor and the access or entry stairwell on Victoria Street West. In addition, it contributes a sense of heritage character to the wider streetscape

DISCUSSION:

ATTACHMENT 5

ITEM 2/18 Public Exhibition of the Planning Proposal to Heritage List Ely House, 122-126 Burwood Road Burwood.DOC Assessment by Colin Israel Heritage Advice

Spanish Mission style buildings from the Inter-War period are relatively rare in Burwood.

This example exemplifies characteristic features of the style and is prominently located within Burwood Road's streetscape. Apart from the alteration of the ground floor shops the form, materials and design retain original character and stylistic elements.

Its original landmark qualities (as street corner feature) are subsumed by the scale of later surrounding development.

ASSESSMENT:

Guidelines for INCLUSION		Guidelines for EXCLUSION	
• shows or is associated with, creative or technical innovation or achievement	YES	• is not a major work by an important designer or artist	Not Known
• is the inspiration for a creative or technical innovation or achievement	NO	• has lost its design or technical integrity	NO
• is aesthetically distinctive	YES	• its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded	NO
• has landmark qualities	NO	• has only a loose association with a creative or technical achievement	NO
• exemplifies a particular taste, style or technology	YES		

7.4 Criterion (d) (local significance):. NIL stated on inventory sheet

An item has strong or special association with a particular community or cultural group in the area for social, cultural or spiritual reasons.

7.5 Criterion (e) (local significance):

An item has potential to yield information that will contribute to an understanding of the area's cultural or natural history.

Inventory sheet statement:

Ely house has potential to add research and educational knowledge to the community in regards to the documentation of the Inter-War Spanish Mission style architecture.

DISCUSSION:

This assertion is largely conjectural.

ASSESSMENT:

Guidelines for INCLUSION		Guidelines for EXCLUSION	
• has the potential to yield new or further substantial scientific and/or archaeological information	NO	• the knowledge gained would be irrelevant to research on science, human history or culture	YES
• is an important benchmark or reference site or type	NO	• has little archaeological or research potential	YES

ATTACHMENT 5

ITEM 2/18 Public Exhibition of the Planning Proposal to Heritage List Ely House, 122-126 Burwood Road Burwood.DOC Assessment by Colin Israel Heritage Advice

• provides evidence of past human cultures that is unavailable elsewhere	NO	• only contains information that is readily available from other resources or archaeological sites	YES
--	----	--	-----

REFERENCE TO LISTING FOR THIS CRITERIA SHOULD BE REMOVED FROM THE INVENTORY SHEET.

7.6 Criterion (f) (local significance):

An item possesses uncommon, rare or endangered aspects of the area's cultural or natural history.

Inventory sheet statement:

Ely House is a rare example of the Inter-War Spanish Mission style locally within the Burwood Municipality

DISCUSSION:

This style is rare within Burwood and is relatively rare in other Inter-War suburbs. Examples are therefore valued as part of the diversity of Inter-War styles. Its use may also be indicative of more cosmopolitan tastes influenced by both immigration and Hollywood.

ASSESSMENT:

Guidelines for INCLUSION		Guidelines for EXCLUSION	
• provides evidence of a defunct custom, way of life or process	N/A	• is not rare	NO
• demonstrates a process, custom or other human activity that is in danger of being lost	YES	• is numerous but under threat	NO
• shows unusually accurate evidence of a significant human activity	N/A		
• is the only example of its type (within Burwood LGA)	YES		
• demonstrates designs or techniques of exceptional interest	YES		
• shows rare evidence of a significant human activity important to a community	NO		

7.7 Criterion (g) (local significance):: GENERALLY COVERED UNDER ITEM (f)

An item is important in demonstrating the principal characteristics of a class of the area's
– cultural or natural places; or
– cultural or natural environments

ATTACHMENT 5

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Burwood Road Burwood.DOC
Assessment by Colin Israel Heritage Advice

Heritage Data Form

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Other Name/s Former Name/s					
Item type (if known)					
Item group (if known)					
Item category (if known)					
Area, Group, or Collection Name					
Street number	122-126				
Street name	Burwood Road				
Suburb/town	Burwood	Postcode	2134		
Local Government Area/s	Burwood Lots 1, 2, 3 & 4 in DP 14009				
Property description	Two-Story Shop-Top/Mixed Use Commercial & Residential Spanish Mission Style Lot 5 DP 14009.				
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Statement of significance	<p>Ely House's first floor is a historically and aesthetically significant local example of the Inter-War Spanish Mission style. While the ground floor remains completely altered and thus insignificant, the access stairway and entry on Victoria Street asides, the first floor remains contributory to the wider streetscape's heritage character. The Inter-War Spanish Mission Style is uncommon in the Burwood Municipality lending it the significance of rarity.</p> <p>CI- Strathview and "Wentworth" = OTHER SPANISH MISSION ITEM IN BURWOOD</p>				
Level of Significance	State <input type="checkbox"/>		Local <input checked="" type="checkbox"/>		

Strathview and "Wentworth" 50 and 50A Wentworth Road

ATTACHMENT 5

ITEM 2/18 Public Exhibition of the Planning Proposal to Heritage List Ely House, 122-126 Burwood Road Burwood.DOC
Assessment by Colin Israel Heritage Advice

Heritage Data Form

DESCRIPTION					
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Physical Description	<p>Ely House is a two-storey Spanish Mission style corner lot with facades onto Burwood Road and Victoria Street West.</p> <p>It occupies the entire rectangular block and features a terracotta tile hipped roof. The projecting roofline is supported by decorative brackets and coffered soffit panels. Its splayed corner façade at Victoria Street West and Burwood Road is truncated with a short parapet wall bearing the name 'Ely House' above its arched sash window surmounted by a pronounced keystone. Wall finish is a fan patterned cream coloured stucco, and there is a generous metal awning overtop the street level patio. First floor windows have louvered timber shutters, and there are two enclosed balcony areas with profiled brackets.</p> <p>The ground floor has been the subject of many alterations, and it is doubtful if any original fabric exists, besides from the residence access on Victoria Street West, the north-western most corner of the building, where a tiled floor, metal rail, and terrazzo staircase provides access to the communal courtyard and residences above. The eastern elevation remains intact although a clutter of services has been attached to its side. There is a narrow staircase from this dead-end alleyway to the first floor courtyard. The generous courtyard is intact but for a few places where some services have been attached to the wall and there is a large commercial kitchen sized ventilation unit jutting through the roof on the north wing. Timber sash windows remain and some are newly fitted with steel bars for added security.</p>				
Physical condition and Archaeological potential	<p>First floor, Victoria Street West and Burwood Road facades are in good condition, but require some painting and minor maintenance.</p> <p>-Rear or sides of building cluttered with attached services.</p> <p>-Groundfloor, aside from residences entrance on Victoria Street West, thoroughly altered.</p>				
Construction years	Start year	1929	Finish year	1930	Circa <input checked="" type="checkbox"/>
		After 1925		Prior to 1929	
Modifications and dates	<p>Development Application History:</p> <p>1925 - Subdivision of land: DP14009</p> <p>1934 - Lot subdivision</p> <p>1969 - Renovations to property</p> <p>1984 - Property used as chemist</p> <p>1984 - Property used as cafe</p> <p>1986 - Alterations to shops and above flats</p> <p>1988 - Shop fit out for hair salon</p> <p>1998 - Shop subdivision for Western Pacific Foods Pty Ltd</p> <p>1999 - Restaurant extension and extension of trading hours</p> <p>2001 - Shop fit out for Doctor's consulting rooms</p> <p>2002 - Shop Fit out for 7/11 Store</p> <p>2005 - Shop fit out for Mourched</p> <p>2005 - Shop 5 leased to Red Rooster</p> <p>2006 - Establishment of Wood Fire Pizza Restaurant</p> <p>2007 - Shop Fit out for Bakery</p> <p>2008 - Shop fit out for Trading Pty Ltd</p> <p>2008 - Installation of new advertising signs</p> <p>2008 - Installation of new awning</p> <p>2009 - Shop fit out for Thania Box Pty Ltd.</p> <p>2010 - Storm water and drainage works</p> <p>2010 - Shop fit out for beverage purposes</p> <p>2012 - Refurbishment and internal fit out of existing coffee shop</p>				

CT Volume 3790 Folio 35 show the property was purchased by George, Wilfred & Harold Bignam as Tenants in Common in October of 1925 (ATTACHMENT 1)

Subdivision into 9 Lots occurred subsequently in DP 14009. (Page 9)

This shows a single residence located on Lot 7 and the land otherwise undeveloped.

In February of 1929 Lots 1 2 3 & 4 were transferred to Maria and George Ely. A series of leases occurred shortly afterwards for various shops in Nos 124 - 126 Burwood Road.

CT Volume 4249 Folio 95 (ATTACHMENT 2)

Based on this sequence the construction date would be prior to February of 1929 and not before 1925.

Heritage Data Form

	2014 – Shop fit out
Further comments	

HISTORY

Historical notes	<p>Subject Site History:</p> <p>According to the Sands directory plumber John Hawskford moved from Cheltenham Road to Burwood Road east just south of Victoria in 1892, and was listed as the tenant of the subject site until 1899. The property was briefly assumed by butcher William Watford and followed with John Bryant the boot-maker in 1900 for a year until Mrs L Ramsay, a dressmaker, took the location over. In 1905 a Bennet H. & Co. Produce merchants were listed for two years until Birke H.W. produce merchant in 1907. In 1910 Maurice Green was operated a pawn shop at this location. An Edward Wilcox was located at 122 Burwood Road from 1918-1925, and listed a fruiterer. Harne R&D was listed from 1925-1928, and L.V. Field, a tailor 1928-1930 (Sands Directories, 1858-1933).</p> <p>As the subject site commands the corner Victoria Street West and Burwood Road it is well suited for mixed use developments. <u>It is unclear whether or not it was built around 1930-1931 or after, because an Ely Pharmacy was listed at 124 Burwood Road in 1931. However, because 122-124 is listed with subdivided numbers it suggests that a larger block was in place in 1931. Nevertheless, the present Ely House was built by 1943, when the SixMaps aerial photo confirms the existence of the same roof that exists today.</u> This also correctly positions this Spanish Mission style building in its appropriate Inter-War time frame (Apperly, et. al., 1994). It currently operates as a mixed-use development.</p>
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INSERT REVISED TEXT ON PAGE 5 BASED ON LAND TITLES SEARCHES BY COLIN ISRAEL -HERITAGE ADVICE

THEMES

National historical theme	3 Developing local, regional and national economies 4 Building settlements, towns and cities
State historical theme	3 Commerce 4 Accommodation

APPLICATION OF CRITERIA

Historical significance SHR criteria (a)	Ely House has continually operated as its original intended design as a mixed used commercial and residential development since the early 1930s. As a mixed use development it accommodated both residential and commercial activities combining more life and business to the surrounding street, this important use is continuing today.
Historical association significance SHR criteria (b)	Ely House has no known associations with a historical person, place, or event of significance.
Aesthetic significance SHR criteria (c)	'Ely House' is a good example of the Inter-War Spanish Mission style architecture on the first floor and the access or entry stairwell on Victoria Street West. In addition, it contributes a sense of heritage character to the wider streetscape.

Heritage Data Form

Social significance SHR criteria (d)	Ely house has no known associations with a specific historically significant community or culture.
Technical/Research significance SHR criteria (e)	Ely house has potential to add research and educational knowledge to the community in regards to the documentation of the Inter-War Spanish Mission style architecture. CI - questionable whether this is technical significance under the criteria as it relates to style rather than technology.
Rarity SHR criteria (f)	Ely House is a rare example of the Inter-War Spanish Mission style locally within the Burwood Municipality. See only other Item defined as IW-SM Strathview and "Wentworth" 50 and 50A Wentworth Road
Representativeness SHR criteria (g)	Ely House is a representative example of the Inter-War Spanish Mission style mixed residential and commercial buildings SEE CI NOTES ON PAGE 15
Integrity	The ground floor of Ely House has no traces of historically significant fabric, except for the narrow entranceway and staircase to the first floor on Victoria Street West. The first floor is in good condition, it retains its roof form, wall fabric, and most windows in original form. Original colour scheme cannot be confirmed, however, the existing colours are appropriate.

HERITAGE LISTINGS

Heritage listing/s	No current heritage listings. Recommended for listing under this heritage assessment study.
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INFORMATION SOURCES

Include conservation and/or management plans and other heritage studies.

Type	Author/Client	Title	Year	Repository
Book	Richard Apperly, Robert Irving, & Peter Reynolds	A Pictorial Guide to Identifying Australian Architecture	1994	
Book	Frances Pollon	The Book of Sydney Suburbs	1996	-
Online Directory	John Sands	Sands Directories	1858-1933	City of Sydney Online Archive

RECOMMENDATIONS

Recommendations	<ol style="list-style-type: none"> 1) Archival photographic recording, in accordance with "Photographic Recording of Heritage Items Using Film or Digital Capture" (NSW Heritage Guidelines Series, 2006), should be undertaken before any major changes. 2) The First Floor of "122-126 Burwood Road, Ely House", should be listed under Schedule 5 of the <i>Burwood Local Environmental Plan 2012</i>.
------------------------	---

SOURCE OF THIS INFORMATION

Name of study or report	Burwood Assessment of Potential Heritage Items	Year of study or report	2015
Item number in study or report	5		
Author of study or report	City Plan Heritage		

Heritage Data Form

Inspected by	Flavia Scardamaglia and Evan Oxland		
NSW Heritage Manual guidelines used?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
This form completed by	Evan Oxland & Kerime Danis	Date	05/12/2014 & 05/01/2015

CI - ADDITIONAL MANAGEMENT RECOMMENDATIONS:

- 3) The entry to the first floor residential flats should be retained including the staircase, handrail, terrazzo treads and tiled landings. Elements should be repaired or replaced "like for like".
- 4) Important features of the street facade including tiled copings to parapets, recessed balconies and fanned stucco finishes should be retained and repaired or replaced "like for like"
- 5) Future major refurbishment should be subject to a detailed Heritage Impact Statement that more fully identifies original fabric and ensures its preservation. The impacts of accretions of services should be reduced or reversed in any future adaptation or change of use.

REVISED HISTORICAL NOTES - REPLACE ON PG 3 WHERE DELETED.

The property was subdivided into its present form in 1925 by then owners George, Wilfred & Harold Bigham who had purchased the property that year. The sequence of construction is not known but in 1929 the property was transferred to Maria and George Ely as Tenants in Common. Shortly afterwards leases were signed with various tenants for the shops at 124 Burwood Road including a Chemist, Motor Mechanic, Furniture Shop, Confectioners shop and Radio Shop.

The building also acquired its name from the new owners. This suggests that the Ely's purchased the building as an investment from the Bignams who were most likely to have been responsible for its construction. The Bignams also sold the remaining Lots from the 1925 subdivision. As the construction of the Ely Building may have been staged, the date of construction is clouded but the Ely Building was certainly complete and fully tenanted by 1929.

ATTACHMENT 5

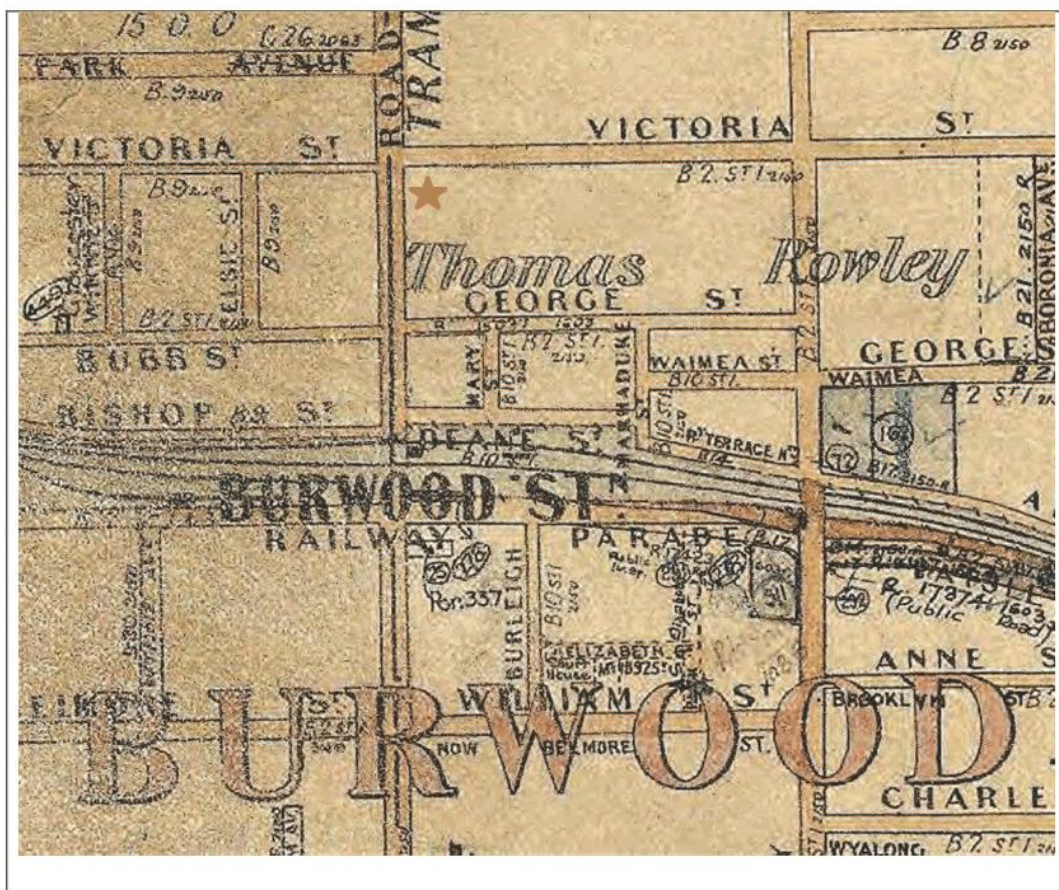
ITEM 2/18 Public Exhibition of the Planning Proposal to Heritage List Ely House, 122-126
Burwood Road Burwood.DOC
Assessment by Colin Israel Heritage Advice

Heritage Data Form

IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	Parish of Concord Map, 1915 – Ely house marked with red star				
Image year	1915	Image by	HLRV-Pixel Viewer	Image copyright holder	NSW Land and Property Information



PARISH MAP NOT PARTICULARLY INFORMATIVE IN THIS INSTANCE

Land titles should be consulted to resolve unclear dating of the subdivision and allotments and possibly of the ownership at the time the building was constructed.

Heritage Data Form

IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	122-126 Burwood Road, 1943 Aerial photograph				
Image year	1943	Image by	SixMaps	Image copyright holder	NSW Land and Property Information



ATTACHMENT 5

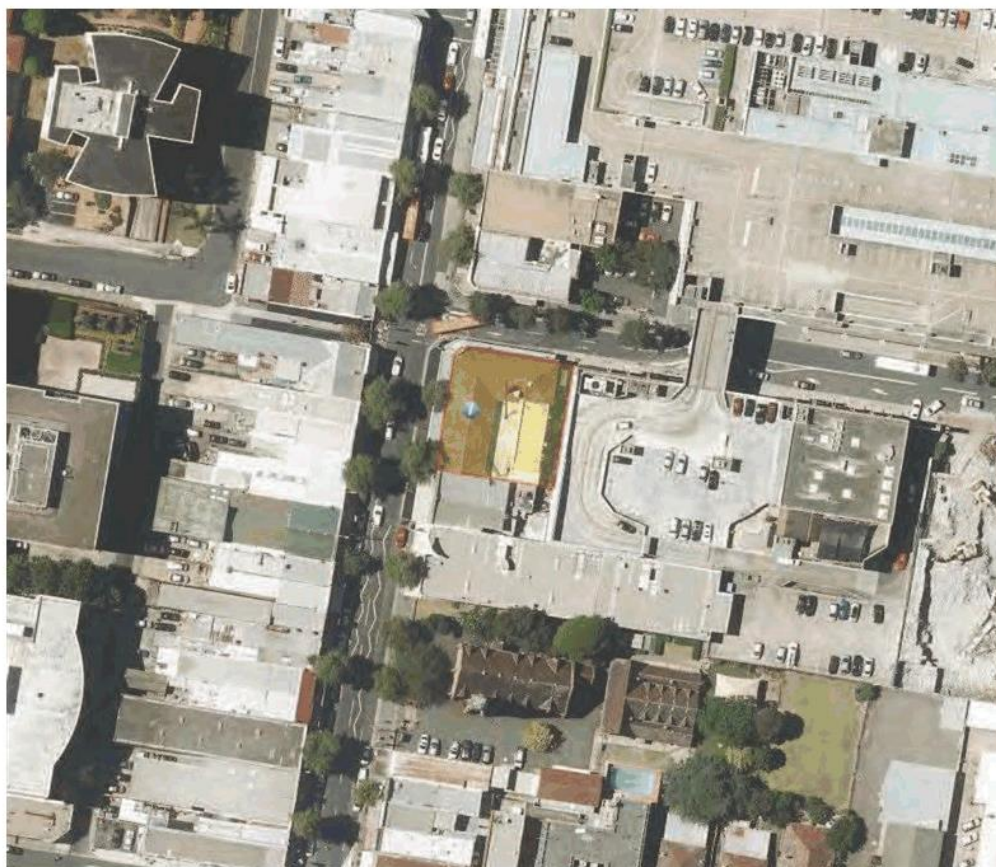
ITEM 2/18 Public Exhibition of the Planning Proposal to Heritage List Ely House, 122-126
Burwood Road Burwood.DOC
Assessment by Colin Israel Heritage Advice

Heritage Data Form

IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

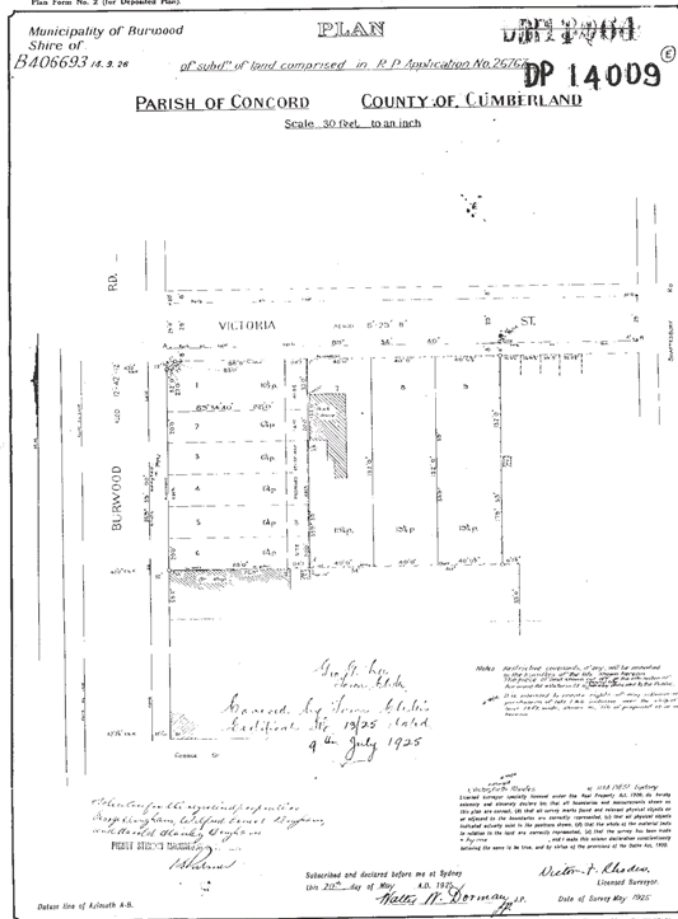
Image caption	122-126 Burwood Road, 2014 Aerial photograph				
Image year	2014	Image by	Six Maps	Image copyright holder	NSW Land and Property Information



IMAGES - 1 per page

Image caption	Deposited Plan, Parish of Concord, County of Cumberland, DP 140009				
Image year	1925	Image by	Burwood City Council	Image copyright holder	Burwood City Council

Plan Form No. 2 (for Deposited Plan)

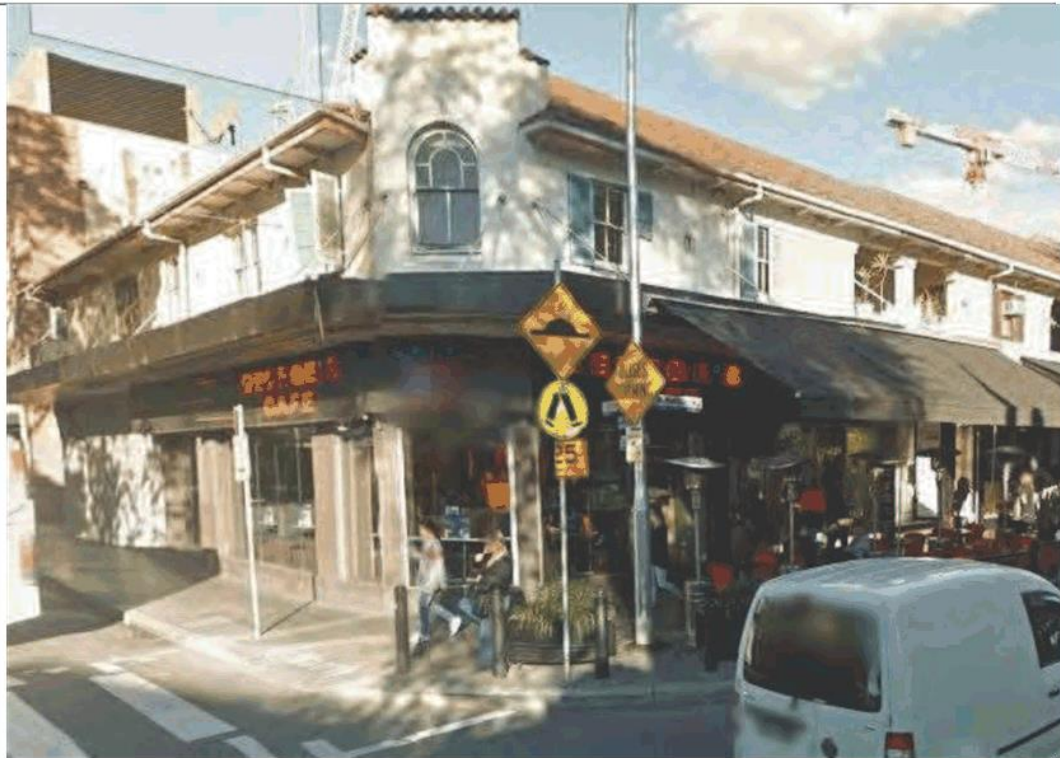


Heritage Data Form

IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	Ely House, Corner and North/West façades				
Image year	2012	Image by	Google Street View	Image copyright holder	Google Maps



Heritage Data Form

IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	Ely House, First floor internal courtyard				
Image year	2014	Image by	City Plan Heritage	Image copyright holder	Burwood Council



Heritage Data Form

IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	First floor residents access terrazzo staircase, and original tile work.				
Image year	2014	Image by	City Plan Heritage	Image copyright holder	Burwood Council



ATTACHMENT 5

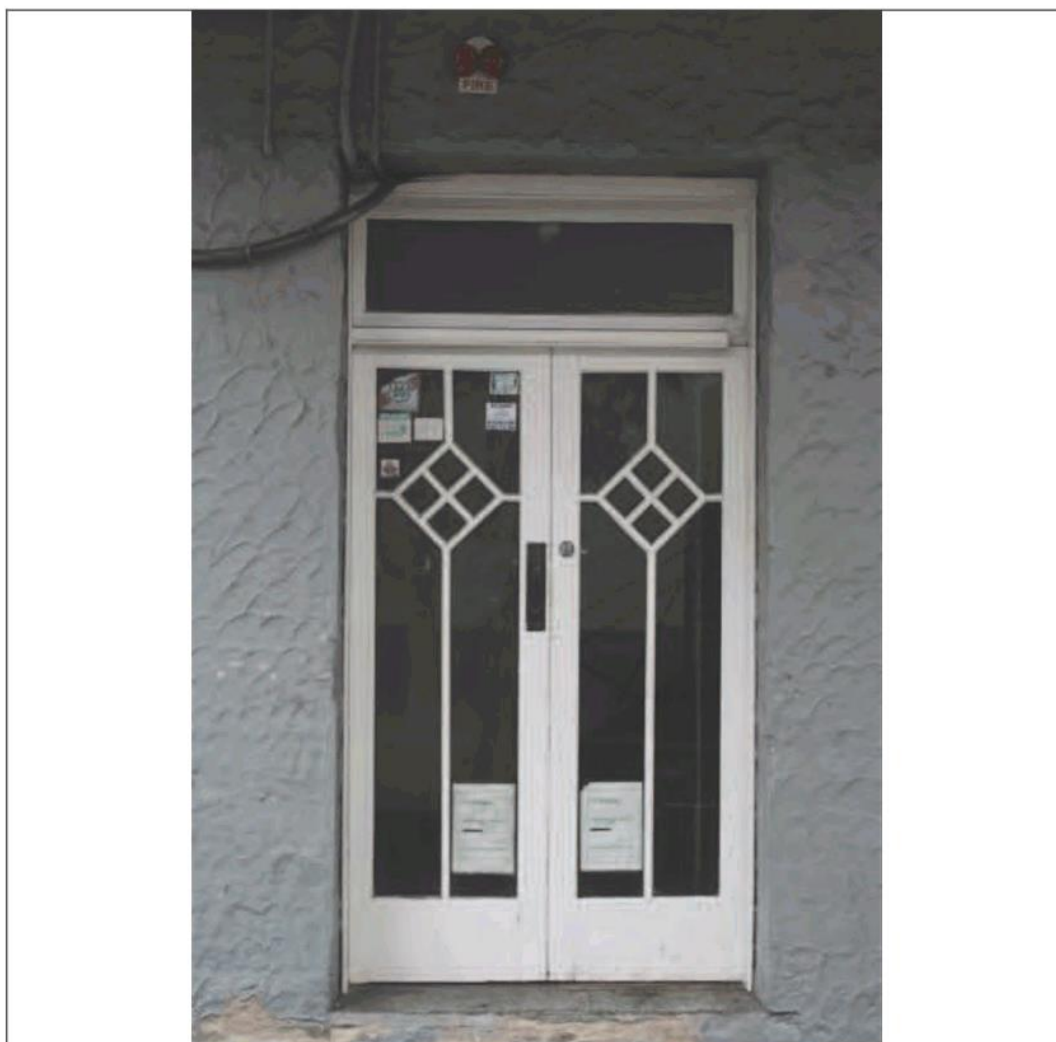
ITEM 2/18 Public Exhibition of the Planning Proposal to Heritage List Ely House, 122-126
Burwood Road Burwood.DOC
Assessment by Colin Israel Heritage Advice

Heritage Data Form

IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	Extant door, original rendering texture, original render/paint colour unknown.				
Image year	2014	Image by	City Plan Heritage	Image copyright holder	Burwood Council



Heritage Data Form

CI - See additional policies re removal of accretions when approval of work is sought

IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	Rear, or eastern, elevation with a jungle of introduced services.				
Image year	2014	Image by	City Plan Heritage	Image copyright holder	Burwood Council



Heritage Data Form

IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	183 Burwood Road – another example of the Spanish Mission Style commercial frontage				
Image year	2014	Image by	Google 2014	Image copyright holder	Google 2014



INCLUSION & EXCLUSION checklist to be appended - see separate sheet.

Based on the Inventory Sheet the recommendation for listing as street facades (similar to other Burwood Road shops) would be supported, primarily on the basis of its rarity as an example of Inter-War Spanish Mission Style.

Rarity should be emphasized over representativeness in order not to cloud the assessment.

(The two are not necessarily mutually exclusive but it would be sound practice to determine one or other when proposing to list with rarity taking precedence. Representativeness in my opinion should be used for a fine or highly intact example. Loss of the ground floor and accretions suggest this is not the case).

The description of fabric is comprehensive and would demonstrate the categorization as IW-SM which is a rare style in Burwood. It is therefore important to preserve and record for this Local Government Area.

Colin Israel,
BSc; BArch UNSW & M Herit Cons USYD
Principal Heritage Consultant – Heritage Advice

(ITEM 3/18) MULTICULTURAL ADVISORY COMMITTEE RECOMMENDED NOMINATIONS

File No: 18/1308

REPORT BY DEPUTY GENERAL MANAGER CORPORATE, GOVERNANCE AND COMMUNITY

Summary

This report recommends the appointment of four residents to the newly formed Multicultural Advisory Committee.

In accordance with its Terms of Reference, the Multicultural Advisory Committee (MAC) includes four local representatives from a culturally and linguistically diverse background (CALD) who are willing and able to advise Council on matters relating to multicultural communities in Burwood.

Background

The development of a MAC was an action highlighted in Council's Multicultural Strategy 2013-2016 to increase opportunities for local residents from CALD backgrounds to participate in civic life. The formation of the MAC was delayed until the proposed Council amalgamations had been resolved.

With the proposed merger of Burwood with its neighbours no longer proceeding, Council took the decision in late 2017 to proceed with the formation of the MAC. The main role of MAC representatives is to highlight relevant local CALD issues and provide information from Council back to their communities.

At the end of 2017, eligible local residents were invited to nominate for a position on the MAC. As a result, four residents submitted their applications which have all been assessed as meeting the selection criteria for the committee. The people listed in this report are therefore recommended to be appointed as representatives on the MAC.

Proposal

It is proposed that the following people be appointed to Council's new MAC:

- Sun Yoon
- Bo (Bob) Dong
- Yinxia (Robyn) Hu
- Pascale Esber

In accordance with the MAC Terms of Reference, the term of the appointment will be for two year term.

As there is provision for the appointment of two further community representatives to act as alternatives when MAC representatives are not available, it is proposed that Council continues to seek suitable appointees to fill these roles. Any further application will be assessed under the same criteria as the regular members of the Committee, and a further supplementary report will be presented to Council if and when additional alternative members are selected.

Consultation

The need for and purpose of the MAC was determined during consultation undertaken for the purposes of developing Council's Multicultural Strategy 2013-2016.

Planning or Policy Implications

It is intended that the MAC will provide guidance to Council in the development of future plans relating to the multicultural community in Burwood the Local Government Area.

Financial Implications

A budget of \$1000 has been allocated to support the operations of the MAC.

Options

Council can opt to:

1. endorse the recommended nominees to the MAC for a period of two years from the date of the Council meeting.
2. not accept the staff recommendations and continues to seek suitable representatives for the MAC.

Conclusion

The establishment of the MAC will provide Council with an enhanced understanding of the needs of the local CALD community and a greater capacity to respond to the community's priorities. The four individuals recommended for appointment to the MAC will provide invaluable assistance to Council and help to ensure that the committee work within its Terms of Reference.

Recommendation(s)

1. That Council endorse the appointment of Sun Yoon, Bo (Bob) Dong, Yinxia (Robyn) Hu and Pascale Esber to the Multicultural Advisory Committee for a period of two years from the date of the Council Meeting.
2. That Council continue to seek suitable appointees to fill the alternative member roles and a further supplementary report be presented to Council if and when additional alternative members are selected.

Attachments

- 1 [↓](#) Multicultural Committee Terms of Reference



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Email: council@burwood.nsw.gov.au
Website: www.burwood.nsw.gov.au

MULTICULTURAL ADVISORY COMMITTEE TERMS OF REFERENCE

Public Document

Approved by the General Manager: 14 December 2015

Amended: 28 November 2017

Version: 3

Trim No. 17/52387

Ownership: Community Development

Functions/Purpose

The Committee has been established primarily to provide community views to Council in relation to matters that may have an impact on the multicultural community in the Burwood Local Government Area and to enable the dissemination of relevant information to local multicultural communities.

The Committee will have the following functions:

- Raise emerging issues associated with multicultural needs in the Burwood Local Government Area and recommend goals and actions
- Provide informed and timely advice on Council matters relating to multicultural communities in the Burwood Local Government Area
- Actively participate in the development of Council's multicultural programs and policies
- Monitor the implementation of Council's Multicultural Strategy (or equivalent)
- Provide a two way mechanism for communication between Council and the multicultural communities in Burwood Local Government Area regarding relevant information

Chairperson and Committee Members

Membership is limited to the representatives listed below:

- The Mayor or other appointed Councillor will represent Council as Chairperson.
- Four community representatives and two alternative representatives will be appointed for a two year term or until a Council election. These representatives will come from a culturally and linguistically diverse (CALD) background, preferably in a leadership role representing one of the main language groups in Burwood Local Government Area.

Nominations

Nominations for community representative positions on the committee will be invited through Council's website.

Selection Criteria

Applications will be assessed in accordance with the selection criteria below (adapted from Community Advisory Committees Procedure for Selection of Community Representatives).

ITEM 3/18 Multicultural Advisory Committee Recommended Nominations.DOC
Multicultural Committee Terms of Reference

Applicants must:

1. Reside, work (in a paid or voluntary capacity) or have an interest in the Burwood Local Government Area and represent a CALD community, preferably representing one of the main language groups in Burwood Local Government Area in a leadership role
2. Demonstrate a high level of understanding, interest, experience and/or expertise in multicultural issues in the Burwood Local Government Area
3. Be available to attend meetings and demonstrate a willingness to volunteer time to work on issues
4. Participate in relevant working parties
5. Undertake to provide feedback to the sector of the community represented
6. Be willing to work within the Committee Constitution.

Representatives of political parties are excluded.

Recommendations for appointment to the Committee will be submitted to Council for approval. The Committee does not have the authority to co-opt anyone else to its membership without the approval of Council.

Committee Proceedings

- a. Meetings shall be held at least bi-monthly.
- b. Meeting agendas shall be compiled by Executive Assistant to the Mayor listing all items of business and must be issued to the Committee Members at least five working days prior to the scheduled meeting date.
- c. Meetings shall be held at Council Offices or another location approved by the Chairperson.
- d. Meetings will not proceed unless the Chairperson and at least two of the community representatives are in attendance within 30 minutes of the scheduled start time.
- e. Apologies must be given in advance for non-attendance. Where three consecutive absences have occurred, the General Manager can recommend to Council that a Committee Member's membership be cancelled.
- f. Recommendations at meetings will be by way of consensus.
- g. Committee meetings shall be conducted in a spirit of cooperation and mutual respect, and members must adhere to Council's Code of Conduct (to be circulated).
- h. Council's Community Development Co-ordinator will attend the Committee in a support role.
- i. Other Council officers will attend as required.
- j. Technical experts and specialists may be invited to attend meetings by consensus of the Committee to provide advice when required.
- k. Senior representatives from local multicultural community services may also be invited to participate on the Committee.

Minutes

Minutes of the meetings will be taken by the Executive Assistant to the Mayor, who will attend meetings as a non-Committee member. Minutes are to be submitted to the first available ordinary Council Meeting for review and approval.

Review

The Terms of Reference will be reviewed every four years.

(ITEM 4/18) PRIMARY DISCLOSURE OF INTEREST RETURNS - COUNCILLORS POST THE LOCAL GOVERNMENT ELECTIONS 2017

File No: 17/59204

REPORT BY ACTING GENERAL MANAGER

Summary

In accordance with Section 450A of the *Local Government Act 1993*:

- The General Manager must keep a Register of Pecuniary Interest Returns and the Returns must be available for inspection by members of the public.
- The General Manager must arrange for the tabling of the Returns at the first meeting held after the last day of the period for lodgement.

Background

Section 449 of the *Local Government Act 1993* provides that a Councillor must, within three months after becoming a Councillor, complete and lodge with the General Manager a “*Disclosure by Councillors and Designated Persons’ Return*”.

Receipt of Returns for Councillors lodged are as follows:



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REGISTER OF PRIMARY DISCLOSURE OF INTEREST RETURNS

Position - Councillor	Incumbent	Date Received
Councillor	Cr Ernest Chan	7 November 2017
Councillor	Cr Heather Crichton	12 December 2017
Councillor	Cr Joseph Del Duca	15 December 2017
Councillor	Cr Raj Dixit	12 December 2017

Recommendation(s)

That the Primary Disclosures by Councillors be noted and accepted as tabled.

Attachments

There are no attachments for this report.

(ITEM 5/18) REVIEW OF THE GENERAL MANAGER'S DELEGATIONS WITHIN 12 MONTHS AFTER THE ORDINARY ELECTION - S.380 OF THE LOCAL GOVERNMENT ACT 1993 AND THE INCLUSION OF DEVELOPMENT APPLICATION PROCESS WITH THE INTRODUCTION OF THE INDEPENDENT HEARING AND ASSESSMENT PANEL

File No: 17/63146

REPORT BY ACTING GENERAL MANAGER

Summary

To seek Council's review and approval of the General Manager's Delegations following the Ordinary Council Election in 2017 as required by Section 380 of the *Local Government Act 1993* and the inclusion of the Development Application process with the introduction of the Independent Hearing and Assessment Panel (IHAP).

Background

The General Manager's Delegations were last endorsed by Council on 22 November 2016 (minute no. 130/16). In accordance with Section 380, of the Act the Delegations must be reviewed within twelve months of each Ordinary Council Election.

The Act provides Council with powers, authorities and duties. It is the primary source of Council's functions although other legislation, such as the *Environmental Planning and Assessment Act 1979* and the *Roads Act 1993*, impose further functions for Council to administer.

Due to the nature, scope and complexity of the functions Council has to perform, the Act makes provision for the Council to delegate those functions to the General Manager. However, section 377(1) of the Act provides functions that Council cannot delegate to the General Manager (refer page 2 Attachment 1).

The Delegations by Exception - detail the functions that the General Manager is not authorised to conduct and therefore there is an assumption that all other activities are within the delegation of the General Manager (refer Attachment 1).

In addition, the General Manager may delegate any of the functions of the General Manager (other than the power of delegation) to any person or body (including another employee of the Council). For accountability purposes a copy of the Delegations Register (including the sub-delegations from the General Manager to Council Officers) will be made available on Council's website.

Proposal

That Council endorses the General Manager's Delegations by Exception in accordance with the *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979* (EP&A Act) requirements for the determination of Development Applications which are not required to be determined by the IHAP.

The Delegations have been amended with the following to meet the requirements of the EP&A Act for the introduction of local planning panels:

Development Application Delegations

The General Manager cannot assess the following Development Applications:

Value	DAs with a value of more than \$5 million but less than \$30 million
Conflict of Interest	DAs for which the applicant or owner is the Council, a Councillor, a member of the Councillor's family, a member of Council Staff, or a State or Federal member of Parliament.
Contentiousness	DAs that receive 10 or more objections/unique submissions from separate households by way of objection. Where a petition is received this is classed as one objection.
Strategic Importance	DAs accompanied by a proposed voluntary planning agreement.
Departure from Development Standards	DAs seeking to depart by more than 10% from a development standard.
High-risk Development Types	<p>DAs associated with a higher risk of corruption, including:</p> <ul style="list-style-type: none"> ▪ Designated development, as set out in the <i>Environmental Planning and Assessment Regulation 2000</i> ▪ Development to which <i>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</i> applies ▪ Demolition of heritage items ▪ Development for the purpose of new licenced premises, that will require one of the following liquor licenses: <ul style="list-style-type: none"> – A club licence under the <i>Registered Clubs Act 1976</i> – A hotel (general bar) licence under the <i>Liquor Act 2007</i> – An on-premises licence for public entertainment venues under the <i>Liquor Act 2007</i> ▪ Development for the purpose of sex services premises and restricted premises
Modifications	Modification applications that meet the above criteria.

These matters must be referred to the Independent Hearing and Assessment Panel for determination.

The General Manager's Delegations by Exception are now submitted to the Council for adoption.

Planning or Policy Implications

Council adopted the following document which will now be superseded and is to be rescinded by Council:

1. Delegations General Manager - Adopted on 22 November 2016

Financial Implications

No Financial implications.

Conclusion

It is appropriate for the Council to endorse the General Manager's Delegations in accordance with Section 380 of the *Local Government Act 1993* which states that a Council must, within twelve

months after each ordinary election, review all of its delegations.

The Delegations are also compliant with the requirements of the *Environmental Planning and Assessment Act 1979* for the determination of Development Applications which are not required to be determined by the Independent Hearing and Assessment Panel.

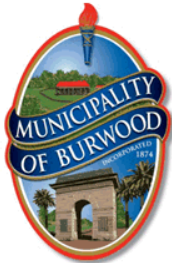
Recommendation(s)

That Council endorses the General Manager's Delegations by Exception in accordance with Section 380 of the *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979*.

Attachments

1 [!\[\]\(ec9132f1d27c8919987d92907322654d_img.jpg\)](#) Draft - General Manager's Delegations by Exception

ITEM 5/18 Review of the General Manager's Delegations within 12 months after the Ordinary Election - S.380 of the Local Government Act 1993 and the inclusion of Development Application process with the Introduction of the Independent Hearing and Assessment Panel.DOC
Draft - General Manager's Delegations by Exception



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DRAFT - GENERAL MANAGER'S DELEGATIONS BY EXCEPTION

Suite 1, Level 2, 1-17 Elsie Street, BURWOOD NSW 2134
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Phone: 9911-9911 - Fax: 9911-9900
Email: Council@burwood.nsw.gov.au
Website: www.burwood.nsw.gov.au

Public Document
Adopted by the Council: 22 November 2016 (min. no. 130/16)
Trim No.: 17/34633
Version No.: 3
Ownership: Governance

**ITEM 5/18 Review of the General Manager's Delegations within 12 months after the Ordinary Election - S.380 of the Local Government Act 1993 and the inclusion of Development Application process with the Introduction of the Independent Hearing and Assessment Panel.DOC
Draft - General Manager's Delegations by Exception**

General Manager's Delegations by Exception

Purpose

To devolve accountability to the General Manager to ensure the uncertainty associated with limit of authority, responsibility and accountability which will improve Council's service through speedier resolution for the organisation and customer needs.

This document outlines what functions are not delegated to the General Manager and thereby the General Manager has delegation to undertake all other functions.

Delegations

The General Manager does not have the delegation to undertake the following in accordance with Section 377 of the *Local Government Act 1993* (the Act):

1. the appointment of a general manager
2. the making of a rate
3. a determination under section 549 as to the levying of a rate
4. the making of a charge
5. the fixing of a fee
6. the borrowing of money
7. the voting of money for expenditure on its works, services or operations
8. the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)
9. the acceptance of tenders to provide services currently provided by members of staff of the council
10. the adoption of an operational plan under section 405
11. the adoption of a financial statement included in an annual financial report
12. a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6
13. the fixing of an amount or rate for the carrying out by the council of work on private land
14. the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work
15. the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under Section 82A of the *Environmental Planning and Assessment Act 1979*
16. the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194
17. a decision under section 356 to contribute money or otherwise grant financial assistance to persons
18. a decision under section 234 to grant leave of absence to the holder of a civic office
19. the making of an application, or the giving of a notice, to the Governor or Minister

ATTACHMENT 1

ITEM 5/18 Review of the General Manager's Delegations within 12 months after the Ordinary Election - S.380 of the Local Government Act 1993 and the inclusion of Development Application process with the Introduction of the Independent Hearing and Assessment Panel.DOC Draft - General Manager's Delegations by Exception

General Manager's Delegations by Exception

20. this power of delegation
21. any function under this or any other Act that is expressly required to be exercised by resolution of the council

Development Application Delegations

The General Manager cannot assess the following Development Applications:

Value	DAs with a value of more than \$5 million but less than \$30 million
Conflict of Interest	DAs for which the applicant or owner is the Council, a Councillor, a member of the Councillor's family, a member of Council Staff, or a State or Federal member of Parliament.
Contentiousness	DAs that receive 10 or more objections/unique submissions from separate households by way of objection. Where a petition is received this is classed as one objection.
Strategic Importance	DAs accompanied by a proposed voluntary planning agreement.
Departure from Development Standards	DAs seeking to depart by more than 10% from a development standard.
High-risk Development Types	<p>DAs associated with a higher risk of corruption, including:</p> <ul style="list-style-type: none"> ▪ Designated development, as set out in the <i>Environmental Planning and Assessment Regulation 2000</i> ▪ Development to which <i>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</i> applies ▪ Demolition of heritage items ▪ Development for the purpose of new licenced premises, that will require one of the following liquor licenses: <ul style="list-style-type: none"> – A club licence under the <i>Registered Clubs Act 1976</i> – A hotel (general bar) licence under the <i>Liquor Act 2007</i> – An on-premises licence for public entertainment venues under the <i>Liquor Act 2007</i> ▪ Development for the purpose of sex services premises and restricted premises
Modifications	Modification applications that meet the above criteria.

These matters must be referred to Independent Hearing and Assessment Panel for determination.

Other Matters

Writing Off Accounts

The General Manager does not have the delegation to approve the writing off of accounts greater than \$5,000. Write offs are reported to Council on an annual basis.

ATTACHMENT 1

**ITEM 5/18 Review of the General Manager's Delegations within 12 months after the Ordinary Election - S.380 of the Local Government Act 1993 and the inclusion of Development Application process with the Introduction of the Independent Hearing and Assessment Panel.DOC
Draft - General Manager's Delegations by Exception**

General Manager's Delegations by Exception

Writing Off Stores and Materials

The General Manager does not have the delegation to approve the write on and off stores and materials greater than \$5,000.

(ITEM 6/18) INVESTMENT REPORT AS AT 30 NOVEMBER 2017

File No: 17/59212

REPORT BY CHIEF FINANCE OFFICER

Summary

In accordance with Clause 212 of the *Local Government (General) Regulation 2005*, this report details all money that Council has invested under Section 625 of the *Local Government Act 1993*.

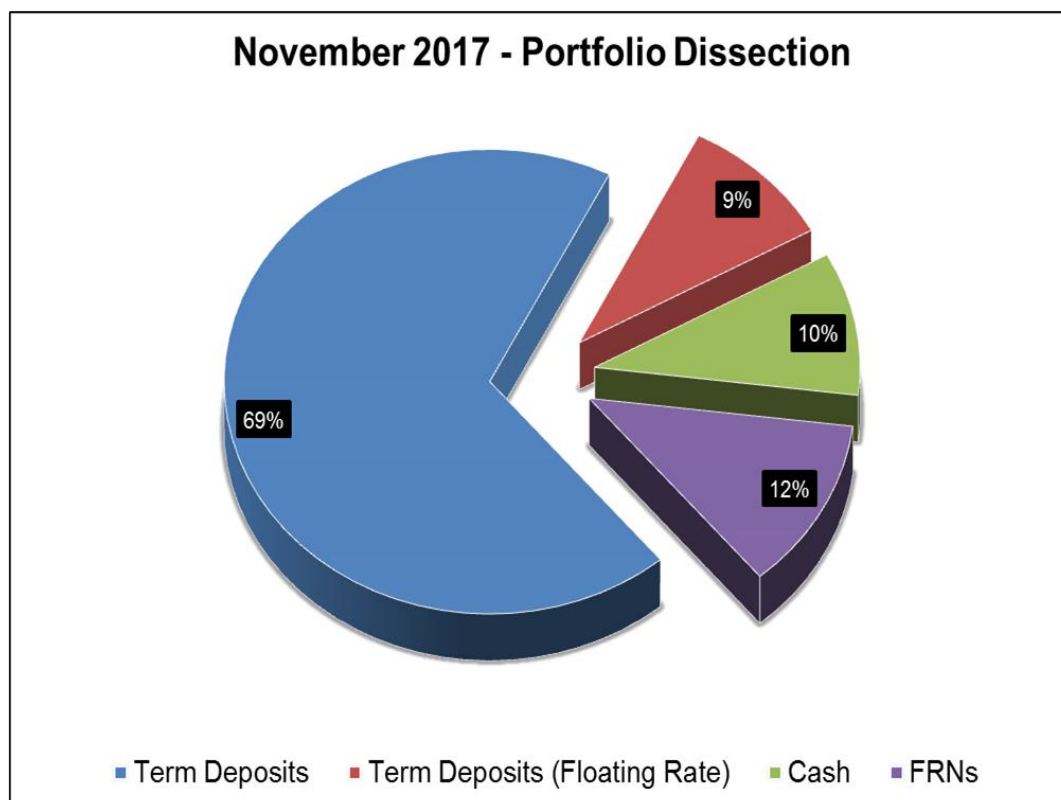
Background

As provided for in Clause 212 of the *Local Government (General) Regulation 2005*, a report listing Council's investments must be presented to Council.

Council's investments are made up of a number of direct investments, some of which are managed or advised by external agencies.

Investment Portfolio

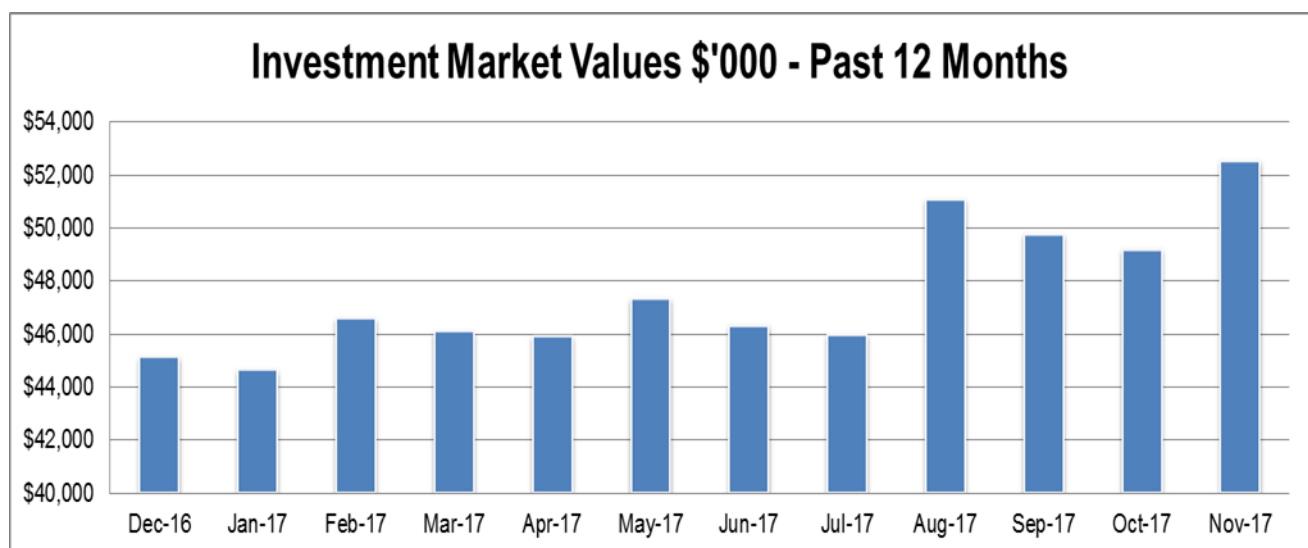
Council has a diversified investment portfolio and has a number of direct investments in term deposits. The investment portfolio as at 30 November 2017 is:



As at 30 November 2017 Council held the following term deposits:

Purchase Date	Financial Institution	Principal Amount	Interest Rate	Investment Days	Maturity Date
08 Sep 17	National Australia Bank	3,000,000	2.52%	90	07 Dec 17
12 Sep 17	National Australia Bank	3,000,000	2.52%	90	11 Dec 17
20 Sep 17	National Australia Bank	3,000,000	2.51%	91	20 Dec 17
07 Jun 17	ING Bank (Curve)	3,000,000	2.63%	210	03 Jan 18
03 Oct 17	National Australia Bank	2,000,000	2.50%	92	03 Jan 18
28 Aug 17	ME Bank (Curve)	2,000,000	2.50%	182	26 Feb 18
17 Oct 17	Bank of Queensland	3,000,000	2.60%	182	17 Apr 18
04 Sep 17	AMP Bank (Imperium)	3,000,000	2.60%	270	01 Jun 18
20 Sep 17	AMP Bank (Imperium)	2,000,000	2.60%	271	18 Jun 18
24 Oct 17	National Australia Bank	2,000,000	2.54%	273	24 Jul 18
31 Aug 17	Westpac	3,000,000	2.61%	365	31 Aug 18
23 Oct 17	ING Bank (Curve)	3,000,000	2.96%	730	23 Oct 19
30 Oct 17	ING Bank (Imperium)	2,000,000	2.91%	730	30 Oct 19
07 Nov 17	ING Bank (Imperium)	2,000,000	2.90%	730	07 Nov 19
Total		36,000,000			

The following graph highlights Council's investment balances for the past 12 months:



Council's investment portfolio is recognised at market value and some of its investments are based on the midpoint valuations of the underlying assets and are subject to market conditions that occur over the month.

Council's investment balances as at reporting date and for the previous two months are detailed in Attachment 1. Definitions on the types of investments are detailed in Attachment 2.

Investment Performance and Market Commentary

The Reserve Bank of Australia (RBA) at its 5 December 2017 Board Meeting kept the official cash rate unchanged at 1.50% per annum. "... The global economy has improved during 2017, labour markets' have tightened and further above-trend growth is expected in a number of advanced economies, although uncertainties remain. Growth in the Chinese economy continues to be supported by increased spending on infrastructure and property construction, although financial conditions have tightened somewhat as the authorities address the medium-term risks from high debt levels.

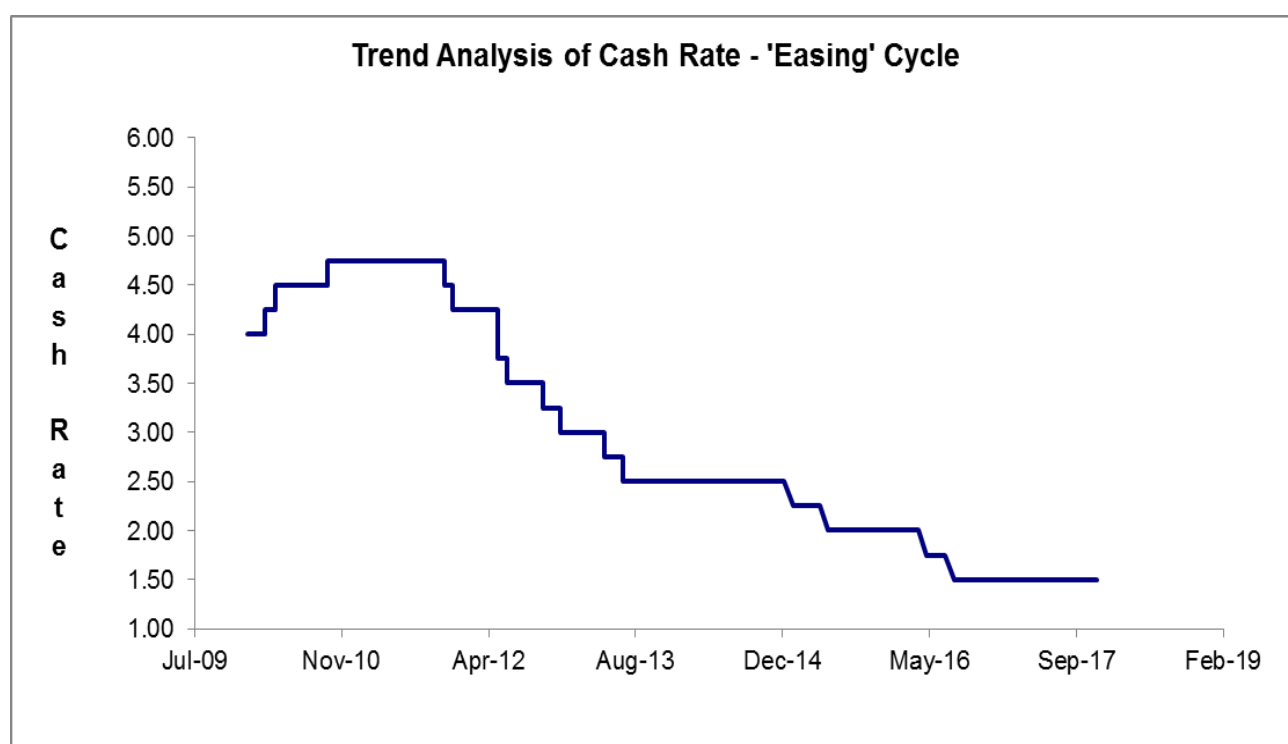
Domestically, the RBA forecast is for GDP growth to pick up and to average around 3 per cent over

the next few years. Business conditions are positive and capacity utilisation has increased. The outlook for non-mining business investment has improved further, with the forward-looking indicators being more positive than they have been for some time. Increased public infrastructure investment is also supporting the economy. One continuing source of uncertainty is the outlook for household consumption, household income is growing slowly while debt levels are high.

Employment growth has been strong over 2017 and the unemployment rate has declined in all states and has been accompanied by a rise in labour force participation. There are reports that some employers are finding it more difficult to hire workers with the necessary skills. Stronger conditions in the labour market should see some lift in wage growth over time. Inflation remains low and is expected to pick up gradually as the economy strengthens.

The Board has judged that holding the stance of monetary policy unchanged at this meeting would be consistent with sustainable growth in the economy and achieving the inflation target over time....“ Statement by Philip Lowe, Governor: Monetary Policy Decision – 5 December 2017

The following graph provides information on the current RBA monetary policy:



Recommendation(s)

1. That the Investment Report for 30 November 2017 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

Attachments

- 1 [Investment Register - November 2017](#)
- 2 [Types of Investments](#)

ITEM 6/18 Investment Report as at 30 November 2017.DOC

Investment Register - November 2017

BURWOOD COUNCIL INVESTMENT PORTFOLIO as at 30 November 2017

Investment Adviser	Issuer	ADI or N-ADI	Investment Name	Type	Rating S&P	Invested Amount	Market Value as at 30 September	Market Value as at 31 October	Market Value as at Reporting Date	% of Total Invested
Cash	Commonwealth Bank	ADI	Operating Account	Cash		2,722,046	469,784	787,154	2,722,046	9.97
Council	Commonwealth Bank	ADI	Online Saver	At Call	AA-	2,455,909	951,360	1,054,256	2,455,909	4.68
Council	AMP Bank Limited	ADI	AMP Business Saver & Notice Account	At Call / Notice 30 days	A	58,485	58,365	58,465	58,465	0.11
Term Deposits										
Council	Bank of Queensland	ADI	Bank of Queensland	Term Deposit	BBB+	-	2,000,000	-	-	45.09
Council	ING Bank (Curve)	ADI	ING Bank	Term Deposit	A-	2,000,000	3,000,000	-	2,000,000	3.81
Council	ING Bank (Curve)	ADI	ING Bank	Term Deposit	BBB	2,000,000	2,000,000	2,000,000	2,000,000	3.81
Council	Westpac	ADI	Westpac	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.71
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	-	2,000,000	-	-	-
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	-	2,000,000	-	-	-
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	-	2,000,000	-	-	-
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	-	2,000,000	-	-	-
Council	Suncorp-Metway Limited	ADI	Suncorp	Term Deposit	AA-	-	2,000,000	-	-	-
Council	ING Bank (Curve)	ADI	ING Bank	Term Deposit	A+	-	4,000,000	-	-	-
Council	AMP Bank (Imperium)	ADI	AMP Bank	Term Deposit	A	3,000,000	3,000,000	3,000,000	3,000,000	5.71
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.71
Council	AMP Bank (Imperium)	ADI	AMP Bank	Term Deposit	A	2,000,000	2,000,000	2,000,000	2,000,000	3.81
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.71
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.71
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.71
Council	Bank of Queensland	ADI	Bank of Queensland	Term Deposit	BBB+	3,000,000	-	3,000,000	3,000,000	5.71
Council	ING Bank (Curve)	ADI	ING Bank	Term Deposit	A-	3,000,000	-	3,000,000	3,000,000	5.71
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	2,000,000	-	2,000,000	2,000,000	3.81
Council	ING Bank (Imperium)	ADI	ING Bank	Term Deposit	A	2,000,000	-	2,000,000	2,000,000	3.81
Term Deposits - Fixed & Floating Rates										
Council	Commonwealth Bank	ADI	Commonwealth Bank	Global Fixed Income Deposits 0.5 Yr fixed plus 4.5 Yr (90day BBSW + 0.40 bps)	AA-	2,000,000	2,000,000	2,000,000	2,000,000	3.81
Council	Westpac	ADI	Westpac	Coupon Select Deposit 2 Yr Fixed plus 3 Yr (90day BBSW + 1.05 bps)	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.71
Floating Rate Notes										
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Floating Rate Notes (90 day BBSW m + 94 bps)	A+	2,000,000	2,009,168	2,011,354	2,010,610	3.83
Council	Bank of Queensland	ADI	Bank of Queensland	Floating Rate Notes (90 day BBSW + 105 bps)	A-	1,000,000	1,004,714	1,005,887	1,005,885	1.82
Council	Bank of Queensland	ADI	Bank of Queensland	Floating Rate Medium Term Notes (180 day BBSW + 110 bps)	BBB+	1,000,000	1,004,314	1,005,767	1,006,125	1.92
Council	Bank of Queensland	ADI	Bank of Queensland	Floating Rate Notes (90 day BBSW + 94 bps)	A+	1,500,000	1,500,894	1,503,608	1,506,338	2.87
Council	AMP Bank Limited	ADI	AMP Bank Limited	Floating Rate Notes (90 day BBSW + 110 bps)	A	750,000	755,950	756,440	756,198	1.44
Grand Total						\$2,486,420	\$3,754,540	\$3,752,933	\$3,752,933	77.05

Credit Ratings	Meaning
AAA	Extremely strong capacity to meet financial commitments
AA	Very strong capacity to meet financial commitments
A	Strong capacity to meet financial commitments but somewhat susceptible to adverse economic conditions and changes in circumstances
BBB	Adequate capacity to meet financial commitments, but more subject to adverse economic conditions
CCC	Currently vulnerable and dependent on favourable business, financial and economic conditions to meet financial commitments
D	Payment default on financial commitments
+	Means that a rating may be raised
-	Means that a rating may be lowered

Certificate of Responsible Accounting Officer
I hereby certify that the investments listed have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policies at the time of their placement.

W. Amittage
Wayne Amittage
Chief Finance Officer

Types of Investments

Council's investment portfolio consists of the following types of investment:

1. **Cash and Deposits at Call** – Cash and Deposits at Call accounts are a flexible savings facility providing a competitive rate of interest for funds which are at call (available within 24hours). These accounts enable us to control Council's cashflows along with council's General Fund Bank account. Interest rates are updated in accordance with movements in market rates.

The following investments are classified as Cash and Deposits at Call:

- Commonwealth Bank of Australia – Operating Bank Account AA-
- Commonwealth Bank of Australia – Online Saver AA-
- AMP Business Saver and Notice – At Call/Notice A

2. **Floating Rate Notes (FRN)** - FRNs are a contractual obligation whereby the issuer has an obligation to pay the investor an interest coupon payment which is based on a margin above bank bill. The risk to the investor is the ability of the issuer to meet the obligation.

FRNs are either sub-debt or senior-debt which means that they are guaranteed by the bank that issues them with sub-debt notes rated a notch lower than the bank itself. The reason for this is that the hierarchy for payments of debt in event of default is:

- a. Term Deposits
- b. Global Fixed Income Deposits
- c. Senior Debt
- d. Subordinated Debt
- e. Hybrids
- f. Preference shares
- g. Equity holders

In the case of default, the purchaser of subordinated debt is not paid until the senior debt holders are paid in full. Subordinated debt is therefore more risky than senior debt.

(ITEM 7/18) INVESTMENT REPORT AS AT 31 DECEMBER 2017

File No: 18/293

REPORT BY CHIEF FINANCE OFFICER

Summary

In accordance with Clause 212 of the *Local Government (General) Regulation 2005*, this report details all money that Council has invested under Section 625 of the *Local Government Act 1993*.

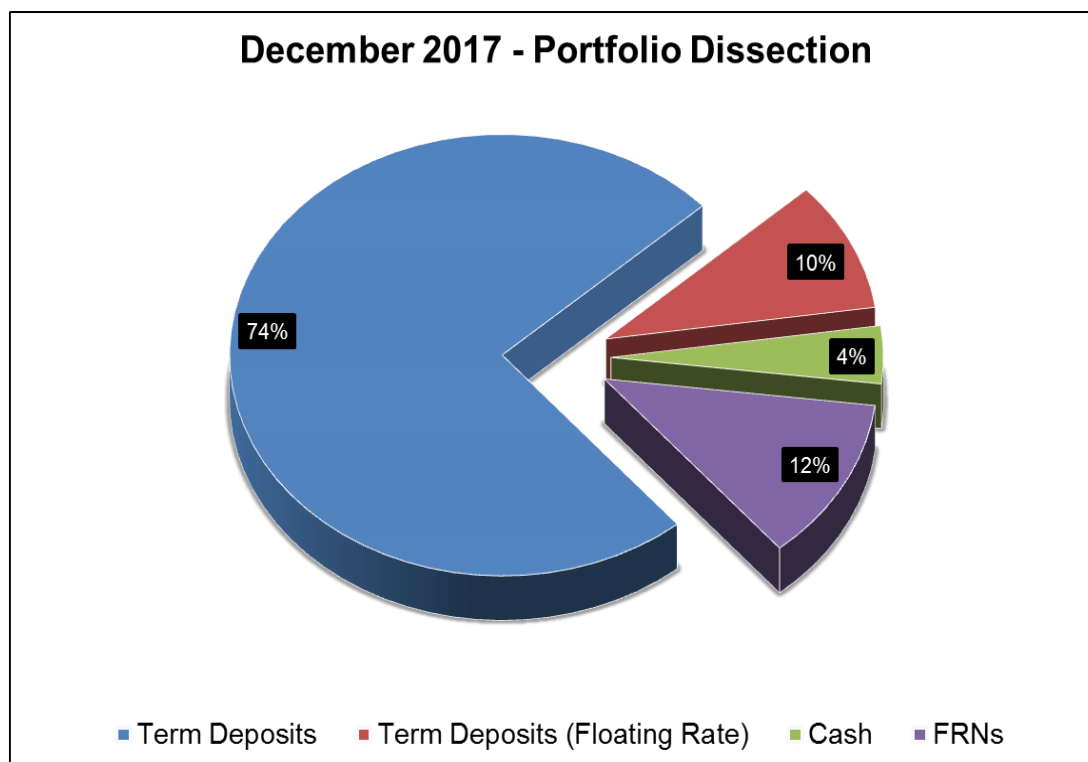
Background

As provided for in Clause 212 of the *Local Government (General) Regulation 2005*, a report listing Council's investments must be presented to Council.

Council's investments are made up of a number of direct investments, some of which are managed or advised by external agencies.

Investment Portfolio

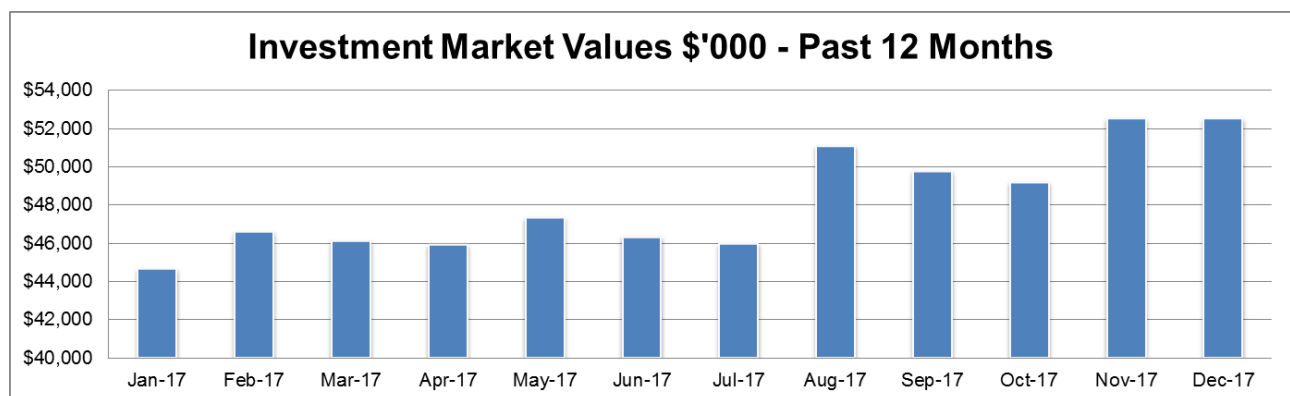
Council has a diversified investment portfolio and has a number of direct investments in term deposits. Its investment portfolio as at 31 December 2017 is:



As at 31 December 2017 Council held the following term deposits:

Purchase Date	Financial Institution	Principal Amount	Interest Rate	Investment Days	Maturity Date
07 Jun 17	ING Bank (Curve)	3,000,000	2.63%	210	03 Jan 18
03 Oct 17	National Australia Bank	2,000,000	2.50%	92	03 Jan 18
28 Aug 17	ME Bank (Curve)	2,000,000	2.50%	182	26 Feb 18
17 Oct 17	Bank of Queensland	3,000,000	2.60%	182	17 Apr 18
04 Sep 17	AMP Bank (Imperium)	3,000,000	2.60%	270	01 Jun 18
20 Sep 17	AMP Bank (Imperium)	2,000,000	2.60%	271	18 Jun 18
24 Oct 17	National Australia Bank	2,000,000	2.54%	273	24 Jul 18
31 Aug 17	Westpac	3,000,000	2.61%	365	31 Aug 18
23 Oct 17	ING Bank (Curve)	3,000,000	2.96%	730	23 Oct 19
30 Oct 17	ING Bank (Imperium)	2,000,000	2.91%	730	30 Oct 19
07 Nov 17	ING Bank (Imperium)	2,000,000	2.90%	730	07 Nov 19
05 Dec 17	Auswide Bank	3,000,000	2.70%	182	05 Jun 18
07 Dec 17	ING Bank (Imperium)	3,000,000	2.83%	732	09 Dec 19
11 Dec 17	National Australia Bank	3,000,000	2.45%	92	13 Mar 18
20 Dec 17	National Australia Bank	3,000,000	2.47%	148	17 May 18
Total		39,000,000			

The following graph highlights Council's investment balances for the past 12 months:



Council's investment portfolio is recognised at market value and some of its investments are based on the midpoint valuations of the underlying assets and are subject to market conditions that occur over the month.

Council's investment balances as at reporting date and for the previous two months are detailed in Attachment 1. Definitions on the types of investments are detailed in Attachment 2.

Investment Performance and Market Commentary

The Reserve Bank of Australia (RBA) did not hold a meeting in January 2018 due to the Christmas and New Year holiday period. The official interest rate remains at 1.50% per annum.

The RBA cites that CPI inflation is still consistent with the medium-term target, with the latest underlying figures around 2.5%. The RBA ongoing assessment is that inflation will be consistent with the target of 2-3% over the one to two year horizon.

Recommendations(s)

1. That the investment report for 31 December 2017 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

Attachments

- 1** [↓](#) Investment Register December 2017 1 Page
- 2** [↓](#) Investment Types 1 Page

ITEM 7/18 Investment Report as at 31 December 2017.DOC

Investment Register December 2017

Investment Adviser	Issuer	ADI or N-ADI	Investment Name	Type	Rating S&P	Invested Amount	Market Value as at 31 October	Market Value as at 30 November	Market Value as at Reporting Date	% of Total Invested
Cash										
Council	Commonwealth Bank	ADI	Operating Account	Cash		598,642	787,154	2,722,046	598,642	4.32
Council	Commonwealth Bank	ADI	Online Saver	AT Call	AA-	1,557,701	1,054,256	2,455,609	1,557,701	2.97
Council	AMP Bank Limited	ADI	AMP Business Saver & Notice Account	AT Call / Notice 30 days	A	56,465	56,465	58,370	56,465	0.11
Term Deposits										
Council	Bank of Queensland	ADI	Bank of Queensland	Term Deposit	BBB+	-	-	-	-	51.43
Council	ING Bank (Imperium)	ADI	ING Bank	Term Deposit	A-	2,000,000	2,000,000	2,000,000	2,000,000	3.81
Council	ME Bank (Curve)	ADI	ME Bank	Term Deposit	BBB	2,000,000	2,000,000	2,000,000	2,000,000	3.81
Council	Westpac	ADI	Westpac	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.71
Council	Awatide Bank	ADI	Awatide Bank	Term Deposit	BBB-	3,000,000	-	-	3,000,000	5.71
Council	ING Bank (Imperium)	ADI	ING Bank	Term Deposit	A-	3,000,000	-	-	3,000,000	5.71
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	2,000,000	2,000,000	2,000,000	2,000,000	3.81
Council	ING Bank (Curve)	ADI	ING Bank	Term Deposit	A-	3,000,000	3,000,000	3,000,000	3,000,000	5.71
Council	AMP Bank (Imperium)	ADI	AMP Bank	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.71
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	A	3,000,000	3,000,000	3,000,000	3,000,000	5.71
Council	AMP Bank (Imperium)	ADI	AMP Bank	Term Deposit	AA-	2,000,000	2,000,000	2,000,000	2,000,000	3.81
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.71
Council	Bank of Queensland	ADI	Bank of Queensland	Term Deposit	BBB+	2,000,000	2,000,000	2,000,000	2,000,000	3.81
Council	ING Bank (Curve)	ADI	ING Bank	Term Deposit	A-	3,000,000	3,000,000	3,000,000	3,000,000	5.71
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	2,000,000	2,000,000	2,000,000	2,000,000	3.81
Council	ING Bank (Imperium)	ADI	ING Bank	Term Deposit	A-	2,000,000	2,000,000	2,000,000	2,000,000	3.81
Term Deposits - Fixed & Floating Rate										
Council	Commonwealth Bank	ADI	Commonwealth Bank	Global Fixed Income Deposit 0.5 Yr fixed plus 4.5% (90day BBSW + 0.60 bps)	AA-	2,000,000	2,000,000	2,000,000	2,000,000	3.81
Council	Westpac	ADI	Westpac	Coupon Select Deposit 2 Yr Fixed plus 3 Yr (90day BBSW + 1.05 bps)	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.71
Floating Rate Notes										
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Floating Rate Notes (90 day BBSW mid +94 bps)	A+	2,000,000	2,011,354	2,010,510	2,010,174	3.83
Council	Bank of Queensland	ADI	Bank of Queensland	Floating Rate Notes (90 day BBSW +105 bps)	A-	1,000,000	1,005,887	1,005,885	1,005,787	1.92
Council	Bank of Queensland	ADI	Bank of Queensland	Floating Rate Medium Term Notes (90 day BBSW +110 bps)	BBB+	1,000,000	1,005,767	1,006,125	1,006,037	1.92
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Floating Rate Notes (90 day BBSW mid +94 bps)	A+	1,500,000	1,503,608	1,506,938	1,507,211	2.87
Council	AMP Bank Limited	ADI	AMP Bank Limited	Floating Rate Notes (90 day BBSW +110 bps)	A	750,000	756,440	756,198	756,833	1.44
Grand Total										77.44

BURWOOD COUNCIL INVESTMENT PORTFOLIO as at 31 December 2017

Credit Ratings	Extremely strong capacity to meet financial commitments	Strong capacity to meet financial commitments	Adequate capacity to meet financial commitments, but more susceptible to adverse economic conditions	Currently vulnerable and dependent on favourable business, financial and economic conditions to meet financial commitments	Payment default on financial commitments	Means that a rating may be raised	Means that a rating may be lowered
AAA	Extremely strong capacity to meet financial commitments	Strong capacity to meet financial commitments	Adequate capacity to meet financial commitments, but more susceptible to adverse economic conditions	Currently vulnerable and dependent on favourable business, financial and economic conditions to meet financial commitments	Payment default on financial commitments	Means that a rating may be raised	Means that a rating may be lowered
AA	Extremely strong capacity to meet financial commitments	Strong capacity to meet financial commitments	Adequate capacity to meet financial commitments, but more susceptible to adverse economic conditions	Currently vulnerable and dependent on favourable business, financial and economic conditions to meet financial commitments	Payment default on financial commitments	Means that a rating may be raised	Means that a rating may be lowered
A	Extremely strong capacity to meet financial commitments	Strong capacity to meet financial commitments	Adequate capacity to meet financial commitments, but more susceptible to adverse economic conditions	Currently vulnerable and dependent on favourable business, financial and economic conditions to meet financial commitments	Payment default on financial commitments	Means that a rating may be raised	Means that a rating may be lowered
BBB	Extremely strong capacity to meet financial commitments	Strong capacity to meet financial commitments	Adequate capacity to meet financial commitments, but more susceptible to adverse economic conditions	Currently vulnerable and dependent on favourable business, financial and economic conditions to meet financial commitments	Payment default on financial commitments	Means that a rating may be raised	Means that a rating may be lowered
CCC	Extremely strong capacity to meet financial commitments	Strong capacity to meet financial commitments	Adequate capacity to meet financial commitments, but more susceptible to adverse economic conditions	Currently vulnerable and dependent on favourable business, financial and economic conditions to meet financial commitments	Payment default on financial commitments	Means that a rating may be raised	Means that a rating may be lowered
D	Extremely strong capacity to meet financial commitments	Strong capacity to meet financial commitments	Adequate capacity to meet financial commitments, but more susceptible to adverse economic conditions	Currently vulnerable and dependent on favourable business, financial and economic conditions to meet financial commitments	Payment default on financial commitments	Means that a rating may be raised	Means that a rating may be lowered

Certificate of Responsible Accounting Officer

I hereby certify that the investments listed have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policies at the time of their placement.

W. Amridge

Wayne Amridge

Chief Finance Officer

Investment Types

Types of Investments

Council's investment portfolio consists of the following types of investment:

1. **Cash and Deposits at Call** – Cash and Deposits at Call accounts are a flexible savings facility providing a competitive rate of interest for funds which are at call (available within 24hours). These accounts enable us to control Council's cashflows along with council's General Fund Bank account. Interest rates are updated in accordance with movements in market rates.

The following investments are classified as Cash and Deposits at Call:

- Commonwealth Bank of Australia – Operating Bank Account AA-
- Commonwealth Bank of Australia – Online Saver AA-
- AMP Business Saver and Notice – At Call/Notice A

2. **Floating Rate Notes (FRN)** - FRNs are a contractual obligation whereby the issuer has an obligation to pay the investor an interest coupon payment which is based on a margin above bank bill. The risk to the investor is the ability of the issuer to meet the obligation.

FRNs are either sub-debt or senior-debt which means that they are guaranteed by the bank that issues them with sub-debt notes rated a notch lower than the bank itself. The reason for this is that the hierarchy for payments of debt in event of default is:

- a. Term Deposits
- b. Global Fixed Income Deposits
- c. Senior Debt
- d. Subordinated Debt
- e. Hybrids
- f. Preference shares
- g. Equity holders

In the case of default, the purchaser of subordinated debt is not paid until the senior debt holders are paid in full. Subordinated debt is therefore more risky than senior debt.

(ITEM IN1/18) ENVIRONMENTAL MANAGEMENT PLAN - ANNUAL PROGRESS REPORT FOR 2017

File No: 17/53796

REPORT BY ACTING DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

Summary

This report provides an update on the actions undertaken in relation to Council's Sustainability and Environmental Action Plans for the 2017 Calendar Year.

Background

Council's Delivery Program 2014-2017 (Strategic Goal 3.6.4) requires that an Annual Report be submitted to Council summarising the actions for the various sustainability and environmental initiatives.

Council has numerous plans that are focussed on environmental sustainability which include measures to promote and contribute to responsible decision making in order to lessen our impact on the local environment.

The Plans that Council has implemented include:

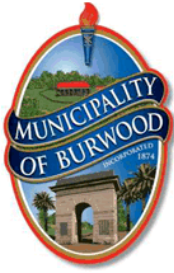
- Green Action Plan
- Waste Less Recycle More Program Action Plan (formerly the Waste and Sustainability Improvement Payment Program Action Plan)
- Water Savings Action Plan
- Cities for Climate Protection Program – Local Action Plan
- Strategic Waste Action Plan
- Litter and Illegal Dumping Action Plan

The actions undertaken and achieved for the nominated plans during 2017 are listed in the attached document.

No Decision – Information Item Only

Attachments

- 1 [↓](#) Environmental Management Plans- Annual Progress Report 2017



Burwood Council

heritage ▪ progress ▪ pride

ENVIRONMENTAL MANAGEMENT PLANS ANNUAL PROGRESS REPORT 2017

PO Box 240, BURWOOD NSW 1805
Suite 1, Level 2, 1-17 Elsie Street, BURWOOD NSW 2134
Phone: 9911-9911 Fax: 9911-9900
Email: council@burwood.nsw.gov.au
Website: www.burwood.nsw.gov.au

Environmental Management Plans – Annual Progress Report 2017

Strategic Goal 3.6.4

Develop management plans that improve the performance of Council's operations to address global warming.

Actions

- 3.6.4.1 Monitor actions from Green Action Plan
- 3.6.4.2 Monitor actions from Sustainability Action Plan
- 3.6.4.3 Monitor actions from Waste Less Recycle More Program
(formerly the Waste and Sustainability Improvement Payment Program Action Plan)
- 3.6.4.4 Monitor actions from Water Savings Action Plan
- 3.6.4.5 Monitor actions from the Cities for the Climate Protection program – Local Action Plan
- 3.6.4.6 Monitor actions from Strategic Waste Action Plan
- 3.6.4.7 Monitor actions from Litter and Illegal Dumping Prevention Plan

Service Standard (Performance Measure)

Annual Report to Council

2017 Actions

The seven Plans have similar and overlapping initiatives and actions all aimed at improving and enhancing the environment. For ease of reporting, the following list outlines the actions undertaken from January – December 2017 for each Plan:

3.6.4.1 Green Action Plan

The Green Action Plan (GAP) is an overarching Plan that outlines the various initiatives that Council has or is undertaking in relation to responsible environmental management.

The GAP was reviewed and updated by Council in July of 2012 and following the adoption of the GAP, there has been a series of specific action plans that address the environmental issues identified in the GAP. These are addressed below.

3.6.4.3 Better Waste and Recycling Program

The NSW EPA is overseeing the Better Waste and Recycling (BW&R) program focussing on waste, illegal dumping, littering and diversion of materials. Annual payments to Council will continue as part of the BW&R program along with various grants specific to waste and recycling infrastructure and illegal dumping and littering projects.

The NSW Government announced in October 2016 that the program will be extended for five years, 2017 – 2021 making available an additional \$337million for programs and projects.

Council received \$475,200.81 of funding as part of the 2013-2017 funding program with the funding being allocated to the following programs:

1. Commercial waste audit – Council identified the need to audit commercial premises and characterise waste streams in order to identify opportunities for improvements in waste diversion and minimisation.

ITEM 1/18 Environmental Management Plan - Annual Progress Report for 2017.DOC
Environmental Management Plans- Annual Progress Report 2017

2. Waste Services App – To better promote Council's waste services and provide Burwood Council residents with "App" approach to obtaining information and booking services.
3. Mobile CCTV Cameras – Council purchased 2 mobile CCTV Cameras for use in identified hotspots as part of our goal to reduce the amount of illegal dumping in the local government area.
4. Multi-Unit Dwellings (MUDs)'s Recycling Project – This was a regional plan to improve recycling/diversion from landfill across the SSROC region. Council identified a number of Multi-Unit properties for inclusion in this program with a number of initiatives being undertaken for all properties.
5. MUD's Waste and Recycling Improvement Program – Council's recent waste audit revealed the composition of the MUD's general waste bin had 26% recyclables in it. This program was conducted to remove recyclables from the general waste stream and have it return to recycling stream to improve the rate of resource recovery in MUD's.
6. Cigarette Butt Bins – To assist with the implementation of the illegal dumping and litter prevention plan. Council purchased and installed a number of cigarette butt litter bins in identified hot spots in the shopping precincts throughout the LGA.
7. Compost Revolution – To encourage the reduction in waste generation Council has partnered with Compost Revolution to provide local residents with heavily subsidised Compost bins and worm farms.
8. Kerbside Audit – Best practice indicates Council's should conduct a comprehensive kerbside collection audit every four years. Audits allow council to determine household residual waste and resource recovery quantities and the composition of the average household bin at the kerbside. The data collected can be used to provide policy makers in both state and local government with information for strategic decision making and to assist in developing programs.
9. Illegal Dumping Waste Investigations Officer – Council employed an Illegal Dumping Waste Investigations Officer to develop strategies and programs deterring and combatting illegal dumping across the LGA.
10. The Clean and Safe Program – This program is a partnership between Burwood Council's Waste and Community Services departments to address issues on Illegal Dumping and littering as well as personal and household safety.
11. Signage for illegal dumping, littering and residential waste – Council was in need of standardised signage for all these areas. This funding was utilised for the purchase of street signs, marketing material, residential bins and corals.

Council received \$77,145 of funding in the 2017/2018 financial year as part of the 2017-2021 funding program with the funding being allocated to the following programs:

1. Primary Schools Program – with the expiry of our Residential Recycling collection Contract with JJ Richards there was a need to secure funding to cover the costs of the schools waste education component of the contract. The schools education program will re-commence in January 2018.
2. 360 litre bin trial – Council will purchase a number of 360 litre bins and offer to residents as a replacement for their 240 litre recycling bins to assist with the capture of any recyclables that may end up in the general waste bin due to lack of space in the current recycling bin.

3. Compost Revolution – As the regional program comes to an end Council will continue to fund this program with this year's allocation of funding.

3.6.4.2 Sustainability Action Plan

Council hosted seven workshops free of charge to residents and the inner west community as part of the Treading Lightly eco-living program. Topics included:

- Love Food Hate Waste
- New Plants from Old
- Australian Animals Taronga Zoo Display
- No Dig Gardens
- Cycle Skills Bike Maintenance
- Vertical Gardens
- Balcony Gardens

Council has continued to use the monitoring services of Planet Footprint to track energy, gas, and water data in order to measure resource use and carbon footprint. Planet Footprint provides quarterly reports on Council's performance.

Council is a member of the Sustainable Choice program, which is a sustainable procurement program for NSW Local Government. Sustainable Choice aims to increase the level of sustainable purchasing within the local government sector. ***During 2017 Council achieved a sustainable procurement scorecard rated at an advanced level.*** The scorecard is an assessment of the core organisational systems and processes at Council underpinning effective sustainable procurement.

Council continues to use the Sustainable Events Policy at the Burwood Festival by providing recycling infrastructure for festival attendees. The checklist for the sustainable events was also completed by all stall holders to capture data on sustainability of the event.

Second Hand Saturday continued during 2017. Second Hand Saturday is a great program to divert useable, unwanted goods from landfill and promote community spirit. The Second Hand Saturday events are held five times per year, the LGA is split into five areas and Council notifies residents whom then, if interested in participating, register their address and items to be sold. Council arranges advertising of the participating properties and sends them a kit to use on the day including posters, balloons, price tags. Residents are required to ensure any unsold items are removed from public property at the completion of the event. ***A total of 58 garage sales were held during 2017.***

Council participated in Schools Tree Day in July 2017. A presentation on the importance of trees and a demonstration on how to plant a tree/shrub correctly was delivered to students and then students undertook planting of native shrubs and grasses. Three schools attended the tree planting day which was held at Wangal Park. ***Over 500 new native plants were planted by the participating school students.***

3.6.4.4 Water Savings Action Plan

The most cost effective water saving actions identified in this plan have been implemented. This plan is now redundant, water savings actions are contained within the Green Action Plan.

3.6.4.5 Cities for Climate Protection Program – Local Action Plan

Council continued to use Planet Footprint during 2017 to track energy, water, greenhouse and other performance data.

3.6.4.6 Strategic Waste Action Plan

In 2015 Council was successful in securing a NSW EPA Round Two Bin Trim Business Grant for \$195,000.00, ending June 2017. The Bin Trim Business Grants program funds waste assessments for small and medium sized businesses. Waste assessors undertake free assessments, produce tailored action plans and provide support to businesses to reduce waste and increase recycling. The project will assess 468 businesses across the Burwood LGA. ***There were 436 premises that completed the program with a total of 648 tonnes diverted from the waste stream and a 19% improvement in recycling performance from the participating premises.***

During 2017 Council held regular free electronic waste (e waste) drop off events on Saturday mornings at the Depot. ***A total of 22 drop off events were held throughout 2017.***

During 2014 Council was successful along with other SSROC Councils in securing a \$1 million grant over three years. The grant is to promote and engage residents to commence home composting to reduce organic matter going to landfill. The program Compost Revolution allows residents to undertake an online tutorial and quiz of their choice than they are able to purchase either a compost bin or worm farm at 50% discounted price with free delivery. ***During 2017, 73 compost bins and 36 worm farms were purchased by Burwood Council residents.***

Council is a partner of the Love Food Hate Waste program which is coordinated by the OEH. The program provides information, advice and education in relation to the planning purchasing and storing of household food. It aims to reduce the amount of food that is thrown away through poor household practices and planning. Council's website links to the Love Food Hate Waste website. The program was also promoted in resident newsletters and one Treading Lightly workshop was held to promote the food waste avoidance message.

Council conducted 2 MUD's programs aimed to reduce the amount of contamination in the recycling bins and increase diversion from landfill whilst educating the residents and upgrading the waste collection infrastructure. Over 20 properties took part in this program with results showing significant improvements in resource recovery figures.

In 2017 Council delivered 64 lessons free of charge to 1,670 primary school students in the LGA on environment and waste minimisation issues as part of Council's 'Providing the Links' educational teaching program. Topics presented included:

- Better Get It Sorted
- It's a Wormy World
- Litter, Litter Everywhere
- Recycling, it won't cost the earth
- The 3 R's – RU Ready!

Council continues to offer a free battery recycling program for residents. A collection point is located at Council's Customer Services Centre for small batteries such as cameras, torches, toys, tools and appliances.

Council continues to offer mobile phone collection program by linking with Mobile Muster. A collection point is located at Council's Customer Services Centre for mobile phones and chargers. ***During 2017 Council collected 80kg of mobile phones and over 200kg of batteries and accessories from recycling, placing us in the Top 5 Collectors category for NSW Councils.***

The Fridge Buy Back Program ended in July 2017. ***Figures for the Burwood Council area showed we had 323 collections in the 2016/2017 financial year which converts to 28.8 tonnes of metal collected and 2542 tonnes of CO2 greenhouse gas emissions taken out of the atmosphere.***

3.6.4.7 Litter and Illegal Dumping Prevention Plan

Council continues to follow the Litter and Illegal Dumping Prevention Plan developed in 2011. The plan focuses on prevention, education, implementation and enforcement.

With funding from the NSW EPA Better Waste and Recycling Fund, Council appointed an Illegal Dumping Investigation Officer to develop strategies and programs deterring and combatting illegal dumping across the LGA. Part of this funding was utilised for the purchase of standardised signage for littering and illegal dumping as well as Cigarette Butt bins to tackle cigarette butt litter in the shopping centre precincts across the LGA.

In partnership with Community Services and also part of the Better Waste and Recycling Funding The Household Safety Plan booklet was distributed to all households in the LGA. The booklet contains key emergency contacts, fillable fields for individual households to complete details of key service providers advice and support contacts, useful safety information including home security tips, safety audit checklist, information detailing the issue of illegal dumping and littering how residents can assist Council to reduce these incidents.

Council continues to produce media releases to the local papers regarding Illegal Dumping & Littering, advising residents on how to correctly have unwanted items collected through the clean-up services, drop off locations etc.

Council's website also outlines information on illegal dumping and litter prevention and the Dob in a Dumper campaign.

(ITEM IN2/18) NSW FOOD AUTHORITY - RENEWAL OF FOOD REGULATION PARTNERSHIP ARRANGEMENT

File No: 17/62943

REPORT BY ACTING DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

Summary

The NSW Food Authority has advised Council that our current appointment as an enforcement agency will cease on 30 June 2018 and that a new instrument of appointment has been issued to Council to take effect from 1 July 2018.

The original Partnership Agreement commenced on 1 July 2007. Council has been appointed as a Category B Council which allows Council to undertake the following roles:

- Food premises approvals
- Emergency response
- Urgent food recalls
- Premises inspections
- Investigating complaints and
- Enforcement action including the service of notices, issuing penalty notices, closure of premises and taking court action

The Food Authority will continue to support and assist Council through training, technical advice, and provision of resources including fact sheets in a range of languages.

There have been some notable improvements in Food Regulation since the commencement of the partnership. It is now a requirement for food premises to have an accredited Food Safety Supervisor registered for the premises and the Scores on Doors Program provides for a star rating for each premises based on the Council inspection results.

The name and shame list continues to operate with any notable breaches or infringements being made public through the NSW Food Authority website.

Burwood Council has also moved to an electronic reporting system using iPads while undertaking inspections. This practice has resulted in improved consistency in carrying out inspections.

The Burwood Local Government Area has seen a proliferation of food premises in recent years and the trend is likely to continue for some time to come.

Council's Environmental Health Officers continue to undertake an annual food premises inspection program among other duties and, as part of the Partnership Agreement, Council is required to submit an annual Food Activity Report to the NSW Food Authority.

No Decision – Information Item Only

Attachments

There are no attachments for this report.

(ITEM IN3/18) SAFE & CLEAN TEAM - QUARTERLY PERFORMANCE REPORT

File No: 18/1159

REPORT BY ACTING DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

Summary

This report provides performance information on the Safe & Clean Team for the second quarter of the 2017/18 period. This is the first period for the new service provider Quest Effect Pty Ltd acting as the Safe & Clean Team.

The Safe & Clean Team operates on a daily basis between the hours of 10am to 6pm. The Safe & Clean Team patrols all main business streets in the Burwood Local Government Area including Burwood Road, Liverpool Road, The Boulevarde, The Strand and Georges River Road as defined in the contract. The Safe & Clean Team, like the name suggests, focuses on ensuring that the main business streets are always clean by removing light litter and cleaning infrastructure, as well as reporting crime activity to Police and all local laws breaches to Council. The Safe & Clean Team provides a physical customer service presence for Council along the main business streets. Below is a summary of their performance for the period:

Activity	October 2017	November 2017	December 2017	Total
Rubbish removed from roadway	1748 litres 15 (120L bins)	1819 litres 15 (120L bins)	1720 litres 14 (120L bins)	5287 44 (120L bins)
Shopping trolleys reported and removed from main streets	189	220	253	662
Advertising posters removed	40	25	40	105
Report Graffiti on Council Property	0	5	4	9
Report crime	0	0	0	0
Small spill clean ups	3	0	5	8
Distribute information leaflets	0	0	0	0
Report Road obstructions	0	3	5	8
Report maintenance issues	1	1	1	3

Note: The shopping trolleys left abandoned on the streets were reported to the relevant service providers and removed on a daily basis. During the period, shopping trolleys not removed were processed (79 trolleys), impounded (21 trolleys) and fines (21 infringement notices) were issued to the shopping trolley owner. This process has seen the shopping trolley owners improve on their trolley collection.

The advertising posters were mainly small handwritten signs placed on poles which were physically removed by the Team.

Rubbish removed from the roadway highlights that Burwood Road has the highest amount of light litter rubbish dumped on the street and this could be explained by the high volume of pedestrian traffic.

Overall the presence of the Safe & Clean Team has made a huge impact towards beautification of the main streets and the safety of the local community.

No Decision – Information Item Only

Attachments

There are no attachments for this report.

(ITEM IN4/18) MAYORAL DISCRETIONARY GRANTS - SMALL DONATIONS MADE FOR THE PERIOD ENDING 31 DECEMBER 2017

File No: 17/62626

REPORT BY ACTING GENERAL MANAGER

Summary

The Discretionary Grants – Small Donations Policy was reviewed by Council and adopted on 12 December 2017. As part of the Policy requirements a list of donations made is to be reported to Council on a quarterly basis. The attached table details the Discretionary Grants for the December quarter ending 2017.

Background

The Mayor receives an annual budget of \$10,000 to provide civic leadership by supporting, through the allocation of small donations on behalf of Council, organisations or individuals for:

1. Personal development and achievements of individual community members representing NSW or higher in their chosen fields, including sporting, academic, cultural and artistic endeavours who require financial assistance to attend events or activities or compete in their chosen field.
2. Relief and other emergency organisations.
3. Charitable organisations (registered) which provide benefits to the Burwood Local Government Area.
4. Locally based groups and organisations located in the Burwood Local Government Area that have not applied under the Community Grants Program and are established as not-for-profit, community based which includes P and C associations.
5. Mayor's discretion for requests of a humanitarian nature.

Financial assistance for all categories is capped at \$1,000.

Proposal

That Council notes this report as per the requirements of the Discretionary Grants – Small Donations Policy.

Financial Implications

Within the approved budget allocation of \$10,000.

No Decision – Information Item Only

Attachments

- 1 [Discretionary Grants - Small Donations Policy 2016 - 2017 - 31 December 2017](#)

ATTACHMENT 1

ITEM 4/18 Mayoral Discretionary Grants - Small Donations made for the period ending 31

December 2017.DOC

Discretionary Grants - Small Donations Policy 2016 - 2017 - 31 December 2017

Discretionary Grants - Small Donations Policy 2017-2018										
Date	Name/Organisation	Address	Purpose	Criteria 1 - Individual Residing Burwood	Criteria 2 - Relief and other Emergency Organisations - natural disasters	Criteria 3 - Charitable Organisations (Registered) - Provide benefits to Burwood	Criteria 4 - Groups and Organisations Located in the Burwood and Provide Services to Burwood	Criteria 5 - Mayoral Discretion - Humanitarian Nature	Amount Donated \$	Budget Allocation \$
24-Jul-17	United Services Union	Level 7, 321 Pitt Street Sydney NSW 2000	Donation towards 2017 Youth off the Streets event on 11 August 2017 and to raise funds to help the homeless in Australia					\$200.00	\$200.00	\$10,000.00
24-Aug-17	Straithfield Rotary Club	PO Box 268 Straithfield NSW 2135	Donation towards sponsorship at the 2017 Police Officer of the Year Awards - Burwood on 12 November 2017			\$100			\$100.00	\$9,700.00
12-Oct-17	Greek Orthodox Parish & Community of Burwood and District "Saint Nectarios"	PO Box 106 Burwood 1805	Donation towards Greek Street Fair Event in Burwood on 12 November 2017				\$500.00		\$500.00	\$9,200.00
12-Oct-17	Parish Church of Saint Paul the Apostle	PO Box 530 Burwood NSW 1805	Donation towards project in Burwood - "Street Libraries"		\$300.00				\$300.00	\$8,900.00
12-Nov-17	St Merkorious Charity	Unit 3, 6-20 Braidwood Street Straithfield South NSW 2136	Donation towards St Merkorious Charity Event – "Day at the Bay" on Sunday 5 November 2017 in accordance to Mayoral Minute Item MM11/17 or 17/49324 resolved at Council			\$3,000.00			\$3,000.00	\$5,900.00
20-Nov-17	St Josephs P & F Association	St Joseph's Primary School, 128 Liverpool Road Enfield	Donation towards St Joseph's Parents & Friends Association Raffle for event Christmas Carols & Twilight Markets on				\$100.00		\$100.00	\$5,800.00
20-Nov-17	Elm Street Early Learning Centre	7-9 Elm Street Burwood Heights NSW 2136	Donation towards Elm Street Early Learning Centre Annual fundraising Raffle.				\$50.00		\$50.00	\$5,750.00
								Total Donated	\$4,250.00	\$5,750.00
								Total Budget Remaining		

**(ITEM IN5/18) POWER OF ATTORNEY FOR THE GENERAL MANAGER -
SEPTEMBER TO NOVEMBER 2017**

File No: 17/60128

REPORT BY ACTING GENERAL MANAGER

Summary

At the Council Meeting of 28 June 2011, Council resolved to delegate to Michael Gerard McMahon, General Manager, a prescribed power of attorney and that the General Manager report to Council every three months on all documents signed under the prescribed power of attorney.

Council notes that the following documents were signed under power of attorney between 28 September 2017 and 29 November 2017:

1. Burwood Park Tennis Courts, proposed Lease & Management for a five year term, with two five year options, between Neil Alexander Armstrong (ABN 90 792 084 644), Trading As Innerwest Tennis and Burwood Park (P500132) Reserve Trust on 28 September 2017. Presented to Council on 25 July 2017, Item 55/17.
2. Burwood Park Tennis Courts, Lease & Management for a five year term, with two five year options, between Neil Alexander Armstrong (ABN 90 792 084 644), Trading as Innerwest Tennis and Burwood Park (P500132) Reserve Trust on 9 November 2017. Presented to Council on 25 July 2017, Item 55/17.
3. Voluntary Planning Agreement (VPA) in Lieu of Parking for 1 Lyons Street Strathfield between Prospect Road Pty Limited (ACN 604 768 210) and Burwood Council (ABN 84 362 114 428) on 29 November 2017. Presented to Council on 24 October 2017, Item No 65/17.
4. Voluntary Planning Agreement (VPA) in Lieu of Parking for 6 Railway Parade Burwood between Burwood Holdings Pty Limited (ACN 600 045 716) and Burwood Council (ABN 84 362 114 428) on 29 November 2017. Presented to Council on 24 October 2017, Item No 64/17.

The Power of Attorney for Michael McMahon, previous General Manager, has been revoked and the current Acting General Manager, Bruce Macdonnell has been granted the Power of Attorney.

No Decision – Information Item Only**Attachments**

There are no attachments for this report.

(ITEM IN6/18) REPORTS APPROVED UNDER DELEGATED AUTHORITY - DURING THE 2017-2018 RECESS PERIOD

File No: 17/54100

REPORT BY ACTING GENERAL MANAGER

Summary

Council, at its meeting of 12 December 2016, granted delegated authority to the Mayor and General Manager and in the absence of the Mayor or General Manager to the Deputy Mayor to deal with matters during the Council recess period as follows:

1. *That for the period from 13 December 2017 until the first Council Meeting of 2018 (i.e. 6 February 2018) Council delegates the following to both the Mayor and the General Manager:*
 - *A petition with eight or more signatures from separate households within the notification area have been received and the application has not been refused.*
 - *Where eight or more valid planning objections to the development application have been received from separate households within the notification area and the application has not been refused.*
 - *Development where there is major variation (more than a 10%) from Council's Development Standards under Clause 4.6 of BLEP 2012.*
 - *Any matter subject to appeal where the matter has gone to a hearing or Section 34A Conference.*
 - *Applications having a major environmental impact on the locality and which involve land owned by Council.*
 - *Writing Off Accounts - to approve the writing off of accounts greater than \$5,000.*
 - *Writing Off Stores and Materials – to approve the writing off of items greater than \$5,000.*
2. *That the Deputy Mayor be granted these delegations in the absence of the Mayor or the General Manager.*
3. *That all decisions made under the above delegations be subsequently reported for the information of Councillors at the first Council Meeting of 2018.*

Decisions Made During the Recess Period

No determinations were made.

No Decision – Information Item Only

Attachments

There are no attachments for this report.

(ITEM IN7/18) ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCIL MEETING OF 28 NOVEMBER 2017

File No: 17/58835

REPORT BY ACTING GENERAL MANAGER

Summary

At the Council Meeting of 28 November 2017 the following Questions without Notice (QWN) were submitted by Councillors. Council Officers responded to the QWN and Councillors were notified on 7 December 2017 of the outcome of the QWN.

These are now submitted as part of the Council Agenda for Public Notification.

QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 28 NOVEMBER 2017	
Question	Response
<p><u>Cr Furneaux-Cook</u></p> <p>Question 1</p> <p>As part of the comprehensive heritage review, while 4 Burleigh Street, the former home of Malcom, George, Angus Young of the Easy Beats/ACDC) was not given heritage status, Council endorsed an investigation of a plaque recognising their home, where is this up to?</p>	<p><u>Manager Strategic Planning</u></p> <p>An independent consultant was engaged to prepare reports on several properties as part of the comprehensive heritage review and the consultant suggested that Council could investigate a commemorative plaque for 4 Burleigh Street, rather than listing the property as a heritage item. However, Council resolved at the 22 March 2016 Council meeting not to proceed and therefore such a plaque has not been investigated.</p> <p>It may assist the Councillor to know that, unlike Britain with its 'blue plaques' scheme that commemorates homes associated with authors, poets and cultural icons who have been deceased for at least 20 years, Australia has no such scheme. There is also a case for any such scheme to be administered by either the Royal Australian Historical Society or The National Trust of Australia, rather than by local councils.</p> <p>In November 2015, the Royal Australian Historical Society's (the Society) General Manager, Ms Suzanne Holohan, stated in an interview with The Daily Telegraph that a new scheme for Sydney could be modelled on Britain's blue plaques, however, it is not apparent whether this matter was taken up by the Society.</p> <p>The National Trust of Australia (the Trust) is the body that identifies and administers government owned properties associated with authors, poets and cultural icons, which are often converted into museums.</p>

QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 28 NOVEMBER 2017	
Question	Response
	On this basis it would seem that the most appropriate bodies to bring about a blue plaque scheme in Australia would be either the Society or the Trust.
<p><u>Cr Furneaux-Cook</u></p> <p>Question 2</p> <p>Regarding the TV on Burwood Road at the Railway Square, who decides what stations are played, as old material is played and do we have a play channel selected?</p>	<p><u>Media and Communications Officer</u></p> <p>The Railway Square TV is programmed to broadcast ABC News 24. However, on occasion the signal of the ABC News 24 station is weak, and the screen system can lose transmission and revert to Channel 1 by default. This then requires the station to be reprogrammed.</p> <p>Council will investigate ways to improve signal strength to ensure that the transmission is not as adversely affected.</p>

No Decision – Information Item Only

Attachments

There are no attachments for this report.

(ITEM IN8/18) ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCIL MEETING OF 12 DECEMBER 2017

File No: 17/62747

REPORT BY ACTING GENERAL MANAGER

Summary

At the Council Meeting of 12 December 2017 the following Questions without Notice (QWN) were submitted by Councillors. Council Officers responded to the QWN and Councillors were notified on 21 December 2017 of the outcome of the QWN.

These are now submitted as part of the Council Agenda for Public Notification.

QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 12 DECEMBER 2017	
Question	Response
<p><u>Cr Furneaux-Cook</u></p> <p>Question 1:</p> <p>What consultation took place with Burwood Council on the new timetable with State Rail/Sydney Trains? I have had many complaints that trains are not stopping at Burwood Station. A trip into Town Hall has doubled in travel time and there is also reduce services to Parramatta.</p>	<p><u>Manager Traffic and Transport</u></p> <p>Transport for NSW undertook public notification from October 2017 in relation to the timetable changes which took effect in November 2017, however, no direct consultation was made with Council.</p> <p>Council has received a small number of concerns relating to the changes which have been forwarded on to the Shadow Minister for Transport and Member for Strathfield.</p>
<p><u>Cr Furneaux-Cook</u></p> <p>Question 2</p> <p>Has the federal grant given to Burwood Soccer Club been tagged to be used exclusively by the Club to refurbish the amenities block at Blair Park?</p>	<p><u>Acting Director Engineering & Operational Services</u></p> <p>Burwood Council is the Contractual Custodian of the Grant for the \$1.3 million amount from the Department of Infrastructure and Regional Development and is responsible for the delivery of all the approved upgrades as listed as part of the grant application. These upgrades are for the benefit of the Burwood Community as well as the Burwood FC, hence why upgrades include the whole of Blair Park not just the soccer field area.</p> <p>In general terms the cost breakdown for the 18 listed embellishment Items have resulted in approx. \$900,000 for direct and indirect soccer related projects including the refurbishment and extensions to new Amenities Building and approx. \$400,000 for general improvements to the Blair Park.</p> <p>Council is now responsible to deliver and to report back to the Department on the three milestones set by them i.e. these mile stones on 28 Feb 2018, 30 September 2018 and 31 December 2018.</p>

QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 12 DECEMBER 2017

Question	Response																																						
	<p>The approved embellishment items are listed below:</p> <table border="1"> <thead> <tr> <th>Item No.</th><th>Embellishment Item</th></tr> </thead> <tbody> <tr> <td>1</td><td>Repair and upgrade old workers shed to include storage area</td></tr> <tr> <td>2</td><td>Upgrade existing amenities block and canteen</td></tr> <tr> <td>3</td><td>Total upgrade of sports field flood lighting (design required for new poles, wiring and LED luminaries)</td></tr> <tr> <td>4</td><td>Supply and install stage 2 north side perimeter fencing extension to end of playing field on Blair Ave</td></tr> <tr> <td>5</td><td>Supply and install a new 5m high black chain wire fence @ \$250 /m to western end on BGHS boundary</td></tr> <tr> <td>6</td><td>Remove old fence, concrete swale, low rock wall and regrade earthworks between areas. Supply and install a new 5m high black chain wire fence in the centre of the park between areas</td></tr> <tr> <td>7</td><td>Supply and install picnic settings x 2 with twin electric BBQ (east end)</td></tr> <tr> <td>8</td><td>Supply and install new park provisions general warning signage x 8</td></tr> <tr> <td>9</td><td>Supply and install new park name signage x 4</td></tr> <tr> <td>10</td><td>Upgrade all equal access requirements for parks assets and amenity</td></tr> <tr> <td>11</td><td>Supply and install new turf for the entire playing field @14.00 x 10,000 sqm</td></tr> <tr> <td>12</td><td>Supply and install new seating x 10 @ \$2500 each installed</td></tr> <tr> <td>13</td><td>Replace old bins with 10 new Stainless Steel @ \$2000 each installed</td></tr> <tr> <td>14</td><td>Install additional dog litter bins x 2</td></tr> <tr> <td>15</td><td>Replace existing goal posts</td></tr> <tr> <td>16</td><td>Regrade Bocce Court southern end and relay stone wall southern end</td></tr> <tr> <td>17</td><td>Replace 2 old existing bubblers</td></tr> <tr> <td>18</td><td>Replace existing play equipment and soft fall</td></tr> </tbody> </table>	Item No.	Embellishment Item	1	Repair and upgrade old workers shed to include storage area	2	Upgrade existing amenities block and canteen	3	Total upgrade of sports field flood lighting (design required for new poles, wiring and LED luminaries)	4	Supply and install stage 2 north side perimeter fencing extension to end of playing field on Blair Ave	5	Supply and install a new 5m high black chain wire fence @ \$250 /m to western end on BGHS boundary	6	Remove old fence, concrete swale, low rock wall and regrade earthworks between areas. Supply and install a new 5m high black chain wire fence in the centre of the park between areas	7	Supply and install picnic settings x 2 with twin electric BBQ (east end)	8	Supply and install new park provisions general warning signage x 8	9	Supply and install new park name signage x 4	10	Upgrade all equal access requirements for parks assets and amenity	11	Supply and install new turf for the entire playing field @14.00 x 10,000 sqm	12	Supply and install new seating x 10 @ \$2500 each installed	13	Replace old bins with 10 new Stainless Steel @ \$2000 each installed	14	Install additional dog litter bins x 2	15	Replace existing goal posts	16	Regrade Bocce Court southern end and relay stone wall southern end	17	Replace 2 old existing bubblers	18	Replace existing play equipment and soft fall
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18	Replace existing play equipment and soft fall																																						
<p><u>Cr Furneaux-Cook</u></p> <p>Question 3:</p> <p>With regard to the SRV and the Community Plan consultation, how do we contact residents who do not have landlines (40% no longer have landlines)?</p>	<p><u>Media Officer</u></p> <p>Council engaged an independent research firm, <i>Micromex Research</i>, to undertake a community wide phone survey.</p> <p>As part of this process, the firm undertook 'number harvesting' at various locations across the Burwood LGA including outside Burwood Train Station, Westfield, Plaza and Croydon Train Station between Saturday, 26 November and Tuesday, 30 November.</p> <p>The purpose of 'number harvesting' was to recruit participants to undertake the survey.</p> <p>During this process, the firm obtained 166 mobile phone numbers which resulted in 75 phone surveys being undertaken by mobile phone.</p>																																						
<p><u>George Mannah</u></p> <p>Question 1:</p> <p>Can Council give a full description of how our Council after hours call centre works?</p>	<p><u>Manager Customer Service and Records</u></p> <p>The main Council number is transferred to the after-hours (AH) service outside of business hours including weekends and public holidays. Council provides detailed information to the AH service to assist with customer enquiries. The information is classified into individual categories and listed as urgent or non-urgent.</p> <p>All calls are logged with the time of call, customer name, nature of issue/request and contact number.</p> <p>Non Urgent - Information is provided to the customer</p>																																						

QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 12 DECEMBER 2017	
Question	Response
	<p>and an email sent to Council to action the next business day.</p> <p>Urgent – Urgent requests are split into two action areas either Rangers or Depot staff.</p> <p>The AH service contact the appropriate On Call Officer and provide details. The On Call Officer contacts the customer to provide an update and action taken.</p> <p>If the Call Out Officer is uncontactable, the AH service escalates the issue to a Manager for action.</p>

No Decision – Information Item Only**Attachments**

There are no attachments for this report.

(ITEM IN9/18) PETITIONS

File No: 17/58866

REPORT BY DEPUTY GENERAL MANAGER CORPORATE, GOVERNANCE AND COMMUNITY

Summary

Petitions received are reported to Council on a monthly basis. Council has received seven petitions since the last Council Meeting.

Background

Date Received	Petition Subject	No. of Households and Businesses within the LGA	No. of Households outside the LGA	Responsible Council Division
30 October 2017	BD.2017.124 - 68-72 Railway Parade and 2-2A and 4-10 Oxford Street Burwood - Submission of Objection	381	94	Land, Infrastructure and Environment
31 October 2017	Noise and Smoke Pollution from Stacks Petition - Level 2 27-31 Belmore Street Burwood	10		Land, Infrastructure and Environment
8 November 2017	BD.2017.128 - 5 Oxford Street Burwood - Submission Objection	39		Land, Infrastructure and Environment
9 November 2017	BD.2017.128 - 5 Oxford Street Burwood - Submission Objection	11	1	Land, Infrastructure and Environment
15 November 2017	Noise Pollution - Ventilation System - 43 Burwood Road Burwood	28		Land, Infrastructure and Environment
21 November 2017	BD.2017.137 - 72 Coronation Parade Enfield - Submission Objection	9		Land, Infrastructure and Environment
29 November 2017	Request for Pedestrian Crossing on intersection of Coronation Parade and King Street Enfield	28	9	Land, Infrastructure and Environment

Comments

That Council notes that the Petitions have been referred to the appropriate Council Officers for attention.

No Decision – Information Item Only**Attachments**

There are no attachments for this report.