

ORDINARY MEETING

Notice is hereby given that a meeting of the Council of Burwood will be held electronically on Tuesday, 8 December 2020 at 4:00pm to consider the matters contained in the attached Agenda.

In the overriding interests of public health and safety during the current COVID-19 pandemic, Council will be conducting its meeting electronically as per provisions under the NSW Local Government Act. The customary face-to-face public participation opportunity has been replaced with the opportunity to speak via teleconference link. Written submissions on agenda items will also be accepted. The written submissions will be acknowledged at the meeting and referenced in the minutes.

Fab Zincone
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, or 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 ELECTRONICALLY ON TUESDAY 8 DECEMBER 2020 AT 4.00 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."

RECORDING OF MEETING (READ BY MAYOR)

"Meetings of Council and Council Committees are audio recorded for the purpose of assisting with the preparation of meeting minutes and promoting meeting transparency."

Such recordings are subject to the provisions of the Government Information (Public Access) Act 2009 (GIPA) and are promptly made available for public review via the Council website.

APOLOGIES/LEAVE OF ABSENCES

DECLARATIONS OF INTERESTS BY COUNCILLORS

DECLARATION OF POLITICAL DONATIONS (READ BY MAYOR)

In light of legislation that governs the 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 disclose any reportable political donation or gift made to any local Councillor or employee of Council. Such disclosure is required on Development Application Forms submitted to Council.

Council is also obliged by law to publish details of all reportable political donations or gifts on its website.

Should any person having business before Council this evening and being an applicant or party with 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.

CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the following Meeting of Burwood Council:

A. Council Meeting held on 24 November 2020

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.

PUBLIC FEEDBACK ON AGENDA ITEMS (Read by Mayor)

The face-to-face public participation opportunity has been replaced with the opportunity to speak via teleconference link on agenda items. Written submissions are also accepted for this meeting and have been circulated directly to all Councillors. All submissions will be acknowledged at the Council Meeting and referenced in the minutes of the meeting.

ADDRESS BY THE PUBLIC ON AGENDA ITEMS COMMENCES

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CONFIDENTIAL ITEMS

(ITEM 125/20)	OPPORTUNITY TO PURCHASE LAND FOR PUBLIC RECREATION PURPOSES
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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) (c) of the Local Government Act, 1993, as the matter involves information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

QUESTIONS ON NOTICE

Councillors are requested to submit any Questions On Notice in writing.

MAYORAL MINUTE

(ITEM MM17/20) MAYOR'S CHRISTMAS DONATION INITIATIVE

Trim Folder: 20/53616

MAYORAL MINUTE BY CR JOHN FAKER (MAYOR)

Summary

As a result of the Covid-19 pandemic, this year has been a particularly hard year for many community members in the Burwood Local Government Area.

As the crisis unfolded, I am proud that we demonstrated high levels of agility and responsiveness in addressing complex community needs. The delivery of the Burwood Cares Program and an unprecedented package of financial relief measures are both tangible examples of how Council has gone above and beyond to minimise the impacts of Covid-19 on our local community.

The Mayor's Christmas Function has been a long standing annual tradition that has served to bring together and thank members of the community who have contributed to the progress of Burwood. However, due to COVID-19, both in terms of safety considerations and in recognition of the ongoing financial difficulties faced by many in our local community, I have taken the decision not to hold the Mayor's Christmas Function in December this year.

As we now move towards recovery, there is no doubt that times continue to be tough for many. As we approach Christmas over the coming weeks, it has never been a more critical time to recognise that Christmas can be an added pressure on people and families that are already doing it tough.

With this front and centre in mind, I propose that funds allocated to the Mayor's Christmas Function in the 2020/21 budget be reallocated to the Mayoral Donation Program to provide additional support to local churches and community organisations that are actively supporting vulnerable members of our local community over the Christmas period.

Specifically, I propose that funding is donated equally to:

Organisation	Planned Community Support for December 2020 to January 2021	Proposed Donation
Burwood Croydon Uniting Church	Provision of emergency relief packages, food vouchers and toys to high needs community members.	\$2000 (no GST)
St Merkorious Charity	Delivery of prepared meals to vulnerable community members.	\$2000 (no GST)
St Paul's Anglican Church	Christmas hampers made up of essential food and hygiene items.	\$2000 (no GST)
Wesley Mission Homelessness Services	Distribution of care packages to rough sleepers.	\$2000 (no GST)
Women and Girls' Emergency Centre	Toys and Christmas packages for women and children escaping domestic violence and school holiday activities for children.	\$2000 (no GST)

In addition to the above, Council is also supporting the 'Tree of Joy' initiative in partnership with the Rotary Club of Burwood. I would like to encourage everyone in our community to donate a much needed gift for Christmas by visiting the Burwood Library before 15 December 2020. Gifts will be distributed to local residents and families who need it most.

Councillors, I seek your support to help those in need in our community to have a Merry Christmas

in 2020.

Operational Plan Objective

- 1.1.1 Provide a diverse range of strategies and initiatives that meet the needs of the community.
- 5.2 Support and engage with local services and businesses.

I therefore move that:

1. Council reallocates funds from the Mayor's Christmas Function 2020/21 budget to the Mayoral Donation Program 2020/21 budget to provide a \$2000 (no GST) donation to each of the following organisations that are actively supporting vulnerable members of our local community over the Christmas period:
 - Burwood Croydon Uniting Church
 - St Merkorious Charity
 - St Paul's Anglican Church
 - Wesley Mission Homelessness Services
 - Women and Girls Emergency Centre.
2. Council encourages members of the community to donate gifts to the 'Tree of Joy' initiative being delivered in partnership with the Rotary Club of Burwood.

Attachments

There are no attachments for this report.

(ITEM 118/20) COVID-19 PROGRESS REPORT

File No: 20/51284

REPORT BY DIRECTOR COMMUNITY LIFE

Summary

This report provides a progress update on activities undertaken by Council in response to the COVID-19 pandemic for the period of March to December 2020.

Operational Plan Objective

- 1.1.1 Provide a diverse range of strategies and initiatives that meet the needs of the community.
- 1.2 A well informed, supported and engaged community.
- 1.2.3 Enhance communication and community engagement through innovative solutions.

Background

Following the outbreak of the COVID-19 pandemic and the activation of Council's Business Continuity Plan in early March 2020, Council has consistently prioritised the safety of community members and staff whilst maintaining the ongoing delivery of essential services to residents and businesses wherever possible.

Despite major impacts on day-to-day operations, Council has remained focused on activating customer facing services and facilities, including essential services and frontline Customer Service, the Burwood Library and Community Hub, and the Enfield Aquatic Centre. Council has also ensured the continued delivery of key infrastructure and planning projects in an effort to contribute to local economic recovery.

Over the coming months, Council will continue to focus its efforts on reactivation and recovery. This report summarises key activities delivered by Council over the past nine months and contains information on Council's framework for reactivation and recovery.

Burwood Cares Summary of Activities March to December 2020

Council developed the Burwood Cares Program to provide support for local residents and businesses during the COVID-19 pandemic. Key aims of the Program were to keep the community safe through ongoing service delivery; increased support for vulnerable residents or those in need; support for struggling local businesses and hard hit industries, such as the arts and entertainment sectors; and the provision of timely, accessible and targeted information to the local community throughout the pandemic.

Community Support

Council has engaged over 4,400 community members in 111 new or modified community programs or activities addressing social isolation, homelessness, community safety and wellbeing. This has included activities targeting children and families, young people, people with disability, seniors and culturally and linguistically diverse communities.

As part of Council's immediate crisis relief, Council provided 750 care packages, 670 welfare checks and direct calls to over 1,000 vulnerable community members. New digital platforms, including the Burwood Cares sub-website (4,690 visitors as at 30 November 2020) and the Burwood Cares e-news (14,545 subscribers as at 30 November 2020), also promoted supports available to the local community in addition to Council's regular communications channels. Over the period, 15 Council officers were also provided with 'Accidental Counsellor Training' to better equip them in engaging with vulnerable community members.

Business Support

Council has provided support to over 2,000 local businesses via the delivery of 45 new business support activities or resources, such as, social distancing packs, direct calls and the 2020 NSW Small Business Month Futureproof Your Business Forum, which sought to address financial stress, social media capability and business productivity during the COVID-19 pandemic.

Homelessness

Council has developed a new coordinated response to assist people sleeping rough in the Burwood LGA in partnership with Wesley Mission and the NSW Department of Communities and Justice. By taking a partnership approach, Council has been able to successfully connect rough sleepers with social, health and housing support agencies throughout the pandemic. Council is continuing to monitor the number of people sleeping rough and hot spot locations in the Burwood LGA, and is implementing regular assertive outreach activities as required.

Celebrating Diversity and Opposing Racism

In August 2020, Council resolved to take a public stance opposing all forms of racism, particularly in response to growing incidents of overt racism occurring during the COVID-19 pandemic. Council developed the following statement with input from the Multicultural Advisory Committee:

There's No Room for Racism in Burwood

Burwood Council welcomes people of all races, nationalities and cultures and strives to ensure that all people feel safe and at home in the Burwood Local Government Area. Council strongly condemns racism, discrimination, prejudice, bullying, and any action that infringes upon the human rights and dignity of an individual or group.

Council encourages the media and community members, both within Burwood and the wider Australian community, to stand up to racism, racial vilification and stereotyping, and to report any discrimination through the appropriate channels.

Burwood's cultural diversity is a key strength of the local community. Burwood Council is committed to celebrating our multicultural heritage and promoting community harmony, which are the building blocks of a progressive and flourishing society.

Utilising the above statement, Council has commenced the implementation of a communications strategy to promote positive messages in relation to the value of multiculturalism, community harmony and diversity. Council will also actively promote the different avenues available to the local community to report incidents of racism. Further work is also being undertaken to roll out a new cultural development project in early 2021 that celebrates the diversity of the Burwood LGA in partnership with local schools.

Employee Support

Throughout the pandemic Council has placed the wellbeing and safety of its employees at the forefront, implementing a number of programs and initiatives to support employees across 5 key focus areas: Wellbeing; Communication; Team Building; Performance and Systems.

Over the past nine months, Council has delivered three employee surveys, all garnering positive results and has developed 32 new protocols in response to COVID-19.

Council's frontline employees continue to provide high quality services to the community whilst employees deployed to work from home continue to show high levels of productivity.

Reactivation

As the number of Covid-19 cases continues to decline and restrictions further ease across NSW, Council is continuing to reinstate its operations and services to the community in a staged approach.

Some recent highlights include:

LIBRARY AND HUB

- The Community Hub is now open and available to hire. The state of the art space features expandable meeting rooms, interactive learning labs, and sound proof media rooms that are for filming, rehearsals and recording.
- With more and more members of the community seeking to visit the site, Council has increased the number of customers visiting the site from 100 to 200 at any one time.
- On Sunday 6 December 2020, Council will extend its opening hours for the Burwood Library to include Sundays from 12pm to 4pm. Access to public computers, photocopying and printing, and face to face library programs has recommenced.

CUSTOMER SERVICE

- In person visits recommenced by appointment on 9 June 2020. Following the opening of the new Library and Community Hub, in person visits commenced at the new service centre on 24 August 2020.
- There were 284 'in person' counter visits in October 2020, compared to 263 counter visits in October 2019 (a 7.39% increase)
- Council owned community facilities and open spaces are now available for hire.
- There has been steady engagement with customers in-person and via phone throughout the pandemic:

	Jan 20	Feb 20	Mar-20	April-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20
Counter	110	355	138	NIL	NIL	51	98	155	489	284
Calls	3023	2998	3107	2881	2779	2642	2803	3000	3087	2770

ENFIELD AQUATIC CENTRE

- On Sunday 15 November 2020, Council activated its revised Covid Safety Plan for the Enfield Aquatic Centre. The removal of pre-booking requirements has enabled improved access for the community to the Centre and reduced waiting entry times, whilst continuing to ensure staff and customer safety. Local swim schools have also resumed training.

MAIN STREET IMPROVEMENTS

- Following the \$1.7m improvements to the southern end of Burwood Road last year, Council has commenced works on the northern side of our main strip. Works will include pavers and landscaping, for a value of just over \$1 million. Another important project that will beautify our town centre and support the economic reactivation of our business hub.

**KEY
INFRASTRUCTURE
PROJECTS**

Despite the challenges presented in the face of COVID-19, the majority of Council's projects are progressing as scheduled, including:

- Woodstock Park Playground Upgrade and western side boundary fencing
- Grant Park Obstacle Course
- Jakkett Reserve Playground Fencing
- Jackson Park New Shelter and Picnic Tables
- Replacement of Bugler of Burwood Bronze Plaques, Burwood Park
- Blair Park Supply and installation of new turf and field irrigation and replacement of existing goal posts
- Burwood Park installation of additional Table Tennis Table
- Grant Park Upgrade of Dog Off Leash area
- Croydon Park and Burwood Road outdoor dining settings
- Burwood Road upgrade of pedestrian fencing
- Georges River Road beautification
- Tree Planting 500 trees
- Conder Street new planting around Library and Community Hub Carpark
- Conder Street, Belmore Street, Wynne Ave and Hornsey Lane beautification upgrades.

**COMMUNITY
ACTIVITIES,
PROGRAMS AND
EVENTS**

- The Burwood Art Prize was delivered in November 2020 and saw a record number of entries from 110 participants, compared to 62 last year. A significant number of entrants commented on how creating an artwork assisted them during the pandemic.
- On Sunday 15 November 2020, the Woodstock Artisans Market returned to Burwood with over 1,300 community members attending throughout the course of the day.
- Return of Community Grants Program with an increased pool of funding \$60,000 available compared to \$40,000 in previous years.
- In November 2020, Council launched a domestic violence campaign encouraging people to take action if they are aware of violence in their community, particularly with the increased pressures in homes as a result of the pandemic.

**LOCAL BUSINESS
SUPPORT**

- On 30 October 2020, Council launched the revised Shopfront Improvement Program. In recognition of the current financial strain being faced by local businesses, Council is enabling eligible applicants to apply for 100% of eligible costs for upgrades to a maximum of \$3,000 (inclusive of GST).
- Planning has commenced for the roll out of a new business drop in service at Council's Library and Hub in partnership with the Burwood Asian Business Partnership and Service NSW.

Burwood Cares Four Phase Response and Recovery Framework

Throughout the pandemic, Council has been responsive to the needs of residents, businesses and the local economy. Council's actions have been underpinned by advice from NSW Health and other NSW and Federal Government agencies as well as evidence-based feedback from the local community.

Council's Burwood Cares Four Phase Response and Recovery Framework is summarised below:

	Phase 1 <i>March – May 2020</i>	Phase 2 <i>May – July 2020</i>	Phase 3 <i>August – November 2020</i>	Phase 4 <i>December 2020 - Ongoing</i>
Focus	Immediate local crisis response	Transformative re-emergence	Reactivation	Resilience into the future
Framework	Direct and tangible community and economic impact relief	Repair and recovery	Agility and regeneration	Adaptive planning, meaningful engagement and increased service delivery/project implementation

Financial Implications

Council has provided significant financial relief to residents and businesses over the last 9 months including:

- \$325,000 in rental relief to Council's tenanted properties
- \$180,000 waived in mandatory health inspection fees
- \$90,000 waived in outdoor licensing fees
- \$440,000 in residential rates relief (figure relates to 2020/21 financial year only).

Council has also provided significant additional or modified services to the community over the last 9 months to promote a safe and clean environment, including \$160,000 in additional household clean ups, street and facility cleaning.

Given the significant financial relief and additional expenses incurred by Council to date, this report does not recommend the extension of financial relief measures beyond 31 December 2020. Council will, however, continue to deliver key community and business support activities through the ongoing implementation of the Burwood Cares Program, which will continue to be funded via Council's existing budgets.

It is also important to note that Council is actively seeking external funding opportunities to enhance its reactivation activities, improve local infrastructure and further support local economic recovery.

Conclusion

From March to December 2020, Council has continued to deliver a high standard of services to the community, despite the challenges. Necessary safety measures have also been implemented across all areas of Council business.

Council has also delivered an extensive range of enhanced community and business support activities through the Burwood Cares Program, which have been designed to address the social and economic impacts of the pandemic on the local community.

Furthermore, Council has provided significant financial relief measures (amounting to over \$1.1 million) to further support residents and businesses during this time. As restrictions continue to ease and the overall situation improves, this report does not recommend that Council extend its current financial relief measures beyond 31 December 2020.

Council will continue to implement the Burwood Cares Program over the coming months to deliver ongoing community and business support activities that meet the specific needs of the Burwood community. The focus of the Program, however, will concentrate on reactivation and recovery, including increased service delivery and project implementation. Extensive community engagement and pro-active communication will also continue throughout the reactivation and recovery phase. Council will continue to make decisions and implement sound risk mitigation strategies based on official guidance from the NSW and Federal Governments.

As the situation is ongoing, the General Manager will provide a further report to Council in April 2021 on key activities undertaken by Council in response to the COVID-19 pandemic between January and March 2021.

Recommendation(s)

That Council:

1. Notes the information contained in this report.
2. Receives a further report in April 2021 on key activities undertaken by Council between January and March 2021 in response to the COVID-19 pandemic.

Attachments

There are no attachments for this report.

(ITEM 119/20) FINDINGS OF THE PRELIMINARY HERITAGE INVESTIGATION - 17 ETHEL STREET BURWOOD

File No: 20/53381

REPORT BY DIRECTOR CITY STRATEGY

Summary

A preliminary heritage investigation of 17 Ethel Street Burwood has been undertaken by a heritage consultant. The investigation has found that the property has potential heritage significance and progression of a heritage listing is recommended.

Operational Plan Objective

- 1.4.4 Promote and celebrate the area's heritage and Indigenous history
- 4.3 Integrate Burwood's existing heritage with high quality urban design
- 4.3.2 Maintain and preserve heritage through relevant planning strategies

Background

A Mayoral Minute was put at the Council Meeting on 28 July 2020 concerning the potential heritage significance of the property at 17 Ethel Street Burwood. The property being marketed for sale at that time. It was resolved:

1. *Council engage an external heritage consultant to undertake a preliminary heritage investigation of 17 Ethel Street Burwood.*
2. *The findings of the investigation be reported back to Council.*
3. *The property owner be advised of Council's resolution.*

In accordance with the resolution, letters were forwarded to the then property owner and the real estate agent marketing the property. The letter advised a heritage assessment would occur and this would require the inspection of the exterior of the house including photography from the public vantage points. It was made clear that interior access would not be required, but that providing access would assist the assessment process. The letter also requested that the prospective purchasers of the property be advised of Council's undertaking. The new owner subsequently made contact with Council staff and declined to provide internal access to the property.

Council engaged City Plan Heritage to undertake the investigation. While the consultant was unable to obtain internal access to the property, a visual inspection did occur. The findings of the investigation have informed the recommendations in this report.

Discussion

City Plan Heritage has assessed the significance of the subject property in accordance with the NSW Heritage Council's 'Assessing Heritage Significance' guidelines. This involves assessing the property against seven criteria – these being broadly described as historic, associational, aesthetic, social/cultural, research/scientific, rarity, and representativeness. The consultant has also undertaken a comparative analysis of the property against other buildings of this period and style in the locality and wider region.

City Plan Heritage undertook background research (including land title searches, historic newspapers, Sands Directories and historic development plans). The consultant also attended the site to undertake an inspection. This inspection was undertaken from the public domain, since internal access to the property was not provided by the owners. However, the consultant had the benefit of real estate images and several sets of floor plans in considering the house's interior.

The preliminary heritage investigation in accordance with Council's resolution has found that:

...the subject site, most notably the house identified as 'Lansdowne', meets the significance assessment criteria and is of sufficient significance to warrant individual heritage listing under Part 1 of Schedule 5 of the Burwood Local Environmental Plan (BLEP) 2012.

'Lansdowne' was first constructed in c. 1888 as 'Landour' and exhibits elements of both the Victorian Italianate and Federation Arts and Crafts architectural styles, most notably in the primary (southern) façade, and is highly intact internally. The house maintains a high degree of historic and aesthetic significance with landmark qualities and should be maintained and conserved.

In respect to the property's historical significance, the assessment finds:

...the subject site is an uncommon, intact example of the larger country homes that gained popularity in the Burwood local area in the late 19th century following the construction of the Sydney to Parramatta railway. Utilising elements of both the Victorian Italianate and Federation Arts and Crafts architectural styles, the subject site has aesthetic significance and possible association with the works of architect Edward Jeaffreson Jackson. Further, the site has historical association with William Faithful, the Adams and Larcombe families, and some potential for archaeological relics.

City Plan Heritage has found the property to meet the criteria for historic and aesthetic significance. Most heritage items listed by Burwood Council are listed on the basis of these two criteria. The consultant also finds that the property has some associational, research and representative value. As such, the consultant recommends heritage listing of the property.

Consultation

Correspondence was sent to the then property owners and real estate agent to advise that the preliminary heritage investigation would be undertaken. No correspondence was received from either the former owner or agent. However, the purchaser's agent and, subsequently, the new owner of the property contacted Council staff.

Council staff responded to the new owner's questions in respect to the preliminary heritage investigation and likely next steps. The new property owner declined to provide internal access to the property to Council's consultant. The new owner expressed concern over Council investigating the property and going through the process while she is unable to return from her overseas location due to Covid-19 travel restrictions. She indicated that she may be overseas for a further 3-6 months and requested that Council postpone the investigation process. To date, the new owner has only provided comment verbally.

The new owner has been advised of this report, and invited to attend or make representations virtually to the Council Meeting as the customary face-to-face public participation opportunity has been replaced with the opportunity to speak via teleconference link.

This report recommends that a Planning Proposal be progressed to facilitate the heritage listing of the property. The Planning Proposal process includes consultation with affected property owners, public exhibition, and consultation with relevant agencies. The results of any such consultation and public exhibition would be reported back to Council.

Planning or Policy Implications

Heritage listing of a property is undertaken through a Planning Proposal. Only in cases where a property is deemed "under threat" may a council precede the Planning Proposal process with an Interim Heritage Order (IHO), which affords more immediate protection.

The property is not currently considered to be under threat of demolition or significant damage. Although the property has been recently sold, and there has been a transfer of ownership, Council is not aware of any application for demolition. Accordingly, the IHO process is not available to Council at this time. If a threat of demolition becomes apparent in the future, Council may consider enacting the procedure for dealing with potential heritage items under threat as resolved on 25 May 2010.

It is advisable that any Planning Proposal for heritage listing be progressed in a timely manner, therefore limiting opportunities for demolition proposals or substantial alterations to the building ahead of listing.

Should Council resolve to progress a heritage listing, the general steps would be as follows:

- A Planning Proposal is prepared by Council Officers.
- The Planning Proposal is submitted to the Burwood Local Planning Panel (BLPP) for their consideration.
- The advice of the BLPP is reported back to Council.
- Council resolves whether to endorse the Planning Proposal.
- If endorsed, the Planning Proposal is submitted to the NSW Department of Planning, Industry and Environment (DPIE) for a Gateway Determination. This step will determine whether the proposal can proceed and outlines the community consultation required.
- Undertake public exhibition and consultation with relevant State agencies.
- The outcomes of community consultation are reported back to Council. The Council is asked whether it wishes to adopt the Planning Proposal and proceed to plan-making.
- If adopted, Council staff liaises with the DPIE to amend the BLEP.
- The property is listed in Schedule 5 of the BLEP.

The above process would take in the order of nine months to complete all steps as outlined above. However, the property is afforded heritage protection (i.e. deemed a “draft heritage item”) as soon as the Planning Proposal is placed on public exhibition.

Financial Implications

The heritage investigation has been undertaken at a cost of \$5,700 (excl. GST). Progression of a Planning Proposal would have implications on staff allocation and resources, but should generally be within existing budgetary means.

The City Plan Heritage report is considered sufficient to support a heritage listing of the property and at this stage it is not proposed to undertake any further review.

Conclusion

In accordance with the findings of the preliminary heritage investigation by an external heritage consultant, it is recommended that the property be heritage listed in the BLEP 2012 as a local heritage item, with a view to providing long term protection.

Recommendation(s)

1. That Council endorse the heritage listing of the property at 17 Ethel Street Burwood and the preparation of a Planning Proposal.
2. That the Planning Proposal be submitted to the Burwood Local Planning Panel (BLPP) for their consideration.
3. That the results of the BLPP’s consideration be reported back to Council.

Attachments

- 1 [!\[\]\(756219e9389f679d57027482aa5cf5fc_img.jpg\)](#) City Plan's Heritage Investigation
- 2 [!\[\]\(fcb77b2d9531d23794a07d244b7a89bc_img.jpg\)](#) Draft Heritage Inventory Sheet

A large graphic element consisting of a dark blue diagonal shape on the left containing the title text, and a grey area on the right featuring a faint, repeating pattern of 3D geometric shapes (cubes and rectangles) overlaid on a blurred city skyline.

Heritage Assessment

"Lansdowne"

17 Ethel Street, Burwood


Submitted to Burwood Council

NOVEMBER 2020



Heritage Assessment
'Lansdowne'
17 Ethel Street, Burwood
Project # H 20-082
November 2020

REPORT REVISION HISTORY

Revision	Date Issued	Revision Description		
01 DRAFT	13/11/2020	Revision tracking notes		
		Prepared by	Reviewed by	Verified by
		Samara Allen <i>Heritage Consultant</i>	Kerime Danis <i>Director - Heritage</i>	 Kerime Danis <i>Director - Heritage</i>
02 FINAL	30/11/2020	Revision tracking notes		
		Prepared by	Reviewed by	Verified by
		Samara Allen <i>Heritage Consultant</i>	Kerime Danis <i>Director - Heritage</i>	Kerime Danis <i>Director - Heritage</i>

Disclaimer

This report has been prepared by City Plan Heritage P/L with input from a number of other expert consultants (if relevant). To the best of our knowledge, the information contained herein is neither false nor misleading and the contents are based on information and facts that were correct at the time of writing. City Plan Heritage P/L accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damage arising from reliance in information in this publication.

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1. INTRODUCTION

1.1. Background

City Plan Heritage (CPH) has been engaged by the Burwood Council to undertake an independent Heritage Assessment (HA) of the property located at 17 Ethel Street, Burwood (subject site).

It is understood that the subject site was auctioned and subsequently purchased in July 2020. During this time the recommendation was made by a member of the public that the subject site should be protected due to its potential heritage value. Burwood Council has concluded following a meeting on 28 July 2020 that further investigation should be undertaken in order to ascertain whether the property should be listed as an item of heritage significance.

Subsequently, the aim of the HA is to compile further information related to the subject site and make recommendations as to whether it should be listed on Schedule 5 of the Burwood Local Environmental Plan (LEP) 2012 as an item of heritage significance. In addition, this HA aims to identify the potential opportunities and constraints associated with the subject site in relation to heritage matters.

Accordingly, this report contains the following information:

- Fabric survey undertaken by CPH identifying original/early fabric;
- An historical summary of the development of the site;
- A brief comparative analysis;
- Assessment of significance;
- Preliminary recommended management policies; and
- Preliminary recommended approval pathways for future works.

1.2. The Site

The subject site is located at 17 Ethel Street, situated on the northern side of Ethel Street in Burwood. It is on a block bounded to the north by Duff and Fitzroy Streets, to the west by Burwood Road and to the east by Weldon Street (Figure 1).

The subject site is located directly south of the Woodstock Child Care and Community Centres, and to the south-east of the Burwood town centre approximately 9.5 km south-west from the Sydney central business district (Figure 2). For a more detailed description of the site and its context, see Section 2.



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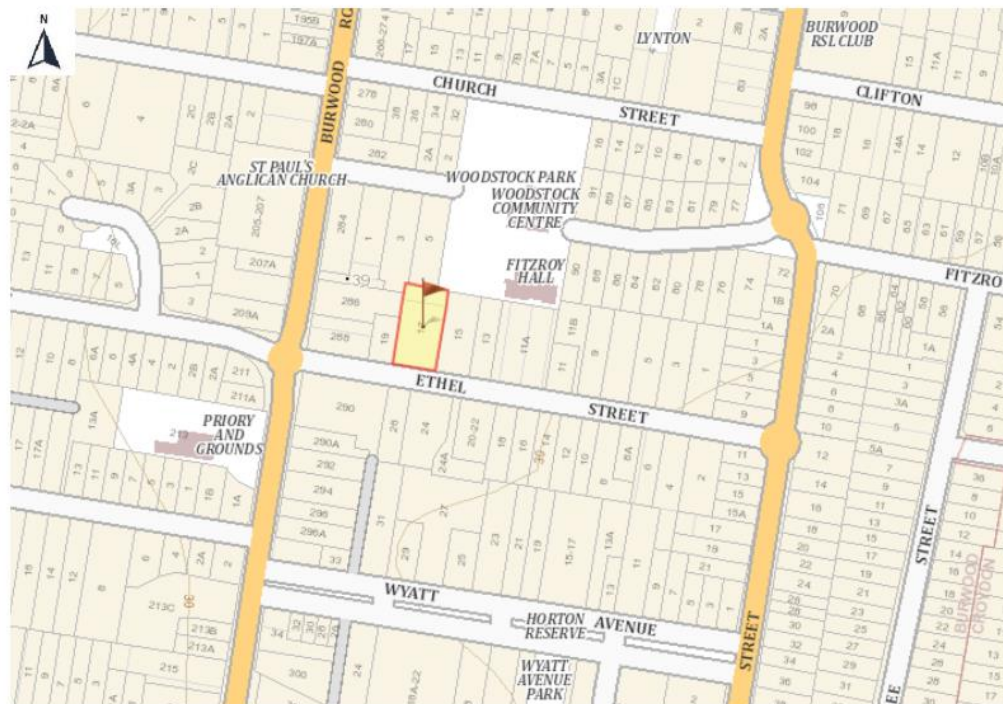


Figure 1: Cadastral map showing the location of the subject site (indicated in red and yellow) in its current context (Source: SIX Maps, accessed September 2020).

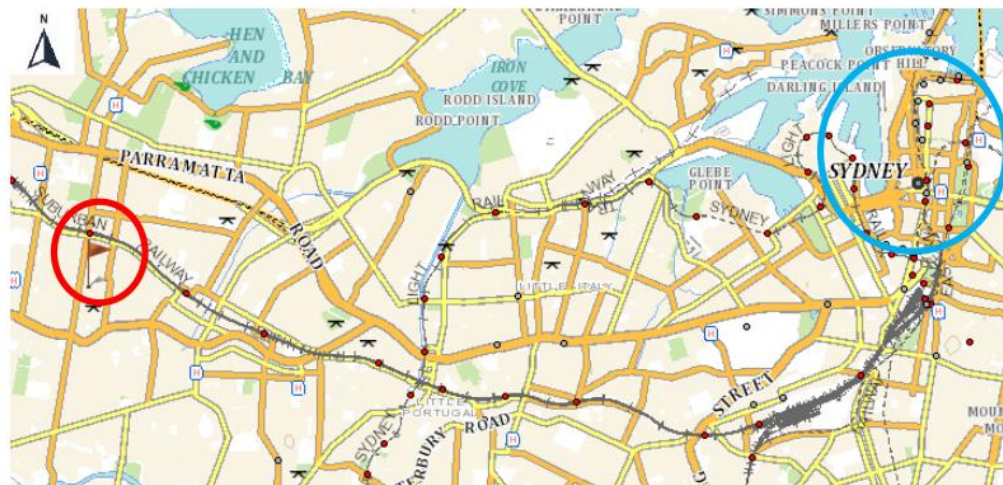


Figure 2: Cadastral map showing the location of the subject site (indicated in red) in relation to the Sydney central business district (CBD) (indicated in blue) (Source: SIX Maps, accessed September 2020).



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1.3. Heritage Context

The subject site is not listed as a heritage item in Part 1 of Schedule 5 of the Burwood Local Environment Plan (LEP) 2012. Further, it is not located within a listed Heritage Conservation Area (HCA) under Part 2 of Schedule 5 of the Burwood LEP 2012 (Figure 3).

However, the subject site is adjacent and located in proximity to several heritage items including the following:

Environmental Planning and Assessment Act, 1979

Burwood LEP 2012, Part 1 Heritage items

- "Woodstock" (house only), 22 Church Street, item no. I39
- "Deolee", 290 Burwood Road, item no. I36
- "Victorian villa", 24 Ethel Street, item no. I52
- "Claremont", 2 Ethel Street, item no. I51

Burwood LEP 2012, Part 1 Heritage items

- Fitzroy Street heritage conservation area (HCA)(C7)
- Burwood Road heritage conservation area (HCA) (C5)



Figure 3: Cadastral map showing the location of the subject site (indicated in blue) in its current heritage context (Source: Burwood LEP 2012, Heritage Map 1).



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1.4. Methodology

This Heritage Assessment has been prepared in accordance with the NSW Heritage Manual 'Assessing Heritage Significance' guidelines. The philosophy and process adopted is that guided by *The Burra Charter: Australia ICOMOS Burra Charter 2013*.

1.5. Author Identification

The following report has been prepared by Samara Allen (Heritage Consultant). Kerime Danis (Director - Heritage) has provided input as well as reviewed and endorsed the report's contents.

1.6. Limitations

- An assessment of Aboriginal and landscape heritage values is beyond the scope of this report.
- An assessment of the archaeological potential of the site is beyond the scope of this report.
- During the site inspection, access to the building interior was not available due to lack of permission by the new homeowners. A detailed house tour video, recent internal images and floor plans were obtained from the real estate listing and included where relevant. In addition, external access was available from the public domain during the inspection and from which photography has been included where relevant. This is considered sufficient for the purposes of this report and has not restricted the following assessment.



2. SITE CONTEXT AND DESCRIPTION

2.1. Site Context

The subject site is located within the inner western suburb of Burwood (Figure 4), approximately 9.5 km south-west of the Sydney central business district (CBD) (Figure 2). It is a mixed residential, commercial, and lightly industrial suburb within the local government area of the Burwood Council.

The subject site is encompassed in a rectangular block that is bound to the north by Duff and Fitzroy Streets, to the east by Weldon Street, and to the west by Burwood Road (Figure 5). To the north of the subject site are the Woodstock Child Care and Community Centres, and Woodstock Park which are collectively listed as heritage item I39 (Figure 5); the Westfield Burwood Shopping centre and the Railway line are also directly to the north (Figure 4 and Figure 5). To the south-west of the subject site at the corner of Ethel Street and Burwood Road is the 'Deolee' heritage item (item no. I36). Directly south of the subject site is the 'Victorian villa' heritage item (item no. I52) located at 24 Ethel Street (Figure 8).

Ethel Street is a two-way street, comprised of residential houses varying in size and architectural style, and apartment blocks (Figure 6, Figure 7 and Figure 9). Ethel Street runs north-west to south-east and features no discernible incline (Figure 6, Figure 7 and Figure 9).

As identified in Section 1.3, the subject site is not identified as a heritage item nor within a heritage conservation area (HCA) under Parts 1 and 2 of Schedule 5 of the Burwood LEP 2012. However, it is noted that the subject site is bordered to the north-west and south-west by the Burwood Road HCA (C5) which is described as:

The precinct, between Church Street and Liverpool Road, comprises a mixture of substantially intact housing from the c.1870's to early twentieth century. Of note are Edmund Blacket designed St Paul's Church and Victorian villas, numbers 201 and 203. Large Victorian houses at 213-The Priory, 213c-The Lighthouse and 223-St Cloud dominate the western side of Burwood Road.

St Paul's Rectory, 207-Dedee, 290 and Appian Way are examples of Federation styled architecture.

The following images provide an overview of the context of the site.



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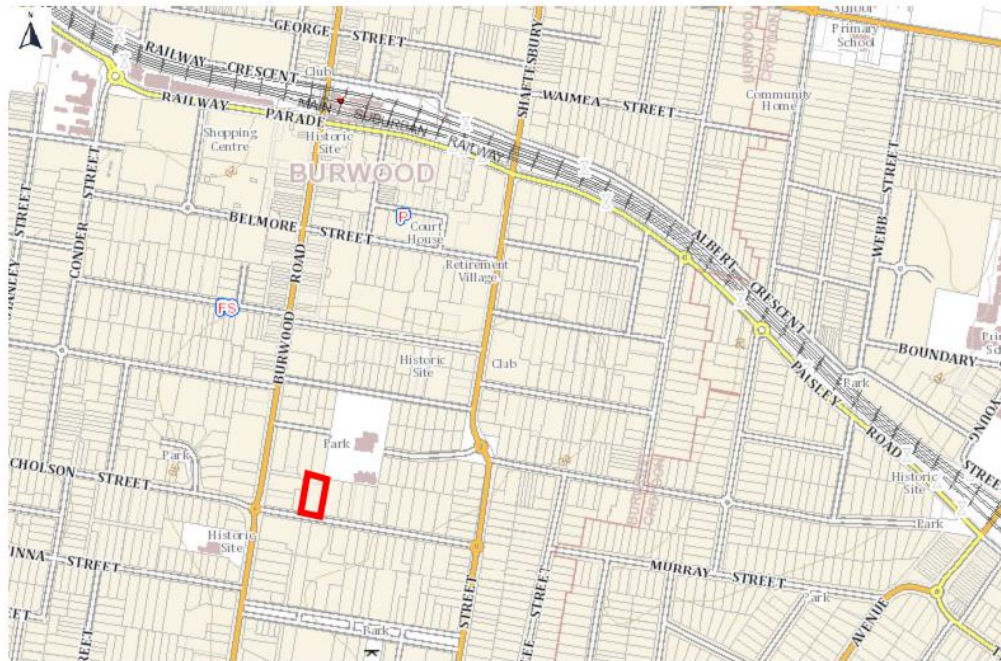


Figure 4: Cadastral map showing the location of the subject site (indicated in red) within its greater context of the suburb of Burwood (Source: SIX Maps, accessed October 2020).



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Figure 5: Aerial image showing the location of the subject site (indicated in red and yellow) within its current context (Source: SIX Maps, accessed September 2020).



Figure 6: View west along Ethel Street towards the junction with Burwood Road and the subject site (indicated in red).



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Figure 7: View east along Ethel Street toward Weldon Street.



Figure 8: View to 24 Ethel Street, a Victorian style two-storey house with wrap-around veranda south-east of the subject site (heritage item 152).



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Figure 9: View east from 11A Ethel Street.



Figure 10: View of 11A Ethel Street which was previously a larger dwelling with a similar size allotment to the subject site and has now been demolished.



2.2. Site Description

The subject site comprises three allotments including the following (Figure 11):

- Lots A, B and D of Deposited Plan 101675.

It is rectangular in shape with an approximate area of 1744 m² (Figure 11). The site is residential in nature, comprising a front garden and gravel turning circle, main house located centrally, and pool, gazebo, lawn, deck and lock up garage located to the rear (north) with access via a gravel drive to the east (Figure 12 and Figure 13).

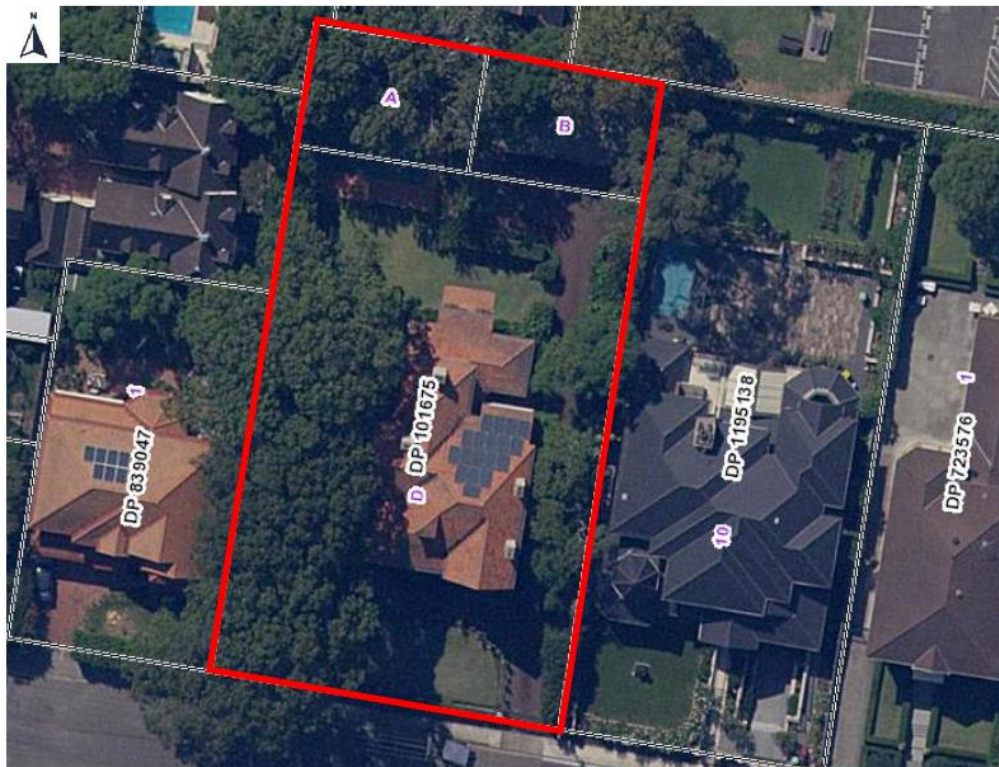


Figure 11: Location of the subject site (indicated in red) within Ethel Street (Source: SIX Maps, accessed September 2020).

2.3. Exterior

The subject site is bound to the south by Ethel Street, separated from the adjacent footpath by a low, brick and hedge fence with access into the site via two cast iron gates (Figure 15). The cast iron gates are located on each southern corner of the site aligned with the front gravel drive and turning circle (Figure 14 and Figure 15). The front garden is comprised of manicured lawn, with hedge and tree plantings to either side of the turning circle (Figure 14, Figure 16 and Figure 18).

The main house has an irregular footprint and shape, with a primary frontage to, and setback from, Ethel Street (Figure 14 and Figure 15). It was constructed in c. 1888-1890 utilising transitional architectural elements of both the Victorian Italianate and Federation Arts and Crafts styles; the house is constructed of exposed brick with roughcast rendering to the first floor, with a terracotta tile hipped and gabled roof featuring several tall painted brick chimneys with decorative corbelled tops and a protruding belvedere/belfry comprised of three timber-framed arch windows to each side (Figure 15).



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The primary asymmetrical façade to Ethel Street featuring combination of a projecting bay and a veranda is comprised of two main sections; the ground floor is exposed facebrick with rounded arches leading to a partially enclosed front veranda and arched window to the right (east), whilst the first floor is consists of roughcast rendering and a veranda supported on grouped timber slender posts and simply decorated brackets (Figure 14 to Figure 18). Both the ground and first floor verandas are L-shaped and stacked above one another with first floor veranda featuring timber geometric pattern balustrade (Figure 15 and Figure 16).

The ground floor veranda is accessed via a set of timber steps which lead up to the front entrance through rounded archway (Figure 14 to Figure 18). The front entrance to the house faces to the west, whilst multi-paned timber window with decorative stained glass facing out onto Ethel Street (Figure 14 to Figure 18). This stained glass is utilised again in narrow tall windows to the right (east) of the rounded arches leading to the ground floor veranda providing daylight into the entrance hall of the house (Figure 14 to Figure 18).

The western elevation is comprised of both facebrick and roughcast render, fenestrated with double-hung sash windows to both the ground and first floors with protruding timber sills (Figure 21). A timber-framed doorway provides access from the kitchen out to the rear portion of the site but is not visible from the street (Figure 21). The eastern elevation is predominately comprised of facebrick, with recessed sections to the first floor rendered in the same roughcast visible to the south (Figure 18 and Figure 20). This elevation, with the exception of stained glass windowpanes, features minimal decoration (Figure 18 and Figure 20). To the north (rear) the facebrick is not visible and is instead comprised of roughcast render and timber weatherboard indicating that this section was likely extended prior to 1996 (Figure 19 and Figure 21). The ground floor consists of a series of timber-framed French-style doors which lead out to the rear garden and pool area and appear to be a later addition (Figure 19 and Figure 21).

As stated above, the rear to the property consists of a paved patio, covered gazebo and barbeque area, fenced pool and manicured lawn (Figure 21). A four-car lock-up garage sits to the north-eastern axis of the site (Figure 13 and Figure 18).



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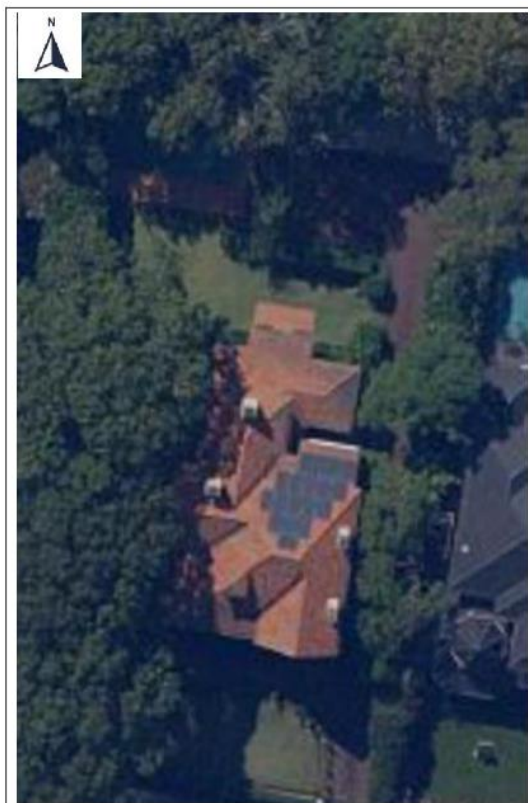


Figure 12: Aerial image showing the irregular shape of the main house within the subject site (Source: SIX Maps, accessed September 2020).



Figure 13: Overview map of the subject site (Source: Realestate.com.au, accessed September 2020).



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Figure 14: View north-east from Ethel Street towards the subject site showing the front garden, hedge and brick fencing, cast iron entry gate (west), gravel turning circle and primary façade to the main house.



Figure 15: View north from Ethel Street to the primary façade of the main building within the subject site. Note: the facebrick ground floor and roughcast rendered upper storey, verandas, tiled terracotta roof, painted brick tall chimney and central belvedere/belfry.



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Figure 16: Primary elevation (south) from Ethel Street (Source: realestate.com.au, accessed September 2020).



Figure 17: Close up view of the front entrance and detail of the verandas. Note: the decorative rounded arches and timber steps leading up to the front entrance and geometric timber detail to the first floor veranda balustrade with dentilated brackets to the moulded timber cornice. The stained glass panels to the front-facing timber framed windows have low visibility from the street.



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Figure 18: View toward the primary (southern) and eastern elevations and gravel drive leading to the garage at the rear of the site. Note: the plantings to either side of the turning circle and drive, and exposed facebrick to both ground and first floors of the eastern elevation.



Figure 19: Rear elevation (north) and outdoor area to the north of the property showing the relationship between the main house, pool and gazebo (Source: realestate.com.au, accessed September 2020).



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Figure 20: Rear (northern) elevation to the main house showing sections of weatherboard extension and roughcast render. Note: the rear to the house is comprised of a large section of French-style glass doors that open out to the uncovered patio and lawn area. The section of the house where the facebrick and weatherboard extension meet can be seen to the left (in blue) (Source: realestate.com.au, accessed September 2020).



Figure 21: View south-east from within the rear lawn towards the paved gazebo and western elevation of the main house. Note: the western elevation appears to be predominately roughcast rendered and features double-hung timber framed sash windows and doorway in the same style (Source: realestate.com.au, accessed September 2020).



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2.4. Interior

The main house is comprised of two storeys identified as ground and first floor (Figure 22 and Figure 23). It is noted that whilst interior investigation was not permitted at this time, the following description and imagery come from the publicly available July 2020 real estate listing.



As evidenced in the floor plans above, the house is comprised of several rooms with kitchen, dining and living areas to the ground floor with bedrooms located on the first floor (Figure 22 and Figure 23). The house is comprised of five bedrooms, two bathrooms, kitchen with adjacent formal dining area, connected formal living and lounge areas, rear laundry and living area, and entrance foyer dominated by a grand, polished timber staircase to the first floor (Figure 22, Figure 23 and Figure 24). The interior has been refurbished and modernised, however many elements of period detailing which appear to be original including the staircase, stained glass in fanlight windows above some doorways, timber dado, cornices, decorative lighting fixtures and tiling above the bay windows to the formal dining area (Figure 24 to Figure 30).

The below images provide an overview of the current condition of the interior (Figure 24 to Figure 30).



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Figure 24: View of the entrance foyer toward the grand staircase. Note: the polished timber staircase with decorative turned newel posts and balusters and high moulded wall stringers, and moulded multi-paned detail to the below-stairs storage (converted to a powder room). Stained glass is also visible to the front window (left), above the staircase (centre) and above the open doorway leading to the formal dining area (right). Very high moulded skirting decorates the lower part of the walls and flooring is comprised of tiling (Source: Realestate.com.au).



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Figure 25: View of the formal living area (south-east). Note: the decorative lighting fixtures, stepped profile coricing, and timber picture rail and high moulded timber skirting. Also visible are the same stained glass window design to the upper panels of the windows and above the door (Source: Realestate.com.au).



Figure 26: View to the formal dining area and adjacent kitchen. Note: the fireplace compiled of marble mantel, cast iron insert and tiled hearth, timber board wall panelling below the bay windows, tiled soffit detail to the raked ceiling above the bay window and timber board flooring. Note: moulded cornice detailing is also visible to the ceiling and archway separating the bay window from the remainder of the room (Source: Realestate.com.au).



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Figure 27: View into the kitchen showing extensive use of timber detailing, tiling above the stove and benchtop, and floor tiling. The kitchen appliances are contemporary (Source: Realestate.com.au).



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Figure 28: First floor landing to the grand staircase. Note: the turned decorative detailing to the timber balustrade and handrailing and posts with panelled skirting boards to the staircase, stained glass windows and stained glass panes to the door leading out to the veranda. Some coving is also visible to the ceiling (Source: Realestate.com.au).



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Figure 29: View to the master bedroom (Bed 1). Note: the marble, tile and cast-iron fireplace, and timber-framed sash windows with multi-paned upper sashes. Cornicing and decorative lighting fixtures are also visible to the ceiling (Source: Realestate.com.au).



Figure 30: View to ground floor bathroom which comprises tiling to walls and floor, ornate timber basin with decorative tiling and contemporary tap fittings (Source: Realestate.com.au).



3. HISTORY

3.1. Indigenous History

This report does not assess Aboriginal cultural heritage values associated with the subject site, however, acknowledges the traditional custodians of the Burwood area. The following Indigenous history has been extracted in full from the Burwood Council website:

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

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

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

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

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

European invasion forced the retreat of the Wangal into alien territory, depriving them both of their source of food and spiritual connection with their country. The small pox epidemic of 1788 also proved to be the bane of this tribe. No Wangal people survive today. Now Burwood is home to 200-300 of the 10,000 Aboriginal residents who live in Sydney.¹

¹ 'History and Heritage: First Inhabitants', Burwood Council, website accessed October 2020 via <https://www.burwood.nsw.gov.au/Our-Council/Our-Burwood/History-and-Heritage#:~:text=The%20First%20Council%201874%201925&text=The%20Municipality%20of%20Burwood%20was,and%20only%20about%20300%20buildings.>



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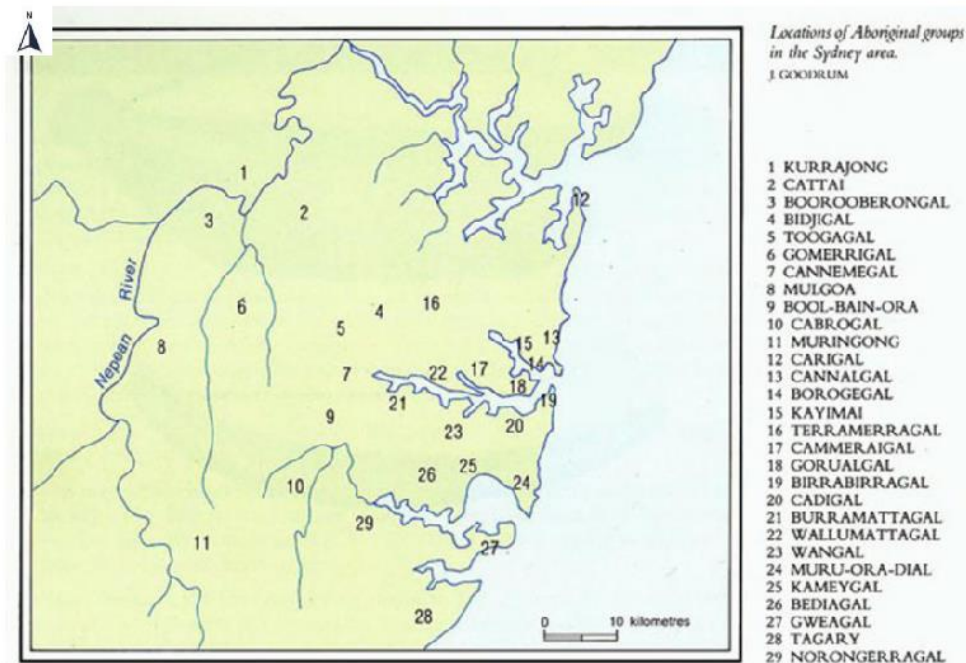


Figure 31: Distribution of linguistic groups in the Sydney Area in 1788, based on map by J Goodrum, in Mulvaney, D J and White, Peter, 1987, *Australians to 1788*, Fairfax, Syme & Weldon, Sydney, p. 345. (Source: Sydney Barani Website, accessed December 2018 via <http://www.sydneybarani.com.au/sites/aboriginal-people-and-place/>)

3.2. Brief History of the Suburb of Burwood

The following history of the suburb of Burwood has been summarised from the available history on the Burwood Council website²:

The settlement of Burwood began alongside the building of the Parramatta Road in the 1790s, originally a bush track between 'Rose Hill' (now Parramatta) and Governor Phillip's original settlement in Sydney Cove. The earliest recorded settler in the Burwood area was Sarah Nelson, a free settler who had travelled to Sydney in 1791 following her husband, Isaac, who arrived previously as a convict. Nelson's farm was located in Malvern Hill.

In 1794, James Brackenrig, soldier in the New South Wales Corps, received a grant known as 'York Place' bounded by Parramatta Road and Queen, Lang and Acton Streets. Shortly after, in 1799, 250 acres were granted to Captain Thomas Rowley, a fellow soldier in the New South Wales Corps, who named the land 'Burwood Farm' from which the suburb now takes its name. Brackenrig's land was absorbed by Joseph Underwood's Ashfield Park estate after 1806, whilst Rowley's land at Burwood Farm was purchased by well-known Sydney businessman, Alexander Riley, in 1812. 'Burwood Villa', the first grand house in the local area, was constructed on this land in 1814.

By the 1820s, a stagecoach service began to run along Parramatta Road and with it came the development of several inns with staging posts and stables at approximately 10 km intervals. The journey between Sydney and Parramatta was fraught with peril from inclement weather to the presence of bushrangers. It was common for coaches to be overturned, bogged or attacked and became

² 'History and Heritage: Settlement, Birth of Burwood, The First Council, and Burwood the Suburb 1930- Today', Burwood Council, website accessed October 2020 via <https://www.burwood.nsw.gov.au/Our-Council/Our-Burwood/History-and-Heritage#:~:text=The%20First%20Council%201874%201925&text=The%20Municipality%20of%20Burwood%20was,and%20only%20about%20300%20buildings.>



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necessary to stop at regular intervals. The most famous, long-standing inn along the route was the Bath Arms on corner of Burwood Road.

In c. 1833, several owners of the suburb's larger grants began to subdivide and sell their property. The first allotments of the former Burwood Estate were advertised for sale in 1834 by auction. By 1848, the entirety of the Parish of Concord (including Burwood along with Concord, Croydon and Enfield) consisted of 216 houses and a population of almost 1200.

The Sydney to Parramatta railway opened in 1855 with four stations including Newtown, Burwood, Ashfield and Homebush. The first railway station at Burwood was located on the western side of Burwood Road, then still an unsealed grassy track known as Neich's lane. The railway and new train station at Burwood made the area more easily accessible from the city, bringing with it an increase in the number of wealthy merchants and industrialists who settled in the area. Many of these new settlers built spacious country houses like 'Shubra Hall' built in 1869 by Anthony Horden.

In 1873 residents, including Anthony Horden petitioned the Governor to establish a municipality for Burwood. Richard Wynne, merchant and local to the area, became Burwood's first Mayor and the new municipality continued to grow. By 1900 the population of Burwood had increased to 7,400.

The 1920s saw a period of growth in development, with the construction of brick houses to accommodate the increased population. Two large brick pits were established to supply the construction, one in Webb Street and the other in Cheltenham Road. By 1930, Burwood's population had increased to over 20,000. Burwood Villa was demolished in 1937 to make way for further development and its historical significance to the municipality was immortalised in the official crest of Burwood.

A Westfield shopping centre was opened in Burwood in 1966 directly north of the railway on the eastern side of Burwood Road, partially on the site of the old Hoyts Astor theatre. The centre was built to accommodate major retailers such as Coles, Mark Foy's and Farmers (later rebranded as Myer) and was constructed on a gently inclining gradient. The shopping centre and its surroundings, particularly along Burwood Road to the north and south, comprise the suburb's central and cultural hub today.



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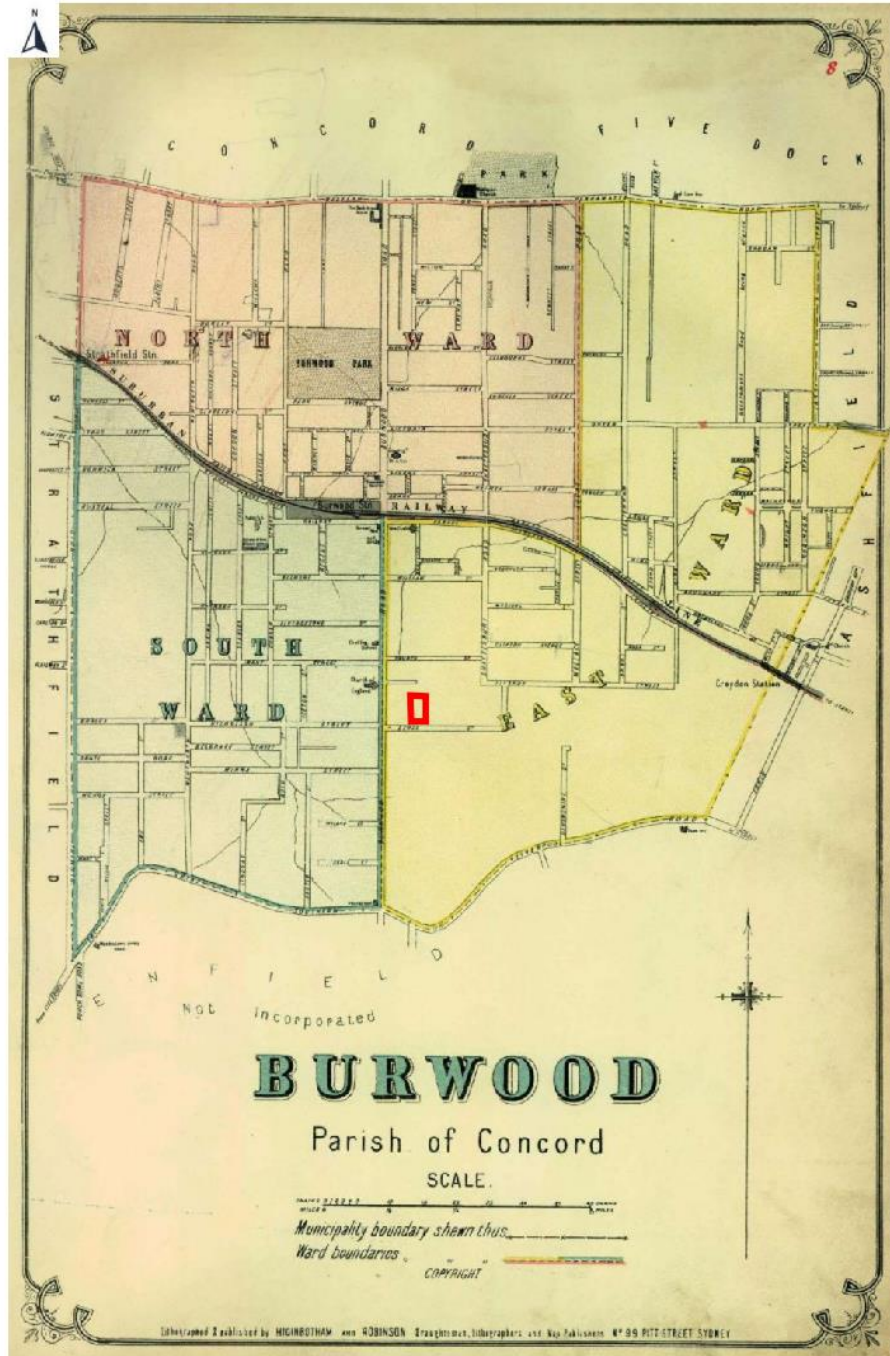


Figure 32: Plan of Burwood 1886-88, Higinbotham & Robinson. Approximate location of the subject site indicated in red (Source: Dictionary of Sydney, Atlas of the City of Sydney, accessed October 2020 via <https://dictionaryofsydney.org/media/3897>).



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3.3. History of the Subject Site

The subject site was first granted to William Faithful in January 1810 (v.84 f.64) and later transferred to Joseph Wyatt in 1869 (v.84 f.63) then on to Charles Wye Weekes of Burwood in 1875 (v.243 f.100).

The larger land grant was subdivided prior to 1881 when the certificate of title was transferred to Charles Wye Weekes (v.552 f.209), and the subject site was divided into three separate lots (Lots 5, A and B) with the primary part of the former estate (now comprising the house) becoming Section 1, Lot 5 of the former estate.

The subdivision plans for Woodstock House dated 1885, directly north-east to the subject site, identify the location of Lot 5 but appear to show that the land is undeveloped (Figure 38). Further, the Burwood Council Rates book for 1886 attributes Lot 5 as 'Waste land' under the ownership of J.W. Weeks, surveyor, with the only house situated along Ethel Street owned by Reverend Johnston (Figure 33).

EAST WARD						BURWOOD.									
Assessment of the Annual Value of all Property liable to be Rated in the East Ward in the Borough						of Burwood, by virtue of the Municipalities' Act of 1877, and Rates thereon, after the Rate of of the said Act, for the Year commencing Second day of February, 1886.									
No.	Occupier	Residence	Location	Character	Description of Property	Rating	Rate	Amount	Amount	Amount	Amount	Amount	Amount	Amount	Amount
165	Charles J. Johnston	Rev. The Johnston	St. Mary's	House		52	146 16	2 6 9	15 7				17 7	2 6 9	15 7
170		J. W. Weeks		Waste Land		300	10	10	3 14				5 18	10	3 14
171	Henry A. Chavira	E. Chavira	Amos Street	House		65	76 10	3 16 6	1 5 6				0 23 5	3 16 6	1 5 6

Figure 33: Excerpt from the Burwood Council Rates book for 1886, showing Lot 5 identified as 'Waste Land' (Source: Burwood Council).

The Sands Directory does not provide house numbers for Ethel Street until the 1920s, however lists the following residents of Ethel Street between 1886 - 1890:



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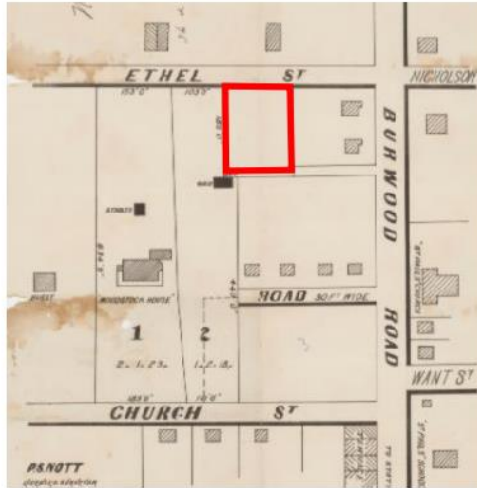


Figure 39: Extract from subdivision plans for Woodstock House including surrounding streets, c. 1885. The approximate location of the subject site is outlined in red, showing that the house had not been built by 1885 (Source: State Library of NSW, Croydon Subdivision Plans, 132 - SP/811.1834.76/1885/489 - Woodstock House, IE8714927).

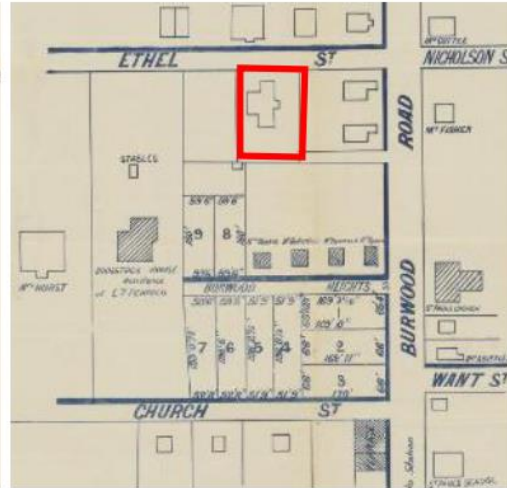


Figure 40: Advertisement for auction of 'Nine splendid building sites fronting Burwood Road & Church St', 15th February c. 1890, located in 'Mr Penfold's Paddock', Burwood Heights. The subject site and house are visible, outlined in red (Source: Hardie and Goman, accessed October 2020 via <https://nla.gov.au/nla.obj-230114436/view>).

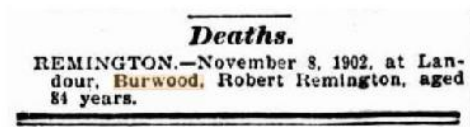


Figure 41: Notice of the death of Robert Remington, November 8 1902, at the subject site then known as 'Landour' (Source: The Australian Star, Monday 10 November 1902, Page 1, Family Notices accessed via Trove).

An obituary from 10 November 1902 for Robert Remington at the subject site, then known as 'Landour', suggests that Remington may have been one of the original tenants of the house during its ownership by Mrs Adams (Figure 41). Remington, along with his son of the same name, is listed in the Sands Directory as a resident of Ethel Street from c. 1888 through to his death in 1902 (Figure 35 to Figure 43). Remington is listed as a tea merchant at a property known as 'Killamey' though historical research to date suggests that this was separate to the subject site.

The 1895 Sands Directory lists Remington's 'Killamey' and 'Landour' as separate properties on opposite sites (north and south) of Ethel Street (Figure 42). However, the 1900 Sands Directory no longer lists 'Killamey' at all whilst Remington is noted as the owner/tenant at 'Landour', the subject site (Figure 43). It is unclear whether 'Killamey' was demolished and rebuilt or simply renamed by a following owner, but it is not considered to have been the same as the subject site.

By 1905, Remington had died and the house, still under the ownership of Mrs Adams, continued to be rented by various tenants including Henry Williamson and Peter Board (Figure 44).



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Ethel Street—South side
Burwood to Weldon street
Johnson Rev. T. (Cong.), 'The Retreat'
Cottler Capt. William, master mariner
Nettleton John, merchant, 'Kembla'
Beckett Edmund C., 'Clarence house'
Roberts Charles
Johnston James, importer, 'Rossinoyne'
Jackson Mrs. Jane
Dyer Henry, draper, 'Lysanda'
Remington Robert, sen., 'Killarney'
Remington Robert T., tea merchant

North side
Adam Mrs. Agnes, 'Landour'

Figure 42: Excerpt from the Sands Directory, 1895 (Source: City of Sydney Archives).

Ethel Street—South side
Burwood to Weldon street
Bell William
Cottler William, "Mona"
Chicks Mrs. L. A., "Kembla"
Dove J., "Clarence house"
Barnett Albert
O'Reilly Dowell P., "Rossinoyne"
Schrader Charles, solicitor
Dyer Henry, draper, "Lysanda"

North side
Remington R. T., "Landour"
Nettleton John, merchant, "Hazelhurst"
Neale Alfred John, "Quambone"

Figure 43: Excerpt from the Sands Directory, 1900 (Source: City of Sydney Archives).

Ethel Street—South side
Burwood to Weldon street
Johnson Miss M. P., "The Retreat"
Attkin David L., "Craigenvar"
Snelson Mrs. Mary, "Kembla"
Cummins Mrs. Clara, "Clarence House"
Steed Robert Barnard, "Lindesara"
Lewis Henry F., teacher of violin, "Rossinoyne"
Sherwood Charles O., "Toorak"
Maybury Cecil E. B., J.P., sheriff, "Marwood"

North side
Williamson Henry D., "Landour"
Weldon Harry
Nettleton John, merchant, "Hazelhurst"
Neale Alfred John, "Quambone"

Figure 44: Excerpt from the Sands Directory, 1905 (Source: City of Sydney Archives).

Ethel Street—South side
Burwood to Weldon street
Johnson Miss M. P., "The Retreat"
Attkin David L., "Craigenvar"
Wilson James, "Kembla House"
Jones Arthur E., "Clarence House"
Roberts Charles, "Lindesfern"
Fowler Frederick, "Rossinoyne"
Dyer Mrs., "Toorak"
Maybury Cecil E. B., J.P., sheriff, "Marwood"
Maybury R. Trevelyan, "Marwood"

North side
Boord Peter. J.P., "Landour"
Nettleton John, merchant, "Hazelhurst"
Neale Alfred John, "Quambone"

Figure 45: Excerpt from the Sands Directory, 1910 (Source: City of Sydney Archives).



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Property No.	Owner	Occupier	Rates
276	Mrs Adams		
277	Mrs Adams		
278	Mrs Adams	Peter Board	
279	Mrs Adams		
280	Mrs Adams		

Figure 46: Excerpt from the Burwood Council Rates books, 1908. The house was still under the ownership of Mrs Adams at this time, but rented to Peter Board (indicated in red) (Source: Burwood Library Local Studies).

In 1914 the house was purchased by W Larcombe and subsequently renamed "Lansdowne" (Figure 47). The Sands Directory and Burwood Council Rates and later Valuation books record both a Mrs Rebecca and WFA Larcombe as owner/occupiers of the property into the 1930s.

Property No.	Owner	Occupier	Rates
369	Mrs Adams		
370	Mrs Adams	W Larcombe	
371	Mrs Adams		

Figure 47: Excerpt from the Burwood Council Rates books, 1914. 'Adam' has been crossed out and replaced with 'Lansdowne' under the ownership of W Larcombe (indicated in red).



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North side
Larcombe Mrs. Rebecca, "Lansdowne"
Nettleton John, merchant, "Hazellhurst"
Neale Alfred John, "Quambone"

Figure 48: Excerpt from the Sands Directory, 1915 (Source: City of Sydney Archives).

North side
Larcombe Wm. F. A.
Nettleton John
Neale Mrs. G. M. A.
Reynell Edward W.

Figure 49: Excerpt from the Sands Directory, 1920 (Source: City of Sydney Archives).

North side
17 Larcombe W. F. A.
15 Nettleton Mrs. John
13 Neale Mrs. G. M. A.
11 Henry Lewis
7 Reynell Ed. W.
5 Poole Chas. T., solicitor
3 Smith John H.
1 Herbert Richard A.

Figure 50: Excerpt from the Sands Directory, 1925 (Source: City of Sydney Archives).

North side
17 Larcombe Wm.
15 Nettleton Mrs. John
13 Lee Herbert E., phys-
cian & surgeon
11 Hall Jonathan
9 Douglas Alfred G.
7 Deighway Fredk. B.,
J.P.

Figure 51: Excerpt from the Sands Directory, 1930 (Source: City of Sydney Archives).

ST 400-2 DEPARTMENT OF THE VALUER GENERAL, N.S.W.—VALUATION LIST									
VALUATION DISTRICT OF BURWOOD				WARD OR RIDING EAST		VALUATION NO. 698			
OWNER'S NAME				OCCUPATION		ADDRESS			
LARCOMBE, W. F. A. & JAMES P. EDITH E. P. <i>Edith left</i>						17 ETHEL STREET, BURWOOD.			
LEASER'S NAME									
COUNTY		PARISH		TOWN OR VILLAGE					
ROAD, REF., VOL. 914		NO. 244		S.P. 584		NATURE OF IMPROVEMENTS		LOCALITY OR ESTATE	
TO TITLE		TENURE		SIDE		HOUSE & GARDEN		CHELTENHAM PARK	
STREET ETHEL						N		"LANSDOWNE" 17	
PORTION		SEC.		LOT		AREA OR DIMENSIONS		VALUES	
6/17/72		1		PT 5		100'x150'		UNIMPROVED 950 IMPROVED 2250 ASSESSED ANNUAL 129	
REMARKS									

Figure 52: Excerpt from the Burwood Council Valuation books, 1932. W Larcombe is identified as the current owner of the house with no listed leasee (Source: Burwood Library Local Studies).



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BT 400-2 02873 DEPARTMENT OF THE VALUER GENERAL, N.S.W.—VALUATION LIST.

VALUATION DISTRICT OF BURWOOD WARD OR RIDING EAST VALUATION NO. 698

OWNER'S NAME LARCOMBE, W. F. A. *Amy Gladys, Mrs.* OCCUPATION *9/5 531* ADDRESS 17 ETHEL ST. BURWOOD.

LESSEE'S NAME

COUNTY REG. DIST. 914 PD. 244 D.P. 584 PARISH OTHER } TOWN OR VILLAGE CHELTENHAM PARK

TO TITLE BY NO. NATURE OF HOUSE, GRGE LOCALITY OR } CHELTENHAM PARK

STREET ETHEL SIDE N HOUSE NO. 17 LANSLOWNE.

DATE VALUED	TAXES	PORTION	SEC.	LOT	AREA OR DIMENSIONS	VALUES			REMARKS
						UNIMPROVED	IMPROVED	ASSESSED ANNUAL	
8.7.35			1	PT.5	100'x150'	950	2250	129	

Figure 53: Excerpt from the Burwood Council Valuation books, 1935 (Source: Burwood Library Local Studies).

BT 400-2 DEPARTMENT OF THE VALUER GENERAL, N.S.W.—VALUATION LIST.

VALUATION DISTRICT OF Burwood WARD OR RIDING East VALUATION NO. 698

OWNER'S NAME Larcombe, Mrs. Amy Gladys OCCUPATION ADDRESS 17 Ethel St. Burwood.

LESSEE'S NAME

COUNTY REG. DIST. 914 PD. 244 D.P. 584 PARISH Concord TOWN OR VILLAGE CHELTENHAM PARK

TO TITLE BY NO. NATURE OF House & Garage LOCALITY OR } CHELTENHAM PARK

STREET Ethel SIDE N HOUSE NO. 17 "Lansdowne"

DATE VALUED	TAXES	PORTION	SEC.	LOT	AREA OR DIMENSIONS	VALUES			REMARKS
						UNIMPROVED	IMPROVED	ASSESSED ANNUAL	
6.4.38			1	Pt.5	100'x150'	1050	2300	140	

Figure 54: Excerpt from the Burwood Council Valuation books, 1938 (Source: Burwood Library Local Studies).



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Figure 55: Aerial image showing the extent of the subject site (outlined in red) in 1943 (Source: SIX Maps, accessed October 2020).

In 1935, Amy Gladys Larcombe purchase Lot B of the subject site, combining the allotment with Lot 5 to extend the rear garden (v.4729 f.136). The 1943 aerial shows these two lots and the adjacent Lot A with an unknown property (now demolished) located centrally (Figure 55). Further information about this property in Lot A was not established.

According to the 1947 and 1950 Valuation books the house was occupied by a French Consul while owned by Mrs. Amy Gladys Larcombe. In 1953, Amy Larcombe purchased Lot A of the subject site's current allotment, combining the three lots for the first time since their subdivision prior to 1881 (v.6629 f.218). It is understood that the house remained a property of the Larcombe family until at least the early 1980s.

From 1985 through to 1993, several Building Applications were submitted to Burwood Council for works to the property on behalf of the Fleming family. In 1988 (BA 100-88) works associated with the addition of a new bathroom to the ground floor level were approved and carried out (Figure 56 and Figure 57). Similarly, in 1990 (BA 249-90) a bathroom fitout was approved for the first floor (Figure 58) along with the installation of a new lightwell and timber-framed belvedere/belfry (BA 342-90) which was subsequently constructed and remains extant (Figure 59). In 1991 (BA 202-91) the rear gazebo and garage were relocated to their current positions within the site, whilst a proposed extension to the ground floor was not undertaken (Figure 60).

Also, in 1991 (BA 237-91) internal works were approved and undertaken to alter the access to the ground floor kitchen from the hallway by shifting the threshold and bricking up the former doorway (Figure 61). BA 237-91 also consisted of a single-wide extension to the existing kitchen to form a new



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bricked pantry adjacent to the dwelling's western elevation, and demolition of the existing pantry with access from the kitchen (Figure 61). Though the dividing wall between the former pantry and kitchen has been demolished, the works related to the new external pantry have not been undertaken.

Construction of the swimming pool to the rear of the site was approved in 1991 (BA 409-91) and the existing circular driveway, front garden and hedged fencing fronting Ethel Street were approved in 1993 (BA 176-93). These works were later undertaken but it is unclear from the available historical information how long after approval they were constructed.

The subject site has changed ownership four times since 1996, with its latest sale taking place via auction in July 2020. Images of the interior to the house available on Domain.com.au from October 2008 and July 2020 do suggest that some minor refurbishment works have taken place during this time, however historical research to date has not established the extent to which interior works have been carried out. However, it is noted that the northern elevation to the dwelling has been altered from its original form by the addition of the existing French-style doors which can be seen through comparison between the 1988 plans associated with BA 100-88 (Figure 55) and the current floor plans provided by Realestate.com.au in July 2020 (Figure 22).

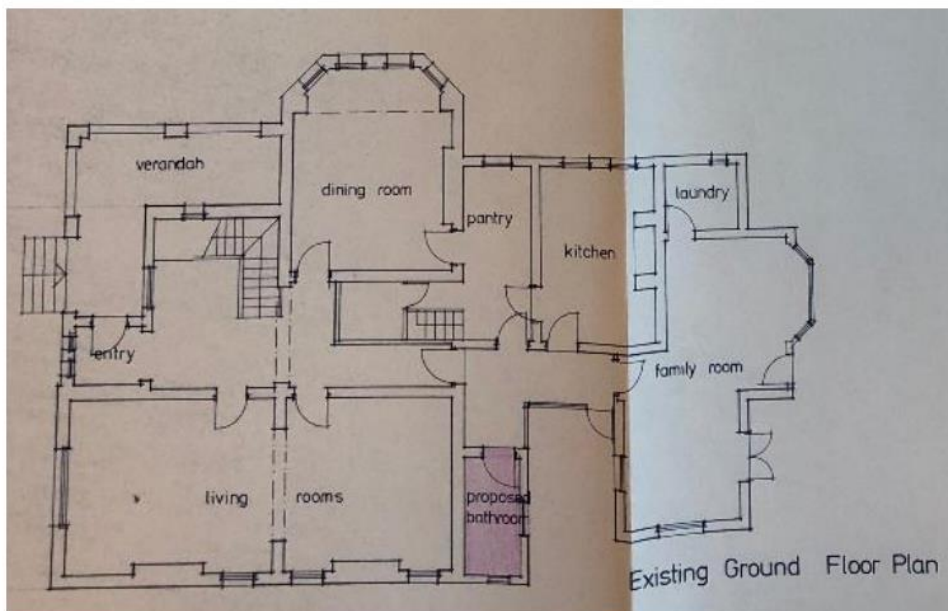


Figure 56: Existing Ground Floor plan associated with BA 100-88 supplied by architect Bryan Purkis in 1988. Note: the location of the then proposed bathroom is visible highlighted in purple (Source: Burwood Council archives).



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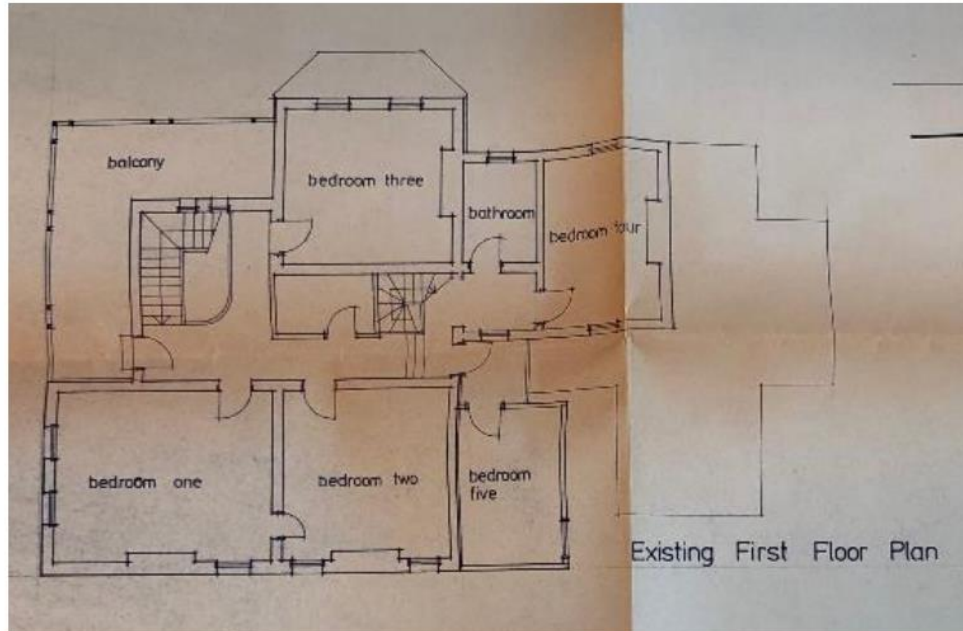


Figure 57: Existing First Floor plan associated with BA 100-88 supplied by architect Bryan Purkis (Source: Burwood Council archives).

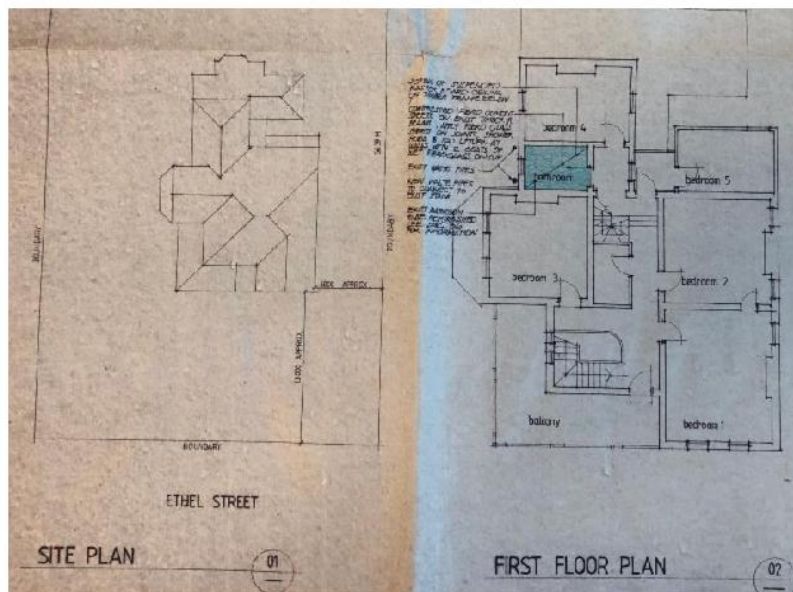


Figure 58: Extract from architectural plans associated with BA 249-90 drawn by Hedley, Carr, Allan and Watts Architects showing the proposed works to the first floor bathroom and the then existing site plan (Source: Burwood Council archives).



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Figure 59: Extract from architectural plans associated with BA 342-90 drawn by Parslow Construction showing the south and west elevations and location of the proposed lightwell and belvedere/belfry (Source: Burwood Council archives).

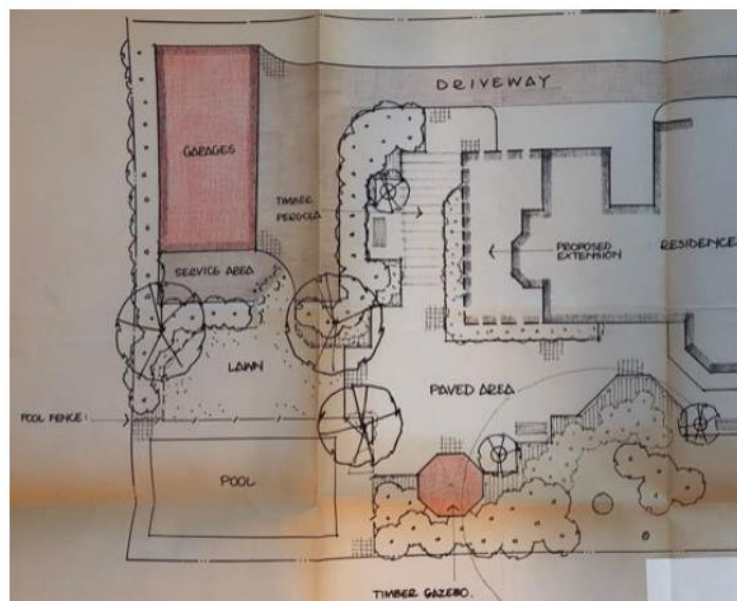


Figure 60: Extract from architectural plans associated with BA 202-91 showing the proposed relocation of the existing garage and gazebo (Source: Burwood Council archives).



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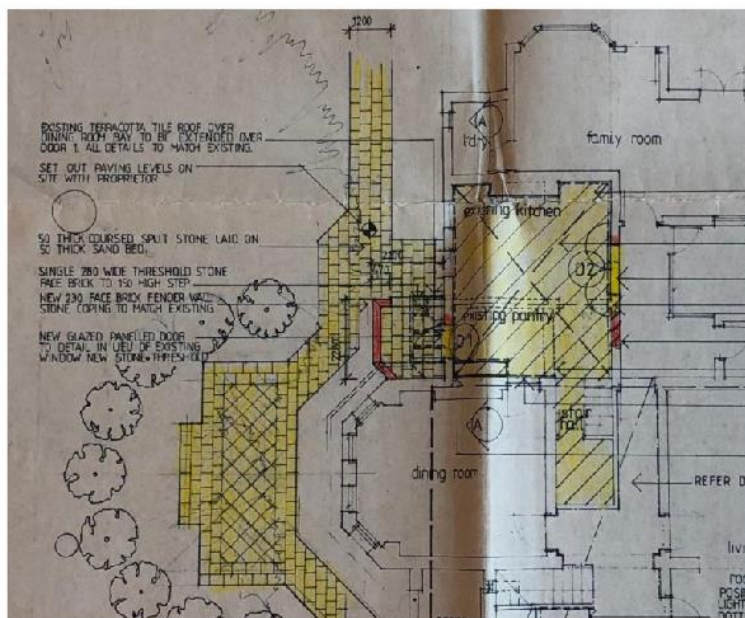


Figure 61: Extract from architectural plans for the Fleming family associated with BA 237-91 showing the proposed and subsequently approved works to demolish the existing dividing wall between kitchen and pantry in favour of the construction of a new bricked pantry to the western elevation of the dwelling (Source: Burwood Council archives).

3.3.1. Timeline Summary of the History of the Subject Site

The following is a summary of the history of the subject site outlined in a table format.

Date	Event
Pre-1788	Subject site is within the area traditionally under the custodianship of the Wangal.
1810	Subject site granted to William Faithful.
1869	Subject site transferred to Josephy Wyatt.
1875	Subject site transferred to Charles Wye Weekes.
1875-1881	Subdivision of William Faithful's grant. The subject site is divided into Section 1 Lots 5, A and B.
1881	Certificate of Title for Section 1 Lot 5 transferred to Charles Wye Weekes.
1885	Lot 5 remains undeveloped.
1886	Burwood Council Rates books attribute Lot 5 to 'Waste Land' under the ownership of J.W. Weeks, surveyor.
1888-1890	The Sands Directory lists various residents of Ethel Street, including Robert Remington, tea merchant, but does not provide street numbers.



Date	Event
1890	Advertisement for auction on 15 February 1890 shows the existence of the house in Lot 5. The Burwood Council Rates book for 1890 attributes the house to a Mrs Adams.
1895	The Sands Directory lists the subject site, known then as 'Landour', on the northern side of Ethel Street in addition to 'Killarney' of which Robert Remington is in residence.
1900	The Sands Directory no-longer lists 'Killarney' and it is unclear whether the home has been demolished or renamed.
1902	Robert Remington dies at 'Landour'.
1905	'Landour' remains under the ownership of Mrs Adams and is rented to Henry Williamson and Peter Board. ³
1914	The house is purchased by W Larcombe and renamed to 'Lansdowne'.
1915-1935	'Lansdowne' remains under the ownership of the Larcombe family.
1935	Amy Larcombe purchases adjacent Lot B combining the two allotments.
1943	Aerial image shows Lots 5 and B with adjacent Lot A. Lot A features an unknown building (now demolished).
1947-1950	The Burwood Council Valuation books record 'Lansdowne' as being occupied by a French Consul whilst under the continued ownership of the Larcombe family.
1953	Amy Larcombe purchases adjacent Lot A combining three allotments (Lots 5, A and B). The subject site continues to be comprised of these allotments currently.
1950s-1980s	'Lansdowne' continues to remain under the ownership of the Larcombe family.
1988	Works are approved and carried out related to the internal fitout of a new ground floor bathroom (BA 100-88) under new owners, the Fleming family.
1990	Works are approved and carried out related to the internal fitout of a new first floor bathroom (BA 249-90). In addition, a new lightwell and belvedere/belfry skylight is constructed above the foyer (BA 342-90).
1991-1993	The rear gazebo and garage are relocated to their current positions (BA 202-91). Internal works are approved and undertaken to extend the ground floor kitchen including the construction of a bricked pantry to the exterior of the house, relocation of the internal kitchen threshold and bricking up of the former doorway (BA 237-91). A new swimming pool, secondary entry to the site from Ethel Street and circular driveway and hedge front fencing are approved and constructed (BA 409-91 and BA 176-93).
1996	'Lansdowne' is sold by the Fleming family.

³ Historical research to date has not been able to establish that the Peter Board recorded as a tenant of the subject site in 1910 is the recognised educational reformer who established the Teachers' College Sydney at Blackfriars School. Further information regarding Peter Board, educational reformer, can be accessed via <http://adb.anu.edu.au/biography/board-peter-5275>



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Date	Event
2008	'Lansdowne' is sold.
2008-2020	Minor internal works are undertaken to the house, including painting, though Development Applications are not submitted to Burwood Council.
2020	'Lansdowne' is sold at auction and it is recommended by a community member for heritage listing under the Burwood Local Environmental Plan 2012.



4. COMPARATIVE ANALYSIS

The level of significance of an item is determined by its value relative to other comparable items, be they in a local or international context. The rarity and/or representativeness of the item are considered as part of the overall analysis of its significance. Comparisons will be made between suitable buildings for the purposes of establishing significance in relation to the rarity criteria and representativeness criteria of the NSW Heritage Council's 'Assessing Heritage Significance' guidelines.

The subject house was constructed in c. 1888-1890 in a transitional style incorporating elements of both the Victorian Italianate and Federation Arts and Crafts architectural styles. The Burwood Council area experienced a period of growth following the introduction of the Sydney to Parramatta railway in 1855, with its increased accessibility leading to the development of several large country homes in the local area.

Given the resources available, the following comparative analysis focuses on residential dwelling examples in both the Federation Arts and Crafts and the Victorian Italianate architectural styles located in the local area and greater Sydney. While the subject site was constructed in c. 1888-1890, comparison has been made with other examples from the later Federation time period to give a greater understanding of the differences between the subject site and other Federation Arts and Crafts and Victorian Italianate styles.

The comparative examples explored are listed as items of State or local heritage significance, with the exception of 'Hindfell' which is considered an item of potential heritage significance. Further, it is noted that there are very few local or State listed examples of the Federation Arts and Crafts style located within the Burwood Council area, therefore examples within the wider Sydney region have also been explored. Some of these examples have been derived from the extensive portfolio of Edward Jeaffreson Jackson, a leading Federation Architect in Sydney from c. 1884-1910, whose influence on the Federation Arts and Crafts style was great.

It should also be noted that the following comparative analysis only considers external fabric. Interior inspection of the properties was not undertaken. The desktop research for the comparative analysis by no means is exhaustive but sufficient in number to enable adequate comparison for the rarity and representative values of the subject site and house.

4.1. Examples of Federation Arts and Crafts architectural style (Burwood Council area)

4.1.1. Burwood Post Office (Former) (1892)

The former Burwood Post Office building located at 168A Burwood Road, Burwood, is an item of NSW State heritage significance (SHR no. 01490). In addition, it is listed as an item of local heritage significance under Part 1 of Schedule 5 of the Burwood Local Environmental Plan (LEP) 2012 as item no. 124. The former post office building is located western side of Burwood Road, directly south of the Burwood train station, and bounded to the north and south by neighbouring commercial properties (Westpac and the Bank of China).

The former Burwood Post Office is a two-storey polychrome brick building with a four-storey Campanile designed by Walter Liberty Vernon. The building has an asymmetrical design with massive arched openings, detailed brickwork and façade embellishment comprised of sandstone royal insignia, string courses, sandstone plinth, sixteen pane windows and a terracotta tiled roof. It is noted that whilst the SHI form lists the former post office's architectural style is Italian Romanesque Revival and Federation Anglo Dutch Revival, the building is noted to share some aesthetic similarities to the subject site such as rounded arches, brickwork, belvedere/belfry and terracotta tiled roofing.



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Burwood Post Office (Former)		Similar	Different
Significance Level	State		✓
Period	Federation	✓	
Style	Italian Romanesque Revival/ Anglo Dutch Revival		✓
Storeys	Two-	✓	
Wall Finish	Brickwork	✓	
Detailing of note	Rounded arches	✓	
	Campanile	✓	
	Terracotta roof tile	✓	
	Sandstone royal insignia		✓
	Sixteen-pane windows		✓



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Figure 62: Exterior to the Burwood Post Office (former), 2010 (Source: State Heritage Inventory Form for "Burwood Post Office (Former)", database no. 1250240, accessed October 2020).



Figure 63: Exterior to the Burwood Post Office, 1893 (Source: State Heritage Inventory Form for "Burwood Post Office (Former)", database no. 5051522, accessed October 2020).

4.1.2. 'Wellpark', 18 Gordon Street (c.1890s)

'Wellpark' is listed as an item of local heritage significance (item no. l61) under Part 1 of Schedule 5 of the Burwood Local Environmental Plan. The house is located on the eastern side of Gordon Street, to the north of Gladstone Street and bounded by residential properties to both the north and south.

Wellpark is a two-storey dwelling constructed in the c. 1890s in the Federation Arts and Crafts architectural style and maintains a high degree of historic and aesthetic significance. The house retains its original form, character and detailing including the use of facebrick, a two-storey projecting tower entrance, brick pilasters and mouldings, roughcast rendered panels, decorative timber framed leadlight double-hung and bullseye windows, timber post verandah on tessellated tiles with brackets and frieze, and timber framed double hung windows with flat arched wedge shaped brick voussoirs. A concrete paved driveway comprises the northern boundary of the site leading to a rear garage and carport, with front lawn and garden setback from a low brick fence with metal palisade panels and gate.

Like the subject site, Wellpark is asymmetrical and features a heavy Arts and Crafts influence. Both houses are large, two-storey properties set back from the road by a front garden and bordered by a driveway providing rear access with timber verandahs/balconies, a combination of facebrick and roughcast render finishes and use of leadlight/stained glass detail. Both houses exemplify different aesthetic features of the Federation Arts and Crafts style and are of significance.

Wellpark		Similar	Different
Significance Level	Local		✓
Period	Federation	✓	
Style	Arts and Crafts	✓	



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Wellpark		Similar	Different
Storeys	Two	✓	
Wall Finish	Facebrick/roughcast render	✓	
Detailing of note	Leadlight/stained glass	✓	
	Vernadah/balcony	✓	
	Projecting entrance tower		✓
	Bullseye windows		✓



Figure 64: Image showing the primary façade to Wellpark from Gordon Street, c. 2010 (Source: State Heritage Inventory Form for "Wellpark", database no. 1250036, accessed November 2020)

4.1.3. Elsewhere in the Burwood Council area

There are only nine, two-storey Federation Arts and Crafts houses that are heritage listed in the Burwood Council area. These vary widely in their design and materiality, such as those featuring slate roofs (22 Mosely Street Strathfield and 77 Lucas Road Burwood) or shingled exterior walls (129A and 129C



Wentworth Road Burwood). "Wellpark" at 18 Gordon Street Burwood, and the house at 48 Woodside Avenue West Strathfield are the most similar in their presentation and materiality to the subject site. More divergent examples include St Paul's Rectory at 205-207 Burwood Road Burwood, and the houses at 90 Shaftesbury Road Burwood and 29 Roberts Street Strathfield.

The small number of comparable Federation Arts and Crafts houses in the locality highlights the importance of the subject site in representing the period. The subject site also exhibits the transition of styles from the Victorian to Federation period, making it uncommon in the Burwood Council area.

4.2. Examples of the Victorian Italianate style (Burwood Council area)

4.2.1. 'Braemar', 19 Lindsay Street, Burwood (1883)

'Braemar' is listed as an item of local heritage significance ('Victorian House', item no. 169) under Part 1 of Schedule 5 of the Burwood Local Environmental Plan. The house is located on the western side of Lindsay Street, to the north of Liverpool Road and bounded by residential properties to the north and south.

Braemar is a single storey dwelling constructed in c. 1883 in the Victorian Italianate style and maintains a high degree of historic and aesthetic significance. The building retains its original form, character and detailing including hipped slate tiled roof with decorative rendered brick chimneys, asymmetrical rendered brickwork facades, front projecting faceted bay featuring timber framed double hung windows, detailed cornice mould, moulded sills and bracketed eaves. The corrugated iron bullnosed veranda returns on the corner to a side faceted bay, featuring ornate cast iron columns, brackets and frieze on a timber base. The front door is a timber and glass panelled door with highlight over. All windows are timber framed double hung.

Like Braemar, the subject site incorporates elements of the Victorian Italianate style in its overall design. Both houses are asymmetrical, feature decorative rendered facades, and verandas reminiscent of the popularity of the Italian landscape and love of architectural embellishment in the 19th century. Though the subject site incorporates additional elements not seen in Braemar, such as rounded masonry arches particularly to its primary façade, these are noted as markers of the Italianate influence. As the subject site was constructed during the transitional period at the turn of the 19th century in c. 1889 it incorporates both Victorian and Federation elements into its design.

'Braemar', 19 Lindsay Street		Similar	Different
Significance Level	Local		✓
Period	Victorian	✓	
Style	Italianate	✓	
Storeys	Single		✓
Wall Finish	Rendered brickwork	✓	
Detailing of note	Slate tiled hipped roof		✓
	Asymmetrical front façade	✓	



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'Braemar', 19 Lindsay Street		Similar	Different
	Decorative rendered chimneys		✓
	Detailed cornicing		✓
	Verandas/balcony	✓	
	Front garden	✓	



Figure 65: View to the house from Lindsay Street (Source: State Heritage Inventory Form for 'Victorian House [Item 69]', database no. 1250176, accessed November 2020).



Figure 66: View of the house which is greatly obscured by the front garden (Source: State Heritage Inventory Form for 'Victorian House [Item 69]', database no. 1250176, accessed November 2020).

4.2.2. Elsewhere in the Burwood Council area

There are around fifty heritage listed items in the Burwood Council area in the Victorian Italianate style. Indeed, it is the most represented period and style in the Council's heritage schedule. The large number is reflective of the community's tendency to value its oldest buildings. The mid to late 1800s was also an important period in the development of Burwood, whereby the establishment of a railway station influenced the development of a number of gentleman's estates through to the 1880s. The Victorian Italianate properties vary widely in design from two-storey terrace rows like "Winchelsea Terrace" at 7-17 Wellington Street Croydon, institutions such as the Croydon Public School and St Joseph's Convent, to the grand freestanding houses on Burwood Road including "The Priory", "Gayton" or "St Cloud".

4.3. Examples of the Victorian Italianate style (Greater Sydney area)

4.3.1. 'Dunbrody', 9 Davidson Parade, Cremorne

'Dunbrody' is listed as an item of local heritage significance (item no. I0050) under Part 1 of Schedule 5 of the North Sydney Local Environmental Plan 2013. The house is located diagonally within its allotment on the southern side of Davidson Parade. The house is bounded to the south by Bariston Avenue and to the east and west by neighbouring properties.



Dunbrody is a two-storey rendered brick dwelling with a hipped gable roof constructed c. 1890 with elements of both the Victorian Italianate and Federation Arts and Crafts architectural styles. The house is comprised of a splayed bay to the front façade, enclosed former veranda with timber shingle spandrel and flat roof above. It also features rendered brick chimneys with decorative caps, timber casement windows, double hung sash windows and a terraced garden. The house has been highly modified and extended in association with its conversion to 10 apartments in c. 1923.

Despite having been highly modified and extended, Dunbrody still retains significance aesthetic features associated with both the Victorian Italianate and Federation Arts and Crafts styles similarly to the subject site. It is noted that the two dwellings do not appear similar at first glance, but maintain similar features as identified below. Further, Dunbrody represents a known example of heritage listed property with elements of both the Victorian Italianate and Federation Arts and Crafts styles.

'Dunbrody', 9 Davidson Parade		Similar	Different
Significance Level	Local		✓
Period	Victorian/Federation	✓	
Style	Italianate/ Arts and Crafts	✓	
Storeys	Two	✓	
Wall Finish	Rendered brick	✓	
Detailing of note	Hipped gable roof		✓
	Splayed bay to front façade		✓
	Asymmetrical front façade	✓	
	Verandas/balcony	✓	
	Rendered brick chimneys with decorative caps		✓
	Double-hung sash windows		✓
	Terraced garden		✓



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Figure 67: Primary façade to Dunbrody from Davidson Parade (Source: State Heritage Inventory Form for 'Dunbrody', database no. 2181075, accessed November 2020).

4.4. Examples of Edward Jeaffreson Jackson's work

As previously noted, Edward Jeaffreson Jackson was a leading Federation Architect with an extensive portfolio within the northern suburbs of Sydney. While it is estimated that he designed more than 50 residences, documentation surrounding these commissions is scant and as such, only 10 have been verified. He was often commissioned by prominent members of society, such as Professor Threlfall. Much of his time was spent working with the Government Architect's Office and over the course of his career, his style evolved. The following are key architectural design features commonly seen in residences designed by Jackson:

- Multi-planed roof forms and prominent gables;
- Asymmetrical planning and form;
- Organic design using natural materials;
- Application of a number of verandas and porches;
- Tall masonry chimneys;
- Large arches, predominately of stone or masonry;
- Oriel windows;
- Curved brackets;
- Projecting bays;
- Corner bays;
- Informal window arrangements with a mixture of sizes, shapes and proportions; and
- Turret roof details and dormers.

A talk given by Ian Stapleton on 27 October 2011 as part of the Sydney Architecture Festival held at the Stanton Library explores the place of Jefferson Jackson in Australian late Victorian and Edwardian architecture. Stapleton notes a number of good domestic works that were produced by Jackson at the turn of the century. He also notes that most of these houses, mainly in North Sydney, have been demolished.



Hollowforth (1892) is Jackson's best known building, and although altered, still displays a wonderful and inventive eclecticism with its tower and turret Boom Style elements... The Hollowforth planned form is quite ordinary. But nevertheless the exuberance of its elevation with its amazing shingle work indicates considerable talent...

Edquist puts Jackson down as one of the first wave of Arts & Crafts architects in Sydney including George Sydney Jones and Alan C. Walker (who practised in Melbourne).

Jackson's influence in local architecture magazines is a little clearer. In 1905 and 1915 articles appeared using B. J. Waterhouse's sketches of Hollowforth, the Rectory, Capper House and other identified Jackson buildings.

How much later Sydney Arts & Crafts architects were influenced by Jackson and how much they were influenced by local and overseas magazines is hard to say, but in the period 1909 to 1920 there was certainly a great flowering of Arts & Crafts style buildings in the mode of the Gillett house in Wahroonga.

It is evident from Ian Stapleton's talk that Jackson was one of the most well-known and influential architects of the Federation period with 'Hollowforth' being regarded as one of his best known and published residential works. There are many similarities continuing through later EJ Jackson and other architects' works with which some similarities represented in the detailing of the subject site. Some examples of Jackson's notable works are therefore compared to the subject site below though no confirmation of Jackson's direct involvement in its construction was established by the historical research undertaken to date.

4.4.1. 9-11 Manns Avenue, Neutral Bay (1889)

The residence located at 9-11 Manns Avenue is identified as an item of local heritage significance under Part 1 Schedule 5 of the North Sydney LEP 2013 (item no. I0673). The residence is located on a prominent corner block, which gently slopes downwards to the south, giving the residence a slightly elevated position. It is clearly visible from within the streetscape and has a small garden to the northern, eastern and southern sides of the block. The boundary is demarcated by a prominent stone and palisade fence.⁴

The house features a terracotta tiled gabled roof, timber shingles to the gable end, bay windows, timber detailing to the verandas and porches, and oriel windows. The façade at ground level is facebrick while the first floor is rusticated. The attic storey is located within the gable ends and is clad in timber shingles.⁵

According to the SHI form, the residence is connected to a smaller house of similar detailing.⁶ The residence has recently been repainted and the ground floor facebrick revealed (having formerly been painted white with timber shingles painted in a grey/ black colour).

Within the Neutral Bay area are a number of residences that feature the same design characteristics and therefore collectively contribute to the aesthetics of the streetscape.

9-11 Manns Avenue		Similar	Different
Significance Level	Local		✓
Period	Federation	✓	
Style	Arts and Crafts	✓	
Storeys	Three		✓

⁴ State Heritage Inventory form for "House," located at 9-11 Manns Street, Neutral Bay, database no.2181294, accessed November 2020 via <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2181294>

⁵ Ibid

⁶ Ibid



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9-11 Manns Avenue		Similar	Different
Wall Finish	Facebrick, roughcast. Timber shingles	✓	
Detailing of note	Sandstone retaining wall		✓
	Verandas/ porches	✓	
	Gable end and multiple roof planes	✓	
	Arched entrance	✓	
	Bay windows		✓
	Terracotta roof tiling	✓	



Figure 68: Photograph showing the residence prior to repainting (Source: State Heritage Inventory form for "House," located at 9-11 Manns Street, Neutral Bay, database no.2181294).



Figure 69: Photograph showing the residence following repainting and exposure of facebrick (Source: Google Street view, November 2019, accessed November 2020).

4.4.2. 17 Calypso Avenue, Mosman (c. 1898)

The residence at 17 Calypso Avenue is identified as a heritage item of local significance under Part 12 Schedule 5 of the Mosman LEP 2012 (item no. I66). It is prominently visible from within the streetscape of Calypso Avenue and is located on a corner block, affording views to the southern and eastern elevations. In addition, the topography of the site gently slopes downwards to the east. It is surrounded to the south and east by landscaping with a tennis court and a number of medium sized trees present around the perimeter of the garden.

The exact date of development of the residence is unknown; however, it is in the Federation Arts and Crafts style and was designed by Jackson. The decoration employed in the residence is considered to be in the Art Nouveau style.



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The boundary features a timber picket fence, most likely a later addition, with central gates providing access to the front entrance of the residence. To the north east corner is a facebrick double garage.

The steeply pitched gabled and hipped roof (catslide roof also present) is of particular note, along with the asymmetrical massing of the residence. The ground floor is of facebrick while the upper level is clad in timber shingles.⁷

17 Calypso Avenue		Similar	Different
Significance Level	Local		✓
Period	Federation	✓	
Style	Arts and Crafts	✓	
Storeys	Two	✓	
Wall Finish	Facebrick and Timber shingles	✓	
Detailing of note	Bay windows		✓
	Gable end and multiple roof planes	✓	
	Arched entrance	✓	
	Long primary façade		✓
	Timber picket boundary fence		✓
	Art Nouveau motifs		✓

⁷ State Heritage Inventory form for "House" at 17 Calypso Avenue, Mosman, database no. 2060102, accessed 12 July 2017 via <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2060102>



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Figure 70: View of 17 Calypso prior to repainting works (Source: State Heritage Inventory form for "House" at 17 Calypso Avenue, Mosman, database no. 2060102).



Figure 71: View of 17 Calypso after repainting works (Source: Google Street View, November 2018, accessed November 2020).

4.4.3. Hindfell (also known as 'Elderbridge'), 11A Lucinda Avenue, Wahroonga (1901)

"Hindfell" is not identified as a heritage item under Schedule 5 of the Ku-ring-gai LEP 2015, however, it was recently identified as a potential heritage item as a prime example of Edward Jeaffreson Jackson's work.⁸

Like the properties at Calypso and Manns Avenues, the residence is in the Federation Arts and Crafts architectural style and incorporates key stylistic elements that are featured throughout Jackson's designs including the application of an asymmetrical massing, oriel windows, roof dormers, shingled roofs (tiled 1920), tall chimneys, timber brackets and verandas/ porches. It is a two storey bungalow considered to be a more refined design by Jackson having been constructed in 1901.⁹

Hindfell was originally commissioned by newspaper editor Henry Gullet, following the death of his wife Lucy. Gullet acquired the site on 19 August 1901 and moved into Hindfell after retiring from journalism. The draft SHI form prepared by Council for the residence considers it to be one of the most attractive designs by Jackson.¹⁰

Whilst Hindfell at first glance appears dissimilar to the subject site, it is noted that they do share similar characteristics, most notably the use of rendered brick finish, arched entrance ways, inclusion of veranda/porches and gable end and multiple planed roofing.

Hindfell, 11A Lucinda Avenue		Similar	Different
Significance Level	Local		✓ (Not officially listed)
Period	Federation	✓	
Style	Arts and Crafts	✓	
Storeys	Two	✓	

⁸ State Heritage Inventory form for potential heritage item, "Hindfell," Draft Heritage Items Deferred from KLEP 2013 for Further Review and Assessment, May 2015, accessed 12 July 2017 via www.kmc.nsw.gov.au/files/8f7fab59-143b-449c-a8e3-a54e00c129ac/Heritage_Items_-_Inventory_Sheet.pdf

⁹ Ibid

¹⁰ Ibid



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Hindfell, 11A Lucinda Avenue		Similar	Different
Wall Finish	Rendered brick	✓	
Detailing of note	Asymmetrical massing		✓
	Timber brackets		✓
	Verandas/porches	✓	
	Gable end and multiple roof planes	✓	
	Arched entrance	✓	



Figure 72: Photograph of Hindfell, c. 1928 (Source: State Library of NSW via State Heritage Inventory form for potential heritage item, "Hindfell," Draft Heritage Items Deferred from KLEP 2013 for Further Review and Assessment, May 2015).

4.4.4. 'Isla', 89 Wycombe Road, Neutral Bay (1902)

"Isla" is identified as a heritage item of local significance under Schedule 5 of the North Sydney LEP 2013 (item no. 10749). It is slightly set back from the street behind a low sandstone retaining wall and medium size plantings that partially obscure the residence from view. The landscaping is considered significant and important to the setting of the residence. There is a secondary building located towards the northern end of the site which is set forward of the main building. It is therefore more prominently visible from within the streetscape.

According to the SHI form for Isla, it was designed by Jackson with input from James Peddle. It is associated with St Augustine's Church, having served as the Rectory between 1939 and 1990. It is a substantially sized two storey residence constructed of facebrick with roughcast to the first floor. It has a multi-gabled roof, oriel windows, decorative timber balustrades, bay windows, shingled gable ends and roughcast render to the upper storey.

In contrast to Isla, the subject site has no identifiably significant surrounding landscape or outbuildings associated with the dwelling and is aesthetically different at first glance. However, as with previous



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examples, the subject site comprises several similar features both to Isla and of the Federation Arts and Crafts architectural style including arched entrances, facebrick and roughcast render façade finish.

'Isla', 89 Wycombe Road		Similar	Different
Significance Level	Local		✓
Period	Federation	✓	
Style	Arts and Crafts	✓	
Storeys	Two	✓	
Wall Finish	Facebrick and roughcast render	✓	
Detailing of note	Multi-faceted gabled roof		✓
	Stone boundary fence		✓
	Arched entrance	✓	
	Long primary façade		✓



Figure 73: Undated early photograph of Isla showing the side elevation and landscaping. (Source: Courtesy of Prue Murdoch Architect).



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Figure 74: View of the primary façade of Isla (Source: Google Maps Street View, November 2019, accessed November 2020).

4.4.5. North Sydney Council Chambers, formerly 'Kelrose' (1902)

The North Sydney Council Chambers building is a heritage item of local significance under the North Sydney LEP 2013 (item no. I0902). Originally known as Kelrose, the Council Chambers building served as the residence of Dr Capper and his mother, later also serving as a local hospital. While the original form and character of the residence is still visible, the building has been extensively modified with the most notable addition being the Wyllie Wing, designed by Harry Seidler in 1977.¹¹

The building has been constructed of brick and is of two stories with a hipped and gabled roof and roughcast rendering. The Miller Street façade is highly symmetrical.

While the original form and character of Kelrose shared similarities with the subject site (arched entrance, veranda/ porch), the infilling of the veranda/ porch and rustication to the entire façade have significantly altered the appearance of the building. It is not clearly identifiable as Jackson's work and presents a long, continuous and symmetrical façade to Miller Street. The building did once include a return north east veranda and a balcony on two levels, a steep pitched roof form with projecting bays, south eastern veranda/ balcony and an arch opening to form a masonry entry porch with a vertical progression of materials (although in this instance from stone, to brick to roughcast). In most other regards, it demonstrates an alternative adoption of the Queen Anne style including parapet gable projecting bays with buttressed walls, more symmetrical groupings of similar double hung windows.

'Kelrose'		Similar	Different
Significance Level	Local		✓

¹¹ State Heritage Inventory form for "North Sydney Council Chambers," database no. 2180851, accessed 1 August 2017 via <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2180851>



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'Kelrose'		Similar	Different
Period	Federation	✓	
Style	Arts and Crafts	✓	
Storeys	Two		✓
Wall Finish	Roughcast render		✓
Detailing of note	Multi-faceted gabled roof	✓	
	Nine pane upper sash double hung windows		✓
	Arched entrance	✓	
	Long primary façade		✓



Figure 75: Primary frontage of Kelrose to Miller Street (Source: Google Street View, March 2020, accessed November 2020).



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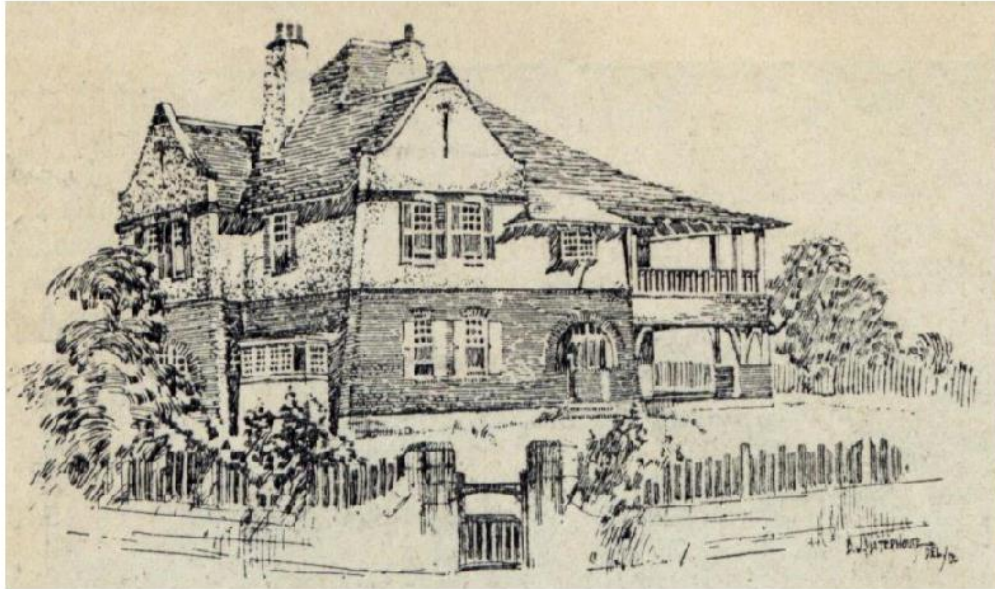


Figure 76: Sketch by BJ Waterhouse of Kelrose shortly after construction. Not the asymmetrical form and facebrick to the ground floor (Source: "Architect E Jeaffreson Jackson," Federation Houses website, accessed 12 July 2017 via <https://federation-house.wikispaces.com/Architect+E.+Jeaffreson+Jackson>)

4.4.6. 'Hollowforth', 146 Kurraba Road, Neutral Bay

Hollowforth is a heritage item of NSW State significance (SHR no. 00450) and of local significance listed under Schedule 5, Part 1 of the North Sydney LEP 2013 (item no. I0665). Hollowforth is accessed via Kurraba Road with minimal visibility from the streetscape due to an extent masonry fence and domed timber gateways. The house is setback west from the road and fencing, with its primary elevation facing to the east. Originally one larger home, Hollowforth has been subdivided internally; first, to a series of thirteen flatlettes and more recently to two separate units.

According to the SHI form for Hollowforth, the house is considered to be "a dramatic and innovative architectural statement in the shingle style by one of the leading architects of the Federation era, E. Jeaffreson Jackson." It is reflective of the Art Nouveau influence to the Federation Arts and Crafts style through the use of geometric patterning to the shingled wall surfaces, stepped hip and broken gable roof composition, bricked chimneys and dormer windows with conical caps. Like other homes of its type, Hollowforth's landscape setting to the rear (west) of the dwelling contributes to the overall significance of the property.

The subject site has little in common aesthetically with Hollowforth though some detailing can be viewed in the composition of both houses.

Hollowforth		Similar	Different
Significance Level	State		✓
Period	Federation	✓	
Style	Arts and Crafts	✓	



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Hollowforth		Similar	Different
Storeys	Two	✓	
Wall Finish	Facebrick, roughcast. Timber shingles		✓
Detailing of note	Gabled and hipped roof form	✓	
	Conical turrets		✓
	Verandas/Balcony	✓	
	Bay windows		✓
	Bricked chimneys	✓	
	Belvedere/belfry tower		✓



Figure 77: View showing the southern elevation of Hollowforth. Note: the Belvedere/belfry tower and timber shingles periodically fall.

4.5. Conclusion to Comparative Analysis

It is evident from the above comparative examples that the subject house with its formal garden and setting is a representative of both, the Federation Arts and Crafts architectural style and the Victorian Italianate architectural style. As discussed in Section 4.1, there are relatively few heritage listed two-storey Federation Arts and Crafts houses within the local area despite its architectural significance.



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within the greater Sydney area. This provides further rarity and significance to the subject site within its existing context.

Further, the subject site also has considerable similarities with the houses designed by E. Jeaffreson Jackson showing landmark qualities of a well considered country house of the transitional period from Victorian to the Federation era.



5. ASSESSMENT OF THE CULTURAL SIGNIFICANCE

5.1. Basis of Assessment

In assessing the cultural significance of a place, it is necessary to adequately research and consider all the information relevant to an understanding of the place and its fabric. The Burra Charter (2013) defines the cultural significance as being "aesthetic, historic, scientific or social value for past, present or future generations".

The assessment of cultural significance is undertaken because it is necessary to understand the values of a heritage item before making decisions about the future of the item. This then leads to decisions that will retain these heritage values in the future.

The 'Statement of Significance' indicates what heritage values of a place should be conserved and is used as a basis for the formulation of specific guidelines for the development of conservation policies of a place. The Conservation Plan by J. S. Kerr (seventh edition, 2013, published digitally by Australia ICOMOS), considers the following three criteria as a useful starting point in assessing the nature of significance:

- ability to demonstrate a process, a custom or style;
- associational (historic) links for which there is or is not surviving physical evidence; and
- formal or aesthetic qualities.

The following assessment of significance addresses the criteria endorsed by the NSW Heritage Council and is in accordance with the NSW Heritage Manual 'Assessing Heritage Significance' guidelines.

5.2. Assessment Criteria

(a) an item is important in the course, or pattern, of the local area's cultural or natural history

The subject site is of local historical significance as one of few remaining large country homes in the Burwood local area dating to the late Victorian and early Federation periods. It has association with William Faithful's 1810 land grant and later development of the local area along the Burwood Road following the introduction of the train line and Burwood train station in 1855. It is indicative of the development of larger country homes and estates by merchants and townspeople following the increased ease in travel between Sydney's growing suburbs and the central business district.

Guidelines for inclusion	✓ / X	Guidelines for exclusion	✓ / X
shows evidence of a significant human activity	X	has incidental or unsubstantiated connections with historically important activities or processes	X
is associated with a significant activity or historical phase	✓	provides evidence of activities of processes that are of dubious historical importance	X
maintains or shows the continuity of a historical process or activity	✓	has been so altered that it can no longer provide evidence of a particular association	X

(b) 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

The subject site has some association with the original 1810 land granted to William Faithful, tea merchant Robert Remington, and the Adams and Larcombe families whom which the site was under the ownership for approximately 100 years collectively.



Further, the subject site has some association with the Federation Arts and Crafts style highly popularised by architects such as Edward Jeaffreson Jackson during the late 19th and early 20th centuries. The design of the house is very similar to Jackson's known works. It is however noted that Jackson's direct involvement in the construction of Lansdowne could not be confirmed.

Guidelines for inclusion	✓ / X	Guidelines for exclusion	✓ / X
shows evidence of a significant human activity	X	has incidental or unsubstantiated connections with historically important activities or processes	✓
is associated with a significant activity or historical phase	✓	provides evidence of activities of processes that are of dubious historical importance	X
		has been so altered that it can no longer provide evidence of a particular association	X

(c) an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area

The subject site is highly intact and has aesthetic value with elements of both the Victorian Italianate and Federation Arts and Crafts architectural styles including the use of an asymmetrical front façade, rounded arches, facebrick and roughcast render, and a hip and gabled terracotta tile roof with tall painted brick decorative chimneys and a Belvedere/belfry tower. It is noted that this compilation of styles is not typical and consequently uncommon within the Burwood local area.

Guidelines for inclusion	✓ / X	Guidelines for exclusion	✓ / X
shows or is associated with, creative or technical innovation or achievement	✓	is not a major work by an important designer or artist	X
is the inspiration for a creative or technical innovation or achievement	X	has lost its design or technical integrity	X
is aesthetically distinctive	✓	its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded	X
has landmark qualities	✓	has only a loose association with a creative or technical achievement	X
exemplifies a particular taste, style or technology	✓		

(d) an item has strong or special associations with a particular community or cultural group in the local area for social, cultural or spiritual reasons

A social significance assessment of the site is beyond the scope of this report. However, research undertaken to date has not indicated that the site has any strong or special associations with a particular community or cultural group.



Guidelines for inclusion	✓ / X	Guidelines for exclusion	✓ / X
is important for its associations with an identifiable group	X	is only important to the community for amenity reasons	✓
is important to a community's sense of place	X	is retained only in preference to a proposed alternative	X

(e) an item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history

The subject site has some potential to yield further information that will contribute to an understanding of the local area's cultural or natural history.

The subject site was initially comprised of three separate lots (Lots 5, A and B) which were consolidated by the Larcombe family in 1953. Little historical information is known about Lots A and B prior to this time and their association with the historical development of the subject site or the adjacent Woodstock Park, Child Care and Community Centres (heritage item no. I39) located directly to the north. There is potential for sub-surface archaeological remnants that may contribute a further understanding to the development of the local area and the use of Lots A and B prior to 1953.

Guidelines for inclusion	✓ / X	Guidelines for exclusion	✓ / X
has the potential to yield new or further substantial scientific and/or archaeological information	✓	has little archaeological or research potential	X
is an important benchmark or reference site or type	X	only contains information that is readily available from other resources or archaeological sites	X
provides evidence of past human cultures that is unavailable elsewhere	X	the knowledge gained would be irrelevant to research on science, human history or culture	X

(f) an item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history

As identified above in Criteria C, the subject site is aesthetically uncommon in relation to its assemblage of styles, and occurrence within the Burwood local area; but does not otherwise demonstrate an uncommon process, activity, technique or the like sufficient to meet this criteria.

Guidelines for inclusion	✓ / X	Guidelines for exclusion	✓ / X
provides evidence of a defunct custom, way of life or process	X	is not rare	✓
demonstrates a process, custom or other human activity that is in danger of being lost	X	is numerous but under threat	X
shows unusually accurate evidence of a significant human activity	X		
is the only example of its type	X		



Guidelines for inclusion	✓ / X	Guidelines for exclusion	✓ / X
demonstrates designs or techniques of exceptional interest	X		
shows rare evidence of a significant human activity important to a community	X		

(g) an item is important in demonstrating the principal characteristics of a class of the local area's

- cultural or natural places; or
- cultural or natural environments

The subject house known as 'Lansdowne' is not considered an exemplar of either the Victorian Italianate or Federation Arts and Crafts architectural styles separately; however, the house reflects elements of both styles and remains highly intact. It is a unique example of the types of larger country homes established in the Burwood local area during the late 19th and early 20th centuries following the establishment of the Sydney to Parramatta railway. The design characteristics of the house reflect the transition from Victorian architectural styles into the Federation architectural styles and is therefore representative of new technologies and materials, like terracotta roof tiling, that gained popularity at the time. It also has strong similarities with the houses designed by E. Jeaffreson Jackson showing landmark qualities of a well considered country house of this transitional period.

Guidelines for inclusion	✓ / X	Guidelines for exclusion	✓ / X
is a fine example of its type	✓	is a poor example of its type	X
has the principal characteristics of an important class or group of items	X	does not include or has lost the range of characteristics of a type	X
has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity	✓	does not represent well the characteristics that make up a significant variation of a type	X
is a significant variation to a class of items	✓		
is part of a group which collectively illustrates a representative type	X		
is outstanding because of its setting, condition or size	✓		
is outstanding because of its integrity or the esteem in which it is held	✓		



5.3. Statement of Significance

The subject site, known as 'Lansdowne', is of local heritage significance as an intact example of the larger country homes that gained popularity in the Burwood local area following the construction of the Sydney to Parramatta railway in 1855. 'Lansdowne' is representative of growth in the Burwood local area spurred by easier access between the expanding western suburbs and the Sydney central business district.

'Lansdowne' was constructed in c. 1888-1890 and exemplifies characteristics of both the Victorian Italianate and Federation Arts and Crafts architectural styles including the use of an asymmetrical front façade, rounded arches, facebrick and roughcast render, and a hip and gabled terracotta tile roof with tall painted brick decorative chimneys and a Belvedere/belfry tower. It is noted that this compilation of styles is not typical and consequently uncommon within the Burwood local area. The house has some similarities to, and may have been inspired by, the works of famed Sydney architect, Edward Jeffrieson Jackson, who heavily influenced and contributed to the development of the Federation Arts and Crafts architectural style in the late 19th and early 20th centuries.

The subject site has historical association with William Faithful's original 1810 land grant and both the Adams and Larcombe families who were longstanding owners of the property from the 1890s through to the 1980s. The Larcombe family are also noted as having consolidated the existing allotment of the site, which prior to 1935 existed as three separate lots (Lots 5, A and B).

There is some potential for sub-surface archaeological remnants that may contribute a further understanding to the development of the local area, the subject site as a whole and the use of Lots A and B prior to 1953 of which historical research to date has uncovered little information.

5.4. Fabric and Condition Assessment

The following fabric and conditions assessment is not exhaustive and relates to the exterior of the house in general with limited assessment of the internal fabric. Full Grading of Significance is not part of the current scope of this heritage assessment and is difficult to undertake without internal access to the property.

5.4.1. Landscaping

As noted in Section 3.3, the front garden, circular driveway and current location of the gazebo and garage are all non-original within the context of the subject site. However, the 1943 aerial shows little change otherwise in the immediate landscape surrounding the house (Figure 55). Most notably the thick growth of trees along the eastern and western site boundaries are still present currently as is the eastern driveway (Figure 12 and Figure 13).

Whilst an in-depth heritage landscape assessment is beyond the scope of this report, it is understood from the aerial imagery that the existing landscape has undergone few significant changes since the 1940s.

5.4.2. Exterior

The exterior to the subject site remains in good condition and highly intact. Comparison between the 1988 floor plans (BA 100-88; Figure 56 and Figure 57) and the July 2020 Realestate.com.au auction floor plans (Figure 22 and Figure 23) suggests that minimal works have been undertaken to the overall built form of the house. The primary (southern), western and eastern elevations appear to have undergone no discernible changes since 1988 and maintain a high level of fabric integrity and significance.

The primary elevation, fronting Ethel Street, comprises the majority of notable architectural detailing including the rounded arches over the entrance, veranda and balcony, timber framed double hung windows and decorative stained glass and is considered the most significant fabric within the context



of the site. In 1990, the lightwell and associated timber-framed belvedere/belfry visible to the primary elevation was constructed and whilst not original fabric is considered to be sympathetic to the Federation Arts and Crafts style and overall aesthetic of the façade (Figure 16 and Figure 59). The circular front gardens and drive were also developed in the 1990s and, whilst sympathetic to the site, further hard stand areas or works to this area should be avoided. Further modifications to the primary façade including works to the roofing and extant belvedere/belfry should be avoided.

It is noted that some minor works have been undertaken to the rear (northern) elevation since 1988 to the ground floor family/living room and replace the former bay with a series of French-style timber framed doors that open out to the rear patio (Figure 22 and Figure 56). These works have been undertaken to a previously extended section of the ground floor which appears in the 1943 aerial indicating that the extension was constructed prior (Figure 55). This extension, in addition to a first floor extension in the same design, is easily identifiable as a later addition due to the use of timber weatherboard style materials that differ to the exposed brick and roughcast render finishes to the remainder of the house's exterior, and likely dates to the Inter-War period possibly following the transfer of ownership from the Adams to the Larcombe family (Figure 19).

Lastly, it is noted that a large portion to the roof of the house has been fitted with contemporary solar energy panels (Figure 12). These panels have been positioned to the rear of the house and are not visible from the primary elevation further maintaining its historical and aesthetic integrity.

The exterior to the subject site has undergone some modification since initial construction, however, maintains high fabric integrity, aesthetic significance and is in good condition. Unsympathetic modifications such as the later addition high metal gates to Ethel Street should be removed and/or replaced with more sympathetic options in the future.

5.4.3. Interior

Although a comprehensive assessment of the interior of the house was not possible during the site inspection, analysis of the changes to the interior was undertaken based on the available images of the house provided by Realestate.com.au and the relevant architectural plans associated with several Building Applications from 1988-1993 (see Section 3.3).

The interior to the house retains a high degree of fabric integrity and is in good condition. This is most notable in the intactness of original fabric elements such as the grand timber staircase located within the entry foyer, polished moulded timber skirting and detailing, stained glass fanlights above internal doorways, high ceilings and plaster cornicing, decorative light fixtures, extant cast-iron and masonry fireplaces, a decorative window bay to the dining room, internal arches and a tiled niche for the kitchen stove.

Some internal works associated with the modernisation of kitchen and bathroom fitouts, plumbing, demolition of the original pantry to expand the kitchen and painting have been undertaken, particularly since 1988, however the general layout and internal room subdivision has seen minimal changes since this time. It is noted that the recorded changes to the house's interior are generally in keeping with acceptable additions and alterations to heritage items within the Burwood Council area.

Overall, it is considered that the interior to the house maintains a high degree of fabric integrity and intactness with several remnant features of high significance exemplary of the original construction period (c.1888-1890). The interior remains in good condition despite some modifications, particularly since 1988, and is deemed to be of significance.



6. CONSTRAINTS AND OPPORTUNITIES

6.1. Statutory Requirements

The subject site is not currently listed as an item of local heritage significance under Part 1 of Schedule 5 of the Burwood Local Environmental Plan (LEP) 2012. However, it is noted that the aim of this assessment is to establish if the subject site is of sufficient significance to warrant individual listing on the Burwood LEP 2012. Therefore, should listing be enacted, the relevant heritage provisions of the Burwood LEP 2015 and the Burwood Development Control Plan (DCP) 2013 will apply.

6.1.1. Burwood Local Environmental Plan (LEP) 2012

Section 5.10 Heritage conservation

(1) *Objectives* The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of Burwood,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) *Requirement for consent* Development consent is required for any of the following—

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—

- (i) a heritage item,
- (ii) an Aboriginal object,
- (iii) a building, work, relic or tree within a heritage conservation area,

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,

(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

(d) disturbing or excavating an Aboriginal place of heritage significance,

(e) erecting a building on land—

- (i) on which a heritage item is located or that is within a heritage conservation area, or
- (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

(f) subdividing land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) *When consent not required* However, development consent under this clause is not required if—



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(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—

(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development—

(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

(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).

(5) Heritage assessment The consent authority may, before granting consent to any development—

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies)—

(a) notify the Heritage Council of its intention to grant consent, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.



(8) Aboriginal places of heritage significance The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—

(a) notify the Heritage Council about the application, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

6.1.2. Burwood Development Control Plan (DCP) 2013

4.7 Heritage in Residential Precincts

4.7.2 Heritage Controls

It is important to conserve the heritage properties in the Burwood LGA. Many of these properties are dwelling houses that are located in a residential precinct or conservation area of similar buildings, or they may be individual houses which have been heritage listed by virtue of their own significance. In conserving our heritage, Council seeks to ensure that future generations will be able to understand and visualise Burwood's past through the physical evidence of important buildings, places and development patterns.

Where alterations and additions are proposed to heritage properties, the works should be sympathetic to the heritage significance of the property. Alterations and additions should be undertaken in such a way that minimise impacts on the heritage property. Demolition of heritage properties is generally discouraged.



The Appian Way Heritage Conservation Area and Malvern Hill Heritage Conservation Area represent Burwood's longest established and possibly most intact conservation precincts. Additional controls apply to these two precincts. (Refer to Section 4.7.4)

Objectives

- O1 To support the retention of heritage properties and maintain their heritage significance.*
- O2 To ensure that alterations or additions to heritage properties are sympathetic to the heritage significance of the property and in keeping with its character.*
- O3 To ensure that any alterations or additions to heritage properties reflect the predominant scale, height, proportion, character and setbacks of the existing property, and surrounding development.*
- O4 To ensure that development located in the vicinity of a heritage property is designed and sited in a manner sympathetic to the significance of the heritage property and its setting.*

Provisions

General

P1 Development Applications that propose alterations or additions to, or demolition of, a heritage property are required to submit a heritage report, known as a Heritage Impact Statement (HIS), prepared by a qualified and recognised heritage professional as part of the application to Council. This report shall detail the impacts of the proposed development on the heritage significance of the property. Council may, at its discretion, require a Conservation Management Plan (CMP), instead of a HIS.

P2 Where substantial demolition is proposed, the HIS would be required to provide justification on heritage grounds and demonstrate that options for retention have been investigated. An assessment of significance must include a comparative analysis of the building in relation to others of its kind in the local area. Claims concerning physical condition are required to be supported by a Structural Engineer's report. Conclusions should be based upon the heritage significance of the property, not on the development potential of the land it is situated upon.

P3 Council will require the submission of a heritage statement, prepared in accordance with the NSW Heritage Branch guideline Statements of Heritage Impact, where development is proposed adjacent to a heritage property.

P4 Major re-development of a heritage property shall have regard to the NSW Heritage Branch's Design in Context: Guidelines for Infill Development in the Historic Environment.

P5 Where demolition is proposed of a non-contributory structure within a heritage conservation area, Council may require that the proposed replacement structure be submitted as part of the same Development Application in order to ensure sympathetic outcomes.

Building Design Considerations

P6 Development of a heritage property must:

- (i) Be sympathetic in terms of its scale and character*
- (ii) Employ materials and detailing that responds to the traditional form and style of the existing structure*
- (iii) Provide adequate setbacks, and maintain a setting around the heritage property, to facilitate the item's interpretation.*

P7 A heritage property that forms part of a group of similar buildings or is located in a heritage conservation area must be designed with strict regard to the predominant characteristics of the area in terms of building height, building and street alignment, building form, scale and architectural character.

P8 Alterations and additions to a heritage property must not dominate the character of the existing structure, nor be of excessive scale relative to the original building.



P9 Redevelopment shall be taken as an opportunity to remove unsympathetic work upon a heritage property, such as air conditioning units, or repair significant architectural elements. Redevelopment should also be used to reinstate lost building elements.

P10 New architectural elements, such as turrets, spires, domes and towers, should not be introduced into an existing building if such elements would dominate, or change the character of, the existing building.

Roofs

P11 The main roof form of the existing dwelling should be maintained. Alterations and additions should be located behind the existing main roof form. In cases of rear additions, it is usually appropriate that the roof is set lower than the existing roof ridge and marries-in to the existing roof form.

P12 In some instances it will be appropriate for new roofs or roof additions to match the existing roof pitch upon the heritage property. However in other cases, particularly Federation period houses, additions and ancillary buildings should provide a roof set at a lower pitch than the predominant roof form, in order to avoid dominating the main roof form and to provide differentiation from the original.

P13 The gable width of a roof pertaining to a detached garage or carport shall not be wider than the most prominent gable end pertaining to the existing house or building. It may be necessary to provide a broken roof form to limit the dominance of the ancillary structure.

P14 The introduction of new features in the street front elevation of the roof of a heritage property such as satellite dishes, air conditioners, rooftop antennae, solar water heaters, roof lights and skylights are not permitted.

P15 Original roof materials such as slate and Marseille terracotta tiles and key roof features such as chimneys should be retained or reinstated.

Roof Replacement

P16 Where it can be demonstrated that an existing original roof covering requires replacement due to significant deterioration and that repair is not practical, the replacement with "like-for-like" materials is encouraged. Generally, terracotta tiled houses of the Federation and early Inter-War period will be required to replace the roof with unglazed terracotta tiles in a Marseille profile and natural "terracotta" colour. Slate roofed houses should seek to retain the existing roof by transferring good slates from side and rear elevations to the front elevation, or through the use of secondhand materials with a similar aging pattern to the original material. Where replacement is inevitable, use of Welsh slates is encouraged, but consideration may also be given to the aforementioned terracotta tiles, or a suitable modern composite slate alternative where the change of materials can be justified on heritage grounds, and attention has been given to the profile, size, colour, finish and appearance of the replacement material.

P17 Replacement roofing shall be based on evidence of the period, style, traditional form and materials of the existing building.

P18 Roof details, such as finials and ridge capping, are to be maintained where possible, or replaced with matching elements.

Attic-Style and First Floor Additions

P19 'Rooms in roof' additions are permissible in the roof spaces of heritage properties subject to retaining the existing roof pitch and where the space is sufficient to accommodate attic rooms. Attention must be given to the style, size and location of roof windows. Such works are also required to meet the relevant height controls and habitation requirements set out in this DCP and the BCA.

P20 First floor additions are only permitted where these would not affect the single storey character of the existing structure.



P21 First floor additions must not dominate the existing structure as viewed from the street be setback as far as possible, and shall be designed to be visually recessive.

Floor to Ceiling Height

P22 The floor to ceiling height of the first floor level within a dwelling house, attached dwelling or semi-detached dwelling is not to exceed 2.4m to minimise the visual bulk and dominance of first floor additions.

Dormer Windows

P23 Dormer windows that are proposed in the roofs of heritage properties must be a traditional architectural feature of the style of dwelling house and must be designed so that the size, proportion, shape, design, location and finishes of the dormer windows are in harmony with the main roof of the dwelling house. Generally, dormer windows should be avoided on the street façade.

P24 Flush 'Velux-style' roof windows are often a more sympathetic alternative to a dormer window.

Street Fronted Facades

P25 The principal or street front façade of a heritage property must not be altered in any way other than to restore original features of the building or to remove previous unsympathetic alterations and additions.

P26 Original windows and doors must be retained or reinstated.

P27 New windows and doors, especially where visible from the street, must match the proportions, style and materials of existing window and door features that correspond to the architectural style of the dwelling house.

P28 The external wall finishes and treatments of the heritage property must match the architectural style of the dwelling house.

P29 Cement render of existing face brick walls is not permitted.

P30 Exterior fixtures, such as roller shutters, security bars, aluminium awnings, satellite dishes and air conditioning units, or similar devices shall not obscure significant architectural elements upon a heritage property's facade, nor detract from the character of buildings. Roller shutters and security bars will generally not be permitted.

P31 The landscaped front setting is an important component of a heritage property, especially where it retains existing contributory trees, plants, garden layouts and garden features such as tessellated tiled entrance paths. These features must be retained.

Verandahs

P32 The enclosure of original open verandas is not permitted.

P33 The reinstatement of verandahs, whether simple or elaborate in decoration, must match the architectural style of the dwelling house.

Landscaping

P34 The front setback (i.e. front yard) of a heritage property shall provide minimal hardstand and/or hard surfaces in order to preserve its setting and visual appearance.

Views and Vistas

P35 Development of a heritage property, or development in its vicinity, must: - Provide an adequate area of land around the development to allow interpretation of the significant building or place - Not detract from the setting of the heritage property - Retain and respect significant views/vistas from the public domain to a heritage property, as well as the views/vistas originating from the heritage property itself.



Terrace Buildings

P36 Development within a terrace group is to be designed with strict regard to the overall group in terms of height, alignment, form, scale, materials and architectural character.

New Development

P37 There are instances where new development may be built on the site of a heritage item, or within a heritage conservation area. Where this occurs, the new development must ensure it respects and interprets the predominant heritage character of that particular site or precinct.

P38 New development in an existing heritage conservation area must be compatible with and reflect the predominant stylistic features of properties in the heritage conservation area with respect to: - Building bulk, height and proportion - Scale and architectural style - Integration into the streetscape and relationship with adjoining buildings - Reflecting the building and street alignments - Interpreting the materials and architectural detailing of the heritage conservation area.

P39 Where a garage is to be integrated into a new building, it must be setback from the front elevation so that it is a recessive component in the design.

Subdivision

P41 Development shall not be permitted to subdivide the front portion (i.e. front yard) of a heritage property such that new development would obscure the existing building, negatively affect the property's setting, or alter the established pattern of development in that street.

P42 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.

P43 Where a heritage building forms part of a larger redevelopment, Council will generally require that repair or restorative work to the heritage building or place is undertaken prior to any subdivision or occupation. For instance, through a condition of consent requiring certain works prior to the issue of a Subdivision Certificate or Occupation Certificate. This approach seeks to ensure that the conservation of the heritage property is integral to the redevelopment.

Paint and Colour Schemes

P44 Painting over unpainted features such as external stonework and face brickwork of a heritage property is not permitted.

P45 New paint and heritage colour schemes must reflect the most significant design period of the heritage property.

Ancillary Structures and Vehicle Parking

P46 Carports and garages may be located on a heritage property in the following order: - Where rear lane or secondary street access exists, the garage or carport must be accessed from the rear lane or secondary street. - Where clause (i) above does not exist or is not achievable, the garage or carport must be sited to the rear of the property using the front entrance access. - Where site constraints exist and only where it can be demonstrated that the garage or carport is unable to be located in accordance with clause (ii) above, as it may have insufficient width, the structure may be sited to the side of the dwelling house.

P47 Where a garage or carport is to be located to the side of an existing dwelling house, the structure must be located a minimum of 1m behind the front building line of the dwelling house. Where the house's façade features a front verandah, the verandah's depth is to be added to the aforementioned setback. The garage or carport should not result in the removal of original architectural features such as windows, window hoods or porches. Preference is for a carport, given its more open appearance, where the structure would be highly visible from the street.



P48 Garages, carports, garden sheds or similar structures shall not be permitted to be located forward of the building line by virtue of their negative impact on the character of the heritage property and/or the streetscape.

P49 In most instances, hardstand parking spaces that are proposed to be located forward of the building line shall not be permitted by virtue of their negative impact on the character of the heritage property and/or the streetscape. Hardstand parking spaces located forward of the building line will not be permitted where:

- i. The potential for alternative on-site vehicle parking is available*
- ii. The existing house is setback 7m or less from the front boundary*
- iii. The property has a width at the street frontage of 15m or less*
- iv. The existing house has a side boundary setback of 2.4m or more, or*
- v. The combined area of all hardstand surfaces (e.g. paths, paving, driveway etc.) within the front yard would account for 50% or more of the front yard.*

In exceptional circumstances, and at the exclusion of properties subject to above items (i) - (v), consideration may be given to a visually discreet and simple parallel strip hardstand area of minimum dimensions, with soft landscape treatment, where Council is satisfied that the hardstand area does not negatively impact upon the front setting of the heritage property and surrounding streetscape.

P50 Ancillary structures such as garages, carports, garden sheds and the like must complement the heritage property in terms of design and detailing, particularly where the structure is visible from the street.

P51 Garages and carports must use design detailing, materials and paint schemes that refer to and are compatible with the heritage property. Simply designed structures using lightweight materials, comprising of a simple form and using appropriate materials are preferable.

P52 The roofs of garages and carports must be simple in form and must not dominate or unduly contrast with the roof form of the heritage property. Ornate detailing and complex roof forms are generally inappropriate.

P53 Driveways shall not have a stencilled concrete finish. Pavers, plain or singlecoloured concrete finishes are preferable in achieving a recessive appearance.

Rainwater Tanks

P54 Rainwater tanks must not be installed in the front garden or front setting of a heritage property.

P55 Rainwater tanks can be located along the side elevations of a heritage building, provided that these are setback at least 2m behind the building's front elevation.

P56 Where buildings have a front or wraparound verandah, the rainwater tank must be located a minimum 2m behind the verandah.

P57 Where a rainwater tank is visible from the street, heritage colours such as green or red are recommended, or a colour which otherwise complements the colours within the existing building.

4.7.3 Fences on Heritage Properties

Overview

Fences on heritage properties have the potential to contribute to the heritage significance of that place or precinct, as well as contribute to the streetscape presentation. It is important to ensure that front, side and rear boundary fencing on a heritage property is compatible with the building or area to which it relates.

Objectives



O1 To ensure that original and historically significant fences and gates are retained.

O2 To ensure that new fences are sympathetic to the character of the heritage property.

O3 To ensure new fences are in keeping with the period and style of the building.

O4 To ensure that new fences are designed to complement the streetscape.

Provisions Fence Character and Design

P1 The removal of any fencing on a heritage property is not permitted without prior Council consent, unless it is exempt development.

P2 Original fences must be retained and repaired.

P3 Where it can be demonstrated that P2 above cannot be achieved and the original fence must be replaced, this fencing must be reconstructed with matching materials to match the original fencing.

P4 In the first instance, the design of new fencing should relate to the period and style of the building upon that property.

P5 Where new fencing is proposed in an established or heritage streetscape, the fencing must reflect the character, materials, height, rhythm of bays and openings, design and colour of the predominant fence design.

P6 Fencing details (including the plinth wall, pedestrian gates, support piers, driveways, gates and metal railings) must be compatible with the overall character and design of the fence.

P7 Fencing must be stepped to comply with maximum fence heights and to reflect the gradient (slope) of the land.

P8 Electric lights or light mechanisms are not permitted on any part of a heritage fence as they are not traditional features. Up lights and down lights, where appropriately positioned and concealed from public view, may be considered as an acceptable alternative for lighting a fence structure.

Height of Front Boundary Fences

P9 The maximum height of open-style (e.g. timber picket) front boundary fencing is 1.2m above the adjacent footpath level. Where a fence is to be provided with a base course, this solid portion of the fence should not exceed a third of the overall fence height.

P10 The maximum height of solid or masonry front boundary fencing is 900mm above the adjacent footpath level.

P11 Only where associated with a Victorian period house, the maximum height of palisade-style front boundary fencing is 1.7m above the adjacent footpath level. For the avoidance of doubt, fences upon non-Victorian properties are generally restricted to 1.2m in height, and the use of metal bars or palisade fencing is not supported.

P12 Proposals to exceed the height limits (including piers) as outlined in P9, P10 and P11 above, must prove that the fence height corresponds and accords with the architectural style of the heritage property and/or continues an established pattern of heritage fences of a similar height.

Fence Materials

P13 Heritage properties of the Federation or Inter-War period should adopt timber and/or masonry materials which are characteristic of that period.

P14 Where new masonry front boundary fencing is proposed, the materials and design should match the colour and pattern of brickwork upon the existing building.

P15 The following materials are not permitted on a heritage property: - Arc Mesh, metal pool-type bars or modern tubular bars/pickets. - Concrete block. - Sheet metal – flat or corrugated and/or



coloured. - Pressed metal coloured sections (e.g. Colorbond). - Sheet material including plywood, chipboard, fibre cement and glass fibre.

P16 The painting or rendering of original masonry fencing is not supported.

Side and Rear Boundary Fences

P17 The maximum height of side and rear boundary fencing is 1.8m.

P18 Side boundary fences must taper (i.e. reduce) in height from the front building line to the point where it meets the front boundary fencing.

P19 Side and rear boundary fencing must employ timber materials with vertical closeboarded unpainted hardwood with hardwood posts and rails. The use of metal panel fencing (e.g. Colorbond) is not supported for heritage properties.

P20 Solid masonry side and rear boundary fencing will only be permitted in exceptional circumstances where it may be proven that the fence design continues a pre-existing pattern or character of such fencing.

P21 Elaborate lych gates are uncommon features in Burwood and will generally only be permitted where it can be demonstrated that the Lych gate was a pre-existing feature of the property, and where it is compatible with the character of the dwelling house or locality.

6.2. Significance

As noted in Section 5, the subject site is an uncommon, intact example of the larger country homes that gained popularity in the Burwood local area in the late 19th century following the construction of the Sydney to Parramatta railway. Utilising elements of both the Victorian Italianate and Federation Arts and Crafts architectural styles, the subject site has aesthetic significance and possible association with the works of architect Edward Jeaffreson Jackson. Further, the site has historical association with William Faithful, the Adams and Larcombe families, and some potential for archaeological relics.

Due to the identified local level significance, good condition and high fabric integrity of the subject site, it is recommended that the subject site be individually listed as an item of local heritage significance under Part 1 of Schedule 5 of the Burwood LEP 2012.

6.3. Listing and Curtilage

Heritage listing is recommended based on fulfilment of the heritage significance criteria in Section 5. Although inclusion in the adjoining HCA could provide a degree of protection to the house, this has not been recommended on account of the delineation of the existing HCA. No other properties on the northern side of Ethel Street (that front the street) are included in the HCA, and the subject site is flanked by modern, non-contributory houses. Inclusion of the subject site in the HCA would therefore not respond to the streetscape and precinct qualities implied by designation of a conservation area. Furthermore, heritage listing would afford greater protection of the house's internal structure and interiors than a HCA.

It is recommended that the official name for the subject site be listed on the Burwood LEP 2012 as follows:

House - 'Lansdowne', including interiors

As noted in Section 5, both the exterior and interior to the subject site maintain a high degree of integrity and are in good condition. It is recommended that both the exterior and interiors be protected under the proposed heritage listing to ensure that future works will not include unsympathetic additions or alterations, or that internal fitouts will remove remnant significant fabric, drastically alter internal room subdivision or modify notable decorative features such as decorative light fixtures, stained glass, and the grand staircase.



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It is recommended that the heritage curtilage of the proposed item incorporate the following lots in line with the identified property title information (outlined in Figure 78):

- Lot D / DP 101675
- Lot A / DP 101675
- Lot B / DP 101675



Figure 78: Suggested heritage curtilage to the subject site (indicated in red) incorporating Lots 5, A and B of DP 101675 in line with the existing property boundaries (Source: SIX Maps, accessed November 2020)..

6.4. Recommended Management

Although it is recommended that the general built form to the house and internal room subdivision be retained, there is potential for minor internal works and alterations and additions to the rear of the property that will have little to no impact on the significance of the primary Ethel Street elevation. Demolition of the house is not recommended.

Further, the primary elevation (south) to Ethel Street should be maintained and conserved as the most significant aesthetic portion of the house exterior. Unsympathetic additions and alterations should be avoided and any future additions should be relocated to the rear of the property.

Interior elements of significance including the following should be maintained and conserved:

- Grand staircase located within the entry foyer;
- Polished timber dado and detailing;
- Stained glass fanlights above internal doorways;
- High ceilings and plaster corning;
- Extant fireplaces;



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- Decorative window bay to the dining room;
- Internal wall arches; and
- Tiled niche for the kitchen stove.

It is recommended that a Heritage Impact Statement report be submitted with any Development Application for works to the exterior or interior that cannot be considered exempt under the Burwood LEP 2012. In addition, it is recommended that a Photographic Archival Recording be undertaken prior to any major works to the site for Council records.

Lastly, there is some potential for sub-surface archaeological relics particularly to the northern section of the site. An Archaeological Assessment should be undertaken in order to identify and guide the future management of any potential archaeological resources.

7. CONCLUSION

In conclusion, the historical research, fabric and condition assessment and comparative analysis undertaken for this heritage assessment have found that the subject site, most notably the house identified as 'Lansdowne', meets the significance assessment criteria and is of sufficient significance to warrant individual heritage listing under Part 1 of Schedule 5 of the Burwood Local Environmental Plan (LEP) 2012. 'Lansdowne' was first constructed in c. 1888-1890 as 'Landour' and exhibits elements of both the Victorian Italianate and Federation Arts and Crafts architectural styles, most notably in the primary (southern) façade, and is highly intact internally. The house maintains a high degree of historic and aesthetic significance with landmark qualities and should be maintained and conserved.

CITY PLAN HERITAGE
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APPENDIX A:

Land Title Searches for 17 Ethel Street



City Plan Heritage P/L
ABN 46 103 185 413

Summary of the Transferral of Ownership for 17 Ethel Street.

Date				Reference
1 Jan 1810	Crown grant	Crown grant to William Faithful	1000 acres	v.84 f.64
23 April 1869	Transfer	To Joseph Wyatt of Burdekin Terrace, gentleman	30 a 1 r 6p (Whole of Lot 23 and parts of Lot 7, 8 and 9 of the Burwood Estate)	v.84 f.63
22 Sept 1873	Transfer	From Wyatt to Charles Weekes of Burwood, gentleman	4a 1r 20p	v.169 f.23
13 Nov 1875	Transfer	From Wyatt to Charles Weekes of Burwood, gentleman	2a 0r 33p	v.243 f.100
29 Oct 1881	Cert of Title	Charles Weekes Wye	0a 2r 21¾p Lots 4 & 5 Sec 1 And Lots 1-20 of Sect 2	v.552 f.209
	Cert of Title	Charles Weekes Wye	0a 2r 21¾p	v.708 f.21
4 March 1889	Transfer	From Charles Wye Weekes to Agnes Adams, of the City of Sydney, widow	0a 1r 15p (Part of Lot 5)	v.914 f.244



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17 May 1911	Application by transmission	To James Adam of Lucknow India, engineer	0a 1r 15p (Part of Lot 5)	v.914 f.244
18 July 1914	Transfer	From James Adam to Willie Frederick Arthur Larcombe, Accountant, James Paul Larcombe, Accountant and Edith Elizabeth Pauline Larcombe, Spinster, all of Sydney, as Joint Tenants	0a 1r 15p (Part of Lot 5)	v.914 f.244
Sept 1935	Notification	Death of Edith Elizabeth Pauline Larcombe		v.914 f.244
5 Sept 1935	Transfer	From Willie Frederick Arthur Larcombe and James Paul Larcombe to Amy Gladys Larcombe. Wife of Willie Frederick Arthur Larcombe of Sydney Accountant		v.914 f.244
2 Dec 1935	Cert of Title LOT B	To Amy Gladys Larcomber, wife of Willie Frederick Arthur Larcombe, of Burwood Accountant	1r 21¼p	v.4729 f.136
18 Feb 1953	Cert of Title LOT A	To Amy Gladys Larcombe, of Burwood, widow	1r 27¼p (Purchases Lot A)	v.6629 f.218



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APPENDIX B:

State Heritage Inventory (SHI) form for 17 Ethel Street

Heritage Data Form

ITEM DETAILS						
Name of Item	House – 'Lansdowne', including interiors					
Other Name/s Former Name/s	Landour					
Item type (if known)	Built					
Item group (if known)						
Item category (if known)						
Area, Group, or Collection Name						
Street number	17					
Street name	Ethel Street					
Suburb/town	Burwood				Postcode	2134
Local Government Area/s	Burwood					
Property description	Lots A, B and 5 / DP 101675					
Location - Lat/long	Latitude	-33.882834		151.103 532		
Location - AMG (if no street address)	Zone		Easting		Northin g	
Owner						
Current use	Residence					
Former Use	Residence					
Statement of significance	<p>The subject site, known as 'Lansdowne', is of local heritage significance as an intact example of the larger country homes that gained popularity in the Burwood local area following the construction of the Sydney to Parramatta railway in 1855. 'Lansdowne' is representative of growth in the Burwood local area spurred by easier access between the expanding western suburbs and the Sydney central business district.</p> <p>'Lansdowne' was constructed in c. 1888-1890 and exemplifies characteristics of both the Victorian Italianate and Federation Arts and Crafts architectural styles including the use of an asymmetrical front façade, rounded arches, facebrick and roughcast render, and a hip and gabled terracotta tile roof with tall painted brick decorative chimneys and a Belvedere/belfry tower. It is noted that this compilation of</p>					

Heritage Data Form

	<p>styles is not typical and consequently uncommon within the Burwood local area. The house has some similarities to, and may have been inspired by, the works of famed Sydney architect, Edward Jeaffreson Jackson, who heavily influenced and contributed to the development of the Federation Arts and Crafts architectural style in the late 19th and early 20th centuries.</p> <p>The subject site has historical association with William Faithful's original 1810 land grant and both the Adams and Larcombe families who were longstanding owners of the property from the 1890s through to the 1980s. The Larcombe family are also noted as having consolidated the existing allotment of the site, which prior to 1935 existed as three separate lots (Lots 5, A and B).</p> <p>There is some potential for sub-surface archaeological remnants that may contribute a further understanding to the development of the local area, the subject site as a whole and the use of Lots A and B prior to 1953 of which historical research to date has uncovered little information.</p>	
Level of Significance	State <input type="checkbox"/>	Local <input checked="" type="checkbox"/>

Heritage Data Form

DESCRIPTION	
Designer	Unknown
Builder/ maker	Mrs Adams
Physical Description	<p>The subject site is bound to the south by Ethel Street, separated from the adjacent footpath by a low, brick and hedge fence with access into the site via two cast iron gates. The cast iron gates are located on each southern corner of the site aligned with the front gravel drive and turning circle. The front garden is comprised of manicured lawn, with hedge and tree plantings to either side of the turning circle.</p> <p>The main house has an irregular footprint and shape, with a primary frontage to, and setback from, Ethel Street. It was constructed in c. 1880-1890 utilising transitional architectural elements of both the Victorian Italianate and Federation Arts and Crafts styles; the house is constructed of exposed brick with roughcast rendering to the first floor, with a terracotta tile hipped and gabled roof featuring several tall painted brick chimneys with decorative corbelled tops and a protruding belvedere/belfry comprised of three timber-framed arch windows to each side.</p> <p>The primary asymmetrical façade to Ethel Street featuring combination of a projecting bay and a veranda is comprised of two main sections; the ground floor is exposed facebrick with rounded arches leading to a partially enclosed front veranda and arched window to the right (east), whilst the first floor is consists of roughcast rendering and a veranda supported on grouped timber slender posts and simply decorated brackets. Both the ground and first floor verandas are L-shaped and stacked above one another with first floor veranda featuring timber geometric pattern balustrade.</p> <p>The ground floor veranda is accessed via a set of timber steps which lead up to the front entrance through rounded archway. The front entrance to the house faces to the west, whilst multi-paned timber window with decorative stained glass facing out onto Ethel Street. This stained glass is utilised again in narrow tall windows to the right (east) of the rounded arches leading to the ground floor veranda providing daylight into the entrance hall of the house.</p> <p>The western elevation is comprised of both facebrick and roughcast render, fenestrated with double-hung sash windows to both the ground and first floors with protruding timber sills. A timber-framed doorway provides access from the kitchen out to the rear portion of the site but is not visible from the street. The eastern elevation is predominately comprised of facebrick, with recessed sections to the first floor rendered in the same roughcast visible to the south. This elevation, with the exception of stained glass windowpanes, features minimal decoration. To the north (rear) the facebrick is not visible and is instead comprised of roughcast render and timber weatherboard indicating that this section was likely extended prior to 1996. The ground floor consists of a series of timber-framed French-style doors which lead out to the rear garden and pool area and appear to be a later addition.</p>

Heritage Data Form

	<p>As stated above, the rear to the property consists of a paved patio, covered gazebo and barbeque area, fenced pool and manicured lawn. A four-car lock-up garage sits to the north-eastern axis of the site.</p> <p>The interior to the house is comprised of several rooms with kitchen, dining and living areas to the ground floor with bedrooms located on the first floor. The house is comprised of five bedrooms, two bathrooms, kitchen with adjacent formal dining area, connected formal living and lounge areas, rear laundry and living area, and entrance foyer dominated by a grand, polished timber staircase to the first floor. The interior has been refurbished and modernised, however many elements of period detailing which appear to be original including the staircase, stained glass in fanlight windows above some doorways, timber dado, cornices, decorative lighting fixtures and tiling above the bay windows to the formal dining area.</p>					
Physical condition and Archaeological potential	Good condition					
Construction years	Start year	1888	Finish year	1890	Circa	<input checked="" type="checkbox"/>
Modifications and dates	<p>1935: Lots 5 and B are consolidated by the Larcombe family</p> <p>1953: Lot A amalgamated into the site.</p> <p>1988: Works are approved and carried out related to the internal fitout of a new ground floor bathroom.</p> <p>1990: Works are approved and carried out related to the internal fitout of a new first floor bathroom. A new lightwell and belvedere/belfry skylight is constructed above the foyer.</p> <p>1991-1993: Rear gazebo and garage are relocated to their current positions. Internal works are approved and undertaken to extend the ground floor kitchen including the construction of a bricked pantry to the exterior of the house, relocation of the internal kitchen threshold and bricking up of the former doorway. A new swimming pool, secondary entry to the site from Ethel Street and circular driveway and hedge front fencing are approved and constructed.</p> <p>2008-2020: Minor internal works undertaken including painting.</p>					
Further comments	The house has similarities to the works of Sydney Architect Edward Jeaffreson Jackson, though direct involvement in the design or construction of the house is not confirmed.					

HISTORY

Historical notes	The grounds now incorporating Lansdowne were first granted to William Faithful in January 1810 and later transferred to Joseph Wyatt in 1869 then on to Charles Wye Weekes of Burwood in 1875.
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Heritage Data Form

The larger land grant was subdivided prior to 1881 when the certificate of title was transferred to Charles Wye Weekes, and the subject site was divided into three separate lots (Lots 5, A and B) with the primary part of the former estate (now comprising the house) becoming Section 1, Lot 5 of the former estate.

The subdivision plans for Woodstock House dated 1885, directly north-east to the subject site, identify the location of Lot 5 but appear to show that the land is undeveloped. Further, the Burwood Council Rates book for 1886 attributes Lot 5 as 'Waste land' under the ownership of J.W. Weeks, surveyor, with the only house situated along Ethel Street owned by Reverend Johnston. By 1890 however the house was present as seen in the advertisement for the auction of 'Nine splendid building sites fronting Burwood Road & Church St' (15th February 1890).

An obituary from 10 November 1902 for Robert Remington at the subject site, then known as 'Landour', suggests that Remington may have been one of the original tenants of the house during its ownership by Mrs Adams. Remington, along with his son of the same name, is listed in the Sands Directory as a resident of Ethel Street from c. 1888 through to his death in 1902. Remington was as a tea merchant at a property known as 'Killarney' though historical research to date suggests that this was separate to the subject site.

In 1914 the house was purchased by W Larcombe and subsequently renamed "Lansdowne". The Sands Directory and Burwood Council Rates and later Valuation books record both a Mrs Rebecca and WFA Larcombe as owner/occupiers of the property into the 1930s.

In 1935, Amy Gladys Larcombe purchase Lot B of the subject site, combining the allotment with Lot 5 to extend the rear garden. The 1943 aerial shows these two lots and the adjacent Lot A with an unknown property (now demolished) located centrally. Further information about this property in Lot A was not established.

According to the 1947 and 1950 Valuation books the house was occupied by a French Consul while owned by Mrs. Amy Gladys Larcombe. In 1953, Amy Larcombe purchased Lot A of the subject site's current allotment, combining the three lots for the first time since their subdivision prior to 1881. It is understood that the house remained a property of the Larcombe family until at least the early 1980s.

From 1985 through to 1993, several Building Applications were submitted to Burwood Council for works to the property on behalf of the Fleming family. In 1988 (BA 100-88) works associated with the addition of a new bathroom to the ground floor level were approved and carried out. Similarly, in 1990 (BA 249-90) a bathroom fitout was approved for the first floor along with the installation of a new lightwell and timber-framed belvedere/belfry (BA 342-90) which was subsequently constructed and remains extant. In 1991 (BA 202-91) the rear gazebo and garage were relocated to their current positions within the site, whilst a proposed extension to the ground floor was not undertaken.

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	<p>Also, in 1991 (BA 237-91) internal works were approved and undertaken to alter the access to the ground floor kitchen from the hallway by shifting the threshold and bricking up the former doorway. BA 237-91 also consisted of a single-wide extension to the existing kitchen to form a new bricked pantry adjacent to the dwelling's western elevation, and demolition of the existing pantry with access from the kitchen. Though the dividing wall between the former pantry and kitchen has been demolished, the works related to the new external pantry have not been undertaken.</p> <p>Construction of the swimming pool to the rear of the site was approved in 1991 (BA 409-91) and the existing circular driveway, front garden and hedged fencing fronting Ethel Street were approved in 1993 (BA 176-93). These works were later undertaken but it is unclear from the available historical information how long after approval they were constructed.</p> <p>The subject site has changed ownership four times since 1996, with its latest sale taking place via auction in July 2020. Images of the interior to the house available on Domain.com.au from October 2008 and July 2020 do suggest that some minor refurbishment works have taken place during this time, however historical research to date has not established the extent to which interior works have been carried out. However, it is noted that the northern elevation to the dwelling has been altered from its original form by the addition of the existing French-style doors which can be seen through comparison between the 1988 plans associated with BA 100-88 and the current floor plans provided by Realestate.com.au in July 2020.</p>
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THEMES	
National historical theme	<ul style="list-style-type: none"> - 4 Building settlements, towns and cities - 8 Developing Australia's cultural life
State historical theme	<ul style="list-style-type: none"> - Accommodation - Creative endeavour

APPLICATION OF CRITERIA	
Historical significance SHR criteria (a)	The subject site is of local historical significance as one of few remaining large country homes in the Burwood local area dating to the late Victorian and early Federation periods. It has association with William Faithful's 1810 land grant and later development of the local area along the Burwood Road following the introduction of the train line and Burwood train station in 1855. It is indicative of the development of larger country homes and estates by merchants and townspeople following the increased ease in travel between Sydney's growing suburbs and the central business district.
Historical association	The subject site has some association with the original 1810 land granted to William Faithful, tea merchant Robert Remington, and the Adams and

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significance SHR criteria (b)	<p>Larcombe families whom which the site was under the ownership for approximately 100 years collectively.</p> <p>Further, the subject site has some association with the Federation Arts and Crafts style highly popularised by architects such as Edward Jeaffreson Jackson during the late 19th and early 20th centuries. The design of the house is very similar to Jackson's known works. It is however noted that Jackson's direct involvement in the construction of Lansdowne could not be confirmed.</p>
Aesthetic significance SHR criteria (c)	<p>The subject site is highly intact and has aesthetic value with elements of both the Victorian Italianate and Federation Arts and Crafts architectural styles including the use of an asymmetrical front façade, rounded arches, facebrick and roughcast render, and a hip and gabled terracotta tile roof with tall painted brick decorative chimneys and a Belvedere/belfry tower. It is noted that this compilation of styles is not typical and consequently uncommon within the Burwood local area.</p>
Social significance SHR criteria (d)	<p>A social significance assessment of the site has not been undertaken. However, research undertaken to date has not indicated that the site has any strong or special associations with a particular community or cultural group.</p>
Technical/Research significance SHR criteria (e)	<p>The subject site was initially comprised of three separate lots (Lots 5, A and B) which were consolidated by the Larcombe family in 1953. Little historical information is known about Lots A and B prior to this time and their association with the historical development of the subject site or the adjacent Woodstock Park, Child Care and Community Centres (heritage item no. 139) located directly to the north. There is potential for sub-surface archaeological remnants that may contribute a further understanding to the development of the local area and the use of Lots A and B prior to 1953.</p>
Rarity SHR criteria (f)	<p>As identified above in Criteria C, the subject site is aesthetically uncommon in relation to its assemblage of styles, and occurrence within the Burwood local area; but does not otherwise demonstrate an uncommon process, activity, technique or the like sufficient to meet this criteria.</p>
Representativeness SHR criteria (g)	<p>The subject house known as 'Landsdowne' is not considered an exemplar of either the Victorian Italianate or Federation Arts and Crafts architectural styles separately; however, the house reflects elements of both styles and remains highly intact. It is a unique example of the types of larger country homes established in the Burwood local area during the late 19th and early 20th centuries following the establishment of the Sydney to Parramatta railway. The design characteristics of the house reflect the transition from Victorian architectural styles into the Federation architectural styles and is therefore representative of new technologies and materials, like terracotta roof tiling, that gained popularity at the time. It also has strong similarities with the houses designed by E. Jeaffreson Jackson showing landmark qualities of a well considered country house of this transitional period.</p>
Integrity	<p>The house has a high degree of both exterior and interior integrity and intactness.</p>

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HERITAGE LISTINGS	
Heritage listing/s	List on Part 1 of Schedule 5 of Burwood Local Environmental Plan (LEP) 2012

INFORMATION SOURCES				
Include conservation and/or management plans and other heritage studies.				
Type	Author/Client	Title	Year	Repository
Report	City Plan Heritage	Heritage Assessment	2020	Burwood Council

RECOMMENDATIONS	
Recommendations	<ul style="list-style-type: none"> List on Part 1 of Schedule 5 of Burwood Local Environmental Plan (LEP) 2012 The building should be retained and conserved. Additions/alterations to the primary façade (south) to Ethel Street should be avoided. Unsympathetic additions/alterations should be removed/replaced where possible. A Heritage Impact Statement should be prepared to accompany future development applications for works to assess the likely impacts of the proposed works on the identified heritage values of the item. A photographic archival recording, in accordance with Heritage Council guidelines, should be undertaken prior to any major changes. Demolition of the house is not acceptable.

SOURCE OF THIS INFORMATION			
Name of study or report	Heritage Assessment: 17 Ethel Street, Burwood	Year of study or report	2020
Item number in study or report	N/A		
Author of study or report	City Plan Heritage		
Inspected by	City Plan Heritage		

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NSW Heritage Manual guidelines used?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
This form completed by	City Plan Heritage	Date	November 2020

DRAFT

Heritage Data Form

IMAGES - 1 per page

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

Image caption	View north-east from Ethel Street towards the subject site showing the front garden, hedge and brick fencing, cast iron entry gate (west), gravel turning circle and primary façade to the main house.				
Image year	2020	Image by	City Plan Heritage	Image copyright holder	City Plan Heritage



Heritage Data Form

IMAGES - 1 per page

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

Image caption	View toward the primary (southern) and eastern elevations and gravel drive leading to the garage at the rear of the site.				
Image year	2020	Image by	City Plan Heritage	Image copyright holder	City Plan Heritage



Heritage Data Form

IMAGES - 1 per page

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

Image caption	Rear (northern) elevation to the main house showing sections of weatherboard extension and roughcast render.				
Image year	2020	Image by	Realestate.com.au	Image copyright holder	Realestate.com.au



Heritage Data Form

IMAGES - 1 per page

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

Image caption	View south-east from within the rear lawn towards the paved gazebo and western elevation of the main house.				
Image year	2020	Image by	Realestate.com.au	Image copyright holder	Realestate.com.au



Heritage Data Form

IMAGES - 1 per page

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

Image caption	View of the entrance foyer toward the grand staircase.				
Image year	2020	Image by	Realestate.com.au	Image copyright holder	Realestate.com.au



(ITEM 120/20) BURWOOD 150 YEAR STEERING COMMITTEE

File No: 20/53606

REPORT BY DIRECTOR COMMUNITY LIFE

Summary

This report provides an update on the establishment of the Burwood 150 Year Steering Committee, including the Draft Terms of Reference and nominations for community representatives for Council's consideration and adoption.

Operational Plan Objective

- 1.2 A well-informed, supported and engaged community.
- 1.4 A proud and inclusive community that celebrates diversity.
- 2.2 Strong partnerships to benefit the community.
- 5.3 Enhance and foster local identity.

Background

At the Ordinary Meeting of Council held on 23 June 2020, Council considered the *Notice of Motion - Sesquicentennial of the Municipality of Burwood* (ITEM NM4/20), and resolved as follows:

1. *Council supports the establishment of the 'Burwood 150 Year Anniversary Steering Committee', to include the Mayor as Chair or his delegate (as Chair) and two Councillors, and a member of the Burwood Historical Society, and a representative from the Metropolitan Aboriginal Land Council with other community member and stakeholder positions to be filled through an Expression of Interest nomination process.*
2. *The General Manager conducts an assessment of financial and resourcing implications for the set up and activities of such Committee and presents a report to Council at its July 2020 meeting.*

At the Ordinary Meeting of Council held on 28 July 2020, Council received a subsequent report (ITEM 44/20) in relation to the resourcing implications associated with the set up and activities of the Burwood 150 Year Anniversary Steering Committee, whereby it was resolved that Council:

1. *Nominates the Mayor as Chair of the Burwood 150 Year Anniversary Steering Committee.*
2. *Nominates Councillor Heather Crichton as a standing member of the Committee and Councillor Lesley Furneaux-Cook as an alternate member in the absence of Councillor Heather Crichton.*
3. *Allocates a budget of \$5,000 in 2020/21 and also the staff resources and other in-kind support outlined in this report.*
4. *Authorises the General Manager to organize a meeting of Mayor and nominated Councillor/s with relevant staff to determine preferred action plan for seeking expressions of interest from community members and related groups.*
5. *Requests a comprehensive report on recommended programs and cost estimates at the May 2021 Council meeting.*

This report outlines the Expressions of Interest process undertaken and recommendations for community representatives on the Burwood 150 Year Steering Committee. It also presents the Draft Terms of Reference for the Committee for adoption by Council.

Proposal

The Burwood 150 Year Steering Committee has been established to provide a forum for Council to engage with and obtain feedback from the community to support the planning and delivery of the Burwood 150 Year Anniversary Program to take place in 2024.

The Committee will:

- Act as an advisory body to Council by providing input and advice on celebratory ideas, projects and festivities to mark the anniversary and inform Council funding allocations for these future initiatives.
- Actively collaborate in the planning and delivery of the Burwood 150 Year Anniversary Program and associated activities.
- Monitor the implementation of activities rolled out to acknowledge and celebrate Burwood's 150 Year Anniversary.

Nominations from community representatives to join the Burwood 150 Year Steering Committee were open during November 2020. Nominations were invited via a public Expressions of Interest process, which was promoted widely using the following methods:

- The nomination form and Draft Terms of Reference were made available on the Council website.
- Promotion through Council's social media channels, Burwood Council e-news and Burwood Library e-news.
- Distribution via email to Council Committees and local interagency networks, including the Multicultural Advisory Committee, Youth Advisory Committee, Families NSW Interagency, Ageing Sector Interagency, Inner West Disability Forum, Youth Alliance, Police and Principals Forum, Inner West Multicultural Interagency and the Local Chapter of Australians for Native Title and Reconciliation (ANTaR).
- Distribution via email to Council's Community Grants Database and community organisations located within the Burwood LGA.
- Targeted approaches to local history groups, including phone calls and meetings.

Membership of the Burwood 150 Year Steering Committee

In accordance with the Draft Terms of Reference and previous resolutions of Council, membership of the Committee includes:

- The Mayor or another Councillor delegate appointed by the Mayor who will represent Council as Chairperson.
- Councillor Crichton who will represent Council as a member of the Committee.
- Councillor Lesly Furneaux-Cook who will be an alternate Councillor delegate appointed to attend if Councillor Crichton cannot attend a meeting.
- One representative each from the Burwood Historical Society and the Metropolitan Aboriginal Land Council.
- Up to seven (7) community representatives nominated via an Expression of Interest process.
- In addition, Council Officers will attend meetings as non-voting members to assist the work of the Committee.

The Committee will operate from early 2021 until the conclusion of anniversary activities in 2024. Should a Committee member forfeit or discontinue their role on the Committee, an Expression of Interest process may be opened for new committee members in the future.

To be eligible as a community representative, applicants must meet the following selection criteria:

1. Reside, work (in a paid or voluntary capacity) or have an interest in the Burwood Local Government Area.
2. Have demonstrated knowledge and experience in the planning and delivery of community projects, activities or events.
3. Have demonstrated knowledge, expertise and/or appreciation of Burwood's local history and identity.
4. Be available to attend meetings and demonstrate a willingness to volunteer time to work on 150 Year Anniversary activities.
5. Undertake to collaborate and engage with the local community in relation to 150 Year Anniversary activities.

Nominations Received for the Committee

Upon closure of the Expressions of Interest process, twelve (12) nominations were received for community representatives on the Committee. All nominations were reviewed against the selection criteria by a panel of Council staff, and all applications were found to be successful in meeting the selection criteria. The applications were further assessed and ranked to determine those applicants who most strongly meet the selection criteria (the Panel Ranking Assessment Scoresheet has been circulated under separate cover as a confidential item related to this report).

Given the level of community interest and in order to maximise community participation and involvement on the Committee, the number of community representatives has been amended to include up to seven (7) community representatives in the Draft Terms of Reference included under Attachment 1.

Committee membership is required to be formalised by a resolution of Council. It is therefore recommended that Council approve the nominations of the following community members to the Committee:

1. Susan Borel
2. Justine Ann Channing
3. Claire Boskett
4. Dennis Quinlan
5. Jack Karnaghan
6. Andrew Anderson
7. Li Hua Chu

In addition to the above, Cecily Gray has been nominated as the Burwood Historical Society representative on the Committee. Council has been advised that the Metropolitan Aboriginal Land Council is currently operating at a reduced capacity and confirmation of their nominated representative is not likely to occur until early 2021.

Applicants represent a broad cross-section of the community and offer a diverse range of experience, knowledge and expertise. It is recommended that the five unsuccessful applicants be placed on an eligibility list should a position on the Committee become vacant. Council will also make contact with unsuccessful applicants to explore alternative ways for them to become involved in future sesquicentenary initiatives.

Consultation

There are no further consultation processes associated with this report. The Committee will provide an ongoing forum for Council to engage with and obtain feedback from the community to support the planning and delivery of the Burwood 150 Year Anniversary Program to take place in 2024.

Planning or Policy Implications

The Committee will be conducted in accordance with its Terms of Reference, once adopted.

All Council Committees and members are expected to comply with Council's Code of Conduct and related policies. All Committee members will be provided with brief induction training upon the commencement of their term.

Council staff will attend meetings as non-voting members to assist the work of the Committee and provide administrative support to ensure the appropriate governance requirements and protocols are followed.

Financial Implications

Council has allocated funding of \$5000 in the Operational Budget 2020/21 for the administration and operation of the Committee. Members of the Burwood 150 Year Steering Committee are voluntary and not remunerated for their role on the Committee.

The Committee will provide key inputs into the recommended programs and cost estimates to be reported to Council in May 2021.

Conclusion

The Burwood 150 Year Anniversary Steering Committee will play a critical role in ensuring that an inclusive and appropriate program of activities takes place in 2024 to mark the 150th anniversary of the formation of the Burwood Municipality. It is recommended that Council adopt the Draft Terms of Reference and appoint the nominated community members listed in this report to the Burwood 150 Year Steering Committee.

Recommendation(s)

That Council:

1. Adopts the Draft Terms of Reference for the Burwood 150 Year Steering Committee (included in Attachment 1).
2. Adopts the community representatives listed in the report for membership on the Burwood 150 Year Steering Committee.
3. Advises all applicants in writing of the outcome of their nomination and places unsuccessful applicants on an eligibility list should a position on the Committee become vacant in the future.

Attachments

1. [1](#) Burwood 150 Year Anniversary Steering Committee - DRAFT Terms of Reference
December 2020

8 CONDER STREET, BURWOOD, NSW 2134
PO BOX 240, BURWOOD NSW 1805
TEL: 9911 9911 FAX: 9911 9900
WEBSITE: www.burwood.nsw.gov.au



Burwood 150 Year Anniversary Steering Committee DRAFT TERMS OF REFERENCE

Purpose

The Committee has been established to provide a forum for Council to engage with and obtain feedback from the community to support the planning and delivery of the Burwood 150 Year Anniversary Program to take place in 2024.

The Committee will:

- Act as an advisory body to Council by providing input and advice on celebratory ideas, projects and festivities to mark the anniversary and inform Council funding allocations for these future initiatives.
- Actively collaborate in the planning and delivery of the Burwood 150 Year Anniversary Program and associated activities.
- Monitor the implementation of activities rolled out to acknowledge and celebrate Burwood's 150 Year Anniversary.

Membership

Membership of the Committee will consist of:

- The Mayor or another Councillor delegate appointed by the Mayor who will represent Council as Chairperson.
- A Councillor nominated by Council who will additionally represent Council as a member and an alternate Councillor delegate appointed to attend if the other Councillor cannot attend a meeting.
- One representative each from the Burwood Historical Society and the Metropolitan Aboriginal Land Council to be appointed to the Committee.
- Up to seven community representatives nominated via an Expression of Interest process. All nominations will be assessed by an internal panel of Council staff and recommendations made to Council. Committee membership will be formalised by a resolution of Council.
- Council Officer(s) will attend meetings as non-voting members to assist the work of the Committee.

Selection Criteria

Applications for community representatives will be assessed in accordance with the selection criteria below.

Applicants must:

1. Reside, work (in a paid or voluntary capacity) or have an interest in the Burwood Local Government Area.
2. Have demonstrated knowledge and experience in the planning and delivery of community projects, activities or events.
3. Have demonstrated knowledge, expertise and/or appreciation of Burwood's local history and identity.
4. Be available to attend meetings and demonstrate a willingness to volunteer time to work on 150 Year Anniversary activities.
5. Undertake to collaborate and engage with the local community in relation to 150 Year Anniversary activities.

Recommendations for appointment of community representatives to the Committee will be submitted to Council for approval.

Meeting Attendance and Duration

The Committee has been established by Council to support the development, implementation and evaluation of the Burwood 150 Year Anniversary Program. The Committee will operate from 2021 until the conclusion of anniversary activities in 2024.

Committee members are expected to attend all Committee meetings where possible. If a member is unable to attend, an apology is to be provided to Council prior to the meeting. A Committee member who fails to attend two (2) consecutive meetings without submitting an apology will forfeit his/her place on the Committee.

Should any Committee members need to discontinue their role on the Committee, previous applicants found to be eligible in meeting the criteria will be invited to join the Committee or an Expression of Interest process may be opened for new committee members where required.

Meetings and Conduct of Business

- a. Meetings shall be held in accordance with the meeting schedule developed at the first meeting of the Committee. The Committee will meet quarterly. An extraordinary meeting may be called where circumstances warrant.
- b. Meeting agendas shall be compiled by the Executive Assistant to the Mayor listing all items of business and must be issued to 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. Meetings may also be held via online platform(s) where required.

ITEM NUMBER 120/20 - ATTACHMENT 1

Burwood 150 Year Anniversary Steering Committee - DRAFT Terms of Reference December 2020

- d. Recommendations at meetings will generally be by way of consensus. In the event that an agreement cannot be reached, the recommendation will be decided by a simple majority of Committee Members present.
- e. Committee members must adhere to Council's Code of Conduct. Committee members will receive relevant information to assist them to meet their Committee responsibilities.
- f. Technical experts, specialists and other Council Officers may be invited to attend meetings to provide advice to the Committee when required.

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 of the Committee are to be submitted to the first available Ordinary Meeting of Council.

Review

The Terms of Reference will be reviewed on an annual basis and may be altered at any time by a resolution of Council.

(ITEM 121/20) REVISION TO CODES AND / OR POLICIES CONCERNING SOFT LANDSCAPING REQUIREMENTS

File No: 20/46638

REPORT BY DIRECTOR CITY STRATEGY

Summary

Investigation into the revision of soft landscaping requirements for residents who have additional needs or mobility requirements and cannot practically comply with current soft landscaping requirements has been undertaken.

Operational Plan Objective

1.1.1 Provide a diverse range of strategies and initiatives that meet the needs of the community.

Background

This is a response to Notice of Motion NM2/20 and Information Item IN28/20. In regards to Notice of Motion NM2/20 Council at its 24 March 2020 meeting resolved:

1. *That the General Manager investigate possible changes to relevant codes and/or policies to allow the 30% requirement of soft landscaping at the front of a property to include alternative vegetation options for residents with a disability or special needs.*
2. *That the General Manager investigate revising clauses in the relevant codes and/or policies to allow exemption or variation from soft landscaping requirements at the front of a property under extenuating circumstances for residents with a disability or special needs.*
3. *That the General Manager report back to Council with the results of the investigation and recommended actions.*

An Information Item report IN28/20 to the above was brought to the August 2020 Council Meeting where it was detailed:

The Burwood Council documents will be undergoing revisions as part of the upcoming Burwood Local Environmental Plan (BLEP) amendment process over the next six months.

Subsequently, Fiona Yeates Consulting was engaged to undertake a review of the Burwood Development Control Plan (BDCP) in regards to soft landscaping requirements. This was undertaken to identify alternative solutions which would fulfil the objectives of the design outcomes but permit a lesser soft landscaping coverage.

A review of other Local Council DCPs has also occurred in an attempt to identify specific landscape design provisions regarding accessibility for people with disability.

The BDCP currently has controls relating to soft landscaping and access requirements at the following section:

- Part 4 – Development in Residential Areas:
 - Section 4.5 - Dwelling Houses, Attached Dwellings, Semi-Detached Dwellings and Ancillary Structures

Proposal

Based upon the findings of the investigation, no amendment to the BDCP in relation to soft landscaping is proposed. The intent of Notice of Motion NM2/20 can be achieved through current operation of the BDCP and the use of merit based assessment of each application taking into account alternative design measures put forward by the applicant. It is proposed that assessing officers continue to rely upon a merit based approach to the assessment of future application for modifications to existing dwellings or new dwellings, which includes specific provisions to achieve universal by design access.

By way of background, the current 30% soft landscape provision is part of a suite of measures which seek to support the objectives for landscaped areas outlined under the section 4.5 of the BDCP. The design provisions which seek to promote high quality landscape design in development which is complementary to established dwellings and neighbourhoods.

The BDCP is further supplemented by the Landscaping Code, which includes a more detailed design approach regarding new landscape works. This includes 'Universal Design' standards intended to promote accessibility for all users. This provides guidance regarding path widths, gradients and visual aids offering a useful tool for applicants should they have any additional accessibility needs.

These documents provide a good basis to provide guidance to future applicants regarding landscape outcomes required for new or existing dwellings. In addition it provides a good framework to officers to assess such applications.

A peer review of similar landscape provisions adopted by other Councils has not identified any specific provisions which allow variation from typical landscape requirements in response to an applicant's or end user specific needs. However, most others Councils have similar landscape design standards to Burwood Council. In that they seek to achieve good quality design outcomes, supported by technical specifications across a number of matters including universal design standards.

Whilst methods for calculating and controlling landscaped areas in residential developments vary among Councils; Based upon the review there is very limited provision within other Councils' DCP controls to make exemptions or exclusions for landscape areas in response to additional accessibility requirements.

Policy testing has also been undertaken to consider how revised landscape policy might be worded. This has shown the difficulty in developing an equitably worded policy that fairly considers the range of additional requirements that might be present in the community, without exposing it to being inappropriately applied on other circumstances.

It was found to be unequitable to identify a specific group which might have access to a reduced landscape requirement. Even making broader reference to people with accessibility might exclude those with other needs from taking benefit of the revised policy.

It has also proven difficult to establish a fair protocol to confirm that all claims for a landscape coverage relaxation based upon individual additional needs are genuine and on-going. This is to ensure that any amended policy be appropriately applied and not used in stealth to achieve increased hard-standing for car parking as an example.

In conclusion to this analysis, it is considered appropriate to continue to rely upon the current BDCP provisions for landscaped areas and the additional advice regarding 'Universal Design' standards held in the Landscaping Code. This should provide the design advice necessary to support members of the community with a range of additional needs.

However, this review has highlighted a need to be sensitive to individuals or groups with alternative needs. This might mean adopting a flexible approach across a range of design outcomes outlined in the BDCP, not exclusive to landscape requirements.

In response to this, a merit based assessment approach can be undertaken by the assessing officer which balances the requirements of the BDCP and the alternative design solutions offered by the applicant. Specific to current 30% soft landscape provision in the BDCP, this might result in the relaxation of the coverage standard justified by additional shade tree planting, high quality paves for hardstand or similar alternative design responses.

The investigation undertaken by Fiona Yeates Consulting (attached) provides an outline of these alternative design responses. This might include alternative landscape planting, enhanced shade tree coverage, use of pavers to reduce the visual dominance of hard standing and avoidance of expansive hardstand without visual relief. The report discusses alternative design outcomes, materials and solutions that could be applied to allow a balance between environmental and additional accessibility requirements for individual residents.

As an interim measure, it is proposed that Council Assessment Officers be briefed on the content of the document to improve awareness and understanding of alternative landscape design solutions.

It is likely that some of the alternative landscape design outcomes need to be considered in the context of the upcoming comprehensive BLEP and BDCP review. This would be part of a review of landscape design outcomes for all forms of development, not exclusive to single dwellings.

It is proposed to consider these recommendations as part of the review of the general landscaping controls in the comprehensive BDCP review.

Consultation

Consultation in the form of a public exhibition will take place for the future comprehensive review of the BDCP. This will be done in accordance with Council's Community Participation Plan and the Environmental Planning and Assessment (EP&A) Regulation 2000.

Planning or Policy Implications

A comprehensive review of the BDCP is planned to take place as part of the comprehensive LEP review and it will incorporate the findings of the investigation undertaken above.

Financial Implications

There are no financial implications.

Conclusion

Investigation has been undertaken and the Intent of Notice of Motion NM2/20 can be achieved without amendment to the BDCP. It is considered appropriate to manage the provision of soft landscaping and the need to provide universal by design access through a merit based approach to application assessment.

The investigation has identified alternative landscape design recommendations, which could be used to improve landscape design outcomes for all forms of development. These recommendations would be taken into consideration as part of the review of the general landscaping controls in the comprehensive BDCP review.

Recommendation(s)

1. That Council note the contents of this report and investigation undertaken,
2. Council Assessment Officers be briefed on the findings for the DCP soft landscaping review report in relation to alternative landscape design outcomes,
3. That Council note a comprehensive BDCP will consider the findings of the DCP Soft Landscaping Review and need for additional landscape design provisions.

Attachments

- 1 [!\[\]\(511a36c244659513b679df9c639945de_img.jpg\)](#) Fiona Yeates Consulting Development Control Plan Soft Landscape Review

BURWOOD COUNCIL DEVELOPMENT CONTROL PLAN SOFT LANDSCAPE REVIEW

Prepared for: Burwood Council
Date: November 2020

Prepared by:

F I O N A Y E A T E S Consulting Pty Ltd



LANDSCAPE ARCHITECTURE
URBAN DESIGN

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 - 7.2.2 Landscaped Areas
- 8.0 CONCLUSION**

1.0 INTRODUCTION

Council has recently received representation from a number of Burwood LGA residents who are elderly or have a disability and found it impractical to comply with the 30% soft landscaping and access requirements at the front of their homes.

Specifically residents who are being driven to and from medical appointments by patient transport services are finding the soft landscaping requirements for the front of their property prohibitive to exit the property and access the ambulance without physical assistance, even when the vehicle is parked within their driveway.

To support the residents experiencing these difficulties and to assist them to continue to enjoy and remain in their property and maintain their independence, this report will investigate alternatives to vegetative options to achieve the intent of the Burwood Council Development Plan (BDCP) controls. The assessment of the soft landscaping controls is primarily for simple alterations and additions rather than new builds, with a focus on the opportunity for 'age in place' objectives to be considered and met through the review of alternative design solutions. Where a disability or special needs are identified and proven and alternative outcomes are not achievable, the introduction of exemptions or variations to the current codes may be explored.

1.1 Purpose of the Report

In response to a Council Notice of Motion – Revision to Soft Landscaping Requirements, the purpose of this report is to;

1. Investigate possible changes to relevant Burwood Council codes/ and or practices to allow the 30% requirement of soft landscaping at the front of a residential property to include alternative options for resident with a disability or special needs.
2. Investigate revising clauses in the relevant codes and/ or policies to allow exemption or variation from soft landscaping requirements at the front of a property under extenuating clauses for resident with a disability or special needs; and
3. Provide the background report to enable the General Manager to report back to Council with the results of the investigation and recommended actions.

2.0 REVIEW OBJECTIVES

- To identify **potential access requirements** for residents with a disability or special needs when entering or leaving their property, including accessing vehicles/ patient transport either within or at the front of their property.
- To identify the **controls & objectives** which guide the front garden soft landscaping provisions.
- To identify **alternative** means of achieving the objectives of the development controls through a review of alternative solutions and potential materials.
- To suggest **recommendations and revisions** to the codes or policies to assist those residents with a disability or special needs to remain independent and continue residing at home whilst meeting the planning, environmental and community responsibilities of Burwood Council.

3.0 ACCESS REQUIREMENTS

Design provisions and controls for access to residential dwellings should consider all ages and abilities. Specific access & landscaping requirements may need to be considered at the planning and design stage in order to meet requirements for the elderly who would prefer to age in place or residents with disabilities and special needs.

Specific to this report hard paved areas may need to be increased to accommodate

- Accessible ramps and landing lengths and balustrades etc to eliminate stairs, both from the front of the property and the car space/ driveway if required;

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- Wider car spaces/ parking areas/ carports to allow clear pedestrian access alongside parked cars;
- Larger accessible car spaces with generous circulation spaces around the perimeter for resident and/ or patient transport;
- General ramps and paths to access the front garden for resident amenity, gardening, mailbox etc; and
- Provision for personal mobility device.

The provision of these may impact or may not be able to meet the current standard landscape planning controls and provisions for achieving the 30% soft landscaping at the front of a residential property. Under the definitions of the BDCP hard paved areas are not part of the 30% soft landscaping ratio.

4.0 PLANNING CODES, POLICIES, STANDARDS & GUIDELINES

Burwood Council has codes and policies that provide a framework of detailed provisions to guide and assist the community and the development industry through the development assessment process. These provisions help maintain and enhance the quality of the natural and built environments in the Burwood LGA and aim to improve the environmental and social sustainability of the development.

Burwood Council has also prepared the Disability Inclusion Action Plan 2017-2021 which details the strategies and actions that Council will take to make Burwood a more inclusive place for people with a disability. This combined with disability legislation, standards and guidelines lead the design decisions when planning and designing for mobility and access.

Burwood Council codes, policies and guidelines that contribute to the assessment and revision of the soft landscaping requirements in this report are:

Burwood Council Operational Plan 2019- 2020
Burwood Development Control Plan
Burwood Landscaping Code
Burwood Council Disability Inclusion Action Plan 2017-2021

Disability legislation, standards and guidelines considered when assessing accessibility requirement include:

AS 1428 Design for Access and Mobility
Disability and Discrimination Act
Livable Housing Design Guidelines
NDIS Specialist Accommodation Design Standard

4.1 Burwood Council Current Planning Controls

4.2 Burwood Council Operational Plan 2019-2020

The Operational Plan addresses all the strategic goals identified by the community during the Burwood 2030 Community Strategic Plan consultation. Within Community and Lifestyle the plan identifies the following objective:

1.1.1 Provide a diverse range of strategies and initiatives that meet the needs of the community.

The review of the soft landscaping controls will contribute to addressing this objective in responding to monitoring, reviewing and developing programs to assist diverse groups in the community specifically seniors and people living with a disability.

4.3 Burwood Development Control Plan

The definitions relevant to this review include:

Landscaped Area as defined by the BDCP and LEP means a part of a residential site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

It is assumed for this report 'soft' landscaping has the same meaning as Landscaped Area.

It is noted within Part 4 Development Residential Areas, Residential Flat Buildings in R1 Zone and Multi Dwelling Housing, the BDCP references a Landscaped Area to include all pervious surfaces, open space at ground level and open space with a minimum dimension of 1m.

Built Area Built Area is determined to be the total floor area of all buildings relative to the area of the allotment of land expressed as a percentage. The calculation of Built Area shall be taken from the external face of walls (i.e. includes wall thickness) and includes the area of each floor or storey balconies, verandahs and the like, whether covered or uncovered, open or enclosed garages, carports and covered car parking (except basement car parking) and outbuildings. Built Area excludes outdoor swimming pools, paths and exterior driveways.

4.3.1 The BDCP Soft Landscaping Requirements

The objectives and provision for the 'soft' landscaping requirements in residential areas are identified in *Part 4 Development in Residential Areas, Section 4.5 Dwelling Houses, Attached Dwellings, Semi-Detached Dwellings and Ancillary Structure*.

The **Aims** of Part 4 are:

- Ensure that new development within the Burwood LGA adopts good urban design principles.
- Ensure the maintenance of a safe locality and pleasant environment for the long-term benefit of all residents in Burwood.
- Provide attractive streetscapes by ensuring that the proposed building work integrates with surrounding development.
- Ensure that new building work is visually compatible with the existing or identified future character of the locality.
- Provide for the privacy and boundary definition of individual properties whilst maintaining the open landscaped appearance of streets in the area.

To achieve these Aims, the **Development Controls, Objectives and Provisions** specifically relevant to this review of landscaping at the front of a residential property include:

4.3.2 Development Controls

4.3.3 Setbacks

Objectives

- O1 To ensure that new single dwellings or alterations to existing single dwellings are of consistent scale and maintain the character of existing development in the street.

Provisions

- P1 Single dwellings must comply with the minimum setback requirements as per the following:

Front Setback

- (ii) Single Storey - Average of localised existing building line.

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P4 Single dwellings must provide setbacks that are consistent with the existing setback.

4.3.4 Floor Space Ratio and Built Area

Objectives

O3 To provide for a site layout that gives usable open area and a building form that is compatible in size with the surrounding areas.

Provisions

P2 The maximum Built Area is 67%

4.3.5 Landscaped Areas

Objectives

O1 To ensure functional private outdoor spaces are provided for residents.

O2 To encourage the preservation and integration of existing trees and natural features into the design of new development.

O5 To help minimise stormwater runoff.

Provisions

P1 A minimum 30% of the front setback (i.e. front yard) is to consist of soft landscaping.

P3 Paved or hard surfaces must be kept to a minimum and shall incorporate appropriate drainage to control water runoff and avoid nuisance to adjoining properties. Paving materials must be selected to blend with both building materials and plantings.

P4 Where practical, new structures must be positioned to provide for the retention and protection of existing significant trees and other natural features.

P5 Cutting and filling is to be minimised as far as practicable. Fill material must be clean fill only and placed in such a manner so as not to disturb existing trees that are to be retained. The maximum permitted depth of fill on a site is 500mm.

P9 The siting of new buildings, structures, driveways and other hard surface areas must take into consideration impacts on the root zone of existing trees.

P13 Aboveground rainwater tanks must not be installed in the front setback. Consideration will be given to underground rainwater tanks in the front setback.

4.3.6 Drainage

Objectives

O1 To ensure that new development does not result in flooding issues on the site or adjacent properties.

Provisions

P3 New hard paved surfaces must be kept to a minimum to prevent stormwater runoff.

P8 Soft landscaping and pervious surfaces must be maximised on the site.

4.3.7 4.6 Transport and Parking for Residential Developments

Objectives

O1 Ensure the appropriate provision of secure and accessible parking supply to meet the needs of users in the residential zones.

O4 Require a broader assessment of transport, traffic and parking factors in the Development

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- Application process.
- O5 Ensure the design of parking areas of developments meets appropriate criteria for vehicular and pedestrian safety and personal security, and the needs of people with disabilities, and provides appropriate facilities for cyclists and pedestrians.
- O7 Manage the impacts of impervious surfaces and the excavation of basements for residential developments and provide greater opportunity for deep soil planting.

Provisions

- P2 Compliance with Australian Standards: The design and construction of on-site:
- Parking areas and parking spaces
 - Service and loading/unloading areas
 - Access to, from and within these facilities are to comply with the applicable Australian Standards. These Standards cover a range of technical requirements including design elements, dimensions, gradients, headroom, curves, delivery and service areas, and special requirements for people with disabilities.
- The applicable standards are the most recent versions (at the time of the application) of:
- AS 2890.1 Part 1: Off-street car parking.
 - AS 2890.6 Part 6: Off-street parking for people with disabilities.
 - AS 1428.1: Design for access and mobility.
- P3 Other requirements for single dwelling houses and development involving two dwellings on one allotment in Residential zones:
- Paving of vehicular access ways and car parking spaces must be kept to a minimum to maximise soft landscaping and minimise stormwater runoff.

4.4 Access and Mobility Requirements

AS 1428 Design for Access and Mobility

This standard sets out the minimum technical design requirements for new building works to enable access for people with disabilities.

Design standards impacting this review of soft landscaping requirements may include:

- Specifications for paths including gradients, widths, for pedestrian mobility including wheelchairs

AS 2890 Parking facilities Part 6: Off Street parking for people for disabilities

This standard sets out the minimum technical design requirements for parking for people with disabilities.

Design standards impacting this review of soft landscaping requirements may include:

- Layout requirements for parking and requirements for vehicular access to those spaces.

These should be taken into account when assessing controls for the provision of soft landscaping. Providing for and meeting these standards may result in a considerable increase in the required area of hard surface in residential front gardens.

For example:

Average car space dimensions

The average residential car space size is approx. 3m x 5.4m = 16.2m²

The average accessible car space ranges between 3.2m x 5.4m = 17.28m² and 3.8m and 5.4m = 20.52m² – An increase of between 6.6% to 26.6% hard surface.

Change in grade – stairs

For every average external stair 150mm riser x 300mm tread an accessible ramp would need between 4 – 7 times length and be a minimum of 1000mm – 1200mm wide.

4.5 Burwood Council Disability Inclusion Action Plan 2017 - 2021

This Plan 'details the strategies and actions that Council will take to make Burwood a more inclusive place for people with a disability'.

The strategies and actions identified in the plan are to be used as part of Council's integrated planning and control measures. The report identifies that to create livable communities 'homes and community facilities need to be accessible to all people'. Council's vision is for Burwood to be an accessible environment for people with a disability with inclusive event and activities. Strategies and actions to achieve this include 'Encourage increased support of adaptable, affordable and livable housing for people with a disability,' and 'Consider the requirements of the Livable Housing Design guidelines in future iterations of the Control Plan in accordance with the Apartment Design Guide'.

These strategies and actions provide the support for this report in reviewing the existing controls for the soft landscaping ratios.

5.0 DISCUSSIONS & ALTERNATIVES

The Controls for the soft landscaping ratio to the front gardens of residential areas are set to achieve a balance between

- Continuity of landscaped setback and garden character of the streetscape;
- Providing an area of hard surfaces for paths, driveways and spaces for user amenity; and
- Maintaining a percentage of permeable landscaped area to reduce run off and allow infiltration.

Currently the BDCP controls set the requirement for soft landscaping at 30%. Whilst considering the objectives of the BDCP aims and objectives a review of alternative design solutions and possible materials has been undertaken specifically for aging and mobility, disabled or special needs residents in mind. Because of the large range of design situations which may need to be considered, alternatives should provide for a range of solutions and budgets, and considered in isolation or in combination.

Alternatives may include:

1. Alternative surface/ vegetation solutions; and
2. Variations to ratios through alternative design solutions.

5.1 Design objectives:

In the review of alternative solutions the following design objectives have been considered:

- Designs should aim to minimise areas of hard landscape;
- Materials should include a preference for unit paving with contrasting textures, unit sizes or materials to visually break up the expanse of hardscape;
- Designs should avoid large areas of single colour, flat unbroken surfaces/ driveway areas;
- Inclusion of contrast edge treatment to provide interest to hardscape areas;
- Design solutions where removal of selected existing hard paved areas provide for opportunity to replace paved areas which better provides for the resident to enable the solution to meet the 30% soft landscaping provision; and
- Preference for a 'greener' look provided accessibility requirements are met.

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Design Objective Examples:



Image 1: Paved areas minimised, use of unit pavers, balanced with garden areas



Image 2: Avoid large expanses of single colour flat paved areas



Images 3 & 4: Driveways should include areas of soft landscape to visually reduce the extent of hard surface and to increase permeability



Image 5: Avoid large expanses of continuous unbroken material



Image 6: Avoid extensive use of wide long paved driveways



Image 7: Small units and variance in tone visually reduce areas of paving



Image 8: Combine permeable and standard pavers



Image 9: Permeable alternatives for pathways

5.2 Alternative Surface/ Vegetation Solutions

To compensate for any adjustment/ reduction to the 30% 'soft' landscape ratio and to provide adequate surfaces accessibility, alternatives were considered for;

- Permeability characteristics similar to 'soft' landscaping; and
- Surface requirements for resident accessibility and vehicular parking.

Consequently, alternative material options for accessible paths need to be a hard, reasonably smooth surface and/ pervious. Pervious paving options may include the following:

5.2.1. Pervious Paving Options

POROUS PAVERS

Material/ Description

- Porous paving allows water to travel through the paver through voids. The entire surface is porous.
- High porosity.
- Typically composite crushed stone or ceramic material is bound together with strong clay-binding agents. Installed using standard paver laying techniques.
- Requires a good sub base to allow permeability through to the subsoil.
- For long term efficiency periodic suction cleaning is required to remove accumulated fine particles.
- Suitable for vehicular driveways & paths.

Example/ Supplier: Premier Pavers & Stone



Image 10: Porous paver example Premier Hydropavers

Description:

Composition: 100% ceramic pavers, manufactured from recycled ceramic material (zero raw material extraction)

Uses: Roads, parking areas, driveways, footpaths and patios.

Permeability rate: 25mm/ minute.

Sizes: Range of sizes and thicknesses

Colour: Charcoal, dark grey, silver, sand

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5.2.1. Pervious Paving Options (Cont.)

PERMEABLE PAVING/PAVERS

- Standard fabricated pavers shaped to facilitate a water permeable gap between each paver. Pavers/ pavers designed for the water to permeate into the subsoil around/ between the pavers through a sand or gravel medium. The paver itself is not actually porous.
- Medium porosity
- Voids filled with sand or soil infill can compact over time and lessen permeability efficiency.
- Suitable mainly for driveways
- Generally not suitable for accessible paths

Examples/ Supplier: Abdri Masonry



Image 11: Permeable paving example Ecotrihex

Product: Ecotrihex
 Composition: Concrete aggregate
 Use: Roads, car parks, driveways, footpaths
 Colours: Oatmeal, natural charcoal
 Size/ shape: 18mmL x 92mmD x 60mmH, interlocking paver

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5.2.2 Variations To Ratios Through Alternative Design Solutions

A relaxation of the codes may be considered where the access requirements for a resident cannot meet the 30% soft landscaping requirement. These alternatives may include:

- Consideration of certain paved areas as 'soft' landscape to allow for reasonable additional access requirements by the resident. Examples may include:
 - The 'additional' width the required to a standard driveway width to allow accessibility to, from or past a parked vehicle up to 1200mm in diameter. An entry/ circulation path up to the width of 1200mm to allow for accessibility to and from a residence; and/ or
 - Access ramps to a width of 1200mm

6.0 OTHER COUNCILS & PRECEDENTS

Landscaped areas are generally defined by most Councils within their LEP and DCP as a part of a residential site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

Methods for calculating and controlling landscaped areas in residential developments vary between Councils and from initial review there is limited provision within the DCP controls to make exemptions or exclusions for landscape areas in response to disability or mobility requirements.

Several Councils do however appear to consider and promote the use of permeable surfaces for managing stormwater.

7.0 RECOMMENDATIONS & REVISIONS

The BDCP sets controls to both maintain and enhance the quality of the natural and built environments in the Burwood LGA and to improve the environmental and social sustainability of development.

The assessment and recommendations for considering the review to the 30% soft landscaping ratio needs to achieve a balance between the environmental and social/ community aims.

Where special consideration is required during the development process to accommodate the aged, a disability or special needs requirements alternative methods of achieving the intent of the 30% landscape area needs to be provided within the controls. Due to the variability of the user requirements in this instance, assessment of the design should be undertaken on a site specific/ user requirement basis.

The following sections could be considered for review of the 30% soft landscaping control:

7.1 Definitions

The inclusion of 'Pervious' - land or material that is penetrable, permeable by water.

7.2 Development Controls

7.2.1 Part 4 Development in Residential Areas, Section 4.5 Dwelling Houses, Attached Dwellings, Semi-Detached Dwellings and Ancillary Structure.

7.2.2 Landscaped Areas

Objectives

- O1 To ensure functional private outdoor spaces are provided for residents.
- O2 To encourage the preservation and integration of existing trees and natural features into the

BURWOOD COUNCIL DCP SOFT LANDSCAPE REVIEW

design of new development.

O5 To help minimise stormwater runoff.

Provisions

- P1 A minimum 30% of the front setback (i.e. front yard) is to consist of soft landscaping.
- P3 Paved or hard surfaces must be kept to a minimum and shall incorporate appropriate drainage to control water runoff and avoid nuisance to adjoining properties. Paving materials must be selected to blend with both building materials and plantings.
- P4 Where practical, new structures must be positioned to provide for the retention and protection of existing significant trees and other natural features.
- P5 Cutting and filling is to be minimised as far as practicable. Fill material must be clean fill only and placed in such a manner so as not to disturb existing trees that are to be retained. The maximum permitted depth of fill on a site is 500mm.
- P9 The siting of new buildings, structures, driveways and other hard surface areas must take into consideration impacts on the root zone of existing trees.
- P13 Aboveground rainwater tanks must not be installed in the front setback. Consideration will be given to underground rainwater tanks in the front setback.

Additional Provision:

Where a disability or special needs are identified and proven and alternative outcomes are not achievable the following variations to provision P1 may be considered:

- *The % decrease in area to the 30% soft landscape required specifically to enable accessibility for the resident be permeable or porous material and be considered as soft landscape.*
- *Paths and/or ramps required for resident access between the residence and the driveway or the street driveway not greater than 1200mm be considered as 'soft' landscape.*

8.0 CONCLUSION

This report has reviewed Burwood Council's environmental and community aims and objectives specific to the balance between meeting the soft landscaping requirements of the BDCP and understanding the additional access and mobility requirements of less able, disabled or special needs residents. The aim of the report was to investigate alternatives to vegetative surfaces or design solutions which meet or enhance the intent of 30% 'soft' landscaping control required in the front setback garden area. Where a disability or special needs are identified and proven and alternative outcomes are not achievable within the assessment process, the materials and design alternative provisions identified in this report offer complimentary assessment tools and still meet the intent of the DCP aims and objectives. These proposed additional provisions should be reviewed with the prospect of their addition to the BDCP to offer opportunity for those residents with specific mobility needs to both meet Council's environmental aims and be able to remain in their residence and neighbourhood.

(ITEM 122/20) ADOPTION - REVISED AGENCY INFORMATION GUIDE - GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009

File No: 20/53733

REPORT BY DIRECTOR CORPORATE SERVICES

Summary

Council is obliged under Sections 20 and 22 of the *Government Information (Public Access) Act 2009* (the GIPAA) to adopt and publish an agency information guide that is to be remade at intervals of not more than 12 months. A revised draft of the *Burwood Council Agency Information Guide* is attached for adoption.

Background

All NSW Government agencies, including local government authorities, are subject to the provisions of the *Government Information (Public Access) Act 2009* and various supporting statutory instruments. The legislation provides the democratic framework governing the right to information created and collected by government in NSW. It is founded on core principles of transparency and accountability.

An important element of the right to know is providing citizens with a means to understand key details about the relevant government agency and how it operates. The information agency guide (the Guide) is a cornerstone of this. Mandatory elements of the Guide are that it:

- a) describes the structure and functions of the agency, and
- b) describes the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public, and
- c) specifies any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the exercise of the agency's functions, and
- d) identifies the various kinds of government information held by the agency, and
- e) identifies the kinds of government information held by the agency that the agency makes (or will make) publicly available, and
- f) specifies the manner in which the agency makes (or will make) government information publicly available, and
- g) identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

Discussion

Council has had the benefit of valuable feedback from the Information and Privacy Commission NSW (IPC) about enhancing the next edition of the Guide. A revised draft, consistent with the IPC advice, has been lodged with the IPC as required by the GIPAA.

The revised draft of the Guide features the following changes:

- Updated organisation structure
- Addition of a hyperlink to the copy of Council's Disclosure Log on the Council website
- Addition of other hyperlinks to relevant content on the Council website
- As per the requirement in Clause 1(2)(a) of Schedule 1 of the *Government Information (Public Access) Regulation 2018*, acknowledgement of Council's obligation to publish the disclosure of interests returns of councillors and designated persons on its website
- Further to the ongoing review of Proactive Release of Information Program, added details about the following information released on Council's website:

- Application Tracker – a tool to access information regarding development applications, construction certificates, complying development certificates and occupation certificates
- Development Applications determined by suburb
- Voluntary Planning Agreement Register developed in accordance with Section 25F of the *Environmental Planning and Assessment Regulation 2000* – this, along with background content, is in the final stages of migration to the Council website thus eliminating the need for citizens to make direct contact with Council for viewing.

The IPC queried whether Council should make reference in the Guide to participation in open data initiatives. Council does not currently involve itself in open data initiatives of its own or via collective repositories such as data.nsw.gov.au. Consequently no details concerning open data initiatives have been included in the revised draft. Governance specialists are maintaining a focus on other continuous improvements via the Proactive Release Program and through enriching content on the Council website.

Financial Implications

There are no new financial implications for the remaking of the Guide. Work to revise the Guide is part of the normal continuous improvement program on the 'right to know' program sponsored by the Governance unit of Council.

Implementation

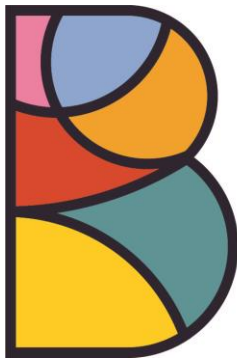
Once Council approval is secured the Guide will be published on the Council website and drawn to the attention of all staff. The Guide will then be subject to fresh review in the new year as part of continuous improvement in the lead up to preparation of the next version in 2021.

Recommendation(s)

That Council adopts the revised *Agency Information Guide – Government Information (Public Access) Act 2009* for publication on its website.

Attachments

- 1 [↓](#) Revised Agency Information Guide - Government Information (Public Access) Act 2009



Burwood
Inc.1874

AGENCY INFORMATION GUIDE – GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009

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ITEM NUMBER 122/20 - ATTACHMENT 1

Revised Agency Information Guide - Government Information (Public Access) Act 2009

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Purpose

To provide members of the community and Council Officers with information concerning:

- the structure and functions of the Council
- the manner in which the functions of Council affect members of the public
- any arrangements that exist for members of the public to participate in the formulation of Council's policies and the exercise of Council's functions
- the kinds of government information held by Council
- the kinds of government information held by Council that is publicly available
- the manner in which Council makes government information publicly available
- the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed

Note: This document has been produced in accordance with Section 20 of the *Government Information (Public Access) Act 2009 (GIPA)*.

Functions of Burwood Council

The primary responsibilities of Burwood Council are the planning and maintenance of the Local Government Area. Decisions made by the Council directly impact on its residents, land owners and business operators. The actions of all NSW Councils are guided by the *Local Government Act 1993*.

Significant policy, planning and strategic issues are considered and decisions are made by the elected members at a meeting of the Council. Decisions regarding issues of an operational nature or less significance are made under delegated authority by the General Manager or relevant Council Officers.

Under the *Local Government Act 1993* (Section 8) Council must among other things, give consideration to:

1. providing directly, or on behalf of other levels of government, adequate, equitable and appropriate services and facilities for the community
2. ensuring that services are managed efficiently and effectively
3. exercising community leadership
4. exercising its functions in a manner that is consistent with and actively promotes the principle of cultural diversity
5. properly managing, developing, protecting, restoring, enhancing and conserving the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development
6. the long term and cumulative effects of its decisions
7. the fact that it is the custodian and trustee of public assets
8. effectively accounting for and managing the assets for which it is responsible
9. facilitating the involvement of Councillors, members of the public, users of facilities and services and Council staff in the development, improvement and coordination of Local Government
10. raising funds for local purposes by way of rates, charges and fees, investments, loans and grants
11. keeping the local community informed about its activities
12. ensuring that, in the exercise of its regulatory functions, it acts consistently and without bias
13. being a responsible employer

ITEM NUMBER 122/20 - ATTACHMENT 1

Revised Agency Information Guide - Government Information (Public Access) Act 2009

Furthermore, Council is required to undertake various service, regulatory, revenue, administrative, enforcement and ancillary functions including:

Service Functions	Provision of community health, recreation, education and information services, Environmental Protection Waste removal and disposal, Land and Property, Industry and Tourism Development and Assistance, Civil Infrastructure, Maintenance and Construction
Regulatory Functions	Approvals, Orders, Building Certificates
Revenue Functions	Rates, Charges, Fees, Borrowings and Investments
Administrative Functions	Employment of Council Officers, Management Plans, Financial reporting, Annual Reports
Enforcement Functions	Proceedings for breaches of Local Government Act and Regulations and other Acts and Regulations, Prosecution of Offences, Recovery of Rates and Charges
Ancillary Functions	As per Section 22 of the <i>Local Government Act 1993</i>

The role of Council, however, extends well beyond these statutory considerations. Council provides an important focus and rallying point for the community. Council can be the vehicle for harnessing local concerns about specific issues, or for pursuing the community's visions and ideas.

Council's Organisational Values

Governance – consultation, accountability, transparency

Service – efficiency, effectiveness, responsiveness

Sustainability – prudence, innovation, preservation

Respect – honesty, fairness, dedication, integrity

Burwood Council's Structure

Description of Council's Organisation Structure

There are six divisions in the organisation, the Office of the General Manager, People and Performance, Community Life, City Strategy, Corporate Services and City Assets. The following Organisation Structure shows the functions of each division.



Effect of Council's Functions on Members of the Public

Most of Council's functions have a direct impact on the public. Council's determination of development applications has legal force in the control of development and building work in the Council area. Council's Integrated Planning and Reporting Plans determine a number of significant projects that will contribute to Burwood being a vibrant major centre in the Inner West, and a leader in the provision of services, in the context of financial and economic sustainability, intergenerational connections, community governance, transparency and accountability.

ITEM NUMBER 122/20 - ATTACHMENT 1

Revised Agency Information Guide - Government Information (Public Access) Act 2009

Council's functions are governed by the *Local Government Act 1993*. Some other Acts and some of the functions they confer include:

ACT	FUNCTIONS
<i>Community Land Development Act 1989</i>	planning functions as consent authority
<i>Companion Animals Act 1998</i>	companion animal registration and control
<i>Conveyancing Act 1919</i>	placing covenants on council land
<i>Environmental Planning and Assessment Act 1979</i>	environmental planning
<i>Fire Brigades Act 1989</i>	payment of contributions to fire brigade costs and furnishing of returns
<i>Food Act 2003</i>	inspection of food and food premises
<i>Impounding Act 1993</i>	impounding of animals and articles
<i>Library Act 1939</i>	library services
<i>Protection of the Environment Operations Act 1997</i>	pollution control
<i>Public Health Act 1991</i>	inspection of systems for purposes of microbial control
<i>Recreation Vehicles Act 1983</i>	restricting use of recreation vehicles
<i>Roads Act 1993</i>	roads
<i>Rural Fires Act 1997</i>	issue of permits to light fires during bush fire danger periods requiring the furnishing of information to the Rural Fire Service Advisory Council and its Co-ordinating Committee
<i>State Emergency Service Act 1989</i>	recommending appointment of local controller
<i>Strata Schemes (Freehold Development) Act 1973</i>	approval of strata plans
<i>Strata Schemes (Leasehold Development) Act 1986</i>	approval of leasehold strata plans
<i>Swimming Pools Act 1992</i>	ensuring restriction of access to swimming pools

The exercise by a council of its functions under the *Local Government Act 1993* may also be modified by the provisions of another Act. Some of these Acts and some of the modifications they affect include:

ACT	FUNCTIONS
<i>Coastal Protection Act 1979</i>	limitation on coastal development by councils
<i>Environmental Offences and Penalties Act 1989</i>	forfeiture of council functions to person appointed by Governor
<i>Government Information (Public Access) Act 2009</i>	council required to publish certain information, to grant access to certain documents and to amend certain records that are shown to be incomplete, incorrect, out of date or misleading
<i>Heritage Act 1977</i>	rating based on heritage valuation
<i>State Emergency and Rescue Management Act 1989</i>	Council required to prepare for emergencies
<i>Unclaimed Money Act 1995</i>	unclaimed money to be paid to the Chief Commissioner of Unclaimed Money

Council has certain reporting requirements to the Department of Planning and Environment, Office of Local Government and the has the role of monitoring the Council's compliance practices.

Arrangements for Public Participation in Policy Formulation

In accordance with the *Local Government Act 1993*, Council is required to advertise some draft policy documents for public comment prior to formal adoption.

The Council and Burwood Local Planning Panel Meeting Agenda is made available to the public for viewing via Council's website and Library. Copies of the Agenda are available at Council's Customer Service Centre and at the meeting.

The Minutes of Council and the Burwood Local Planning Panel Meetings are made available to the public via Council's website www.burwood.nsw.gov.au.

Council and Burwood Local Planning Panel Meetings are open to the public. Anyone wishing to address a Council or Burwood Local Planning Panel Meeting can either apply to speak via Council's Website, email Councilmeetings@burwood.nsw.gov.au or BLPPMeetings@burwood.nsw.gov.au or contact Council's Governance Team on 9911 9911.

Residents are also able to participate directly in Council's affairs by joining one of the advisory committees that manage and provide advice on various Council services and facilities. Advisory Committee membership includes Councillors, community groups and community individuals and provides an opportunity for involvement in policy formulation. Information on advisory committees can be obtained from Council's Community Services Team.

In order to deal with a range of issues, Burwood Council has a number of Advisory Committees, including:

- Burwood Anzac Commemorative Service Committee
- Sandakan Community Educational Committee
- National Servicemen's Association
- Multicultural Advisory Committee

Council occasionally calls public meetings for the purpose of consulting with the community on issues that are controversial or are likely to affect a large part of the community. Public meetings, when called, are advertised to the community by way of a letter to the residents concerned and/or by advertisement in a local newspaper and on Council's Website.

Records and Retention Policy

Documents held by Burwood Council

Electronic Documents and Physical Files

Access to Council's records by members of the public, including *Government Information (Public Access) Act 2009* (GIPA) applications will be in accordance with the applicable legislation, policy and guidelines.

Access to records over 30 years of age and any transferred archives is covered in the NSW State Records Access Directions (State Records website: www.records.nsw.gov.au).

There are a range of processes associated with implementing appraisal decisions. These include the retention, deletion or destruction of records in or from recordkeeping systems. They may also include the migration or transmission of records between recordkeeping systems, and the transfer of custody or ownership of records – Australian Standard AS 4390 Part 1 Clause 4.9.

Key areas that Council uses to classify its records include:

Development and Building Controls - the function of regulating and approving applications for the development, use or subdivision of land or premises and related building and construction works.

Parks and Reserves - the function of acquiring, managing, designing and constructing parks, reserves and open spaces, either owned, controlled or managed by the organisation.

Traffic and Transport - the function of planning for and managing transport infrastructure and the efficient movement and parking of traffic.

Ways of Accessing Government Information

There are four ways in which information may be accessed under the *Government Information (Public Access) Act 2009*, these are:

- a. Mandatory Proactive release - referred to as 'open access information'
- b. Authorised Proactive release of information
- c. Informal release
- d. Formal Access Applications

Open Access Information

The following documents are classified as open access information, some of which can be downloaded from Council's Website www.burwood.nsw.gov.au. If a document listed below is not on Council's website an application to Council to access the information can be requested through an Open Access to Information Application Form which is located on Council's website or you can send an email to council@burwood.nsw.gov.au detailing the documents or files you wish to view and/or photocopy. These applications are free of charge, however, if photocopies are required photocopy charges will apply as per Council's Schedule of Fees and Charges.

Open access information includes:

Information about Burwood Council

The *current version* and *most recent previous version* of the following records:

- a. the model code prescribed under Section 440 (1) of the *LGA* and the code of conduct adopted under Section 440 (3) of the *LGA*
- b. code of meeting practice
- c. annual report
- d. annual financial reports
- e. auditors report
- f. plans that form part of the integrated planning and reporting framework
- g. EEO management plan
- h. policy concerning the payment of expenses incurred by, and the provision of facilities to, councillors
- i. annual reports of bodies exercising functions delegated by the local authority
- j. any codes referred to in the *LGA*

Information contained in the following records (*historical and current*):

- a. returns of the interests of councillors, designated persons and delegates
- b. agendas and business papers for any meeting of the Council (but not including business papers for matters considered when part of a meeting is closed to the public)
- c. minutes of any meeting of Council or any Committee of the Council, but restricted (in the case of any part of a meeting that is closed to the public) to the resolutions and recommendations of the meeting
- d. departmental representative reports presented at a meeting of the Council in accordance with Section 433 of the *LGA*

Information contained in the *current version* of the following records:

- a. land register
- b. register of investments
- c. register of delegations
- d. register of graffiti removal work kept in accordance with Section 13 of the *Graffiti Control Act 2008*
- a. register of current declarations of disclosures of political donations kept in accordance with Section 328A of the *LGA*
- e. the register of voting on planning matters kept in accordance with Section 375A of the *LGA*
- f. Register of Disclosure by Councillors, Independent Hearing and Assessment Panel and Designated Persons Return

Commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret, is not considered open access information.

Plans and Policies

Information contained in the current version and the most recent previous version of the following:

- a. plans of management for community land
- b. environmental planning instruments, development control plans and contribution plans made under the *Environmental Planning and Assessment Act 1979* applying to land within the Burwood Local Government Area

Information about development applications

Information contained in the following records (*historical and current*):

- a. Development Applications (within the meaning of the *Environmental Planning and Assessment Act 1979*) and any associated documents received in relation to a proposed development including the following:
 - i. home warranty insurance documents
 - ii. construction certificates
 - iii. occupation certificates
 - iv. structural certification documents
 - v. town planner reports
 - vi. submissions received on development applications
 - vii. heritage consultant reports
 - viii. tree inspection consultant reports
 - ix. acoustics consultant reports
 - x. land contamination consultant reports
- b. records of decisions on development applications (including decisions made on appeal)
- c. the plans and specifications to the height and external configuration of a building and other plans such as shadow diagrams and landscape plans
- d. a record that describes the general nature of the documents that the Council decides are excluded from the operation of this clause by subclause (2)

Information contained in the following records (*historical and current*):

- a. The plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected, Plans of the internal layout or design of a residential building are not prescribed as open access information, to anyone unless the request comes from the owner.
- b. Council assessment reports and other documents created or received in the course of consideration of a Development Application are not available for inspection prior to the application being determined by Council Officers or Council.
- c. 3D models and electronic format of development applications where available during the public exhibition period (available at Council's Customer Service Centre and Burwood Library and Community Hub).

Policies, Approvals, Orders and Other Documents

Information contained in the following records (*historical and current*):

- a. applications for approvals under Part 1 of Chapter 7 of the *Local Government Act 1993* and any associated documents received in relation to such an application
- b. applications for approvals under any other Act and any associated documents received in relation to such an application
- c. records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals
- d. orders given under Part 2 of Chapter 7 of the *Local Government Act 1993* , and any reasons given under Section 136 of the LGA
- e. orders given under the authority of any other Act
- f. records of building certificates under the *Environmental Planning and Assessment Act 1979*

- g. plans of land proposed to be compulsorily acquired by Council
- h. compulsory acquisition notices
- i. leases and licences for use of public land classified as community land

The following Council documents are also defined as open access information under Section 18 of the *GIPA Act* and will be released without the need for a formal access application:

- Agency Information Guide
- information about Council contained in any document tabled in Parliament by or on behalf of Council, other than any document tabled by order of either House of Parliament
- policy documents
- disclosure log of access applications <https://www.burwood.nsw.gov.au/Our-Council/Access-to-Information/How-To-Access-Information>
- register of government contracts
- records of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure
- any other government information as may be prescribed by the regulations as open access information

Under the *Copyright Act 1968*, a copy of third party documents cannot be provided without the consent of the owner of the document. Copyright is the exclusive right to make copies, license and otherwise exploit a literary, musical, or artistic work, whether printed, audio, video, etc.: works granted such right by law are protected for the lifetime of the author or creator and for a period of 70 years after his or her death.

Note: The fact that information is open access information does not create an obligation to keep records indefinitely and does not interfere with the records management practices and procedures of Council that are consistent with the *State Records Act 1998*.

Decision that Information Already Available to Applicant

An agency can decide that information is already available to an applicant only if the information is:

- a. made publicly available by the agency or some other agency in accordance with a legislative instrument other than this Act, whether or not availability of the information is by inspection only and whether or not availability is subject to a charge, or
- b. available to the applicant from, or for inspection at, the agency free of charge in accordance with this Act or the agency's policies and practices, or
- c. contained in a document that is usually available for purchase

An agency is not required to provide access to information that the agency has decided is already available to the applicant, but notice of the decision must indicate how the information can be accessed by the applicant.

Decision to Refuse to Deal With Application

An agency may refuse to deal with an access application (in whole or in part) for any of the following reasons (and for no other reason):

- a. dealing with the application would require an unreasonable and substantial diversion of the agency's resources

- b. the agency has already decided a previous application for the information concerned (or information that is substantially the same as that information) made by the applicant and there are no reasonable grounds for believing that the agency would make a different decision on the application
- c. the applicant has failed to pay an advance deposit that is payable in connection with the application
- d. the information is or has been the subject of a subpoena or other order of a court for the production of documents and is available to the applicant as a result of having been produced in compliance with the subpoena or other order

In deciding whether dealing with an application would require an unreasonable and substantial diversion of an agency's resources, the agency is not required to have regard to any extension by agreement between the applicant and the agency of the period within which the application is required to be decided.

In deciding whether dealing with an application would require an unreasonable and substantial diversion of an agency's resources, the agency is entitled to consider two or more applications (including any previous application) as the one application if the agency determines that the applications are related and are made by the same applicant or by persons who are acting in concert in connection with those applications.

Before refusing to deal with an access application because dealing with it would require an unreasonable and substantial diversion of an agency's resources, the agency must give the applicant a reasonable opportunity to amend the application. The period within which the application is required to be decided stops running while the applicant is being given an opportunity to amend the application.

Notice of an agency's decision to refuse to deal with an access application must state the agency's reasons for the refusal.

An applicant is not entitled to a refund of the application fee when the agency refuses to deal with the application.

Clause 3 of Schedule 1 to the *Government Information (Public Access) Regulation 2018* prescribes additional open access information of councils. Such information now excludes the following about development applications:

- records of decisions made before **1 July 2010** on development applications (including decisions made on appeal) (Sch. 1, clause 3(1)(a)(i) and clause 3(1)(b)),
- development applications made before **1 July 2010** and any associated documents received (whether before, on or after that date) in relation to the application (Sch. 1, clause 3(2)(c)).

To apply for the information, please refer to Formal Access Applications in this Guide which details the process and fees associated with Formal Access Applications.

Proactive Release Program

The Proactive Release Program refers to information that Council choose to release proactively, which is in addition to the information that Council must disclose under Section 6 of the *Government Information (Public Access) Act 2009*.

The Program is reviewed in accordance with legislation to identify the types of information that could be released and what information Council has released as a result of the review.

During the last review period the Council has added the following to its website:

- Application Tracker – a tool to access information regarding development applications, construction certificates, complying development certificates and occupation certificates
- Details (by suburb) of development applications that have been determined
- In accordance with Clause 1(2)(a) of Schedule 1 of the *Government Information (Public Access) Regulation 2018*, copies of the disclosure of interest returns of councillors and designated persons
- Voluntary Planning Assessment Register developed in accordance with requirements under Section 25F of the *Environmental Planning and Assessment Regulation 2000*.

All Other Information

Formal Access Applications

Burwood Council endeavours wherever possible and appropriate to deal with requests for information informally. We encourage you to seek information first by searching Council's website, and then via an informal request (which does not usually require the payment of charges). Not all applications can be treated informally but the vast majority can be.

It may be necessary to submit a Formal Access Application if the information you are seeking:

- is of a sensitive nature
- contains personal or confidential or commercially sensitive information about a third party
- would involve a considerable amount of time and resources to assemble
- is of uncommon complexity
- records of decisions made before **1 July 2010** on development applications (including decisions made on appeal) (Sch. 1, clause 3(1)(a)(i) and clause 3(1)(b) of the *Government Information (Public Access) Regulation 2018*)
- development applications made before **1 July 2010** and any associated documents received (whether before, on or after that date) in relation to the application (Sch. 1, clause 3(2)(c) of the *Government Information (Public Access) Regulation 2018*)

If you have not been able to obtain the information you require through Council's website or an open access application, you can lodge a Formal Access to Information Application. A form is required to be completed which can be located on Council's website or at Council's Administration Centre.

Requests for Formal Access to Information held by Burwood Council and subject to the *Government Information (Public Access) Act* must be accompanied by a \$30.00 application fee. There is also a processing charge of \$30.00 per hour calculated after the first hour. An applicant is entitled to a 50% reduction in processing charges imposed by Council if Council is satisfied that the applicant is suffering financial hardship under Section 65 of the *GIPA Act*. Hardship applications will be required to complete Council's Hardship Policy application. The discount applies only to the processing charge, not the application fee. If a 50% reduction in processing charge applies, the application fee will pay the first two hours of processing time.

If a Formal Access to Information application is made for personal information about the applicant (the applicant being an individual), there are no processing charges for the first 20 hours of the processing time for the application.

Where the processing time exceeds 10 hours an advanced deposit charge will apply. If copies of documents are required, photocopying charges will apply as per Council's Schedule of Fees and Charges.

Council may request this type of application where the information sought:

- is of a sensitive nature that requires careful weighing of the considerations in favour of and against disclosure
- contains personal or confidential information about a third party that requires consultation
- would involve an unreasonable amount of time and resources to update

Decisions as to the release of requested information that is not available on the Council's website or in other publications are made within the guidelines of *GIPA*, taking into consideration the factors relating to exemptions and public interest.

Time Limits

In respect of all applications, Council will notify applicants of the decision on an application within 20 working days. Council may request the applicant to agree to extend the time by up to 15 working days where consultation with a third party is required or if Council needs to retrieve records from archives.

If access is deferred by Council, then Council will notify the applicant and include the reason for deferral and the date on which the applicant will be given access. Council may defer the application if the information or document has by or under this Act or some other legislative instrument, required to be published but is yet to be published for public information.

A decision to defer access is reviewable (see Rights of Review and Appeal). If Council does not decide the applicant's access application within the above timeframes, it is deemed 'refused'. Council will refund the application fee and the applicant may seek an internal or external review (see Rights of Review and Appeal) of this refusal. This will not apply if an extension of time has been arranged or payment of an advance deposit is pending.

Council may refuse to deal with an application (in whole or in part) for the following reasons only:

- dealing with the application would require an unreasonable and substantial diversion of Council resources
- Council has already decided a previous application for the information concerned made by the applicant and there are no reasonable grounds that Council would make a different decision on the application
- the applicant has failed to pay an advance deposit that is payable in connection with the application
- the information is or has been the subject of a subpoena or other order of a court for the production of documents and is available to the applicant as a result of having been produced in compliance with the subpoena or other order

Rights of Review and Appeal

Where a member of the public is refused access under the *GIPA Act*, Council Officers will provide details of the reasons for refusal to the member of the public in writing. An applicant who has been refused access by Council to information requested under a formal request for access to information under the *GIPA Act* has three options of review available:

ITEM NUMBER 122/20 - ATTACHMENT 1

Revised Agency Information Guide - Government Information (Public Access) Act 2009

1. Applicants can apply to Council for an internal review. The review is conducted by someone more senior than the original decision maker and there is a \$40.00 fee. Applicants have 20 working days from receiving notice of a decision to ask for an internal review.
2. If an applicant is not satisfied with the internal review, or does not want one to be conducted by Council, they can ask for a review by the Information and Privacy Commission. Applicants have eight weeks from being notified of a decision to ask for this review.
3. If an applicant is not satisfied with the decision of the Information and Privacy Commission or the internal reviewer or if they do not want to take these options they can apply to the NSW Civil and Administrative Tribunal (NCAT) for a determination.

It is noted that there are no rights of review in respect of open access applications, but the applicant may make a formal application at any time.

To make a request for an Internal Review under the *GIPA Act*, the 'Internal Review Application Request Form' is available on Council's website or at Council's Administrative Centre.

Please note all application forms may be downloaded from Council's website under Access to Council Information.

Access Arrangements, Procedures and Points of Contact

The information listed as available in this document is not an exhaustive listing. Inquiries for information can be arranged through contacting Council's Customer Service Centre during office hours. Inquiries can be directed to Council's Governance Officer. For Access to Information on Council's website click here: www.burwood.nsw.gov.au.

Governance Officer
Burwood Council
PO Box 240
BURWOOD NSW 1805

Burwood Council is located at 2 Conder Street, Burwood and is open between 8:30am and 4.45pm Monday to Friday.

Phone: (02) 9911 9911
E-mail: council@burwood.nsw.gov.au
Website: www.burwood.nsw.gov.au

Information and Privacy Commission

If you require further information regarding the *Government Information (Public Access) Act 2009*, you may contact the Information and Privacy Commission (IPC) as follows:

Internet: www.ipc.nsw.gov.au
Email: ipcinfo@ipc.nsw.gov.au
Freecall: 1800 472 679
Mail: GPO Box 7011, Sydney NSW 2001
Office: Level 17, 201 Elizabeth Street Sydney NSW 2000

Related Information/Glossary

- *Proactive Release Program*
- *Government Information (Public Access) Act 2009*
- *Government Information (Public Access) Regulations 2018*
- *Government Information (Information Commissioner) Act 2009*
- *Privacy and Personal Information Protection Act 1998*
- *Health Records and Information Privacy Act 2002*
- *Environmental Planning & Assessment Act 1979*
- *Local Government Act 1993*
- *State Records Act 1998*
- *Copyright Act 1968*
- *Graffiti Control Act 2008*
- *Corporations Act 2001*

Review

The Agency Information Guide will be reviewed every 12 months as per legislative requirements.

Contact

Governance Officer
9911 99911

(ITEM 123/20) CODE OF CONDUCT COMPLAINTS STATISTICS

File No: 20/54396

REPORT BY INTERNAL OMBUDSMAN

Summary

To report to Council a summary of Code of Conduct Complaint statistics in accordance with the requirements set out in clause 11.1 of the Procedures for the Administration of the Code of Conduct.

Operational Plan Objective

2.1.3 Ensure transparency and accountability in decision making

Background

Part 11 of the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Procedures) require that Council's Complaints Coordinator must report annually to the Council and to the Office of Local Government on a range of complaint statistics within three months of the end of each September.

The Procedures mandate the format of this statistical report for all councils to ensure consistency. The prescribed annual reporting period is from 01 September to 31 August each year. The report has been provided to the Office of Local Government as required under the Procedures and is replicated below:

Code of Conduct Complaints Statistics				
Burwood Council				
Number of Complaints				
1	a	The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct		1
	b	The total number of complaints finalised in the period about councillors and the GM under the code of conduct		1
Overview of Complaints and Cost				
2	a	The number of complaints finalised at the outset by alternative means by the GM or Mayor		0
	b	The number of complaints referred to the Office of Local Government (OLG) under a special complaints management arrangement		0
	c	The number of code of conduct complaints referred to a conduct reviewer		1
	d	The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer		0
	e	The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer		1
	f	The number of finalised code of conduct complaints investigated by a conduct reviewer		0
	g	The number of finalised complaints investigated where there was found to be no breach		0

	h	The number of finalised complaints investigated where there was found to be a breach	0
	i	The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police	0
	j	The number of complaints being investigated that are not yet finalised	0
	k	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	3932
Preliminary Assessment Statistics			
3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:		
	a	To take no action (clause 6.13(a) of the 2018 and 2020 Procedures)	0
	b	To resolve the complaint by alternative and appropriate strategies (clause 6.13(b) of the 2018 and 2020 Procedures)	1
	c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies (clause 6.13(c) of the 2018 and 2020 Procedures)	0
	d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police (clause 6.13(d) of the 2018 and 2020 Procedures)	0
	e	To investigate the matter (clause 6.13(e) of the 2018 and 2020 Procedures)	0
Investigation Statistics			
4	The number of investigated complaints resulting in a determination that there was no breach , in which the following recommendations were made:		
	a	That the council revise its policies or procedures	0
	b	That a person or persons undertake training or other education (clause 7.37 of the 2018 Procedures or clause 7.40 of the 2020 Procedures)	0
5	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:		
	a	That the council revise any of its policies or procedures (clause 7.36(a) of the 2018 Procedures or clause 7.39 of the 2020 Procedures)	0
	b	In the case of a breach by the GM, that action be taken under the GM’s contract for the breach (clause 7.36(h) of the 2018 Procedures or clause 7.37(a) of the 2020 Procedures)	0
	c	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 (clause 7.36(i) of the 2018 Procedures or clause 7.37(b) of the 2020 Procedures)	0
	d	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 and that the matter be referred to OLG for further action (clause 7.36(j) of the 2018 Procedures or clause 7.37(c) of the 2020 Procedures)	0
6		Matter referred or resolved after commencement of an investigation (clause 7.20 of the 2018 or 2020 Procedures)	0
Categories of misconduct			
7	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:		

	a	General conduct (Part 3)	0
	b	Non-pecuniary conflict of interest (Part 5)	0
	c	Personal benefit (Part 6)	0
	d	Relationship between council officials (Part 7)	0
	e	Access to information and resources (Part 8)	0
Outcome of determinations			
8	The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation		0
9	The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by OLG		0

Confidentiality

Clause 12.1 of the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* requires that information about Code of Conduct complaints and their management and investigation, is to be treated as confidential and is not to be publicly disclosed or discussed except as may be otherwise specifically required or permitted under the Procedures.

Recommendation

That Council notes the Statistical Report on Code of Conduct Complaints relating to Councillors and the General Manager for the period 1 September 2019 to 31 August 2020.

Attachments

There are no attachments for this report.

(ITEM 124/20) TABLING OF FIRST TIME RETURNS - DISCLOSURE OF INTERESTS - DESIGNATED PERSONS

File No: 20/55908

REPORT BY DIRECTOR CORPORATE SERVICES

Summary

The Burwood Council Code of Conduct requires councillors and designated persons to submit disclosure of interests returns within 3 months of taking up their position with Council. The *Local Government Act 1993* obliges the General Manager to add these to a consolidated register of returns and bring the returns to the notice of Council by promptly tabling them at a Council meeting. 7 first time returns have recently been lodged and are now brought to the attention of elected Council.

Operational Plan Objective

2.1.3 Ensure transparency and accountability in decision making

Background

Sections 440AAA and 440AAB of the *Local Government Act 1993* establish the framework for disclosure of interests that must be completed by councillors and designated persons. The returns are fundamental transparency and accountability documents and as such must be retained as part of a publicly accessible register. Section 6(2) of the *Government Information (Public Access) Act 2009* stipulates that certain open access information must be made publicly accessible on the Council website. Returns of interests of councillors, designated persons and delegates are classed under Schedule 1 of the *Government Information (Public Access) Regulation 2018* as open access information for the purposes of website publication.

Discussion

Specific requirements for preparation and lodgement of returns is contained the Model Code of Conduct which is required under the *Local Government Act 1993*. The Model Code is the basis of the Burwood Council Code of Conduct. All councillors and designated persons must lodge disclosure of interest returns within 3 months of:

- a) becoming a councillor or designated person (first time return)
- b) 30 June each year
- c) the councillor or designated person becoming aware of an interest they are required to disclose under Schedule 1 of the Burwood Council Code of Conduct that has not been previously disclosed in a return lodged in a first time return or an annual return

A 'designated person' is described in clause 4.8 of the Burwood Code of Conduct as:

- a) the general manager
- b) other senior staff of the council
- c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions under the LGA or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest

- d) a person who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

Preparation and proactive release of disclosure of interests returns are important elements in promoting public accountability of Council. They help to protect the integrity of Council decision making processes by allowing scrutiny of potential conflicts of interest that could arise where councillors or other key council officials participate in decision making from which they or their close associates may derive (or be perceived to derive) personal or financial benefit.

First time returns have recently been submitted by 7 council officials who are new Burwood Council and these are now due to be tabled accordingly.

Conclusion

Pursuant to Section 440AAB of the *Local Government Act 1993*, first time returns are now formally tabled for information from the following council officials:

1. Karla Castellanos (Group Manager – Strategic Planning, Heritage and Place Planning)
2. Holly Duan (Senior Town Planner)
3. George El Kazzi (Director City Assets)
4. Brooke Endycott (Director Community Life)
5. Dylan Porter (Director City Strategy)
6. Alastair Sim (Development Enquiry Officer)
7. Brian Troung (A/Property Management Coordinator)

Recommendation(s)

That Council note the tabling of disclosure of interest returns in accordance with the Burwood Council Code of Conduct and the *Local Government Act 1993* for the following Council officials:

1. Karla Castellanos (Group Manager – Strategic Planning, Heritage and Place Planning)
2. Holly Duan (Senior Town Planner)
3. George El Kazzi (Director City Assets)
4. Brooke Endycott (Director Community Life)
5. Dylan Porter (Director City Strategy)
6. Alastair Sim (Development Enquiry Officer)
7. Brian Troung (A/Property Management Coordinator)

and that mandatory proactive release of the returns via publication on the Council website will be effected in accordance with the *Government Information (Public Access) Act 2009*.

Attachments

There are no attachments for this report.

(ITEM IN41/20) DRAFT OVERLAND FLOODS STUDIES AND PLANNING PROPOSAL TO AMEND FLOOD PLANNING CLAUSE IN BURWOOD LOCAL ENVIRONMENTAL PLAN – UPDATE REPORT

File No: 20/53315

REPORT BY DIRECTOR CITY ASSETS; DIRECTOR CITY STRATEGY

Summary

This information report is to update Council on the status of the Overland Flood studies and planning proposal. The Four (4) draft Overland Flood Studies were undertaken by consultants and a Consolidated Flood Identification (CFI) map was developed from these draft studies. The CFI map identifies properties that are affected by flooding (**Attachment A**). A Planning Proposal (PP) was also prepared to amend the flood planning clause in the Burwood Local Environmental Plan (BLEP) 2012. The PP intended to introduce a flood planning map and amend the definition of the flood planning level to account for local overland flooding. The draft Overland Flood Studies were exhibited in 2018. The PP was exhibited in August 2020. The number of submissions received are outlined in the report.

Operational Plan Objective

1.2.1 Inform the community of Council's activities, facilities and services using accessible communication

Background

As part of the Floodplain Risk Management process endorsed by the NSW Government Floodplain Development Manual 2005, Council engaged consultants to carry out four draft Overland Flood Studies, known as:

- Dobroyd Canal Overland Flood Study, October 2013
- Cooks River Overland Flood Study, May 2014
- Powell's Creek Overland Flood Study, March 2016
- Exile Bay-St Luke's-William Street Overland Flood Study, March 2017

One of the outcomes of the flood studies under the NSW Floodplain Risk Management process is to help Council identify the Flood Planning Area (FPA) based on flood inundation created from the various flood models. Council's flood studies have indicated the FPA's within mainstream flooding zones and overland flooding zones accordingly. A Consolidated Flood Identification (CFI) map has been developed. The CFI map is a consolidated map which shows all the properties affected by Overland or Mainstream Flooding identified in the four draft studies mentioned above.

The four draft flood studies were reported to the Council meeting on 26 June 2018, when Council resolved that:

- a. Council endorse the public exhibition of the four draft flood studies including the draft CFI Map.
- Completed
- b. Council resolve to amend Clause 6.2 of the BLEP and submit a Planning Proposal (PP) to the Department of Planning, Industry and Environment (DPIE). - Completed
- c. Council place the PP on public exhibition in accordance with the Gateway Determination, and report the outcomes of the public exhibition back to Council. – PP exhibited.
- e. Council endorse the update of Planning Certificates to notate the flood affected properties identified in the draft flood studies including the draft CFI Map. – Completed

- f. Council endorse its commitment towards the NSW Floodplain Risk Management Process. – Noted

The four draft overland flood studies were publically exhibited between 16 July 2018 and 15 October 2018. As part of the public exhibition Council sent letters to all property owners whose property was flood identified (properties as per CFI map). In total 2,637 letters were sent. At the conclusion of the public exhibition period, Council received twenty nine (29) written submissions. The breakdown of written submissions relating to each catchment were seventeen (17) for Cooks River, five (5) for Powell's Creek, six (6) for Dobroyd Canal and one (1) for Exile Bay-St. Lukes-William St catchment. Council also received twenty eight (28) phone enquiries and ten (10) people attended customer service to discuss the flood studies during the exhibition period.

The written submissions were referred to the consultants who prepared the overland flood studies, who assessed and ground truthed each individual submission and provided findings and specific responses of their assessment back to Council. A Council officer also attended the ground truthing site visits with the consultant. The findings and specific responses were received by Council in May 2019 for the Dobroyd Canal, Powell's Creek, Exile Bay Catchments and in August 2019 for the Cooks River Catchment.

The findings of the review of the properties in the Dobroyd Canal, Powell's Creek and Exile Bay catchments showed that they are all still flood identified and remain on the CFI map, so no changes to these flood studies. The finalised overland flood study reports were received by Council for Dobroyd Canal in September 2019, Powell's Creek and Exile Bay in October 2019.

The findings of the review for properties in the Cooks River Catchment showed that three of the properties would not be flood affected and subsequently could be removed from the CFI map. Following further review for Cooks River, other properties were discovered that could possibly be removed as flood identified but this number has not been confirmed. Therefore due to the discrepancies, the Cooks River Flood Study has not been finalised by Council as yet.

In December 2019, Council received an email from City of Canterbury Bankstown (CB) Council to participate in a new Cooks River Catchment Flood Study that will be undertaken in conjunction with Department of Planning, Industry and Environment (DPIE) and other relevant Councils. The reason for this new study is that Sydney Water conducted a mainstream flood study in 2009 for the Cooks River Catchment to assess flooding behaviour but since then the catchment has changed significantly and there are major developments that are in the planning process within the catchment. Besides this, previous flood studies conducted by Councils and Sydney Water in the Cooks River catchment used Australian Rainfall and Runoff 1987 (ARR-1987). Therefore, it is important to conduct a fresh Cooks River flood study incorporating recent drainage & topography data, ARR-2016/2019 guidelines and climate change impacts. It is hoped that this new process will provide Council with a revised CFI map for the Cooks River Catchment which would confirm the discrepancies found previously.

In March 2020 Council sent a letter of support to CB Council agreeing to participate in the Cooks River Flood Study. The grant funding application for the first phase of this study was completed and submitted by CB Council on behalf of all participating Councils. A decision by the DPIE for the first stage of this project was not received at the time of preparation of this report. The first phase includes the engagement of a consultant and the commencement and finalisation of data review. At this stage, it is envisaged that the second phase which is the completion of the Cook River Flood Study will not be delivered till approx. end of 2022.

In relation to the Planning Proposal to amend the flood planning clause in the Burwood LEP, this was placed on public exhibition from 31 July 2020 to 28 August 2020. Over 2,700 letters were sent out to the affected land owners and occupiers. Nineteen (19) submissions in objection were received.

In October 2020, Council obtained quotations from the consultants on the cost to update the four (4) existing draft overland flood studies using the latest ARR2016/19. The cost will be

approximately \$90,000 (\$30,000 to update the Powells Creek-Dobroyd Canal-Exile Bay Overland Flood studies and \$60,000 for the Cooks River).

Best Way Forward

Council met with DPIE via a Microsoft Teams meeting on Friday 23 October 2020 to discuss best way forward for Council with regards to the flood studies and planning proposal.

Following this meeting with DPIE the recommendations are as follows:

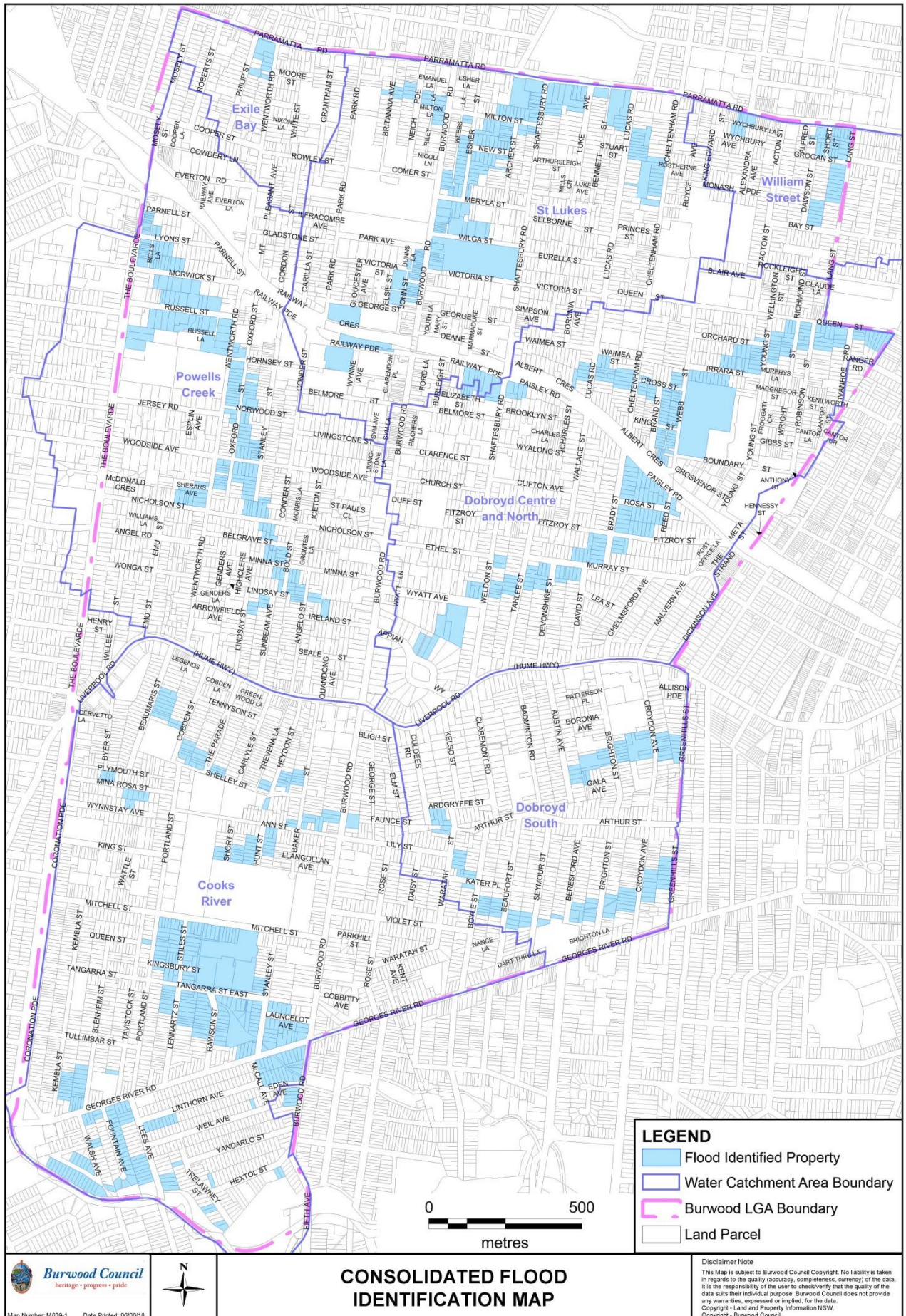
- All draft overland flood studies (Dobroyd Canal, Powell's Creek, Exile Bay and Cooks River) be updated incorporating recent drainage & topography data, ARR-2016/2019 guidelines and climate change impacts at a cost of approximately \$90,000. This will be completed by mid 2021.
- DPIE, by way of the Gateway Determination, required the PP to be completed by August 2020. An extension of time until next year could not be supported. Under the planning legislation, the planning proposal authority (which is Council) may request the Minister for Planning to determine that the matter not proceed. The General Manager has Delegated Authority from Council to advise DPIE of his decision to withdraw the PP.
- A letter be prepared by Council to respond to the twenty nine written submissions of the draft overland flood studies and nineteen written submissions with regard to the PP advising the above.
- Following completion of the overland draft flood study updates, Council will respond again to the twenty nine written submissions updating them of the results and a new PP will be prepared to amend the flood planning clause in the Burwood LEP. The Burwood DCP will also be amended to incorporate the CFI map.
- The Draft Overland Flood Studies will be put forward for Council adoption once updated in late 2021.
- In accordance with the relevant Ministerial Direction, upon Council's adoption of the Overland Flood Studies, the new PP prepared will be reported to the Burwood Local Planning Panel (BLPP) for advice first. The BLPP's advice will then be reported to Council seeking Council's adoption of the BLPP's advice and the PP. Amendment of the Burwood DCP may be prepared and reported to Council after the PP has substantially progressed. A typical planning proposal process takes nine to twelve months, while a typical DCP amendment takes three to four months.
- Council to apply for funding from DPIE (next funding round) in 2021 for the next stage of the Floodplain Risk Management Process which is undertaking a Floodplain Risk Management Plan for all of Council's stormwater catchments.
- Council to continue with the Cooks River Flood Study in conjunction with CB City Council. Following the completion of this study in approx. late 2022, the Consolidated Flood Identification (CFI) map be updated with any changes.

Attachments

- 1  Consolidated Flood Identification Map

ITEM NUMBER IN41/20 - ATTACHMENT 1

Consolidated Flood Identification Map



(ITEM IN42/20) AUDIT, RISK AND IMPROVEMENT COMMITTEE - ANNUAL REPORT

File No: 20/55970

REPORT BY CHAIR OF AUDIT, RISK AND IMPROVEMENT COMMITTEE

Summary

To brief Council and the public on activities of the Audit, Risk & Improvement Committee (ARIC) for the period November 2019 – October 2020.

Operational Plan Objectives

2.1.3 Ensure transparency and accountability in decision making

Background

As a result of the Council Elections held in September 2017, the incoming Council voted for membership of Council's Committees at its meeting of 24 October 2017. Councillors Lesley Furneaux-Cook and Rajkumar Dixit were appointed as delegates of the Committee.

In October 2017, Council conducted a call for nomination of two external independent members to Council's ARIC for the period 1 November 2017 to 31 August 2020. The independent members appointed were Ms Sandra Mulder (Chairperson) and Mr Daniel Carbone.

In September 2020, Council extended the tenure of the ARIC members to 31 August 2020 due to transitional exigencies outside the control of Council.

The ARIC meets four times per year and this report relates to activities undertaken by the Audit Committee at its meetings of 18 February 2020, 26 May 2020, 18 August 2020 and 20 October 2020.

Current Activities

In the last 12 months, the ARIC undertook the following activities:

- Reviewed the 2019/2020 Financial Statements and Audit Report, met with NSW Audit Office to review and discuss annual audit process and outcome.
- Reviewed and amended ARIC Charter amendment to allow extension of the tenure of the ARIC members due to transitional exigencies outside the control of Council.
- Reviewed draft Risk Management Strategy and Risk Management Strategy
- Received briefing on Council's Business Continuity Plan exercise report (BCP exercise conducted in Oct 2019)
- Reviewed Internal Audit programme for 2020/2021.
- Followed up on the implementation of External audit recommendations.
- Received updates on Employee Governance Training Program.
- Received update on the internal auditor selection and evaluation process.
- Received follow up reports on progress and adoption of recommendations for the IT System Vulnerability and Recruitment and Selection internal audits.
- Received internal audit reports on the 2020 schedule.
- Received an update from Council on its Business Continuity Plan.
- Received a Covid-19 Briefing from Council

- Received an update on Council's Organisational Structure.
- Reviewed and endorsed Council's Fraud and Corruption Prevention Policy
- Reviewed and endorsed Council's Gifts and Benefits (with amendment)
- Pursued other Governance-related issues, as necessary, in accordance with the Audit Committee Charter.

Minutes

The Minutes of the Meetings of 8 October 2019, 18 February 2020, 26 May 2020 and 18 August 2020 are attached as approved. The Minutes of the Meeting of 20 October 2020 will be attached to the next Summary Report once approved by the Audit, Risk and Improvement Committee.

No Decision – Information Item Only

Attachments

- 1 [↓](#) Audit, Risk and Improvement Committee - Minutes - 8 October 2019
- 2 [↓](#) Audit Risk and Improvement Committee - Minutes - 18 February 2020
- 3 [↓](#) Audit, Risk and Improvement Committee - Minutes - 26 May 2020
- 4 [↓](#) Audit Risk and Improvement Committee - Minutes - 18 August 2020



Burwood Council
heritage • progress • pride

**AUDIT, RISK & IMPROVEMENT
COMMITTEE MEETING**
Tuesday 8 October 2019
4.30pm - 6.00pm
Wynne Room

MINUTES

ATTENDEES

Committee Members

Sandra Mulder (SM)
Daniel Carbone (DC)
Cr Lesley Furneaux-Cook (LFC)
Cr Raj Dixit (RD)

Chair

Burwood Council

Tommaso Briscese (TB)
Fab Zincone (FZ)
Andrew Patterson (AP)
Wayne Armitage (WA)

Acting General Manager
Acting Deputy GM, Corporate Governance & Community
Internal Ombudsman
Group Manager, Finance and Resource Management
and Chief Finance Officer

Melissa Madonna (MM)

Minutes

By Invitation

Unaib Jeoffrey (UJ)
Min Lee (ML)
Patricia Hatzigiannis (PH)
Kayla Dinsdale (KD)

NSW Audit Office
NSW Audit Office
Group Manager People and Culture

Apologies

1. MEETING OPENING

Sandra Mulder, Chair of the Committee, opened the meeting at 4.32pm, welcoming everyone.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3. FINANCIAL STATEMENTS 2018/19 & AUDIT REPORT

UJ and ML from the Audit Office presented their report on the 2018/2019 Financial Statements.

UJ noted that this is the first year that the Audit Office is conducting the Audit and overall it went very well with no significant issues identified.

UJ noted that in regards to quality and timeliness that everything was submitted on time and of good quality, and any questions were responded to very quickly.

Techone and Civica were the systems which were in scope for this year and overall there was a very good response.

UJ noted that in terms of Capital Expenditure during planning phase significant capital works of \$2.2 million was budgeted for, not all of these funds were spent but a review of expenditure was conducted and all appropriate disclosures were made, no issues noted.

UJ noted that they are in the process of drafting the management letter, however highlighted main points which will be referred to in the letter.

There were 10 main issues noted overall, five were classified as moderate risk and five low risk, whilst two of these were repeat issues.

Five moderate risk issues include:

- Improvements in the fair value review if IPPE
- Improvements to the asset management process
- Issues in the IT Framework (repeat issue)
- Findings from the AGs report data collection
- Purchase orders approved after invoice.

The remaining 5 issues are low risk including:

- Improvement in the financial reporting
- Parking meter income reconciliation (repeat issue)
- Pensioner subsidy document retention
- Excessive annual leave
- Completeness of leave liability reports.

Overall the issues noted are more areas of improvement to assist with control and governance.

TB joined the meeting at 4.45pm

UJ will send the finalised management letter to WA once complete. MM to circulate to the Committee.

In regards to timing, UJ is anticipating signoff by 16 October, this will then be circulated to Councillors and then the Committee.

UJ and ML requested to stay for the remainder of the meeting, which the Committee permitted.

<p>Action: MM to circulate the management letter from the NSW Audit Office to the Committee once received.</p>

4. MINUTES OF PREVIOUS MEETING – 20 AUGUST 2019

RD noted the wording on page two of the minutes in the relation to the delegations should be changed from “why the isn’t a function” to “why there isn’t a function”.

The Draft Minutes from the last meeting held on 20 August 2019 were confirmed with minor amendments as noted above.

Moved – LFC
Second – DC

5. MATTERS ARISING FROM MINUTES AND REVIEW OF ACTIONS RESOLUTIONS

The Committee reviewed the Matters Arising from Minutes and Actions and Resolutions Register, from 20 August 2019 Meeting.

Item 31/3.1 – Delegations document circulated to the Committee. Item closed.

RD noted that the amended date of each revision of the document should be shown on each page, rather than only on the front cover. Council to discuss this matter internally and seek advice as to whether showing the amended date on each page is common practice or required?

Action: FZ to follow up internally the matter of including the amended date for document versions on each page vs the front cover.

Item 31/7.1 – Organisational chart was circulated to the Committee. Item closed.

Item 31/7.2 – PH to present to the Committee today. Item closed.

Item 31/8.1 – AP to present to the Committee today. Item closed.

Item 31/8.2 – Item not yet completed. Ongoing.

Item 31/9.1 – ICAC report not yet released. Ongoing.

Item 31/9.2 – Items added to the agenda. Item closed.

Item 30/6.1 – Yet to be received. Ongoing.

Item 30/8.2 – Building Certification and Fee Management report to be deferred to the next meeting on 18 February 2020 meeting. Ongoing.

Item 30/8.3 - Risk register is still being reviewed. Managers have reviewed their teams risks. There will be a session held with the Executive shortly to finalise the review of the strategic risks. Risk register to be updated prior to the next meeting and circulated to the Committee.

Item 30/9.3 – Compared and there was mention of a register in the management comments, however no register was ever found. Item closed.

Item 30/10.1 and 30/10.2 – AP is now progressing with these actions, AP will present on this at the meeting today and a follow up action to be generated for AP to present further updates. Items closed.

Item 29/4.2 - BCP training was held for Councillors on 27 August 2019. Council also conducted a BCP test for the Crisis Management Team. Council is currently reviewing lessons learnt from the BCP test. This was facilitated by Tony Harb from InConsult, once the report is received it will be circulated to the committee. Item closed.

Action: MM to circulate BCP test report from consultant to the Committee.
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Item 29/5.1 – Item will be addressed by the presentation at the meeting today. Item closed.

Item 29/5.2 - Capability framework – TB advised that Council is currently looking at reviewing the organisational structure and throughout this processes will aim to include some elements of the capability framework in the process.

Closed items 31/5.1, 30/7.1, 30/8.1 and 30/9.1, are to be deleted from the Resolutions and Actions Register.

Items 31/3.1, 31/7.1, 31/7.2, 31/8.1, 31/9.2, 30/6.1, 30/9.2, 30/9.3, 30/10.1, 30/10.2, 29/4.2 and 29/5.1 were confirmed as completed and now closed.

6. RECRUITMENT AND SELECTION AUDIT – UPDATE

Patricia Hatzigiannis joined the meeting at 5pm

PH noted that since commencing at Council she has reviewed the Centium Audit Report issued in October 2018, along with the management responses provided in February and May 2019.

PH noted the following:

- There are a number of items from the audit which will be addressed by projects arising through the workplace program which PH is managing.
- There are items from the audit report that don't necessarily belong to recruitment and therefore should be addressed by other areas.
- There still needs to be a follow up review.
- The direction taken by PH with the audit report is to start fresh rather than follow on from existing opinions.

PH noted the following explanations for the responses to the Audit Recommendations contained in the management responses from PH circulate to the Committee.

- Partial – minimal change, if there is something that PH doesn't agree with it is flagged
- Agree – agree with recommendation and possibly added in additional items
- Not agree – different view with explanation provided.

PH reviewed the spreadsheet with the Committee and explained the management responses, agreements, status details and completion dates.

PH has recommended conducting a follow up review in March 2020 as there are a number of ongoing projects which will not be completed till this time.

Committee requested PH provide an updated summary of programs and expected completion dates to support the reason for deferring the follow up audit, along with a brief summary on how these programs are being communicated to all staff.

Committee questioned what measures are in place for the new employees who commence between now and the completion of the current projects.

PH noted that interview panel training has been completed for staff, there is now a People and Culture representative on all recruitment panels and PH is overseeing and signing off on recruitment of new staff via a briefing memo BM to the Acting General Manager.

PH also noted that this process mentioned above is to be covered in the follow up audit.

Committee confirmed that they are happy to endorse moving the review to march 2020.

Action: PH to provide an updated summary of programs and expected completion dates to support the reason for deferring the follow up audit, along with a brief summary on how these programs are being communicated to all staff.

Action: FZ to begin facilitating Recruitment and Selection follow up audit review in March 2020.

7. GOVERNANCE TRAINING PROGRAM PROGRESS REPORT - AP

AP circulated a table to the committee highlighting training programs and scheduled dates.

AP noted that the following:

- Code of Conduct is for all staff and will be completed at the end of November 2019.
- Delegations e-training module is 78% completed.
- Bullying and harassment training – no details as yet as to how this will be conducted.
- Fraud and corruption prevention training to be also be completed prior to the February 2020 meeting.

MM to circulate a soft copy of the training program and dates to the committee.

AP to provide an update at the next committee meeting on the training program status and dates.

Action: MM to circulate a soft copy of the training program and dates to the committee.

Action: AP to provide an update at the next committee meeting on the governance training program and associated dates.

PH and TB left meeting at 5.30pm.

8. RISK REGISTER UPDATE

Ongoing. Risk register is still being reviewed. To date Managers have reviewed their team's risks.

There will be a session held with the Executive shortly to finalise the review of the strategic risks. The risk register is to be updated prior to the next meeting and circulated to the Committee.

9. BUILDING CERTIFICATION AND FEE MANAGEMENT AUDIT – UPDATE

RFQ for the Building Certification and Fee Management is currently open and is due to close on Friday 1 November 2019.

Building Certification and Fee Management audit report to be presented to the February 2020 meeting.

10. REVIEW OF DRAFT MEETING SCHEDULE – 2020

MM circulated a copy of the draft dates for committee meetings in 2020.

Committee confirmed that the draft dates look ok in the first instance.

LFC reminded the Committee that the elections will be held September 2020, which means that there could be new Committee members for the October 2020 meeting.

If there are new Councillors on the committee then a handover is to be arranged.

MM to send out invites for the meetings for 2020.

Action: MM to send out calendar invites for the 2020 committee meetings

11. GENERAL BUSINESS

MM to condense the actions regarding the Recruitment and Selection Audit currently listed on the register into one action.

SM informed the Committee that the Chairs Annual Report is currently being written and will be circulated to the Acting General Manager and Committee once finalised.

LFC noted Councillors may no longer be allowed to be involved on Audit Committees. A new Risk Management Framework is to be released by LG NSW and may include this. If this is to occur the Committee charter will need to be reviewed.

FZ introduced KD to the committee and noted KD will take over from MM as the minute taker from the next meeting onwards.

DC asked for an update on the Acting General Manager position. FZ noted that TB is still in an acting capacity and there is no update on this as yet.

Action: MM to condense the Recruitment and Selection Audit actions on the Resolutions Actions Register into one action.

Action: SM to finalise and circulate the Chairs Annual Report on Committee Functions to the Acting General Manager and Committee.

12. NEXT MEETING

The next ARIC meeting will be held on Tuesday 18 February 2020.

There being no other business, the meeting closed at 5.41pm.



**AUDIT, RISK & IMPROVEMENT
COMMITTEE MEETING
Council Chambers, Archer Room
Tuesday 18 February 2020 – 4.30pm**

Minutes**ATTENDEES;****Committee Members**

Sandra Mulder	(SM)	<i>Chair</i>
Daniel Carbone	(DC)	
Cr Lesley Furneaux-Cook	(LFC)	
Cr Raj Dixit	(RD)	

Burwood Council

Tommaso Briscese	(TB)	General Manager
Fab Zincone	(FZ)	Acting Deputy GM, Corporate Governance & Community
Wayne Armitage	(WA)	Group Manager Finance & Resource Management and Chief Finance Officer
Kayla Dinsdale	(KD)	<i>Minutes</i>

By Invitation

Patricia Hatzigiannis	(PH)	Group Manager People and Culture
Militsa Zelenovic	(MZ)	Risk Management Coordinator
Shisir Manandhar	(SMA)	Group Manager Information Technology
Milton Kingsley	(MK)	BDO Consultant
Paul Kalinin	(PK)	Threat Intelligence Consultant

Apologies

Andrew Patterson	(AP)	Internal Ombudsman
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1. MEETING OPENING

Meeting opened 4.32pm SM

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest. ALL

3. BUILDING CERTIFICATION AND FEE MANAGEMENT AUDIT – UPDATE

The Committee welcomed Milton Kingsley (MK) from BDO to present the results of the Building Certification and Fee Management Audit to the committee.

MK discussed the audit, the report and recommendations to the committee. MK suggests that keep it and expand it and promote it and make a business plan out of it.

TB noted two points from the report, one some failures in the process, systems and controls. Two and the organisation efficiency levels. Council will address the high risk elements first.

LFC noted that most people are under the impression that Council is responsible for PC, even though it goes external people think its Council reputation.

MK suggested that if Council were to receive a complaint for building works that are certified by a PC they should be referred to the private certifier or the regulatory body. MK reiterates to the Committee that Council is not the regulator for PCs.

TB advised the Committee that the Compliance team work on a rotational basis to ensure transparency is maintained.

DC asked if MK had reviewed the management responses, MK advised yes. DC noted that the timeframes are ambitious, and asked if this is achievable? MK advised that yes most of the processors are easy to implement.

TB advised that Council is taking the report very seriously; Council will implement the recommendations made.

RD asked MK what does intrusive management mean, MK responded to the RD and described the process of how intrusive management works it is implemented to reduce the risk of corruption.

Action: SM recommends the BDO audit to be assessed against the risk framework.

TB advised the Committee that as long as Council maintains the service Council needs to address the recommendations and improve and implement processes.

DC asked MK if the report is required to be sent to Council's general insurance. MK advised the Committee it's not required.

The Committee thanked MK and BDO for undertaking the audit and presenting the report to the Committee.

4. INTERNAL AND EXTERNAL IT VULNERABILITY AUDIT – UPDATE

FZ invited Paul Kalinin (PK) from Threat Intelligence and Shisir Manandhar (SMA) to provide an update to the Committee

PK advised that the internal infrastructure penetration test has been completed, there were a total of 29 findings and Council has now reduced it down to 17, Priority 1 issues were generally unnecessary default services which leaves Council vulnerable to attacks, PK Recommends disabling these services if they aren't required.

When the first security audit was completed there were a lot of risks, this time around there was a significant amount less, and management has already put a plan in place to address the risks.

PK noted that Council has implemented a complex password policy to eliminate risks.

FZ noted the Financial Auditor's report picked up that Council doesn't have an administrator log, the recommendation to regularly check the logs will cover this.

PK Recommends that council move to a vendor architecture infrastructure which will make penetration to accounts a lot harder.

FZ advised the Committee that Council was holding off on the internal testing due to the implementation of the new firewall, the test was then completed and all issues were addressed. It is crucial that Council stays on top of the checks.

FZ advised that staff have completed Cyber Training and we have also implemented a new email gateway.

SMA presented the results of the internal testing; all issues that arose from the test have been addressed.

RD does Council have an IT policy; FZ Council has several policies that relate to IT which are currently due for review.

FZ advised the committee that any new employee that comes to council receives an IT induction and completes Cyber Training.

Action: SM asked that the test findings be circulated when it is undertaken again, with a comparison against the recent ones.

Action - Provide the Committee an update on the priority 1 issues at a future meeting with the actions taken to resolve.

5. MINUTES OF PREVIOUS MEETING – 08 OCTOBER 2019

The Draft Minutes from the last meeting held on 8 October 2019 were confirmed with one amendment to note TB came in at 4.45pm on the front page.

SM

Moved – LFC
Second – DC

**6. MATTERS ARISING FROM MINUTES AND REVIEW OF ACTIONS
RESOLUTIONS**

The Committee reviewed the Matters Arising from Minutes and Actions and Resolutions Register, from 8 October 2019 Meeting.

TB provided an update action to be closed, Capability framework will be part of the Leadership tiers.

SM

Items 32/3.1, 32/7.1, 32/10.1, 32/11.1, 32/11.2, 31/8.2, 32/5.3 completed, to be closed.

32/5.1 FZ discussed the outcomes of the investigation, further with the new style guide and corporate branding. Item to be closed.

7. GOVERNANCE TRAINING PROGRAM PROGRESS REPORT

FZ circulated an updated table to the committee highlighting training programs and scheduled dates.

FZ

8. STRATEGIC RISK REGISTER UPDATE/RISK MANAGEMENT WORKSHOP

PH/MZ

PH presented the updated strategic risk register to the committee which was completed hand in hand with the risk management strategy.

DC encourages management to revisit the risks that are relevant to the council and review the risks.

MZ advised that the residual result comes from adding the controls, Council also undertakes cross checks to ensure we are following the correct processes and controls.

PH/MZ

PH provided an update on the risk management strategy and the plan of action to roll out the updated version to Council staff.

DC noted that Council might benefit from having IT risk on its own.

PH advised council is holding a risk appetite workshop with the leadership team on Monday 24/2/2020 to discuss more thoroughly.

9. NEXT MEETING

Date of May TBC

ALL

Meeting closed 6.28pm



**AUDIT, RISK & IMPROVEMENT
COMMITTEE MEETING
Tuesday 26 May 2020 – 4pm**

MINUTES

ATTENDEES; Via Zoom

Committee Members

Sandra Mulder	(SM)	<i>Chair</i>
Daniel Carbone	(DC)	
Cr Lesley Furneaux-Cook	(LFC)	
Cr Raj Dixit	(RD)	

Burwood Council

Tommaso Briscese	(TB)	General Manager
Fab Zincone	(FZ)	Acting Deputy GM, Corporate Governance & Community
Wayne Armitage	(WA)	Group Manager Finance & Resource Management and Chief Finance Officer
Kayla Dinsdale	(KD)	<i>Minutes</i>

By Invitation

Patricia Hatzigiannis	(PH)	Group Manager People and Culture
Militsa Zelenovic	(MZ)	Risk Management Coordinator
Jesse Kasjan	(JK)	IT Support

Apologies

1. Meeting Opening

SM

Meeting opened 4.14pm

2. Declarations of Interest

ALL

There were no Declarations of Interest.

3. Minutes of Previous Meeting – 18 February 2020

The Draft Minutes from the last meeting held on 18 February 2020 were confirmed with one amendment to Item 8 should be updated to include the word workshop.

SM

Moved – DC

Second – SM

4. Matters Arising From Minutes and Review of Actions

33/6.2 completed

32/5.2 – Report circulated test report was positive. Burning building scenario, all CMT members and alternates attended.

- LFC commented on recommendation 7.3 Communication, would like to add the Mayor and Councillors as part of the crisis communication plan.
- TB Mayor is the voice, could expand and send some talking points to the Councillors also so that all elected members are under the same understanding.

SM

32/6.1 Completed

32/6.2 currently on hold due to Covid-19, FZ will initiate shortly.

Our Ref.: 20/36432

5. Covid-19 (Coronavirus) – Council Response

TB provided a short summary of Council's response to Covid-19:

- Council activated it's BCP on 9 March 2020
- Split the Executive and staff over 3 spaces and work from home.
- Increased Council Clean-ups
- Burwood Cares packs created, 3 different packs,
 1. cleaning & sanitary items,
 2. consumable items and
 3. craft and activity pack
- Over 1000 direct calls to residents
- Friendly calls to residents that elected to receive a call
- Staff have been trained to be accidental counsellors
- 100 remaining packs to be delivered through providers
- Concentrating a lot of our resources to business communication, making direct calls and guiding them through this time
- Council switched to Cloud base, Council has the online DA function through the planning portal
- Council kept staff, have redeployed all our casuals

SM asked about the final impact on Council, is there a summary, has council received any funding from the Government.

TB noted that there is definitely a loss of income from various closures, pools, venue hire and rental relief for Council owned entities, there has also been a significant reduction in traffic the parking income and enforcement.

TB advised that a report went to Council for a deficit of approx. \$2.6 million; there will be a review again in the next financial year. The community is responding quite well the rates revenue is still going quite well. Wherever possible Council has used the existing budgets, they have been moved to the Burwood Cares. However there will no doubt be additional costings.

TB

Council will only receive about \$660,000 from the government grants that have been released. Council has also applied for a \$100,000 grant for Hornsey Lane; Council is currently identifying items and putting together plans to apply for grants where possible.

TB notes that Council hasn't had to cut services or staff.

WA advised that Council received a remittance advice of half million for the advance of next year's financial assistance grant.

WA council moved to weekly payment run rather than the normal fortnightly run. Council is constantly reviewing the budgets.

TB noted for the last 2.5 weeks preparing the Covid Safe Plan and the bounce back, opening the centre via face to face appointments only.

MZ and PH entered meeting 4.58pm

LFC noted that Canterbury pool has opened and noted the library will be a test for Council as it is a well-used high volume space.

LFC noted that TB and CMT have done a fantastic job so far and it's great to see the effort and that Council has kept staff in meaningful employment. The communication has been excellent and the outreach has been fantastic. DC seconds and commends the team.

6. Continuous Risk Improvement Program/Audit

As part of the civic risk mutual, we have a regular audit. Council received a very positive report, in 2013 Council had 8 recommendations. Council only has two recommendations in the latest report, the report also included the Executive Teams responses. Improvement comments have also been included.

PH advised that there has been a culture change in the way Council views risk and manages risk, part of the ongoing work is to cascade that down to all the levels of management and to general staff. Council is progressively doing this and has included risk management in position descriptions going forward and it has been included in training programs as an agenda item.

LFC asked about the risk appetite for Council, PH advised that it's currently being worked on and that there is a meeting on the 27 May with the Executive team and the consultant to finalise feedback on the risk appetite statement.

TB advised the program provided by Tony Harb from INCONSULT was great and guided the Executive team through the risk appetite. TB noted that he would be happy to discuss this further with the Councillors at a Councillor Workshop.

LFC through the chair prompted a discussion about the fraud and corruption policy and what needs to be updated with that.

PH advised that Council is currently in the progress of engaging an Internal Ombudsman service to undertake that work on Council's behalf. The service will be provided two days a week. TB noted the Ombudsman will undertake this kind of work and will also take the staff and resident complaints.

PH/MZ

SM would like to be provided with an update on how the service is working. TB advised that a report will be provided to Council, more than happy to submit the summary to the committee.

TB advised the committee that an organisational restructure report went to Council last week, and as we are in a transition phase and didn't want to commit to a fulltime or part time employee.

RD through the chair, points that LFC and TB have made on the restructure, RD would like to reiterate in the activity summary there is a paragraph that references to these elements where a rating of two has been received. RD through the chair would like to ask PH or TB what steps will be taken to mitigate the issue?

PH commented the first element Council has a Group Manager, Corporate Planning and Communications so that when it comes to the incorporation of risk in our strategic planning/corporate planning it has already been discussed as part of a process that will be incorporated when Council undertakes that work. In regard to the fraud and corruption that was included in the RFQ for the Internal Ombudsman as a priority project.

7. Risk Management Strategy

SM noted that the full report was good to read, PH that Council put together a report to the ARIC committee to note on the enterprise risk management which includes framework on managing risk in the organisation. As part of that report we included in the attachments the risk management statement, the terms of reference for the risk management committee this is Council's internal committee and copy of the April committee report.

The report is the template that the committee uses when reports go to the monthly internal risk management committee, it does have a lot of details due to the insurance claims that we have, and there are also graphs to be able to easily identify trends.

PH/MZ

The main part of the report provided was for the ARIC to be able to review this information and have a better understanding of how Council is managing all this internally.

SM it's very detailed and notes that the ARIC doesn't need all the information but it would be a very good practice to have a regular high level update from the contents of the internal meetings.

PH to create and propose a format that includes regular updates on the contents of the regular internal risk management meetings for the ARIC to review.

SM notes that a training program was circulated to the previous ARIC meeting and asks PH where it has ended up due to the changing circumstances has the program been continued?

PH replied that the program has been put on hold because of the pandemic but advised that the training program will be ongoing, Council has started to roll out items through tool box talks. Staff are looking at ways to rollout the program through different means instead of holding off until face to face is available again.

PH to provide a written updated summary of the training program and the alternate services due to Covid-19.

DC asked PH if Council is currently going through an Insurance renewal program and if Council is could the committee be provided with a copy of the outcome. PH advised that Council is with Civic Risk Mutual and notes that Council provides data to them every year as part of the mutual, Council will be looking at the renewal in October.

PH to provide the committee with a summarised list of Council's Insurance items noting what's fully insured, what's partly insured and what's not insured.

DC notes that the historical chronology was fantastic and very helpful to read.
PH noted the hard work completed by Militsa, DC seconds this and thanked Militsa.

LFC exited meeting 5.31pm

PH & MZ exited the meeting 5.32pm

8. General Business

TB provided the committee with a short detailed update on the organisation restructure recently approved at the May Council Meeting. The structure modifies the two DGM positions into 4 portfolios and an addition of the People and Performance portfolio.

The idea behind is to decentralize the decision making and the projects. Director roles will be on Award positions, the position descriptions have been completed on the LG capability framework.

Currently request for quotations have been released for a recruitment company to assist.

Stage 2 will follow and will be undertaken on completion of the recruitment of the new Executive team.

TB to circulate the new organisation restructure map

ALL

DC would like to clarify if the committee is undertaking a review in the relations to the achievements of the committee, SM noted that she is in the process of finalising the notes for the self-assessment and will circulate shortly.

SM to circulate self-assessment of the effectiveness of the committee.

FZ advised that the elections have been postponed to September 2021, and that Council is very much aware of the changes that are coming through, SM would like to know how the changes will affect the committee moving forward.

FZ to write to the Office of Local government to clarify changes to ARIC with the elections changing. FZ to circulate the response.

WA advised the committee that the interim audit hasn't started yet, due to commence 13 June at this stage.

WA to circulate any information to the committee that comes from the Audit Office.

9. Next Meeting

The next ARIC meeting will be held on Tuesday 13 October 2020.
There being no other business, the meeting closed at 5.44pm.



Burwood
Inc.1874

**AUDIT, RISK & IMPROVEMENT
COMMITTEE MEETING
Tuesday 18 August 2020 – 4pm**

MINUTES

ATTENDEES; Via Zoom

Committee Members

Sandra Mulder	(SM)	(Chair)
Daniel Carbone	(DC)	
Cr Lesley Furneaux-Cook	(LFC)	
Cr Raj Dixit	(RD)	

Burwood Council

Tommaso Briscese	(TB)	General Manager
Peter Brown	(PB)	Acting DGM, Corporate Governance & Community
Wayne Armitage	(WA)	Group Manager Finance & Resource Management and Chief Finance Officer
Kayla Dinsdale	(KD)	Executive Project Support Officer, Corporate Governance & Community (<i>Minutes</i>)

By Invitation

Internal

Patricia Hatzigiannis	(PH)	Group Manager People and Culture
Elizabeth Wall	(EW)	Internal Ombudsman
Connie Vartuli	(CV)	Acting Executive Project Support Officer, CGC (<i>Observer</i>)
Militsa Zelenovic	(MZ)	Risk Assessment Co-ordinator

External

Penelope Corkill	(PC)	Centium Representative
Song Tang	(ST)	Centium Representative
Unaib Jeffrey	(UJ)	Audit Leader - Financial Audit

Apologies

1. Meeting Opening

Meeting opened 4.05pm SM

2. Declarations of Interest –

No declarations ALL

3. Minutes of Previous Meeting – 26 May 2020

LFC moved to confirm the minutes of previous meeting DC Second SM

4. Matters Arising From Minutes and Review of Actions

34/7.1 completed, DC noted that report was great and provided enough information to Councils risk profile, any new risk and emerging list and commentary. SM
34/7.2, 34/4.1, 32/6.2 completed
33/4.1 - Penetration update to return 12 months after May 2020 Meeting

5. Follow Up - Recruitment and Selection Audit Report - Centium

PC & ST entered meeting 4.20pm PC
PC undertook the original review, and noted there were a significant amount of concerns, which PC

Our Ref.: 20/46936

were previously submitted with recommendations made.

PC & ST chose 5 recruitment samples to review all met the recommendations and requirements.

One major project still in place, PC understands this may take some time as the whole organisation positions descriptions need to be reviewed.

PC confirms that the approval of positions is being completed by the GM.

PC & ST congratulated the Council on the work implemented since the previous review.

ST samples were selected from October 2019 to current, as the payroll manager implanted controls from this point on.

TB advised that to implement the capability framework across the whole organisation would be a major project. As such a decision was made to adopt the capability framework for the GM and the new Executive roles. The capability framework will then be rolled out to all managers.

Action: KD to circulate finalised report with the sample dates and correct target date included

TB advised the ARIC that Internal Ombudsman will conduct regular follow up audits on recruitment going forward.

SM thanked PC & ST for undertaking the review and presenting the results to the ARIC
PC & ST left the meeting at – 4.37pm

6. Policy Items

a. Fraud and Corruption Prevention

EW presented the Fraud and Corruption Prevention Policy to the ARIC for endorsement.

The new Fraud and Corruption Prevention Policy meets the 2008 Australian standards for corruption control.

EW advised the ARIC that this particular policy will be reviewed in two years given that we know the standards are currently being reviewed then four years for future reviews.

Compliance framework for the Fraud and Corruption to be reviewed every four years.

RD through the chair, RD notes that Council currently has no IT policy for Cyber Security. TB to circulate a response from IT when further information is available.

DC recommends the ARIC endorse the Fraud and Corruption Prevention Policy with the amendments noted. LFC also seconds and endorses the Policy.

EW

Action: updated Fraud and Corruption Prevention Policy to be circulated

b. Gifts and Benefits Policy

EW presented the Gift and benefits Policy to the ARIC for endorsement.

The new policy has been written to make it clear to Council officials what they can, what they can't accept and what circumstances.

EW advised the ARIC that the Office of Local Government released a new Model Code of Conduct with changes to the provisions of gifts and benefits as below:

- gifts and benefits to the value of \$10.00 are not considered as gifts and benefits
- the token value of gifts and benefits has been changed to less than \$100 instead of less than \$50.00

EW notes that those provisions don't have to apply to Councils, Councils can restrict the values however can't broaden them.

Council is proposing the new Gifts and Benefits Policy be restricted to less than \$30.00
All Council employees will receive training on the new policy.

LFC moves to endorse, SM seconds the endorsement with the one change on page 2 under heading 3 – gifts of token value – remove the word local

7. Governance Training – Ethical Leadership Update

PH advised the ARIC that Ethical Leadership training has just commenced with all Councils People Managers approx. 52 staff.

PH

The training provided via a virtual half day program with a pre work assessment, the feedback from staff has been positive

8. Review Audit, Risk and Improvement Committee 2017-2020 - Committee Charter

The ARIC discussed the changes made to the committee charter, with slight adjustments made to include the following paragraph:

An Independent External Member may be re-appointed for one further term but shall not serve more than two consecutive terms in either the role of Chair or non-chairing Member. They are eligible under normal circumstances for extension or re-appointment up to a maximum of 8 years of continuous service. Consideration may be given by Council to a part term extension of appointment of up to 12 months to enable Independent External Members to have overlapping terms or to deal with transitional exigencies outside the direct control of Council.

ALL

LFC endorsed the change to the committee charter for recommendation to Council, RD seconds the endorsement with a slight amendment to include the wording Deputy General Manager Corporate Governance and Community.

9. Review Burwood Council Audit Plan - 2018-2021

The ARIC reviewed the 4 Year Strategic Audit Plan (ref 19/19884) and agreed that the next audits to be undertaken should be :

- Integrated Planning & Reporting to commence with a report to be presented at the October ARIC meeting.
- Plant management to commence in 2021

DC & SM note that a lot of organisations are undertaking Work Health and Safety Audits, including home environments and making sure staff are ergonomically. It would be worthwhile for Council to consider undertaking a WH&S audit.

ALL

LFC left meeting 5.24pm

Action: TB to circulate current list of Councils policies early next year.

10. General Business

TB advised the ARIC that Saturday 22 October Council is officially opening the library and service centre in Conder Street, the event will be very low key with only 20 people attending.

SM noted that the Management letter for the Interim Audit and notes that a few items will be reviewed by the NSW Audit office.

ALL

UJ the items have been discussed with Council, and Council staff are completely on board and working with NSW Audits Office.

11. Next Meeting

The next ARIC meeting will be held on Tuesday 13 October 2020, meeting closed 5.35pm

ALL

(ITEM IN43/20) SAFE AND CLEAN TEAM - PERFORMANCE REPORT

File No: 20/53390

REPORT BY DIRECTOR CITY ASSETS

Summary

This report provides performance information on the Safe & Clean Team for the 2019/2020 period.

The Safe & Clean Team operates on a daily basis between the hours of 10am to 6pm and patrols all main business streets in the Burwood Local Government Area as defined in the contract including Burwood Road, Liverpool Road, The Boulevarde, The Strand and Georges River Road.

The Safe & Clean Team focuses on ensuring that the main business streets are always clean by removing light litter and cleaning infrastructure as well as reporting all crime activity to Police and local law breaches to Council. Additionally the team provide a key visual presence of Council along the main commercial streets during the above hours.

Below highlights the performance for the January 2020 - November 2020 period:

Activity	Rubbish removed from roadway	Shopping trolleys reported & removed into side streets	Advertising posters removed	Report Graffiti on Council Property	Report Road Obstructions	Small spills clean ups
January	1476 litres	92	13	0	4	60
February	1624 litres	63	34	0	10	48
March	934 litres	67	30	0	1	132
April	812 litres	54	26	0	0	92
May	1120 litres	78	23	0	0	43
June	1569 litres	48	15	4	0	70
July	1920 litres	95	115	23	0	71
August	1690 litres	105	250	18	2	45
September	1460 litres	109	227	23	3	53
October	1476 litres	80	170	30	5	120

November	1476 litres	126	80	20	6	165
Total	15557 litres	917	983	118	31	899

Note: The shopping trolleys left abandoned on the streets were removed by the trolley owner. During the period, shopping trolleys not removed by the trolley owner within a specific timeframe were processed, impounded and fined. This impounding process has ensured that the majority of trolleys are removed from the streets on a daily basis.

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 rubbish dumped on the street and this could be explained by the high volume of pedestrian traffic in this section of the roadway.

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 IN44/20) POWER OF ATTORNEY FOR THE GENERAL MANAGER -
REPORT FOR PERIOD OF SEPTEMBER TO NOVEMBER 2020**

File No: 20/54358

REPORT BY THE GENERAL MANAGER

Summary

At the Council Meeting of 28 May 2019, Council resolved to delegate to Tommaso Briscese a general Power of Attorney.

The resolution included a request for a report to Council every three months on all documents signed under the general Power of Attorney.

Council notes that the following document was signed under Power of Attorney between September and November 2020:

- Burwood Park Reserves Trust Lease and Deed to Jad's Place. Presented to Council on 23 February 2015, Item 14/15.

Operational Plan Objective

2.1.3 Ensure transparent and accountability in decision making

No Decision – Information Item Only**Attachments**

There are no attachments for this report.

(ITEM IN45/20) REGISTER - TRIBUTES TO RESIDENTS - COUNCILLORS' EXPENSES AND FACILITIES POLICY 1 FEBRUARY 2020 - 30 NOVEMBER 2020

File No: 20/55967

REPORT BY DIRECTOR CORPORATE SERVICES

Summary

The Councillors' Expenses and Facilities Policy includes a \$2,500 budget for the Elected Body to offer wreaths, flowers or the equivalent for particular reasons, including in the event of the passing of a resident.

To ensure transparency in allocation of funds, a Quarterly Report on expenses is presented to Council. This report covers the period 1 February 2020 – 30 November 2020.

Operational Plan Objective

2.1.3 Ensure transparency and accountability in decision making

Background

The Councillors' Expenses and Facilities Policy includes a \$2,500 budget for the Elected Body to offer wreaths, flowers or the equivalent for particular reasons, including in the event of the passing of a resident.

The Policy states that:

Wreaths, flowers or the equivalent may be given for the purpose of a tribute to person(s) for the following reasons (these are to be labelled from the Mayor and Councillors, Burwood Council):

1. *As an appreciation for long service to Council (either employee or Councillor) at the cessation of their tenure or employment*
2. *A resident turning 100 years of age where Council has been notified*
3. *50 years of marriage where Council has been notified*
4. *Passing of a resident who has resided in the area:*
 - *Council has been notified of the death*
 - *a Councillor advised Council in writing of the death*
 - *Where it is decided under the discretion of the Mayoral office*

Approval to be sought within one business day.

A budget allocation of \$2,500 is available each Financial Year with all gifts to be capped at \$100, unless approved by the Council.

The attached table details the Tributes to Residents Register for the period 1 February 2020- 30 November 2020.

Proposal

That Council notes this report as per the requirements of the Councillors' Expenses and Facilities Policy.

Financial Implications

Within the approved budget allocation of \$2,500.

Conclusion

That Council receives and notes the tributes made to residents.

No Decision – Information Item Only**Attachments**

1 [↓](#) Councillors Gifts or Benefit 1 February - 30 November 2020 - Tributes to Residents

Councillors Gifts or Benefit 1 February - 30 November 2020 - Tributes to Residents

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(ITEM IN46/20) ANSWERS TO QUESTIONS ON NOTICE - COUNCIL MEETING OF 24 NOVEMBER 2020

File No: 20/55932

REPORT BY DIRECTOR CORPORATE SERVICES

Summary

At the Council Meeting of 24 November 2020 the following Questions on Notice (QoN) were submitted by Councillors. Council Officers responded to the QoN and Councillors were notified on 1 December 2020 of the outcome of the QoN.

Operational Plan Objective

2.1.3 Ensure transparency and accountability in decision making.

This is now submitted as part of the Council Agenda for Public Notification:

QUESTIONS ON NOTICE – COUNCIL MEETING OF 24 NOVEMBER 2020	
Question	Response
<p><u>Councillor Heather Crichton</u></p> <p>Question 1:</p> <p>Does Council's Disability Inclusion Action Plan include the provision of 'Tactile Ground Surface Indicators' at our kerb ramps, pedestrian crossings and bus stops within our Town Centres to assist those who are blind or visually impaired? How regularly are these indicators audited?</p>	<p><u>Director Community Life</u></p> <p>Council's Disability Inclusion Action Plan (DIAP) 2017-2021 does not specifically reference Tactile Ground Surface Indicators (TGSIs), however, it does have an ongoing action that states "Continue the program of retrofitting pedestrian crossings as raised crossings and including dropped kerbs in new footpaths" within a broader strategy to "Deliver accessible and inclusive community facilities and spaces (page 23)."</p> <p>TGSIs are installed in some locations within town centres to assist those who are blind or visually impaired, however, there is limited data on the specific locations and condition of indicators available as a comprehensive audit has not yet been undertaken by Council.</p> <p>Existing tactile markers that are found to be damaged are regularly repaired as part of Council's ongoing maintenance programs. Council has also standardised the application for implementation of tactile indicators to meet Australian Standard 1428.4:2002. This includes the following provisions for new works:</p> <ul style="list-style-type: none"> ▪ For any pram ramp where the grade is less than 1 in 8 the tactile markers will be provided ▪ Tactile markers need to be specified, including colour dimensions, location and contrast for the visually impaired ▪ Any pram ramp at traffic signals should also include the offset and t-shaped tactile markers directing the visually impaired to the signal activation button. <p>In late 2021, Council will be undertaking a formal review of Council's implementation of the current DIAP and commencing work to develop the Disability Inclusion Action Plan (DIAP) 2022-2026. This planned work provides an opportunity for Council to audit indicators</p>

QUESTIONS ON NOTICE – COUNCIL MEETING OF 24 NOVEMBER 2020	
	in place and develop a continuous program of upgrading Council owned or controlled kerb ramps, pedestrian crossings and bus stops to include standardised TGSIs across all town centres.
<p><u>Councillor Heather Crichton</u></p> <p>Question 2:</p> <p>In addition to Council's social media platforms, how is Council's 'Shopfront Improvement Program 2020-21' being promoted to our local businesses in Burwood Town Centre?</p>	<p><u>Director Community Life</u></p> <p>The 2020/21 Shopfront Improvement Program has been promoted to the community via the following methods and channels:</p> <ul style="list-style-type: none"> ▪ Announcement of the revised Shopfront Improvement Program at Council's Small Business Month event held on Friday 30 October 2020, which was attended by 26 small businesses (in person and virtual attendees). ▪ Face to face visits to local businesses located on Burwood Road by a cross-Council team involving Council officers from Community Safety, Community Development, Building and Development and Communications during November 2020, which included bilingual support and translated information about the program. A key focus of the business visits was to highlight compliance issues and encourage businesses to access the program. ▪ Provision of updated information and an online application form on the Council website. ▪ Creation of a short video to promote the program, which was shared on the Mayor and Council's Facebook sites (500 views as at 25 November 2020). ▪ Inclusion of information about the program in Council's business e-news (1,468 recipients) and Council's Burwood Update e-news (3017 recipients). ▪ Program information was sent to local business stakeholders for circulation to business networks, such as, Burwood Asian Business Partnership (178 members), a local real estate agent and Service NSW Concierge Program. ▪ Three rounds of posts/promotion have been undertaken across Council's social media channels, including Facebook, Instagram, Twitter and WeChat.
<p><u>Councillor Lesley Furneaux-Cook</u></p> <p>Question 1:</p> <p>How often do Council's Compliance Rangers contact real estate agents to inform them of leftover signage in the Burwood local government area?</p>	<p><u>Director Community Life</u></p> <p>Council's Community Safety Team contact real estate agents and request for signage to be removed when specific issues are identified. If signage is left on the roadway, then contact is made for that specific issue. Council's Community Safety Team reports that this is not common.</p> <p>Council has recently made contact with real estate agents in the local area to promote the Shopfront Improvement Program. This provides a new opportunity for Council to pro-actively raise this issue with real estate agents rather than waiting for instances to occur. If there are specific issues or locations where this is occurring, Council officers would be happy to communicate this via these newly</p>

QUESTIONS ON NOTICE – COUNCIL MEETING OF 24 NOVEMBER 2020	
	established networks.
<u>Councillor Lesley Furneaux-Cook</u> Question 2: Are Council staff aware of other councils' strategies to minimise the use of storage trailers on their roads?	<u>Director Community Life</u> <p>Trailers parked on roadways are regulated by Council via the Impounding Act for unregistered trailers parked on roads and the Environmental Planning & Assessment Act for trailers parked on roadways and used for advertising. In instances where storage trailers are registered and are not breaching any parking regulations, Council is limited in its ability to pursue the matter.</p> <p>Council's Community Safety Team report infrequent issues in the Burwood LGA with the use of storage trailers on roads, however, Council recently impounded an unregistered storage trailer on Portland Street, Enfield following complaints from residents and the inability to find an alternative solution with the owner.</p> <p>Instances of trailers parked on the roadway and used for advertising occur more frequently in the Burwood LGA. Council has a Development Control Plan provision to address this issue, which enables Council officers to take action/issue an infringement notice in such instances.</p> <p>Council's Community Safety Team is in regular communication with Sydney Metro Councils, who apply similar strategies and actions to those outlined above. Further consultation with other councils will be undertaken to understand if there are new strategies or approaches being implemented to address the above issues.</p>

In addition, Councillor Chan submitted two questions prior to the meeting. The questions and associated responses are as follows:

QUESTIONS ON NOTICE	
Question	Response
<u>Councillor Ernest Chan</u> Question 1: How often does Council survey the visibility of traffic signs (to ensure 'No Stopping' signs etc are not obstructed)?	<u>Director City Assets</u> <p>Council staff recently undertook a survey of regulatory parking signs and have issued works instructions for any required maintenance and repairs that were identified. Council's Community Safety team undertake routine inspections during their enforcement duties and alert the Operations team of any repairs or maintenance that are required.</p>

QUESTIONS ON NOTICE	
<u>Councillor Ernest Chan</u> Question 2: How much would it cost to print Burwood Council's logo on the yellow vests with wordings "COVID-19 Social Distancing etc"?	<u>General Manager</u> This suggestion has been passed on to the team to investigate and determine whether it is a feasible option to include the Council logo on the vests.

No Decision – Information Item Only**Attachments**

There are no attachments for this report.