

Archived: Thursday, 27 July 2023 2:07:12 PM

From: [REDACTED]

Sent: Sunday, 16 April 2023 5:42:47 PM

To: [Burwood Council](#)

Cc: [REDACTED]

Subject: Attention: General Manager - Ref. DA 10.2023.28.1 11 Seale St Burwood

Sensitivity: Normal

Dear Sir

I am writing to lodge an objection to the proposed development at 11 Seale St Burwood.

This property is currently Heritage Listed which means that it is considered to be of great historical and cultural significance to the State of NSW.

The listing was the result of an exhaustive evaluation by experts in the field. It was not an easy distinction to achieve.

The proposed development makes a travesty of this listing.

It would totally destroy the integrity of the house and garden. What would remain would be a shell of the original house.

The heritage value of not only No 11 would be destroyed but the negative impact on the whole street (which contains other houses of historical significance) would be great.

It would also be a great loss to the Municipality of Burwood which prides itself on having some fine examples of Federation architecture.

This house was my home for over 40 years. During that time we lovingly maintained and restored the house and kept it as original as possible. It would be so sad to see that effort wasted.

Yours sincerely

[REDACTED]

[REDACTED]

Archived: Thursday, 27 July 2023 2:03:18 PM

From:

Sent: Monday, 1 May 2023 1:07:19 PM

To: [Burwood Council](#)

Subject: FW: DA 10.2023.28.1

Sensitivity: Normal

DA 10.2023.28.1

Property address : 11 Seale Street Burwood

To the attention of the General Manager

Dear General Manager,

My apologies for missing the nominated deadline of last Friday but I have only just returned from a trip away and could not respond until today.

I wish to declare my families objections to the development proposal for 11 Seale Street Burwood.

If the development were to go ahead it would degrade both the buildings and the suburb of Burwoods heritage value and standing.

Burwood has some of Sydney's best heritage buildings despite the acceleration of development in recent times.

There must be a way to keep the property above more in keeping with it's heritage construction and design, albeit possibly more expensive in the short term.

The proposed development is not sympathetic with the heritage and historical value of the house and land.

For the reasons above we object to the development as proposed.

Yours sincerely

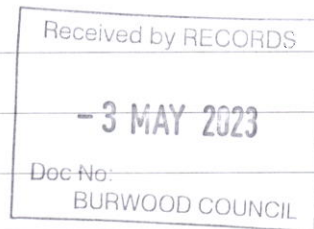
[Redacted Signature]

[Redacted Name]

[REDACTED]

[REDACTED]

General Manager
Burwood Council —



26/4/23.

Re: DP 10.2023.28.1
(11 Seale Street, Burwood.

Please add my name to protests re the over-extensive changes to this charming old house and grounds. Under current protection order, no alterations of this kind should be possible: my dictionary surely has a different definition of protection to that of "the powers that be".

It surely is also time for more consideration of the land on which protected buildings stand and no. 11 is a very good case for the whole idea of protection orders to widen - it's under threat for the second time in blink of an eye! Heritage areas had a relationship to building and surrounding land and the modern idea of cramming as much additional building onto a block is an undervalued concept and the whole area within property should be saved in the old order which was at least $\frac{1}{3}$ of land as open or garden area: building right to fence line is a no-no entirely.

Yours faithfully,

Archived: Thursday, 27 July 2023 1:55:44 PM

From [REDACTED]

Sent: Tuesday, 2 May 2023 8:43:29 PM

To: [Burwood Council](#)

Subject: Additional Supplementary Submission - DA 10.2023.28.1 - 11 Seale St Burwood

Sensitivity: Normal

Attention of General Manager

Additional Supplementary submission to support prior

- Main submission made on 26/4/2023.
- Supplementary submission made on 28/4/2023

Formal Objection to DA 10.2023.28.1 – 11 Seale St, Burwood



Dear Sir/Ms

Over the last week the council DA tracker online website was missing the applicant's documents/drawings and as such it was unfair and impossible to make an informed submission in this area until now. Hence the delay with this part of submission

Context to supplementary submission

After meeting Council's officers on 27th April and following a thorough re-assessment of the development application (DA) at 11 Seale Street (the subject site) referred to as DA2023.28, I further submit that the impact on the environment, heritage values, aesthetic significance and streetscape setting of the proposed part-demolition of the heritage listed home and development is not acceptable.

I recommend the application be refused to ensure the integrity of the heritage home is maintained as listed in the recommendations of the GML Heritage report that was commissioned by Council. The reasons and concerns are outlined.

Upside down design strategy

As an alternative to the above heading and using a well-known expression that also serves to capture and illustrate our concerns, is that the proposal is still "trying to fit a round peg into a square hole".

The design strategy continues on from the first DA and still seeks to primarily develop what can only be characterised as a "villa". This still takes the highest priority – but on this occasion with an "annex", this being the retention of the existing heritage listed home. In other words, the proposed development should match the heritage property/cottage and not the heritage property/cottage have to match the proposed development villa design. Hence the design does not integrate with the property, represents an overdevelopment and is overbearing taking the focus off the heritage listed property and as such reducing its heritage value and significance.

There is ample opportunity to provide the required area programme within the very generously proportioned 4 bedroom residence and not to demolish any part of this building.

Flawed approach used to give appearance of congruence between "existing" and "new"

A critically important approach that is not easily extrapolated from the drawings and is inadequately highlighted to the

reader, is the very significant excavation and cutting into the land that is being proposed. It is my understanding that 7.2 of material will be excavated which demonstrates the magnitude of the work being conducted and the extent of the site that will be impacted.

This approach is best characterised as “sinking” the villa into the land. This approach has been adopted in order to align the ridge height of the proposed 2-storey villa with the ridge height of the existing heritage home – thereby giving the appearance of a less bulky development from the street. At the point where the proposal adjoins No 9 Seale Street, the excavation is proposed to be approximately 1.2 to 1.5 metres as measured to the underside of the structure. This represents structural risk to No. 9 as the dwelling is located close to the boundary.

This approach is not only environmentally unsatisfactory, it is uncommon in federation period design given that excavation machinery was not available at that time. Furthermore, because of this approach, it has caused the access drive way leading to the proposed garage which is currently level with the natural ground, to be excavated and ramped down at a significant grade to meet the proposed garage floor level – which are approximately 750 mm below the natural ground level. This will therefore result in reshaping the land within the front setback and significantly alter the appearance of this vast area from the street.

Furthermore, this approach will also consequently result in extensive retaining wall structures being built along all boundaries which in turn will result in complicated stormwater runoff and discharge management.

Privacy and overlooking concerns

Despite the above approach to sink the villa into the land, the proposed 2-storey façade which contains numerous fenestrations at the first floor at the rear of the proposed villa will cause overlooking and privacy concerns into all the yards of the adjoining properties – particularly from the first floor sitting area and from the decks located within the extrusions to the bedrooms. This is an unacceptable outcome especially given that all the existing established screening trees are proposed to be demolished.

Conclusion

In conclusion, the proposed development is considered to be a large villa with an annex – being the heritage listed home. It is sunken into the ground to avoid an appearance of being out of scale, form and detail to those in the vicinity. The villa has little regard to the surrounding residential properties and, in particular, the character of the surrounding area. It fails to demonstrate alignment with the GML Heritage report.

Archived: Thursday, 27 July 2023 1:48:55 PM

From: [REDACTED]

Sent: Friday, 28 April 2023 9:05:55 AM

To: [Burwood Council](#)

Subject: DA 10.2023.28.1 - 11 Seale St., Burwood

Sensitivity: Normal

Archived: Thursday, 27 July 2023 1:48:55 PM

The General Manager
Burwood Council
2 Conder St
Burwood NSW 2134

Dear Sir,

I formally object to the Development Application and proposed changes to 11 Seale St, Burwood in any form now and in the future.

Not only will the development adversely impact on the heritage value of the property but it will change the existing character of the house and of the street. I think any development should be sympathetic with the heritage and historical value of the land and of the house.

I came to Burwood because of the suburb's "character" - plenty of old houses reminiscent of years gone by. Sadly, the face of Burwood is changing fast, especially with developments like this application.

Heritage listed properties should remain intact.

Very truly yours,

[REDACTED]

Sent from my iPhone

Archived: Thursday, 27 July 2023 1:37:49 PM

From: [REDACTED]

Sent: Friday, 28 April 2023 4:00:23 PM

To: [Burwood Council](#)

Subject: Objection to Application of development to 11 Seale St - DA 10.2023.28.1

Sensitivity: Normal

To the General Manager,

I am writing to express my objection to the proposed development application to 11 Seale St - DA 10.2023.28.1.

It has come to my attention that the proposed building application will result in significant damage to the garden, heritage of the homestead and also the neighbourhood.

Garden:

The garden of 11 Seale St has a variety of well-established trees, including a large jacaranda tree which will be removed if the construction takes place. Not only are the trees representative of the once long-standing heritage of the 11 Seale St property but they also act as a shield of privacy for other neighbours and also help reduce excessive heat for the neighbouring houses by lowering surface and air temperatures through evapotranspiration.

Heritage:

The proposed development will see the removal of long-standing structures of the house including the removal of cast iron fireplace stove in the kitchen. Even though the original house may remain, the towering new double story proposal standing side by side will not only physically over shadow it, but will overshadow the heritage of the house.

Neighbourhood:

Speaking with the neighbours it is clear that this development will cause excessive distress, especially for elderly. The house construction will cause excessive long-term disturbance of the peace on a daily basis for what is a quiet street. The development itself will also stand out dramatically as a double story building, changing the atmosphere of the street.

Thank you for considering the concern for the new development.

Cheers,

[REDACTED]

20 April 2023

Attention: General Manager

RE: DA 2023.28 Property: 11 Seale Street, Burwood.

I would like to lodge a formal objection to the proposed development application regarding the abovementioned property on behalf of not only myself but also my wife [REDACTED]. We are joint owners of [REDACTED] which directly adjoins the subject property. The basis of our objection includes, in short form, the following:

1. The application and proposed plan is a de facto attempt to overcome a heritage listing recently made by Burwood Council on the most meritorious of grounds.
2. The report of GML Heritage obtained by Council for the purpose of determining whether there should be heritage listing is an independent report that considered all relevant and significant criteria and issues in terms of heritage issues.
3. The reports obtained in support of the development application (the Heritage Impact Assessment ("HIA") and the Statement of Environmental Effects by GSA Planning ("GSA")) can not be said to be as objective, neutral and comprehensive in their approach to the issues that were addressed by GML Heritage in its report. On the contrary the reports can be fairly described as superficial in their treatment of heritage issues. Perhaps this is to be expected, given that the authors of these reports are on a retainer to achieve a particular object in supporting the development application. Council should be wary of any overt or implied bias when assessing the worth of these reports. Council should also take note of the severe shortcomings of the reports as set out in this objection.
4. Council should also take note of the important issues that should have been but were not addressed in the reports relied upon.
5. Any approval of the development application in its current form, would nullify the importance of heritage listing of properties in the area, bearing in mind that many heritage and historical buildings in the Burwood area have already been lost.
6. The proposed development is not in keeping with the surrounding houses in the street, the heritage interests of the Burwood area or the public interest in any event.
7. No attempt seems to have been made to respect the heritage listing by approaching any proposed development with a genuine intent to protect the current dwelling by leaving it intact. This could have been achieved by building on vacant land within the large lot. An additional dwelling could be built on the large land size without any need to demolish or destroy any part of the primary building.

The starting point upon which our objection is based is the report of GML Heritage Pty Ltd ("GML") obtained by Council for the purpose of assessing the heritage value of the property. In its report GML notes that the dwelling is on a substantially large lot which has remained unaltered since the construction of the dwelling, although there is a rear extension which imitates some traditional

details such as the face brick external walls, timber framed windows, bathroom tiles and timber joinery to the verandah.

In applying the relevant heritage criteria, the following findings were made:

- (i) The dwelling had historical significance at a local level.
- (ii) The land and dwelling had a historical association significance.
- (iii) Carinya is a fine example of a Federation dwelling house with stylistic influences of the Federation Queen Anne and Federation bungalow architectural style. The building was highly intact, with a high degree of integrity and quality of design. The building satisfied the criteria of aesthetic significance.
- (iv) Carinya is a good example of the Federation style which once dominated the Burwood area, the house remaining highly intact with limited modification and a large number of original features. There are few remaining houses of this integrity in the Burwood area. The SHR criteria of rarity is satisfied.
- (v) Carinya has many of the principal characteristics of the Federation Queen Anne and Federation bungalow style translated into a more modest dwelling and displaying a high degree of integrity. The building satisfies the SHR criteria of Representativeness.
- (vi) Carinya retains a high level of integrity. Its large lot has remained unaltered, thus its original curtilage has not been altered.

GML Heritage Pty Ltd are clearly a well qualified and experienced firm whose opinions can be relied upon when examining heritage issues. The report of Mr Zoltan Kovacs confirms that the assessment by GML Heritage “was thorough and objective” and the author agrees with its findings which, inter alia, conclude that the property is significant in five of the relevant criteria.

The satisfaction of such heritage criteria was not limited to only the front part of the house. The rear of the house, including later additions, was incorporated for the purpose of the assessment. A wholistic approach was taken in which both the dwelling and the land were approached as being inter-connected when assessing the relevant criteria. Further there was clear recognition that a later addition to the original house was carried out sympathetically and deliberately to the original design of the house. On visual inspection the same can be said for the garages later added. GML Heritage makes no finding that there were “low quality, recent rear additions” or “low quality rear extensions of the bungalow and the garage” which are repeatedly referred to in the Heritage Impact Assessment prepared by Zoltan Kovacs, architect (“HIA”). On the contrary GML notes these additions, acknowledges the attempt to keep extensions in keeping with the main residence and this objective was achieved. HIA in its report suggests (quite wrongly), that the recent rear additions are of low quality being proposed for demolition (as are the garages). No information or evidence is presented to support the opinion that the rear additions (and garages) are of low quality, let alone warrant demolition in a property that has been fastidiously maintained and kept by the previous owners. The rear of the original main house incorporating the kitchen and dining area can not be demolished without affecting the heritage value of the house.

It is clear that the previous owners of the property went to extraordinary lengths to retain the design, integrity and heritage of the building in terms of its upkeep and maintenance as well as in building additions.

The repeated references to “low quality” additions particularly in the face of evidence to the contrary may well be a result of inherent bias in the opinion(s) formed in the report prepared. HIA are obviously advocating on behalf of a client to achieve a particular objective. This is in part understandable but should lead one to be on guard before accepting any of the opinions expressed in the report.

Another suggested fundamental failure in the report is the lack of significance given to the retention of the original part of the house. The heritage order is in relation to the entire building and structures on the block of land and not merely to a restricted part of the building. The thesis seems to be that if the original front part of the house is maintained and the rear part of the primary building and later additions, and the garages are demolished this would not affect any heritage aspect. This fundamental failure can be seen from an analysis of the reasons given in the report at Page 24. Leaving aside the repetitive and incorrect reference to “low quality recent additions” to be demolished, nowhere does the author of the report deal with the impact on the five criteria for heritage listing as found by GML. One is reminded that GML expressed their opinion based upon several criteria being satisfied with the analysis of each criteria being undertaken in an inter-connected and wholistic manner. HIA does not address the serious issues how this proposed development impacts upon, and in some cases destroys the application of the heritage criteria underpinning the making of the heritage order.

Could there be any doubt, that if this proposed development were to be finalised to completion, if GML were to provide a report as to whether the property satisfies any criteria for heritage listing the greater likelihood is that there would be a failure to satisfy the required and necessary criteria for heritage listing having regard to the changed composition of the primary building, the demolition of structures involving the primary building, and the effect on land use.

Arguably, this proposed development, with its suggested unsound premise that it is only the front portion of the house that should enjoy importance in terms of heritage listing and protection is in reality a de facto attempt to overcome a heritage listing over the entire property in terms of both primary building, curtilage and land. How could the demolition of the rear part of the primary building being an integral part of the house over many years not be considered a serious and unwarranted attack on the property’s heritage value? This development application can be fairly described as contemptuous of historical and heritage value.

11 Seale Street is a prime example of a rare property that has over the years been well maintained and cared for and extended in keeping with its original design. It is a great example of how a heritage building can retain its attributes, significant architecture and integrity over time by dedicated maintenance and motivation on the part of its owners to maintain the history of the building and land. The development application should be rejected on heritage grounds alone.

On the one hand we have a rare property fastidiously maintained in the past and which retains significant heritage value. On the other hand we have a development application which largely destroys the integrity of the entire property in terms of heritage value so as to completely change the character of the land. In terms of the overall development the retention of the front of the house would be no more than a charade and not a genuine attempt to protect heritage houses in our community.

I wish to raise other issues with the HIA report. The report has been prepared by Zoltan Kovacs who describes himself as an architect and heritage consultant. He also refers to himself as a conservation architect. No resume or curriculum vitae of his experience is provided. No information of any kind is

provided so as to allow one to assess the author's past experience or knowledge specifically with respect to properties that are the subject of heritage orders. This lack of information is critical given that many of the matters in which he has formed an opinion are based on value judgments which need to be justified. The reader of the report must be better informed about Mr Kovacs' experience and qualifications in heritage matters. I am not aware if there is a recognised and accredited body of heritage architects. However this needs to also be looked at. Of one thing I can be certain. If the HIA prepared by Mr Kovacs is presented as evidence in a court of law or legal Tribunal or Commission, it would be rejected on the basis inter alia that the writer of the report has not established his credentials such that he should be accepted as an expert in the particular matter. Parts of the report would also be rejected on the basis that opinions have been formed without the necessary factual basis for such opinions being set out in the report.

An internet search does not assist in establishing the experience or expertise of Mr Kovacs in the area of heritage.

Of concern, Mr Kovacs does not address why there is justification whether from a public interest point of view or otherwise, in having some of the criteria which underpinned the report of GML Heritage and were found to be satisfactorily established, so completely attacked and nullified by this proposed development. He has not addressed why it is in the public interest that the making of a recent heritage order is largely nullified and rescinded. Let me rhetorically suggest that he would have a great deal of difficulty in doing so. Mr Kovacs has focussed on why the development application should be approved and has expressed value judgment opinions as to why Council should allow this development. He has paid no attention to the very important and central issue as to why the heritage order made on established criteria should be so radically affected. He has not addressed the very important issue as to why it is in the public interest that the heritage order should be so blatantly relegated to a position of secondary, or indeed lesser importance..

Mr Kovacs makes the recommendation-

"that Council should consent to the proposed development in recognition of its lack of adverse heritage conservation impacts."

One asks rhetorically how the destruction of the rear part of the original dwelling, including the dining room, kitchen, laundry and bathroom which are incorporated in the heritage order can lead one to conclude that there is a lack of heritage conservation impacts. This is without taking into account the other serious matters raised in this objection.

If one were to accept for the moment that Mr Kovacs is an experienced heritage architect, the question which follows is: How can such an experienced architect overlook such important matters in his report, and why are there so significant omissions not dealt with in the report ? The more his experience the greater the concerns as to why this has occurred.

Frankly, one does not need architectural qualifications or any specialist training to identify significant adverse affectation or destruction of a heritage listed item.

When one looks at the timeline that arises from the documents it is clear that at the very time that Council was considering whether an interim heritage order should be imposed, as well as the finalisation of the heritage process, it appears that no opposition was put forward by the owners in any formal (or indeed informal) manner. Yet whilst this process was taking place the owners were apparently consulting with an architect as well as others to proceed with a development application. There were no representations made as to limiting any heritage order to areas bound by the

curtilage of the property, no representations were made that the heritage order should only apply to the front rooms of the residence, no suggestion was made that the building had low quality extensions which should not be added to the heritage order, as well as any number of other matters.

This raises a matter of great public importance. The owners having had the opportunity to challenge the imposition of a heritage order covering both the house and land deliberately chose not to do so. In the face of the GML Heritage report the owners in all probability may not have succeeded in their opposition. But now, the owners through their development application are seeking to substantially overturn a heritage order. This approach raises a serious question, not only for Burwood Council, but for all councils in NSW. How valid in legal terms is such an approach? In practical terms at the very least such behaviour and tactics should be frowned upon. Might I respectfully suggest that this application in the circumstances is a direct attack on the heritage listing system in New South Wales.

Given the very strong support to the heritage listing that the GML Report gave, and the lack of any real addressing of the heritage issues by Mr Zoltan Kovacs in his HIA it is suggested that Council consider the obtaining of another report from GML Heritage so as to consider the Heritage Impact of such development application. The report can also consider the effect in terms of public interest of the affectation of the heritage property by the proposed development. The obtaining of such a report is critically important given that at the present time the only reports available are those obtained by the owners for the purpose of supporting the development application. The obtaining of another report on behalf of Council would also address some of the issues raised by myself as to the validity of many of the opinions and value judgments made in the reports being relied upon by the owners in this development application. One is confident that the criticisms being made of these reports in my objection would be found to have a great degree of substance.

One now comes to the report of GSA Planning – Statement of Environmental Effects. The report acknowledges that “the design will replace the dwelling’s rear form and detached garage so as to retain the heritage’s principal façade It is proposed to undertake alterations and additions to the existing dwelling house- by retaining the front portion of the dwelling and replacing the rear of the dwelling with a one to two story extension.” Further, “the internal space of the kitchen will be re-configured to serve as an en suite and storage room.” With these proposed works it is submitted that the building’s use as a dwelling is severely limited if not become non-existent. A multi bedroom house with all amenities in original form will become a building with one bedroom, 2 sitting rooms and a home office. A complete contrast to the fully equipped bungalow which now exists. What was an extremely well kept and maintained and complete Federation and Queen Anne house occupied by a family over almost 100 years is being internally reduced to something which the original owners may rightly regard as completely different (if not a skeleton) in both use and appearance. They may well ask- where is the kitchen, dining room, bathroom and laundry that a bungalow should have. The answer may well be “converted into a garden”.

At paragraph 4.1.3 the report the authors deal with the issue of Heritage. They state “the legibility of the heritage item as a free standing Queen Anne bungalow is retained in an acceptable manner as the new development is pushed to the rear and it presents a single storey to the street.”. This is a value judgment made on spurious grounds. The attention to the issue of heritage occupies some 13 lines in a report of many pages. The authors were required to deal with the impact on heritage. They fail to point out even in the most neutral terms that the building as it currently stands is a unique, rare, original and fully outfitted with all necessary conveniences which is going to lose nearly all of its qualities and connection with its originality and integrity. The authors fail to refer, under this heading to the fact that the rear section facing demolition was an integral part of the heritage listing. They fail to report how the demolition of the rear of the house will severely affect the originality so necessary for protecting heritage items. No reference to the removal of an original kitchen, dining

room, bathroom and laundry within the building. How can it be realistically stated that the existing use of the dwelling house will be maintained ? How could such a fundamental error be justified?

THE PUBLIC INTEREST

At Paragraph 5 of the report Public Interest is dealt with. At paragraph 6 the report's conclusion is set out. The extremely important issue of why it is in the public interest that a heritage listed property be partly demolished, if not virtually destroyed as a rare example of architectural design and integrity is in the public interest. Why is it in the public interest that this development be permitted as opposed to the need to maintain heritage properties in the area. How is the public interest advanced by having this development on land which is of important heritage value. The owners can build anywhere in Sydney on property that is not heritage listed. But if they be permitted to destroy the integrity of this heritage listed house, there will never be an opportunity in future to replace what has been lost. What assessment was made in terms of a very rare property in the Burwood area being effectively destroyed and lost to future generations.

Why has this very central and critical matter of the public interest not been adequately addressed. Why has the public interest been dealt with at the most superficial level in this report, bearing in mind that there was an obligation to deal with the issue. One respectfully suggests the report confuses the private interest of the owners with the wider concept of general public interest.

When it comes to dealing with the very important if not critical issue of public interest it is suggested that both reports relied upon by the owners have dealt with the issue in the most unsatisfactory manner and have failed to address the real issue which revolves around why it is in the public interest that a heritage building and land of the quality of 11 Seale Street be permitted to be transformed into a building which loses most, if not all of its heritage value. The wishes of the applicants in the development application to demolish and build are given paramount importance. There is not one sentence let alone a paragraph in either report giving recognition to the fact that there is a public interest in retaining an intact heritage listed building. Not one attempt to weigh up the competing interests from the public interest perspective. Not one hint of recognition that there are reasons as to why the property should be left untouched from a heritage perspective.

Surprisingly, unless one has misread the report of GSA Planning, the report makes no reference to the GML Heritage Report. If this is correct one has to question how the authors could have made any informed assessment on the issue of "Heritage" at paragraph 4.1.3. Before any sound opinion can be expressed would the authors not be required to be familiar with the matters raised in the GML report and the impact of the proposed development on the heritage value on the property. Are the authors not required at the very least to note the criteria that were satisfied for heritage listing and provide valid reasons why the satisfied criteria and heritage value will not be adversely impacted upon by the proposed development.

SOME FINAL THOUGHTS

No attempt seems to have been made to respect the heritage listing by approaching any proposed development with a genuine intent to protect the current dwelling by leaving it intact, this being by building on vacant land within the large lot. An additional dwelling could be built on the large land size without any need to demolish or destroy and part of the primary building

Carinya sits on a large block of land. It has the capacity to accommodate another self contained building at the rear and side of the land. This could have been achieved quite easily with the

assistance of a qualified architect. Such an approach would have required no more than a demolition of the garages at the front. Notwithstanding this possible alternative, the owners have determined to proceed with this proposed development application in the knowledge that it was going to have a very significant and adverse effect on heritage protection. There is no suggestion in the supporting architect's report that this alternative approach was even considered or found to be unworkable. Instead it seems that the inclusion of amenities such as a swimming pool and garden pavilion take priority in the development of the land rather than attempting to save the primary building so as to keep it intact. The lack of interest in heritage protection can be seen by the destruction by the owners of what was a well maintained heritage garden which was located in front of the main residence. Gone forever !

It has emerged from the reports that there were pre-DA meetings with staff of Burwood.

- In the GSA Statement (at paragraph 3.1) reference is made "to a formal pre-DA meeting held with council officers to discuss the proposed alterations and additions. The current proposal has been designed with due consideration to the issues raised, and feedback from Council officers at the meeting."
- In the HIA report (at page 27) it is stated that "the form, scale and siting of the new additions are based on the recommendations and concerns of council's heritage adviser. They reflect these concerns and the final design does not dominate."

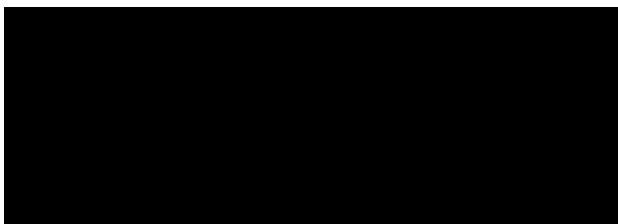
How does one interpret these statements ? Did council staff indeed indicate that demolition of the rear of the primary building was appropriate ? What are the other recommendations made ? How do any of the recommendations and concerns sit with the making of a heritage order less than 2 years before the filing of the development application. If in fact a meeting was held on 28 September 2022, being only a matter of three weeks after the heritage listing being finalised, what recommendations and concerns by council staff were made to the owners' representatives? Was Burwood Council that was so supportive of the protection of 11 Seale Street and other heritage items in its local area aware that its staff was engaged in these meetings ?

Might it be respectfully suggested that if Council staff advised in any way, shape or form how a recently made heritage order can be gotten around or circumvented to an extent that it would be largely nullified this would raise serious questions about a conflict of interest on the part of employees. This is a matter that does need to be addressed by Burwood Council.

If in fact, what is referred to above is confirmed the residents of Burwood are entitled to be very disappointed.

If any queries arise as a result of this objection please do not hesitate to contact me.

At any meeting of Burwood Council in which this development application is raised, I would like the opportunity to address this matter. Similarly, if and when the matter is dealt with by any Planning Panel.



Archived: Monday, 31 July 2023 4:02:17 PM

From: [REDACTED]

Sent: Sunday, 23 April 2023 5:58:51 PM

To: [Burwood Council](#)

Subject: ATT General Manager - DA 10.2023.28.1 (11 Seale St, Burwood)

Sensitivity: Normal

Archived: Monday, 31 July 2023 4:02:17 PM

ATT General Manager - DA 10.2023.28.1 (11 Seale St, Burwood)

Re: Formal Objection to development applicaiton and any proposed changes to 11 Seale St Burwood in any form now and in the future.

I object to the proposed changes due to the impact that it will have on the heritage and historical value of the building and site. As the property is heritage listed, I believe it should stay intact.

Thank you for your time,
[REDACTED]

Sent from my iPhone

Archived: Thursday, 27 July 2023 6:02:32 PM

From: [REDACTED]

Sent: Wednesday, 26 April 2023 4:46:50 PM

To: [Burwood Council](#)

Subject: Attention of the General Manager - Objection for 11 Seale St Burwood DA 10.2023.28.1

Sensitivity: Normal

To the General Manager,

My family is a resident of [REDACTED] Burwood and **object to the Development Application and any proposed changes to 11 Seale St in any form now and in the future. The property is heritage listed and is to remain intact.**

This property (not just the cottage) is extremely important to Burwood's Heritage – it is a rare and complete example of a Burwood family property from 1914. It met 5 of the 7 criteria for heritage listing which is incredible as most only achieve 2-3. The Burwood district pioneers (since the 1830's) and their families that owned this property and built the house were that important to Burwood that Seale and Ireland Streets were name after them. The property was listed as a heritage item due to strong community support for its preservation with over 60 objections with its previous DA 10.2021.51.1. These objections continue to apply as they were submitted to prevent any development on the property including demolition.

I visit my family 5 times a week and it is unacceptable that this type of disruption due to the noise, traffic and parking to the residents would be acceptable. Seale St is subject to streetscape zoning and the proposal is in non-compliance of this zoning. The proposed development is overbearing and out of place as a complete eyesore within the Seale St streetscape.

I strongly object to the proposed development as it is not compatible or complimentary and will most definitely negatively impact the character of the Seale St Streetscape.

Kind Regards,

[REDACTED]

28 APR 2023

Doc No:
BURWOOD COUNCILFor emails - send to: council@burwood.nsw.gov.au

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Attention: The General Manager, Burwood Council**Development Application 10.2023.28.1 - 11 Seale Street, Burwood**

RECEIVED - CS

26 APR 2023


BURWOOD COUNCIL

I would wish to advise Burwood Council of my **formal objection** to the Development Application and any proposed changes to 11 Seale St, Burwood. The property is heritage listed and is to remain intact.

I agree and support the following points highlighted by the Seale St Resident Group for the preservation of 11 Seale St, Burwood. I have read and understand them.

- The proposed development will severely impact the heritage significance of the property and its ability to comply with the five heritage criteria which it met for its listing. This includes "rarity" due to the property's intact nature of all within its boundaries. All structures including the fence, garage, main dwelling, and extension among others are in good functional condition and part of its heritage significance and there is no justification to change/demolish them. It is a fine intact heritage listed property from 1914 owned and built by Burwood pioneers who should continue to be respected and as such should remain the way it is now.
- It is not acceptable that the proposal removes/demolishes a significant portion of the original cottage with critical heritage elements required for existence such as the kitchen, dining room and bathroom. The interior of the remaining cottage should not be allowed to change with the modification of the walls, along with other changes.
- The owner's heritage impact statement raises questions over its creditability as it supports the demolition of the original rear portion of the cottage which contains the kitchen, dining room and bathroom which are all in good usable condition. This cottage was heritage listed based on all elements of a functional dwelling including these areas where Burwood pioneers who built the house cooked, ate, and washed. The understanding is that a garden will replace them with nil heritage value! Burwood Council needs to rely on an independent impact assessment that satisfies community judgement for creditability.
- Seale St is subject to streetscape provisions – the garage, fence and other features have been part of the streetscape for well over 40 years and compliment surrounding dwellings. Hence there is no reason to demolish/replace them. The development will not complement the streetscape and will be out of place. The garage on the plan is in fact a 2 story along with the new dwelling. It is made of modern materials, contrasting colors and modern design.
- Its built area/footprint is outside allowable limits and needs to be complied with. It is overbearing and its bulk will dominate the original cottage and the streetscape.
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The property has been heritage listed for many reasons including its appearance being one of the best examples of a 1914 federation property with strong historical links to Burwood pioneers. Combined with the Seale St streetscape zoning protection there is a strong justification to keep the property intact.



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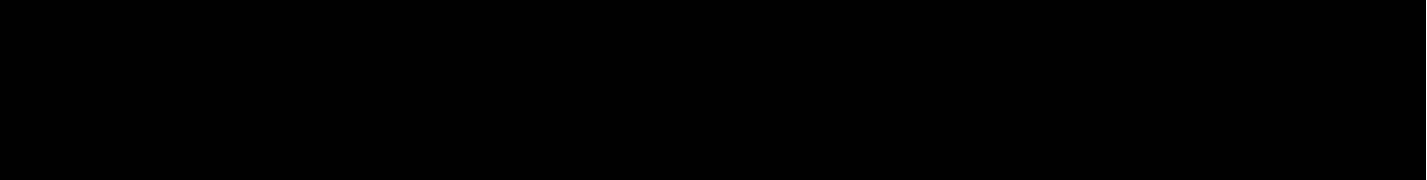
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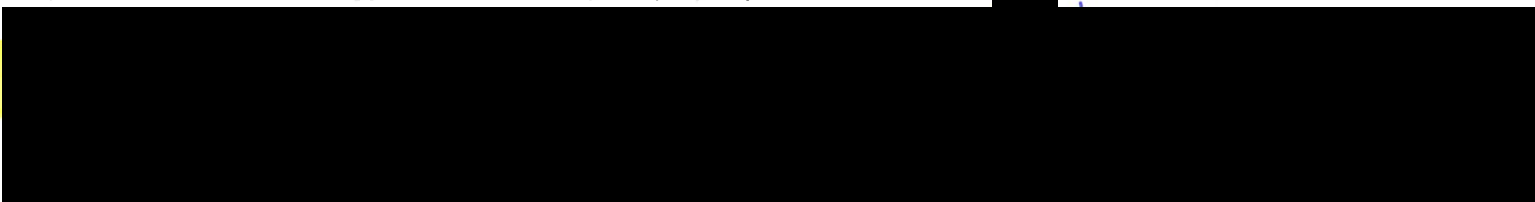
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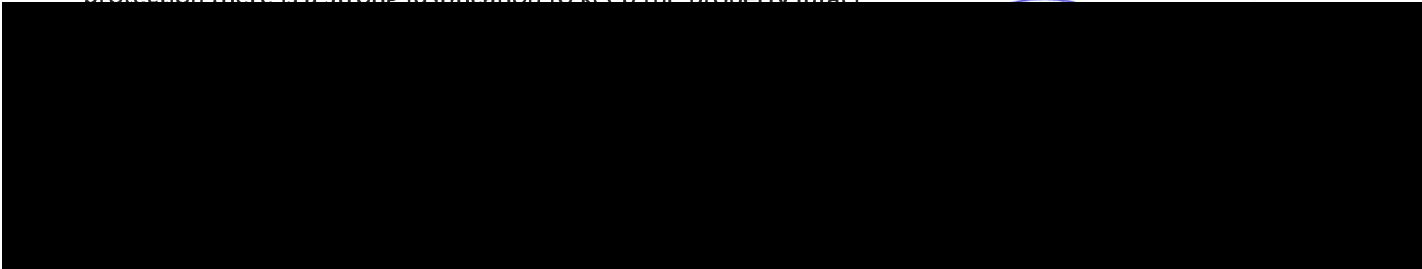
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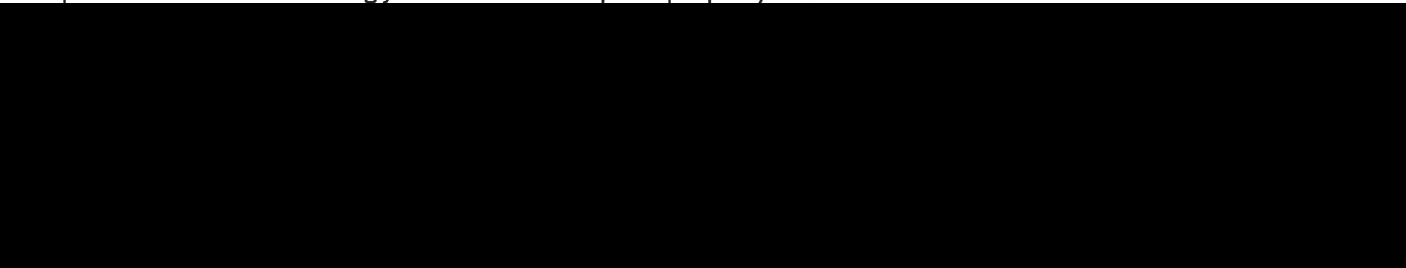
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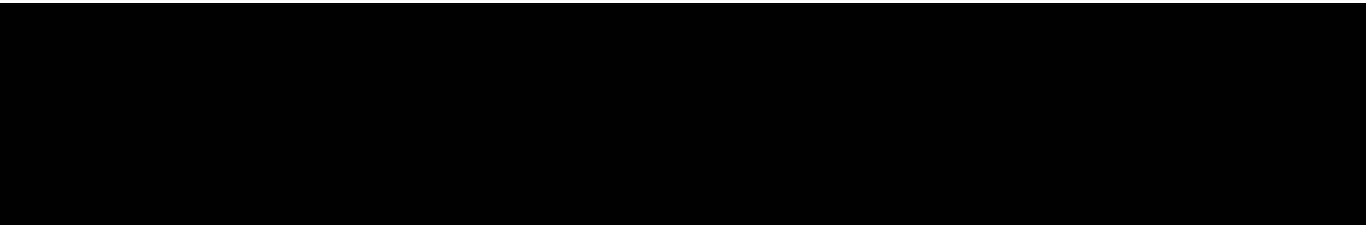
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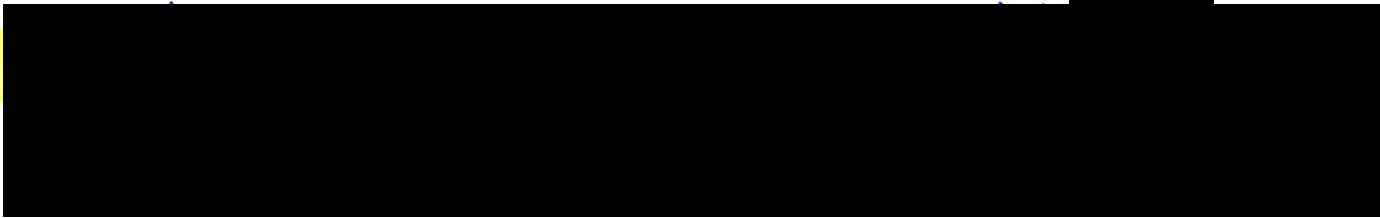
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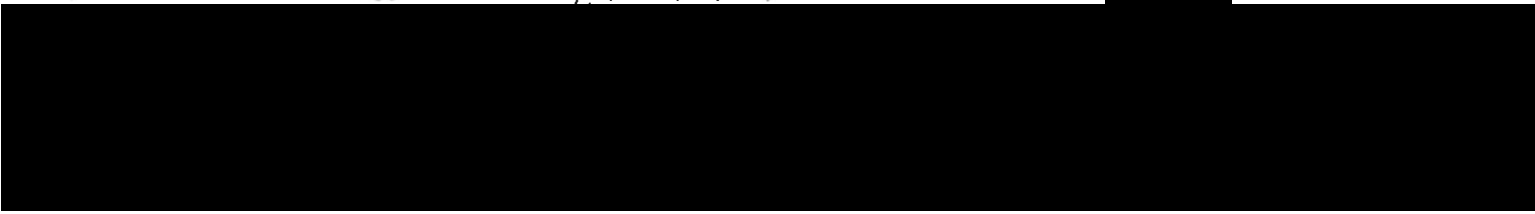
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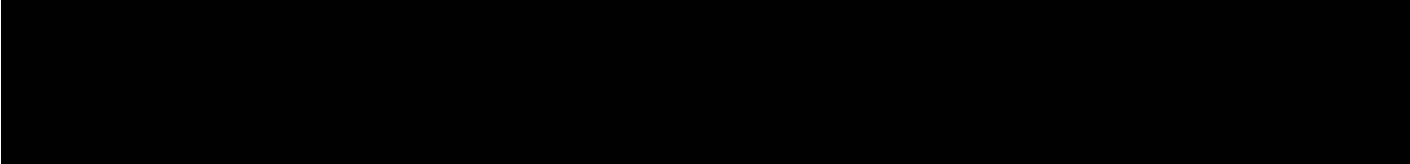
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- The park-like feel of the existing backyard creates an oasis of what once was. It provides a sanctuary for native flora and fauna and must not be destroyed. There are few green areas like this left in the area. I live across the street, and the people who rent there invited the neighbourhood to a housewarming party at the house. To be able to sit in that backyard, enjoying the warm glow from the lights in the house, the expansive verandah, and the company of neighbours gave me a glimpse of what might have been in days gone by. To destroy parts of that house and backyard would be a significant loss of the history that house embodies and its current beauty.
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Date: 24/4/2023

Reference: 11 Seale St, Burwood – DA10.2023.28.1

FORMAL OBJECTION TO DEVELOPMENT APPLICATION

Attention: General Manager

I am a previous resident of Burwood and am concerned that Burwood council would even consider the proposed development of 11 Seale St, Burwood. I strongly object to the DA and any proposed changes now and in the future. The property is to remain intact. The property was listed as a heritage item due to the strong community support for its preservation. This was supported by investigations and reports which confirmed community views and its significance. The property is a fitting example of an early family Burwood home with a significant history associated with it. It was not just the cottage that the community voiced their strong voice to protect – it was the complete property with everything within its boundaries. It is disrespectful to the residents and its initial owners to propose and consider these changes. Shame on Burwood Council

In the proposed development, the part of the cottage that will remain will only be a façade or a shell. 80-90% of the property will change due to this development. How can the owner's heritage impact statement support this change and not see that the heritage value will not significantly change. Serious questions need to be asked on their expertise and bias. No way is this an independent assessment. The garage, gardens and fence have been there since I can remember and perfectly fit in with the streetscape. It isn't just the house that makes this heritage worthy it is everything within the property boundaries. I have seen the proposal and how can the garage be claimed as a single storey – there is a vertical wall that separates the roof of the lower storey and the roof of the upper floor. To me this is a double storey garage all day long. There are also no 2 storey structures/dwelling surrounding the proposed development. Hence it will not be compliant with streetscape zoning protections. My understanding is that the built upon area at 495 sqm will exceed the permitted 450 sqm by 10%. How can this be justified when even the surrounding lots e.g. 17 Seale St and 12 Ireland St don't even exceed it.

It can not be disputed that the character and heritage significance which includes its rarity will be lost. It will be a mockery of Burwood Council's heritage focus. An everyday permanent reminder of Burwood Council's failure to protect heritage. The power of development wins again with Burwood Council! The proposed development is overbearing, bulky, dominates the property and cottage and out of place as an eyesore within the Seale St streetscape.

As I stated the property should remain intact with no changes to maintain its heritage value to the community of Burwood

Regards

[Redacted Signature]

For emails - send to: council@burwood.nsw.gov.au

For letters - send to: **Burwood Council. PO Box 240, Burwood. NSW 1805.** Or they can be hand delivered to Council's Office at 2 Conder Street, Burwood.

Attention: The General Manager, Burwood Council

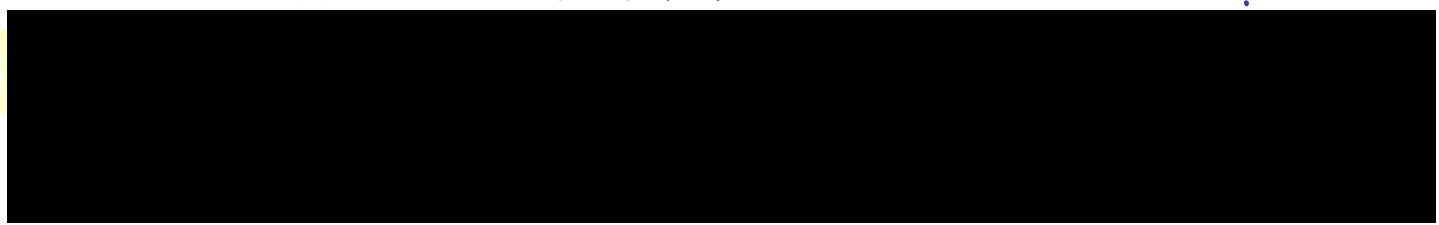
Development Application 10.2023.28.1 - 11 Seale Street, Burwood

I would wish to advise Burwood Council of my **formal objection** to the Development Application and any proposed changes to 11 Seale St, Burwood. The property is heritage listed and is to remain intact.

I agree and support the following points highlighted by the Seale St Resident Group for the preservation of 11 Seale St, Burwood. I have read and understand them.

- The proposed development will severely impact the heritage significance of the property and its ability to comply with the five heritage criteria which it met for its listing. This includes "rarity" due to the property's intact nature of all within its boundaries. All structures including the fence, garage, main dwelling, and extension among others are in good functional condition and part of its heritage significance and there is no justification to change/demolish them. It is a fine intact heritage listed property from 1914 owned and built by Burwood pioneers who should continue to be respected and as such should remain the way it is now.
- It is not acceptable that the proposal removes/demolishes a significant portion of the original cottage with critical heritage elements required for existence such as the kitchen, dining room and bathroom. The interior of the remaining cottage should not be allowed to change with the modification of the walls, along with other changes.
- The owner's heritage impact statement raises questions over its creditability as it supports the demolition of the original rear portion of the cottage which contains the kitchen, dining room and bathroom which are all in good usable condition. This cottage was heritage listed based on all elements of a functional dwelling including these areas where Burwood pioneers who built the house cooked, ate, and washed. The understanding is that a garden will replace them with nil heritage value! Burwood Council needs to rely on an independent impact assessment that satisfies community judgement for creditability.
- Seale St is subject to streetscape provisions – the garage, fence and other features have been part of the streetscape for well over 40 years and compliment surrounding dwellings. Hence there is no reason to demolish/replace them. The development will not complement the streetscape and will be out of place. The garage on the plan is in fact a 2 story along with the new dwelling. It is made of modern materials, contrasting colors and modern design.
- Its built area/footprint is outside allowable limits. It is overbearing and its bulk will dominate the original cottage and the streetscape.
- The change of driveway and existing path in front of the house is not acceptable. Extending the driveway towards the front of the cottage will encourage parking directly in front of it, which will detract from its heritage significance.
- The proposed development is not acceptable as it will compound existing excessive issues with noise, traffic and parking that currently exist with the Quandong St and Liverpool Rd development.

The property has been heritage listed for many reasons including its appearance being one of the best examples of a 1914 federation property with strong historical links to Burwood pioneers. Combined with the Seale St streetscape zoning protection there is a strong justification to keep the property intact.



Archived: Monday, 31 July 2023 11:45:06 AM

From: [REDACTED]

Sent: Friday, 28 April 2023 2:31:54 PM

To: [Burwood Council](#)

Subject: Supplementary Submission to support prior submission - DA 10.2023.28.1 - 11 Seale St Burwood

Sensitivity: Normal

Attachments:

[REDACTED] - [Objection - DA10.2023.28 - 11 Seale St Burwood.pdf](#);

Attention of General Manager

Supplementary submission to support prior submission made on 26/4/2023. (attached)

Formal Objection to DA 10.2023.28.1 – 11 Seale St, Burwood

[REDACTED]

We note that the proposed development application will demolish the original rear of the existing cottage which contains the kitchen, dining room, bathroom and laundry which is not acceptable and as such object to the DA. This would have significant impact on the heritage significance of the property.

We also note the owner Heritage Impact Assessment indicates the original rear portion of the cottage is an extension – it is not an extension as it was part of the house when it was built in 1914.

The following diagrams confirm that the footprint of the cottage including the rear is the same now as the house was in 1943 which is the earliest aerial photograph taken of the property. The photograph is likely to be representative of the house in prior years. We acknowledge that there is an extension extending from the rear footprint made by owners from 1978 – 2020 and it is highly representative, sympathetic and respectful of the cottage and period it was built

Note – Joseph Ireland the historical figure on which the criteria for heritage listing was based on lived on the property from 1914-1967.

Hence the original rear portion of the cottage is of high heritage significance. This is the same with the garage as the streetscape view width is retained as a double garage.

Footprint of original rear portion of cottage the same as it was in 1943 (pre 1943 pictures not available)

Garage width same as it is now



11A Seale St

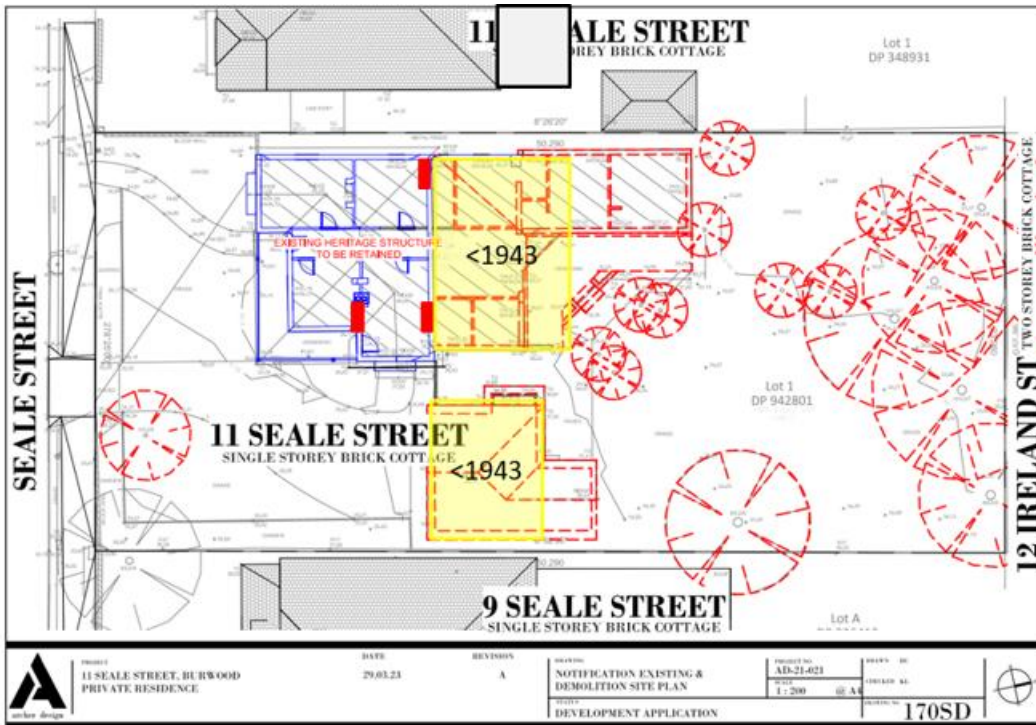
11 Seale St

Current aerial view

11A Seale St

11 Seale St

<1943
Joseph Ireland original owner was living in the house from 1914-1967



There are also questions raised over the credibility of the owner Heritage Impact Assessment Report in supporting the view that areas of high heritage significance with the original rear portion of the cottage and the garage could be demolished.

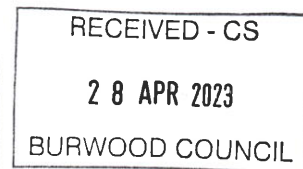
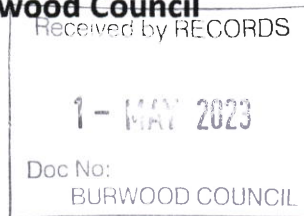
It is strongly recommended that an **independent professional heritage impact assessment that passes community judgement for credibility is conducted.**

Sent from [Mail](#) for Windows

Development Application 10.2023.28.1 - 11 Seale Street, Burwood - Objection

Attention: The General Manager, Burwood Council

11A Seale St, Burwood, NSW 2134



We **formally object** to the Development Application and any proposed changes to 11 Seale St, Burwood. The property is heritage listed and is to remain intact.

We believe that Burwood Council should reject the development application on heritage grounds alone given the significance of the property.

In May 2021 I wrote *The Local Community Assessment for Heritage Listing Study – 11 Seale St - dated 31/5/2021*. It was one of the key components that started the movement towards heritage listing 11 Seale St. I identified that the property met five heritage criteria that were confirmed by the council commissioned GML Heritage Assessment Report.

As the writer of the initial report and as a neighbor for over 40 years we believe that our submission should be given considerable bearing and weight. We spent months investigating and understanding the heritage significance of 11 Seale St – this included its land history, people history, the aesthetics and representativeness of the property and its rarity. As neighbors, and my wife as a nearby resident before our marriage, we were eyewitnesses to changes from the 1960's when Joseph Ireland was living in the property.

Heritage listing was achieved through strong community support. Members of our community knew its value with over 60 objections to the DA submission in 2021. It was also confirmed through reports that the property has in fact earned its heritage status and listing. I note preservation of "property" as all within its boundaries was the focus for heritage listing and continues to be, so the property and not just the cottage remains intact. We also acknowledge the work of Burwood Council in supporting the residents at the time in obtaining the heritage listing.

It is inconceivable to think that this support does not remain while the property is under threat. Objections lodged prior to the development application and in support of the heritage listing should be considered as objections to this current development application. Burwood Council should jealously guard its reputation and ensure that it cannot be criticized as being development focused as a result of failing to protect heritage items in its area. Burwood Council cannot and should not allow a development application with an estimated 80-90% change over the entirety of the property within 8 months of heritage listing. More the case given the defects in the development application referred to elsewhere in our objection.

Burwood Council should not take the property's heritage value lightly as it has considerable respect amongst the community.

Please note that we fully agree and support the submissions on this DA made by [REDACTED] from [REDACTED]

Initial Review of Kovacs Architect Heritage Impact Assessment (HIA) Report and Comparison with Heritage Significance

The Kovacs HIA report is selective with its inclusions and omissions. It has failed to assess the impact of the development on each of the five heritage significance criteria and as such cannot be relied upon to make informed judgements.

Development Application 10.2023.28.1 - 11 Seale Street, Burwood - Objection

In section 7.2 under the heading of under *Heritage Impact Statement*, the HIA author's expertise, professionalism and independence is already tested under *Burwood LEP 2012 – 5.10 Heritage Conservation*

Burwood LEP 2012

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.*

The following will demonstrate that the environmental heritage of Burwood is conserved.

Alterations and additions are limited in their impacts and do not affect culturally significant or contributory fabric beyond acceptable bounds.

The objective is satisfied.

The HIA author indicates that the following (assessment points) will demonstrate that the environmental heritage of Burwood is conserved, however recognizes and confirms in the following sentence that there will be an impact. The author then goes on to say *do not affect culturally significant or contributory fabric beyond acceptable bounds*.

This raises questions over the HIA author's expertise in this field and/or potential bias in favor of the owners. Where has the author addressed the impact on the five individual heritage significance criteria that 11 Seale St achieved which are culturally significant. Based on the following quote from the GML report Inventory Sheet the development will severely impact the criteria of Rarity as it clearly indicates it applies to the **property**. Also, are we to believe that an owner commissioned HIA is able to determine that it is within acceptable bounds. Note – it is estimated that 80-90% of the property will experience some change. There is a clear conflict here as the community and the GML report will tell you it is not acceptable.

- Rarity SHR criteria (f) - ***The property at 11 Seale Street has cultural significance at a local level under this criterion at a local level.***

In the HIA report – 5. *Heritage Assessment* - shown below the author makes a statement making reference to himself - *The heritage impact assessment report, which is detailed and prepared by a recognized expert in heritage conservation*. This statement is disputed throughout this objection submission. There is nowhere in the report that indicates the author's expertise and qualifications and we have already raised the question of potential bias. It is difficult to come to the conclusion that this HIA report is independent when the owner has commissioned it for their own objective and purpose.

(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.*

This heritage impact assessment report, which is detailed and prepared by a recognised expert in heritage conservation, is to be submitted as part of the development application.

The requirement is satisfied.

Development Application 10.2023.28.1 - 11 Seale Street, Burwood - Objection

At no point in the report where the HIA author indicates the condition is satisfied based on their claim of being a recognized expert could we consider the condition satisfied or met. **Where in the HIA is any assessment made of the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item. Where is the necessary detail contained within the report ?**

Burwood Council will lose credibility if it relies on this report. If it does then the community may judge the development application process as lacking credibility, safeguards and standards.

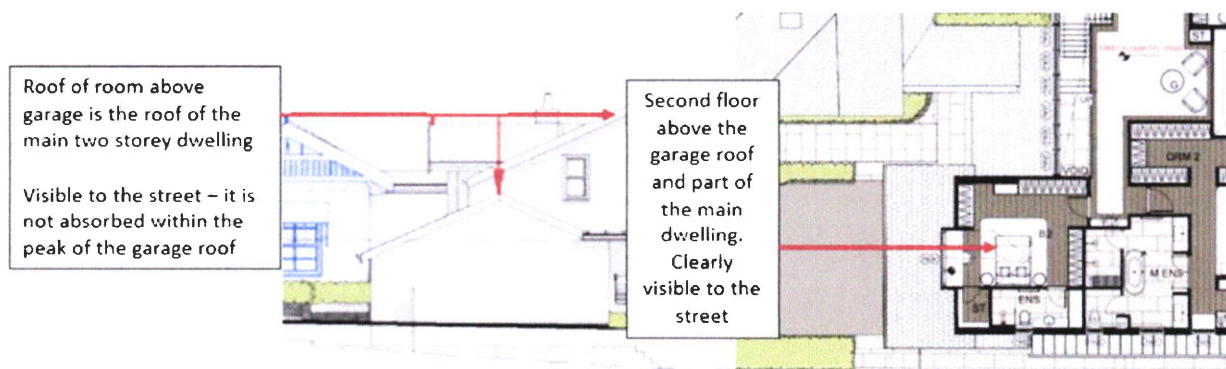
Questions continue to be raised in relation to the HIA report as we read through the many points and criteria that have been indicated as satisfied. I have not argued all specific points – there are too many – If we have not discussed a point, it does not mean that we agree with it. However, I will highlight the following point.

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.

The two storey addition is separated from the original house. Elements visible to the public domain are legible as single storey. Traditional setbacks are observed.

The objective is satisfied.

As the HIA author is an architect I fail to understand that the HIA satisfies this objective and indicates that elements visible to the public domain are legible as single storey. Do they not understand that the roof of the room on top of the garage is the roof of the two-storey dwelling? Hence the room on top of the garage is a projection of the two-storey building! I would also doubt that the room is within the roof cavity (not including eaves) as it would exceed floor-ceiling limits. Hence credibility appears to be lost here.



Note: The Kovacs Architect Heritage Impact Assessment (HIA) Report at Section 4.2 states, referring to the GML Heritage Assessment Report. *The assessment was thorough, and objective and this author (HIA) agrees with its findings.* It also includes in section 4.3 of its report, the GML report's 6.2 *Statement of Significance*.

I quote the following from the GML Heritage Assessment Report – 6.2 *Statement of Significance* and the HIA report 4.3.

11 Seale St - Is a good remaining example of residential development within the Burwood area in the early twentieth century with an unusually high level of integrity.

The Ireland family resided in the property until 1960's thus establishing strong connections with the place.

Development Application 10.2023.28.1 - 11 Seale Street, Burwood - Objection

It highlights two observations,

1. The property is in excellent condition and matches the period it was originally established. Hence there is no justification in this area to make changes to the property due to wear and tear, damage or mismatched elements and structures.
2. Changes to the property (if any) up until 1967 when Joseph died, have historical association significance as they were made by the person/families that lead to the "(b) Historical Association Significance" criteria being met as part of its listing.

The site is located on a large lot which has remained unaltered since construction of the dwelling and thus the original curtilage on the site and setting remains intact.

With the above statement - I fail to understand how the new development with the demolition of the garage, garden, rear of the dwelling and extension, extensive landscaping work including paving and removal of the fence has maintained the setting and original curtilage as intact. It is impossible.

No 11 Seale Street displays a high degree of integrity and intactness and is representative of the early twentieth century housing in the Burwood area. Given the original lot size of the site has remained unaltered, the historic garden setting of the site contributes to its aesthetic value.

The above quote highlights two other heritage significance criteria that the property met.

1. Representative significance – hence the development will impact on this criteria.
2. Aesthetic significance – attention is drawn to the words historic garden setting – isn't the proposed plan to remove the historic gardens and replace them with no heritage value landscaping? Hence how could this not impact these criteria and their significance?

We note from the GML report Inventory Sheet which forms the basis for heritage listing – Appendix B of the GML report.

- Historical significance SHR criteria (a) - *The **property** at 11 Seale Street has cultural significance at a local level under this criterion at a local level.*
- Historical association significance SHR criteria (b) – *The **property** at 11 Seale Street has cultural significance at a local level under this criterion at a local level.*
- Aesthetic significance SHR criteria (c) – *The **property** at 11 Seale Street has cultural significance at a local level under this criterion at a local level.*
- Rarity SHR criteria (f) - *The **property** at 11 Seale Street has cultural significance at a local level under this criterion at a local level.*

We must take note that the heritage listing clearly indicates applicability to property.

Hence - How could the development not impact the above heritage significance criteria. I urge you to look at the plans and mark for yourself the exact original elements that will not change, including the inside of the house. Like me you will see 80-90% of the property change. There is clear evidence that the development should be rejected on heritage grounds as the heritage criteria will be seriously impacted or in cases non-compliant.

Grave Concerns Over Council's Involvement with this development – Questions need to be answered.

There is mounting community concern and anger over the council's involvement with the owners. I quote from [REDACTED] submission 20/4/2023.

Development Application 10.2023.28.1 - 11 Seale Street, Burwood - Objection

It has emerged from the reports that there were pre-DA meetings with staff of Burwood.

- *In the GSA Statement (at paragraph 3.1) reference is made "to a formal pre-DA meeting held with council officers to discuss the proposed alterations and additions. **The current proposal has been designed with due consideration to the issues raised, and feedback from Council officers at the meeting.**"*
- *In the HIA report (at page 27) it is stated that "the form, scale and siting of the new additions are based on the recommendations and concerns of council's heritage adviser. They reflect these concerns, and the final design does not dominate."*

How does one interpret these statements? Did council staff indeed indicate that demolition of the rear of the primary building was appropriate? What are the other recommendations made? How do any of the recommendations and concerns sit with the making of a heritage order less than 2 years before the filing of the development application. If in fact a meeting was held on 28 September 2022, being only a matter of three weeks after the heritage listing being finalised, what recommendations and concerns by council staff were made to the owners' representatives? Was Burwood Council that was so supportive of the protection of 11 Seale Street and other heritage items in its local area aware that its staff was engaged in these meetings?

I also note the statement in the HIA report (page 22) – I assume that the heritage consultant is Burwood Council's heritage officer.

Additional advice was sought from the heritage consultant and extensive consultation was undertaken with the architects. The proposal incorporated conservation advice from both council's advisor and the heritage consultant and the final development proposal before the council reflects a satisfactory resolution of the raised heritage issues.

The community wants answers to these questions that [REDACTED] has asked. Also, the question is raised - if GML are the Burwood Commissioned experts, then how could anybody other than an expert assess the impact of the proposed changes and provide advice. Hence no advice should have been given other than that from an expert. Are council staff experts in heritage conservation if so, why was the GML report initially commissioned, if it could be done in house.

We totally agree and support the following statement made by [REDACTED] The community needs to be aware of this and again questions council's credibility with their heritage focus and when dealing with heritage matters.

Might it be respectfully suggested that if Council staff advised in any way, shape or form how a recently made heritage order can be gotten around or circumvented to an extent that it would be largely nullified this would raise serious questions about a conflict of interest on the part of employees. This is a matter that does need to be addressed by Burwood Council.

Are the HIA and GSA reports, along with the development application a mirror reflection of the council's advice and position on heritage protection? Council should ensure that it is not open to criticism of these matters. If council staff have acted independently of Council's position on heritage protection as would be evidenced by the making of a heritage order on the entire property this should raise a serious matter for Council to address.

Development Application 10.2023.28.1 - 11 Seale Street, Burwood - Objection

Dangerous Precedent

Just by walking through Burwood it is clear that Burwood Council is losing control of development at the expense of heritage listed properties and conservation areas. Examples such as 48 Fitzroy St are showing total disregard with the demolition of the roof and internal walls of the property. It is estimated that 80-90% of 11 Seale St will experience some change with the development. If approved, it will set a dangerous precedent. If they can change over 80-90% why can't I. The current Councillors of Burwood Council are given an opportunity to show that they are willing to exercise control over protection of Burwood's dwindling heritage landscape.

One of the best examples of an intact and maintained heritage listed property in Burwood.

IT MUST BE PRESERVED

Walking through Burwood it is becoming very rare to see a property without some type of change. The way 11 Seale St has been maintained and preserved makes this property extremely rare. This is why it earned the "rarity" criteria for its heritage listing. Nothing on the streetscape view has changed in over 40 years as witnessed by us.

As [REDACTED] for over 40 years we witnessed and can confirm the dedication and commitment of the Lawther's in ensuring that the property's heritage significance was maintained. This includes the dwelling and all other structures. Any new work they did was as close as it could be to the original design principles – same bricks, same colors as the original house and so on. My wife also grew up less than 150 metres away on Burwood Rd and remembers the property from the 60's while Joseph Ireland was living there. She notes that it wasn't much different to what it is now. We note that even the front fence will change. However, we need to remember it is the same fence when Joseph Ireland lived there. Hence it was installed/built by this historical figure and his family which earned the historical and historical association criteria of the heritage listing. How can it be said that heritage significance will not be impacted if even the fence built by these historical figures is demolished and replaced with nil heritage value?

For 11 Seale St - this extends to the original gardens and trees which were there when Joseph Ireland owned the property and the house he built and lived in from 1914 to 1967 when he died. We can confirm the Lawther's (1978-2020) did not make any notable changes to them in the 42 years they lived there. This is also confirmed with my wife's observations from the 60's and 70's. Hence the gardens, layout and trees are likely to be as old as the house and likely to be native to the area and potentially rare as mature plants. The magnitude of the trees along the fence line tells the story by overlooking the property for well over 100 years.

All of this can be verified by simply looking at the property and its condition. The GML report also confirms the condition and complementary nature of all the property elements including dwelling structures and gardens.

There is no argument presented by the current owners that property structures and dwelling need repair, don't serve their intended function or need demolition. We can conclude that they are as original as possible, they complement each other, are able to serve their intended function, maintain the heritage significance of the property and don't need repair or demolition. Hence it raises the question, what is the justification for making changes to an intact heritage listed property. In any case why would the first option be demolish and replace. Shouldn't it be repair if it did need it to maintain heritage?

Isn't the primary purpose to protect it and keep it intact, rather than replace it with something that absolutely has no heritage value which this development will. Heritage properties are different to unprotected

Development Application 10.2023.28.1 - 11 Seale Street, Burwood - Objection

properties – we can't just make changes because we want to. What would be the point of heritage listing if we could?

On one hand we have Joseph Ireland living in and maintaining the property from 1914 up until his death in 1967 and as such the criteria for historical association applies to this period along with property condition. Joseph is entitled to make changes even if he had as these changes were made by a person of historical significance to the property he owned. Also, on the same hand the Lawther's as witnessed by neighbors for over 40 years and my wife for close to 60 years maintaining the property to as near to original as possible with any changes complementary to the initial design as confirmed by the GML report. Combined with the original lot size and layout being maintained make this property an extremely rare intact and possibly one of the best examples of a maintained heritage property in Burwood – hence earning the criteria "rarity."

The above discussion already places a strong argument against development. A number of heritage criteria will diminish if development is permitted (b) Historical association significance, (c) Aesthetic significance, (g) Representativeness and lead to the destruction of a criteria such as (f) Rarity significance.

Heritage Focus of the current owners and further questions over the credibility of the HIA report

This now leads to the heritage focus of the current owners or lack of. The behavior and intentions of the current owners have shown blatant disregard for the heritage significance of the property. They caused irreparable damage to the front garden and only stopped when council officers were called in by neighbors. Any decrease in appearance value in this area is of their making. The photo on the left is 2021, the one on the right is the work of the new owners (from HIA report). I need to highlight the proposed landscape plan which will effectively demolish and remove all existing vegetation and the impression of existing gardens on the property including lawns. How could this be permitted when even the GML report has confirmed that the gardens are historic.



The lack of heritage focus is also shown in the plans by making changes to an estimated 80-90% of the property including established historic gardens and in a specific area demolishing the rear part of the house where Joseph Ireland and his family cooked on the original wooden stove. Also demolishing the dining room where they ate and the bathroom where they washed. A quote from [REDACTED] submission which we agree with and support.

On the one hand we have a rare property fastidiously maintained in the past and which retains significant heritage value. On the other hand, we have a development application which largely destroys the integrity of the entire property in terms of heritage value so as to completely change the character of the land. In terms of the overall development the retention of the front of the house would be no more than a charade and not a genuine attempt to protect heritage houses in our community.

Development Application 10.2023.28.1 - 11 Seale Street, Burwood - Objection

Significant concerns and questions are raised over the credibility of the owner commissioned heritage impact statement (HIA) for supporting the demolition of this critical heritage area of the home along with supporting other changes to the property. We support [REDACTED] submission which goes into fine detail into the credibility of the HIA. An extract from [REDACTED] submission which we fully agree with and support.

Of one thing I can be certain. If the HIA prepared by Mr Kovacs is presented as evidence in a court of law or legal Tribunal or Commission, it would be rejected on the basis inter alia that the writer of the report has not established his credentials such that he should be accepted as an expert in the particular matter. Parts of the report would also be rejected on the basis that opinions have been formed without the necessary factual basis for such opinions being set out in the report.

Of concern, Mr Kovacs does not address why there is justification whether from a public interest point of view or otherwise, in having some of the criteria which underpinned the report of GML Heritage and were found to be satisfactorily established, so completely attacked and nullified by this proposed development. He has not addressed why it is in the public interest that the making of a recent heritage order is largely nullified and rescinded. Let me rhetorically suggest that he would have a great deal of difficulty in doing so. Mr Kovacs has focussed on why the development application should be approved and has expressed value judgment opinions as to why Council should allow this development. He has paid no attention to the very important and central issue as to why the heritage order made on established criteria should be so radically affected. He has not addressed the very important issue as to why it is in the public interest that the heritage order should be so blatantly relegated to a position of secondary, or indeed lesser importance.

One asks rhetorically how the destruction of the rear part of the original dwelling, including the dining room, kitchen, laundry and bathroom which are incorporated in the heritage order can lead one to conclude that there is a lack of heritage conservation impacts. This is without taking into account the other serious matters raised in this objection.

If one were to accept for the moment that Mr Kovacs is an experienced heritage architect, the question which follows is: How can such an experienced architect overlook such important matters in his report, and why are there so significant omissions not dealt with in the report? The more his experience the greater the concerns as to why this has occurred.

The HIA report states under the heading of Walls – *The rear additions use a similar brick, but it is not a good match.* We disagree with the statement. It is easy to make throw away opinion statements however they need to be based on fact. As the picture below shows the statement is not correct



Picture of the original dwelling and extension brickwork match

Development Application 10.2023.28.1 - 11 Seale Street, Burwood - Objection



Figure 14 | The bathroom is deceptive: it is not original but refurbished recently in character.



Figure 19 | The dining room forms part of a recent addition. The double doors open onto the rear veranda. The joinery - especially the picture rail - are recent reinterpretations in the Arts & Crafts style.

The HIA report states under the heading of Interior – *The rear extension is executed in a sympathetic attempt, but the result is low quality pastiche.* However, this is in contrast to the pictures above they have taken which show high quality work and the use of materials representative of the period. Note that the HIA picture makes a judgement that the joinery in the dining room – especially the picture rail – are recent reinterpretations in the Arts & Crafts style. Firstly, how does the HIA author confirm that they are recent. Secondly, they make a judgement that it is Arts and Crafts style. However, do not provide an example confirming their claim. In any case they would realize that this style was an element of Federation styles in the period this house was built.

There is an expectation that there would be some changes – what does the HIA author expect the owners to continue to use the wooden stove and not install a modern one or use the original 1914 toilet. Also, there is an inference to it being an extension which is not correct.

The interior is of high quality – I can only imagine the cost of having these wall and floor tiles which are representative of the period in the bathroom which the author has made an assumption that it been recently refurbished. Is the author saying that the layout, floors, walls, foundations, door frames and doors, light fittings are not original? If changes did occur, then how does the HIA report not know that did not occur when Joseph Ireland lived there. Joseph and his family are the historical figures on which the historical association criteria was achieved. Any changes to the kitchen, dining room and bathroom. would be representative of their significance. Hence any development would impact this criterion. The HIA report paints a picture that the rear portion of the rear dwelling is low quality and does not have heritage value and significance which is not correct. It also indicates that the original rear of the dwelling is low in cultural value and contributes little to its significance. The HIA author confirms that the rear of the dwelling is “Original” in Figure 4 of their report. Hence if original and there when built in 1914 then why is it referred to as an extension.

Wikipedia – meaning of Building Extension

A building extension, extension or addition is a room or set of rooms built onto a house or similar building after initial construction has been completed.

The HIA reports continues to infer that this is an *original rear extension*. However how can it be an extension when the walls of this area are integral to the main dwelling. There are no mismatches or join lines in the

Development Application 10.2023.28.1 - 11 Seale Street, Burwood - Objection

brick work of the exterior walls. Hence it is the main dwelling that was built in 1914. An extension infers that it was built sometime later or not part of the original design and built house – however the facts confirm that it was built with the house in 1914 hence not an extension. What reinforces this is that it would be expected that the kitchen, dining room and bathroom were essential to daily living for the pioneers that lived there. This is supported by the fact that if the HIA did not see them as critical elements of heritage significance and existence for these historical figures and part of the original built house, then where do you think they cooked, washed and ate – does the HIA author presume they did this on the grass outside after the house was built in 1914. The proposal also supports the view that it is not an extension as it retains the exterior walls of the rear of the dwelling to give the impression that the original 1914 built house layout is retained.

The HIA report has made assumptions that are not based on fact. They have disrespected the original historical occupants by assuming that any changes if any were not their work, along with assuming that these areas essential for living were not significant to them and the heritage listing and that the rear portion was not an integral element of the house design in 1914.

The GSA Statement of Environmental Effects (SEE) Report – states in its introduction that *the existing use of the building as a dwelling house will be retained*. However, how can this be possible with the kitchen and dining room, laundry being removed.

The GSA SEE also states under 5.5.2 Public Interest that – *The proposal has been designed with consideration of adjoining resident' amenity, streetscape, and character. It satisfies the zone objectives and desired future character under the LEP, as well as the setbacks, landscaping, and amenity requirements under the DCP.*

The above statement is rejected and misleading. The author does not, and cannot be said to speak for or on behalf of the local residents, or to understand their concerns about the inappropriateness of such a development application (and the earlier DA). The number of objections lodged in relation to the earlier DA and the number of objections likely to be filed against this application speak for themselves.

The HIA report also indicates that the street name Seale St was derived from the early local landowner, Richard Seale – however it is not correct as it was named after Thomas Seale. Picture taken from *Harvest of the Years*. It is an example of the report's inaccuracy.

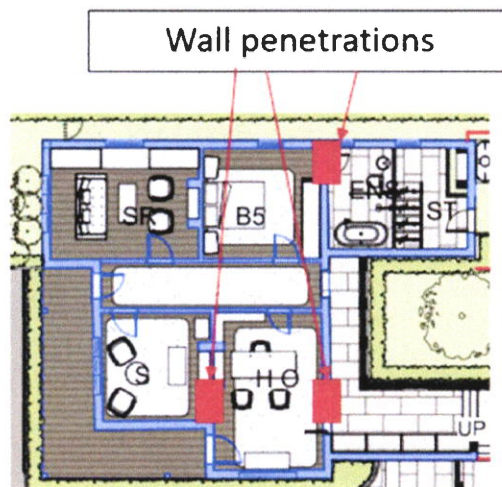
STREET NAMES

Named after District Pioneers:

Ireland St - W. H. Ireland, innkeeper
Seale St - Thomas Seale, *The New Inn*

The HIA report states that *The Federation features are not only evident in the form and setting of the building, but also in its details and materials, and more unusually in the intact interior fabric of its principal form.*

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If the HIA report is to be respected in this statement then why are there changes planned that would severely impact the interior with 3 wall penetrations to allow access to an internal room and to the outside garden, along with another to the planned on-suite. This would severely change the perceived layout of the original dwelling. We have already established that the rear of the house is original in the 1914 built layout hence not an extension then why is the HIA author supporting its demolition based on this statement.

Streetscape

The HIA report states under the heading 3.1 Site Context – *The area around the house is characterized by large single storey Federation style houses.*

And again

The houses around the site are single storey Federation and Inter-war Bungalows.




Based on the above statements the proposed two storey house and garage are not representative of the Seale St Streetscape – the GSA report and proposal indicate, the streetscape that will be directly impacted has 1-2 storey dwellings. This is not correct as per the HIA report and as the diagram below shows.

The Streetscape provision applies to Seale St only (see DCP Section 8.2 map and diagram below) and not Ireland St – hence references to houses on Ireland St in this area are not applicable.



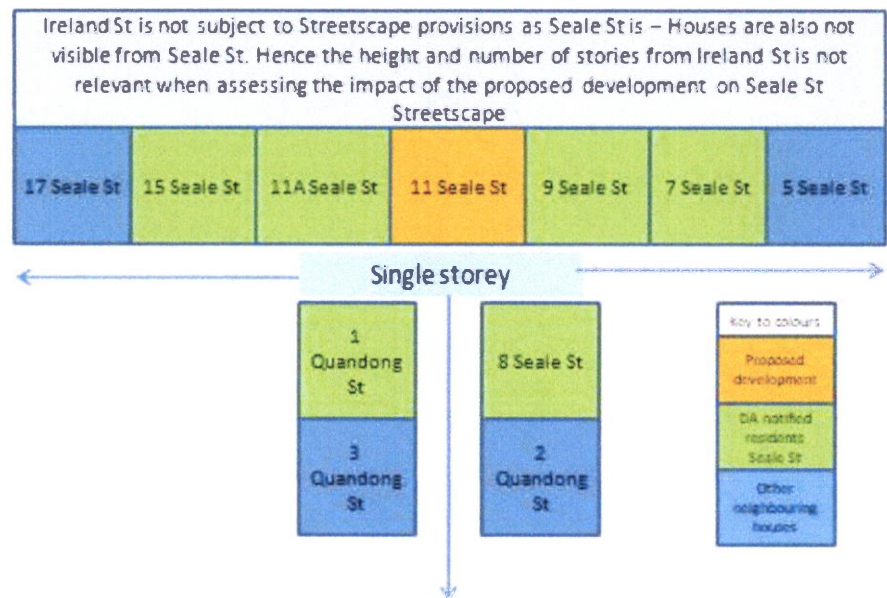
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LEGEND

-  Burwood LGA Boundary
-  Both Sides of Streets Subject to Building Appearance & Streetscape Provisions
-  Sites Subject to Building Appearance & Streetscape Provisions

Section 8.2 of the BDCP showing Seale St in the Streetscape Provision zone –
Note Ireland St is not in this zone hence not applicable.

The diagram below clearly shows that a two-storey development is not typical of the dwellings surrounding the proposed development which are all single storey hence the new development is not complaint to provision P8 which states *A full two storey single dwelling would not be considered appropriate where surrounding single dwellings are mostly single storey.*



The development application also proposes a double garage with an attic and dormer window to give the impression that it is single storey. However, on analysis we can see that this is not correct, and it does in fact give an impression of two storeys. The intention of an attic is to integrate it into the existing roof profile which is that of the garage. We see by the picture that there are two distinct roof profiles with one roof separated by a vertical wall with the other roof. The other roof being an extension of the main two storey dwelling. Hence the roof of the upper room is in fact the main roof of the dwelling. The wall runs across the garage and does not just encompass the dormer window. The window also extends from the wall. This can be seen in the following pictures and diagrams.

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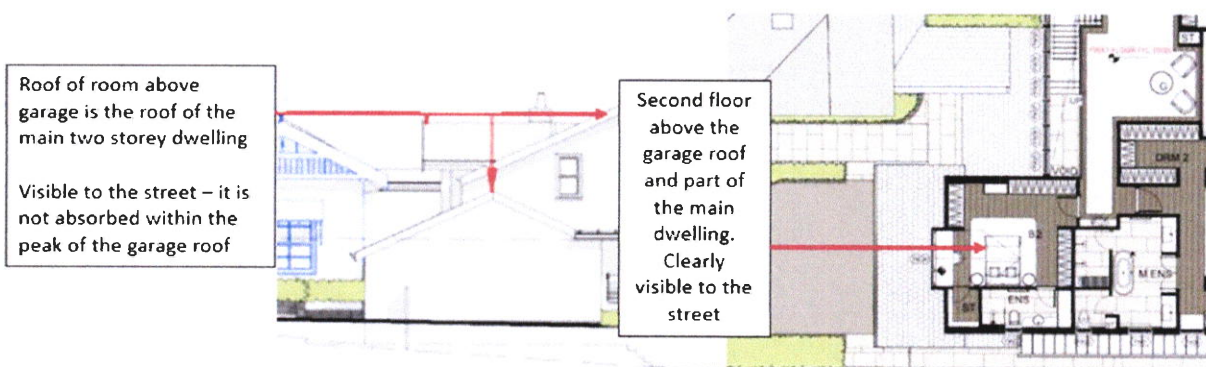


The following picture shows a typical attic with dormer windows which is clearly different to the above picture.

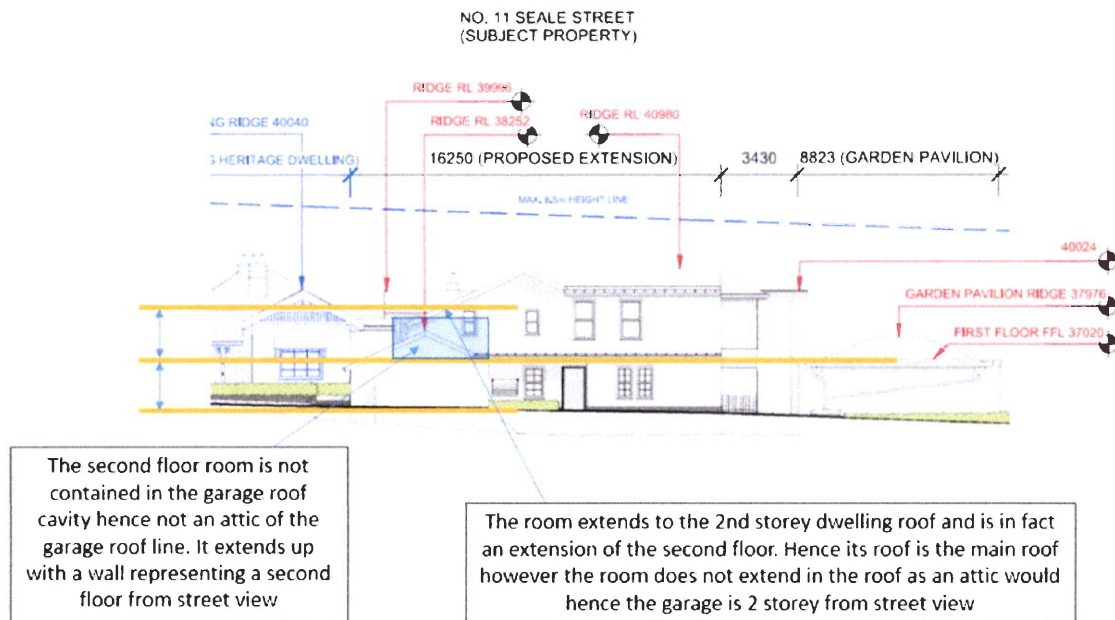


Adobe Stock

Dormer Window" Images – Browse 19,6...



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It is clear that the two-storey dwelling, and two-storey garage are visible to the street hence not compliant with the streetscape. The Collins Dictionary also defines Two-Storey as a building with two floors or levels which the garage has



Two-storey definition and meaning

Two-storey definition: (of a building) having two floors or levels |

Proposed development does not comply with BDCP Section 4.5 along with Streetscape Provisions

Floor Space Ratio and Built Area

Attention is drawn to BDCP - Section 4.5.1 Development Controls and the heading Floor Space Ratio and Built Area and its provisions. Specifically, provisions P1-P3. The Statement of Environmental Effects (SEE) Report - Section 4.4.3 Built Area outlines that the BDCP stipulates a 450 sqm built area for single dwellings. It also outlines that the proposed dwelling built area is 495 sqm and exceeds the 450 sqm control for single dwellings by 10%, hence not compliant with the BDCP. Even though it is a large property, in addition to the 450 sqm limit the development makes up for it by utilising changes/structures/landscaping throughout the property along with a second storey.

The Streetscape provision applies to Seale St (see BDCP Section 8.2 map) and not Ireland St – hence references in the SEE report to houses on Ireland St in this area are not applicable.

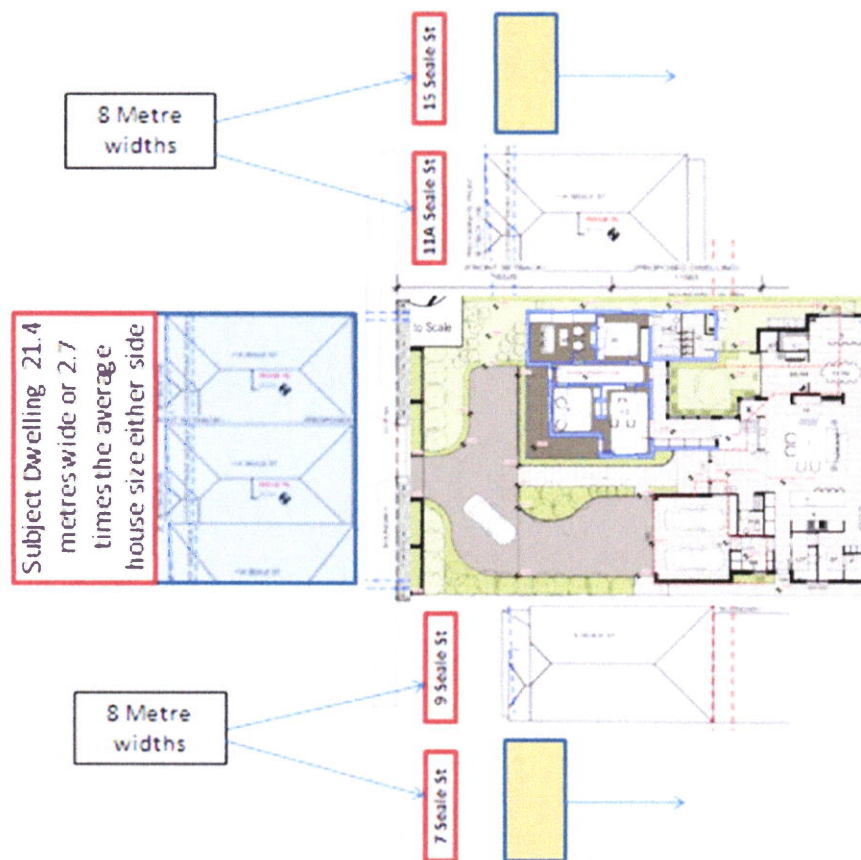
No house surrounding the property would exceed 450 sqm – Hence would look bulky and out of place with both neighbours and streetscape – Basic measurements seem to indicate that 17 Seale St does exceed 450 sqm as they highlight. The other point is the house uses the full permissible width of the frontal boundary which 17 Seale St does not. 17 Seale St is also a much larger block, and the dwelling is well proportioned as a single storey. The additional 10% represents additional bulk which can be seen by the maximum frontage

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of 21.4m for the dwelling being applied. In comparison neighbours on either side 7, 9, 11A and 15 have driveways running beside the dwelling hence reducing dwelling frontage to 8m across. The built area frontage represents almost 3 times the typical streetscape frontage. Hence there is no justification for this non-compliance as it is out of character with the streetscape and neighbours. The area would be better served by applying additional vacant space around neighbours.

Approval of the proposed built area would be contrary to the objective O1 - To control the building bulk of single dwellings and additions. The proposed development is not compatible or complimentary and will negatively impact the character of the Seale St Streetscape

Floor to ceiling height is also not compliant with the BDCP. It increases the bulk of the structure and incompatibility with the streetscape.



Form, features, character and roof design

The proposed development exposed to the streetscape is clearly not similar, compatible or in character with the form, features of existing dwellings including the cottage as shown in the figure below. It is a modern dwelling with modern materials. The picture clearly shows colors that are in direct contrast to the neighboring housing and as such the streetscape. The prime example is what other house has what appears to be grey colors. The development does not even attempt to blend in with the streetscape. Houses on either side (9, 11A, 15, 17 Seale) and front (1 Quandong St) represent the 1930-40's and the pre war period. The

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house (8 Seale St) on the opposite side of the street was built between 1913-15 and is heritage listed as a Federation style dwelling. All have red-brown faced brick including the existing cottage on 11 Seale St.

A comparison of features with A Pictorial Guide to Identifying Australian Architecture > Apperly R. indicated that the proposed development had no features that were compatible to that of the existing houses. Even though the development has a dormer window with a low value attempt to blend in – it is not representative of the streetscape as no other surrounding houses have these windows. Even the proposed fence is way out of character with the streetscape. A challenge is to name another house in the surrounding streetscape with this fence.

As such the proposed development has a huge disparity and is completely out of character with the existing form, feature and characteristics of the existing dwelling and Seale St Streetscape



Photograph 7: No. 1 Quandong Avenue as viewed from Seale Street



Photograph 6: No. 8 Seale Street as viewed from Seale Street

Diagram - Shows the huge disparity of scale, form, features, colors and characteristics between the existing cottage, neighbours and the proposed development

Other Matters of Concern

The following are other matters of concern with the development which support the objection.

- The change of driveway and existing path in front of the house is not acceptable. Extending the driveway towards the front of the cottage will encourage parking directly in front of it, which will detract from its heritage significance.

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- The proposed development is not acceptable as it will compound existing excessive issues with noise, traffic and parking that currently exist with the Quandong St and Liverpool Rd development.
- The proposed development indicates that boundary fencing will be replaced in the landscape plan – this is not acceptable in design or principle or agreed to by boundary neighbours and has to be removed from the proposed development as it may imply neighbour agreement which is not the case.
- The planned development is significant and well above what would be classed as average. This means longer construction time and inconvenience to neighbours – noise and dust, additional people and vehicles including deliveries amongst others.
- As the building will closely encroach on boundaries there is concern that it can impact the structural integrity of neighbouring houses.
- Concerns over privacy – the development will extend to areas that will overlook neighbours and as such impact on their privacy.

Archived: Monday, 31 July 2023 9:44:16 AM

From: [REDACTED]

Sent: Thursday, 27 April 2023 7:35:12 PM

To: [Burwood Council](#)

Subject: Objection: 11 Seale St, Burwood DA 10.2023.28.1

Sensitivity: Normal

Attention: General Manager

Objection to Development Proposal of 11 Seale St, Burwood, DA 10.2023.28.1

Dear Burwood Council,

I am writing to lodge an objection to the development proposal of 11 Seale St, Burwood. I was a resident on Seale St for 4 years, and now live one block away on [REDACTED]

The current proposal does not respect the heritage listing of the culturally significant home. I object in particular to the demolition of the original fence, and also to the changes to the driveway, which place the ability to park cars in front of the house. This will have a big impact on the view of the house from the street.

There is a proposal to change the garage, and whilst I support the new owners being able to extend it backward, in order to retain the heritage significance of the home, I feel the view from the street should remain intact and unchanged.

Kind Regards,

[REDACTED]

[REDACTED]

[REDACTED]

Archived: Monday, 31 July 2023 9:39:13 AM

From: [REDACTED]

Sent: Thursday, 27 April 2023 11:43:29 AM

To: [Burwood Council](#)

Subject: heritage property under threat

Sensitivity: Normal

<https://www.burwood.nsw.gov.au/Home/Featured-Content/Contact-us>

Sent from my iPad I *am writing to complain about the changes that have been out lined in the application for property number 11 Seale St, Burwood. The development over takes the heritage look and there is no out line of the roof. Trees will need to be removed from the back and are going to be replaced with pool and garden pavilion. What does that mean? There is limited green spaces in this proposal. This proposal will not fit with the other homes in the street. I think heritage listed properties should be supported by the council or take it off your advertising as you are not for filling your role.*

[REDACTED]

Archived: Monday, 31 July 2023 9:35:52 AM

From: [REDACTED]

Sent: Thursday, 27 April 2023 10:56:02 PM

To: [Burwood Council](#)

Subject: Development applications 10.2023.28.1-11 Seale St. BURWOOD

Sensitivity: Normal

I would like to voice my opinion on this development applications for No 11 Seale St.

We are at [REDACTED], our back yard adjoining the back yard of the property in which the development applications with the council.

We were thrilled and happy that the council listed this property under heritage order and saved it from demolition. Our main concern for this development applications is that the character appearance of a heritage listed property will be over shadow by the new two storey building on the side and in the back.

Also we have raised some concern at the first development applications about the privacy issues, and again with this development applications with the two storey building facing north close to our backyard with multiple windows looking into living room, kitchen and the back yard.

We hope that whoever determines and make decisions on this development applications to consider those issues.

[REDACTED]



Burwood and District Historical Society Inc.

A.B.N. 84 072 911 553

P.O. Box 105, Croydon, NSW 2132

Email: burwoodhist@yahoo.com.au

27 April 2023

The General Manager,
Burwood Council

Email: council@burwood.nsw.gov.au

RE: Development Application DA2023.28

11 Seale Street, Burwood NSW

The Society is writing to Council to object to the above DA, which proposes demolition of the majority of the existing house on the site where 96 years of ownership represents 2 owners – Joseph Ireland and the Lawthers'. This, combined with the original lot size and the Lawthers' attention to maintaining its heritage significance, make it special and rare. The house is still in good condition and does not need repair.

On 18 May 2021 Council received a Development Application DA.2021.51 related to the property. The plans proposed the demolition of all existing structures on the site, including the dwelling house, and construction of a new two storey dwelling. Over 60 submissions were received in respect to the DA, many of which objected to the demolition of the existing house on the grounds of the house's age and potential heritage significance. The Interim Heritage Order was published in the NSW Government Gazette on Friday 2 July 2021. In July 2021, Council engaged a heritage consultant, GML Heritage, to undertake a heritage assessment. The investigation found that the property demonstrates heritage significance at the local level and met the threshold of local significance for criteria (a), (b), (c) and (f) and (g) of the standard assessment criteria. The heritage consultant also prepared a heritage inventory sheet for the property. The Heritage Order was gazetted in 2022.

The report concluded that the subject property demonstrates heritage significance at the local level for the following reasons:

- The dwelling has longstanding connections with the Ireland family, who played a key role in the development of Burwood in the late 19th and early 20th century. The property shares a comparable history with Burwood in terms of famous people who built and shaped the community into what it is today – convicts, early settlers, major landowners, and pioneers *Faithful, Riley, John Ireland, Richard & Michael Seale and Thomas Seale and William Henry Ireland* after whom *Seale St* and *Ireland St* are named.
- The dwelling exhibits features typical of the Federation Queen Anne and Federation Bungalow architectural style and is a fine example of its type—the internal and external fabric of the dwelling display a very high degree of integrity.

- The original lot size of the site has not been modified since the construction of the dwelling and thus, the original curtilage and setting of the dwelling is retained.
- When assessed within the broader context of the heritage setting of Burwood, the dwelling contributes to the historical and visual character of the Burwood LGA.
- The scale, setting, form, architectural features, materiality, and high degree of intactness of the dwelling are comparable to other heritage items listed in the Burwood Local Environmental Plan (BLEP)

The property has long links with the pioneer families of the district *William Henry Ireland* transferred portions of his land to his two sons – *Joseph Frank Ireland* (11 Seale St) and *William Charles Ireland*. In 1915 the *Sands Directory* lists both sons against Seale St. *William Henry* was alive at the time and had an opportunity to assist and influence his sons and be associated with their families and homes up until his death in 1917. His granddaughter was born at 11 Seale St in 1915.³¹ Joseph his son continued to work as hotel manager of *Ireland's Hotel* with *Julia Ann Ireland* as licensee up until the family interests were relinquished in 1925.

During their life as pioneers, landowners, hoteliers, inn keepers, licensees they and eventually their children welcomed and cared for travellers/workers and were front line representatives of Burwood throughout its history to the countless numbers of people who stopped and stayed there.

Much of their legacy in terms of buildings is gone – the *Plough Inn*, *New Inn*, *Angel Inn* and even the *Ireland's Hotel* was modernised and now called the *Royal Sheaf Hotel*.

11 Seale St remains and truly represents *William Henry Ireland's* 1913 subdivision and should be preserved for future generations as a heritage listed property.

The Burwood & District Historical Society has the following concerns with the DA, which we believe are substantive and justify the DA being refused by Council:

- The extent of demolition of the existing house proposed is not acceptable in relation to its heritage as the extent of demolition does not preserve the majority of the house, resulting in serious adverse impact on the heritage integrity of the house. The house is situated in an area that has many older, heritage dwellings of a late Edwardian/ Federation period and is across the road from the very significant Appian Way heritage precinct. The adverse impact of the proposal therefore in addition would diminish the heritage context of the site.
- The bulk and extent of additions and the form of the garage have essentially created a two-storey building and this will negatively impact the streetscape. The addition overwhelms the small portion of the existing house proposed to be retained, and is disrespectful to the existing house. The extensions proposed fill the rear garden area and there appears to be little or no landscaping vegetation retained that reflect the gardens of the period of the house. This would create an adverse impact on the setting in relation to reduction in soft landscaping where houses of this period are designed to be viewed with and to sit within generous open garden settings.

In conclusion, the proposal is considered an overdevelopment of the site due to the failure to retain and restore most of the existing house. This proposal is a 'token' acknowledgement of the Heritage Order that was applied in September 2022 not only to the house, but to the whole property. Approval of the D/A as it stands will become a precedent for others who show scant regard for the Heritage significance of the properties they purchase. I refer in particular to 48 Fitzroy Street, Burwood. The Council must uphold the integrity its own regulations to ensure they valued and adhered to by the community.

Yours sincerely,



Cheryl Kemp,
President

Dear Burwood Council

Thank you for the opportunity to comment on the proposed development at 11 Seale Street Burwood in DA 10.2023.28.1 (**Property or Proposed Development**).

We object to the Proposed Development on the following grounds:

- the Proposed Development negatively impacts the heritage significance and value of the existing heritage item and its surroundings and is not compliant with the heritage controls contained in Section 4.7.2 of the Burwood Development Control Plan (**BDCP**);
- the Proposed Development is not compliant with the controls contained within Section 4.5 of the BDCP, including the Building Appearance and Streetscape controls; and
- the proposed landscaping plan and removal of all established trees directly conflicts with Burwood Council's Environmental Management objectives for tree preservation and the maintenance of the urban canopy.

Each of these grounds of objection are discussed further below.

Whilst we appreciate the need for renovations and additions to heritage listed properties so that they keep up to date with our modern lifestyles, such renovations and additions can be achieved sympathetically at the rear of the heritage listed property whilst still retaining the original fabric of the heritage item and maintaining or improving the existing streetscape.

Unfortunately, the scale of the new two storey additions, the loss of original fabric and the impact on the streetscape of the Proposed Development goes significantly above and beyond a sympathetic addition with over 80% of the property undergoing change. There is an abundance of non-heritage listed properties on large blocks within the Burwood local government area which are more readily suited to such change than the current Property with its existing heritage dwelling.

The designation of the Property as a heritage item is to ensure that the character and heritage value of the Property, streetscape and landscaping (include maintaining the tree canopy) are maintained and are key factors to be considered when deciding any development application submitted for one of Burwood's heritage listed properties.

1. Impact on Heritage Significance and Value

The Property is itself a specifically listed Heritage Item under the Burwood Local Environmental Plan 2012 (**BLEP**) and is afforded the heritage protections contained in the BLEP and BDCP and called a 'heritage property' for the purposes of the BDCP.

We understand that the Property recently attained its heritage listing within the BLEP and met 5 of the 7 criteria for heritage listing, indicating how well preserved the Property is from a heritage perspective and adds further support for protecting the Property as a Heritage Item.

We submit that the Proposed Development is not compliant with the heritage provisions contained in Section 4.7 of the BDCP as it results in the destruction of original heritage fabric, loss of heritage significant and negatively impacts the local streetscape. We have detailed these further below.

Provision P6 of Clause 4.7.2 of the BDCP states that the development must '*...be sympathetic in terms of its scale and character*' and Provision P8 of Clause 4.7.2 provides that '*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.'

We submit that the Proposed Development is not sympathetic in scale or character and the Proposed Development will dominate the existing heritage dwelling and negatively impact the streetscape for the following reasons:

- more than 50% of the existing heritage dwelling is to be demolished, with approximately 50% of what is to be demolished being the original fabric of the existing heritage dwelling;
- the scale and bulk of the new additions diminish the remaining portion of the existing heritage dwelling, which will constitute less than one-third of the total combined dwelling;
- the importance of the existing heritage dwelling is further eroded by the establishment of the new front door in the new two storey addition of the Proposed Development; and
- the streetscape will be negatively impacted as the new two storey additions to the dwelling and two car wide garage are highly visible from the street.

Provision P6 of Clause 4.7.2 of the BDCP states that the development must *'...maintain a setting around the heritage property, to facilitate the items interpretation'* and Provision P35 of Clause 4.7.2 provides that the development must *'provide an adequate area of land around the development to allow interpretation of the significant building or place'* and that it *'not detract from the setting of the heritage property'*.

We submit that the Proposed Development will leave the existing dwelling with a limited setting, with new two storey additions both to its eastern side and to the rear. This is disrespectful to the existing dwelling and is inconsistent with the existing dwellings in the area.

Provision P34 of Clause 4.7.2 of the BDCP states *'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'* and Provision P49 of Clause 4.7.2 of the BDCP provides *'... 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...'*

We submit that the proposed hard areas in the front yard of the Property (the two car wide driveway and hardstand area) negatively impacts the landscaped area and the streetscape and is not consistent with P34 and P49 above.

The streetscape is further eroded by the location of the new two car wide garage to the side of the existing dwelling. Provision P46 of Clause 4.7.2 of the BDCP provides that where no rear lane or secondary street exists *'...(ii) 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.'*

We submit that despite suitable access for a new garage being located at the rear of the property being available, the Proposed Development does not locate the garage to the rear of the property. The garage is highly visible from the street and consumes over 30% of the width of the total property and is inconsistent with the current streetscape.

The non-complaint location of the existing garage which is to be demolished is not justification for the new garage to also be non-compliant. The BDCP itself recognises that *'Redevelopment shall be taken as an opportunity to remove unsympathetic work upon a heritage property...'* at Provision 9 of

Clause 4.7.2 of the BDCP. The demolition of the existing garage provides the opportunity for the new garage to comply with the controls in the BDCP.

We submit that any development of the Property should only be approved where the applicant is able to maintain the original fabric of the existing dwelling, limit the new additions to the dwelling in scale and locate them behind the existing dwelling so as to retain the setting of the existing heritage dwelling and limit the hardstand areas and locate the garage at the rear of the property. The applicant should also comply with all BDCP controls including the floor to ceiling height controls.

2. Compliance with the controls in Section 4.5 of the BDCP

Although the Property is outside of Burwood Council's Heritage Conservation Areas, both sides of Seale St Burwood are shown in Section 8.2 of the BDCP as being subject to the Building Appearance and Streetscaping provisions contained in Section 4.5 of the BDCP.

We submit that the Proposed Development is not compliant with the controls contained with Section 4.5 of the BDCP (including the Building Appearance and Streetscaping controls) and negatively impacts the streetscape of the local area. We have detailed these further below.

Two Storey Development Provision 8 of Section 4.5 of the BDCP provides '*...a part two storey single dwelling may be considered if the first floor is ...located behind the main roof form of the building*' and Provision 9 of Section 4.5 of the BDCP provides '*To better integrate a new first floor level into a single storey area, its height and bulk can be kept to a minimum by reducing the floor to ceiling heights...*'. (emphasis added)

We submit that the Proposed Development does not comply with these controls as the new two storey addition is not solely located behind the main roof form of the building but rather is also located to the side of the existing heritage dwelling and is highly visible from the street. In addition, the Proposed Development's new two storey addition exceeds the prescribed floor to ceiling height controls in Section 4.5 of the BDCP (as conceded by the Applicant in their Statement of Environmental Effects). We submit that exceeding these controls is not justified on merit as claimed by the applicant.

Building Elements Provision 12 of Section 4.5 of the BDCP provides that '*Ancillary structures such as garages, carports and outbuildings must be designed to reflect the style of the single dwelling in relation to height, roof form, architecture, materials and the like. These should conform to relevant DCP controls and compliment the character of the residential area.*'

We submit that the proposed two car wide garage and extensive hardstand areas of the Proposed Development do not conform to relevant heritage DCP controls above (refer to Part 1 of our submission above) and do not compliment the character of the local residential area, which predominantly has minimal hardstanding area and single car wide garages located at the rear of properties. In addition, the Proposed Development's garden pavilion exceeds the prescribed floor to ceiling height controls in Section 4.5 of the BDCP (as conceded by the Applicant in their Statement of Environmental Effects). We submit that exceeding these controls is not justified on merit as claimed by the applicant.

Gardens, Landscaping and Fences Provision 10 of Section 4.5 of the BDCP provides '*Front and side gardens, driveway entries and paths must use similar materials and methods to reinforce existing streetscape character. Planting and landscaping methods should follow existing patterns of development to reinforce the contribution of front and side gardens to the prevailing character of the streetscape.*'

We submit that the landscaping plan of the Proposed Development does not follow existing patterns of development and the front and side gardens are not consistent with the prevailing character of the local residential area (refer to Part 3 below of our submission with discusses landscaping in more detail).

Provision 12 of Section 4.5 of the BDCP provides *'Where there is suitable side access for new garagesthey should be located to the rear of the property'* and Provision 15 of Section 4.5 of the BDCP provides *'Any paved car parking spacesmust be located behind the front building line'* and Provision 16 of Section 4.5 of the BDCP provides *'New driveways, paved turning areas and paths visible from the street must not dominate the front garden or impact on the streetscape values.'*

We submit the location of the garage in the middle of the property and the significant hardstand area in front of the existing heritage dwelling and the width of the two car driveway dominate the front garden and negatively impact on the streetscape value.

We also note that the Proposed Development does not comply with the Built Area controls contained within Section 4.5 of the BDCP. We submit that exceeding these controls is not justified on merit as claimed by the applicant.

We submit that any development of the Property should only be approved where the applicant is able to maintain or enhance the building appearance and streetscape and complies with all of the controls within the BDCP and is consistent with the character of the local residential area.

3. Trees and Landscaping

The applicant's arborists report identifies 13 trees, 10 which are located on the Property and 3 located on a neighbouring property. All 10 of the existing trees located on the Property are proposed to be entirely removed, including the Wallangarra White Gum (tree 12).

We also note that the applicant's arborist report only includes trees of 5 metres in height or greater (whilst Burwood Council's TPO refers to 4 metres in height or greater) such that there are an additional 3-4 trees which the applicant also plans to remove for which no details have been provided.

The Wallangarra Gum is identified by the applicant's arborists as having High Retention and Significance Value. Wallangarra Gums are also classified as 'endangered' under the NSW Government's Biodiversity Conservation Act 2016 and as 'vulnerable' under the Australian Government's Environmental Protection and Biodiversity Conservation Act 1999. There are no structural or disease issues reported for this tree. It is to be removed purely because its in the way of the applicant's proposed pool.

Whilst the applicants landscaping plans include new tree plantings, most are feature trees with no large canopy trees being replanted. The largest tree chosen to be replanted is a medium sized tree growing 7-12 metres in height (the Water Gums) which will take years to reach their mature height.

Denuding the Property of its existing trees and merely planting small to medium sized feature trees is not consistent with State or Local Government initiatives to increase the urban tree canopy.

The NSW government set a target to increase the tree canopy cover across the Greater Sydney area to 40% and Burwood Council has embraced this initiative as evidenced with Burwood Council's Landscaping Code for development sites recommending a minimum 25% canopy trees and the Tree Preservation Orders throughout the Burwood Council local government area to protect mature trees.

The recent additional tree plantings in public spaces such as Wangal Park evidences the importance Burwood Council has placed on the substantial environmental benefits associated with the urban tree canopy including biodiversity protection by providing important habitats for birds and animals, heat mitigation through shade and passive cooling, energy efficiency by reducing the need for air conditioning, improved air quality and noise reduction.

We note a number of properties in the Burwood Local Government Area that appear to have had a number of significant trees deliberately poisoned. We acknowledge that it is very difficult to successfully prosecute the culprits of these acts. However, we submit that where Council does have the power to determine whether significant trees should be retained, it has a moral and social obligation to protect the existing trees in the local government area. Furthermore, approving the removal of all trees on the Property is in stark conflict with commitments made by the Council to the important environmental initiatives mentioned above.

The applicant's Landscaping Plan is very attractive but is very modern and not representative of a traditional Federation style landscaping, particularly the lack of pedestrian footpath in tessellated tiles to the front door of the existing heritage dwelling and the lack of variation in planting. The significant hardstand area and two car wide driveway is inconsistent with a federation style garden and as discussed above in relation to the location of the garage, the fact that poor design choices have been made in the past does not provide justification for retaining non-compliant designs and the Proposed Development provides an opportunity to rectify and improve the streetscape.

We submit that any development of the Property should only be approved where the applicant is able to maintain the endangered Wallangarra White Gum and other mature trees, commits to replacing any trees removed with trees large enough to help maintain the tree canopy and to ensure carbon neutrality is maintained. We also submit that the landscaping plan for the Property should be based on the more traditional style of federal style garden in the front yard which can be seen from the street in order to maintain and enhance the streetscape of the area.

Conclusion

Give the reasons above, we submit the Council should reject the Proposed Development in DA 10.2023.28.1 and return it to the Applicant for further consideration and community consultation.

The approval of such significant changes to an existing Heritage Item creates an unhealthy precedent for other applicants who are attracted to Burwood's large block sizes but do not respect the heritage significance of the existing Heritage Items and will lead to the erosion of the value of Burwood's Heritage Items and the reasons for which they were originally protected – *'to protect the significance of Heritage Items and Heritage Conservation Areas such that these places continue to contribute to the character of the Burwood municipality'* (extract from Burwood Council website).

We appreciate the opportunity to provide our feedback to Burwood Council on the DA 10.2023.28.1. We would be pleased to discuss any of the issues raised above further with Burwood Council and can be contacted [REDACTED]

Kind regards

[REDACTED]

Archived: Thursday, 27 July 2023 6:27:13 PM

From: [REDACTED]

Sent: Thursday, 27 April 2023 11:00:00 AM

To: [Burwood Council](#)

Subject: Burwood Council re Objection Alteration 11 Seale Street, burwood

Sensitivity: Normal

Burwood Council

Reference: **DA 10.2023.28.1 :Address 11 Seale Street Burwood.** **27April 2023**

Objection to proposed changes to the important Heritage Property at 11 Seale Street, Burwood.

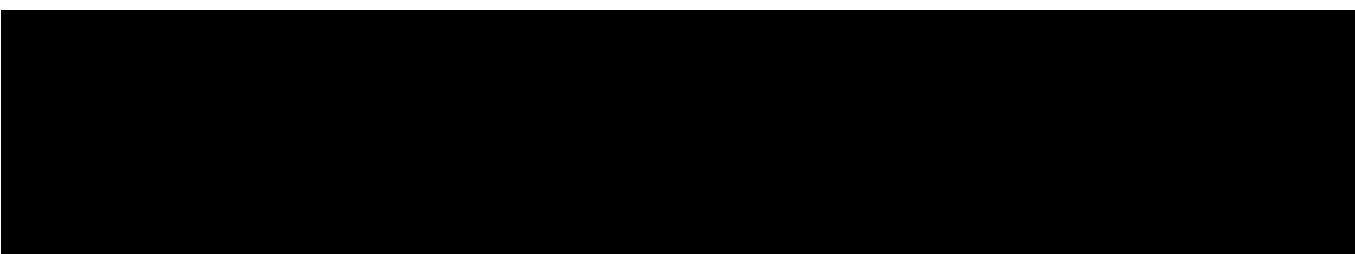
By Email to: **Burwood Council** (council@burwood.nsw.gov.au)

We are extremely concerned at current proposed changes to the above property, which, despite having recently gained Heritage Status, is again under threat.

It is very important that scarce properties such as "Carinya", 11 Seale Street, are well-preserved, due to the following:

1. The house is a vital segment of the heritage streetscape for Seale Street.
2. It has been maintained very well, and rear additions have ensured that the house is very comfortable and liveable, but that the heritage character is maintained.
3. Some proposed alterations, to apparently provide more living/recreation features could, with intelligent design, be incorporated out-of-sight from the street, but the proposed two-storey replacement of the current garage would be ridiculously out-of-place (refer to the awful red-brick building at Appian Way).
4. The current owner may not realise that neighbourliness is an important aspect of living in a street such as Seale Street, which was first laid out and settled by early families who appreciated fine design and lovely gardens and who contributed hugely to their community, and who "looked out for each other", and still do.
5. It's not simply sentiment, but preservation of the character and style of this area which is important, and which is the reason that many current homeowners are in opposition to this proposed demolition and new construction. Many moved into their homes because the surrounding homes are in character with theirs and each one complements the other.
6. These homes were built to last, and so they should - careful and caring maintenance can ensure that homes which were built a century ago can and should last for another century at least.

Happy to discuss –contact details below.



Archived: Thursday, 27 July 2023 6:17:10 PM
From: [REDACTED]
Sent: Thursday, 27 April 2023 10:21:07 AM
To: [Burwood Council](#)
Subject: Objection to development proposal
Sensitivity: Normal

Dear General Manager

Reference DA 10.2023.28.1
11 Seale Street Burwood 2134

We wish to object to this development proposal.

We were very surprised to learn that this property, now a heritage listed one, is again under threat of redevelopment. To permit this proposed two story structure and additions to be built, would dwarf the existing home and completely destroy the original feel of this grand and beautiful historic property. The heritage listing needs to encapsulate the entire property surely, not just the home in order for this property to be truly a heritage one

We have been proud residents of Burwood for over 50 years and we trust that your judgement will deny this development proposal entirely.

Kind regards

[REDACTED]

Archived: Thursday, 27 July 2023 6:12:26 PM

From: [REDACTED]

Sent: Wednesday, 26 April 2023 10:16:52 PM

To: [Burwood Council](#)

Subject: Attn General Manager - Objection to DA proposal at 11 Seale St Burwood

Sensitivity: Normal

Dear General Manager
elected Council Members and Council Planning Department
Burwood Council

Reference: DA 10.2023.28.1

11 Seale St Burwood

I write to formally object to the DA proposal 10.2023.28.1 at 11 Seale St Burwood.

I appreciate that owners will have a desire or a need to improve their property and seek to make changes to existing dwellings.

However, the Council on behalf of all residents, have the responsibility to manage individual DA applications so as to retain the ambiance, character and heritage values of this Local Government Area.

I object to the DA proposal for 11 Seale St Burwood because the proposed alterations and additions

- completely overwhelms the minimally retained front portion of the original cottage, thus destroying the historical character of this family home and rendering the heritage value of the retained portion as insignificant.
- obliterates essential elements at the rear of the dwelling which have remained intact since the early 1900s, and are of historical significance to the story of family life in Burwood at the turn of the 20th Century.
- will consume the residential block with built or hard surfaces to the detriment of natural drainage and will have a negative impact on surrounding property and the natural watercourses existing throughout the local topography.
- the size of this block would allow for a more sympathetic plan with the main objective to retain the dwelling's historical features while providing options for enlarged living spaces.

Seale St is a street of mixed housing characteristics which depict a wide range of building styles spanning much of the residential history of Burwood. I formally object to this current DA and any in the future that would

- destroy a heritage listed property with original architectural features that currently are in keeping with the period of the early 1900s.
- remove the significant rear portions of this residence which depict a family's household lifestyle in the early 1900s.

As we approach the 150year anniversary of the establishment of Burwood Municipality, it is critical that heritage listed properties and their significant legacy in telling the historical story of the municipality, are not lost.

I request and urge Council and its Officers to work with the owners to ensure 11 Seale St Burwood, a heritage listed property, remains intact and continues to demonstrate through its features the story of Burwood households across the decades.

Thank you
Sincerely

[Redacted Signature]

Archived: Thursday, 27 July 2023 6:10:36 PM

From: [REDACTED]

Sent: Wednesday, 26 April 2023 8:33:54 PM

To: [Burwood Council](#)

Subject: Heritage Property under threat-DA 10.2023.28.1

Sensitivity: Normal

Attn The General Manager

Dear Sir,

I understand a DA application (10.2023.28.1) has been lodged with the council in relation to the 11 Seale St Burwood.

As a local and long time resident of Burwood, I would like to submit and register my objection to the proposed DA. The planned changes will:

- affect the heritage value of the building and site.
- not be sympathetic with the heritage and historical value of the house and the land.

I strongly urge the council to take steps to preserve the property in view of its heritage value and honour its commitment in maintaining the heritage character of Burwood.

Sincere Thanks

[REDACTED]

Archived: Thursday, 27 July 2023 6:07:17 PM

From: [REDACTED]

Sent: Wednesday, 26 April 2023 6:55:04 PM

To: [Burwood Council](#)

Subject: _Carinya_, 11 Seale St, Burwood

Sensitivity: Normal

Archived: Thursday, 27 July 2023 6:07:17 PM

Att: Manager Planning and Heritage Section

Re: "Carinya" 11 Seale St, Burwood. 2134. DA 2023.28

It has come to my attention that the above recently listed Heritage property is now the subject of a development application.

As the owner of a State Heritage listed property whose curtilage spans both Burwood Road and Seale St it is of particular importance to me that any further development in Seale St is mindful of the Heritage and other nearby properties and developments are carried out with an appropriate and sympathetic regard to the streets existing character.

It appears that the new development application for partial demolition of the Heritage listed dwelling with a two story structure to be built attached to the rear and alongside the existing house will visually overwhelm and seriously interfere with the setting and compromise the appearance of this historical dwelling as well as negating the reasoning behind its Heritage listing.

With respect Council should be seen to uphold its Heritage orders.

One would hope that any modifications to the property will be guided by a knowledgeable understanding of the Heritage guidelines and considerations as to the visual impact and history of the dwelling and its setting, as well as the potential ramifications of compromising the Heritage order.

I thank you for your careful considerations to my and any other objections you may receive and would request that I be informed and advised of the outcome.

Yours faithfully

[REDACTED]

Sent from my iPhone

Archived: Thursday, 27 July 2023 6:04:34 PM

From: [REDACTED]

Sent: Wednesday, 26 April 2023 6:42:05 PM

To: [Burwood Council](#)

Cc: [REDACTED]

Subject: Attn: General Manager - DA 10.2023.28.1

Sensitivity: Normal

To the General Manager
Burwood Council

Re DA 10.2023.28.1 – 11 Seale Street, Burwood

I am writing regarding the Development Application submitted for Major Development to 11 Seale St, Burwood.

I was very dismayed to read the current Development Application and feel strongly that it should not be allowed. My foremost objection is that the development is not sympathetic with the heritage and historical value of the house and land.

To date, Burwood has lost a significant proportion of its heritage to development. It is crucial that no more is either demolished or (as is the case with 11 Seale Street) changed to the point it becomes valueless.

The heritage value of 11 Seale Street has been proven. The site has been declared a rare and complete example of a Burwood family property from 1914, and has met an outstanding 5 of the 7 criteria for heritage listing. If any development of the property is not sympathetic to the heritage value of the building and site, then yet another piece in the Burwood story will be lost. Such losses are not just tragic in themselves. By demonstrating a dismissive attitude to our heritage, they weaken the case for protection of the other rare and important heritage properties in Burwood. In turn, the Burwood Council area will become just another suburban landscape with its past stories and social significance eradicated and forgotten.

Please show that Burwood Council respects and protects its heritage by not allowing this Development Application in its current form.

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Archived: Thursday, 27 July 2023 5:51:36 PM

From: [REDACTED]

Sent: Wednesday, 26 April 2023 1:18:06 PM

To: [Burwood Council](#)

Subject: 11 Seale Street Burwood

Sensitivity: Normal

Archived: Thursday, 27 July 2023 5:51:36 PM

To the General Manager

NOTE REF DA 10.2023.28.1

I would like to notify you of my rejection of any development to Seale Street Burwood

I don't think it necessary to start listing my reason for objecting

It should be absolutely obvious

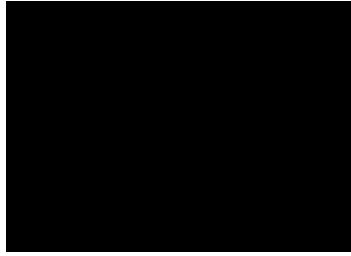
Election talk is over

DO NOT let Burwood destroy history for generations to come

Protect our heritage homes

It is not acceptable

[REDACTED]



24th April 2023

Manager of Building and Development
Burwood Council

Ref :Application Number 2023.28 Property 11 Seale St, Burwood

Dear Sir,

I have been a resident of Burwood since 1987. During that time we have seen many changes in our suburb - some good and some bad. Circa 1914 my house and the house listed in the DA were built by the same builder. There are many similarities between both properties as I believe that the houses were occupied by two brothers with a long family history in the Burwood area.

Our house has been a listed heritage dwelling for over 25 years which meant we had to preserve our house (which in turn has proved to be a costly exercise) as part of Burwood's rich history and abide by the Council's stringent preservation laws.

I have been advised that a DA has been submitted to council to partially demolish number 11 Seale St and build attachments on the rear part of the block. I have no problems with a proposed swimming pool and landscaping. This keeps the house as part of Burwood's rich heritage. What I object to is the totally out of character proposed "additions" to the rear of the house. The proposal completely destroys the heritage characteristics of the house, the street and Burwood's reputation as a suburb proud of its heritage. Not only that but resident parking will suffer too competing with other close building works in Quandong St.

If Burwood Council takes pride in the suburb it manages, then they should reject this application now and preserve our Heritage suburb as it should be. We do not want to become like Strathfield.

I am notifying the council of my strongest objection to stop the changes once and for all.

Council it is your task to disapprove this DA and make your constituents proud of you.

Sincerely yours,

Archived: Thursday, 27 July 2023 5:42:25 PM

From: [REDACTED]

Sent: Monday, 24 April 2023 9:21:54 PM

To: [Burwood Council](#)

Subject: 11 Seale St Burwood

Sensitivity: Normal

Attention: The General Manager

Dear Sir,

My name is [REDACTED]

I have been a Burwood Council resident for over 30 years and I have worked in Burwood for over 40 years.

I wish to lodge an objection to the proposed DA at 11 Seale St Burwood.

The property is Heritage listed and needs to be protected.

This property is a glorious example of a Federation house. It has a stupendous aspect from the street with a beautiful Verandah.

Alteration of the character of this property is a loss for the community, for the street and for Burwood.

Burwood has a spectacular enclave of well-preserved Federation houses, with the Appian Way being the peak.

Each property which is part of the enclave needs to be protected and preserved.

To properly protect a property, you need to protect both the **dwelling and the curtilage**.

Saving the dwelling from demolition is not sufficient to preserve the Heritage character of the property.

In this case, while the dwelling is being preserved, it is going to be overwhelmed by a large two-storey house being built next and behind it.

If this DA is approved, it will result in an unsatisfactory outcome- the property will no longer be a Heritage property because it will have a large modern component and, at the same time, it will not be a wholly modern property since it has the older, Heritage component at the front.

Yours Faithfully,

[REDACTED]

General Manager

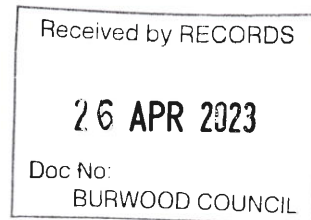
Burwood Council

PO Box 240

Burwood NSW 1805

20th April 2023

Attention: General Manager



OBJECTION TO: DA 10.2023.28.1 relating to 11 Seale Street Burwood NSW 2134

Dear Sir/Madam,

I have lived in the Burwood Council area for approximately 35 years and have always been impressed by the fantastic well maintained stately federation homes in the Council area.

It has been sad to see the heritage character of Burwood being eroded over the years because of inaction in relation to preserving the wonderful character, history and heritage of Burwood.

I am very familiar with Seale Street and know that many of the houses on that street are of high heritage value and that some are actually heritage listed.

I strongly object to the development application in relation to 11 Seale Street on the following grounds;

1. As I understand it, the subject property is heritage listed.
2. The proposed development will totally alter the heritage value of this property and completely undermine the purpose of having the property heritage listed in the first place.
3. There is no justification to circumvent the heritage listing by approving this DA.
4. It is a rare heritage property that will be lost forever if the DA is approved.
5. The Heritage Report in support of the DA is very superficial and ignores or overlooks very important heritage criteria.
6. The Environmental Report does not deal with the key issues.
7. The development is not in the public interest and is in fact detrimental to the public interest because an important heritage property will be lost to the Burwood community and the public in general, forever.

I trust that my objections will be seriously considered by Council.

Yours faithfully,



Archived: Thursday, 27 July 2023 5:19:09 PM

From: [REDACTED]

Sent: Tuesday, 25 April 2023 7:56:07 PM

To: [Burwood Council](#)

Subject: RefDA 10.2023.28.1 - 11 Seale St Burwood NSW

Sensitivity: Normal

Attn The General Manager

Dear Sir

I understand a DA application (10.2023.28.1) has been lodged with the council in relation to the 11 Seale St Burwood.

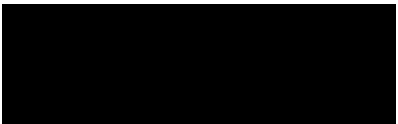
As a local and long time resident of Burwood, I would like to submit and register my objection to the proposed DA. The planned changes will:

- affect the heritage value of the building and site.
- not be sympathetic with the heritage and historical value of the house and the land.

I strongly urge the council to take steps to preserve the property in view of its heritage value and honour its commitment in maintaining the heritage character of Burwood.

Sincere Thanks.

[REDACTED]



The General Manager

Burwood Council

23 April 2023

Development Application DA 2023.28 11 Seale Street Burwood

SUPPLEMENTARY SUBMISSIONS TO PRIOR OBJECTION LODGED

Reference is made to our earlier submission and objection dated 20 April lodged with Council. After further research and deliberation this supplementary submission is made for the purpose of strengthening the earlier submission and inviting council to consider new material.

Burwood LEP 2012

In the earlier submission reference was made to the obtaining of a further report from GML Heritage or other appropriately qualified heritage expert given the clearly divergent views being expressed by Mr Kovacs in his Heritage Impact Assessment ("HIA") and GML Heritage in material respects. Clause 5.10 (5) clearly would permit this to occur. Furthermore, Clause 5.10 (10)(d) and (e) require the consent authority to be satisfied that:

(d) The proposed development would not adversely affect the heritage significance of the heritage item, including its setting,

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

The HIA refers to "limited demolition" of an existing Federation period building. It suggests that "only low quality recent additions are demolished". This is misleading. Leaving aside the value judgment of low quality recent additions which it is suggested is erroneous, the rear of the primary dwelling was accepted by GML Heritage to be an integral part of the heritage building which led to its being considered a rare, intact and valuable heritage item. The HIA report does not recognise the distinction between "a limited demolition" in terms of bricks and mortar and a major catastrophic demolition in terms of impact upon heritage conservation.

Burwood DCP

Similar errors are made by the HIA in stating that “the heritage item is retained and its significant features are not affected”. It also states that “substantial demolition is not proposed.” To suggest that the development is not considered to be major and only affects rear extensions ignores the reality that it is the entire building structures on the land that is subject to heritage listing as well as the land itself. The entirety of the buildings and land must be considered, and not merely what the report writer wishes to pick and choose in forming his opinion. How can one ignore that the rear of the primary dwelling built in about 1914 is to be demolished and not just the more recent rear extension and garages of the last 25 years or so ?

Statements of Heritage Impact (“SOHI”)

Such Statements are meant to convey what the impact of a proposal would be. Clearly, a minimum of detail is required. As the Heritage Council guidelines point out a SOHI addresses:

- Why the item is of heritage importance
- What impact the proposed works will have on that significance
- What measures are proposed to mitigate negative impacts
- Why more sympathetic solutions are not viable

In its guidelines the Heritage Council indicates that it is helpful for a development applicant to refer to the seven criteria in order to explain how the item’s heritage value is to be retained. This failure on the part of HIA to do this was addressed in our earlier objection and our concerns are clearly supported by the Heritage Council guidelines.

The guidelines go on to state that where the effect of what is proposed is likely to be detrimental to the heritage significance of the item or area, a SOHI needs to argue why such action is the only viable solution and explain why alternatives are not. Again, the Heritage Council supports the earlier objection made by ourselves. This important matter was not addressed by the HIA.

The Heritage Council suggests that the works that will have a negative impact should be listed, with statements made under each point as to why the impact/s cannot be avoided, and what steps have been taken to minimise their effect/s. The HIA has not addressed this. The HIA not only fails to recognise sufficiently that the entirety of the property and the entirety of the structures on the property are heritage listed but it pays scant if no regard to this common sense suggestion by the Heritage Council.

To compound one's criticisms contained in the previous paragraph the Heritage Council also indicates that it might be useful to consider the matters referred to above in relation to the applicable criteria of heritage significance. This has been completely ignored by HIA.

Reference is made to the Heritage Council Model Statement of Heritage Impact. A copy of page 4 is attached. There is a fundamental and serious failure to address these guidelines. For example: Where in the HIA Report is there any reference to, or attempt to meet or address the following guidelines stated by the Heritage Council:

- The following aspects of the proposal respect or enhance the heritage significance of the item for the following reasons: *(reasons to be set out)*
- The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts: *(these matters are to be set out)*
- The following sympathetic solutions have been considered and discounted for the following reasons: *(these sympathetic solutions and the reason for discounting them are to be set out)*

None of the above were addressed.

Table 1 of the Statement of Heritage Impact sets out some questions to be answered in a proposed change to a heritage item. It is pointed out once again that many of these matters are not addressed. For example, why is it necessary to demolish any part of the primary building, why can't this be avoided, how could it be said that by demolishing the rear areas of the kitchen, dining room, bathroom and laundry that the heritage value of the original intact and rare building is not reduced. Other questions may include that even if the highly contestable opinion that the rear extension(s) are of low quality is accepted for the moment why does this warrant a destruction or demolition of that extension(s) if it is functioning appropriately. Why is it necessary that a front fence (and other fences) sympathetic to the heritage listing and an integral part of the heritage listing needs to be changed or demolished. None of these and other required questions requiring answers have not been addressed.

Given the HIA's oft repeated and heavy reliance on the suggestion that there are low quality extensions to the rear where is there any engineers report supportive of the fact that on a heritage building the condition is such that it should be demolished or that any demolition no matter how great or small is justified. This applies not only to the primary building but also other buildings and improvements on the land, including the front fence.

Let one boldly suggest, without being accused of having one's judgment clouded by a passionate desire to retain rare heritage items in our district for future generations to enjoy, that on any reasonable analysis of the HIA report and the Environmental Report relied upon by the applicants there are such significant failures to deal with the central issues, and a failure to deal with the guidelines raised by the Heritage Council that it can fairly be said that little if any weight can be placed on these reports in any assessment of the development application.

Once these reports are appropriately discounted in both weight and value, for the reasons previously given, there is no basis provided by the applicants as to why the development application should be approved. To the contrary, Burwood Council would have every justification to reject the application.

There another matter of great importance to be raised. Whilst we have raised the issue of alternative possibilities that should have been considered by the applicants for development approval as suggested by the Heritage Council this reference is made in the context of showing the lack of consideration and motivation that has been given to any possibility of leaving the heritage order as least impacted upon as possible. It highlights the lack of interest by the applicants in respecting the heritage order. This should in no way be interpreted as a concession by ourselves or indeed other residents that any development proposal would not have an adverse impact on the subject land. It is the view of ourselves and many residents who oppose the development application that the buildings currently on the land, the garages, the fencing, the original trees, garden and vegetation, and the land itself should remain intact as a heritage item for future generations to enjoy.

Finally, we make reference in our earlier objection to the role that Burwood staff are alleged by the applicants to have played in pre DA discussions with the applicants and their representatives. To be clear, it is accepted that pre DA meetings can be of great merit and importance in such matters. It is not the process being attacked. What is being attacked is the suggestion (the credibility of which is not necessarily accepted at this stage) that Council staff would have made any suggestions or recommendations that any part of the primary building be demolished or that any such developmental proposal as submitted would be acceptable. Similarly, the proposition that Burwood staff would have recommended important matters that had the effect of attacking the integrity of the heritage order is difficult to accept. If such did occur then this is brought to the attention of Council. If Council staff deny the substance of what is stated in the reports then this is yet another matter which should be taken into consideration when assessing the merit of the application.

One short and final observation

Burwood Council has many valid and justifiable reasons to reject this development application on its merits. Insufficient justification has been shown to interfere with the heritage building and land. There has been the most fundamental of failures to deal with the many issues including the provision of A Statement of Heritage Impact in accordance with the Heritage Council Guidelines. The provisions of the BLE Plan 2012 and the Burwood DCP are not satisfied. Burwood Council has the opportunity, bearing in mind such defects, to show the community that it represents that it is prepared to protect the limited heritage stock that remains in its council area.



Attached: Statement of Heritage Impact Guidelines issued by Heritage Council

Statement of Heritage Impact

A Model

.....
Statement of heritage impact for:

[Name of heritage item, item within a conservation area or site in the vicinity of a heritage item.]

This statement forms part of the statement of environmental effects for:

[A brief description of proposal.]

Date:

Reference:

[Reference number/s for the heritage item and/or conservation area (name the area), taken from LEP or REP schedule, or heritage study inventory.]

Address and property description:

[of heritage item, item within a conservation area or site in the vicinity of a heritage item.]

Prepared by:

[Name, address, phone and fax of author.]

For:

[Name of client or owner, where manager or owner



STATEMENTS OF HERITAGE IMPACT

is not the author.]

The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:

[List in point form. List also, any other completed or proposed future works, such as the implementation of maintenance plans, interpretation strategies or archival recording.]

The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts:

[List the ways in which the item or area is significant and the way/s they could be affected; why the work is necessary for the ongoing viability; and, the steps taken to minimise negative impacts. (Consider addressing significance under each of the seven criteria used to define heritage significance)]

The following sympathetic solutions have been considered and discounted for the following reasons:

[List alternatives (especially those identified in a conservation management plan or other study) and clearly argue why these cannot be implemented.]

Attachments:

[List. For example, statement of heritage significance, study, State Heritage Inventory form, conservation policy or conservation management plan, building condition report, engineer's report and/or archaeologist's report.]

References:

[List. For example, heritage studies, conservation management plans, archaeological zoning plans, or environmental impact statements.]

Archived: Thursday, 27 July 2023 4:55:29 PM

From: [REDACTED]

Sent: Friday, 21 April 2023 9:22:00 PM

To: [Burwood Council](#)

Subject: Re 11 Seale Street Burwood. DA 2023.28

Sensitivity: Normal



ATTENTION: GENERAL MANAGER

RE PROPERTY: 11 SEALE STREET, BURWOOD. DA 2023.28

PLEASE do not allow this RESTORED HERITAGE LISTED HOUSE to be destroyed.

My grandfather, Joseph Ireland and his wife Flora built this house in 1914 and my mother was born there 10th April 1915. Joseph's father William Ireland married Julia Seale, whose parents owned about 11 acres around Seale and Ireland Street up to Liverpool Road. William and Julia built Ireland's Hotel on the corner of Burwood and Liverpool Roads around 1880.

This application for that type of house surely does not fit into and already HERITAGE LISTED HOUSE. DO NOT DESTROY 11 SEALE STREET, BURWOOD, ONE OF A MANY EXISTING EXAMPLE OF A FEDERATION STYLE.

There are so many incorrect additions or alterations supposedly said to be low quality. This is a deliberate and incorrect assumption to try and make the council change its mind.

Remember, this house is HERITAGE LISTED, so this DA cannot be accepted.

Regards



Virus-free. www.avg.com

Archived: Thursday, 27 July 2023 4:52:07 PM

From: [REDACTED]

Sent: Friday, 21 April 2023 8:22:46 PM

To: [Burwood Council](#)

Subject: Reference 11 Seale St, Burwood DA 10.2023.28.1.

Sensitivity: Normal

To the attention of General Manager, reference 11 Seale St, Burwood DA 10.2023.28.1.

Dear Mayor and Councillors,

I received correspondence from Burwood Council advising that a development application has been lodged in relation to heritage premises at 11 Seale Street Burwood.

This is a rare heritage item within the Burwood District was gazetted as such in September 2022, and accordingly it should stay intact in a large proportion.

This new application, less than 6 months after being heritage listed, if granted will to a very large extent nullify and discredit the heritage order made.

I am most upset with this and both on my behalf and that of many residents wish to ensure that each of the Councillors and the Mayor are advised of our concerns.

Now the Burwood Council has yet another opportunity to take active steps to protect very rare, well-preserved heritage and period houses within its area.

My main complaints concerning the letter from the Burwood Council advising of the development application in relation to 11 Seale Street Burwood are listed below.

A rare heritage property of an early period will be lost forever.

The Heritage report in support is a very superficial report, it can easily be the subject of heavy criticism.

The Environmental Assessment report does not deal with several key issues.

The development is not in the public interest.

The impact on my property [REDACTED] is huge, all my windows from my office and bedrooms are on the side which will be

obstructed by the new two-storey building.

Consequently, my work will be badly affected as I do most of my research at home.

If necessary, I am happy to provide further details concerning my strong opposition to the current application.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

CRICOS 00026A

This email plus any attachments to it are confidential. Any unauthorised use is strictly prohibited. If you receive this email in error, please delete it and any attachments.

Archived: Thursday, 27 July 2023 4:30:59 PM

From: [REDACTED]

Sent: Friday, 21 April 2023 7:29:25 PM

To: [Burwood Council](#)

Subject: Objection for 11 Seale st development

Sensitivity: Normal

- Attention: General Manager
- **RE: DA 2023.28 Property: 11 Seale Street, Burwood.**
- I am a resident of [REDACTED] Burwood [REDACTED] and object to the Development Application and any proposed changes to 11 Seale st in any form now and in the future. The property is heritage listed and is to remain intact
- It is incredible and so disappointing that plans of these proportions have been submitted to the council

The huge construction will have an awful impact on the heritage value of the building and will diminish and almost destroy it. I have been living here for 30 years and experienced a very peaceful and pleasant life in a quiet street with a wonderful scape. The present owners' application says that a substantial demolition is not being proposed and that the development is not considered to be major!

How can this be true when 80% of the dwelling is supposed to disappear due to their proposal?

Such a construction will bring noise and extra traffic congestion and combined with the parking situation created due to the Liverpool rd construction that exists, will be a problem for our street.

The proposal destroys the whole point of the heritage meaning and by demolishing the side and rear portion of the property it will obstruct and impact our view of our back yard

The initial heritage listing did not refer to part of the house only. The rear of the house, including later additions, was incorporated for the purpose of the assessment when the listing happened. A wholistic approach was taken in which both the dwelling and the land were approached as being inter-connected when assessing the relevant criteria. Further there was clear recognition that a later addition to the original house was carried out sympathetically and deliberately to the original design of the house. The later addition of the garage did not visually detract from the heritage look of the facade of the dwelling

Building a 2 storey dwelling that can be seen from the street is not in conformity with the street scape and heritage historical values. This demolishing should not be permitted as it would be a sacrilege! Seale St is under streetscape provisions hence it needs to match the rest of the street. How can one by using modern materials and colours preserve the heritage value of the property?

Our previous objections that led to the property being listed as a heritage one referred to the cottage and all its boundaries so how can such a proposal be forwarded for consideration?

Why demolish something that it is in perfect order and operation?

Where are the reasons for doing this?

It is clear that the previous owners of the property went to extraordinary lengths to retain the design, integrity and heritage of the building in terms of its upkeep and maintenance as well as in building additions.

So why the new owners decided to erase the historic value of such a property with no consideration for the impact on the street

scape and historic significance for future generations?

Are they trying to overturn a decision that declared 11 Seale st of historic value and its heritage listing?

Where was the opposition of the present owners of the property when the property was under investigation to be formally declared of historic value and listed as heritage?

When this process was taking place the owners were apparently consulting with an architect to proceed with a development application.

In their new application they refer to the “low quality” additions done in the past to the dwelling.

How come that the property was heritage listed if it had so “low quality “ additions?

The repeated references to low quality additions is in part understandable as the interests of the new party have to be supported (as they paid for such a report to be commissioned)but should it be taken into account ?

Building both a 2 storey dwelling and a tall garage will definitely impact our property as light and scape will be affected

My husband carries his research from home and the necessary light for his study area will be critically impacted.

All this shows a lack of professionalism on the part of the present owners who have no respect for the history of the property and the needs of the neighbours!

In conclusion we are totally against such a development which is against the heritage listing as it creates a bulky new dwelling encroaching on our views and peaceful aspect of our street.



Sent from my iPhone

Attention: [REDACTED], General Manager

Re: DA 10.2023.28.1 11 Seale Street, Burwood

Please accept this email as my objection to the new Development Application for alterations and additions to the Federation house, *Carinya*, at 11 Seale Street in Burwood.

This property is not only a part of Burwood's heritage, but it also belongs to the history of New South Wales and Australia as a whole. When Michael Seale, my forefather, left Ireland in 1836 and travelled for months onboard the *Runnymede* to reach Sydney, losing his six-year-old son to illness whilst at sea, he and his young family forged a new life as far removed from their previous one as you could possibly imagine. He bought land in the Burwood area and his son, Thomas Seale, gave the land at 11 Seale Street to his daughter Julia Ann Seale and son-in-law Thomas Ireland, as a wedding gift. They built *Carinya* in 1914.

I realise that the only people interested in my family history are other family members, and I don't expect anyone else to award any relevance to it. However, I do expect that the actions of the New South Wales Government to register the property on the State Heritage Register to be upheld.

Not being a First Nation person, means that my family members came from another country. Therefore, I value the contribution of each and every immigrant person's efforts and contribution to the *improvement* of our wonderful country. I applaud their success to take on everything that is Australia and make a new life for themselves. However, where do you draw the line and protect what is culturally unique about our city and its suburbs? Where do you find a council that will stand up and recognise the relevance and heritage value of a property like *Carinya* and the park-like grounds surrounding it?

The development proposed for this property impacts on its heritage value, and indeed with the surrounding historic value of this area. To allow this development to proceed would be irresponsible because once this happens, the historic value of this fine Federation home that still has so many original features such as high, ornate ceilings and fireplaces, an original rear verandah overlooking a peaceful garden, will be gone forever. The applicant for this development places no value on these features. The home they value should be built in an area where it would look more suitable. Why buy a heritage home to change it to something it is not?

Two years ago we fought to save this property and had the joy of learning that it resulted in the application of a Heritage Listing No 1225 and gazetted only nine months ago on 9 September 2022. This heritage listing states that the undertaking of additions and changes are only to be considered providing they *do not impact* on the heritage value of the existing property. No one in their right mind would consider the proposed development is *protecting* this heritage listing.

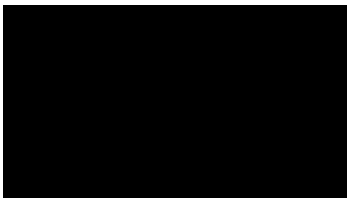
The New South Wales Department of Planning and Environment website has extensive *Technical Guides for Conserving, Repairing and Using Heritage Items*. Having read these guides, I cannot see how this development application can be considered in the light of such detail.

<https://www.environment.nsw.gov.au/topics/heritage/manage-heritage-items/heritage-technical-guides>

How could the architect of this proposed development suggest that keeping the front of the house, but changing the interior and demolishing the rear could be in keeping with the Heritage Listing?

I trust that Burwood Council will uphold what they know and how much this development will impact, and in fact, negate the heritage value of the house at 11 Seale Street and its surrounding gardens, and make the very best decision to preserve the history of this area.

Yours faithfully



Attention: The General Manager, Burwood Council

Development Application 10.2023.28.1 - 11 Seale Street, Burwood

I wish to advise Burwood Council of my **formal and heartfelt objection** to the Development Application and any proposed changes to 11 Seale St, Burwood. The property is heritage listed and is to remain intact.

I agree and support the following points highlighted by the Seale St Resident Group for the preservation of 11 Seale St, Burwood. I have read and understand them.

- The proposed development will severely impact the heritage significance of the property and its ability to comply with the five heritage criteria which it met for its listing. This includes "rarity" due to the property's intact nature of all within its boundaries. All structures including the fence, garage, main dwelling, and extension among others are in good functional condition and part of its heritage significance and there is no justification to change/demolish them. It is a fine, intact heritage listed property from 1914 owned and built by Burwood pioneers who should continue to be respected and as such should remain the way it is now.
- The park-like feel of the existing backyard creates an oasis of what once was. It provides a sanctuary for native flora and fauna and must not be destroyed. There are few green areas like this left in the area. I live across the street, and the people who rent there invited the neighbourhood to a housewarming party at the house. To be able to sit in that backyard, enjoying the warm glow from the lights in the house, the expansive verandah, and the company of neighbours gave me a glimpse of what might have been in days gone by. To destroy parts of that house and backyard would be a significant loss of the history that house embodies and its current beauty.
- It is not acceptable that the proposal removes/demolishes a significant portion of the original cottage with critical heritage elements required for existence such as the kitchen, dining room and bathroom. The interior of the remaining cottage should not be allowed to change with the modification of the walls, along with other changes.
- The owner's heritage impact statement raises questions over its creditability as it supports the demolition of the original rear portion of the cottage which contains the kitchen, dining room and bathroom which are all in good usable condition. This cottage was heritage listed based on all elements of a functional dwelling including these areas where Burwood pioneers who built the house cooked, ate, and washed. The understanding is that a garden will replace them with nil heritage value! Burwood Council needs to rely on an independent impact assessment that satisfies community judgement for creditability.
- Seale St is subject to streetscape provisions - the garage, fence and other features have been part of the streetscape for well over 40 years and compliment surrounding dwellings. Hence there is no reason to demolish/replace them. The development will not complement the streetscape and will be out of place. The garage on the plan is in fact a 2 story along with the new dwelling. It is made of modern materials, contrasting colors and modern design.
- Its built area/footprint is outside allowable limits and needs to be complied with. It is overbearing and its bulk will dominate the original cottage and the streetscape.
- The change of driveway and existing path in front of the house is not acceptable. Extending the driveway towards the front of the cottage will encourage parking directly in front of it, which will detract from its heritage significance.
- The proposed development is not acceptable as it will compound existing excessive issues with noise, traffic and parking that currently exist with the Quandong St and Liverpool Rd development.

The property has been heritage listed for many reasons including its appearance being one of the best examples of a 1914 federation property with strong historical links to Burwood pioneers. Combined with the Seale St streetscape zoning protection there is a strong justification to keep the property intact.

Date: 21/04/2023

[Redacted Signature Block]

Archived: Thursday, 27 July 2023 4:04:31 PM

From: [REDACTED]

Sent: Friday, 21 April 2023 7:39:58 AM

To: [Burwood Council](#)

Subject: DA 10.2023.28.1 - 11 Seale Street, Burwood NSW

Sensitivity: Normal

Attention: General Manager

I am writing to object to the alterations to the Heritage listed house at the above property.

I recall a similar objection some time ago when the property was going to be demolished.

Why is it, that so many homes are now being demolished and what I call "box houses" are being built in their place in Burwood with no regard to the original heritage appearance of this suburb which now resembles a suburb of high rise plain looking apartments and low rise box houses.

Please refrain from the owners from altering this lovely house as when they purchased it they knew it was to be a heritage property.

As I am a walker and walk the streets of Burwood every day, I find more and more, the whole suburb is changing for the worse.

I implore you to stop this alteration to 11 Seale Street Burwood.

Regards,

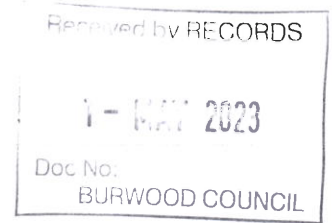
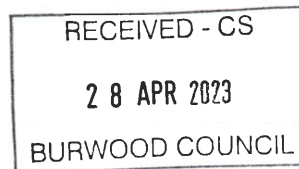
[REDACTED]

From: [REDACTED]

Sent: Friday, 28 April 2023 2:31 PM

To: Burwood Council

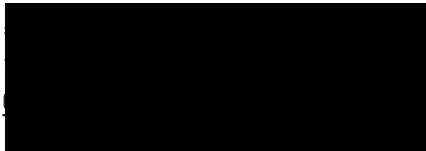
Subject: Supplementary Submission to support prior submission - DA 10.2023.28.1 - 11 Seale St
Burwood



Attention of General Manager

Supplementary submission to support prior submission made on 26/4/2023. (attached)

Formal Objection to DA 10.2023.28.1 – 11 Seale St, Burwood



We note that the proposed development application will demolish the original rear of the existing cottage which contains the kitchen, dining room, bathroom and laundry which is not acceptable and as such object to the DA. This would have significant impact on the heritage significance of the property.

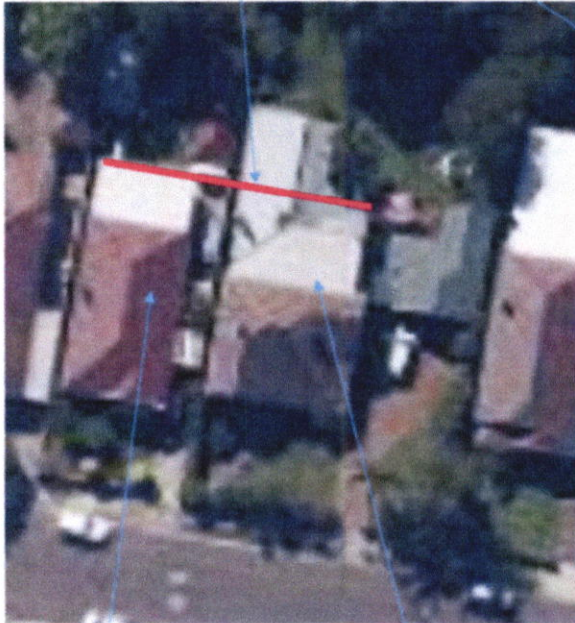
We also note the owner Heritage Impact Assessment indicates the original rear portion of the cottage is an extension – it is not an extension as it was part of the house when it was built in 1914.

The following diagrams confirm that the footprint of the cottage including the rear is the same now as the house was in 1943 which is the earliest aerial photograph taken of the property. The photograph is likely to be representative of the house in prior years. We acknowledge that there is an extension extending from the rear footprint made by owners from 1978 – 2020 and it is highly representative, sympathetic and respectful of the cottage and period it was built

Note – Joseph Ireland the historical figure on which the criteria for heritage listing was based on lived on the property from 1914-1967.

Hence the original rear portion of the cottage is of high heritage significance. This is the same with the garage as the streetscape view width is retained as a double garage.

Footprint of original rear portion of cottage the same as it was in 1943 (pre 1943 pictures not available)



11A Seale St

11 Seale St

Current aerial view

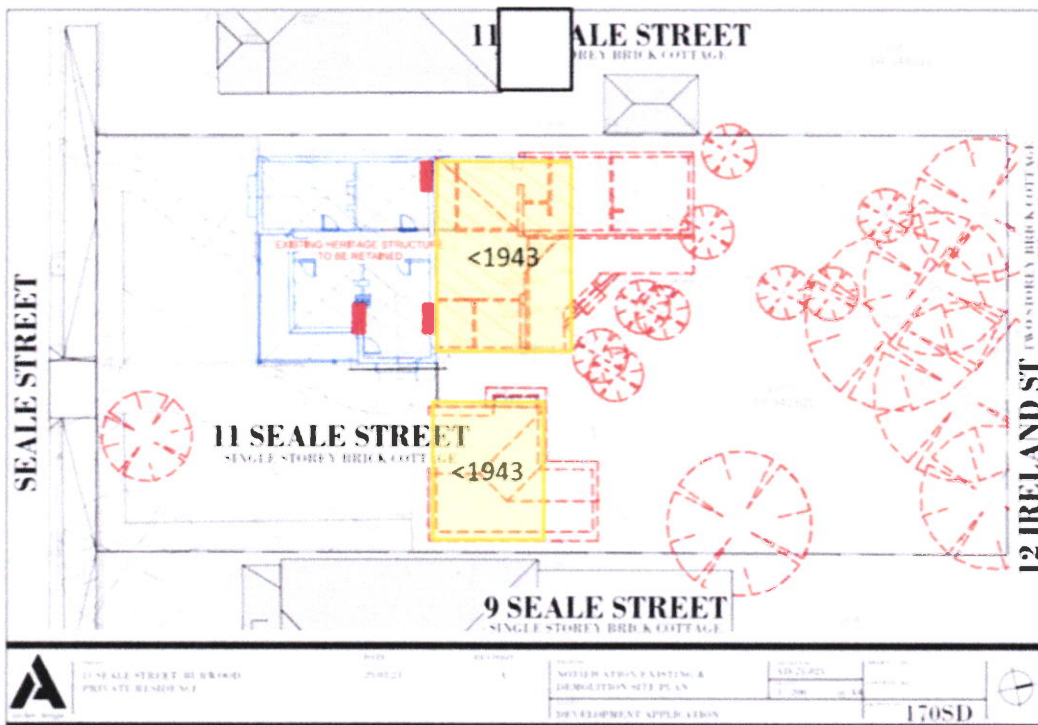
Garage width same as it is now



11A Seale St

11 Seale St

<1943
Joseph Ireland original owner was living in the house from 1914-1967



There are also questions raised over the credibility of the owner Heritage Impact Assessment Report in supporting the view that areas of high heritage significance with the original rear portion of the cottage and the garage could be demolished.

It is strongly recommended that an **independent professional heritage impact assessment that passes community judgement for credibility is conducted.**

Sent from [Mail](#) for Windows

Archived: Thursday, 27 July 2023 2:37:25 PM

From: [REDACTED]

Sent: Tuesday, 18 April 2023 5:40:10 PM

To: [Burwood Council](#)

Subject: 11 Seale Street Burwood 2134

Sensitivity: Normal

Attention: General Manager

Dear Sir,

Re: DA 10.2023.28.1

I respectfully ask you to consider my objection regarding the development to 11 Seale Street, Burwood. In my opinion and I'm sure with many others, this heritage house should be protected and preserved to its original architectural charm. Houses of this era continue to enrich our present and future generations to enjoy and learn from. Burwood has many of these beautiful properties, regrettably some of which have come under the axe, while others stand proudly uninterrupted, blending in with the environment. I understand that this property has met 5 of the 7 criteria for heritage listing and hope that any future changes will be sympathetic.

I trust that council will view my objection favourably with a positive outcome for those who care.

Yours sincerely,

[REDACTED]

Sent from [Mail](#) for Windows