



Burwood Inc.1874
Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

ORDINARY MEETING

Notice is hereby given that a meeting of the Council of Burwood will be held electronically on Tuesday, 19 May 2020 at 4:00pm to consider the matters contained in the attached Agenda.

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

Tommaso Briscese
GENERAL MANAGER

Our Mission

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

CONFLICT OF INTERESTS

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

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

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

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

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

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

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

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

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

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

Disclosure and participation in meetings

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

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

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

- (a) an interest as an elector,
- (b) an interest as a ratepayer or person liable to pay a charge,
- (c) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Part,
- (d) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part,
- (e) an interest as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not),
- (f) an interest of a member of a council committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the committee member has been appointed to represent the organisation or group on the committee,
- (g) an interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument other than an instrument that effects a change of the permissible uses of:
 - (i) land in which the person or a person, company or body referred to in section 443 (1) (b) or (c) has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and any other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise), or
 - (ii) land adjoining, adjacent to or in proximity to land referred to in subparagraph (i), if the person or the person, company or body referred to in section 443 (1) (b) or (c) would by reason of the proprietary interest have a pecuniary interest in the proposal,
- (h) an interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company,
- (i) an interest of a person arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises

because a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the committee) of the association or is a partner of the partnership,

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

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

Non-pecuniary Interests - Must be disclosed in meetings.

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

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

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

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

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AGENDA

FOR AN ORDINARY MEETING OF BURWOOD COUNCIL TO BE HELD ELECTRONICALLY ON TUESDAY 19 MAY 2020 AT 4.00PM

I DECLARE THE MEETING OPENED AT (READ BY MAYOR)

ACKNOWLEDGEMENT OF COUNTRY (READ BY MAYOR)

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

PRAYER (READ BY MAYOR)

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

RECORDING OF MEETING (READ BY MAYOR)

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

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

APOLOGIES/LEAVE OF ABSENCES

DECLARATION OF POLITICAL DONATIONS (READ BY MAYOR)

In light of legislation that governs the process for the determination of Development Applications before Council, a person who makes a relevant application to Council or any person with a financial interest in the application must disclose any reportable political donation or gift made to any local Councillor or employee of Council. Such disclosure is required on Development Application Forms submitted to Council.

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

Should any person having business before Council this evening and being an applicant or party with a financial interest in such application feel that they have not made the appropriate disclosure, Council now invites them to approach the General Manager and to make their disclosure according to law."

RECORDING OF COUNCILLORS VOTING ON PLANNING DECISIONS

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

CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the following Meeting of Burwood Council:

A. Council Meeting held on 28 April 2020

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

OPEN FORUM ACKNOWLEDGMENT (READ BY MAYOR)

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

OPEN FORUM COMMENCES

PUBLIC FEEDBACK ON AGENDA ITEMS (READ BY MAYOR)

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

ADDRESS BY THE PUBLIC ON AGENDA ITEMS COMMENCES

MAYORAL MINUTES

GENERAL BUSINESS

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REPORTS OF COMMITTEES

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INFORMATION ITEMS

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QUESTIONS WITHOUT NOTICE

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

(ITEM 25/20) COVID-19 (CORONAVIRUS) - PROGRESS UPDATE - MAY 2020

File No: 20/20352

REPORT BY GENERAL MANAGER

Summary

To provide Council with a progress report on activities undertaken by Burwood Council in response to the COVID-19 (Coronavirus) pandemic, as well as a summary of impacts to Council's activities.

Operational Plan Objective

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

Background

Following the outbreak of the Coronavirus COVID-19 and the activation of Council's Business Continuity Plan, priority has been given to the safety of community members and staff, whilst maintaining a regular delivery of services to residents and businesses wherever possible.

In many situations Council staff identified and implemented alternative delivery methods for existing programs, as well as introducing new services aimed specifically at supporting residents and businesses during the crisis.

Interaction and conversations with members of the community continued, and in some cases strengthened, during the lockdown period.

This report contains information on regular and targeted services provided by Council during the COVID-19 lockdown period, between 16 March and 8 May 2020.

Customer Requests

During the period Council received a total of 1419 CRMs, with 95% completed within target.

The top five categories of requests include:

Category	Number of CRM's
Traffic – Parking	28
Trees	45
Signs	52
Compliance	186
Waste	937

Customer Service Calls

During the period Council's Customer Service and Call Centre received a total of 4885 calls.

Common requests include:

Enquiry	Number of Calls
COVID Related Calls	82
Clean Ups	228
Building and Development Enquiries	256
Rates Calls	290

COVID Email Enquiries to Council

COVID related email requests:

COVID - General email enquiries	66 received and closed
COVID - Rates specific enquiries	58 received and closed

Booked Garbage Clean Ups

During the period Council booked and completed a total of 379 cleanups.

Development Applications

Development Applications Received and Approved:

	Development Application	S4.55 Modification Application
Applications Received	28 (15 in 2019)	9 (6 in 2019)
Applications Approved	23 (16 in 2019)	6 (16 in 2019)

Site Inspections

While maintaining a working from home regime, technical staff conducted all necessary site inspections during the period:

Team/Staff Member	Number of site inspections
Group Manager	18
Design Manager	14
Tree Management Officer	66
Traffic Engineering	56
Development/Design Engineering	89
Landscape Design	15
Health Inspectors	37
Risk Management Officer	19
Building Inspectors	2
Total	314

Committee Meetings

Council Meeting	28 April 2020
BLPP	5 May 2020
Risk Management Committee	6 May 2020
Burwood Local Traffic Committee	7 May 2020
Multicultural Advisory Committee	13 May 2020

Mayoral and Councillor Requests

	Mayoral Requests	Councillor Requests
Requests Received	93	5
Requests Closed	98	12

Capital Works Program

Road Repairs	8
Footpath Repairs	10
Kerb & Gutter	14
Drainage	5
Traffic Facilities (i.e. roundabout, traffic island)	5

Key Infrastructure Projects

Despite the challenges presented by the COVID-19 situation, the majority of Council's projects are progressing as scheduled, as follows:

Library, Community Hub and Administration Offices	On track
Grant Park off-leash area upgrades	On track
Challenger Course – Grant Park	On track
Woodstock Playground	On track
Henley Park amenities building	On track - Tender underway
Blair Park	On track
Netball courts and car park	Awaiting response on Sports Infrastructure grant application

Library Activities and Alternate Programs

Activity/ Program Name	No. of activities/ programs run
Online registration	88 new digital members
Burwood Cares – Home Library Service extension	81 members of which 44 are new members, 1,215 items delivered
eBooks, eAudiobooks and eMagazine loans and new users	eBooks: 816 loans eAudiobooks: 400 loans eMagazines: 934 loans New users: 141
Burwood Cares welfare checks to library members 70+ and over	670 calls
Web chat service	4 live webchats
Revamped library website	Visits: 3,791 Page views: 19,677 Unique Page views: 11,870
Library Newsletter: 2 issues published	<u>Newsletter 1, 18 April 2020</u> Total emails delivered: 10,804 Number of recipients who opened the email: 4,204 Number of recipients clicking on links: 387 <u>Newsletter 2, 2 May 2020</u> Total emails delivered: 10,287 Number of recipients who opened the email: 2,568 Number of recipients clicking on links: 225
Stay at home resources for adults and children regularly updated on the website: Links to information and activities Links to information and support for local businesses	11 themes for adults one theme for business one theme for multicultural resources 11 themes for children
Bricktopia Building Club	10 entries received to date
Zumba for kids	8 sessions with 31 bookings to date for this program
Virtual story time	3
Anzac Day trivia quiz	1 with 36 participants
Online resources for staying healthy, active and connected during Covid-19	13 online resource

Burwood Bear Hunt	1
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Community Development Programs

Target Group	Program Name	No. of programs run
Seniors	Stay Standing (falls prevention) lectures online	6 (online)
	Linking seniors from Seniors Social Club <i>Offering seniors the option to exchange numbers to talk via phone (matching CALD backgrounds so conversations can happen in community languages).</i>	2 seniors matched to trial the potential roll out
Youth	Youth Week Online Trivia Competition	1
	Stronger Minds, Stronger Youth – Mental Health Board Game <i>Offering schools the resources to roll out the board game online with students.</i>	5 schools have been offered the resources to roll out the board game online for students
	Burwood Youth Advisory Group meetings	1 (online)
	Obstacle Course	1 minor site work completed Major construction scheduled to begin May - June 2020
Children and Families	Child and Family Interagency (online)	2 monthly newsletters, Planning commenced for online meeting in June 2020.
Cultural Development	RMS Signal Boxes	Under way 6 to be completed end of May
	Burwood Art Prize – planning commenced	Promotion will commence week starting 25 May 2020
Community Safety	Dissemination of Domestic Violence resources	1
	Dissemination of Cyber Safety resources	1
	Dissemination of local medical centre locations	1

BURWOOD CARES – Key Data (Community and Business) and next steps

Community

Care Packages

Package	No. delivered
Food packages	126
Hygiene Packages	206
Craft Packages	55
Total packages delivered	387

External Requests via Community Support Card

Request	No. contacted
Community support information	84
Friendly call from Council	35

Courtesy Calls to Existing Individuals, Groups and Services

Existing Services/ Individuals	No. contacted

Child and Family	64
Aged & Disability	148
Youth	62
Community Safety (Police and Local Services)	33
Have a Go Community Programs	12
Volunteer Network Services	72
Library (Home Library Service)	25
Library (JP volunteers)	14
Library (Activity Groups)	6
Library patrons aged 70+	373
TOTAL	803

Homelessness Support

Department of Communities and Justice Homelessness Patrols (Burwood LGA)	3
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Noticeboard

Community Noticeboard	Number of Support Services Listed
Counselling and Support	33
Financial Management Support	1
Mental Health Crisis Support	1
Emergency Services	1
Commonwealth Income Support	1
Employment	2
Skill Building	1
Support for International Students	2
Community Language Translations	2
NSW Justices of the Peace	1
Supermarkets	2
Staying Safe during Covid-19	4
Online safety	1
Covid-19 and Family Violence	8
Things to do if self-isolating	4
TOTAL	64

Business

Calls	Emails Sent	Noticeboard <i>Interested/ Signed up during call</i>	Noticeboard <i>Signed up after call</i>	e-news <i>Interested/ signed up during call</i>
63	17	49/1	23	47/5

Noticeboard

Local Business Directory	Number of Businesses Listed
Health, Fitness and Wellbeing	2
Creative Arts	2
Natural Therapies	2
Online Shopping	2
Family Services	1
Personal Services	1

Local Restaurants Takeaway and Delivery	Number of Businesses Listed
Listed restaurants	41

Burwood Cares – Next Steps

At present the Burwood Cares program is operating under a four phase framework with a focus on repair, recovery, change management and resilience into the future.

Phase 1: Immediate local crisis response

Phase 2: Transformative re-emergence

Phase 3: Development of new vision

Phase 4: Resilience into the future

Evidence-based feedback and analysis of key business and community trends will underpin the transition between phases. The key principal when operating under this framework is agility; the Burwood Cares program is responsive to the needs of residents, businesses and the economy as well as advice from NSW Health and the State and Federal Government, enabling Council to respond swiftly following lifted restrictions or the re-emergence of a Covid-19 outbreak. Importantly, through its phases the Burwood Cares program will strengthen organisational resilience into the future; transforming practices, principals and programs both during and post-crisis.

Beginning Monday 18 May 2020 Council will enter phase 2 of the Burwood Cares program moving beyond the immediate stage of the crisis to lay out a new framework for repair and recovery that enables new and transformed opportunities for businesses and residents.

Phase 2 Focuses:

- Foster a renewed sense of connection and community resilience amongst residents and businesses
- Support and facilitate access to programs that enable people, businesses and activities to return (in transformational ways)
- Partnership and network development
- Use evidence-based feedback to respond to community and business needs and disruptions
- Monitor trends

Easing restrictions

Outdoor playgrounds and equipment

In light of the recent announcements by Federal and State Governments, following extensive cleaning and disinfection, on Friday 15 May 2020 Council reopened the following:

- 28 children playgrounds and various flying foxes etc
- Skate park at Wangal
- Table tennis tables
- Fitness equipment at Burwood, Wangal and Henley Parks
- Futsal field at Henley Park

Park benches, BBQ areas and basketball court (Wangal) had been left open, so there was no change for those facilities.

Outdoor Swimming Pool – Enfield Aquatic Centre

Whilst the State Government allowed for outdoor pools to re-open from 15 May, it is important to note that the Enfield Aquatic Centre outdoor pool has historically being closed each year from 1 May. As such the EAC will remain closed until a directive is provided in relation to re-opening indoor pool facilities.

New Library, Community Hub and Administration offices

Whilst the fitout project for the new library, community hub and new administration offices is nearing completion, the physical opening of the facilities will need to be postponed until a clear directive is provided by the Federal and State Governments about such indoor public facilities.

In addition, upgrades to Hornsey Lane must be completed before public use of the Library can be permitted, as the emergency and fire exits for the facility open up onto the lane.

These works will not be completed before mid-June.

Conclusion

The evolving situation under the COVID-19 pandemic has required an adaptive approach to the response, to allow for targeted support activities for our resident and business community.

As the situation improves, Council management will continue to make decisions based on official guidance from Federal and State governments, as well as sound risk mitigation strategies applied to our specific circumstances.

Any re-opening decisions will be communicated to Council via internal memos and progress reports.

Extensive community engagement and communication will also continue until the crisis phase of the pandemic is declared over.

Recommendation(s)

That Council notes the information contained in this report.

Attachments

There are no attachments for this report.

(ITEM 26/20) BUDGET REVIEW FOR QUARTER ENDING 31 MARCH 2020

File No: 20/17626

REPORT BY CHIEF FINANCE OFFICER

Summary

The 2019-2020 Budget was adopted at the Council Meeting held on 25 June 2019 with a surplus of \$40,999. The adopted budget was prepared on the basis of the organisational structure which includes three Divisions (Office of the General Manager, Corporate, Governance and Community, and Land, Infrastructure and Environment).

This report provides Council with the financial results for the period ending 31 March 2020, in the 2019-2020 Financial Year. In accordance with Clause 203(1) of the *Local Government (General) Regulation 2005* (the Regulation) the Responsible Accounting Officer is required to prepare and submit to Council a budget review statement no later than two months after the end of each quarter (except the June Quarter).

The following Statement of Budget Income and Expenditure identifies a forecast funding deficit of \$2,648,358 as at 31 March 2020 compared to the revised adopted forecast surplus of \$16,332 as at 31 December 2019 which was adopted at the March 2020 Council Meeting. The reasons for the net decrease of \$2,664,690 are outlined in the report and are due to circumstances arising as a result of the COVID-19 pandemic.

The creation of a specific "COVID-19 Reserve" is recommended to ensure that service levels continue to be met. The reserve can be funded from Council's "Unrestricted Cash and Investments" and would support the 2019-20 and 2020-21 budgets by providing funding for existing operational and planned capital expenditure, thus insulating Council from the negative economic impacts on the budget arising from the current pandemic situation. Additionally Council will need to continue to closely monitor and review budgets with particular focus on identifying opportunities for additional grants and internal savings.

Operational Plan Objective

2.3.1 Identify and maintain additional revenue sources to ensure financial sustainability

Background

Included in this report is the budget forecast of Income and Expenditure Statement which is based on external and internal reporting consolidations to improve the transparency and consistency of reported information. This statement forms part of a group of statements which must be reported to Council on a quarterly basis in accordance with Clause 202(3) of the Regulation. These statements are known as the Quarterly Budget Review Statements (QBRS).

Council's budget is prepared on a program basis and forecasts expected operating and capital income and expenditure for the year. To fund the budget, Council also utilises funds held in reserve that have accumulated in prior years such as Section 7.12 Local Infrastructure Contributions and Internally Restricted Reserves.

The Local Government Code of Accounting Practice and Financial Reporting require Council to prepare its General Purpose Annual Financial Reports in accordance with the Australian Accounting Standards. The major implications are that Council must adopt a general purpose format for financial reporting.

This requires Council to:

- implement full accrual accounting, including capitalisation of infrastructure assets

- prepare consolidated financial statements incorporating all functions and entities under the control of Council
- adapt to a change in accounting focus from the fund result for the year (i.e. the movement in working funds) to the gain/(loss) from ordinary activities

Each of these requirements is applied at the time of preparing the Annual Financial Reports at 30 June each year. However, with respect to the budget process Council is still focusing on the funding result of reporting. The financial result for the year is determined and audited and the Financial Reports and Auditor's Report are included in Council's Annual Report.

BURWOOD COUNCIL									
Statement of Budget Income & Expenditure									
as at 31 March 2020									
Income									
Type	Budget	Adopted Variations		Amended Budget	Recommended Amendments	Forecasted Year End	Reference	Actuals	
		September	December						
Rates & Annual Charges	29,503,409	479,708	89,625	30,072,742	349,752	30,422,494	1	30,397,644	
User Charges & Fees	10,929,128	(70,000)	55,007	10,914,135	(1,432,818)	9,481,317	2	8,011,292	
Interest & Investment Revenue	1,430,000	-	-	1,430,000	-	1,430,000	3	1,095,906	
Other Revenue	4,723,116	110,000	276,774	5,109,890	(832,738)	4,277,152	4	3,891,438	
Operating Grants & Contributions	3,289,052	87,842	49,824	3,426,718	(34,413)	3,392,305	5	1,915,683	
Capital Grants & Contributions	4,530,000	2,345,750	1,056,594	7,932,344	2,718,478	10,650,822	6	8,795,581	
Carryover Grants	-	2,242,290	36,897	2,279,187	330,000	2,609,187	7	30,897	
Total Income	54,404,705	5,195,590	1,564,721	61,165,016	1,098,261	62,263,277		54,138,441	
Expenditure									
Type	Budget	Adopted Variations		Amended Budget	Recommended Amendments	Forecasted Year End	Reference	Actuals	
		September	December						
Employment Costs	21,693,052	(719,000)	(577,402)	20,396,650	1,207	20,397,857	8	14,378,602	
Borrowing Costs	332,401	-	-	332,401	-	332,401	9	262,599	
Materials & Contracts	11,653,216	2,745,188	1,219,710	15,618,114	994,141	16,612,255	10	9,851,257	
Depreciation	7,335,000	-	-	7,335,000	-	7,335,000	11	5,501,250	
Other Expenses	9,783,252	186,422	(135,300)	9,834,374	(81,875)	9,752,499	12	6,495,539	
Total Expenditure	50,796,921	2,212,610	507,008	53,516,539	913,473	54,430,012		36,489,246	
Net Operating Result	3,607,784	2,982,980	1,057,713	7,648,477	184,788	7,833,265		17,649,195	
Net Operating Result before Capital Items	(922,216)	637,230	1,119	(283,867)	(2,533,690)	(2,817,557)		8,853,614	
Funding Statement									
Net Operating Result	3,607,784	2,982,980	1,057,713	7,648,477	184,788	7,833,265		17,649,195	
Add Back Non Cash Items									
Depreciation	7,335,000	-	-	7,335,000	-	7,335,000	13	(5,501,250)	
Movement in ELE	-	-	-	-	-	-		-	
Adjusted Net Operating Result	10,942,784	2,982,980	1,057,713	14,983,477	184,788	15,168,265		12,147,945	
Source of Capital Funds									
Sale of Assets	950,000	-	-	950,000	-	950,000	14	546,114	
Loan Funding	-	-	-	-	-	-	15	-	
Transferred From Section 7.12	3,278,000	9,091,415	4,111,000	16,480,415	(3,880,000)	12,600,415	16	-	
Transferred From Reserves	3,511,500	8,642,168	995,000	13,148,668	(2,535,000)	10,613,668	17	12,936	
Add Back Non Cash Property	-	-	-	-	-	-		-	
Funds Available	18,682,284	20,716,563	6,163,713	45,562,560	(6,230,212)	39,332,348		12,706,995	
Funds Utilised:									
Acquisition of Assets	13,148,348	19,737,668	6,167,275	39,053,291	(5,585,522)	33,467,769	18	13,514,043	
Loan Principal Repayment	707,937	-	-	707,937	-	707,937	19	514,107	
Transfer to Section 7.12	4,030,000	1,000,000	-	5,030,000	2,100,000	7,130,000	20	-	
Transfer to Reserves	755,000	-	-	755,000	(80,000)	675,000	21	-	
Budget Result	40,999	(21,105)	(3,562)	16,332	(2,664,690)	(2,648,358)		(1,321,154)	

The material variations greater than \$20,000 are detailed in the following section which are cross referenced to the Income and Expenditure type on the face of the above report.

Total Income from continuing operations

Income from continuing operations was originally forecast at \$54,404,705. This figure after the first half of the year increased to \$61,165,016. The March quarter review has seen an increase of \$1,098,261 to \$62,263,277. The major items resulting in this forecast income adjustment include:

Reference 1 – Rates and Annual Charges - An increase in Council's Rating Base of \$349,752 attributed to an increase in residential strata units coming on line and the re-categorisation of property within the Local Government Area of \$237,873 and an increase in Domestic Waste Management Charges of \$110,234.

Reference 2 – User Charges and Fees - An overall decrease of \$1,432,818 primarily due to the following:

Significant income reduction due to the COVID-19 outbreak totalling \$1,139,523 across a number of different areas including:

- Development Assessment income
- Car Parking stations and meter income
- Enfield Aquatic Centre's income - closure of the facility
- Council's Community Halls and Facilities - closure of the facilities.
- Outdoor Eating fees- Mayoral Minute (March Council Meeting).
- Reduced rental fees - Mayoral Minute (March Council Meeting).
- Public Health Administration fees - Mayoral Minute (March Council Meeting).

Additional impacts to the User Charges and Fees were due to:

- A decrease in traffic Road Closure Permits of \$200,000 and Road Opening Permits of \$70,000 due to decreased building works within the Burwood Town Centre and Local Area.
- An increase of \$209,793 for road works Council carried out on behalf of Hunters Hill Council.

There were other budget movements within the classification of User Charges and Fees which were under \$20,000 resulting in little or no change to the actual overall budget.

Reference 4 – Other Revenue - An overall decrease of \$832,738 primarily due to the following:

- A reduction of \$930,345 in associated with the down turn in Parking related income.
- An amount of \$43,639 from the Office of Local Government to partially offset the increase in the Fireboard Levy.
- An increase of \$52,063 in Environmental Fines due to increased policing of building sites.

There were other budget movements within the classification of Other Revenues which were under \$20,000 resulted in minor changes to the actual overall budget.

Reference 5 – Operating Grants and Contributions - A decrease in Operating Grants and Contributions of \$34,413, associated with the postponement of Cultural events and Road Safety Officers grant wrongly paid to Council.

There were other budget movements within the classification of Operating Grants and Contributions which were under \$20,000 resulting in little or no change to the actual overall budget.

Reference 6 – Capital Grants and Contributions - An increase of \$2,718,478 due to the following:

- An increase in S7.12 and VPA Contributions of \$1,500,000 and \$600,000 respectively, these funds are to be transferred to Reserves for future works within the Town Centre. Reference 20 – Transfer to S7.12 Reserves.
- An additional amount of \$618,478 contribution has been received toward Private Works within the Burwood Town Centre and Local Area. Reference 18 – Acquisition of Assets

Total Expenditure from continuing operations

Expenditure from continuing operations was originally forecast at \$50,796,921. This figure after the first half of the year increased to \$53,516,539. The March quarter review has seen a further increase of \$913,473 bringing the total expenditure forecast to \$54,430,012. The major items resulting in this forecast expenditure adjustment include:

Reference 8 – Employment Costs - An overall increase in Employee costs of \$1,207 is attributed to, but not limited to:

- Savings from various Business Units Wages and Salaries components of \$195,000 for the funding of Contractors – Temporary Staff who are employed to fill vacant positions within the organisation. Areas which required the transfers during the quarter from Wages and Salaries were Parking Enforcement, Organisational Development, Building & Development, Records, Property Administration, Parks Operations, Engineering and Council's Street Cleaning Service. A commensurate offset in Reference 10 – Materials and Contracts
- An additional amount of \$50,000 was required for the extension of a temporary Traffic Engineer assisting with development applications and procuring additional grant funding opportunities.
- An additional amount of \$30,000 and \$20,000 was required for the additional booked garbage cleanups and Street Cleaning respectively.
- \$50,000 for a Senior Asset Assistant Position to help with the implementation of the Assetic system and revaluation of Infrastructure Assets. Funding source from Footpath Capital.

Due to the COVID-19 outbreak savings from the closure of the Enfield Aquatic Centre amount to approximately \$50,000 and they have been used for the redeployment of staff to other areas.

There were other budget movements within the classification of Employee Costs which resulted in little or no change to the actual overall budget.

Reference 10 – Materials and Contracts - An additional expenditure amount of \$994,141 was attributed to various movements within Business Units throughout the budget. Significant movements and additional funding requests were:

- Contracted Temporary Staff - \$415,403 to fill various positions throughout the organisation. These funds were in part sourced from savings within Wages and Salaries respective budgets. Reference 8 – Employment Costs.
- An amount of \$50,000 in Consultancy fees associated with the review and technical support of large planning proposals.
- An amount of \$50,000 for design competition of the Library Car Park site.
- Consultancy expenses of approximately \$107,000 to support the following functions:
 - Internal Ombudsman services
 - Governance Support services

- Human Resource services

- Increase of \$116,000 in Development Application and regulatory service.
- A \$100,000 increase in legal costs associated with Appian Way Legal challenge. Funded through Insurance Reserve. Reference 17 – Transferred from Reserves
- \$50,000 in Legal Costs in relation to legal proceedings against Veolia (Recycling Material). Funded through Reference 1 – Rates & Annual Charges
- \$50,000 Green Waste Contractors fees due to high volume of green waste collected. Funded through Reference 1 – Rates & Annual Charges
- A \$50,000 amount towards the review of Council's property portfolio and development of a Council Property Strategy.
- \$46,000 in additional Cleaning Costs with the hiring of Council's community buildings, this additional expenditure in part was offset through savings in the Library budget of \$20,000.

Due to the COVID-19 outbreak an allocation of approximately \$250,000 has been made for:

- Additional Street Cleaning of the Town Centre
- Cleaning equipment and materials toward the prevention of spreading COVID-19.
- Business continuity activities.

There were various savings throughout the budget to assist with additional expenditure associated with the COVID-19 amounting to \$117,164 in Conference and Training expenses, \$28,380 in cleaning costs associated with Council facilities being temporarily closed and \$30,436 postponed Council Events.

There were other budget movements within the classification of Materials and Contracts. These movements had no significant change to the actual overall budget or were transferred to Other Expenses.

Reference 12 – Other Expenses - There was a saving in expenditure for the March quarter in Other Expenses which amounted to \$81,875. This was attributed to various movements within Business Units throughout the budget as follows:

- A savings of \$25,000 in Recruitment Advertising all new advertising of vacant positions have been postponed until further notice.
- A savings of \$35,603 General Advertising across Council has been identified to assist in compensating for additional expenditure associated with the COVID-19.
- Savings of \$59,000 in RevenueNSW processing charges.
- An overall increase of \$42,389 in Stores and Materials across all areas of Council.
- An additional \$30,000 has been required due to increases in Strata Levies.
- Savings of \$32,650 in Subscription has been identified to assist in compensating for additional expenditure associated with the COVID-19.

There were other budget movements within the classification of Other Expenses which were either offset with savings from within respective budgets or transferred to Materials and Contracts.

Capital Expenditure

Reference 18 – Acquisition of Assets - Council's original adopted 2019-2020 Capital Budget, per Delivery Plan, was \$13,148,348. This figure after the first half of the year increased to \$39,053,291. The March quarter review has seen a decrease of \$5,585,522 bringing the total Capital Works programme to \$33,467,769.

Capital Plant, Equipment and Other Assets:

Expenditure to 31 March 2020 represents 43.30% of the revised budget as shown in the table below. The purchase of light fleet equipment has been placed on hold for a minimum of 6 months resulting in \$400,000 cashflow savings.

Property Acquisitions/Disposals:

There has been no property acquisitions or disposals during the March quarter.

Capital Works Program:

During the March quarter review the Capital Program Working Party assessed and revised the 2019-2020 Capital Works Program based on recommendations from the respective Project Managers, the following adjustments have been made:

- The deferral of the Enfield Aquatic Centre – 25m LTS Pool project to the 2020-21 financial year \$5,070,000. Reference 16 – Transfer from Section 7.12 and Reference 17 – Transfer from Reserve.
- The deferral of the Operations Centre - Design and Preliminary works project to the 2020-21 financial year \$1,000,000. Reference 17 – Transfer from Reserve.
- \$50,000 transfer from Footpath Capital to operational to fund a Senior Asset Assistant Position to help with the implementation of the Assetic system and revaluation of Infrastructure Assets.
- \$67,286 transferred to Roads to Recovery – Wentworth Avenue from Footpath Capital. This had no effect on the budget.
- The deferral of two Capital Works Road projects (George Street and Shaftesbury Road) totalling \$210,000. Funding sources were from Reference 16 – Transfer from S7.12.
- Infrastructure Works – Private Works/Restorations an increase of \$618,478 associated with construction works within the Burwood Town Centre. Reference 6 - Capital Grants and Contributions.
- An additional \$60,000 was required for Blair Park Fig Tree root barriers. These funds were sourced from the Parks Improvement Capital Works program. This had no effect on the budget.
- An amount of \$96,000 has been included within the budget for the implementation of Multi-Function Devices (MFD).
- The deferral of Burwood Park Pond preliminary works \$300,000. Reference 17 – Transfer from Reserve.
- Grant Park – Obstacle Course project of \$330,000. Grant funded project. Reference 7 – Carryover Grants.

BURWOOD COUNCIL								
Statement of Capital Income & Expenditure								
Budget Review as at 31 March 2020								
<u>Income</u>		Adopted Variations						
	Budget	September	December	Amended Budget	Recommended Amendments	Forecasted Year End	Reference	Actuals
Capital Expenditure								
Renewal Assets (Replacement):								
Fleet Capital Acquisitions Sales	1,450,000	795,000	45,000	2,290,000	-	2,290,000	18	991,520
Grant Funded Capital Works	135,334	33,833	-	169,167	67,286	236,453	18	236,453
Roads	1,150,000	1,145,000	60,000	2,355,000	(210,000)	2,145,000	18	546,604
Traffic Facilities	200,000	345,750	55,000	600,750	-	600,750	18	302,057
Footpaths	1,230,000	20,000	(220,000)	1,030,000	(117,286)	912,714	18	569,603
Kerb & Gutter	450,000	240,000	(145,000)	545,000	-	545,000	18	426,450
Drainage	913,014	1,280,000	4,681	2,197,695	-	2,197,695	18	368,561
Park Improvements	650,000	3,138,085	(25,000)	3,763,085	(30,000)	3,733,085	18	1,102,866
Playground Equip	120,000	-	30,000	150,000	-	150,000	18	1,236
Street Furniture	300,000	365,000	(5,000)	660,000	60,000	720,000	18	168,785
Restorations & Private Works	500,000	-	1,056,594	1,556,594	618,478	2,175,072	18	933,213
Library Collection	120,000	-	-	120,000	-	120,000	18	77,408
Lib Resources	30,000	-	-	30,000	-	30,000	18	15,250
IT Projects	400,000	130,000	-	530,000	96,000	626,000	18	356,099
Corporate Projects	350,000	-	-	350,000	-	350,000	18	(3,231)
Town Centre Beautification	600,000	45,000	250,000	895,000	-	895,000	18	923,654
Council Buildings	1,450,000	8,800,000	3,520,000	13,770,000	-	13,770,000	18	4,697,582
Car Parking	-	-	1,541,000	1,541,000	-	1,541,000	18	1,541,000
Enfield Pool	3,000,000	3,400,000	-	6,400,000	(6,070,000)	330,000	18	243,506
Domestic Waste Collection	100,000	-	-	100,000	-	100,000	18	72,882
Total Capital Expenditure	13,148,348	19,737,668	6,167,275	39,053,291	(5,585,522)	33,467,769		13,571,499
Capital Funding								
Rates & other Charges	(778,848)	341,665	(4,681)	(441,864)	1,889,000	1,447,136		
Capital Grants & Contributions	(4,530,000)	(2,345,750)	(1,056,594)	(7,932,344)	(2,718,478)	(10,650,822)	17	
Loan Funding	-	-	-	-	-	-		
Domestic Waste Charge	(100,000)	-	-	(100,000)	-	(100,000)		
Sale of Assets	(950,000)	-	-	(950,000)	-	(950,000)		
Reserves:								
Section 7.12 Funding	(3,278,000)	(9,091,415)	(4,111,000)	(16,480,415)	3,880,000	(12,600,415)		
Reserve Funding	(3,511,500)	(8,642,168)	(995,000)	(13,148,668)	2,535,000	(10,613,668)		
Total Capital Funding	(13,148,348)	(19,737,668)	(5,110,681)	(39,053,291)	5,585,522	(33,467,769)		

Transfers to and From Reserves:

Reference 16 – Transferred from Section 7.12 - A decrease of \$3,880,000 relating to the following projects:

- Enfield Aquatic Centre – 25m LTS Pool – (\$3,670,000)
- Capital Works Road projects (George Street and Shaftesbury Road) – (\$210,000)

Reference 17 – Transferred from Reserves - A decrease of \$2,535,000 relating to the following projects:

- Decrease due to deferral of Operations Centre - Design and Preliminary works – (\$1,000,000)
- Risk Management (Legal Costs) - \$100,000
- Decrease due to deferral of Burwood Park Pond preliminary works – (\$300,000)
- Decrease due to deferral of Enfield Aquatic Centre – 25m LTS Pool – (\$1,400,000)
- Domestic Waste Reserve (Paid Waste Pick Up) – \$60,000
- Work Health & Safety project - \$5,000

Reference 20 – Transferred to Section 7.12 - A transfer of \$2,100,000 to reserve for future Capital Works within the Burwood Town Centre.

Reference 21 – Transferred to Reserves - A decrease of \$80,000 relating to the following projects:

- Electoral Support (Election) – (\$30,000)
- Risk Management (Legal Costs) – (\$50,000)

Cash and Investments Budget Review Statement

Budget Review for quarter ended 31 March 2020							
Cash & Investments							
	Opening Balance as at 1 July 2019 000s	Original Budget 2019-20 000s	Budget Review September 2019-20 000s	Budget Review December 2019-20 000s	Budget Review March 2019-20 000s	Projected Year End Result 000s	Actual YTD figures 000s
Total Cash, Cash Equivalents and Investment Securities	65,191	63,186	46,453	41,347	49,882	49,882	67,027
Restrictions							
External Restrictions							
Developers Contributions	19,258	752	-8,091	-4,111	5,980	13,788	13,788
Specific Purpose Unexpended Grants	3,054	-	-	-	-	3,054	3,054
Loans	1,106	-	-1,105	-	-	1	1
Stormwater Management	-	-	-	-	-	-	-
Domestic Waste Management	2,276	-297	-	-	-60	1,919	1,919
Total External Restrictions	25,694	455	-9,196	-4,111	5,920	18,762	18,762
Internal Restrictions							
Plant & Vehicle Replacement	3,229	-250	-795	-45	-	2,139	2,139
Employees Leave Entitlements	1,465	-	-	-	-	1,465	1,465
Carry Over Works	2,368	-	-641	250	-	1,977	1,977
Deposits, Retentions & Bonds	4,373	-	-	-	-	4,373	4,373
Financial Assistance Grant (advance)	587	-	-	-	-	587	587
Information Technology	438	-190	-	-	-	248	248
WHS	303	-	-13	-	-5	285	285
Parking Meters Replacement	527	100	-365	-	-	262	262
Property Sales	500	-	-	-	-	500	500
Future Property Investment	7,640	-	-3,304	-1,200	600	3,736	3,736
LATMs	250	-	-	-	-	250	250
Woodstock Community Building	287	-	-	-	-	287	287
Election	275	80	-	-	-30	325	325
Property Maintenance	1,924	-150	-	-	-	1,774	1,774
Burwood Park Upgrade	1,186	-300	-	-	300	1,186	1,186
Car Park Upgrades	574	-	-	-	-	574	574
Enfield Aquatic Centre Maintenance/Upgrade	1,153	-900	-	-	800	1,053	1,053
Road & Footpath Restorations	549	-	-	-	-	549	549
Insurances	1,286	150	-50	-	-50	1,336	1,336
CCTV	434	-	-	-	-	434	434
Organisational Alignment	500	-	-	-	-	500	500
Technology Enhancements	1,250	-	-1,250	-	-	-	-
Payments in Advance	95	-	-	-	-	95	95
Operations Centre	1,000	-1,000	-	-	1,000	1,000	1,000
Furniture & Equipment replacement	700	-	-700	-	-	-	-
Town Centre festive decorations	250	-	-200	-	-	50	50
Other	445	-	-219	-	-	226	226
Total Internal Restrictions	33,588	-2,460	-7,537	-995	2,615	25,211	25,211
Total Restrictions	59,282	-2,005	-16,733	-5,106	8,535	43,973	43,973
Unrestricted Cash	5,909	5,909	5,909	5,909	5,909	5,909	23,054

Council's Current Unrestricted Cash is distorted as Council has received a high volume of rate revenue as at 31 March 2020. The Unrestricted Cash figure will fluctuate during the year as it will be used to fund planned expenditure or deficit due to COVID-19.

Investments:

Council's investments have been made in accordance with its Investment Policy and the Investment Guidelines issued by the Minister for Local Government at the time of their placement. As at 31 March 2020, Council's investment portfolio stood at \$67,027,182. Council's Investments are tabled on a monthly basis as a separate report.

Cash:

Council's Finance Officers undertake a monthly bank reconciliation, which reconciles funds held in Council's General Fund Bank Account with those within its ledger. The most recent reconciliation was undertaken on 3 April 2020 for the month ending 31 March 2020. The reconciliation was approved by the Financial Operations Accountant and the balance in Council's General Fund Bank Account totalled \$487,197.21.

Key Performance Indicators Statement

In assessing an organisation's financial position, there are a number of performance indicators that can assist to easily identify whether or not an organisation is financially sound. These indicators and their associated benchmarks, as stipulated by the Local Government Association of NSW and Shires Association of NSW are set out below. It must be noted that certain indicators have been affected by the circumstances surrounding the COVID-19. Council will be endeavouring to soften the impact as much as possible over the next few months.

	Performance Indicator	2019-20 Original Budget	2019-20 Budget Sept Review	2019-20 Budget Dec Review	2019-20 Budget Mar Review	Local Government or NSW Treasury Corp Bench Mark	December Quarter Comments
1	Operating Performance Ratio	-1.85%	-0.54%	-0.53%	-5.46%	Greater or equal to break-even	Tracking to revised result due to Coronavirus
2	Consolidated Budget Result	\$40,999 Surplus	\$19,894 Surplus	\$16,332 Surplus	\$2,648,358 Deficit	N/A	Deficit budget associated with Coronavirus.
3	Unrestricted Current Ratio	4.68:1	5.01:1	6.33:1	4.29:1	Greater or equal to 1.5:1	Currently trending above the benchmark. However once Capital Works programme fully commences Council's Unrestricted Current Ratio will reduce.
4	Debt Service Result	2.09%	1.97%	1.95%	2.02%	Greater than Zero	Tracking as per Budget.
5	Rates and Annual Charges Outstanding %	102.93%	59.29%	40.94%	22.36%	Less than or equal to 5%	For the year to 31 March 2020 Council has received \$24,089,875 in payment of Rates, Annual Charges and Interest levied which equates to 77.64% paid.
6	Building and Infrastructure Renewals Ratio	185%	495%	643%	536%	>100% or 1:1	Ratio has reduced since December quarter due to the deferral of EAC -25m LTS Pool and Operations Centre design.

- Operating Performance Ratio** - The Operating Performance Ratio measures the ability of Council to contain operating expenditure within operating revenue excluding capital amounts. An indicator of "equal to or greater than zero percent".
- Consolidated (Budget) Result** - The Consolidated (Budget) Result is the increase or call on Council funds which shows the source and application of both Operating and Capital Income and Expenditure along with transfers to and from Reserves applicable to those activities. A Surplus is a positive financial indicator.
- Unrestricted Current Ratio** - The Unrestricted Current Ratio is an industry based liquidity ratio which measures the serviceability of debt. Over time the preferred level of adherence has shifted from 2:1 (or \$2 in cash for every \$1 of debt) to 1.5:1. Some local government practitioners (including independent auditors) consider 1:1 is satisfactory. Council currently

projects to have a ratio of 4.29:1 at years end. A ratio greater than 1.5 is a positive financial indicator.

4. **Debt Service Result** - This ratio measures annual debt service costs (Principal and Interest) against operating result before capital excluding interest and depreciation. NSW Treasury Corporation benchmark suggests an indicator at 2% minimum. A ratio of 2.1 or more is a positive financial indicator.
5. **Rates and Annual Charges Outstanding Percentage** - This indicator measures the collectability of Council's rates and annual charges revenue and highlights the strengths of collection policies and strategies. A ratio of 5% or less is a positive financial indicator. Currently Council has collected 77.64% of the Rates and Annual Charges raised, based on these figures a collection rate for the year will be in the same percentage band as previous years, below the OLG recommended 5% level.
6. **Building and Infrastructure Renewal Ratio** - This ratio indicates the rate of renewal/replacement of existing assets as against the depreciation of the same category of Assets. A ratio greater than one is a positive financial indicator.

Budget Review Contracts and Other Expenses

Part A – Contracts Listing

There was one contract entered into by Council during the quarter ending 31 March 2020 which is required to be reported.

Contractors	Contract Details and purpose	Contract Value GST excl	Commencement Date	Duration of contract	Budgeted (Y/N)
Proludic Pty Ltd	Woodstock Playground	\$149,800	1 February 2020	3 months	Y

Part B – Legal Expenses

Type	Individual Matter	Expenditure Year to Date	Cost Recovery / Fines YTD
Advice	Visv Recycling Contract Negotiations	73,983.78	
Advice	Advice on Construct Contract Burwood Park Community Centre	175.00	
Advice	Burwood Healthy Centre 185G Burwood Rd Burwood	313.00	
Advice	Variation to parking provisions within no stopping zones	525.00	
Advice	27-31 Belmore Street Burwood	858.00	
Advice	Building Information Certificate 75B Cheltenham Road Croydon	1,050.00	
Advice	42-50 & 52-60 Railway Parade Burwood	1,085.00	
Advice	Legal - Compliance Admin General legal advice for Compliance team	1,140.00	
Advice	Library coffee cart lease - legal fees	1,470.00	
Advice	Homelessness in Burwood LGA incl Unattended articles and Impounding of articles	1,575.00	
Advice	16 White St & Lot 1 Grantham St	1,586.98	
Advice	Monado Constructions Pty Ltd - 35AA Burwood Road building site conducting an activity	1,678.00	15,112.60
Advice	Shopping Trolleys Left on the Roadway	1,750.00	
Advice	12-16 Boundary & 13-17 Grosvenor St Croydon	1,846.00	
Advice	7 Deane Street & 1-3 Marmaduke Street Burwood TQM Design & Construct Pty Ltd - Breach	1,872.75	30,000.00
Advice	George Street Car Park - occupation of council owned private parking spaces at ground floor	1,879.19	
Advice	12 Coronation Pde Enfield Sukkar Constructions Pty Ltd - DA Consent Breach	3,000.00	5,000.00
Advice	19-25 Everton Rd Strathfield TQM Design & Construct Pty Ltd	3,047.35	17,500.00
Advice	Council vs Daoud Building Pty Ltd Consent breaches at building site 30 Wychbury Avenue	3,296.00	12,500.00
Advice	6 Railway Parade Burwood (DA52/2016)	3,478.00	
Advice	37 Nicholson St LJ Construction Link P/L - Development not in accordance with consent	4,041.88	10,000.00
Advice	34 Wentworth Road Burwood – unauthorised tree removal	4,177.83	
Advice	Awning - Victoria Street 51-53 Burwood Road	4,258.02	
Advice	Lease Leichhardt Tennis Academy	4,649.45	
Advice	62-66 Parramatta Road Croydon - Order - Signage & Overgrown C.dav Electrical Servie Pty	4,997.35	
Advice	39 Nicholson Street Burwood – unauthorised tree removal	5,770.00	3,955.00
Advice	40-46 Stanley St Burwood Proposed 5 Storev Boarding House – HDO	15,545.26	
Advice	10 Daisy St - Enforcement Ilesia Ni Cristo Church	19,114.00	
Land & Environment Court	10 Daisy Street - Class 1 L&E Court Appeal Deemed Refusal DA2019.028	24,487.59	
Advice	56-60 Burwood Road Burwood	35,451.31	
Land & Environment Court	4 George, 1-3 Marmaduke & 7 Dean St DA.2019.040 & BD.2012.136	58,237.83	
Advice	248-250 Liverpool Road Enfield		-90,000.00
Advice	63A Cheltenham Road Croydon		4,500.00
Advice	Go-Pro Automotive NSW P/L, BD 2003.162 240 Parramatta Road		5,525.00
Advice	185 Georges River Rd Croydon Park - works without approval		10,500.00
Advice	116-118 Burwood Road Croydon Park - breach DA conditions		12,315.00
Advice	Removal of Trees	1,792.00	
Advice	Employment Law	3,833.00	
Land & Environment Court	420 Parramatta Rd DA 2019/023 - Statement of Facts & Contentions	4,968.00	
Advice	55a-57 Stanley Street Appeal DA14/2018	9,607.58	
Advice	269 Georges River Rd Croydon Park Proposed 3 storev Boarding House	12,790.15	
Advice	6 Woodside Ave Burwood - dog attack		2,049.00
Advice	Advice on Tesseract Firewall Contract	1,575.00	
Advice	Conder Street Project Building Contract	1,603.00	
Advice	4 Railway Pde Burwood – Advice on Owners Consent 1. DA.2019.060 & DA.2019.068	2,493.00	
Advice	1-17 Elsie Street Burwood	2,927.00	
Advice	Conder Street Project	6,456.43	
Land & Environment Court	11A Ethel Street Burwood	15,023.74	
Land & Environment Court	12 Minna Street Burwood BD 2018.090	72,477.84	
Supreme Court	13 Appian Way Burwood	127,159.43	
Land & Environment Court	21-23 Gladstone Street Burwood		20,000.00
Land & Environment Court	21-23 Gladstone Street Burwood	1,716.60	
Advice	Advice VPA Lease Hornsey Street	2,205.00	
Advice	2&2A Comer St - Montessori Lease	2,812.50	
Advice	77 Liverpool Road	8,292.26	
Advice	319-321 Liverpool Road Strathfield	16,585.20	20,000.00
Advice	20A Angelo St Burwood - Liana Sugrono unlawful works		660.00
Land & Environment Court	10 Daisy Street - Class 1 L&E Court Appeal Deemed Refusal DA2019.028	12,775.00	
Land & Environment Court	4 George, 1-3 Marmaduke & 7 Dean St DA.2019.040 & BD.2012.136	46,287.50	
Advice	Advice On Tender Enfield Aquatic Centre	627.00	
Advice	Wynne Ave Carpark Emerald Sq car spaces purchase 31 Belmore St Burwood	696.00	
Advice	Advertising Payphones JC Decaux	891.00	
Advice	Advice on swimming pool fencing	1,626.00	
Advice	Ilias Panas - 9 Badminton Road Croydon Dog Attack	5,839.73	
Advice	Heng Tai purchase Burwood Council ats Artmade Architectura - 25 parking spots	8,127.09	
	Rates Recovery Action	29,899.00	
		687,425.62	79,616.60
Annual Budget		932,409	

Stimulus Package – State Government

Recently the NSW Government has provided a \$395 million economic stimulus package to safeguard jobs and services and infrastructure delivery for local councils.

The centrepiece of the package is a \$112.5 million Council Job Retention Allowance to safeguard jobs and retain skills within the local government sector. The Council Job Retention Allowance provides a payment of \$1,500 per fortnight per employee for up to three months to limit local

government job losses. Council needs to determine which staff are eligible to receive the allowance. Payments will be made to councils by the Office of Local Government. There are certain criteria which council's must address to qualify for the funding.

- To be parties to the Local Government (State) Award 2017 agreeing to adopt the Local Government (COVID-19) Splinter Award 2020 or equivalent agreement with relevant industrial unions
- To have met the cost of four weeks paid COVID-19 Special Leave under the Splinter Award prior to each employee accessing the Council Job Retention Allowance, as well as any costs above \$1,500 a fortnight, per employee, for up to three months
- To provide evidence to the Office of Local Government of financial distress as a result of the COVID-19 crisis, and
- To note that staff performing key functions (including general managers, senior staff, and roles in planning, waste collection, childcare, water and wastewater) are ineligible for the allowance even if they are redeployed to other roles. This is because these employees are providing vital services that are important to the ongoing functioning of the community

Over the next few weeks Council Officers will be assessing if Burwood meets the criteria.

- Expanding eligibility to allow any council to access the lending facility for the next six months subject to meeting TCorp's Credit Policy. Burwood does not fall into this category as we are classified as "Financial Stability".
- TCorp are providing principal and interest payment deferrals to any council with existing loans or those approved for loans for the next six months on request. Burwood has two loans with TCorp with total repayment of \$92,236.00 due in the first quarter of 2020-21. These repayments have been budgeted and it is recommended that we do not take up this option.
- Place a two-year moratorium on capital works expenditure on council chambers and administration buildings to ensure infrastructure projects directly benefit local communities. Burwood does not fall within this category.

The local government stimulus package also provides \$32.76 million to meet the increase in the emergency services levy for all NSW councils for 2020-21. No details have been confirmed but it is estimated around \$60,000 which will be incorporated within the 2020-21 budget.

Conclusion

The current forecast budget result and the variations identified as part of the 31 March 2020 Quarter review have been undertaken by the Executive Team and the Chief Finance Officer.

Due to the COVID-19 pandemic Council's quarterly budget review has been impacted as detailed above and has required close monitoring and review of budgets with particularly focus on identifying opportunities for additional grants and internal savings.

To insulate Council on the economic impact on the budget due to the current pandemic situation it is recommended that Council create a specific "COVID-19 Reserve" able to support current and future budgets, providing funding for existing operational and planned capital expenditure. The Reserve funding would be sourced from Council's "Unrestricted Cash and Investments" and would be created for the 2019-20 and 2020-21 financial years only.

The creation of the "COVID-19 Reserve" will reduce Council's "Cash expense cover ratio" from 10.47 months to between 6 - 7 months.

Regulatory Compliance

In compliance with the requirements of Clause 203(2) of the Regulation, the Responsible Accounting Officer must prepare and submit to Council a budget review statement and form an opinion as to whether the statements indicate that the financial position of the Council is satisfactory. The Chief Finance Officer has been appointed as the Responsible Accounting Officer by the General Manager.

The following is the Responsible Accounting Officer (Chief Finance Officer) opinion:

“It is my opinion that the Quarterly Budget Review Statement for Burwood Council for the quarter ended 31 March 2020 indicated in the above report, takes into account and reflects the changing economic and other conditions that are currently impacting on Council due to the COVID-19 outbreak. Council is in an unpredictable position at present unless Council adopts the creation of a COVID-19 reserve to fund Council’s budget in the short term. Further, it will be essential for Council management to continually monitor their budgets and wherever possible endeavour to minimise excessive and nonessential expenditure, with particular attention being placed on maintaining revenue streams where possible and delivering Council’s Capital Works programme.”

Recommendation(s)

1. That the Budget Review Statement of the 2019-2020 Budget as at 31 March 2020, including the statement by the Responsible Accounting Officer, Chief Finance Officer, be received and noted.
2. That in accordance with Clauses 203 and 211 of the *Local Government (General) Regulation 2005*, the revised estimates of income and expenditure for 2019-2020 deficit of \$2,648,358, as shown in the report be approved and that Council’s adopted budget be adjusted accordingly and that the expenditure and income variations projected in the report be, and are hereby voted.
3. That Council authorise the Chief Finance Officer, through the General Manager to create a “COVID–19 Reserve” created from Council’s “Unrestricted Cash and Investments” to support current and future budgets, providing funding for existing operational and planned capital expenditure should the effects of Covid-19 result in continued revenue shortfalls or liquidity problems that may impact on the funding of services in the short to medium term. The Reserve would be created for the 2019-20 and 2020-21 financial years.

Attachments

There are no attachments for this report.

(ITEM 27/20) ADOPTION OF DRAFT HOARDING POLICY

File No: 20/18601

REPORT BY GROUP MANAGER BUILDING & DEVELOPMENT

Summary

Following the placement of the draft Hoarding Policy (HP) on public exhibition it is intended to seek Council's adoption of the policy. The policy aims to control the placement of temporary structures on or above a public road and will be used to assess applications lodged by property owners, developers, builders and contractors seeking approval to erect a hoarding to enable construction or maintenance activity to occur to buildings. A key feature is the requirement for artwork or graphics to be displayed on hoardings in areas of high pedestrian activity or exposure.

Operational Plan Objective

5.3.1 Promote opportunities for public art and culture

5.3.2 Maintain an attractive Burwood CBD

Background

Council at its meeting on 26 November 2019 considered a report relating to the placement of a Draft Hoarding Policy on public exhibition and resolved:

- 1 That Council endorse the draft Hoarding Policy and that it be placed on public exhibition in accordance with Section 160 of the *Local Government Act 1993* for a period of 28 days and Council allow a total of 42 days for public submissions.
- 2 That the draft Hoarding Policy be made available to the public on Council's website, Burwood Library and Community Hub and at Council's Customer Service Centre for a period of 28 days.
- 3 That at the expiration of the 42 days, after the public comment period, a further report be tabled to Council for adoption of the draft Hoarding Policy.
- 4 The hoarding will be maintained to be safe and if it comes into disrepair it will be the responsibility of the developer to make good.

The HP was placed on public exhibition on Council's web site and in the local press from 18 February 2020 until 17 March 2020 with public submissions being received until 31 March 2020. In accordance with part 4 of the above resolution, Clause 6.9 - Maintenance of Hoardings, of the draft policy was amended to require the applicant/builder/developer to maintain the hoarding at all times, before being placed on exhibition.

Proposal

Policy Aims

The aims of the HP are:

- minimise pedestrian, cycleway and vehicular obstructions and inconvenience resulting from the placement of temporary structures in a public place
- maintain safe passage and high amenity, including safe surfaces past worksites and the visual openness of footways
- screen and secure work areas from the public place
- minimise adverse visual impacts through providing high quality public art and graphics, innovative designs and other visually interesting temporary structures
- maintain a colour standard for consistency

- provide effective lighting under hoardings for public safety and to illuminate graphics on site fences
- minimise adverse impacts on street trees.

Key Features

The HP introduces a number of new initiatives:

- A standard colour palette for Type A closed hoarding types.
- A mandatory requirement for the display of artwork, graphics and images on closed hoardings located in high pedestrian areas (commercial zones) such as the Burwood and Strathfield Town Centre areas, Enfield and Croydon Park commercial areas and the Parramatta Road enterprise corridor.
- A comprehensive checklist outlining information required to be submitted with applications.
- The prohibition of 'scaffolding style' Type B (overhead) hoardings.

The policy will result in improved screening of construction sites and a standard colour palette will ensure there is a consistent and muted visual impact. In areas of high pedestrian activity and sites with significant exposure, the requirement for mandatory artwork or graphics will create visual interest, provide opportunities for Council messaging, promote the work of local artists, enliven public spaces and lead to reduced incidences of graffiti and vandalism.

As part of the development of the draft policy, Council's media files and historic archival images have been assessed and collated into 'hoardings graphic themes' such as historic buildings, subdivision plans, transport and people. These images will be made available to applicants to use in their displays upon request. This library of images can be added to over time with activities such as the recent Burwood Art Prize and other events and competitions providing opportunities for the collection of additional source material.

The policy also allows for Council to use a proposed hoarding for its own messaging (i.e. events or community engagement) and for the applicant to develop bespoke artwork or graphics. A specification for hoardings has also been formulated which will supplement the HP and sets out minimum standards for construction and specifications which align with various legislative and best practice provisions.

Consultation

In accordance with Section 160 of the Local Government Act 1993 the HP was placed on exhibition for a period of 28 days from 18 February 2020 until 17 March 2020 on Council's web site as well as an advertisement in local press. Submissions were accepted up until 31 March 2020 as required under the Act. Following the notification period there were no submissions received.

The Policy has been endorsed by the General Manager and Council's Policy, Corporate Practice and Procedures Panel.

Planning or Policy Implications

Burwood is undergoing major renewal, particularly in its Town Centre, with unprecedented construction activity over the past few years and this trend is likely to continue into the foreseeable future. Construction sites are not always well presented, therefore, the opportunity exists for a policy to be developed and implemented which improves the quality of hoardings and their visual impact through the inclusion of artwork and graphics.

Financial Implications

No Financial implications are known at this time.

Options

Council has the option not to proceed with the policy or to modify the policy in another form. It is considered that considering the growth of Burwood that is likely in the foreseeable future, the opportunity to improve the aesthetics of large scale building sites particularly in the Burwood Town Centre should be pursued.

Conclusion

The draft Hoarding Policy includes more detailed requirements for the placement of temporary structures on Council's footpaths and roadways which will improve the visual quality of those structures, better screen construction sites and, with the use of artwork and graphic displays, result in a positive impact on the public domain.

The policy is submitted for Council's adoption.

Recommendation(s)

1. That Council adopt the draft revised Hoarding Policy.
2. That Council authorise the General Manager to allow further editorial or minor changes to the Policy considered necessary before the document becomes effective.
3. That the amended Hoarding Policy be brought into effect and provided on Council's website.

Attachments

1 [↓](#) Revised Hoardings Policy



Burwood ^{Inc.1874}

Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

DRAFT - HOARDING POLICY

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Public Document
Adopted by Council: <Date>
Ref. No.:
Version No.: 1
Ownership: Building and Development

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1 Purpose

The Hoarding Policy (HP) prescribes the policy to control the placement of temporary structures on or above a public road.

The HP is considered in the assessment of applications lodged by applicants seeking approval to erect a temporary structure on or above Council's infrastructure such as footways and roadways to enable construction or maintenance activity to occur on or around buildings.

The aims of the HP are to:

- maintain safe passage and high amenity including safe surfaces past worksites
- maintain visual openness of footways
- minimise adverse visual impacts by providing across the LGA a standard colour palette, high quality public art and graphics, and innovative designs
- enrich and vitalise Burwood's public places during construction with added creativity, interest and meaning including culture, vibrancy and history
- screen and secure work areas from the public space
- provide fascia to conceal site sheds on hoarding decks
- minimise pedestrian, cycleway and vehicular obstructions and inconvenience resulting from the placement of temporary structures in a public place
- control truck and worker access points in hoardings to enhance public safety
- minimise adverse impacts on street trees

2 Scope

The HP applies to the whole of the Burwood local government area (LGA) and is administered by Council's Building and Development Team.

3 Policy Application

3.1 Exemptions

There are no exemptions from the requirement to place on hoarding on or around a site. For exemptions for the provision of artwork or graphics on a hoarding see Clause 6.14 of this policy.

Note: Site perimeter fencing such as chain-wire fencing located wholly within a property allotment is not regulated through this policy and does not require approval if associated with approved development or building activity that is classed as exempt or complying development. In these cases fencing must comply with the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

3.2 Determination criteria

The provisions prescribed in this HP will apply when seeking approval to erect a temporary structure on or above a public road. For a complete list of the documents and information to be provided to Council in the application for a hoarding approval, refer to **Appendix 1**.

3.3 Other matters for consideration

The provisions of the *Roads Act 1993* (Roads Act) and *Roads Regulation 2008* will be considered in the assessment and determination of applications seeking approval to erect temporary structures.

Note: The use of equipment (cranes and hoists) to swing or lift material across or over any part of a public road requires separate approvals under s68 and s94 of the *Local Government Act 1993* (The Act) and s139 of the Roads Act.

Revised Hoardings Policy

Parts of the Burwood (LGA) have very high pedestrian and traffic volumes. Footway obstructions resulting from hoardings and scaffolding are often a necessary part of construction and building maintenance activity. In allowing the installation of these structures in a public place it is essential that they have the least possible impact on residents, workers, visitors and the business community.

There are also significant visual impacts that result from development activity therefore hoardings must have quality design features to minimise these impacts. The Council therefore requires hoardings to meet prescribed minimum design standards including the display of public art and graphics. The use of public art, graphics, colour and images on hoardings and scaffolding is a means of minimising visual impacts and adding visual interest and the presence of creativity in the streetscape.

The installation of artwork on temporary structures will align with the Council's Public Arts Strategy which discourages graffiti and bill posting.

4 Policy Status and Legislation References

The HP is a local approvals policy under s158 of the Act. The HP is aimed at the development and construction sectors where approval is sought to erect temporary structures on, or over, a public road (an activity under s68 of the Act) in association with development sites or buildings undergoing maintenance.

The following acts, regulations and policies are the guiding legislation for hoarding matters:

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Protection of the Environment Operations Act 1997*
- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulation 2011*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Roads Act 1993*
- *Roads Regulation 2008*
- *The Building Code of Australia*
- *Burwood Hoarding Procedures and Specifications*
- *Burwood Local Environmental Plan 2012*
- *Burwood Development Control Plan*
- *Burwood Public Art Strategy*
- *Burwood Compliance and Enforcement Policy*

5 Definitions

For purposes of this policy and unless contradicted in an above listed policy or legislative reference, the following definitions apply:

authorised person: an employee of Council generally or specially authorised in respect of or whose duty it is to deal with, or to act in regard to, any Acts, matters or things in relation to which the expression is used (*Local Government Act 1993*).

classified road: (Roads Act 1993) includes:

- (a) a main road
- (b) a highway
- (c) a controlled access road
- (d) a secondary road

Note: A full list of classified roads is available on the Department of Transport's website.

crossing: the portion of a driveway or vehicular accessway between the carriageway of a road (street gutter) and property boundary (frontage)

footway: the part of a road that is set aside or formed as a path or way for pedestrian traffic (whether or not it may also be used by bicycle traffic). (*Roads Act 1993*)

hoarding: a temporary structure placed on the Council's land (footway/roadway) that separates a workplace from the public place and may also provide an overhead protective barrier to protect the public place from objects that may fall from a work area.

HPS: Council's Hoarding Procedures and Specifications.

permit: an approval in force under the *Local Government Act 1993* and *Roads Act 1993*.

person conducting a business or undertaking: (Section 5 of the *Work Health and Safety Act 2011*), for the purposes of these Guidelines, is the holder of a determination (Permit) for a temporary structure such as a builder; a contractor; or other person involved in placing a temporary structure in a public place.

public liability insurance: insurance where the insurer agrees to indemnify the insured for legal liability owed to another person who suffers loss, damage, injury or death by reason of the insured's activities.

public place: a road.

road: (Local Government Act 1993) includes:

- (a) highway, street, laneway, pathway, footpath, cycleway, thoroughfare, bridge, culvert, causeway, road-ferry, ford, crossing, by-pass and trackway, whether temporary or permanent, and
- (b) any part of a *road* and any part of any thing referred to in point (a), and
- (c) anything forming part of a road or anything forming part of any thing referred to in point (a).

roadway: a road that may also include a laneway.

scaffolder: a person engaged in erecting, altering or dismantling scaffolding. (*AS/NZS 4576:1995 Guidelines for Scaffolding*)

scaffold / scaffolding: a temporary structure specifically erected to allow and support access or work platforms. Where the word 'scaffolding' appears in the HP it refers to 'perimeter scaffolding' erected on or above the Council's property (a road). It does not apply to scaffolding erected on private property associated with construction, demolition or maintenance activity on a building or other structure.

temporary structures: hoardings, scaffolding and cantilevered work platforms as defined in this policy

6 General Requirements

Hoardings must be erected where it is proposed to construct, demolish and carry out façade remedial works or maintenance to a building adjoining a public way. Hoarding fees are charged in accordance with Council's Schedule of Fees and Charges.

Hoardings shall be designed in accordance with adopted designs and specifications stipulated in Council's Hoardings Procedures and Specifications (HPS) which will result in either a Type A or Type B hoarding. The type of hoarding required to be erected will vary depending on the locality and the nature of proposed construction work. **Appendix 2** contains visual examples of each type of hoarding.

A Type A hoarding is a fence that separates the worksite from the road. Due to higher pedestrian activity and the need to ensure public safety, all Type A hoardings in the B2, B4 and B6 (commercial) zones shall be of a solid closed construction. Type A (Open) hoardings will only be permitted in areas of lower pedestrian activity such as residential areas.

Type B hoardings are typically a prefabricated modular steel gantry hoarding installed and assembled in segments to form an integrated overhead protective structure allowing pedestrians to pass beneath. It may

also incorporate a site fence and overhead office sheds. The structural frame of Type B hoardings must be of steel.

All materials must be solid in construction, be securely fixed and provide a smooth finish to a minimum height of 2100 mm to prevent injury to pedestrians, with the exception of Type A (Open) hoardings, where it is a minimum height of 1800 mm.

6.1 Shared pathways

When a hoarding is proposed along a shared pathway, i.e. pedestrian/cycleway, Council will evaluate hoardings and propose a solution in consultation with Council's Traffic Engineers to ensure functionality of both the shared pathway and proposed hoarding.

6.2 Prohibited hoarding materials

The following are not permitted to form part of the hoarding structure situated on Council's road reserve:

- Scaffolding
- Modified shipping containers to act as protective structures
- Reinforcing mesh
- Star pickets and Cyclone mesh
- Timber-framed Type B hoardings
- Similar structures as mentioned above that are not permanently fixed.

6.3 Lighting

Hoarding lighting, connected to mains power supply, must be provided to ensure the pedestrian pathway or footpath is well lit for pedestrians. Lighting is to be equal to the level and distribution pattern of the existing street lighting in the area. Where pedestrian hazards associated with the hoarding are present, Council will require the establishment of significantly higher lighting levels. All lighting associated with hoardings must not impact on surrounding traffic.

6.4 Office sheds

All site office and work sheds are to be located on private property. Where this is not possible, a Type B hoarding must be erected to facilitate this requirement in accordance with the HPS.

6.5 Use of cranes and hoists

A crane or similar (i.e. mobile crane, hoist, concrete pump etc.) must not be used to convey material over a public way unless an appropriate approval has been obtained from Council. Cranes, hoists, and concrete pumps shall not be used or placed on public property unless prior approval has been obtained from Council.

6.6 Protective footpath crossings

Vehicles must not cross the footpath to gain access to the site. If a vehicle crossing is required, a temporary vehicular crossing shall be constructed to the satisfaction of Council. The temporary vehicular crossing shall protect the existing footpath, be maintained and must not cause a tripping hazard or pose any danger to the public.

6.7 Utility services

Applicants must consult with the appropriate utility authority to ensure that there is no adverse impact on infrastructure from the proposed work. Hydrants, utility services and sewer manholes are not to obstruct the services and infrastructure to ensure ongoing access. If the structure is within two metres of overhead electricity wires, applicants must consult the relevant electrical authority. All electrical distribution boards required for site works are to be located within the site and not attached externally to the structure.

6.8 Footpaths and provision for people with disabilities

When required, pedestrian detours or alternative pathways must be designed to accommodate people with disabilities. These routes must provide appropriate widths, levels, gradients, tactile indicators and colour schemes to assist people with disabilities.

Pathways must be repaired immediately, if damaged to ensure pedestrian safety. Footpaths must be reinstated to their original condition to the satisfaction of Council, when a hoarding is removed. Any obstruction to the footpath from a proposed concrete pour, laying of cables, conduits, drainage pipes, service lines and the like requires Council's prior approval.

6.9 Maintenance of hoardings

Graffiti must be removed from all hoarding structures within 48 hours of detection or Council notification. Hoardings must consist of appropriate coverings to assist in graffiti removal or measures to reduce the occurrence of graffiti. In the event of non-compliance with these requirements, Council reserves the right to remove or paint over the graffiti and charge the owner in accordance with Council's fees and charges. It is the responsibility of the applicant/builder/developer to maintain the hoarding in a good state of repair at all times. This includes any mesh coverings on the hoarding.

6.10 Protection of Council street trees

The design of a hoarding, including the type and location of posts, counter weights, crossings and overhead decking, must be designed to minimise impact on the street trees and vegetation. Tree preservation measures may be required if there is an impact on the street trees. No tree cutting, lopping or removal is permitted without the prior consent from Council.

6.11 Council assets

Council's infrastructure and assets must not be interfered with or damaged during the construction or operation of the hoarding. This includes the drainage system, kerb and gutters and footpaths. Prior approval from Council is required for any modification to Council's infrastructure.

The use of the roadway for storage of materials, loading and unloading is not permitted at any time, unless prior approval has been obtained from Council.

Council's footpaths, roadways and ancillary infrastructure assets (i.e. street furniture, signage and the like) must be reinstated to their original condition when a hoarding is removed. An initial dilapidation report must be prepared and submitted to Council prior to the commencement of works and a second dilapidation within one week of the completion of work.

6.12 Traffic management plan

A Traffic Management Plan (TMP) must be prepared by an accredited traffic engineer if the hoarding is likely to affect pedestrian or traffic movements during the construction, operation or removal phase. The TMP must identify traffic and pedestrian issues, recommend appropriate means for dealing with such issues and must be submitted with the hoarding application for Council approval. Council's traffic engineers may provide relevant advice regarding the contents within the TMP and/or request additional permits be obtained in addition to the hoarding approval.

A TMP must refer to all relevant Council, NSW Police and/or Department of Transport (DoT) requirements. Specials conditions may apply, especially in high trafficable areas of the LGA or in the vicinity of pedestrian

malls and traffic interchanges. A copy of the TMP must be available onsite at all times for the inspection of an Authorised Officer of Council, the NSW Police or the DoT.

6.13 Obstruction to traffic lights, DoT cameras and CCTV Cameras

All hoardings must be constructed so that they will not obstruct the sight lines of either motorists or pedestrians to traffic lights and cameras. In addition, visibility from driveways, pedestrian crossings and intersections must not be obstructed.

The hoarding application site plan must set out the location of all traffic lights, DoT monitoring cameras and closed circuit television cameras. The application must ensure there is no interference in the operation of these facilities.

6.14 Artwork, graphics, images and innovative hoarding finishes

The display of artwork, graphics and images on temporary structures is strongly encouraged. In certain circumstances this is mandatory. The display of artwork and graphics minimises adverse impacts, adds visual interest and increases the presence of creativity in the streetscape. Artwork and graphics also discourage graffiti and bill poster attachment by eliminating blank surfaces.

The installation of artwork on temporary structures must align with Council's Public Art Strategy.

As temporary structures are placed on land owned by the Council, the Council reserves the right to require an applicant to display specific artwork and community information about Council initiatives. This includes major projects, special events, festivals and other initiatives undertaken by the Council from time-to-time.

Graphics are required on hoardings as follows:

- a. Within B2, B4 and B6 zones, or as a condition of development consent, hoardings must, with the exception of temporary structures associated with heritage items (see point b below), incorporate one of the following:
 - i. a standard Council graphic to be supplied by Council in consultation with the applicant; or
 - ii. an approved site-specific high quality artwork commissioned by the applicant that adds visual interest in the streetscape and which is appropriate for the locality. Applicants must discuss their proposal with the Council prior to commencing detailed artwork design and commissioning.
- b. For works associated with heritage items, historic images of the building or local streetscape or photographs from the Council's image bank may be used as the graphic display. The display of historic images may also be required for temporary structures located in heritage conservation areas. Historic locality and site specific images are available through the Council's image bank at: www.burwood.nsw.gov.au.
- c. At least 75 per cent of the surface area of a hoarding including return end panels, major or large access gates and doors (wider than 2 metres) and fascia must be covered by a graphic display with the remaining surface finished and painted an approved colour according to the HPS.

The artwork and/or graphics on all Type B hoardings located in the B2, B4 and B6 zones must be displayed on both the hoarding fascia and site fence (where applicable). In approving any graphics, other than Council supplied artwork and graphics, the Council accepts no copyright responsibilities that the applicant may need to meet.

Graphics or artwork is not required for a Hoarding on a narrow site (less than 12m in width), minor works such as a new shop front and shop fitouts and hoardings that are proposed to be in place for less than four weeks.

6.15 Public indemnity insurance

Council must be indemnified during the erection and dismantling of temporary structures and also throughout the period that structures are in place. The indemnification is against any claims for injury to persons, damage to adjoining properties and/or public places, and any excess on the insurance policy arising out of any claim. Such indemnity must be expressed in the form of a public liability insurance policy with a minimum amount of \$20,000,000 for any individual claim that may be made. The insurance policy must be held in the name of the applicant holding the temporary structures approval.

The applicant holding an approval for a temporary structure must, in the case of the transfer of the project to another person or company, advise the proposed new entity to lodge a fresh application together with providing a new public liability insurance policy, to seek approval to allow the temporary structure to remain in place and for the approval to be held in the name of the new entity.

7 Operating Procedures

7.1 Granting an approval

An approval (permit) for the placement of a temporary structure on or over a public road (footway and/or roadway) is granted under s94 of the Local Government Act (the Act) and s139 of the *Roads Act*. Where required, an approval under s115 of the *Roads Act* may also be granted. An approval is issued subject to conditions imposed through s94 of the Act and s139 (1) (d) of the *Roads Act*. An approval is granted to allow a temporary structure to be installed and used in a specified way as prescribed in this policy and the HPS and as set out in the conditions forming part of an approval.

Conditions contained in hoarding approvals must be read in conjunction with any conditions of development consent pertaining to the development of the particular site. Specific conditions in a development consent relating to the protection of Council's assets, street trees, site management and construction layout, may impact on the hoarding design, and this must be satisfied.

7.2 Amending an approval

A person to whom an approval is granted may apply to amend an approval under s87 of the Act if the amendments are minor only. The assessment for an amendment to an approval will include the following matters:

- whether the proposed amendment is substantially the same as that originally approved
- whether any prejudice will be caused to any person who made a submission concerning the original proposal
- whether consultation with another authority such as RMS is required
- an amended determination replaces the original approval from the date endorsed on the notice of determination

7.3 Extending an approval

The Council may determine to extend an approval under s107 of the Act.

An approval may not be extended where a temporary structure:

- is structurally unsound
- is not being satisfactorily maintained in accordance with the regulations of the HP
- is non-compliant with an approval
- a public liability insurance policy for a structure/approval is not current or has been withdrawn by the insurer
- any other circumstance as determined by Council.

An approval to extend an approval must be obtained before the lapsing date (as specified in an approval).

7.4 Revoking an approval

Revised Hoardings Policy

Council may revoke an approval under s108 of the Act for any circumstance set out in s109 of the Act. An approval may also be revoked, for any reason, under s140 of the Roads Act. Council may exercise its powers under these acts where any of the following apply:

- the person holding an approval fails to act on directions to rectify a temporary structure - particularly matters relating to inadequate structural adequacy or other public safety risk
- an approval has lapsed and an application has not been lodged to extend an approval
- a public liability insurance policy for a structure/approval is not current or has been withdrawn by the insurer
- any other circumstance as determined by Council

In circumstances where an approval has been revoked, Council reserves the right to take action to have the unauthorised structure/s removed and recover all associated costs.

8 Enforcement

Unless specifically varied by a condition of approval or a direction of an authorised person, the relevant provisions set out in this policy or the HPS must be satisfied when placing a temporary structure on or above a public road.

If Council becomes aware of non-compliance with the conditions relating to a hoarding approval, Council may:

- a. Issue Penalty Infringement Notices for failing to comply with the approval
- b. Issue a Court Attendance Notice at Local Court. The Local Court can impose penalties for a corporation or for an individual
- c. Issue Orders requiring compliance with the conditions of approval
- d. In circumstances where Council has issued an order requiring compliance with the approval and the terms of the Order have not been complied with, Council may commence legal action with the Land and Environment Court or Local Court to enforce the Orders and recover all associated costs.

Council, at all times, reserves the right to issue an immediate infringement notice depending on the seriousness of the circumstance and at the discretion of the authorised person and consideration of Council's Compliance and Enforcement Policy.

9 Policy Review

This Policy will be reviewed every four years.

10 Contact

Group Manager Building and Development on 9911 9911.

APPENDIX 1 - HOARDING APPLICATION SUBMISSION MATRIX

This table identifies the minimum information required for hoarding applications.

HOARDING APPLICATION SUBMISSION MATRIX		Type A (Open) Hoarding	Type A (Closed) Hoarding	Type B Hoarding
MANDATORY = ● MAY BE REQUIRED = ○				
ARCHITECTURAL -TYPE DRAWINGS	Two sets, fully dimensioned, 1:100 scale (min)	●	●	●
	Site fence and scaffolding (where proposed) fully dimensioned including an elevation drawing		●	●
	Site sheds including their accurate position on Type B hoardings			○
	Proposed or approved works zone on the roadway	○	○	○
	Existing building entrances, emergency egress exits and existing sprinkler/hydrant booster connections		○	○
	Street trees (trunk diameter, canopy volume and dimensions of tree pits)		●	●
	Street furniture accurately plotted on drawings with clearances to site fences		●	●
SECTIONS & ELEVATIONS	Hoarding heights to the underside of the deck and bracing for Type B hoardings			●
	Clear footway width dimensions and the location of the site fence including showing the proposed encroachment onto the footway.	●	●	●
	Detailed written justification for any site fence encroachment on the footway	●	●	●
PUBLIC LIABILITY	Copy of public liability insurance policy held in the name of the Applicant (\$20 million minimum value)	●	●	●
ARTWORK/ GRAPHICS	Location of artwork or graphics proposed or required to be installed on the temporary structure (mandatory for Type A closed and Type B in commercial Zones, refer to <i>Hoardings Policy and Procedures</i>)		○	○

Revised Hoardings Policy

HOARDING APPLICATION SUBMISSION MATRIX		Type A (Open) Hoarding	Type A (Closed) Hoarding	Type B Hoarding
MANDATORY = ● MAY BE REQUIRED = ○				
LIGHTING	Lighting system for Type B hoardings			●
DURATION	Details setting out the length of time that the hoarding will be installed.	●	●	●
TEMP. PEDES-TRIAN PATHWAYS	Details (plan) of any required temporary pedestrian pathways (on roadways) past worksites or changes to street parking and traffic control signage.	○	○	○
TEMP. STRUC-TURES	An indication (in the application form) if other temporary structures (other than hoardings and scaffolding) such as cantilevered facade-mounted materials landing platforms associated with crane hoisting activity that project over a public place are proposed			○
STRUCTURAL DRAWINGS	Two sets of fully detailed structural drawings		●	●
	Location of the proposed temporary structure, scaffolding and access stairs, site sheds and any construction equipment, construction hoists and suspended scaffolds proposed to be placed on the deck of Type B hoardings.			●
	Section sizes, details of connections/ties including site fence, deck, vehicle and worker access gates, etc. and elevation/s including any required bracing for lateral stability, counterweighting and bracings for high fascias		○	●
STRUCTURAL CERTIFI-CATION	Structural certification for the design. Where scaffolding, site sheds and other structures are proposed to be placed on the deck a Type B hoarding, the drawings must indicate this and appropriate certification.		●	●
STREET FURNITURE	Site plan must also show accurately all street furniture including street litter bins, bench-seats, bus shelters, public telephones, poster bollards, smart poles/power poles, street parking signage stems and the type of parking signage, bike racks and utility access hatches in the footway.	○	●	●
STREET FURNITURE REMOVAL	Where street furniture must be removed to accommodate a temporary structure all costs must be borne by the applicant.		○	○
CCTV	Council may require CCTV cameras to be relocated or an additional camera installed if existing cameras will be blocked by hoarding.			○

HOARDING APPLICATION SUBMISSION MATRIX		Type A (Open) Hoarding	Type A (Closed) Hoarding	Type B Hoarding
MANDATORY = ● MAY BE REQUIRED = ○				
PARKING INFRA-STRUCTURE	Council may require the temporary removal or relocation of parking infrastructure at the applicant's cost (signs, ticket machines etc.)		○	○

APPENDIX 2 - EXAMPLES OF HOARDING TYPES

Type A (Open) Hoarding



Example 1: **Acceptable** in Residential Zones only



Example 2: **Not Acceptable** in Commercial Zones



Example 3: **Not Acceptable** in Commercial Zones



Example 4: **Not Acceptable** in Commercial Zones

Revised Hoardings Policy

Type A (Closed) Hoarding



Example 5: Painted - **Acceptable** in Commercial Zones



Example 6: Painted - **Acceptable** in Commercial Zones



Example 7: Graphic display – **Acceptable** in all zones; **Mandatory** in Commercial Zones



Example 8: Graphic display – **Acceptable** in all zones; **Mandatory** in Commercial Zones



Example 9: Graphic display – **Acceptable** in all zones; **Mandatory** in Commercial Zones



Example 10: Graphic display – **Acceptable** in all zones; **Mandatory** in Commercial Zones

Revised Hoardings Policy

Type B Hoarding



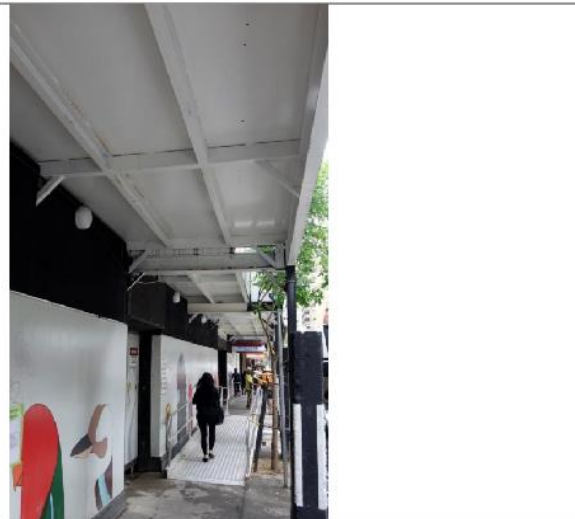
Example 11: Gantry Style – **Acceptable** in all zones



Example 12: Extended fascia to screen overhead sheds – **Acceptable**



Example 13: Gantry style – **Acceptable** in all zones



Example 14: Underside of hoarding must be painted white



Example 15: Scaffolding style – **Not Acceptable** in any zone



(ITEM 28/20) PUBLIC EXHIBITION - PLANNING PROPOSAL TO RESTRICT SUBDIVISION OF DUAL OCCUPANCIES IN R2 ZONE

File No: 20/17543

REPORT BY SENIOR STRATEGIC PLANNER

Summary

A Planning Proposal (PP) has been prepared to restrict the subdivision of dual occupancies in the R2 Low Density Residential zone to ensure each resulting lot would have a minimum site area of 400m² and a minimum street frontage of 12m. The PP was exhibited for 28 days in accordance with the Gateway Determination issued by the Department of Planning, Industry and Environment (DPIE). Four submissions were received which are discussed in this report. It is recommended that the PP be progressed to the making of an amendment to the Burwood Local Environmental Plan (BLEP) 2012 and subsequent notification.

Operational Plan Objective

1.2.1 Inform the community of Council's activities, facilities and services using accessible communication

4.5.2 Ensure independence and transparency in decision making on significant developments

Background

The NSW Government amended the State Environmental Planning Policy (Exempt and Complying Development Codes) 2009 in 2018. The amendment introduced the new Low Rise Medium Density Housing Code (LRMDHC) and additions to the Subdivisions Code, which will allow development for dual occupancies and their subdivision by Complying Development Certificates (CDCs) in the R2 Low Density Residential zone.

Council considered the implications of the LRMDHC and the Subdivisions Code, and on 27 November 2018 resolved to prepare a PP to amend the BLEP to prohibit the Strata and Community Title subdivision of dual occupancies in the R2 zone while providing development standards for Torrens Title subdivision of dual occupancies.

In response to the resolution of Council, a PP was prepared and submitted to the DPIE in January 2019. The PP sought to only permit Torrens Title subdivision of dual occupancies in the R2 zone with development consent, where each dwelling would occupy its own lot with a minimum site area of 400m² and a minimum street frontage of 12m. These are the current requirements for land subdivision in all residential zones in the Burwood Local Government Area under the BLEP and Burwood Development Control Plan (BDGP).

DPIE issued a Gateway Determination on 24 January 2020. The Gateway Determination allows the PP to proceed to public exhibition, subject to the PP being further amended so that it will allow any type of dual occupancy subdivision in the R2 zone with development consent, if the development can meet the specified subdivision requirements (i.e., 400m² minimum site area and 12m minimum street frontage for each dwelling).

Proposal

The PP, as updated in accordance with the Gateway Determination conditions and exhibited, seeks to amend the BLEP to require that any subdivision of dual occupancies (by Torrens, Strata or Community Title) in the R2 Low Density Residential zone will be allowed only if each resulting lot can achieve a minimum site area of 400m² and a minimum street frontage of 12m.

The PP and its plain English explanation are enclosed as **Attachments 1 and 2**.

DPIE in its Gateway Determination authorised Council to exercise delegation in making the BLEP amendment for this PP.

Consultation

Community consultation was undertaken in accordance with the conditions of the Gateway Determination and also in accordance with the community consultation requirements for public exhibition of PPs as set out in *A Guide to Preparing Local Environmental Plans*. The Gateway Determination stipulated that:

- The PP be publicly exhibited for a minimum of 28 days
- No agency consultation be required
- All affected landowners be notified in writing of the public exhibition and the effect of the PP

Public Exhibition

The PP was placed on public exhibition from 18 March 2020 to 15 April 2020 inclusive. The PP was available for viewing at Council's Customer Service Centre and on Council's website. Notice of the public exhibition of the PP was placed in the Inner West Courier on 18 March 2020. As many as 1,345 letters were sent to owners and occupants of R2 zoned properties. These properties generally have a minimum site area of 600m² and a minimum street frontage of 12m for mid blocks or 6m for corner blocks, which would potentially satisfy provisions in the LRMDHC and the Subdivisions Code for the construction and subdivision of a dual occupancy via a CDC.

Since the public exhibition commenced, COVID 19 restrictions have progressively tightened social distancing requirements. One member of the public requested Council to cancel, put on hold or defer the public exhibition of the PP. This member of the public was subsequently provided with a hard copy of the exhibition material with a letter in which Council staff offered to explain the material and answer any questions regarding the PP.

Discussion of Submissions

Four submissions were received in response to the public exhibition, two of which were from the same people for the same property. The table below identifies the key issues or feedback raised in the submissions and comments by Council staff.

Key Issues or Feedback	Comments
<p>Support and appreciate Council's intentions to preserve and protect the character and amenity of low density areas, and the major impact the dual occupancy subdivisions may cause on the character and subdivision pattern in the LGA</p> <p>Not support the battle-axe type subdivision or ad hoc subdivision of dual occupancies within low density residential zones</p> <p>Could support subdivision of corner blocks</p>	<p>The points are noted.</p> <p>The BDCP specifies that:</p> <ul style="list-style-type: none"> ▪ The access handle for a battle-axe lot is excluded from the lot size calculation ▪ All resulting lots must have frontage to a street and frontage to a lane alone is not accepted ▪ The minimum street frontage width of a lot is 12m ▪ The access handle for a battle-axe lot must have a minimum width of 2.5m <p>The PP will not change these requirements.</p>
<p>Suggest allowing a dual occupancy in an up and down arrangement, i.e., by adding a dwelling on top of the other. The front and back garden spaces can be shared by two families. This type</p>	<p>Council staff has no objection to this suggestion.</p> <p>The BDCP is silent on this type of dual occupancy. People can submit a Development</p>

<p>of dual occupancies would retain the low density character while allowing two families to co-live on one property in Burwood which has good schools and great infrastructure</p>	<p>Application (DA) for approval to build a dual occupancy in this form.</p> <p>The fact that there have been very few DAs submitted in the past for this type of dual occupancy could be due to additional fire safety requirements, making it more expensive to build.</p> <p>The current DCP provisions for private open space, setbacks and no external stairways to either the front or rear etc. will continue to apply to this type of dual occupancy.</p>
<p>A specific property that contains a pair of existing semi-detached dwellings should be allowed for subdivision into two titles and be exempt from the PP. Arguments in support include that:</p> <ul style="list-style-type: none"> ▪ The owner has been paying Individual rates for each semi, and paying land tax for one of the semis for over 60 years ▪ All facilities (electricity, gas, water, sewerage etc) have always been individually and separately billed from suppliers and are segregated within each semi ▪ The semis are on the market and the real estate agent has advised that it will be an extremely difficult sale as a whole property without the option to subdivide 	<p>There are a number of semi-detached dwellings, which were built decades ago in the LGA. Council will assess each DA for their subdivision on its merits.</p> <p>If it can be demonstrated that the subdivision will have no impacts on neighbouring properties and on the streetscape, the DA could be favourably considered by Council.</p> <p>Clause 4.6 of the BLEP allows Council to consider and where appropriate grant consent to development even though the development would contravene a particular development standard. The applicant may seek a variation of the minimum subdivision lot size development standard in accordance with Clause 4.6 when lodging the DA for the subdivision of existing semis.</p>

Planning or Policy Implications

It is recommended that Council endorse the PP as exhibited, and proceed to preparing a BLEP amendment to give effect to the PP.

As Council has been given delegation to make the LEP, Council Officers will liaise with Parliamentary Counsel and DPIE officers in preparing a draft BLEP amendment and progressing same to notification, where it becomes law.

The minimum lot size and street frontage standards for the subdivision of dual occupancies in the R2 zone under the BLEP are expected to override the relevant provisions in the Subdivisions Code. Council Officers will be guided by Parliamentary Counsel in this regard.

Financial Implications

There are no financial implications for Council.

Conclusion

The PP was publicly exhibited in accordance with the Gateway Determination. The issues and feedback raised in the submissions received have been considered. Accordingly, this report recommends that Council endorse the PP as exhibited, and that it be progressed to the making of a BLEP amendment and subsequent notification.

Recommendation(s)

1. That Council note the findings of the review of submissions from the public exhibition of the Planning Proposal.
2. That Council use its authorised delegation in the making of the BLEP amendment to give effect to the Planning Proposal and progress the BLEP amendment to notification.
3. That those who have made a submission be advised of Council's resolution.

Attachments

- 1 [↓](#) Planning Proposal to restrict the subdivision of dual occupancies in the R2 Low Density Residential zone
- 2 [↓](#) Plain English Explanation of the Planning Proposal



Planning Proposal

Restricting the Subdivision of Dual Occupancies in the R2 Zone

March 2020

A Planning Proposal is the first step in proposing amendments to Council's principle environmental planning instrument, known as the Burwood Local Environmental Plan 2012. A Planning Proposal explains the intended effect of the proposed amendment and also sets out the justification for making the change. The Planning Proposal is submitted to the NSW Department of Planning, Industry and Environment (DPIE) for its consideration, referred to as the Gateway Determination, and is also made available to the public as part of the community consultation process.

Part 1 – Objectives or Intended Outcomes

The objectives and intended outcomes of the Planning Proposal (PP) are to:

- Restrict the subdivision of dual occupancy development in the R2 Low Density Residential zone to ensure each resulting lot would comply with existing Council controls for the subdivision of land under the Burwood Local Environmental Plan (BLEP) 2012;
- Explain Council's existing interpretation on the subdivision of dual occupancies, which is that the definition of a dual occupancy being 'two dwellings on one lot of land' prohibits its subdivision, while the Low Rise Medium Density Housing Code (LRMDHC) allows for the subdivision of a dual occupancy;
- Protect the character and amenity of the R2 Low Density Residential areas; and
- Express concern that dual occupancy subdivision has not been planned for in the Burwood Local Government Area (LGA) given Council's existing interpretations, and that it would result in additional impacts to open space, community facilities, traffic and access.

Part 2 – Explanation of Provisions

The PP's objectives and intended outcomes will be achieved by introducing a provision into the BLEP which will restrict the subdivision (including Torrens Title, Community Title and Strata Title subdivisions) of dual occupancies within the R2 Low Density Residential zone, to ensure the following criteria are met:

- Each resulting lot has a minimum lot size as specified in Clause 4.1 of the BLEP;
- Each dwelling would occupy its own lot; and
- Each resulting lot has a minimum frontage of 12m.

The recent State Government amendments to the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP), comprising the new LRMDHC, and additions to the Subdivisions Code, will allow dual occupancies and their subdivision by Complying Development Certificate in the R1, R2 and R3 Residential zones.

Of particular concern is the potential subdivision of dual occupancies in the R2 Low Density Residential zone by way of Complying Development Certificate through the Codes SEPP. The subdivision of dual occupancies is contrary to Council's long-standing practice. While the BLEP is silent on the subdivision of dual occupancies, the Burwood Development Control Plan (BDCCP) provides that a Strata or Community Title subdivision of a dual occupancy will not be permitted, and that Torrens Title subdivision may only be sought where the development is to be treated as two dwelling houses on separate lots, satisfying the minimum subdivision lot size standard in Clause 4.1 of the BLEP.

Council had taken the view that the Standard Instrument definition of a dual occupancy did not permit subdivision as that definition refers to *'two dwellings on one lot of land'*. It would seem that the new Code takes a different view. It would therefore be necessary for a change to the BLEP to occur in order for Council to maintain its restriction on subdivision of dual occupancies.

It is intended that a new savings transition clause will be included so that the proposed BLEP amendment, in which this PP will result, does not affect any development applications for development on land to which the BLEP amendment applies and appeal processes.

Part 3 – Justification

During the preparation of this PP, the DPIE sought justification for Council's long-standing approach to the restriction of subdivision of dual occupancies, and responses to other questions. The responses and further justification can be found at Appendix One.

Section A – Need for the Planning Proposal

1. *Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?*

Yes, this PP is in response to a Council resolution dated 27 November 2018 relating to the potential impacts of the amendments to the Codes SEPP. In accordance with Local Planning Panels Direction – Planning Proposals, the PP was considered by the Burwood Local Planning Panel on 14 May 2019 and on 28 May 2019 the PP received Council endorsement.

Planning Proposal to restrict the subdivision of dual occupancies in the R2 Low Density Residential zone

Council at its meeting of 11 February 2020 resolved to endorse the Burwood Local Strategic Planning Statement (LSPS), for seeking assurance by the Greater Sydney Commission (GSC). The GSC issued a letter of support for the LSPS on 12 March 2020.

The LSPS sets out the desired 20 year vision for land use in the Burwood Local Government Area (LGA). One aspect of the vision is to see that Burwood's local character is protected and enhanced. The LSPS acknowledges Council's long standing planning principle, which is to focus high density development in the Burwood Town Centre and other centres in the LGA, while protecting the low density residential areas outside centres.

Council at the same meeting of 11 February 2020 also resolved to endorse the Burwood Local Housing Strategy (LHS). The LHS has been submitted to DPIE for review and approval. The LHS identifies the objectives for housing in the Burwood LGA being to:

- Increase housing diversity
- Make housing more affordable
- Preserve local character
- Plan for longer term housing needs
- Support the vibrancy, vitality and activity of centres

According to the LHS, dual occupancies and multi-dwelling housing make up only a small portion of the total dwelling capacity (15%); dual occupancy development is generally unfeasible in the Burwood LGA as a result of the high prices of potential redevelopment sites containing separate houses.

The LHS recommends several actions for housing development in the LGA, such as to:

- Continue apartment development under current planning controls
- Investigate rezoning land for additional medium-high density housing
- Review planning controls for dual occupancy and medium density housing
- Encourage the provision of affordable housing
- Protect identified areas with heritage significance or significant local character

Although the PP is not a result of the Council endorsed LSPS or LHS, it conforms with the vision of the LSPS and the objectives and recommended actions of the LHS.

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

Following the consideration of the report on the implications of the LRMDHC, Council at its meeting of 27 November 2018 resolved to:

- Write to the DPIE requesting that the LRMDHC be amended so that the R2 zone in the BLEP is excluded from its provisions that allow approval of dual occupancies and their subdivision by Complying Development Certificates, and
- Initiate a PP to amend the BLEP to prohibit development consent being granted for the Strata or Community Title subdivision of a dual occupancy on land in the R2 Low Density Residential zone while providing development standards (for Torrens Title subdivision of dual occupancies) that are similar to those which exist for dwelling houses.

The Council resolution suggests that Council seeks to address its concerns over the LRMDHC in two ways.

In May 2019 Council wrote to DPIE, requesting that the Code be amended, such that the R2 zone in the BLEP is excluded from the Code provisions that allow approval of dual occupancies and their subdivision by Complying Development Certificates.

DPIE advised at the end of June 2019 that the LRMDHC has been deferred until 31 October 2019 for 45 Councils, including Burwood, to allow for an independent review, which will recommend to the Minister on implementation of the Code in the deferred council areas.

As recommended by the independent review, the implementation of the LRMDHC is further deferred until 1 July 2020 for the 45 Councils.

Notwithstanding, the PP is considered to be the best means of achieving the objectives and intended outcomes as stated earlier.

Section B – Relationship to Strategic Planning Framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy?

Yes. The PP is consistent with metropolitan, subregional and district strategies.

The State Government has prepared the *Eastern City District Plan* (to which Burwood LGA belongs) to manage growth for the next 20 years in the context of economic, social and environmental matters at a district level, to contribute towards the 20-year vision for Greater Sydney. It contains the planning priorities and actions for implementing the Greater Sydney Region Plan, *A Metropolis of Three Cities*, at a district level, and is a bridge between local and regional planning.

Planning Priority E5 of the *Eastern City District Plan* focusses on 'providing housing supply, choice and affordability, with access to jobs, services and public transport'. In addition, the *District Plan* states that Councils are in the best position to investigate and confirm which parts of their LGAs are suited to additional medium density opportunities.

Housing supply targets

The LHS endorsed by Council has set the housing supply targets as follows:

- 2016-2021: 2,600 dwellings
- 2021-2026: 2,030 dwellings (in addition to any shortfall between 2016-2021)
- 2026-2036: 2,370 dwellings

The total targets of 2016-2036 are set to match the implied dwelling requirement for around 7,000 additional dwellings modelled in the LHS.

The LHS further states that there is a substantial housing development pipeline comprising enough dwellings to meet the 2016-2021 and 2021-2026 targets, that there is enough capacity under current planning controls to meet all of the targets, and that as such, any

Planning Proposal to restrict the subdivision of dual occupancies in the R2 Low Density Residential zone

shortfall of 2016-2021 is likely to be made up by 2026 and no planning intervention is required to meet the targets.

Housing choice

The LHS states that dual occupancies and multi-dwelling housing make up only about 15% of the total dwelling capacity, and that dual occupancy development is generally unfeasible in the Burwood LGA as a result of the high prices of potential redevelopment sites containing separate houses.

The LHS has identified potential locations for increasing the supply of multi-dwelling housing, thereby increasing the medium density housing choice.

Housing affordability

The LHS attempts to address the housing affordability issue by recommending the following actions:

- Investigate a density bonus scheme
- Apply SEPP 70 – Affordable Housing (Revised Schemes)
- Liaise with community housing providers, and
- Use voluntary planning agreements

The subject PP will not contribute to, but will not contravene, the alleviation of the housing affordability issue in the Burwood LGA. The PP does not prohibit dual occupancies and will continue to allow dual occupancies for extended family accommodation, a source of rental income, and an alternative form of housing as planned for under relevant environmental planning instruments. Although dual occupancies are not generally considered a form of “affordable housing” serving low-income or key worker residents, they are typically more affordable than a larger, single detached dwelling-house in the Burwood LGA.

4. Will the planning proposal give effect to a Council endorsed local strategic planning statement or another endorsed local strategy or strategic plan?

The subject PP conforms with the Burwood 2030 Community Strategic Plan (CSP) and Council endorsed LSPS and LHS. Therefore it can be said that the PP will give effect to these strategic documents.

Burwood 2030 CSP

The CSP recognises the need for providing a well-connected, innovative, sustainable and safe community. The Burwood 2030 CSP describes Council’s role in enhancing ‘*the visual appearance of our neighbourhoods, streetscapes and town centre*’, as well as the Community’s desire for ‘*high quality urban design*’ and ‘*the best outcomes for the community*’ when considering planning and infrastructure. The PP is consistent with the objectives of the CSP in finding a balance between enabling housing choice, and maintaining neighbourhood amenity.

LSPS

The LSPS endorsed by Council on 11 February 2020 sets out the land use visions for the Burwood LGA, including one that states that Burwood's local character is protected and enhanced. The LSPS acknowledges Council's long standing planning principle, which is to focus high density development in the Burwood Town Centre and other centres in the LGA, while protecting the low density residential areas outside centres. The subject PP conforms with the LSPS.

LHS

The LHS endorsed by Council on 11 February 2020 seeks to set an appropriate balance between respecting and enhancing the local character while identifying and accommodating Burwood community's future housing, infrastructure and social needs.

Key findings of the LHS include that:

- There is enough capacity under current planning controls to accommodate the likely housing demand until at least 2036
- There is a shortfall of capacity for attached dwellings (i.e., attached dual occupancies and multi-dwelling housing), and
- As dual occupancy development is generally unfeasible in the Burwood LGA due to high land prices, rezoning to allow for more multi-dwelling housing would be the most effective way to address the identified gap

The recommended housing strategy objectives and actions include:

- Preserve local character by preventing extensive redevelopment in those parts of the LGA which have heritage significance or a significant local character
- Review minimum site frontage and lot size controls for dual occupancy and multi-dwelling housing development, with the intention of placing minimum standards in the LEP

The subject PP does not contravene the LHS. Any review of development standards for dual occupancy development is expected to form part of the BLEP review.

Other Studies

There are a number of other studies related to the LSPS that have been commissioned, including traffic and transport and open space and community facilities. The subject PP would support minimising social and environmental impacts while promoting appropriate and orderly development, being the general goal of these studies.

BLEP and BDCP

Currently, the BLEP is silent on dual occupancy subdivisions. The BDCP provides that a Strata or Community Title subdivision of a dual occupancy will not be permitted and that Torrens Title subdivision may only be sought where the development is to be treated as two

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Planning Proposal to restrict the subdivision of dual occupancies in the R2 Low Density Residential zone

dwelling houses on separate lots, satisfying the minimum subdivision lot size in Clause 4.1 of the BLEP.

Council seeks to formalise its position by amending the BLEP to include a clause which restrict the subdivision (including Torrens Title, Strata Title or Community Title subdivisions) of dual occupancy development in the R2 Low Density Residential zone, to ensure each resulting lot would comply with exiting Council controls for the subdivision of land under the BLEP.

Any review of development standards for dual occupancy development, as recommended by the LHS, and the formation of BDCP controls, will form part of the future review of the BLEP and BDCP.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

All SEPPs applicable to the Burwood LGA are set out in the table below, together with a comment regarding the PP's consistency:

SEPP	Comment
SEPP No. 1 – Development Standards	Not relevant. BLEP 2012 contains a clause which replaces this SEPP in relation to variations to development standards.
SEPP No. 19 – Bushland in Urban Areas	Not relevant.
SEPP No. 21 – Caravan Parks	Not relevant.
SEPP No. 30 – Intensive Agriculture	Not relevant.
SEPP No. 33 – Hazardous and Offensive Development	Not relevant.
SEPP No. 50 – Canal Estate Development	Not relevant.
SEPP No. 55 – Remediation of Land	Not relevant. The PP does not seek to amend the zoning or change the land use. It will only allow the dual occupancy subdivision if the required planning controls are met.
SEPP No. 64 – Advertising and Signage	Not relevant
SEPP No. 65 – Design Quality of Residential Apartment Development	Not relevant. Only applicable to development of three storeys or more.
SEPP No. 70 – Affordable Housing (Revised Schemes)	Not relevant.
SEPP (Building Sustainability Index: BASIX) 2004	Not relevant.
SEPP (Housing for Seniors or People with a Disability) 2004	Not relevant.
SEPP (Major Developments) 2005	Not relevant.
SEPP (Infrastructure) 2007	Not relevant.
SEPP (Miscellaneous Consent Provisions) 2007	Not relevant.
SEPP (Mining, Petroleum and Extractive Industries) 2007	Not relevant.
SEPP (Repeal of Concurrence and Referral Provisions) 2008	Not relevant.
SEPP (Exempt and Complying	Part 3B (LRMDHC) and Part 6 (Subdivisions Code) of

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Planning Proposal to restrict the subdivision of dual occupancies in the R2 Low Density Residential zone

SEPP	Comment
Development Codes) 2008 (Codes SEPP)	<p>the Codes SEPP are relevant to this PP.</p> <p>The PP does not propose to change the Codes SEPP in itself. The LRMDHC does not permit development where it is currently prohibited by a LEP, hence it would restrict the subdivision of dual occupancies if a Council's LEP prohibits the subdivision. As the BLEP is silent on the matter, it needs to be amended to clarify and formalise Council's position to restrict the subdivision of dual occupancies, to ensure each resulting lot would comply with Council controls for the subdivision of land under the BLEP. Appendix 1 has a comparison table of planning controls for the subdivision of dual occupancy development under the BLEP, BDCP and the Codes SEPP.</p> <p>As the PP does not seek to prohibit development which is currently permitted under Council's controls nor seek to amend the Codes SEPP, the PP is consistent with the Codes SEPP.</p>
SEPP (Affordable Rental Housing) 2009	Not relevant.
SEPP (Vegetation in Non-Rural Areas) 2017	Not relevant.
SEPP (Educational Establishments and Child Care Facilities) 2017	Not relevant.
Draft Coastal Management SEPP	Not relevant.

6. Is the planning proposal consistent with applicable Ministerial Directions (s. 9.1 directions)?

Yes. Consistency with the list of Directions by the Minister for Planning (pursuant to section 9.1 of the Act) is set out in the following table.

Direction	Issue Date / Date Effective	Comment
1. Employment and Resources	1 July 2009 (Except for new Direction 1.2 effective 14 April 2016 and 1.1 effective 1 May 2017 and new Direction 1.5 effective 28 February 2019)	
1.1 Business and Industrial Zones		Not relevant.
1.2 Rural Zones		Not relevant.
1.3 Mining, Petroleum Production and Extractive Industries		Not relevant.
1.4 Oyster Aquaculture		Not relevant.
1.5 Rural Lands		Not relevant.
2. Environment and Heritage	1 July 2009 (Except for new Direction 2.5 effective 2 March 2016, Direction 2.1, 2.2 and 2.4 effective 14 April 2016)	

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Direction	Issue Date / Date Effective	Comment
2.1 Environment Protection Zones		Not relevant.
2.2 Coastal Protection		Not relevant.
2.3 Heritage Conservation		Not relevant.
2.4 Recreation Vehicle Areas		Not relevant.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs		Not relevant.
3. Housing, Infrastructure and Urban Development	1 July 2009 (Except for new Direction 3.6 effective 16 February 2011, Direction 3.1, 3.2, 3.4 and 3.5 effective 14 April 2016, Direction 3.7 effective 15 February 2019)	
3.1 Residential Zones		<p>Clause 6 of the Direction states a PP may be inconsistent with the terms of this Direction if the relevant authority can satisfy the Director-General (or a nominated officer within the Department), that the provisions of the PP that are inconsistent with the direction and can be justified by a strategy or study that gives consideration to the objectives of this direction.</p> <p>The objectives of the direction are:</p> <ul style="list-style-type: none"> (a) To encourage a variety and choice of housing types to provide for existing and future housing needs (b) To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) To minimise the impact of residential development on the environment and land supply. <p>It is not Council's intention to prohibit dual occupancies. The PP does not restrict this housing type. Instead, the PP seeks to restrict the dual occupancy subdivision only. Council supports dual occupancies where they present as two dwellings on one parcel of land. This form of development is popular for extended family accommodation and/or</p>

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Direction	Issue Date / Date Effective	Comment
		<p>supplementing household income through rental. This has been Council's practice for over 20 years and Council has approved many dual occupancies in that time without subdivision.</p> <p>Housing supply, diversity and choice to meet population needs are addressed in the LHS.</p> <p>The PP will have no impact on existing open space, community facilities, infrastructure and services. Nor will it have impact on the environment and land supply.</p> <p>The PP is therefore consistent with this Ministerial Direction.</p>
3.2 Caravan Parks and Manufactured Home Estates		Not relevant.
3.3 Home Occupations		Not relevant.
3.4 Integrating Land Use and Transport		Not relevant.
3.5 Development Near Licensed Aerodromes		Not relevant.
3.6 Shooting Ranges		Not relevant.
3.7 Reduction in non-hosted short term rental accommodation period		Not relevant.
4. Hazard and Risk	1 July 2009 (Except for new Direction 4.2 effective 14 April 2016)	
4.1 Acid Sulfate Soils		Not relevant.
4.2 Mine Subsidence and Unstable Land		Not relevant.
4.3 Flood Prone Land		Not relevant.
4.4 Planning for Bushfire Protection		Not relevant.
5. Regional Planning	1 July 2009 (Except for new Direction 5.2, effective 3 March 2011, Direction 5.9 effective 30 September 2013, Direction 5.4 effective 21 August 2015, Direction 5.8 and 5.10 effective 14 April 2016, Direction 5.1 and 5.3 effective 1 May 2017, Direction 5.11 effective 6 February 2019)	
5.1 (Revoked 17 October 2017)		Not relevant.
5.2 Sydney Drinking Water Catchments		Not relevant.

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Direction	Issue Date / Date Effective	Comment
5.3 Farmland of State and Regional Significance on the NSW Far North Coast		Not relevant.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast		Not relevant.
5.5 (Revoked 18 June 2010)		Not relevant.
5.6 (Revoked 10 July 2008)		Not relevant.
5.7 (Revoked 10 July 2008)		Not relevant.
5.8 Second Sydney Airport: Badgerys Creek		Not relevant.
5.9 North West Rail Link Corridor Strategy		Not relevant.
5.10 Implementation of Regional Plans		Not relevant.
5.11 Development of Aboriginal Land Council land		Not relevant.
6. Local Plan Making	1 July 2009	
6.1 Approval and Referral Requirements		The PP does not contain provisions which require the concurrence, referral or consultation of other public authorities, nor identify any use as designated development.
6.2 Reserving Land for Public Purposes		Not relevant.
6.3 Site Specific Provisions		Not relevant.
7. Metropolitan Planning	14 January 2015 (Except for Direction 7.2 effective 22 September 2015)	
7.1 Implementation of A Plan for Growing Sydney		<p><i>Greater Sydney Regional Plan – A Metropolis of Three Cities</i> (March 2018) is the relevant Sydney regional plan. This is further broken down into district plans, with the relevant district plan for the Burwood LGA being the <i>Eastern City District Plan</i>.</p> <p>The <i>District Plan</i> contains a number of Planning Priorities and Actions to enact the State Government's Vision for the area.</p> <p>The PP is not inconsistent with any of the Plan's Priorities and Actions. As such, the PP is consistent with this Ministerial Direction.</p>
7.3 Parramatta Road Corridor Urban Transformation Strategy	9 December 2016	The PP affects R2 zoned land in the Burwood LGA, part of which is located within the Burwood Concord Precinct and is identified as being suitable for other land use zones under the Parramatta Road Corridor

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Direction	Issue Date / Date Effective	Comment
		Urban Transformation Strategy (PRCUTS). The PRCUTS does not identify R2 zone under the BLEP for retention. As such, the PP is consistent with this Ministerial Direction.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	15 May 2017	Not relevant.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	25 July 2017	Not relevant.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	5 August 2017	Not relevant.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	22 December 2017	Not relevant.
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	20 August 2018	Not relevant.
7.9 Implementation of Bayside West Precincts 2036 Plan	25 September 2018	Not relevant.
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	25 September 2018	Not relevant.

Section C – Environmental, Social and Economic Impact

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

No. There is no known critical habitat or threatened species, populations or ecological communities, or their habitats, which will be affected by the PP.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

The PP is expected to reduce environmental impacts by maintaining the amenity of low density residential areas, and maintaining the integrity of the existing subdivision pattern into the future. By limiting the subdivision of existing parcels into smaller parcels, it ensures that these parcels – and the land uses permitted thereupon - are more feasible for redevelopment in the future.

Unplanned growth could have impacts on Council infrastructure in areas such as stormwater and traffic. Council has a \$20 million infrastructure backlog and has proposed a Special Rate Variation to upgrade infrastructure. The PP will not exasperate existing issues, nor will it increase negative environmental impacts.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The PP does not prohibit dual occupancies and will continue to allow dual occupancies for extended family accommodation, a source of rental income, and an alternative form of housing as planned for under the BLEP. While dual occupancies are typically more affordable than a larger, single detached dwelling-house in the Burwood area, they are not generally considered a form of “affordable housing” serving low-income or key worker residents.

The PP will not have any negative social and economic effects and will not impact on infrastructure and services, while promoting orderly development.

Section D – State and Commonwealth Interests

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

The PP, which seeks to restrict dual occupancy subdivisions to ensure each resulting lot would comply with requirements for land subdivision under the BLEP, is not expected to generate any demand for public infrastructure. It should help alleviate pressures on existing infrastructure.

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

There are no State or Commonwealth public authorities with a specific interest in this PP (other than the DPIE, which has an assessment role). Therefore, no public authorities will be consulted regarding the PP.

Part 4 – Mapping

No changes to the BLEP mapping are required in respect to the proposed PP.

Part 5 – Community Consultation

The Gateway Determination requires Council to publicly exhibit the PP for 28 days and to write to all affected landowners, explaining the meaning of the PP and inviting feedback and submissions.

Part 6 – Project Timeline

Date of Gateway Determination	24 January 2020
Timeframe for the completion of required technical information	February and March 2020
Timeframe for government agency consultation	Not applicable. Agency consultation is not required under the Gateway Determination.
Commencement and completion dates for the public exhibition period	18 March 2020 – 15 April 2020
Dates for public hearing	Not applicable
Timeframe for consideration of submissions	April and May 2020
Timeframe for the consideration of proposal post exhibition	23 June 2020
Anticipated date Council as the RPA will make the plan	July 2020
Anticipated date Council as the RPA will forward to the department for notification	August 2020

Supporting Documentation

Appendix One

- Further Justification and Responses to DPIE Questions

Appendix Two

- Delegation Checklist

Links to Supporting Material

- Council Meeting Agenda of 27 November 2018 is available on Council's website:
http://www.burwood.nsw.gov.au/verve/_resources/CM_27112018_AGN_AT.pdf
- Council Meeting Minutes of 27 November 2018 is available on Council's website:
http://www.burwood.nsw.gov.au/verve/_resources/Council_Meeting_Minutes_27_11_18.pdf

Appendix One

Further Justification and Responses to DPIE Questions

DPIE sought justification for Council's approach to the restriction of subdivision of dual occupancies and responses to other questions. Council's responses, which have been updated in view of the Gateway Determination, are set out below:

1. *The reasons Council is seeking to exclude the approval of both the construction and subdivision of dual occupancies in the R2 zone via CDCs*

For the avoidance of doubt, Council seeks only to restrict the subdivision of dual occupancies, not the construction of dual occupancies on a single lot.

The reasons are as follows:

- Currently, the BLEP is silent on the subdivision of dual occupancies while the BDCP states that dual occupancy developments in the R2 zone will not be permitted to be subdivided by Strata or Community Title. Council's approach has been that a Torrens Title subdivision of dual occupancy will be allowed if each resulting lot meets the minimum subdivision lot size development standard in the BLEP.
- Council seeks to clarify and formalise its position on the matter of dual occupancy subdivisions through this PP.
- The construction and the concurrent subdivision of dual occupancies are inconsistent with the existing development pattern in the R2 zone. Over time this could potentially impact the character of, and the streetscape in, the low density residential areas in the LGA.
- The construction and concurrent subdivision of dual occupancies represent a denser style of housing compared with single dwelling houses and a dwelling house with a secondary dwelling or granny flat on one lot. As such, they are more likely to impact the amenity of R2 zones.
- Allowing the subdivision of dual occupancies under the LRMDHC is likely to impact the integrity of the subdivision pattern by permitting smaller and narrower parcels.
- Smaller parcels will have less development potential, as their sizes are more likely to restrict further redevelopment. Consolidation of land parcels would be more necessary before redevelopment can take place.
- Burwood planning controls still permit dual occupancies as a housing choice, which contributes to the housing supply.

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2. The reasons Council excludes Strata Title and Torrens Title subdivision of dual occupancies where the minimum lot size is not met, on lots where the construction of dual occupancies is permitted

As stated above, the subdivision of dual occupancies in the R2 zone, by way of either Torrens Title or Strata Title has the potential to impact the existing and desired streetscape, character, amenity and integrity of the low density residential areas. Council’s purpose and direction for allowing dual occupancies is generally to facilitate living space for an extended family where the principle dwelling may not be large enough for all concerned. Should subdivision of these dual occupancies be permitted where the Minimum Lot Size for each resulting lot is not met, each lot could be sold separately from the other lot, effectively creating individual dwellings on separate lots and negating the purpose and objectives of the minimum lot size development standard of the BLEP.

To reiterate, Council has no issue with allowing dual occupancies in the R2 zone. Council’s concerns are as follows:

- The concurrent subdivision of dual occupancies would see a change in the subdivision pattern and would be more likely to affect the streetscape of, and the character in, the low density residential areas.
- The subdivision of dual occupancies would negate Council’s purpose of facilitating living space for extended families.
- The definition of a dual occupancy under the Standard Instrument refers to ‘two dwellings on one lot of land’. In other words, if subdivided, a dual occupancy is no longer in the form of a dual occupancy and effectively becomes separate dwellings on separate lots.

3. A comparison of development standards for dual occupancies in Council’s LEP and DCP with those in the Code

The following table provides a comparison of development standards for dual occupancy development and subdivision.

Development Standard / Control	BLEP	BDCP	Codes SEPP: Part 3B - MDLRHC / Part 6 – Subdivision
Minimum Lot Size for Dual Occupancy	Clause 4.1A: 500m ² (for attached) 600m ² (for detached)	n/a	As per BLEP
Minimum Lot Width and Frontage	Not specified	Section 4.4.3.2: P38 – front boundary width of: • 15m for duplex (side by side) development • 24m for duplex (side by side) development involving Torrens Title subdivision	3B.8(2): 12m (measured at building line)
Maximum Building Height	Clause 4.3: As per Height of Building Map BLEP 8.5m	n/a	3B.9: 8.5m
Maximum Gross Floor	Clause 4.4:	Section 4.4.3.2:	3B.10:

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Development Standard / Control	BLEP	BDCP	Codes SEPP: Part 3B - MDLRHC / Part 6 – Subdivision
Area (all building)	Floor Space Ratio 0.55:1	P8 - Maximum Built Area of 67%	<ul style="list-style-type: none"> • Lot area 400m² - 2,000m²: 25% of lot area + 300m² • Lot area > 2,000m²: 800m²
Minimum Landscaped Area	n/a	<p>Section 4.4.3.2:</p> <p>P14 - A minimum 30% of the front setback (i.e. front yard) is to consist of soft landscaping</p> <p>P15 - Rear yards will not be permitted to be dominated by hard landscaping</p> <p>Section 4.4.3.3 P1:</p> <p>Each dwelling is to be provided with a clearly identifiable area of private open space of at least 50m² adjacent to living areas to ensure the amenity of the dwelling in terms of privacy and recreation.</p>	<p>3B.15:</p> <p>-50% of lot area minus 100m²</p> <p>-A min. 25% of area forward of building line</p> <p>-1.5m minimum length and width</p>
Subdivision	<p><u>Torrens Title subdivision</u> 4.1(3):</p> <p>The size of any lot resulting from a subdivision of land is not to be less than the minimum size shown on the Lot Size Map in relation to that land</p> <p>400m² for all R zones</p> <p><u>Strata Title and/or Community Title subdivision</u></p> <p>Not specified</p>	<p><u>Torrens Title subdivision</u> 4.4.3.3 P47 & P48:</p> <p>Subdivision not permitted, unless satisfying the standards/controls for single dwelling houses on two separate Torrens Title lots</p> <p><u>Strata Title and/or Community Title subdivision</u> 4.4.3.3 P48:</p> <p>Subdivision by Strata or Community Title not permitted</p>	<p><u>Torrens Title subdivision</u> 6.4:</p> <p>Attached dual occupancy: 300m² for each lot</p> <p>Detached dual occupancy: 360m² for each lot</p> <p>There must only be 1 dwelling on each resulting lot at the completion of the development</p> <p>Each resulting lot must be in RU5, R1, R2 or R3 zones</p> <p>Each resulting lot must be at least 6m wide (measured at the building line) and have lawful access, and frontage to, a public road</p> <p><u>Strata Title subdivision</u> 6.2:</p> <p>For dual occupancy where no part of a dwelling is located above any part of another dwelling or multi dwelling housing (terraces), the strata area (being the area of ground floor of each of the two dwellings) is not less than 180m²</p> <p>Each dwelling must have lawful frontage to a public road (other than a lane)</p> <p>No dwelling must be located behind any other dwelling on the same lot (except in the case of a corner lot or a parallel road</p>

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Development Standard / Control	BLEP	BDCP	Codes SEPP: Part 3B - MDLRHC / Part 6 – Subdivision												
			lot) Each resulting lot must have a minimum width (measured at the building line) of 6m <u>Community Title subdivision</u> Subdivision by CDC not allowed												
Primary Road Setback	n/a	Section 4.4.3.2 P9: The average of the localised existing building line for ground floor 9m to the upper level of a two storey building, and the first floor level must be setback at least 3m beyond the ground floor façade	3B.11(1), (2) & (3): Average of the front setback of the two closest existing dwellings / dual occupancies on same side of the road and within 40m of the development. If no dwelling / dual occupancy within 40m on the same side of the road as the development, minimum setback is as follows: Lot area 400m ² -900m ² : 4.5m Lot area >900m ² -1,500m ² : 6.5m Lot area >1,500m ² : 10m												
Side Setbacks	n/a	Section 4.4.3.2 P10: 900mm to ground floor or single storey elevation 1.5m to the upper level of a two storey building	3B.11(4): <table border="1"> <thead> <tr> <th>Lot width</th> <th>Building height</th> <th>Minimum setback</th> </tr> </thead> <tbody> <tr> <td>12m-24m</td> <td>0m-4.5m >4.5m-8.5m</td> <td>0.9m (Building height – 4.5m) / 4 +0.9m</td> </tr> <tr> <td>>24m-36m</td> <td>0m-4.5m >4.5m-8.5m</td> <td>1.5m (Building height – 4.5m) / 4 +1.5m</td> </tr> <tr> <td>>36m</td> <td>0m-8.5m</td> <td>2.5m</td> </tr> </tbody> </table>	Lot width	Building height	Minimum setback	12m-24m	0m-4.5m >4.5m-8.5m	0.9m (Building height – 4.5m) / 4 +0.9m	>24m-36m	0m-4.5m >4.5m-8.5m	1.5m (Building height – 4.5m) / 4 +1.5m	>36m	0m-8.5m	2.5m
Lot width	Building height	Minimum setback													
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>36m	0m-8.5m	2.5m													
Rear Setback	n/a	Section 4.4.3.2 P11: 3m to ground floor 6m to upper level of a two storey building	3B.11(5) <table border="1"> <thead> <tr> <th>Lot width</th> <th>Building height</th> <th>Minimum setback</th> </tr> </thead> <tbody> <tr> <td>400m²-900m²</td> <td>0m-4.5m >4.5-8.5m</td> <td>3m 8m</td> </tr> <tr> <td>>900m²-1,500m²</td> <td>0m-4.5m >4.5-8.5m</td> <td>5m 12m</td> </tr> <tr> <td>>1,500m²</td> <td>0m-4.5m >4.5m-8.5m</td> <td>10m 15m</td> </tr> </tbody> </table>	Lot width	Building height	Minimum setback	400m ² -900m ²	0m-4.5m >4.5-8.5m	3m 8m	>900m ² -1,500m ²	0m-4.5m >4.5-8.5m	5m 12m	>1,500m ²	0m-4.5m >4.5m-8.5m	10m 15m
Lot width	Building height	Minimum setback													
400m ² -900m ²	0m-4.5m >4.5-8.5m	3m 8m													
>900m ² -1,500m ²	0m-4.5m >4.5-8.5m	5m 12m													
>1,500m ²	0m-4.5m >4.5m-8.5m	10m 15m													

4. Quantifiable data or mapping to support the request – including the total area of land zoned R2, the number of lots zoned R2, the number of lots on which dual occupancies could be carried out and subdivided under the Code compared to the current controls (with relevant exclusions noted and included), and the number of dual occupancies approved and the number subdivided in the LGA for at least the past 5 years

The data is as follows:

- Total area of land zoned R2 (excluding road / road reserve areas): 369.35 Ha

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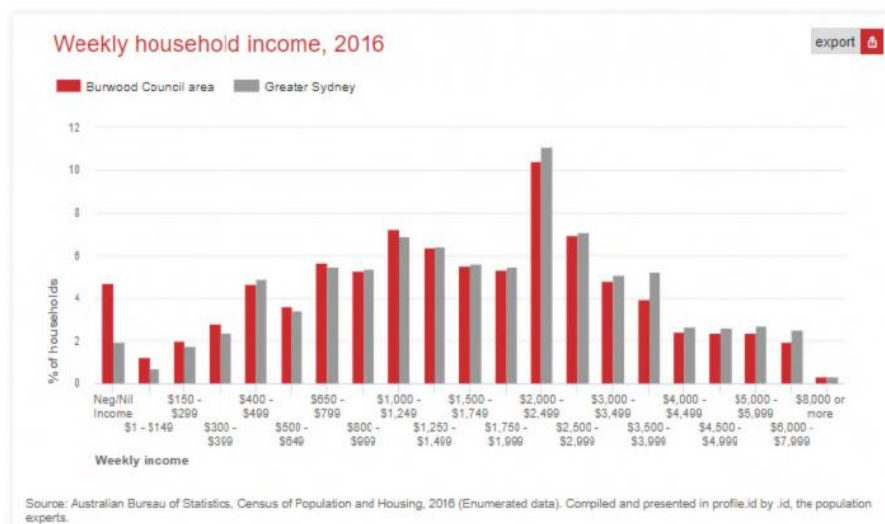
- Number of lots zoned R2: 6,268
- Number of lots on which dual occupancy and concurrent subdivision could be carried out in the R2 zone under the LRMEHC / Codes SEPP: 1,271
- Number of lots on which dual occupancy and concurrent subdivision could be carried out in the R2 zone under Council controls: 76
- Number of Development Applications for dual occupancies approved in past 5 years: 28
- Number of dual occupancies and subdivisions approved in past 5 years: 2

The vast difference between the number of lots on which dual occupancy and subdivision could be carried out under the LRMDHC (1,271) and that under Council controls (76) suggests that the LRMDHC could dramatically alter the subdivision pattern and the character of Burwood’s low density areas.

5. Evidence regarding housing diversity, affordability and tenure currently being achieved in the LGA

Burwood’s community profile statistics are shown below:

- Greater than 50% of households had a weekly income of between \$800 and \$4,000. The median household income was \$1,398.
- Burwood’s weekly household income was similar to the Greater Sydney area. The challenge of affordable housing delivery would therefore be similar to that of surrounding Councils.
- There were a higher proportion of low income households (those earning less than \$650 per week) in the Burwood LGA. Overall, 19% were low income households, compared with 15.1% for Greater Sydney.



- Approximately 40% of the residents rented, 28.8% fully owned their dwelling, and 22.7% on mortgage.

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Housing tenure export reset

Burwood Council area - Households (Enumerated)		2016		2011		Change	
Tenure type	Number	%	Greater Sydney %	Number	%	Greater Sydney %	2011 to 2016
Fully owned	3,634	28.8	27.7	3,657	32.5	29.1	-23
Mortgage	2,857	22.7	31.5	2,776	24.7	33.2	+81
Renting - Total	5,004	40.1	32.0	3,880	35.5	30.4	+1,008
Renting - Social housing	428	3.4	4.6	395	3.5	5.0	+33
Renting - Private	4,567	36.1	27.6	3,519	31.3	25.0	+1,030
Renting - Not stated	69	0.5	0.4	73	0.6	0.5	-4
Other tenure type	122	1.0	0.8	70	0.6	0.8	+52
Not stated	939	7.4	7.4	750	6.7	6.5	+189
Total households	12,606	100.0	100.0	11,239	100.0	100.0	+1,367

Source: Australian Bureau of Statistics, Census of Population and Housing 2011 and 2016. Compiled and presented by [id](#), the population experts.
Please refer to specific data notes for more information

■ Dominant tenure type

- The majority of households who rent pay a rent of between \$400 and \$749 per week. The median weekly rental payment is \$520.

Weekly housing rental payments export reset

Burwood Council area - Households (Enumerated)		2016	
Weekly rental amount	Number	%	Greater Sydney %
\$99 or less	191	3.8	3.8
\$100 - \$149	204	4.0	5.1
\$150 - \$199	133	2.6	3.5
\$200 - \$249	139	2.8	3.5
\$250 - \$299	134	2.7	4.0
\$300 - \$349	187	3.7	6.9
\$350 - \$399	253	5.0	10.1
\$400 - \$449	431	8.5	11.8
\$450 - \$549	1,349	26.7	19.0
\$550 - \$649	958	17.0	12.2
\$650 - \$749	580	11.5	7.1
\$750 - \$849	202	4.0	3.8
\$850+	167	3.3	5.9
Not stated	219	4.3	3.2
Total households renting	5,045	100.0	100.0

Source: Australian Bureau of Statistics, Census of Population and Housing 2016. Compiled and presented in profile.id by [id](#), the population experts.
Please refer to specific data notes for more information

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The LRMDHC’s allowance of dual occupancies with concurrent subdivision is unlikely to assist the low income household group as the dual occupancy housing type typically rents for \$600-\$700 a week in and around the Burwood LGA.

- 31.8% of household mortgage repayments are between \$2,600 and \$5,000 per month. The median monthly mortgage repayment is \$2,167 per month.

Monthly housing loan repayments export reset

Burwood Council area - Households (Enumerated)		2016	
Monthly repayment amount	Number #	% #	Greater Sydney % #
\$299 or less	231	8.1	5.1
\$300 - \$599	84	2.9	2.8
\$600 - \$999	157	5.5	5.2
\$1,000 - \$1,199	110	3.8	4.3
\$1,200 - \$1,399	125	4.4	5.1
\$1,400 - \$1,599	117	4.1	5.3
\$1,600 - \$1,799	129	4.5	0.5
\$1,800 - \$1,999	101	3.5	5.0
\$2,000 - \$2,199	299	10.4	11.0
\$2,200 - \$2,399	101	3.5	4.5
\$2,400 - \$2,599	120	4.2	4.4
\$2,600 - \$2,999	211	7.4	8.7
\$3,000 - \$3,999	464	16.2	14.8
\$4,000 - \$4,999	236	8.2	6.7
\$5,000 and over	223	7.8	6.4
Not stated	155	5.4	4.4
Total	2,864	100.0	100.0

Source: Australian Bureau of Statistics, Census of Population and Housing 2016. Compiled and presented in profile.id by [id](#), the population experts.
Please refer to specific data notes for more information

Council’s GIS information suggests that there are approximately 8,500 dwelling houses (some of which may have a secondary dwelling or a granny flat, or may be used for non-residential uses, e.g. a child care centre) and 6,500 dwelling units in the Burwood LGA. There are also 44 registered boarding houses, containing 474 rooms, housing approximately 700 residents in the LGA.

The Burwood LHS endorsed by Council has analysed data on dwelling types, number of bedrooms and tenure.

6. How Council is meeting its housing targets

The Burwood LHS endorsed by Council has advised that:

- Housing targets are calculated by assuming that the high development rates indicated by the 2016-2021 housing target will decline in a roughly linear way, with total targets

Planning Proposal to restrict the subdivision of dual occupancies in the R2 Low Density Residential zone

from 2016-2036 set to match the implied dwelling requirement for around 7,000 additional dwellings modelled in this Strategy:

- 2016-2021: 2,600 dwellings
 - 2021-2026: 2,030 dwellings (in additional to any shortfall between 2016-2021)
 - 2026-2036: 2,370 dwellings
- The completion of the Burwood North Metro Station may create additional housing demand and opportunities for increased high density housing delivery to provide public benefits like increased affordable housing supply. In this case, housing targets should be reviewed prior to 2026 and may need to be increased.

The LHS further advises that:

- Dwelling production within the Burwood LGA is not on track to meet the 2016-2021 housing target, with only 42% of the target met in 63% of the timeframe between July 2016 and August 2019. If development rates do not increase by 2021, the LGA may fail to reach its 2016-2021 target.
- There is a substantial housing development pipeline comprising enough dwellings to meet both the 2016-2021 and 2021-2026 targets, and there is enough capacity under current planning controls to meet all of the targets. As such, any shortfall between 2016-2021 is likely to be made up by 2026 and no planning intervention is required to meet the targets.

7. Evidence that other options have been explored other than a request to amend the Codes SEPP, such as changes to Council's LEP

Council considered a report at its meeting on 27 November 2018 on the implications of the LRMDHC, whereupon the Council resolved to request an amendment of the Codes SEPP so that the R2 zone in the BLEP is exempt from the provision of the LRMDHC that allows the approval of dual occupancies and their subdivision via CDCs. Council also resolved to prepare a PP to amend the BLEP to prohibit the Strata and Community Title subdivision of dual occupancies in the R2 zone while providing development standards (for Torrens Title subdivision of dual occupancies) that are similar to those which exist for dwelling houses.

Feedback from DPIE was that Council can pursue both approaches, each of which requires justification under the eight headings provided by the DPIE.

8. Evidence that the proposed exclusion represents the broader views of the local community

The BLEP came into force in 2012. Its preparation was based on the principle of focusing business, jobs and housing growth in the Burwood and Strathfield Town Centres, while protecting the high quality residential areas and streetscapes outside the town centres. This principle accounts for over approximately 70% of dwelling approvals (including apartments, secondary dwellings and boarding houses) granted being for land within the town centres and less than 30% being for land outside the town centres. This principle has been frequently mentioned by the elected Councillors at Council meetings when deliberating on planning matters.

Council resolutions to seek an amendment to the LRMDHC / Codes SEPP and to prepare a PP to restrict the subdivision of dual occupancies in the R2 zone are consistent with this principle. It therefore can be said that the proposed exclusion represents the broader views of the local community.

Community consultation was conducted by way of public exhibition, surveys, focus groups etc. when the Burwood Community Strategic Plan "*Burwood 2030*" was prepared in 2018. It was evident from that community consultation that the local community was well aware that Burwood is a Strategic Centre, that the community had expressed its desire to locate higher density development in town centres and to retain areas outside the town centres for lower density to balance the diversity of housing in the Burwood LGA.

The LSPS endorsed by Council sets out the land use visions for the Burwood LGA, including one that states that Burwood's local character is protected and enhanced. The LSPS acknowledges Council's long standing planning principle, which is to focus high density development in the Burwood Town Centre and other centres in the LGA, while protecting the low density residential areas outside centres. The LSPS was publicly exhibited and the views of the community on the draft LSPS was sought.

Appendix Two

Delegation Checklist and Evaluation Criteria

Checklist for the review of a request for delegation of plan making functions to councils
Local Government Area:
Burwood.
Name of draft LEP:
Restricting the subdivision of dual occupancies in the R2 zone.
Address of Land (if applicable):
Whole LGA.
Intent of draft LEP:
To restrict the subdivision of dual occupancies in R2 Low Density Residential zone to ensure each resulting lot would comply with existing Council controls for the subdivision of land under the Burwood Local Environmental Plan 2012.
Additional Supporting Points/Information:
Please refer to the PP.

ITEM NUMBER 28/20 - ATTACHMENT 1

Planning Proposal to restrict the subdivision of dual occupancies in the R2 Low Density Residential zone

Evaluation criteria for the issuing of an Authorisation				
(NOTE - where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?		N/A		
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	N			
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	N			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		N/A		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		N/A		
Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		N/A		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A		
Is the planning proposal proposed to rectify an anomaly in a classification?		N/A		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under section 30 of the <i>Local Government Act, 1993</i> ?		N/A		

ITEM NUMBER 28/20 - ATTACHMENT 1

Planning Proposal to restrict the subdivision of dual occupancies in the R2 Low Density Residential zone

If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		N/A		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) <i>Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?		N/A		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A		
Spot Rezoning		Y/N		
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?		N		
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?		N		
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?		N		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		N/A		
Does the planning proposal create an exception to a mapped development standard?		N		
Section 73A matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE - the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).		N/A		
<p>NOTES</p> <ul style="list-style-type: none"> Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance. Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department. 				



Plain English Explanation

Planning Proposal – Restricting the Subdivision of Dual Occupancies in the R2 Zone

This Planning Proposal intends to amend the Burwood Local Environmental Plan (BLEP) 2012 by restricting the subdivision of dual occupancies in the R2 Low Density Residential zone to ensure each resulting lot would have a minimum site area of 400m² and a minimum street frontage of 12m.

The Planning Proposal has come about as a result of the State Government's amendment to the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2009* (the Codes SEPP) to include a Low Rise Medium Density Housing Code and additions to the Subdivisions Code. The amendment would allow dual occupancies and their subdivision by Complying Development Certificates.

Council is concerned that the subdivision of dual occupancies under the Codes SEPP would be contrary to its long standing practice, and that over time this could impact the character, amenity and integrity of the low density residential areas in the Burwood Local Government Area.

To achieve the intended outcomes, the Planning Proposal will add a new clause to the BLEP to require that dual occupancy subdivisions would only be allowed if the minimum site area of 400m² and the minimum street frontage of 12m for each resulting lot can be achieved.

It should be noted that Council does not prohibit dual occupancies and will continue to allow dual occupancies for extended family accommodation, a source of rental income, and an alternative form of housing as planned for under the BLEP.

It is also intended that a new savings transition clause will be included so that the proposed BLEP amendment, in which this Planning Proposal will result, does not affect any development applications for development on land to which the BLEP amendment applies and appeal processes.

(ITEM 29/20) INVESTMENT REPORT AS AT 30 APRIL 2020

File No: 20/19475

REPORT BY CHIEF FINANCE OFFICER

Summary

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

Operational Plan Objective

2.3.1 Identify and maintain additional revenue sources to ensure financial sustainability

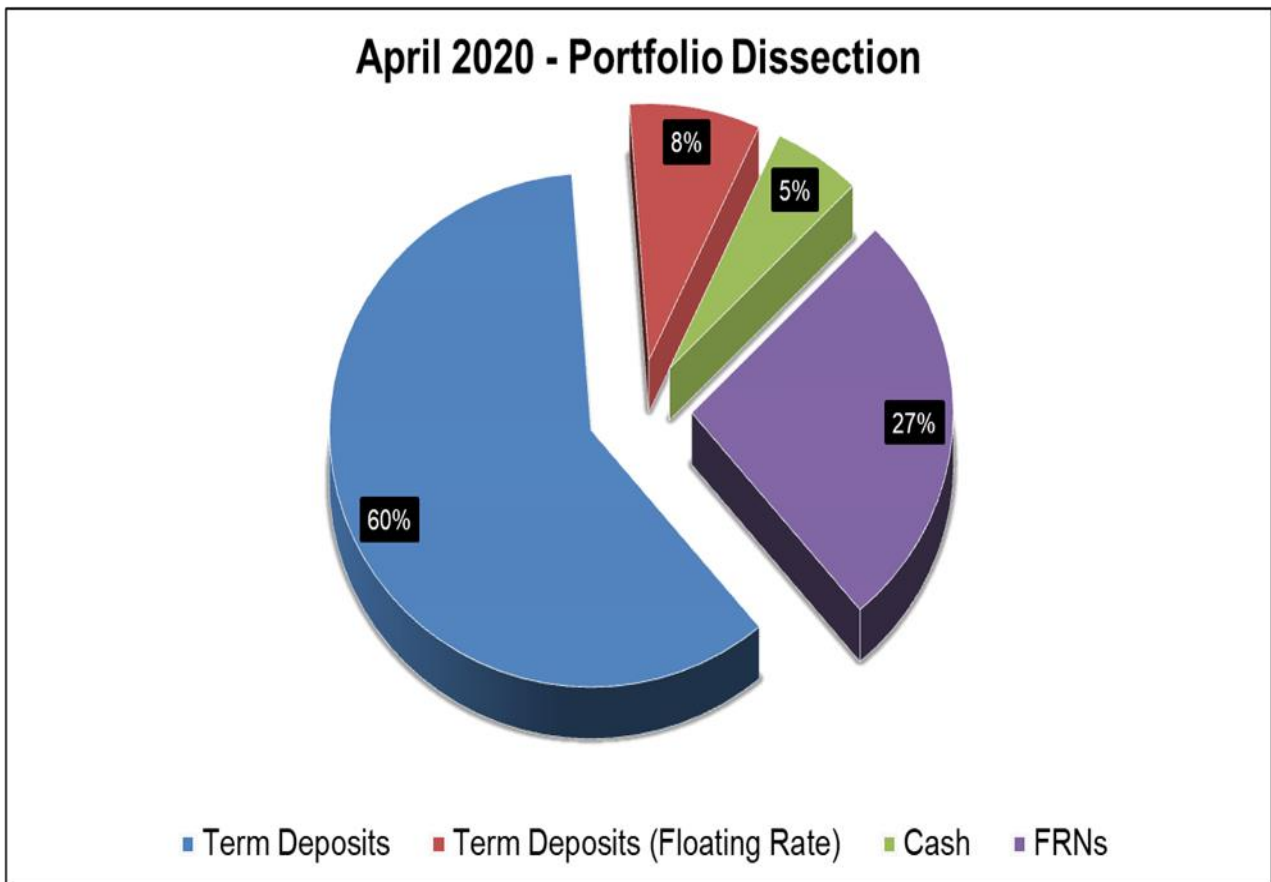
Background

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

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

Investment Portfolio

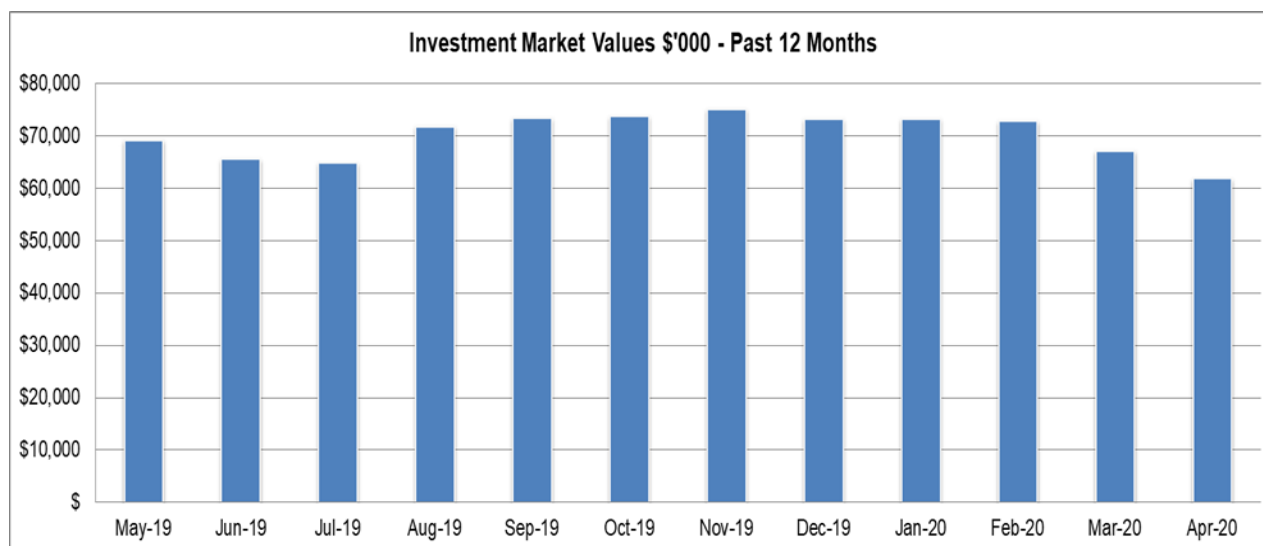
Council has a diversified investment portfolio and has a number of direct investments in term deposits. Its investment portfolio as at 30 April 2020 is:



As at 30 April 2020 Council held the following term deposits:

Purchase Date	Financial Institution	Principal Amount	Interest Rate	Investment Days	Maturity Date
31 Aug 18	National Australia Bank	3,000,000	2.80%	731	31 Aug 20
24 Jul 19	Westpac	3,000,000	1.81%	365	23 Jul 20
16 Aug 19	National Australia Bank	4,000,000	1.60%	364	14 Aug 20
31 Aug 19	Westpac	3,000,000	1.58%	367	31 Aug 20
23 Oct 19	Suncorp-Metway	4,000,000	1.60%	244	23 Jun 20
15 Nov 19	ING Bank	2,000,000	1.60%	180	13 May 20
02 Dec 19	AMP Bank (Imperium)	3,000,000	2.10%	182	01 Jun 20
09 Dec 19	ING Bank	4,000,000	1.58%	183	09 Jun 20
09 Dec 19	ING Bank	4,000,000	1.58%	275	09 Sep 20
10 Mar 20	National Australia Bank	3,000,000	1.35%	184	10 Sep 20
24 Mar 20	Suncorp-Metway	4,000,000	1.75%	184	24 Sep 20
Total		37,000,000			

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



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

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

Investment Performance and Market Commentary

At the Reserve Bank of Australia (RBA) meeting on the 5 May 2020, the Board decided to maintain the current policy settings, including the targets for the official interest rate at 0.25%. According to the RBA Governor "...The Board took this decision stating that the global economy is experiencing a severe downturn as countries seek to contain the coronavirus. Many people have lost their jobs and a sharp rise in unemployment is occurring. At the same time, the containment measures have reduced infection rates in a number of countries. If this continues, a recovery in the global economy will start later this year, supported by both the large fiscal packages and the significant easing in monetary policies.

Globally, financial markets are working more effectively than they were a month ago, although conditions have not completely normalised. This improvement reflects both the decline in infection rates and the substantial measures undertaken by central banks and fiscal authorities. Credit

markets have progressively opened to more firms and long-term bond rates remain at historically low levels.

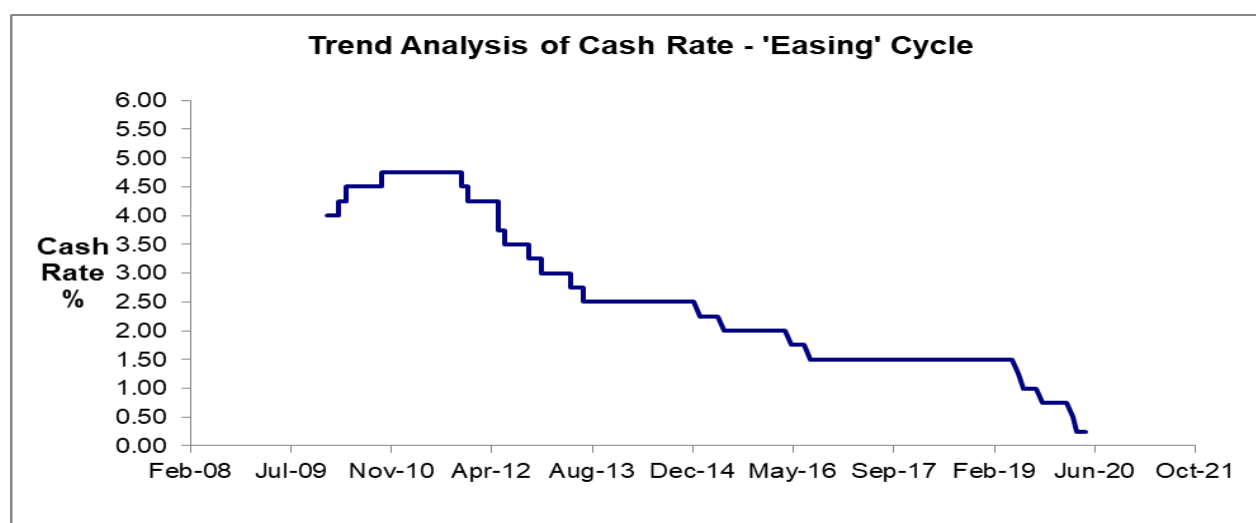
The Australian economy is going through a very difficult period and there is considerable uncertainty about the outlook. Reflecting this uncertainty, the Board considered a range of scenarios at its meeting. In the baseline scenario, output falls by around 10 per cent over the first half of 2020 and by around 6 per cent over the year as a whole. This is followed by a bounce-back of 6 per cent next year. While the unemployment rate peaks at around 10 per cent over coming months and is still above 7 per cent at the end of next year.

In the other scenarios, a stronger economic recovery is possible if there is further substantial progress in containing the coronavirus in the near term and there is a faster return to normal economic activity. On the other hand, if the lifting of restrictions is delayed or the restrictions need to be reimposed or household and business confidence remains low, the outcomes would be even more challenging than those in the baseline scenario.

In the various scenarios considered by the Board, inflation remains below 2 per cent over the next few years. In the March quarter just passed, CPI inflation rose to 2.2 per cent, but it is expected to turn negative temporarily in the June quarter, due to falls in oil prices, the introduction of free child care and deferrals of various price increases. Further out, in the baseline scenario inflation is 1 to 1½ per cent in 2021 and gradually picks up further from there.

The Board will maintain its efforts to keep funding costs low in Australia and credit available to households and businesses. The Board is committed to do what it can to support jobs, incomes and businesses during this difficult period and to make sure that Australia is well placed for the expected recovery. The Board will not increase the cash rate target until progress is being made towards full employment and it is confident that inflation will be sustainably within the 2–3 per cent target band." Statement by Philip Lowe, Governor: Monetary Policy Decision – 5 May 2020".

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



Recommendations(s)

1. That the investment report for 30 April 2020 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

Attachments

- 1 [↓](#) Investment Register April 2020 1 Page
- 2 [↓](#) Investment Types 1 Page

ITEM NUMBER 29/20 - ATTACHMENT 1

Investment Register April 2020

BURWOOD COUNCIL
INVESTMENT PORTFOLIO
as at 30 April 2020

Investment Adviser	Issuer	ADI or N-ADI	Investment Name	Type	Rating S&P	Invested Amount	Market Value as at 29 February 2020	Market Value as at 31 March 2020	Market Value as at Reporting Date	% of Total Invested
Cash										
Council	Commonwealth Bank	ADI	Operating Account	Cash	AA-	3,285,240	2,012,115	1,081,233	3,285,240	5.29
Council	Commonwealth Bank	ADI	Cash Deposit Account	At Call	AA-	50,586	4,237,578	2,648,959	50,586	0.08
Council	Commonwealth Bank	ADI	Online Saver	At Call	AA-	34	34	34	34	0.00
Council	AMP Bank Limited	ADI	AMP Business Saver & Notice Account	At Call / Notice 30 days	A	61,473	61,325	61,400	61,473	0.10
Term Deposits										
Council	AMP Bank (Imperium)	ADI	AMP Bank	Term Deposit	A	3,000,000	3,000,000	3,000,000	3,000,000	4.86
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	4.86
Council	Westpac	ADI	Westpac	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	4.86
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	-	3,000,000	-	-	-
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	-	3,000,000	-	-	-
Council	BankWest	ADI	BankWest	Term Deposit	AA-	-	3,000,000	-	-	-
Council	Westpac	ADI	Westpac	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	4.86
Council	Westpac	ADI	Westpac	Term Deposit	AA-	-	2,000,000	-	-	-
Council	Surcorp/Metway Limited	ADI	Surcorp/Metway Limited	Term Deposit	A+	4,000,000	4,000,000	4,000,000	4,000,000	6.48
Council	Surcorp/Metway Limited	ADI	Surcorp/Metway Limited	Term Deposit	A+	4,000,000	-	4,000,000	4,000,000	6.48
Council	Bank of Queensland	ADI	Bank of Queensland	Term Deposit	BBB+	-	3,000,000	-	-	-
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	4,000,000	4,000,000	4,000,000	4,000,000	6.48
Council	Commonwealth Bank	ADI	Commonwealth Bank	Term Deposit	AA-	-	4,000,000	-	-	-
Council	ING Bank	ADI	ING Bank	Term Deposit	A-	2,000,000	2,000,000	2,000,000	2,000,000	3.24
Council	ING Bank	ADI	ING Bank	Term Deposit	A-	4,000,000	4,000,000	4,000,000	4,000,000	6.48
Council	ING Bank	ADI	ING Bank	Term Deposit	A-	4,000,000	4,000,000	4,000,000	4,000,000	6.48
Term Deposits - Fixed & Floating Rates										
Council	Commonwealth Bank	ADI	Commonwealth Bank	Global Fixed Income Deposit 0.5 Yr fixed plus 4.5 Yr (90day BBSW + 0.80 bps)	AA-	2,000,000	2,000,000	2,000,000	2,000,000	3.24
Council	Westpac	ADI	Westpac	Coupon Select Deposit 2 Yr Fixed plus 3 Yr (90day BBSW + 1.05 bps)	AA-	3,000,000	3,000,000	3,000,000	3,000,000	4.86
Floating Rate Notes										
Council	Surcorp/Metway Limited	ADI	Surcorp/Metway Limited	Floating Rate Notes (90 day BBSW mtd +94 bps)	A+	1,500,000	1,512,401	1,498,880	1,505,495	2.44
Council	Bendigo-Adelaide	ADI	Bendigo Bank & Adelaide Bank	Floating Rate Notes (90 day BBSW mtd + 105 bps)	BBB+	1,500,000	1,511,066	1,491,650	1,500,020	2.43
Council	ANZ Group	ADI	ANZ Group	Floating Rate Notes (90 day BBSW mtd + 77 bps)	AA-	2,000,000	2,010,654	1,988,406	2,007,844	3.25
Council	Newcastle Permanent Building Soc	ADI	Newcastle Permanent Building Society	Floating Rate Notes (90 day BBSW +140 bps)	BBB	1,250,000	1,264,546	1,251,816	1,255,078	2.03
Council	Members Equity Bank Pty Ltd	ADI	ME Bank	Floating Rate Notes (90 day BBSW mtd +127 bps)	BBB	2,500,000	2,514,118	2,504,583	2,507,108	4.06
Council	Bank Australia Ltd	ADI	Bank Australia Ltd	Floating Rate Notes (90 day BBSW +130 bps)	BBB	1,500,000	1,508,511	1,505,045	1,507,842	2.44
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +93 bps)	AA-	2,000,000	2,021,734	1,992,426	2,017,364	3.27
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +113 bps)	AA-	4,000,000	4,070,784	4,002,852	4,059,088	6.57
Grand Total						61,627,334	72,724,865	67,027,182	61,737,171	100.00

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

Certificate of Responsible Accounting Officer

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

Wayne Armitage
Wayne Armitage
Chief Finance Officer

Investment Types

Types of Investments

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

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

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

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

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

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

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

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

(ITEM RC2/20) BURWOOD LOCAL TRAFFIC COMMITTEE - MAY 2020

File No: 20/20665

REPORT BY MANAGER TRAFFIC & TRANSPORT

Summary

Attached are the Minutes of the Burwood Local Traffic Committee from its meeting of May 2020. The Minutes are hereby submitted to the Ordinary Council Meeting for consideration and adoption by Council.

Operational Plan Objective

4.1.5 - Work with RMS and Transport NSW in the development of integrated transport plans

Recommendations

That the minutes of the May 2020 Burwood Local Traffic Committee be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

(ITEM LTC12/20) HEXTOL STREET, CROYDON PARK - WEEKEND PARKING RESTRICTIONS***Recommendations***

1. That Council approve the installation of 'No Parking, 7.00am to 4.00pm, Saturday' restrictions on the southern side of Hextol Street Croydon Park opposite properties #1 and opposite properties #9 to #13.
2. That Council approve the addition of Sundays to the existing 'No Parking, 7.00am to 4.00pm, Saturday' restrictions opposite properties #27 to #31 Hextol Street.

(ITEM LTC13/20) BURWOOD ROAD, BURWOOD - RELOCATION OF MOTORCYCLE PARKING AREA***Recommendations***

1. That Council approve the relocation of the 'Motorcycle Parking Only' spaces to front 134A Burwood Road Burwood for a length of 6.0m immediately north of the vehicular crossing for Burwood Croydon Uniting Church.
2. That Council approve the conversion of the existing motorcycle parking area outside 132-134 Burwood Road Burwood to '1/2P 8.30am – 6pm Monday – Friday 8.30am – 12.30pm Saturday' parking.

(ITEM LTC14/20) INTRODUCTION OF CAR SHARE BAYS IN GEORGE STREET AND WYNNE AVENUE CAR PARKS***Recommendations***

1. That Council approve the installation of two 'No Parking - Authorised Car Share Vehicles Excepted - Area GSCP' in the George Street car park on level B1 in parking bays 59 and 60.
2. That Council approve the installation of two 'No Parking - Authorised Car Share Vehicles Excepted - Area WACP' in the Wynne Avenue car park on level B2 in parking bays 186 and 187.
3. That Council approve the use of the above bays for GoGet car share vehicles for a period for three years with a two year option period based on performance to be reviewed annually.

(ITEM LTC15/20) MERYLA STREET, BURWOOD - PROPOSED DISABLED PARKING SPACE***Recommendation***

That Council approve the installation of a 6.0m long 'Disabled Parking' space with associated signage on the south side of Meryla Street, immediately east of Burwood Road.

(ITEM LTC16/20) CROYDON TOWN CENTRE PARKING RESTRICTIONS***Recommendations***

1. That Council approve the inclusion of three dedicated motorcycle parking spaces on the north eastern side of The Stand, Croydon, for a length of 3.6m.
2. That Council approve amending the existing 1/2P parking restrictions to 1P along The Strand, Croydon.
3. That Council approve the introduction of three 1P parking spaces on the south eastern corner of Paisley Road, Croydon, for a length of 18.0m.

(ITEM LTC17/20) BENNETT STREET, BURWOOD - PROPOSED NO PARKING RESTRICTIONS***Recommendation***

That Council approve the installation of 'No Parking' restrictions fronting 39 Bennett Street Burwood for a length of 21.0m.

Attachments

- 1 [↓](#) Burwood Local Traffic Committee Agenda - May 2020
- 2 [↓](#) Burwood Local Traffic Committee Minutes - May 2020

NOTICE OF BURWOOD LOCAL TRAFFIC COMMITTEE MEETING

The May 2020 meeting of the Burwood Local Traffic Committee will be held electronically with the Agenda emailed to Members for review. The minutes from the March 2020 meeting have also been emailed to members for confirmation. All comments are requested to be returned to Council by 9.30 am Friday 8 May 2020.

Tommaso Briscese
GENERAL MANAGER

Our Mission

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

Suite 1, Level 2, 1-17 Elsie Street, Burwood NSW 2134, PO Box 240 Burwood NSW 1805
phone: 9911 9911 facsimile: 9911 9900
email: council@burwood.nsw.gov.au
website: www.burwood.nsw.gov.au

AGENDA

APOLOGIES/LEAVE OF ABSENCES

CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the March 2020 Meeting of Burwood Local Traffic Committee as typed and circulated, be confirmed and signed as a true record of the proceedings of that meeting.

GENERAL BUSINESS

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**(ITEM LTC12/20) HEXTOL STREET, CROYDON PARK - WEEKEND
PARKING RESTRICTIONS**

File No: 20/13100

REPORT BY MANAGER TRAFFIC & TRANSPORT

Summary

Council has received requests from residents of Hextol Street Croydon Park to address traffic issues within the street resulting from high demand for on-street parking on weekends when the adjacent Flockhart Park is used for sporting competitions.

Background

Recent correspondence from residents of Hextol Street has highlighted ongoing issues resulting from on-street parking within the street. The main issue relates to the narrow carriageway and difficulties faced by opposing through-traffic when vehicles are parked on both sides of the street.

Hextol Street Croydon Park is a residential street located south of Georges River Road between Burwood Road and Trelawney Street. This section of Hextol Street is a two-way street with kerb side parking available on the northern side and a combination of kerb side parking and 90 degree angled parking available on the southern side. The road carriageway width is 6.65m which results in a single travel lane remaining when vehicles are parked on both sides of the street.

Council has installed off-street parking bays along the northern and southern sides of Hextol Street where possible to provide additional carriageway space to traffic without losing parking. Parking bays were only installed in areas which did not result in the loss of street trees and in consultation with residents. As such there are still locations within the street where on-street parking is permitted on both sides of the narrow carriageway.

In August 2019 Council installed timed 'No Parking' restrictions on the southern side of Hextol Street opposite properties #27 to #31 to address one of these areas where parking was permitted on both sides of the carriageway. The 'No Parking' restrictions were limited to 7am – 4pm Saturdays and have proven to be effective in ensuring adequate space for traffic to move through the street during times of high parking demand.

Proposal

In order to assist with vehicle thoroughfare, it is proposed to introduce additional timed 'No Parking 7am – 4pm Saturday' restrictions along the southern side of Hextol Street opposite property #1 and properties #9 to #13 per the below plan. Additionally it is proposed to extend the existing 'No Parking 7am – 4pm Saturday' restrictions along the southern side of Hextol Street opposite property #27 to #31 to include Sundays between 7am and 4pm.

At a site meeting staff considered the construction of a 16m long off-street parking bay located in front of #4 Hextol Street. This parking bay will accommodate up to two vehicles and will assist in improving traffic movement within Hextol Street in conjunction with the proposed 'No Parking' restrictions.

It should be noted that the 'No Parking' restrictions will still permit motorists to pull up for two minutes provided the driver stays within 3.0m of their vehicle but does not allow vehicles to be parked indefinitely or left unattended.

Consultation

Consultation was undertaken with residents at #1 to #5 Hextol Street, #9 to #13 Hextol Street, #27 to #31 Hextol Street, as well as #201 to #205 Burwood Road with regards to the proposal. One response was received from the resident at #205 Burwood Road in objection to the proposal based upon the loss of parking along the side boundary of their residence. It was suggested that the No Parking restrictions be placed on the northern side of the road. Additional parking bays were also requested however no additional locations were identified due to the placement of healthy street trees.

The resident also requested Council to address excessive traffic queues on Burwood Road which extend across the intersection at Hextol Street as this impacted the ability of traffic to exit the street.

A review of traffic along Burwood Road was undertaken on a Saturday between 10am and 12pm to observe queueing at Hextol Street. It was observed that north bound traffic on Burwood Road did queue as far back as Hextol Street during these two hours, but only on two occasions and the queue was dispersed quickly within 20 seconds. At this stage this would not warrant any treatment of traffic on Burwood Road however Council will continue to monitor this location.

Financial Implications

The installation of new parking signage is estimated to cost \$400.00 and will be funded from the 2019/20 Traffic Facilities budget.

Recommendations

1. That Council approve the installation of 'No Parking, 7.00am to 4.00pm, Saturday' restrictions on the southern side of Hextol Street Croydon Park opposite properties #1 and opposite properties #9 to #13.
2. That Council approve the addition of Sundays to the existing 'No Parking, 7.00am to 4.00pm, Saturday' restrictions opposite properties #27 to #31 Hextol Street.

Attachments

There are no attachments for this report.

(ITEM LTC13/20) BURWOOD ROAD, BURWOOD - RELOCATION OF MOTORCYCLE PARKING AREA

File No: 20/13666

REPORT BY TRAFFIC ENGINEERING OFFICER

Summary

Burwood Croydon Uniting Church has contacted Council requesting additional parking restrictions fronting Burwood Road to help increase sight lines for vehicles egressing the Church's on-site car park.

Background

Burwood Croydon Uniting Church is located within the Burwood Town Centre at 134A Burwood Road Burwood. Burwood Road runs in a north-south direction and is classified as a collector road, meaning that it carries a moderate traffic volume that serves to move traffic from local streets to major roads.

There is currently '1/2P 8.30am – 6pm Monday – Friday 8.30am – 12.30pm Saturday' parking restriction along this section of Burwood Road with 6m of 'Motorcycle Parking Only' in front of #132-134 and 6m 'Mail Zone' in front of #134C.

Council Officers met with representatives of Burwood Croydon Uniting Church regarding various parking issues which has impacted the Church events throughout the day. The Church representative advised parishioners and visitors to the Church experience difficulties egressing onto Burwood Road throughout the day when larger vehicles are parked adjacent to the vehicular crossing.

**Proposal**

As an alternative to removing parking spaces to facilitate additional sight lines, it is recommended to relocate the motorcycle parking spaces immediately north of the Burwood Croydon Uniting Church vehicular crossing for a total length of 6m. The existing motorcycle parking area will be converted to '1/2P 8.30am – 6pm Monday – Friday 8.30am – 12.30pm Saturday' parking and so the proposal will not decrease the overall total number of car spaces along this section of Burwood Road.



Consultation

Burwood Croydon Uniting Church was in favour of relocating the motorcycle parking spaces adjacent to the vehicular crossing to allow additional sight lines for vehicles egressing the Church car park. As there will not be any loss of on-street parking no further consultation has been undertaken.

Financial Implications

The relocation of the parking signs and stem is estimated to cost \$1000.00 which will be funded from the 2019-20 Traffic facilities budget.

Recommendations

1. That Council approve the relocation of the 'Motorcycle Parking Only' spaces to front 134A Burwood Road Burwood for a length of 6.0m immediately north of the vehicular crossing for Burwood Croydon Uniting Church.
2. That Council approve the conversion of the existing motorcycle parking area outside 132-134 Burwood Road Burwood to '1/2P 8.30am – 6pm Monday – Friday 8.30am – 12.30pm Saturday' parking.

Attachments

There are no attachments for this report.

(ITEM LTC14/20) INTRODUCTION OF CAR SHARE BAYS IN GEORGE STREET AND WYNNE AVENUE CAR PARKS

File No: 20/18603

REPORT BY MANAGER TRAFFIC & TRANSPORT

Summary

GoGet has requested approval for four dedicated car share bays to be installed in the George Street and Wynne Avenue car parks.

Background

Burwood Council adopted its Car Share Policy in October 2017 to manage the car share parking in the Burwood Local Government Area (LGA) in a fair and equitable manner. The Policy ensures that car share operators are provided equal access to defined car share spaces as well as providing residents and businesses in the Burwood LGA access to an environmentally sustainable alternative to car ownership.

Car share operator GoGet has approached Council requesting approval for the placement of four vehicles across two sites being the George Street car park and Wynne Avenue car park. Additional on-street locations have also been requested and will be considered at a future date.

The developments at 1-17 Elsie Street and 27-31 Belmore Street which include the George Street and Wynne Avenue car parks respectively were both approved with conditions requiring two parking bays to be made available for car share use. These car share bays were provided in addition to the public parking spaces owned and operated by Council in each of these developments.

Council has not yet approved any on-street or off-street dedicated car share bays; however GoGet already have five vehicles operating in unrestricted on-street parking areas within the Burwood LGA. Given there are no dedicated bays in these areas the car share vehicle is required to be returned as close to these locations as possible, however may need to be parked some distance away depending on parking availability. The below map shows the current location of GoGet vehicles within Burwood.

GoGet is reporting there are currently 758 members within the LGA which is broken down to 621 personal members and 137 business members.

Proposal

It is proposed to install two dedicated car share bays in the George Street car park on level B1, bay numbers 59 and 60, as well as two dedicated car share bays in the Wynne Avenue car park on level B2, bay numbers 186 and 187.

Proposed car share parking bay locations in George Street car park

Proposed car share parking bay locations in Wynne Avenue car park

Per the RMS guidelines these bays are to be signposted as 'No Parking Authorised Car Share Vehicles Excepted' with permits to be provided for approved vehicles with unique identifying zones.

As set out in Council's Policy, dedicated car share spaces may be contracted for a period of three years performance based, with a two year option period. Given there has been no interest from other car share providers it is proposed to permit GoGet to have use of these four bays for the three year period with a two year option based on performance of the bays which is to be reviewed annually.

Consultation

As the developments at 1-17 Elsie Street and 27-31 Belmore Street each contained conditions for the provision of car share bays within the respective developments there is no requirement for further consultation.

Financial Implications

Per Council's Car Share Policy a fee will be charged to the operator for the ongoing annual approval as well as to partly cover costs associated with the implementation of a dedicated car share space. The current fee is \$1,075.00 per space per year which will total \$4,300.00 for the four proposed spaces.

Additional fees may be charged if the dedicated parking bay is to be placed in an existing metered ticket parking area. Car share operators may request to linemark parking bays at their own cost however must obtain approval from Council prior to any works being undertaken. Fees are reviewed annually and set out in Council's Statement of Revenue Policy.

Recommendations

1. That Council approve the installation of two 'No Parking - Authorised Car Share Vehicles Excepted - Area GSCP' in the George Street car park on level B1 in parking bays 59 and 60.
2. That Council approve the installation of two 'No Parking - Authorised Car Share Vehicles Excepted - Area WACP' in the Wynne Avenue car park on level B2 in parking bays 186 and 187.
3. That Council approve the use of the above bays for GoGet car share vehicles for a period for three years with a two year option period based on performance to be reviewed annually.

Attachments

There are no attachments for this report.

(ITEM LTC15/20) MERYLA STREET, BURWOOD - PROPOSED DISABLED PARKING SPACE

File No: 20/14267

REPORT BY ENGINEER TRAFFIC & DESIGN

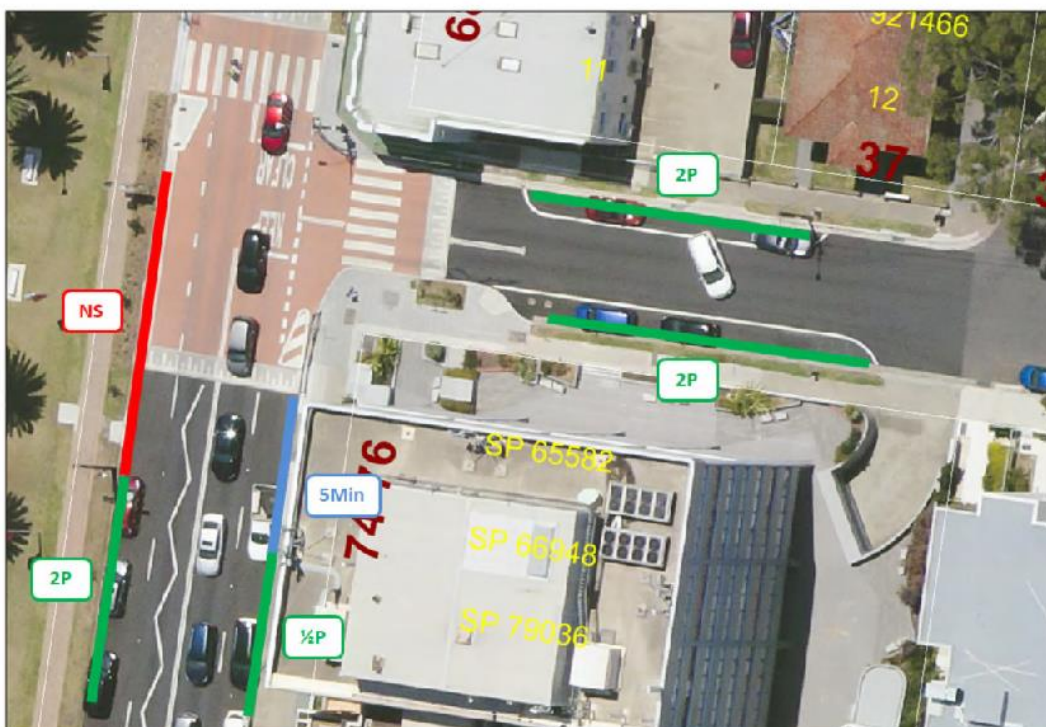
Summary

Council has received correspondence from a number of business owners located at 74-76 Burwood Road, Burwood, regarding the lack of on-street disabled parking available near medical buildings. It has been requested that consideration be given to the provision of an on-street disabled parking space in Meryla Street, Burwood.

Background

A submission has been made to Council requesting the provision of one disabled parking space on the south side of Meryla Street, just east of Burwood Road. It has been established that this is the preferred location given that it falls within close proximity to 74-76 Burwood Road, a corner block encompassing a number of medical practices and specialist services.

A preliminary review of the area shows that the intersection of Burwood Road and Meryla Street is a raised T-Intersection where Meryla Street meets Burwood Road at a right angle. Parking is currently permitted along Burwood Road and Meryla Street with a time restriction of two hours, except for two 5 minute and nine 1/2P parking spaces located on the east side of Burwood Road just south of Meryla Street. Refer to sketch plan below.



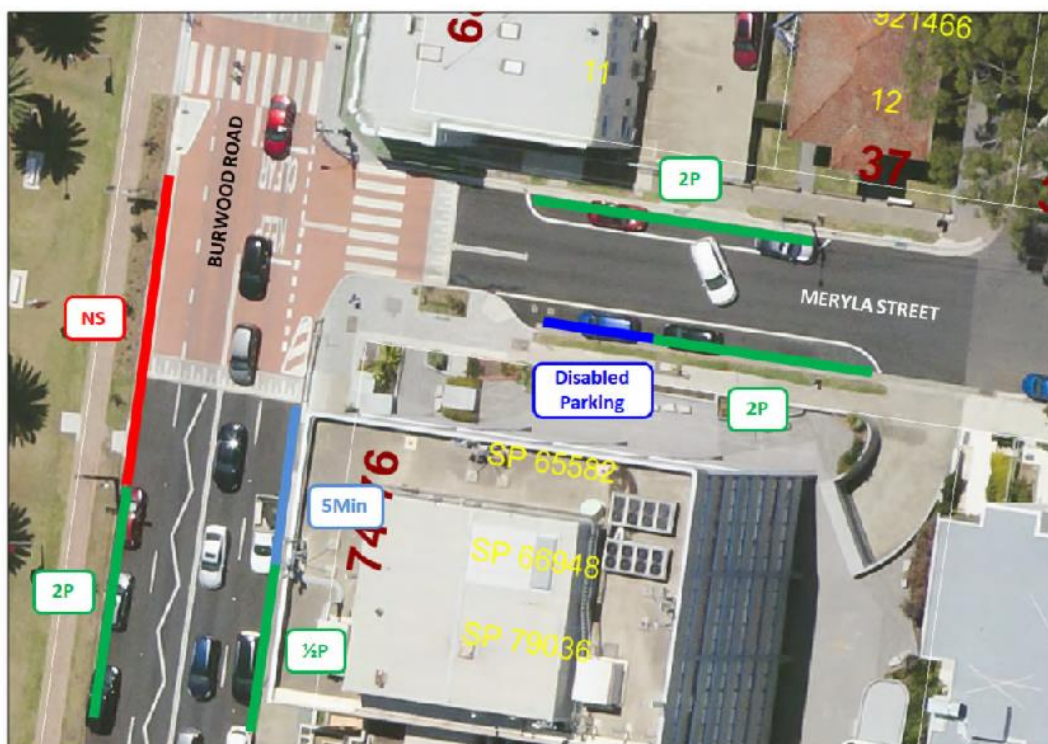
EXISTING PARKING RESTRICTIONS

Several site visits highlighted that there were very few available parking spaces in the vicinity of 74-76 Burwood Road throughout the day and confirmed that the existing 5 minute parking spaces were used regularly with an adequate turnover.

It should be noted that there is only one on-street disabled parking space provided in the vicinity of 74-76 Burwood Road however this space falls some 250m north of Burwood Road. It is also unclear at this time if the building at 74-76 Burwood Road provides any on-site disabled parking for the use of patients although all parking appears to be available behind security gates for tenants only.

Proposal

As highlighted above, there is only one on-street disabled parking space available 250m north of 74-76 Burwood Road. This distance is considered too far for the elderly to travel in order to get to their required destination. As such, Council proposes to install a disabled parking space on the south side of Meryla Street, just east of Burwood Road.



PROPOSED DISABLED PARKING

The disabled parking space will need to comply with Australian Standard 2890.5 Parking Facilities Part 5: On-street parking. This standard provides the requirements for on-street disabled parking and outlines that for a parallel on-street disabled parking space, the provision of a kerb ramp is required.

Given that Council recently constructed a pedestrian kerb ramp within this area, it is believed that the proposal will adhere to the above requirements.

Consultation

No formal consultation has been undertaken as the original request came from the businesses that will be most affected by the proposal. Furthermore, the introduction of a disabled parking space is not expected to create any adverse effects to other local residents and businesses. The introduction of a disabled parking space is in line with the

objectives of the Burwood Public Parking Strategy to ensure parking provisions meet the requirements of users.

Financial Implications

Cost of erecting new 'Disabled Parking' signage will be approximately \$300.00. This will be funded through Councils 2019/20 Traffic Facilities budget.

Recommendation

That Council approve the installation of a 6.0m long 'Disabled Parking' space with associated signage on the south side of Meryla Street, immediately east of Burwood Road.

Attachments

There are no attachments for this report.

(ITEM LTC16/20) CROYDON TOWN CENTRE PARKING RESTRICTIONS

File No: 20/18392

REPORT BY ENGINEER TRAFFIC & DESIGN

Summary

For Council to consider the advice provided by the Croydon business community in relation to the current parking conditions around The Strand, Croydon.

Background

Council has been requested to consider amendments to the current parking arrangements along The Strand and Paisley Road, Croydon. The request comes from a number of local businesses who have detailed the need for the following areas to be investigated:

- The inclusion of dedicated motorcycle parking
- An extension of the timed parking restrictions
- The introduction of additional parking spaces

It is believed that focusing on these areas will positively impact the sustainability of the local businesses as well as the future use of the shopping precinct.

An investigation of The Strand and the surrounding areas was recently completed with the results detailed below.

Proposal**The Strand, Croydon**

The Strand runs in a northeast – southwest direction and is classified a regional road, meaning that it carries relatively high vehicle capacity that serves to move traffic to local streets. It is bounded by Paisley Road and Meta Street to the northeast and Malvern Avenue and Thomas Street to the southwest.

The Strand has a four lane - two way traffic configuration with the two kerb side lanes used for parking. There are currently sixteen 1/2P parking spaces available along both sides of the street. This is the maximum number of spaces permitted meaning that no additional parking can be added however, a small area on the north eastern side was identified with the potential to be marginally extended to include some motorcycle parking spaces.

This area is 3.6m in length and can accommodate three dedicated motorcycle parking spaces when taking into account that the standard motorcycle parking space is 1.2m. The proximity of these spaces to the local shops and Croydon Train Station means it is an ideal position and will serve the shopping precinct effectively.

Proposed Inclusion of Three Motorcycle Parking Spaces – The Strand

Inspections also confirmed that parking turnover was high. This is a direct result of the existing 1/2P restrictions, the pronounced use of the local shops and the direct access to the Croydon Train Station that allows the drop-off and pick-up of patrons. Given that the majority of the businesses operating along The Strand are restaurants or cafes, the current 1/2P restrictions are generally not enough time for customers to sit down and have lunch or undertake their daily errands. Increasing the parking restrictions to 1P will assist in easing the time limits faced by customers. It should be noted that this change is not expected to have a major impact on parking turnover.



Proposed Extension of the Timed Parking Restrictions – The Strand

Paisley Road, Croydon

Paisley Road runs in a southeast – northwest direction and is classified a regional road, meaning that it carries a high vehicle capacity that serves to move traffic to local streets. At present, Paisley Road is bounded by The Strand to the southeast and Shaftesbury Road to the northwest with links to several local roads.

Paisley Road currently provides a substantial number of parking spaces along its entire length however these spaces begin some 120.0m away from The Strand. This distance is considered too far for local shop users to travel in order to complete their visit.

There is an opportunity however to provide three additional parking spaces on the south eastern corner of Paisley Road, adjacent to the nearby carpark. This area is a relatively short distance to The Strand making it an ideal location. The parking restrictions are proposed to be kept in line with the new 1P proposal for The Strand which will keep the area consistent in terms of parking times and will not adversely impact parking enforcement.



Proposed Introduction of Three Additional Parking Spaces – Paisley Road

Consultation

All businesses along The Strand were notified of the proposed parking changes through a hand delivered survey package which included a letter and survey with the option of providing feedback on the proposal. No replies were received.

Financial Implications

The proposed parking signage amendments are estimated to cost \$1,500.00 and will be funded from the 2019/20 Traffic Facilities budget.

Recommendations

1. That Council approve the inclusion of three dedicated motorcycle parking spaces on the north eastern side of The Stand, Croydon, for a length of 3.6m.
2. That Council approve amending the existing 1/2P parking restrictions to 1P along The Strand, Croydon.
3. That Council approve the introduction of three 1P parking spaces on the south eastern corner of Paisley Road, Croydon, for a length of 18.0m.

Attachments

There are no attachments for this report.

(ITEM LTC17/20) BENNETT STREET, BURWOOD - PROPOSED NO PARKING RESTRICTIONS

File No: 20/13706

REPORT BY TRAFFIC ENGINEERING OFFICER

Summary

Council has received requests to implement 'No Parking' restrictions fronting #39 Bennett Street Burwood in order to provide sufficient maneuvering space for waste collection vehicles.

Background

Council has received reports from local residents that waste collection vehicles are unable to enter Bennett Street from Luke Avenue when vehicles are parked fronting #39 Bennett Street Burwood. Bennett Street is a local street located south of Parramatta Road between Luke Avenue and Parramatta Road. Time restricted parking is only present at the intersection between Luke Avenue and Bennett Street with the remaining area sign posted as 'No Parking' and 'No Stopping'.

The time restricted parking is part of Council's Parking Permit Scheme Area meaning that all local residents who poses a valid parking permit are entitled to park all day without restrictions.



Proposal

To assist with waste collection each week and access for emergency vehicles, Council is proposing to extend the 'No Parking' restrictions to the corner of Bennett Street & Luke Avenue as shown in the plan below. This will ensure that collections can continue to take place in a safe and consistent manner.



Consultation

Consultation was attempted with the residents at 39 Bennett Street Burwood. No response was received.

Financial Implications

The cost of erecting new 'No Parking' signage is estimated to be \$400.00. This new signage will be funded from Councils 2019-20 Traffic Facilities Budget.

Recommendation

That Council approve the installation of 'No Parking' restrictions fronting 39 Bennett Street Burwood for a length of 21.0m.

Attachments

There are no attachments for this report.

MINUTES OF THE MEETING OF THE BURWOOD LOCAL TRAFFIC COMMITTEE held electronically with all comments forwarded to Council by Friday 8 May 2020 at 9:30am.

ATTENDANCE Cr John Faker (Mayor) Chairperson
Sgt Trudy Crowther, NSW Police Service
Mr Kristian Calcagno, Roads and Maritime Services
Ms Jodi McKay, State Member for Strathfield
Mr Rabih Bekdache, Transit Systems
Mr Doug Sutherland AM, JP, Burwood Chamber of Commerce

Mr John Inglese, Group Manager Assets and Infrastructure
Mr Roberto Di Federico, Manager Traffic and Transport
Mr Robert Ristevski, Engineer – Traffic and Design
Mr Henry Huynh, Traffic Engineering Officer

APOLOGIES

That there were no apologies.

CONFIRMATION OF MINUTES

That the minutes of the Burwood Local Traffic Committee of Burwood held on Thursday 2 April 2020, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

GENERAL BUSINESS

(ITEM LTC12/20) HEXTOL STREET, CROYDON PARK - WEEKEND PARKING RESTRICTIONS

Summary

Council has received requests from residents of Hextol Street Croydon Park to address traffic issues within the street resulting from high demand for on-street parking on weekends when the adjacent Flockhart Park is used for sporting competitions.

Recommendations

1. That Council approve the installation of 'No Parking, 7.00am to 4.00pm, Saturday' restrictions on the southern side of Hextol Street Croydon Park opposite properties #1 and opposite properties #9 to #13.
2. That Council approve the addition of Sundays to the existing 'No Parking, 7.00am to 4.00pm, Saturday' restrictions opposite properties #27 to #31 Hextol Street.

(ITEM LTC13/20) BURWOOD ROAD, BURWOOD - RELOCATION OF MOTORCYCLE PARKING AREA

Summary

Burwood Croydon Uniting Church has contacted Council requesting additional parking restrictions fronting Burwood Road to help increase sight lines for vehicles egressing the Church's on-site car park.

Recommendations

1. That Council approve the relocation of the 'Motorcycle Parking Only' spaces to front 134A Burwood Road Burwood for a length of 6.0m immediately north of the vehicular crossing for Burwood Croydon Uniting Church.
2. That Council approve the conversion of the existing motorcycle parking area outside 132-134 Burwood Road Burwood to '1/2P 8.30am – 6pm Monday – Friday 8.30am – 12.30pm Saturday' parking.

(ITEM LTC14/20) INTRODUCTION OF CAR SHARE BAYS IN GEORGE STREET AND WYNNE AVENUE CAR PARKS

Summary

GoGet has requested approval for four dedicated car share bays to be installed in the George Street and Wynne Avenue car parks.

Recommendations

1. That Council approve the installation of two 'No Parking - Authorised Car Share Vehicles Excepted - Area GSCP' in the George Street car park on level B1 in parking bays 59 and 60.
2. That Council approve the installation of two 'No Parking - Authorised Car Share Vehicles Excepted - Area WACP' in the Wynne Avenue car park on level B2 in parking bays 186 and 187.
3. That Council approve the use of the above bays for GoGet car share vehicles for a period for three years with a two year option period based on performance to be reviewed annually.

(ITEM LTC15/20) MERYLA STREET, BURWOOD - PROPOSED DISABLED PARKING SPACE

Summary

Council has received correspondence from a number of business owners located at 74-76 Burwood Road, Burwood, regarding the lack of on-street disabled parking available near medical buildings. It has been requested that consideration be given to the provision of an on-street disabled parking space in Meryla Street, Burwood.

Recommendation

That Council approve the installation of a 6.0m long 'Disabled Parking' space with associated signage on the south side of Meryla Street, immediately east of Burwood Road.

(ITEM LTC16/20) CROYDON TOWN CENTRE PARKING RESTRICTIONS

Summary

For Council to consider the advice provided by the Croydon business community in relation to the current parking conditions around The Strand, Croydon.

Recommendations

1. That Council approve the inclusion of three dedicated motorcycle parking spaces on the north eastern side of The Strand, Croydon, for a length of 3.6m.
2. That Council approve amending the existing 1/2P parking restrictions to 1P along The Strand, Croydon.
3. That Council approve the introduction of three 1P parking spaces on the south eastern corner of Paisley Road, Croydon, for a length of 18.0m.

(ITEM LTC17/20) BENNETT STREET, BURWOOD - PROPOSED NO PARKING RESTRICTIONS

Summary

Council has received requests to implement 'No Parking' restrictions fronting #39 Bennett Street Burwood in order to provide sufficient maneuvering space for waste collection vehicles.

Recommendation

That Council approve the installation of 'No Parking' restrictions fronting 39 Bennett Street Burwood for a length of 21.0m.

This concluded the business of the meeting.

(ITEM IN19/20) VOLUNTARY PLANNING AGREEMENT FOR 28-34 VICTORIA STREET, BURWOOD

File No: 20/18297

REPORT BY STRATEGIC PLANNER

Summary

A draft Voluntary Planning Agreement (VPA) for 28-34 Victoria Street, Burwood in connection with Development Application (DA) No. 091/2019 has been received. The draft VPA will provide for a monetary contribution to Council for additional floor space in excess of the controls for the site. The draft VPA will be publicly exhibited for a period of 28 days according to Council's policy.

Operational Plan Objective

1.2.1 Inform the community of Council's activities, facilities and services using accessible communication

Development Application (DA) No. 091/2019 (as revised) proposes a mixed use development inclusive of commercial floor space and 179 dwellings over 30 storeys.

The draft VPA will:

- Provide the developer, in exchange for making the monetary contribution, additional floor space over the controls nominated for the development site
- Provide a monetary contribution to Council for the purposes of providing, augmenting or improving open space, community facilities or other public facilities as determined by Council.

Under the draft VPA the developer proposes to pay Council \$3,337,775 (exc GST) based on the monetary contribution rate of \$1,750 per square metre additional GFA.

The draft VPA may be referred to Council's solicitors for their advice and vetting. The documents may be modified in negotiation with the applicant in response to the legal advice.

Following the modification and negotiation of the document contents, the draft VPA will then be publicly notified for a period of 28 days in accordance with Council's *Community Participation Plan*.

A future report will be presented to Council seeking endorsement to enter into the VPA.

Attachments

There are no attachments for this report.