



**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 28 September 2021 at 6:00pm 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 *Local Government Act 1993*. 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**

# AGENDA

FOR AN ORDINARY MEETING OF BURWOOD COUNCIL  
TO BE HELD ELECTRONICALLY ON TUESDAY 26 OCTOBER 2021 AT 6.00PM.

**1. I DECLARE THE MEETING OPEN AT [TIME AS SHOWN ON COMPUTER] (ANNOUNCED BY CHAIR)**

**2. ACKNOWLEDGEMENT OF COUNTRY (READ BY CHAIR AS FOLLOWS)**

*I would like to acknowledge the Wangal people of the Eora Nation who are the traditional custodians of this land. I would also like to pay respect to their elders, both past and present, and extend that respect to other First Nations People who may be present.*

**3. PRAYER (READ BY CHAIR)**

*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. Amen.*

**4. RECORDING OF MEETING (ADVICE READ BY CHAIR AS FOLLOWS)**

*Please note that meetings of Council and Council Committees are audio recorded for the purpose of assisting with the preparation of meeting minutes and promoting public transparency. The recordings are subject to the provisions of the Government Information (Public Access) Act 2009 and are promptly made available for public review via the Council website.*

**5. APOLOGIES/LEAVES OF ABSENCE (CALLED FOR BY CHAIR)**

**6. DECLARATIONS OF INTERESTS BY COUNCILLORS (CALLED FOR BY CHAIR)**

**7. DECLARATION OF POLITICAL DONATIONS (ANNOUNCEMENT READ BY CHAIR AS FOLLOWS)**

*A person who makes a development application to Council (or any person with a financial interest in the application) must disclose any reportable political donation or gift made to any councillor or officer of Council. This statutory requirement for disclosure is highlighted on forms for submission of development applications to Council.*

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

*Any person present having business before Council today as an applicant (or other party with a financial interest in such application), and has not yet made an appropriate disclosure about a political donation, is now invited to approach the General Manager to make their statutory disclosure.*

**8. RECORDING OF COUNCILLORS VOTING ON PLANNING DECISIONS (ANNOUNCEMENT READ BY CHAIR AS FOLLOWS)**

*In accordance with Section 375A of the Local Government Act 1993, a division must be called for and taken on each planning decision made under the Environmental Planning & Assessment Act 1979. Details of voting for and against the resolutions will be recorded in the meeting minutes and in the statutory register of such voting.*

**9. CONFIRMATION OF MINUTES (RECOMMENDATION ANNOUNCED AS FOLLOWS)**

*I move that the minutes of the Council Meeting held on 28 September 2021 copies of which were previously circulated to all councillors be hereby confirmed as a true and correct record of the proceedings of that meeting.*

**10. ANNOUNCEMENT OF PUBLIC FORUM – OPEN FORUM THENCE ADDRESSES BY THE PUBLIC ON ITEMS LISTED IN THE AGENDA  
(CHAIR TO ANNOUNCE THE FOLLOWING THEN CALL FOR SPEAKERS AS PER REGISTRATION DETAILS PROVIDED WHERE APPLICABLE)**

*Participation by speakers is subject to them confirming they have read and accepted the guidelines about addressing the Council meeting. They also acknowledge that the meeting is being recorded and this forms part of records which are retained by Council and made publicly accessible. Speakers must refrain from providing personal information unless it is central to the subject being discussed, particularly where the personal information relates to anyone not present at the meeting. Council accepts no responsibility for any defamatory comments made.*

**OPTIONAL STATEMENT WHERE WRITTEN SUBMISSIONS HAVE BEEN LODGED**

*Written submissions have been submitted for this meeting and copies circulated directly to all councillors. The following submissions are acknowledged [details of the submissions as appropriate] and will be referenced in the minutes of the meeting.*

## **11. OPEN FORUM**

**(CHAIR INVITES SPEAKERS TO BE HEARD AS PER REGISTRATION DETAILS)**

## **12. ADDRESSES BY THE PUBLIC ON AGENDA ITEMS**

**(CHAIR INVITES SPEAKERS TO BE HEARD AS PER REGISTRATION DETAILS)**

## **13. AGENDA ITEMS AS LISTED IN THE BUSINESS PAPER**

**(CHAIR MOVES THROUGH ITEMS OF BUSINESS AS PER CODE OF MEETING PRACTICE)**

## **14.1 DECLARE THE MEETING CLOSED AT [TIME AS SHOWN ON COMPUTER]**

**(ANNOUNCED BY CHAIR)**

### **OPEN FORUM COMMENCES**

### **ADDRESS BY THE PUBLIC ON AGENDA ITEMS COMMENCES**

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#### **CONFIDENTIAL ITEMS**

(ITEM 91/21)	BURWOOD URBAN PARK AND CULTURAL CENTRE - CONCEPT DESIGN PACKAGE AND BUSINESS CASE
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*That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (c) of the Local Government Act, 1993, as the matter involves information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

(ITEM 92/21)	BURWOOD LOCAL PLANNING PANEL - APPOINTMENT OF EXPERT MEMBERS AND COMMUNITY REPRESENTATIVES
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*That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) of the Local Government Act, 1993, as the matter involves personnel matters concerning particular individuals.*

## **(ITEM 73/21) FINDINGS OF THE HERITAGE INVESTIGATION - 11 SEALE STREET BURWOOD**

File No: 21/46801

REPORT BY DIRECTOR CITY STRATEGY

### **Summary**

A heritage investigation of 11 Seale Street Burwood has been undertaken by an independent heritage consultant. The investigation has found that the property demonstrates heritage significance at the local level and progression of a heritage listing is recommended.

### **Operational Plan Objective**

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

### **Background**

A Mayoral Minute was tabled at the Council meeting on 29 June 2021 concerning the potential heritage significance of the property at 11 Seale Street Burwood. It was resolved that:

1. *Council request the gazettal of an Interim Heritage Order from Heritage NSW for the property at 11 Seale Street Burwood for the longest period possible under the current legislation.*
2. *Council engage a heritage advisor or consultant to undertake a heritage investigation of the property to determine the local heritage significance of the property.*
3. *The findings of the investigation and recommendations be reported back to Council at the next available meeting following the conclusion of the investigation.*
4. *The General Manager initiates a preliminary in-house review of Seale Street, Ireland Street and any adjoining streets with a view of identifying additional potential items of historical significance or possible listing of a Conservation Area.*
5. *The General Manager reports back to Council once the preliminary review is conducted with its findings and with a cost plan for a possible subsequent formal heritage review.*
6. *The Mayor writes to residents and those that have made submissions to update them on this matter.*
7. *Staff investigate the current policy on issuing interim heritage orders and report back to Council.*

In accordance with the resolution, an Interim Heritage Order (IHO) was published in the NSW Government Gazette on 2 July 2021.

Also in accordance with the resolution, GML Heritage was engaged to undertake the heritage investigation. The findings of the investigation have informed the recommendations in this report.

### **Findings of Heritage Investigation**

GML Heritage has assessed the heritage significance of the subject property based on historical research, investigation of the subject site and its local context. The investigation includes a detailed assessment of the site against the State Heritage Register standard evaluation criteria to determine the significance of the place to the Burwood Local Government Area (LGA). The consultant's heritage investigation report is enclosed as **Attachment 1**.

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

- The dwelling dates from the early 20th century, a key period in the development of Burwood—its Federation Queen Anne and Federation Bungalow architectural style;
- The original lot size of the site has not been modified since the construction of the dwelling and thus, the original curtilage and setting of the dwelling is retained;
- The dwelling has longstanding connections with the Ireland family, who played a key role in the development of Burwood in the early 20th century;
- The dwelling exhibits features typical of the Federation Queen Anne and Federation Bungalow architectural style and is a fine example of its type—the internal and external fabric of the dwelling display a very high degree of integrity;
- When assessed within the broader context of the heritage setting of Burwood, the dwelling contributes to the historical and visual character of the Burwood LGA; and
- The scale, setting, form, architectural features, materiality and high degree of intactness of the dwelling are comparable to other heritage items listed in the Burwood Local Environmental Plan (BLEP).

The consultant's report further states:

- No. 11 Seale Street has been assessed as meeting the threshold of local significance for criteria A (Historical Significance), B (Associative Significance), C (Aesthetic Significance), F (Rarity) and G (Representativeness) of the standard assessment criteria.
- It is recommended that 11 Seale Street, Burwood, is listed as a heritage item under Schedule 5 (Heritage Items) of the BLEP.

### **Consultation**

The matter came to Council's attention through representations made by local residents who observed the recent sale of the property in early 2021. Subsequently a Development Application (DA) 51/2021 was submitted in June 2021. The DA proposed the demolition of the existing dwelling and other structures to allow the construction of a new two storey dwelling and swimming pool on the subject property. This elevated the risk of harm to the property and allowed Council to initiate the IHO process.

There were 62 submissions received in response to the DA notification, 61 of which were in objection and one was in support. The following is a further breakdown of the submissions objecting to the DA:

- A total of 36 submissions, or 59.0% of all, were received from addresses within the Burwood LGA.
- A total of 12 submissions, or 19.7% of all, were received from residents who do not reside within the Burwood LGA.
- A total of 13 submissions, or 21.3% of all, were received from unknown address.

The main issues raised in the submissions include:

1. Heritage significance of the existing dwelling, with a strong opposition to the demolition of the existing dwelling in particular.
2. The loss of many other historic properties in the Burwood LGA.

3. Proposed new dwelling being out of character and scale.
4. Impact of development on the overall character of the location.
5. Accumulative impact of the proposal.

The submissions included a heritage assessment of the property prepared by a community member. This provided community context and information regarding the property with the findings considered by the further Heritage Investigation prepared by GML Heritage.

These submissions led to the Mayoral Minute and Council resolution on 29 June 2021 to issue an IHO and carry out heritage investigation of the property.

The owner of the subject property was advised of the IHO and heritage investigation via letter from the Director City Strategy. Those who made submissions on the DA were advised via a Mayoral letter.

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

### **Planning or Policy Implications**

The IHO published on 2 July 2021 provides protection of the property for an initial period of six months. Should Council resolve to list the property as a heritage item in the BLEP, the period of protection shall extend to 12 months to enable progression of a Planning Proposal.

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

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

It is estimated the above process would take approximately nine to 12 months to complete. The property is afforded heritage protection (i.e., deemed a “draft heritage item”) as soon as the Planning Proposal is placed on public exhibition, which needs to happen by 2 July 2022 when the IHO on the property will expire.

### **Financial Implications**

The heritage investigation has been undertaken at a cost of approximately \$8,250.00 (excl. GST). Progression of a Planning Proposal would have implications on staff allocation and resources, but should generally be within existing budgetary means.



**Conclusion**

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

**Recommendation(s)**

1. That Council endorse the heritage listing of the property at 11 Seale Street Burwood.
2. That the General Manager proceed with the preparation of a Planning Proposal for the property.
3. That the Planning Proposal, when prepared, be submitted to the Burwood Local Planning Panel (BLPP) for their consideration.
4. That the results of the BLPP's consideration be reported back to Council before being referred to NSW Government for Gateway determination.

**Attachments**

- 1 Heritage Investigation by GML Heritage (***see separate document***)

## **(ITEM 74/21) ADOPTION OF AMENDMENT NO.5 OF THE BURWOOD DEVELOPMENT CONTROL PLAN 2013**

File No: 21/45794

REPORT BY DIRECTOR CITY STRATEGY

### **Summary**

Draft Amendment No. 5 of the Burwood Development Control Plan 2013 has completed the public exhibition process. Three submissions were received, which are discussed in this report. Council may now adopt Amendment No. 5 with a minor change. The Amendment will come into effect when public notice is given.

### **Operational Plan Objective**

2.1.3 Ensure transparency and accountability in decision making

### **Background**

The Burwood Development Control Plan (BDCP) commenced on 1 March 2013. To date it has been subject to four amendments. Draft Amendment No. 5 was reported to Council on 27 July 2021 and endorsed for public exhibition. The exhibition process in accordance with legislative requirements and Council's *Community Participation Plan* took place between 23 August 2021 and 20 September 2021.

### **Proposal**

The proposed changes to the BDCP in Draft Amendment No. 5 concern the following matters:

1. New logo and address details
2. Outdoor Lighting
3. Mailbox design and locations
4. Fire Safety and Power Supply Utilities
5. Mechanical ventilation and plant equipment
6. Any development with a height over 10m is generally required to have a minimum site area of 500 sqm
7. Higher floor to ceiling heights for levels that don't achieve ADG compliant solar access
8. Additional width to corridors in front of vertical core and lift
9. Security bars, shutters, and grilles
10. Diagram on the need to share the separation distance
11. Setback controls for sites in Perimeter & Transition Areas except for Burwood Road
12. Setback and design controls for 18 Conder Street
13. Provisions for Cooper Street, Strathfield
14. Provisions for VPAs for deficient parking

15. Subject to separate report (Area Specific Provisions for Livingstone Street and Sym Avenue)
16. Vehicle ramps and entries
17. Uninterrupted building frontage for terrace or townhouse development
18. Tandem parking of vehicles for dual occupancies
19. Location of paved car parking spaces
20. Information about 'contributory building'
21. Child care centres
22. Floor to ceiling heights for boarding houses
23. New signage type "Advertisements on Trailers" description and provisions
24. Public Art Policy Reference
25. Applications for removal and minor works to trees
26. DPIE Flood Prone Land Package
27. Parking requirements for Boarding Houses
28. Minor formatting and wording changes
29. Updating of image quality

These changes were detailed and explained in the meeting report for the 27 July 2021 Council meeting. Please refer to that report for full details and explanations.

## **Consultation**

### **Public Exhibition**

The proposed amendments were highlighted in the full draft BDCP Amendment No. 5 that was placed on public exhibition. Legislative requirements including the *Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)* and Council's *Community Participation Plan* were met in the exhibition process.

823 letters were sent to land owners and residents within and adjacent to Livingstone Street and Sym Avenue Precinct, and the Cooper Street Precinct, advising them of the exhibition period, which lasted 29 days between 23 August 2021 and 20 September 2021.

The exhibition resulted in three submissions from local residents, which are discussed below.

There are no consequent issues arising from the exhibition to be considered by Council before adoption of the draft Amendment No. 5.

### **Discussion of Submissions**

A total of three submissions were received. Two submissions were in support and one was in opposition.

The table below presents a summary of the submissions received and the Strategic Planning team comments.

<b>Summary of Submissions</b>	<b>Strategic Planning Team Comments</b>
<p>Submission 1 – Pro-forma resident submission in regards to Cooper Street Strathfield from owner of 26 Cooper Street Strathfield.</p> <p>Submission in support.</p> <p>Suggestion that the development controls should apply to all the properties up to the corner of Cooper Street and Mosley Street being 20, 22, 24 &amp; 26 Cooper Street, to avoid becoming “islands” overlooked by high rise.</p>	<p>Support noted.</p> <p>This suggestion has been considered and determined to not be required.</p> <p>The DCP provisions are in response to the applicant led planning proposal which does not apply to 20, 22, 24 &amp; 26 Cooper Street. Provisions relate specifically to the precinct and include controls such as setbacks to Cowdery Lane which are not applicable to 22, 24 &amp; 26 Cooper Street.</p> <p>The submitters reasoning as to avoid “islands” overlooked by high rise is considered to be achieved already. 22, 24 &amp; 26 Cooper Street are zoned R1 General Residential. The height limit for these properties is 14m, which is the same as 18A Cooper Street, and will not create “islands”.</p> <p>The provisions in the Cooper Street Precinct apply to high density development which is not permitted at 20 Cooper Street as this property is zoned R2 Low Density Residential and has already been developed.</p>
<p>Submission 2 – Pro-forma resident submission in regards to Cooper Street Strathfield from owners of 22 and 24 Cooper Street Strathfield.</p> <p>Submission in support same as submission 3.</p>	<p>Support noted.</p> <p>Comments as per submission 3.</p>
<p>Submission 3 – Resident submission in regards to Cooper Street Strathfield from owners of Cooper Street Precinct Strathfield.</p> <p>Submitter discusses how controls are onerous and not needed. Front and back setback controls are already in the LEP.</p> <p>Requests that the proposed controls are removed as there are already controls in the R1 section of the BDCP.</p> <p>Concern with inability for people to view proposed controls as part of public exhibition due to Covid-19.</p>	<p>Opposition noted.</p> <p>The controls have been developed in response to the applicant led planning proposal and are appropriate to the precinct. There is no justification to suggest they are onerous. The applicant had the opportunity to develop a site specific DCP for the precinct, but chose not to do so. Council, in a timely manner, has taken the lead on this.</p> <p>The proposed controls have been developed in consultation with the Building and Development and Traffic and Transport teams. These controls are appropriate and similar to controls for other precincts that have been rezoned such as the Livingstone Street and Sym Avenue Precinct.</p> <p>The front and rear setback controls in the BLEP at Part 6.6 are statutory controls, with the controls in the BDCP being additional to supplement the BLEP and to provide guidance in the achievement of positive development outcomes. These have been workshopped and developed appropriately in</p>

	<p>line with best practice and within Council's delegations. Side setback controls are deemed necessary to achieve the objectives of SEPP 65 and the Apartment Design Guide, especially for sites adjoining heritage items to ensure future built form will deliver good outcomes and protect heritage items and amenity.</p> <p>It is noted the BDCP controls are not statutory/legislative and are included only for the purpose of guiding development. It is understood that DCP controls will be complementary to the legislative controls. The BDCP controls will not inhibit the objects of Clause 1.3 of the EP&amp;A Act as suggested by the submitter.</p> <p>While the suggestion to remove the controls from the BDCP has been considered, these controls have been determined to be required. The justification by the submitter that there are controls which already exist relating to development in the R1 General Residential Zone is not valid. Site specific controls relating only to the Cooper Street Precinct are required to guide the development of this precinct and the built form outcomes. These controls respond to the specific conditions and characteristics of the precinct and prevail over the controls for R1 General Residential controls which are broader.</p> <p>The public exhibition of this BDCP amendment was conducted in line with <i>Environmental Planning and Assessment Regulation 2000</i> and Council's <i>Community Participation Plan</i>. It is to be noted these have been amended due to the Covid-19 Pandemic with the <i>COVID-19 Legislation Amendment (Emergency Measures) Bill 2020</i> changing exhibition methods. Amongst the changes is the removal of the requirement to display physical copies at council facilities. Documentation that is usually required to be made physically available is now made available online for the duration of the exhibition period.</p> <p>These exhibition requirements were followed and exhibition documents were made available online. Community members who had difficulty accessing these online were able to contact the Strategic Planning for assistance. Two community members contacted Council having difficulty accessing the documents online. The Strategic Planner assisted these customers and made alternate arrangements.</p>
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No amendments are proposed after the consideration of submissions.

#### **Amendments Made After Internal Review**

Section 4.4 Dual Occupancies and Secondary Dwellings, Part 4.4.2 Affordable Rental Housing SEPP, Page 173, is proposed to be amended.

Upon internal review of the draft DCP, minor re-wording is being considered to align this amendment closer to the wording of the Affordable Rental Housing State Environmental Planning Policy 2009 (ARHSEPP).

Part 2, Division 2 Secondary Dwelling of the ARHSEPP will apply whether the application for secondary dwelling is made under a Complying Development Certificate (CDC) or Development Application (DA), whereas the development standards listed under Schedule 1 only applies to CDC pursuant to provisions under Clause 23.

If the application was made as a DA, consent authorities are required to assess it under Section 4.15 Matters for consideration of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and all relevant Environmental Planning Instruments (EPIs), draft instrument and the BDCP would be matters of consideration. Council is required under the EP&A Act to consider ARHSEPP 2009 Part 2 Division 2 (except Clause 23 as it only applies to CDC), BLEP 2012, Draft Housing SEPP (recently exhibited and will repeal and replace ARHSEPP), and relevant provisions under BDCP.

In summary the following applies:

1. DA for secondary dwelling will not be assessed under Schedule 1 in any case because Schedule 1 is exclusively applicable to CDC.
2. The Applicant does not need to necessarily nominate the assessment pathway because consent authorities are bounded by Section 4.15 of the EPA Act to consider all of them (ARHSEPP, BLEP & BDCP). Therefore they all need to be addressed in the Statement of Environmental Effects submitted by the Applicant and reference to Schedule 1 of the ARHSEPP can be removed.

The following text is recommended with changes highlighted in yellow:

#### 4.4.2 Affordable Rental Housing SEPP

Under State Environmental Planning Policy (Affordable Rental Housing) (ARHSEPP) 2009, a person may carry out development for the purposes of a secondary dwelling (i.e. granny flat) as complying development by applying for a Complying Development Certificate (CDC) from Council or an Accredited Certifier. Please refer to Clause 23 and Schedule 1 of the ARHSEPP for the provisions required for a CDC via the following link:

<https://legislation.nsw.gov.au/#/view/EPI/2009/364>

A development proposal for a secondary dwelling which does not satisfy the CDC provisions of Clause 23 of the ARHSEPP will require the submission of a DA, and the DA will be assessed under Clause 22 ~~and Schedule 1~~ of the ARHSEPP, BLEP ~~and~~ ~~or~~ this BDCP. Any DA submitted to Council should ~~provide assessment against~~ ~~nominate if assessment is to be made under the~~ relevant requirements of the ARHSEPP, ~~or~~ the BLEP and this BDCP ~~in the Statement of Environmental Effects.~~

### **Planning or Policy Implications**

There are no additional policy implications arising from the adoption of Amendment No. 5 and no existing policies require rescission by Council.

The planning implications of each of the proposed changes to the BDCP in Amendment No. 5 were detailed and explained in the report to Council on 27 July 2021.

In accordance with the EP&A Regulation, Amendment No. 5 will come into effect when public notice of Council's adoption is given in a letter to residents and submitters, or on a later date as specified in the letter.

### **Additional Matters**

EP&A Regulation Clause 21(1)(b) enables Council to adopt a DCP amendment following exhibition with such alterations as Council thinks fit. Post exhibition, several additional relatively minor editorial matters (wording, numbering and formatting) have been identified that warrant changes to the BDCP. The recommendation of this report includes authorisation for the General Manager to approve such minor editorial changes.

### **Financial Implications**

As indicated in the report to Council on 27 July 2021 the only financial implication likely to arise concern time demand on Council's staff.

### **Conclusion**

Amendment No. 5 to the BDCP proposes to introduce changes that deal with a range of matters identified since the last amendment in 26 June 2018. The draft amended BDCP has been publicly exhibited and three submissions were received. Council's approval of Amendment No. 5 to the BDCP is recommended.

### ***Recommendation(s)***

1. That Council adopt Amendment No. 5 to the Burwood Development Control Plan (BDCP).
2. That Council authorise the General Manager to allow further editorial or minor changes to the amended BDCP considered necessary before the document becomes effective.
3. That the amended Burwood Development Control Plan be brought into effect in accordance with the relevant provisions of the *Environmental Planning & Assessment Regulation 2000*.

### **Attachments**

- 1 BDCP - Amendment No. 5 - 26 October Report (***see separate document***)

## **(ITEM 75/21) ADOPTION OF AMENDMENT NO.5 TO BURWOOD DEVELOPMENT CONTROL PLAN FOR LIVINGSTONE STREET AND SYM AVENUE BURWOOD**

File No: 21/45795

REPORT BY DIRECTOR CITY STRATEGY

### **Summary**

Draft Amendment No. 5 of the Burwood Development Control Plan 2013 for Livingstone Street and Sym Avenue specifically, has completed the public exhibition process. No submissions were received in relation to this item. Council may now adopt Amendment No. 5.

The Amendment will come into effect from the date when the PP has been finalised into a BLEP amendment and notified on the NSW legislation website.

### **Operational Plan Objective**

2.1.3 Ensure transparency and accountability in decision making

### **Background**

The Burwood Development Control Plan (BDCP) commenced on 1 March 2013. To date it has been subject to four amendments. Draft Amendment No. 5 was reported to Council on 27 July 2021 and endorsed for public exhibition. The exhibition process in accordance with legislative requirements and Council's Community Participation Plan took place between 23 August 2021 and 20 September 2021.

### **Proposal**

The proposed changes to the BDCP in Draft Amendment No. 5 for Livingstone Street and Sym Avenue specifically concern a new section of the BDCP in response to the Planning Proposal (PP) for Livingstone Street and Sym Avenue Burwood. This section anticipates any Development Applications that could ensue after the PP has resulted in a BLEP amendment. The PP for the precinct contains additional local provisions that include an introduction, overview, and sub parts with the following headings:

- Site Planning and Response to Character,
- Height and Floor Space Ratio,
- Locality Specific Provisions for Site Coverage,
- Street Wall Heights,
- Setbacks, Primary Setbacks,
- Secondary Setbacks,
- Side Setbacks and Separation Distances,
- Landscaping and Open Space,
- Built Form,
- Vehicle Entries,
- Servicing and Waste Management.

The new section of the BDCP will display illustrations and provide a complete set of area specific controls to complement the LEP.



## **Consultation**

The proposed amendments were highlighted in the full draft BDCP Amendment No. 5 that was placed on public exhibition. Legislative requirements including the *Environmental Planning and Assessment Regulation 2000* and Council's *Community Participation Plan* were met in the exhibition process.

823 letters were sent to land owners and residents within and adjacent to Livingstone Street and Sym Avenue Precinct, and the Cooper Street Precinct, advising them of the exhibition. The exhibition period lasted 29 days between 23 August 2021 and 20 September 2021.

The exhibition did not result in any submissions being lodged with Council for Livingstone Street and Sym Avenue specifically. There are no consequent issues arising from exhibition to be considered by Council before adoption of the draft Amendment No. 5.

## **Planning or Policy Implications**

There are no additional policy implications arising from the adoption of Amendment No. 5 and no existing policies require rescission by Council.

The planning implications of the proposed changes to the BDCP in Amendment No. 5 were detailed and explained in the report to Council on 27 July 2021.

This new BDCP section will become operational from the date when the PP has been finalised into a BLEP amendment and notified on the NSW legislation website, which is expected to be after the effective date of BDCP Amendment No. 5.

## **Financial Implications**

As indicated in the report to Council on 27 July 2021 the only financial implication likely to arise concerns time demand on Council's staff.

## **Conclusion**

Amendment No. 5 to the BDCP for Livingstone Street and Sym Avenue specifically, introduces area specific controls for land within the Livingstone Street and Sym Avenue Precinct. The precinct has been subject to a Planning Proposal seeking to rezone land within the precinct with corresponding development standards and additional local provisions. The new BDCP section for the subject precinct will supplement the Planning Proposal, which is expected to result in a BLEP amendment, to help achieve good built form and design outcomes. The draft amended BDCP has been publicly exhibited and no submissions were received. Council's approval of Amendment No. 5 to the BDCP is recommended.

## **Recommendation(s)**

1. That Council adopt Amendment No. 5 to the Burwood Development Control Plan (BDCP) specifically for Livingstone Street and Sym Avenue.
2. That Council authorise the General Manager to allow further editorial or minor changes to the amended BDCP considered necessary before the document becomes effective.
3. That the amended Burwood Development Control Plan be brought into effect in accordance with the relevant provisions of the *Environmental Planning & Assessment Regulation 2000*.

## **Attachments**

- 1 BDCP Amendment No. 5 - extract for Livingstone Street and Sym Avenue Precinct



**Burwood** <sup>Inc.1874</sup>

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

## **BURWOOD DEVELOPMENT CONTROL PLAN**

### **EXTRACT FOR LIVINGSTONE STREET AND SYM AVENUE PRECINCT**

---

PO Box 240, BURWOOD NSW 1805  
2 Conder Street, BURWOOD NSW 2134  
Phone: 9911-9911 Fax: 9911-9900  
Email: [council@burwood.nsw.gov.au](mailto:council@burwood.nsw.gov.au)  
Website: [www.burwood.nsw.gov.au](http://www.burwood.nsw.gov.au)

Burwood Development Control Plan  
Adopted by Council: [enter date]  
Effective: [enter date]  
Ref. No.: [insert]  
Version No.: 5  
Ownership: City Strategy

3.3.7 Livingstone Street and Sym Avenue Precinct, Burwood

Introduction

This section applies to development on properties outlined in the figure below:



Figure 23: Livingstone Street and Sym Avenue Precinct

Overview

The Burwood Livingstone Street and Sym Avenue Precinct is located in close proximity to the Burwood Town Centre and the public transport node of Burwood Railway Station and bus linkages.

The subject Precinct is:

- less than a 400 metre walk from Burwood Railway Station
- adjacent to the southern boundary of the Burwood Town Centre
- close to retail and commercial premises
- close to education, health and recreational facilities

Council prepared a Planning Proposal to rezone the Precinct from R2 Low Density Residential to partly R1 General Residential and partly R3 Medium Density Residential, in order to increase the housing supply. The Department of Planning, Industry and Environment has issued a Gateway Determination for this Planning Proposal.

Please refer to parts 4-8 of this DCP for guidance relating to different forms of development and design considerations. In addition, the following objectives and provisions relate specifically to the Livingstone Street and Sym Avenue Precinct. These provisions take precedence when applied to the subject Precinct, if they differ to other parts of the DCP.

*Site Planning and Response to Character*

**Objectives**

- O1** To encourage the efficient use of land.
- O2** To establish appropriate development controls that increase housing supply and diversity.
- O3** To balance increased density with heritage conservation values as a key consideration.
- O4** To promote 'human scale' and enhance the pedestrian environment of Livingstone Street, Sym Avenue and Sym Lane.

**Provisions**

- P1** Any proposed development will need to preserve and not detract from the heritage and conservation values of the heritage items within and/or in close proximity to the Precinct.
- P2** Proposed massing and overall built form will need to respond to the character of the heritage items within the Precinct.
- P3** Proposed massing and overall built form will need to be designed and articulated in a way that ensures a 'human scale' when visible from Livingstone Street, Sym Avenue and Sym Lane.
- P4** Development consent shall not be issued unless the applicant has clearly demonstrated that the proposal has considered and responded to:
  - the surrounding context of the precinct,
  - the area's contributory elements (physical and environmental).
  - the heritage values of the heritage items within and surrounding the precinct

*Height of Building and Floor Space Ratio*

- P1** The development standards in the BLEP 2012 apply.

*Site Coverage*

**Objectives**

- O1** To provide for adequate landscape and deep soil areas.
- O2** To adequately mitigate the effects of bulk, scale and overall massing.
- O3** To establish appropriate footprints and areas for basement and parking.

**Provisions**

- P1** The footprint of proposed buildings must not to occupy more than 70% of the site.
- P2** The footprint of basement levels should stay within the outline of the building/s above ground and not protrude into any setbacks.

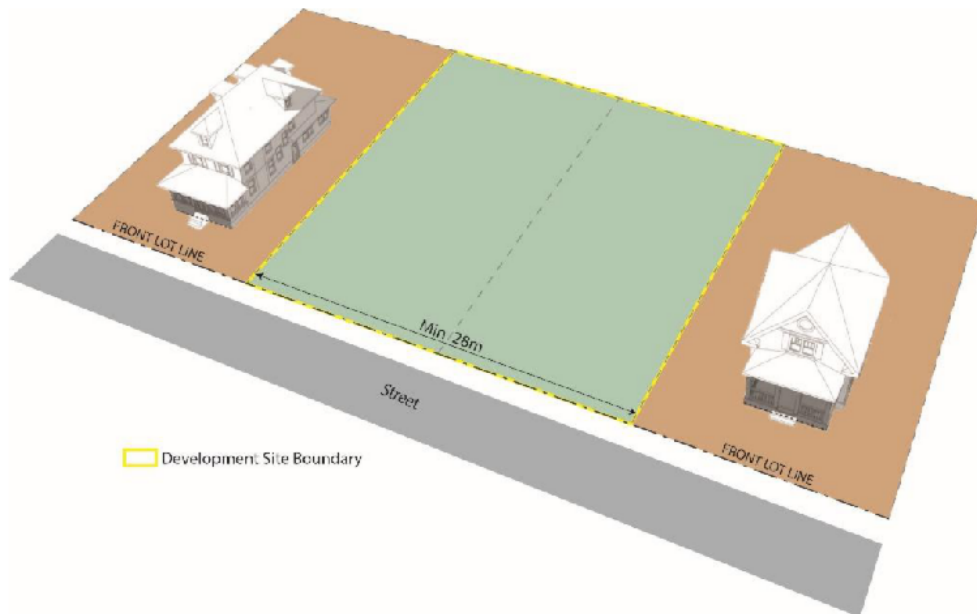
*Street Frontage*

**Objectives**

- O1** To ensure the orderly development of all sites including sites containing or adjacent to heritage items.
- O2** To present building frontages within generously landscaped separation distances.
- O3** To establish appropriate footprints that can accommodate vehicle entries within the building footprint.

**Provisions**

- P1** The street frontage of any development fronting Livingstone Street and/or Sym Avenue shall comply with Figure 23(a) below and the Minimum Site Frontage provisions stipulated in the BLEP 2012.



**Figure 23(a): Minimum Street Frontage**

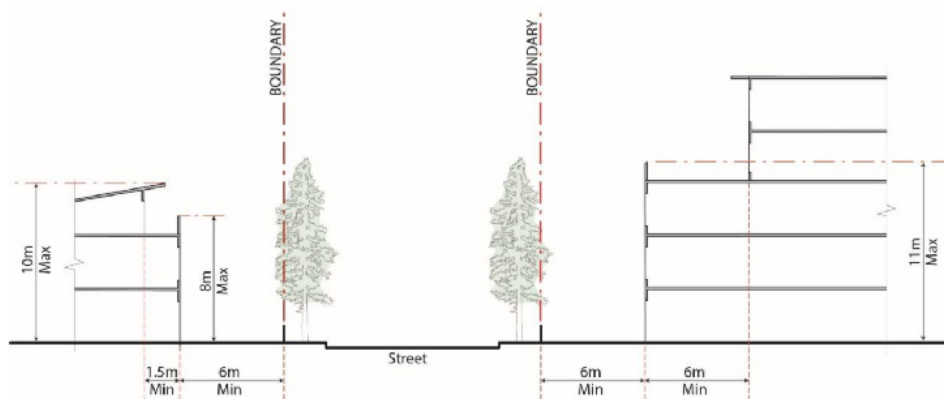
*Street Wall Heights*

**Objectives**

- O1** To ensure that the scale of the built form promotes a 'human scale' facing all frontages visible from the public domain.
- O2** To ensure an adequate 'sense of enclosure' and improve pedestrian experience along Sym Lane.

**Provisions**

- P1** The street wall height of any development fronting Livingstone Street and/or Sym Avenue shall comply with Figure 23 (b) below and the relevant provisions stipulated in the BLEP 2012.



**Figure 23 (b): Livingstone Street, Street Wall Height and Primary and Secondary Setbacks**

- P2** The street wall height of development fronting Sym Lane shall be no more than 11m inclusive of parapets.

*Setbacks*

**Objectives**

- O1** To ensure the street setback enhances the setting of the building, and that side and rear setbacks create usable land and maintain amenity between neighbouring sites.
- O2** To ensure that the built form improves the landscape character, encourages landscape screening and contributes to the landscape softening of Livingstone Street, Sym Avenue and areas adjacent to common boundaries.
- O3** To ensure deep soil areas contribute to the provision of mature planting and water filtration to all setbacks.

- O4** To ensure adequate separation distances to protect the curtilage and buildings of heritage items.

**Provisions**

*Primary Setbacks*

- P1** Primary setbacks to Livingstone Street and/or Sym Avenue shall comply with the relevant provisions stipulated in the Planning Proposal, which is expected to result in a LEP clause in the BLEP 2012.
- P2** Ground level setback to Livingstone Street and/or Sym Avenue should be occupied by a combination of private courtyards and communal space. Private courtyards can occupy up to 3 metres from the building line with the reminding distance up to the boundary to be maintained by the strata management to achieve a consistent treatment and upkeep.
- P2** Private courtyards to be enclosed by fencing with openable gates. Fencing can have a solid base up 600mm with palisade style fence with a minimum of 1.2 up to 1.5m including the solid base. If additional privacy is required above 1.5m, this can be achieved with the use of shrubs or hedging. Palisade open style fencing must have at least 50% transparency.
- P3** The setback to Sym Lane can be occupied by a private courtyard up to 2m from the building façade and be enclosed by a palisade fence up to 1.2 m. The reminding distance between the kerb and the fence should be utilised as a deep landscaping planting to be maintained by the strata management.
- P4** Fences facing Sym Lane are to be permeable with a minimum 40% with operable gates leading to private courtyards at ground level for activation and convenient rear access.

*Secondary Setbacks*

- P1** Secondary setbacks to Livingstone Street and Sym Avenue above the street wall height shall comply with Figure 23 (b) and the relevant provisions stipulated in the BLEP 2012.
- P1** Secondary setbacks to Sym Lane above the street wall height shall be a minimum of 2m.

*Side Setbacks and Separation Distances*

- P1** Side setbacks and separation distances are to comply with the *Apartment Design Guide* design criteria 1 under Objective 3F-1.
- P2** Separation distances are to be shared equally by both properties to either side of the common boundary. Refer to the image below.





**Provisions**

- P1** Side setback to southern boundary to be at least 6m at ground level up to 12m and comply with ADG separation distances.
- P2** Southern elevation facing common boundary with 23 Livingstone Street, Burwood must be articulated and display habitable windows. Recesses or built form features are required at 10-12m intervals.
- P3** Side setback at ground level is for the purpose of greening and mature landscaping to provide landscape buffer to the properties to the south of the common boundary.

*Landscaping and Open Space*

**Objectives**

- O1** To maximise the use and provision of communal open space at ground level.
- O2** To ensure high quality landscaped grounds that contribute to the overall character of the area.

**Provisions**

- P1** The minimum landscaped area shall comply with the relevant provisions stipulated in the BLEP 2012.
- P2** Communal open space is preferred at ground level and associated with deep soil areas and provided with shade and amenities i.e. water tap, BBQ and seating.
- P3** Areas and dimensions for communal open space and landscaping are to comply with the Apartment Design Guide sections 3D and 3E.

*Built Form*

**Objectives**

- O1** To ensure that the built form and massing contribute to the creation of character and display design excellence through well-articulated elevations, interesting roof forms and high quality materiality.

**Provisions**

- P1** All elevations should display design excellence and generally comply with provisions P28 and P29 under *Section 3.2.1 Building Design* of the DCP.
- P2** Elevations facing Livingstone Street and/or Sym Avenue need to display 'fine grain' articulation or recesses running vertically the full height of the applicable street wall height or parapet.
- P3** A maximum length of uninterrupted building frontage of 10m for terrace or townhouse development on the southern side of Livingstone Street in order to achieve substantial

articulation in the form of an indent, recess or physical break along the length of the elevation.

- P4** Side elevations need to display a combination of indents, architectural fenestration and habitable windows. Unarticulated blank facades that can be characterised as non-habitable walls are not permitted.
- P5** Recesses (min. 2m X 2m) need to be placed on side elevations every 10-12m depending on the length of the elevation.

*Vehicle Entries, Servicing and Waste Management*

**Objectives**

- O1** To minimise potential pedestrian-vehicles conflicts along Livingstone Street and Sym Avenue.
- O1** To minimise visual impacts to both sides of Livingstone Street, the western side of Sym Avenue and Sym Lane through the orderly provision of waste management and bin collection areas within the site.

**Provisions**

- P1** All access for private or service vehicles to be integrated with the overall building design. Any visible areas from the public domain in front or behind the security grille to be treated with high quality materials as the main façade.
- P2** Bin enclosure areas need to be located within the building envelope, be accessible from the vehicle driveway and be integrated within the architectural design of the building.
- P3** Road side collection and bin enclosures visible from the public domain or located within the landscape setbacks are not permitted.

*Mailbox and Postal Facilities*

- P1** Mail box and postal facilities to be included and to comply with provisions P8, P9 and P10 under *Section 3.2.4 Street-Front Activities and Building Access*. Refer to Figures 1(a) and 1(b).

*Fire Safety and Power Supply Utilities*

- P1** Fire safety and power supply utilities are to comply with provision P12 under *Section 3.2.4 Street-Front Activities and Building Access*. Refer to Figure 1(c).

*Mechanical and Ventilation Equipment*

- P1** Mechanical and Ventilation Equipment are to comply with Provisions 15, 16, 17, 18 under *Section 3.2.4 Street-Front Activities and Building Access*.

## (ITEM 76/21) DRAFT VOLUNTARY PLANNING AGREEMENT FOR 14A GROSVENOR STREET CROYDON

File No: 21/46300

REPORT BY DIRECTOR CITY STRATEGY

**Applicant:** Gloriously Simple Pty Ltd  
**Developer:** Gloriously Simple Pty Ltd  
**Company Directors:** Ms Mary Jabbour and Mr Tony Jabbour

### Summary

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) for 14A Grosvenor Street Croydon were submitted to Council in conjunction with Development Application (DA) 42/2021, which proposes the demolition of existing structures and the construction of a part 4 and part 5 storey boarding house containing 22 boarding rooms, a manager's room, communal open space areas and basement parking.

The draft VPA provides for payment by the developer of a monetary contribution of \$106,110 to Council in exchange for two deficient on-site parking spaces towards the improvement of public car parking facilities in Croydon.

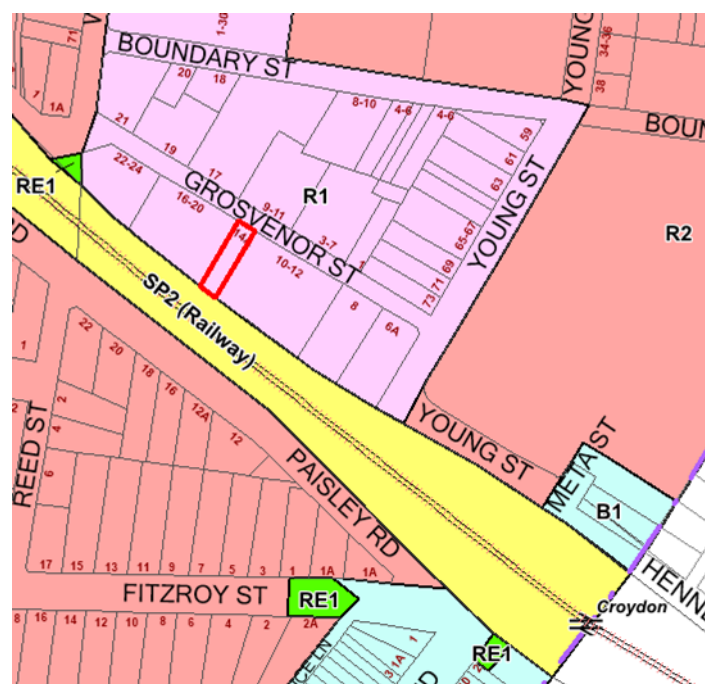
The draft VPA and EN were publicly notified between 23 September 2021 and 21 October 2021. Council's endorsement is sought to enter into the VPA after the granting of the consent for the DA and prior to the issue of any Construction Certificate.

### **Operational Plan Objective**

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

### Background

The subject site is located in the suburb of Croydon, as shown below.



Zoning and Location of Subject Site and Surroundings

A draft VPA and EN were submitted in conjunction with DA 42/2021, involving the demolition of existing structures and the construction of a part 4 and part 5 storey boarding house containing 22 boarding rooms, a manager's room, communal open space areas and basement parking.

Under the VPA, the developer would pay Council a monetary contribution of \$106,110 in exchange for shortfall of two on-site parking spaces. The amount of monetary contribution is calculated as \$53,055 per parking space x 2 parking spaces. Refer to 'Planning or Policy Implications' section below for further discussion.

The draft VPA and EN (enclosed as Attachments 1 and 2) were referred to Council's lawyer for legal vetting and were subsequently adjusted in negotiation with the applicant before public notification.

### **Consultation**

The draft VPA and EN were publicly notified for a period of 28 days from 23 September 2021 to 21 October 2021. The notice and materials were exhibited on Council's website. This exhibition arrangement was in line with the NSW Government's emergency measures as a result of the COVID-19 pandemic and Council's *Community Participation Plan*. No submission has been received.

The draft VPA as exhibited showed the amount of the monetary contribution being \$53,055 based on the application of a 50% discount similar to sites in the B1 Neighbourhood Business zone. However, such discount is not applicable to a property in the R1 General Residential zone. Therefore, the correct monetary contribution applicable for two parking spaces will be applied instead, which is equivalent to \$106,110.

The above rectification has been discussed with the Applicant, who is in agreement with the correct monetary contribution. The Strategic Team considers this to be a fair outcome considering that due to the isolated nature of the site and its proximity to the train station, a reduction of the parking numbers has already been applied as part of the DA assessment process, which has afforded the site a reasonable level of flexibility.

### **Planning or Policy Implications**

The *Burwood Development Control Plan* (BDCP) provides that a VPA may be entered into for developer to pay Council a monetary contribution in exchange for deficient on-site parking due to site constraints in all business zones.

Although the subject site is not in a business zone, a VPA is considered reasonable given that the site is isolated and located approximately 320m from Croydon Train Station and 380m from The Strand. Council's Traffic and Transport team has advised that the monetary contribution may be spent on the installation and on-going management of parking sensors in Croydon, such as the on-street parking areas within The Strand, Paisley Road and part of Malvern Avenue. Whilst this option would not increase the physical number of car parking spaces, the electronic monitoring and enforcement will improve turn over and available of those parking spaces to members of the community. So would have a similar beneficial outcome.

Council has a *Planning Agreements Policy*. The Policy stipulates the matters that Council should consider when determining whether or not to enter into a VPA. The draft VPA is assessed against these matters, as outlined below:

1. The VPA is directed towards a proper planning purpose. The planning purpose of the VPA is to provide funds to Council to improve public car parking to redress the parking shortfall within the development.
2. The VPA would result in a public benefit. The VPA would seek to improve public car parking, being available to the general public, in place of parking within a private development.

3. The VPA provides a reasonable means of achieving the relevant purpose. The VPA provides for the monetary contribution in exchange for deficient on-site parking within the development. Council will utilise the funds provided to improve public car parking that will ultimately be more beneficial to the community.
4. The VPA would produce outcomes that meet the general values and expectations of the community, and protect the overall public interest. The provision of safe and practical public parking by Council is an expectation of the community. The VPA provides Council with the financial resources to assist in this provision.
5. The VPA would help achieve the outcomes sought by Council from the use of planning agreements, which are:
  - (a) Provide an enhanced and more flexible system of contributions by developments towards the provision of public benefits, related to the impacts of development.
  - (b) Enable community awareness of and input to the public benefits of particular developments, related to the impacts of the developments.
6. The VPA conforms to the fundamental principles governing the Council's use of planning agreements as set out in Clause 2.1 of the *Planning Agreements Policy*, particularly:
  - *Principle 'a' – planning decisions may not be bought or sold through planning agreements.* Council is not obliged to support the DA and instead, each application must be considered on its merits.
  - *Principle 'e' – Council will not use planning agreements for any purpose other than a proper planning purpose.* The manner in which the VPA is proposed to be used has regard to Council's DCP.

### **Financial Implications**

The VPA provides for a monetary contribution of \$106,110 to Council towards the installation and management of parking sensors for the on-street parking areas within The Strand, Paisley Road and part of Malvern Avenue in Croydon. The spending of the contribution by Council is not required to coincide with the completion of the subject development and can be at a time determined by Council at its discretion.

### **Conclusion**

Council's endorsement is now sought to enter into the VPA for 14A Grosvenor Street Croydon. The VPA provides Council a monetary contribution of \$106,110 towards the improvement of public car parking facilities in Croydon. It is recommended that arrangements be made for the execution of the VPA by Council authorising the signing of the agreement, after the granting of the DA but prior to the issue of a Construction Certificate. The development consent would include a condition requiring that the VPA be entered into prior to the issue of any Construction Certificate.

### **Recommendation(s)**

1. That Council enter into the VPA for 14A Grosvenor Street Croydon for the provision of a monetary contribution of \$106,110 towards the improvement of public parking facilities in Croydon, after the granting of the consent for DA 42/2021, which would include a condition requiring that the VPA be entered into prior to the issue of any Construction Certificate.
2. That Council authorise the General Manager to sign the VPA and any related documentation under his Power of Attorney.

3. That Council authorise the General Manager to endorse minor revisions of the VPA documents where necessary prior to execution.
4. That the developer pay the correct monetary contribution on or before the execution of the VPA.

**Attachments**

- 1 Draft VPA for 14A Grosvenor Street Croydon as exhibited
- 2 Explanatory Note for the VPA as exhibited

**PLANNING AGREEMENT**

DATED:

PARTIES

Burwood Council of 2 Conder Street Burwood in the State of New South Wales (Council)

and

Gloriously Simple Pty Limited (ACN 101 430 844) of Level 12, 60 Castlereagh Street, Sydney NSW 2000 in the State of New South Wales (Developer).

**Background**

- A. The Developer is the registered proprietor of the Land.
- B. On 23 April 2021, the Developer submitted a Development Application, DA.2021.42, to the Council for Development Consent to carry out the Development on the Land.
- C. The Development Application was accompanied by an offer by the Developer to enter into this Agreement to make a Development Contribution towards the Public Facilities if the Development Consent is granted.

**Operative Provisions**

**1. Planning Agreement under the Act**

The Parties agree that this Agreement is a planning agreement governed by Subdivision 2 of Division 7.1 of Part 7 of the Act.

**2. Application of this Agreement**

This Agreement applies to both the Land and the Development.

**3. Operation of this Agreement**

- 3.1 This Agreement operates from the date it is executed by both parties.
- 3.2 When this Agreement operates it is a binding contract between the parties.

**4. Definitions and interpretation**

**4.1** In this Agreement the following definitions apply:

**Act** means the *Environmental Planning and Assessment Act 1979* (NSW)

**Agreement** has the same meaning as Planning Agreement.

**Dealing** in relation to the Land, means, without limitation, selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with the Land.

**Development** means DA.2021.42 which proposes the demolition of the existing structures and the construction of a 5 storey boarding house with manager's room and

basement parking in respect of the property known as 14A Grosvenor St, Croydon NSW 2132 .

**Development Application** has the same meaning as in the Act.

**Development Consent** has the same meaning as in the Act.

**Development Contribution** means a monetary contribution, the dedication of land free of cost or the provision of a material public benefit.

**GST** has the same meaning as in the GST Law.

**GST Law** has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

**Land** means Lot 46 of Section 4 in Deposited Plan 733, known as 14A Grosvenor St, Croydon NSW 2132.

**Monetary Contribution** means fifty three thousand and fifty five dollars (\$ 53,055.00).

**Party** means a party to this Agreement, including their successors and assigns.

**Public Facility** means car parking within the Burwood Town Centre for use by the public.

**Regulation** means the *Environmental Planning and Assessment Regulation 2000* (NSW).

4.2 In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- (a) Headings are inserted for convenience only and do not affect the interpretation of this Agreement.
- (b) A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
- (c) If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day.
- (d) A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.
- (e) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- (f) A reference in this Agreement to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
- (g) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.



- (h) An expression importing a natural person including any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- (i) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- (j) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and reference to any gender denotes the other genders.
- (k) References to the word 'include' or 'including' are to be construed without limitation.
- (l) A reference to this Agreement includes the agreement recorded in this Agreement.
- (m) A reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns.
- (n) Any schedules and attachments form part of this Agreement.

**5. Development Contributions to be made under this Agreement**

**5.1 Payment**

- (a) The Developer will pay to Council the Monetary Contribution on the date of the execution of this Agreement and prior to the issue of any Construction Certificate for the Development.
- (b) The payment of the Monetary Contribution will be by way of the delivery of a bank cheque to Council which must be:
  - (i) for the amount of the Monetary Contribution;
  - (ii) made payable to Council; and
  - (iii) in a form acceptable to Council.
- (c) The Monetary Contribution will be taken to have been made when Council notifies the Developer in writing that the bank cheque has been received and cleared funds have been deposited in Council's nominated bank account.
- (d) The Developer covenants and agrees not to make an application for the issue of any Construction Certificate until the payments required to be made to Council hereunder have been paid.

**6. Application of the Development Contributions**

6.1 The Monetary Contribution paid by the Developer under this Agreement will be used by Council to develop and improve Public Facilities.

6.2 The Public Facilities will:

- (a) not be provided or improved to coincide with the conduct or completion of the Development;
- (b) be constructed or improved at a time determined by Council at its absolute discretion;
- (c) be available for use by the general public and will not be restricted for use by patrons of the Development.

7. Application of and section 7.11 and section 7.12 of the Act to the Development.

This Agreement does not exclude the application of section 7.11 or section 7.12 of the Act to the Development. Benefits under the Agreement are not to be taken into account in determining a development contribution under section 7.11 or section 7.12 of the Act.

8. Registration of this Agreement

8.1 The Developer further covenants with Council:

- (a) that prior to the issue of any Construction Certificate for the Development, or within such further time as the parties hereto agree, it shall do all things reasonably necessary to obtain the consent to the registration of this Agreement over the title to the Land pursuant to section 7.6 of the Act from all persons who have an interest in the Land;
- (b) that forthwith after receiving the consents specified in subclause (a) hereof it shall cause this Agreement to be registered on the title of the Land;
- (c) that if this Agreement is not registered on the title of the Land, and if the Developer should propose to sell the Land or any part thereof then it shall:
  - (i) within seven (7) days of listing the Land or any part thereof for sale, either through an agent or privately, notify the Council of such intention;
  - (ii) as a condition of any sale, require that the incoming purchaser enter into with Council a like agreement to this present Agreement in which substantially the same covenants as set out herein shall apply;
  - (iii) within seven (7) days of exchange of contracts, notify Council of the sale and provide Council with a copy of the contract;
  - (iv) within twenty one (21) days of receipt from Council of a replacement agreement between Council and the purchaser substantially in the form of this Agreement, have it executed by the purchaser and return it to Council;
  - (v) that if this Agreement is not registered on the title to the Land, and if the Developer should propose otherwise than by sale to transfer or assign its interest in the Land or any part thereof to a transferee or assignee, then it shall before effecting such assignment or transfer have the incoming transferee or assignee enter into an agreement with Council substantially in the form of this Agreement insofar as concerns the interest assigned or transferred and shall provide same to Council.

8.2 The Developer further covenants and agrees with Council that pending the registration of this Agreement on the title of the Land as required by clause 8.1, Council shall be entitled to register a caveat at NSW Land Registry Services over the title to the Land to protect its interest therein pursuant to this Agreement

9. Acknowledgements

9.1 The Developer acknowledges that Council may include a notation on Planning Certificates under section 10.7(2) and 10.7(5) of the Act in relation to this Agreement.

9.2 The parties acknowledge that Council is a consent authority with statutory rights and obligations pursuant to the terms of the Act and other legislation.

10. Dispute resolution

10.1 If a party believes that there is a dispute in respect of this Agreement then:

- (a) the party must give notice in writing to the other party stating that there is a dispute (the Dispute Notice); and
- (b) the Dispute Notice must outline:
  - (i) what the party believes the dispute to be;
  - (ii) what the party wants to achieve;
  - (iii) what the party believes will settle the dispute; and
  - (iv) who will be the party's representative to negotiate the dispute.

10.2 Within fifteen (15) business days of a Dispute Notice being served, the representatives of each of the parties must meet in order to resolve the dispute.

10.3 Both parties must adhere to the dispute resolution procedure set out in this Agreement. The only time that either party may depart from the dispute resolution procedure set out in this clause is when urgent interlocutory relief is required to restrain a breach or threatened breach of this Agreement.

10.4 If the parties cannot resolve the dispute after adhering to the dispute resolution procedure set out in this Agreement then either party may seek any other avenues available to it in order to resolve the dispute.

11. Enforcement

11.1 This Agreement may be otherwise enforced by either party in any court of competent jurisdiction.

11.2 For the avoidance of doubt, nothing in this Agreement prevents:

- (a) a party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Agreement or any matter to which this Agreement relates; and
- (b) the Council from exercising any function under the Act or law relating to the enforcement of any aspect of this Agreement or any matter to which this Agreement relates.

11.3 The rights of Council expressly provided for herein are cumulative and in addition to and not exclusive of the rights of Council existing at law or which Council would otherwise have available to it.

12. Notices

12.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:

- (a) Delivered or posted to that Party at its address set out below.
- (b) Faxed to that Party at its fax number set out below.
- (c) Email to that Party at its email address set out below.

**Council**

Attention: The General Manager  
Address: 2 Conder Street Burwood 2134  
Post: PO Box 240, Burwood NSW 1805  
Fax Number: 9911 9900  
Email: [council@burwood.nsw.gov.au](mailto:council@burwood.nsw.gov.au)

**Developer**

Attention: Tony Jabbour  
Address: 31 Farnell St, Hunters Hill NSW 2110  
Email: [tonyjabbour@destech.com.au](mailto:tonyjabbour@destech.com.au)

12.2 If a party gives the other Party three (3) business days' notice of a change of its address or fax number or email, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address, fax number or email address.

12.3 Any notice, consent, information, application or request is to be treated as given or made at the following time:

- (a) If it is delivered, when it is left at the relevant address.
- (b) If it is sent by post, two (2) business days after it is posted.
- (c) If it is sent by fax, as soon as the sender receives from the sender's fax machines a report of an error-free transmission to the correct fax number.
- (d) If it is sent by email, at the time it is sent.

12.4 If any notice, consent, information, application or request is delivered, or an error-free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5.00pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

**13. Approvals and consent**

Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obligated to give its reasons for giving or withholding consent or for giving consent subject to conditions.

**14. Assignment and dealings**

The Developer agrees that this Agreement shall be binding upon the Developer and upon its respective transferees, assignees or successors.

**15. Costs**

The Developer shall bear Council's costs directly related, and incidental, to negotiating, preparing, legal vetting, executing, stamping and registering the Agreement, including any costs of lodging/removing caveats on the title to the Land.

**16. Entire Agreement**

This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

**17. Further acts**

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

**18. Governing law and jurisdiction**

This Agreement is governed by the law of New South Wales. The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

**19. Joint and individual liability and benefits**

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by two (2) or more persons binds them jointly and each of them individually, and any benefit in favour of two (2) or more persons is for the benefit of them jointly and each of them individually.

**20. No fetter**

Nothing in this Agreement shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be constructed as limiting or fettering in any way the exercise of any statutory discretion or duty.

**21. Representations and warranties**

The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

**22. Severability**

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

**23. Modification**

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

**24. Waiver**

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligations of, or breach of obligations by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

25. The explanatory note put on exhibition with this Agreement is not to be used in construing the terms of this Agreement.

**26. Goods and Services Tax (GST)**

26.1 All words in this clause which are also defined in the A New Tax System (Goods and Services Tax) Act 1999 (Cth) ("the GST Act") have a corresponding meaning to that in the GST Act.

26.2 The consideration for any supply under this Agreement excludes GST;

26.3 Where a party to this Agreement is taken to have made a supply to another party, the recipient of that supply must, in addition to the consideration payable for the supply and when paying the consideration for the supply, also pay to the maker of the supply an amount equal to the GST payable in respect of that supply. The recipient of a supply must also pay the GST payable in respect of a supply for which no monetary consideration is payable when the maker of the supply demands payment.

26.4 The maker of a supply must give the recipient a tax invoice in the form required by the GST Act at the same time it receives payment from the recipient of the GST payable for that supply;

26.5 Despite any other provision of this Agreement, any amount payable under this Agreement, which is calculated by reference to an amount paid or incurred by a party to this Agreement, is reduced by the amount of any input tax credit to which that party or a member of its GST Group is entitled in respect of that amount.

27. Confidentiality

The terms of this Agreement are not confidential and this Agreement may be treated as a public document and exhibited or reported without restriction by any party.

28. Once the Council is satisfied that the Developer has fully complied with all of its obligations under this Agreement, Council agrees to provide a full release and discharge of this Agreement with respect of the whole of the Land. In such circumstances Council will do all things reasonably necessary, including the execution of any documents to enable the Developer to remove any caveat and the notation of this Agreement on the title to the Land.

ITEM NUMBER 76/21 - ATTACHMENT 1

Draft VPA for 14A Grosvenor Street Croydon as exhibited

EXECUTED AS AN AGREEMENT

Signed for and on behalf of Burwood Council by )  
its attorney, Tommaso Briscese, under power )  
of attorney dated 29 May 2019 registered )  
book 4760 number 381, in the presence of: )  
)  
)

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of Attorney

\_\_\_\_\_  
(Print) Full Name of Witness

\_\_\_\_\_  
Tommaso Briscese  
(Print) Full Name of Attorney

\_\_\_\_\_  
2 Conder Street, Burwood, New South Wales,  
2134

\_\_\_\_\_  
(Print) Address

By executing this document, the attorney certifies  
that he has not received notification of revocation  
of the power of attorney.

Executed by Gloriously Simple Pty Ltd )  
ACN 101 430 844 in accordance with section )  
127 of the Corporations Act 2001 (Cth) in the )  
presence of: )  
)  
)

\_\_\_\_\_  
Signature of Director/Secretary

\_\_\_\_\_  
Signature of Director

\_\_\_\_\_  
(Print) Name of Director/Secretary

\_\_\_\_\_  
(Print) Name of Director



## PLANNING AGREEMENT - Explanatory Note

*Environmental Planning and Assessment Regulation 2000 (NSW) (EP&A Regulation 2000)*

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Planning Agreement for the provision of monetary contribution in lieu of onsite parking at 14A Grosvenor St, Croydon NSW 2132

Under Section 7.4 of the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act)

### 1. Parties

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The parties to the Planning Agreement are:

- (1) Burwood Council (**Council**)
- (2) Gloriously Simple Pty Ltd (**Developer**)

### 2. Description of Subject Land

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The land to which the Planning Agreement relates is as follows:

Folio Identifiers: Lot 46, Section 4, DP733  
 Location: 14A Grosvenor St, Croydon NSW 2132

### 3. Description of Proposed Change to Development

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The Developer has lodged a Development Application (being DA.2021.42) which proposes the demolition of the existing structures and the construction of a 5 storey boarding house with manager's room and basement parking, which provides a shortfall of 2 parking spaces.

### 4. Summary of Objectives, Nature and Effect of the Planning Agreement

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Clause 25E(1)(a) of the EP&A Regulation 2000]

The offer made by the **Developer** as set out in the Planning Agreement is based on the parking provision of Burwood Council's Development Control Plan and is consistent with that provision.

The intent of the Planning Agreement is to ensure that the parking needs of the incoming population into the Burwood local government area are met.

The monetary contributions to be provided by the **Developer** under the Planning Agreement is an amount of \$53,055.00, payable on the date of execution of the agreement and before issue of any Construction Certificate.

**5. Assessment of the Merits of the Planning Agreement**

[Clause 25E(1)(b) of the EP&amp;A Regulation 2000]

**5.1 The planning purposes served by the Planning Agreement**

[Clause 25E(2) of the EP&amp;A Regulation 2000]

The Planning Agreement serves the following planning purpose:

The monetary contributions paid by the **Developer** under this Planning Agreement will be used by **Council** to improve public carparking facilities in Croydon.

Whether the Planning Agreement provides for a reasonable means of achieving that purpose:

The planning provision enabling monetary contributions in lieu of parking on-site is contained within Burwood Development Control Plan, a publically exhibited document which was initially adopted by Council on 12 February 2013. The mechanism allows the aggregation of funds by Council for the provision or improvement of efficient and sensitively located public carparking facilities.

**5.2 Promotion of the public interest**

[Clause 25E(2) of the EP&amp;A Regulation 2000]

The Planning Agreement promotes the public interest by:

Ensuring the orderly use and development of land by ensuring that the location and design of public carparking facilities function effectively and safely. The Planning Agreement provides for the provision of public carparking in lieu of private-use parking.

The Planning Agreement promotes one or more of the objects of the EP&A Act as follows:

- i. The proper management and development of land for the purpose of promoting the social and economic welfare of the community and a better environment;
- ii. The provision and co-ordination of community services and facilities; and
- iii. Opportunities for public involvement and participation in environmental planning and assessment.

**6. Capital Works Program**

[Clause 25E(2) of the EP&amp;A Regulation 2000]

Whether Council has a capital works program, and if so, whether the Planning Agreement conforms with that capital works program:

Council has in place a capital works program, but the program does not, to date, identify proposals to improve public carparking facilities within Croydon. The capital works program is subject to annual review and any proposal to improve public carparking would be initiated where sufficient funds are available.

**7. Identification as to whether the Planning Agreement specifies that certain requirements must be complied with before a construction certificate is issued**

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[Clause 25E(2) of the EP&A Regulation 2000]

The Planning Agreement provides that the monetary contribution must be paid prior to the issue of any Construction Certificate to which the Development Application relates for the proposed development.

**8. Timing of Delivery**

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[Clause 25E(2) of the EP&A Regulation 2000]

The expected timing of development is 2025.

## **(ITEM 77/21) SUSTAINABLE BURWOOD STRATEGY - DRAFT FOR PUBLIC EXHIBITION AND CONSULTATION**

File No: 21/38965

REPORT BY DIRECTOR CITY STRATEGY

### **Summary**

The draft Sustainable Burwood strategy has now been completed and is submitted for the Council's consideration. The Sustainable Burwood Strategy is intended to be an overarching document that builds upon the outcomes arising from the existing Green Action Plan. The strategy offers a contemporary approach to sustainability which is focused on both organisational change but also enlivening community led adoption of new sustainable practices.

It is proposed that the strategy be placed on public exhibition for community consultation and input, before being presented for endorsement at a future Council meeting in early 2022.

### **Operational Plan Objective**

#### ***Theme 3.4 - Leadership in Environmental Sustainability***

Action 3.4.1 - Invest in Green and renewable technologies

Action 3.4.2 - Greater use of more efficient green technologies and alternative energy sources

Action 3.4.3 - Environmentally sustainable developments which reduce impacts on the environment.

### **Background**

Sustainable Burwood provides a framework for sustainable planning, decision making and actions to achieve improved sustainability and environmental outcomes for the Burwood local government area.

Council originally adopted its *Green Action Plan* in March 2008 with a review of the plan being undertaken and adopted in July 2012. From the latest review, community consultation and research conducted across 2020/21, the new *Sustainable Burwood Strategy* has been drafted and is now ready for public exhibition.

### **Sustainable Burwood Strategy – Overview**

The strategy provides an overview of environmental sustainability issues including climate change and associated environmental factors. It identifies initiatives, aims, targets and actions that both the Council as an organisation and the community being the custodians and caretakers of the environment can undertake to protect and enhance our living environment.

There is a broader consideration of the issues relevant to the sustainability strategy than that which might have been provided under the former Green Action Plan. This is recognising that many of the themes and actions proposed will have environmental, social and economic benefits for Burwood. This is very much adopting the triple bottom line approach outlined under the 17 United Nations Sustainably Development Goals. The goals include recognisable themes such as climate action, life on land and life below water, but also include goals focused on no poverty, zero hunger and gender equality. The Sustainable Burwood strategy has adopted a similar triple bottom line approach and includes themes and actions that have social, environmental and economic outcomes.

There is specific focus within the document upon the themes and actions which are either directly controlled or within the influence of Burwood Council. This is to ensure that the actions arising from the strategy are deliverable and can be reasonably implemented by Council. For example a

common feature of comparable sustainability strategies is the preservation of bushland environments. Whilst this is a worthy action, in the context of the Burwood LGA, there are no natural habitat areas or bushland setting. However, there is a very high reliance by the community upon open spaces and improvement of urban tree canopy cover will equally have community and environmental benefits. This has therefore been highlighted as a key action under the control of Council.

### ***Vision and Themes***

The Strategy contains a vision statement reflecting future outcomes that are intended to be achieved, developed from feedback provided by the community through early consultation:

- Towards Net Zero Emissions: This is a key aspirational target that will need to be pursued over many years
- Increase and enhance green open space: As a growing community new green spaces are of vital importance and Council must work proactively to support this outcome
- Early Adopter of new Sustainable Initiatives: This reflects the position that as a smaller Council there is an ability to be early adopters and pilot new sustainable initiatives.

The Strategy then proposes four 'Big Moves' which are identified as items that can either be implemented as immediate actions or reflect a change that would make a fundamental impact to the achievement of the Sustainable Burwood Strategy. The 'Big Moves' include;

- Reduce, Reuse and Recycle – sustainable waste management through maximising waste diversion and creation of circular economies
- Reduce Carbon Footprint – sustainable resource and energy use through key procurement and project delivery decisions.
- Green Infrastructure – Maximising every opportunity to create new green and public space including working collaboratively with external partners to secure delivery.
- Community Led Participation – ensure community is informed and is included in delivering strategy.

The Strategy includes four overarching themes that will be the focus in the consideration and development of sustainable plans and projects;

- Natural Environment: Focused on enhancing existing open spaces and implementing measures to improve water quality, particularly for receiving catchments of the Cook and Parramatta Rivers.
- Built Future of Burwood: Recognising that community growth will generate additional development, this theme seeks to embed sustainable practices into new projects.
- Being Connected and Resilient: Building community resilience to social, economic or environmental events that might occur in the future.
- Leading Burwood: Recognising the role that Burwood Council has to play in terms of showcasing new sustainable practices and promoting their adoption across the broader community.

### **Proposal**

It is proposed that the Sustainable Burwood strategy be placed on public exhibition between 27 October and 17 December, and that the community and relevant stakeholders be invited to participate in the review (see Consultation section).

## **Consultation**

It is proposed that additional consultation activities be commenced in early November for completion by mid-December. Consideration will be given to additional consultation events after the Holiday period if this would provide useful and additional feedback.

A detailed engagement strategy will be developed however, it is anticipated that consultation will include the following key activities.

- Notification through Council's electronic communication platforms, social media and news letters
- Establishment of a Sustainable Burwood consultation section on the new Participate Burwood web platform
- Hosting of Burwood Council employee information sessions to raise awareness of the Sustainable Burwood Strategy and proposed actions
- Direct engagement with key stakeholder groups, including community groups who previously provided feedback on the development of the Sustainability Strategy themes
- Subject to COVID restrictions, hosting of information sessions with key interest groups and community members. This may extend to School groups, acknowledging constraints around current home schooling protocols.

All comments and suggestions will be collated and considered and notified back to Council with appropriate responses for consideration prior to final adoption of the strategy.

## **Earlier Consultation**

Early consultation included 135 online survey responses and 75 community members at community consultation stalls at various locations across the LGA.

Based on the community consultation, the key issues and the top priorities were identified as:

- Waste management, reduce, reuse & recycle
- Air, noise & water pollution
- Renewable energy opportunities
- Climate change & its effects
- Open space & tree canopy enhancement

The top priorities identified are very comparable to themes identified through similar surveys, for example the community satisfaction survey conducted in early 2021.

The community's priorities and suggestions were used to determine the Sustainable Burwood Strategy themes.

The associated actions will sit under these themes and Council will be using the strategy as a framework to delivery many of the actions identified through community consultation.

## **Planning or Policy Implications**

The Strategy, together with the Community Strategic Plan, will provide a basis for the development of specific environmental and sustainability plans and policies.

Whilst not a formal policy document, it is intended that the Sustainable Burwood Strategy will have influence over new policies being prepared by Council.

## **Financial Implications**

There are no immediate financial implications however, initiatives and actions that flow from the strategy will need to be properly considered and costed prior to being adopted or implemented.

## **Conclusion**

The Sustainable Burwood Strategy is a natural evolution of the Green Action Plan. It serves to provide the community with a statement as to Council's commitment to environmental sustainability. It provides a guide as to what initiatives and local actions Council will pursue to achieve international sustainability goals.

The draft Sustainable Burwood Strategy is commended to Council for endorsement for the purpose of public consultation, with a final draft being presented for adoption in early 2022.

## ***Recommendation(s)***

1. That the draft Sustainable Burwood strategy be placed on public exhibition between 27 October and 17 December 2021.
2. That, at the end of the consultation period a consultation report be prepared and consideration of any submissions be undertaken including any recommended amendments to the Sustainable Burwood Strategy.
3. That an updated and Final Draft Sustainable Burwood Strategy be submitted to Council for approval and adoption in early 2022 following completion of community consultation.

## **Attachments**

- 1 Draft Sustainable Burwood Strategy\_V2 (***see separate document***)

## **(ITEM 69/21) WASTE SERVICES - TRIAL FOOD AND GARDEN ORGANICS (FOGO) COLLECTION SERVICE**

File No: 21/37381

REPORT BY DIRECTOR CITY STRATEGY

### **Summary**

The NSW Government 'NSW Waste and Sustainable Materials Strategy 2041' mandates that all Councils adopt a FOGO collection service by 2030. This is part of a range of initiatives to divert waste from landfill. It is proposed that Council progresses with changes to its current waste collection service and commit to the introduction of a combined food organics and garden organics (FOGO) collection service prior to the 2030 deadline.

However, to ensure that the transition to FOGO collection services can be adapted for the Burwood Council area, it is proposed that a limited trial be undertaken prior to the adoption of a full service. This would allow service delivery options to be fully evaluated and a comprehensive FOGO implementation strategy prepared.

This report provides a background as to the reasoning for the change and the necessary steps needed to commence the trial.

### **Operational Plan Objective**

Theme 3.2 *Sustainable waste management practices*

Strategic Goal from the Operational Plan

- 3.2.2 *Identify emerging waste management solutions*
- 3.2.3 *Clear targets for recycling and reducing waste to landfill*

### **Background**

Council's current kerbside collection service includes a 120 litre (red lid) waste bin collected weekly and two 240 litre (green lid) garden organics and recycling (yellow lid) bins collected fortnightly.

Audits carried out by Council and other NSW EPA studies have shown that up to 35% of the general waste in red top bins bin comprises food scraps and other organic material that can be readily converted to useable compost or other beneficial end products.

Burwood Council currently collects about 8,000 tonnes of general household waste a year and typically this is disposed of in landfill. It is estimated that a full FOGO service would allow up to 2800 tonnes of organic matter, annually, to be diverted from landfill and processed into a new usable product such as compost. The compost is a high quality product that can be used in land rehabilitation and for agricultural purposes.

The need to increase organics recycling has recently been highlighted by the release of the NSW Government *NSW Waste and Sustainable Materials Strategy 2041*. The strategy focuses on environmental benefits and economic opportunities in how we manage our waste. The Strategy mandates that all Councils are to have an established FOGO collection service by 2030.

SSROC, through its Waste Management Working Group has engaged a consultant to undertake a capability and financial analysis to determine the impacts and implications of the introduction of a FOGO service for each of the Councils.

Councils in SSROC are at various stages in the introduction of a FOGO service. For example Randwick City Council and Woollahra Municipal Council have established FOGO collection



services and Inner West Council has a multi-unit FOGO service for the old Leichhardt Council area and is preparing to trial a FOGO collection service for single dwellings.

Burwood is ideally placed to conduct an early trial based on the configuration of the current collection service and the expressed cooperation by both Council's waste collection and waste disposal contractors. There is also anticipated availability of grant funding from NSW Government to support the implementation of FOGO services.

### **Proposal**

It is proposed that Council undertake a limited trial for up to 12 months in a selected part of the local government area. The initial trial would be exclusive to single unit dwellings so a trial area would be selected in the established suburban areas of the LGA. The intent of the trial would be to assess the efficiency of such a service and community acceptance of the changes that would be required.

As this is a community led program, success is dependent upon residents adopting new household practices and separating waste materials in a different way. The change would require residents to place food organics into the green lid garden organics bin, which would be collected weekly. The frequency of collection for red lid bins would be reduced to fortnightly. The only items which should be placed in the red lid bin are those which cannot be 'reused or recycled' as this material will likely be placed in landfill.

The trial program will need to be developed in consideration of the following issues:

**FOGO Trial Area:** This needs to be selected on the basis of streets with predominately single detached dwellings and an area containing approximately 600 dwellings. This would allow a refuse truck to efficiently complete a run and be full when returning to the depot. This will reduce the instances of trucks returning to base with only a partial load and minimise any subsequent cost in the delivery waste collection services.

Three possible trial areas have been identified through discussions with the waste collection contractor. The preferred trial area is in a Wednesday collection area and is bounded by Greenhills Street, Liverpool Road, Arthur Street and Culdees Street in and around Burwood Heights and also includes the Appian Way. A copy of the proposed trial area is attached to this report.

There are approximately 660 dwellings in the proposed trial area and it is proposed that the trial be conducted as a single run, on a single day of the collection week being Wednesday. This will create a clearly defined geographically area, to which a dedicated collection driver and team can be allocated. A closely defined area will also assist in other activities such as community engagement, education and resident feedback as well as ongoing bin audit inspections.

**FOGO Trial Period:** It is proposed that the trial be conducted over a 12 months period to allow households to adjust to the new service and for Council to respond to any service issues during the trial. It is intended that progress reports be provided to Council during the trial period, and should the take up and feedback from residents be positive Council could choose to shorten the trial phase or expand the trial area.

**FOGO Education Packs:** There needs to be a strong education and awareness campaign both prior to and during the roll out of the trial. This will be achieved through a combination of information packages and resources provided to households in various community languages, visual information placed on wheelie bins and a general social media campaign. Resources will be developed as part of the trial preparation.

**FOGO Kitchen Caddy:** A kitchen caddy with compostable bin liners for food scraps would be provided to each participating household. These are a positive visual aid and are intended to help households to transition to a FOGO collection service.

**FOGO Audits:** It is proposed to undertake bin audits throughout the trial to assess levels of compliance and contamination. This is a good opportunity to acknowledge those residents who are appropriately separating FOGO material. This can be reinforced through a Burwood Council branded 'Good Job or Smiley Face' sticker or similar visual aids. Alternatively, additional support can be provided to those residents who need assistance to use the new FOGO service. This will be a critical part of getting feedback on the success of the trial.

In addition, the waste and disposal contractors collect tonnage information from the various waste streams collected. The use of a dedicated driver in a single collection area, will also allow 'live' collection data to be gathered and fed back to the team on a weekly basis. If successful, the trial should see a reduction in general waste collected and increased in FOGO materials. This will provide Council with measurable indications for success.

### **Consultation**

Council is currently finalising its Draft Sustainability Strategy and has undertaken community engagement on key issues as part of this process. The community has commented on the need for improved waste practices flowing from the '*Reduce, Reuse, Recycle*' model and with specific statements that Council should move to a FOGO collection service.

Negotiations will need to be undertaken with current service providers including Council's collection contractor and waste disposal provider. There have been initial discussions and both are supportive of assisting Council in implementing a FOGO trial.

Residents in selected trial areas will be notified of proposed trial through a resident engagement strategy and provided with information about the reason for the trial and how it will work. If there are valid reasons to be excluded from the trial, the team will consider these on a case by case basis. However, as this is a community led program, any exceptions would need to be very limited.

The project team will also be drawing from the experiences of similar FOGO trials and rollouts. This has shown that long term and consistent messaging regarding the benefits of a FOGO service have improved community acceptance.

### **Planning or Policy Implications**

The NSW Government has mandated that Council will be required to *have a separate collection for food and garden organics from all NSW household by 2030*. This trial will confirm the steps required for Burwood Council to meet this target and will provide a framework for a future Burwood Council specific FOGO service.

### **Financial Implications**

It is expected Council will incur additional costs for variation to the collection service as well the provision of household kitchen caddies, education material and trial auditing.

It is estimated that a budget of between \$50,000 to \$60,000 will be required to implement the trial. However, there are a number of grant sources available from NSW Government to support FOGO services including the annual grant payment of the Better Waste and Recycling Fund.

Council officers will also be proactively seeking grant funding opportunities which are currently available through the NSW EPA.

### **Conclusion**

The adoption of a FOGO waste collection service is mandated to occur for all Councils by 2030. Some Councils have commenced or are trialling this service in one form or another.

For Burwood Council it represents an opportunity to substantially increase the amount of waste diversion from landfill and demonstrate the ability for Council to be an early adopter of new sustainable practices.

The implementation of a FOGO trial will allow Council to understand what works and what is acceptable to the Community and improve the prospects of success of future FOGO collection services when fully implemented.

### **Recommendation(s)**

- 1. That the General Manager be authorised to progress preparations for the implementation of a FOGO trial in early 2022. The trial area be confirmed as Collection Run 1 each, Wednesday encompassing Greenhills Street, Liverpool Road, Arthur Street and Culdees Street in and around Burwood Heights*
- 2. The General Manager provide Council with a progress report on the trial detailing findings from the first 3 months of the FOGO trial, including any resident feedback, waste diversion information and any changes required to the scheme. A further progress report be provided to Council outlining findings at the 6 months period, including recommendation as to whether the trial is required to proceed to the full 12 months.*
- 3. Following the completion of the trial, that a comprehensive report be prepared and submitted to Council for approval detailing how the FOGO Services can be fully implemented across the LGA. This is to include all financial, implementation and logistical considerations.*

### **Attachments**

- 1 Proposed Trial Collection Area



18 October 2021

# Proposed Trial Area –Run 1, Wednesday Collection Area

*Bounded by;*  
Greenhills Street  
Culdees Road  
Liverpool Road  
Arthur Street  
Appian Way



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

## **(ITEM 78/21) CLIMATE COUNCIL - CITIES POWER PARTNERSHIP - PROPOSED MEMBERSHIP**

File No: 21/46167

REPORT BY DIRECTOR CITY STRATEGY

### **Summary**

The Cities Power Partnership (the program) is a not for profit, national program run by the Climate Council. It aims to provide local governments with the tools, knowledge and connections to take meaningful action on climate change and capitalise on the global shift to a clean economy.

It is the largest local government climate program in Australia with over 145 member councils representing over 60 per cent of Australia's population.

The work of the Climate Council promotes independent research and policy proposals based on the best available climate science.

### **Operational Plan Objective**

3.4 Leadership in Environmental Sustainability

3.4.2. Greater use of more efficient green technologies and alternative energy sources

### **Background**

The Cities Power Partnership program connects councils throughout Australia to share knowledge and best practice on climate and clean energy solutions. It also helps councils to promote and celebrate their successes through media and events, including an annual national awards program.

Councils who join the program are required to make five action pledges across the areas of renewable energy, energy efficiency, sustainable transport, collaboration and advocacy. Burwood Council is already taking actions that could be counted towards these pledges. These will be reinforced with the launch of the Sustainable Burwood Strategy.

The intent of the Cities Power Partnership is to improve the success and take up of climate action and clean energy initiative through four key actions:

1. Sharing Knowledge: This includes a range of online documents, forums and webinars
2. Fostering Collaboration: This involves promoting collaboration between Councils and industry
3. Accelerating Climate Initiatives: This involves supporting Councils in the achievement of nominated pledges
4. Celebrating Success: This is a national organisation and key achievements will be communicated through their media channels.

Program membership presents an opportunity for Burwood Council to gain access to additional support and resources in implementing best practice climate and clean energy policies and programs. It will also support Burwood to demonstrate leadership in working with other local governments to address climate change.

### **Proposal**

It is proposed that Council apply to join the Cities Power Partnership and utilise the resources available in furthering Council's sustainability commitments and actions.

Joining the program requires a nomination letter from the Mayor highlighting the support to commit to five pledges within six months of joining, to report our progress in achieving emission reduction goals and to participate in sharing knowledge with other councils.

There is no cost for joining the program and reporting is undertaken through an annual online survey that takes approximately 2-3 hours to complete.

It is proposed that the following pledges be made:

- Use council resources to support the uptake of renewable energy
- Set Council wide level emissions reduction target
- Identify opportunities to turn residual waste into electricity
- Ensure Council fleet purchases meet strict greenhouse gas emissions requirements and support the uptake of electric vehicles.
- Encourage sustainable transport use such as public transport, walking and cycling through council transport planning and design

The pledges align well with the themes and actions contained in the draft Sustainable Burwood Strategy. The additional resources provided by the organisation would assist Council in the achievement of these specific pledges. A full list of pledges and examples provided by other Councils are included as an attachment to this report.

It is considered appropriate that final selection of the pledges be held until public consultation can be completed for the Sustainable Burwood Strategy. A further report will be presented to Council recommending the final pledges including alignment with actions.

### **Planning or Policy Implications**

Membership of the program will enable Council to have access to resources and information that will be complementary and aid Council as part of its Sustainable Burwood strategy.

### **Financial Implications**

There is no membership fee and as such there no financial implications.

### **Conclusion**

Membership of the Cities Power Partnership will provide Council with a useful and valuable resource in furthering our sustainability commitment aims and objectives. It is a nationally recognised platform with over 54 Council members just in NSW. Membership will expose Burwood Council to a range of stakeholder groups, potential external partners and through leadership that will be highly beneficial in the implementation of the Sustainable Burwood Strategy.

### ***Recommendation(s)***

1. That Council receive and note the information concerning the Cities Power Partnership and provide endorsement to seek membership of the organisation via formal correspondence.
2. That the General Manager be authorised to engage with the Cities Power Partnership to select pledges appropriate to Burwood Council. This should take into account any feedback received during public consultation for the Sustainable Burwood Strategy.

3. That a further report be presented back to Council seeking endorsement of the recommended pledges for lodgement with the Cities Power Partnerships.

**Attachments**

- 1 Background Information Cities Power Partnership (*see separate document*)

## **(ITEM 93/21) ADOPTION OF AUDITED FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 2021**

File No: 21/48446

REPORT BY DIRECTOR CORPORATE SERVICES

### **Summary**

In accordance with Section 418 (1)(a) of the *Local Government Act 1993* (the Act), Council must fix a date for the meeting at which it proposes to present its Audited Financial Report, together with the Auditor's Report. The presentation of this Report to this Council Meeting fulfils this requirement.

In all material respects, the financial statements are presented fairly in accordance with Australian Accounting Standards and other mandatory professional reporting requirements and statutory requirements so as to present a view which is consistent with Council's understanding of the financial position, the operating result and cash flows.

### **Operational Plan Objective**

2.3 Ensure financial sustainability and organisational effectiveness

### **Background**

As per the resolution of the 28 September 2021 Council Meeting, the Financial Reports for year ending 30 June 2021 were presented to Council's Auditor for audit.

The auditors concluded the final audit of the 2020-2021 Financial Statements in October 2021 and will forward their Independent Audit Report and Report on the Conduct of the Audit to Council for inclusion in the Financial Reports for submission to the Office of Local Government. A copy is to be presented to Council on the night of the meeting.

Council's Auditor presented the Draft Financial Statements to the Audit, Risk and Improvement Committee at the meeting held on 19 October 2021, where the auditors gave a presentation and answered questions on the presented statements. The Committee members present at the meeting accepted the Financial Statements with no alterations.

### **Consultation**

In accordance with Section 418(1) (b) of the Act, Council has given public notice of this meeting by advertising on Council's website. Copies of the Audited Financial Reports and Auditor's Report were placed on Public Exhibition at Burwood Council and Library 2 Conder Street Burwood and on Council's website for members of the public to view. Any written submissions received from the public will be deliberated and considered by the General Manager and copies forwarded to Council's Auditors.

### **Planning or Policy Implications**

In accordance with the *Local Government Act 1993* and *Local Government (General) Regulation 2005*, the following have been complied with:

- A copy of the Audited Financial Reports and Auditor's Report will be forwarded to the Office of Local Government.
- Public notice has been given for the presentation of the 2020-2021 Financial Reports.



- The date of this meeting was advised to the public after the date of public notices given and not more than five weeks after the Auditor's Report was received.

### **Financial Implications**

There are no direct financial implications from the presentation of the Audited Financial Reports to Council.

### **Conclusion**

The 2020-2021 Consolidated Financial Reports relate to the General Fund of Council. During the course of the audit no material adjustments to the financial statements were identified. The audited financial reports will be forwarded to the Office of Local Government in accordance with legislative requirements.

Copy of the Annual Financial Statements are attached to this report. The Independent Auditor's Report on the conduct of the audit will be forwarded separately.

### **Recommendation(s)**

1. That in accordance with Section 413(2)(c) of the *Local Government Act 1993* and Clause 215 of the *Local Government (General) Regulation 2005*, the Council make the following declaration:
  - a. That Council's Financial Reports have been drawn up in accordance with the *Local Government Act 1993* and associated Regulations; the Statement of Accounting Concept; the Local Government Code of Accounting Practice and Financial Reporting update no. 29; and the Australian Accounting Standards.
  - b. The Audited financial reports present fairly the Council's financial position and performance for the year.
  - c. These reports accord with Council's accounting and other records.
2. That the Council note that the 2020-2021 Audited Financial Reports and Auditor's Report will be forwarded to the Office of Local Government.

### **Attachments**

- 1 Annual\_Financial\_Statements-2021 (***see separate document***)

## (ITEM 60/21) ADOPTION OF FEES AND CHARGES 2021/2022 - HENLEY PARK AND BLAIR PARK AMENITIES BUILDINGS - POST PUBLIC EXHIBITION

Trim Folder: 21/36176

REPORT BY DIRECTOR COMMUNITY LIFE

### Summary

At the Ordinary Meeting of Council held on 29 June 2021, Council resolved to place the draft fees and charges for the Henley Park and Blair Park Amenities Buildings on public exhibition for a period of 28 days for consultation with the community. This report seeks Council's adoption of the draft fees and charges with two amendments proposed as a result of feedback received during the public exhibition period and further consultation undertaken post public exhibition with local community sporting groups.

### **Operational Plan Objectives**

- 2.1 Community confidence in Council's decision making.
- 2.3 Ensure financial sustainability and organisational effectiveness.

### Background

At the Ordinary Meeting of Council held on 29 June 2021, it was resolved:

*That Council place the new draft fees and charges for the Henley Park and Blair Park Amenities Buildings as outlined in this report on public exhibition for a period of 28 days and provide a report back to Council following the conclusion of the public exhibition period.*

The draft fees and charges for the Henley Park and Blair Park Amenities Buildings were placed on public exhibition for a period of 28 days from Monday 5 July 2021 to Monday 2 August 2021. One submission was received in relation to the Blair Park Amenities Building within the public exhibition period.

Further to the above, a Councillor Briefing was held on Thursday 19 August 2021 to consider the feedback received during the public exhibition period and subsequent amendments to the draft fees and charges. Following the Councillor Briefing further consultation was undertaken with local sporting groups beyond the public exhibition period to ensure that any new fees and charges proposed adequately considered the needs of local sporting groups, particularly in light of the current impacts of the Covid-19 Pandemic.

### Proposal

The draft fees and charges for the Henley Park and Blair Park Amenities Buildings were prepared to reflect the recently upgraded or new facilities available. The draft fees and charges are outlined below (and include GST).

### **Henley Park Community Room**

<b>Category</b>	<b>Monday - Friday</b>	<b>Saturday, Sunday and Public Holidays</b>
Commercial and Private Charge	\$30 per hour	\$35 per hour
Non Profit	\$15 per hour	\$17.5 per hour
Community, Seniors & Students	\$7.50 per hour	\$8.75 per hour

**Commercial Kitchen – Henley Park and Blair Park**

<b>Category</b>	<b>Proposed Fee</b>
Commercial and Private Charge	\$55/hr (min 2 hours)
Non Profit	\$27.50/hr (min 2 hours)
Community, Seniors & Students	\$13.75/hr (min 2 hours)
Seasonal Fee	\$1,430 (\$65/week)
Cleaning fee end of season	\$150
Cleaning/Damage Deposit Bond	\$500
AV Bond	\$100

**Storage and Officer Space Hire - Henley Park and Blair Park**

<b>Description</b>	<b>Proposed Fee</b>
Storage Room	\$1,500 per annum
Large Cupboard Charge	\$50 per month
Office Space	\$3,000 per annum

These draft fees and charges were developed in line with other Council facilities available throughout the Burwood LGA as well as a comparison with neighbouring councils for similar type facilities.

The one (1) submission received during the public exhibition period was specifically in relation to the fees proposed for the Blair Park Amenities Building. Key points outlined in the submission and Council's responses are summarised in the following table:

<b>Key Points of Submission</b>	<b>Council Response</b>
The submission sought clarification in relation to the 'Seasonal Fee' for the Commercial Kitchen and whether this would provide hirers with exclusive use of the kitchen for the extent of the season.	Given the layout of the facility, the booking of the Commercial Kitchen for the season would mean exclusive use of the kitchen for the extent of the season.
Clarification was sought in relation to Large Cupboard Storage versus Storage Room.	Further explanation was provided to define each facility type.
The submission noted that the Office Space was quite expensive for the amount of square metres it is compared to the Storage room.	In response to the submission it is proposed that the Office Space fee is combined with the Storage Room fee and is further reduced as an 'introductory' fee in 2020/21.
Further information was also outlined with respect to the user group's prior advocacy and efforts in helping Council to secure Federal Funding of \$1.3 million for the building works and park upgrades in 2017. The submission noted that this needs to be taken into account when negotiating ongoing hiring costs and future tenancy.	Council is required to manage and maintain the Blair Park Amenities Building, including cleaning, maintenance, repair and replacement of its assets. Council also contributed funds over and above the Federal funding amount granted for the facility.
The user group also proposed that a 20 year building lease agreement at an appropriate peppercorn rate be explored in recognition of their contribution to the community and prior advocacy efforts in relation to funding for the site.	All fees proposed are heavily subsidised and are comparable or less than other Council facilities available throughout the Burwood LGA and neighbouring councils for similar type facilities. This is consistent with Council's Pricing Policy (Partial Cost), which enables Council to recover less than the full cost of a service for reasons such as a community service obligation or community contribution.

Key Points of Submission	Council Response
	The Blair Park Plan of Management (PoM) adopted by Council on 9 September 2013, notes that in relation to leases and licenses, Council currently allows seasonal sports bookings only. The PoM also notes that Council will consider leasing or licensing areas of the site in certain circumstances. This option will be further explored in 2021/22 and requires a fair, transparent and open process to be followed prior to the granting of any leases or licenses.

Further consultation undertaken throughout August and September 2021 with local sporting groups also highlighted the following additional considerations:

- That a seasonal (Saturday and Sunday) fee be included in addition to the proposed hourly fee for the Henley Park Community Room; and
- That the Storage Room and Office Space fees be combined and reduced to an 'introductory' fee of \$600 per annum in 2021/22.

In response to the formal submission as well as further consultation with local sporting groups, this report recommends the following amendments to the draft fees and charges:

#### Storage and Office Space Hire - Henley Park and Blair Park

Description	Proposed Fee (Prior to public exhibition)	Proposed Fee (Post public exhibition)
Storage Room	\$1,500 per annum	Combined fee of \$600 per annum
Office Space	\$3,000 per annum	

#### Henley Park Community Room

Description	Proposed Fee (Prior to public exhibition)	Proposed Fee (Post public exhibition)
Seasonal Rate for Local Sporting Groups	(Previously \$8.75 per hour or a total of \$3080 for weekend hire over sporting season).	\$1500 per season

#### Consultation

The draft fees and charges for the Henley Park and Blair Park Amenities Buildings were placed on public exhibition for a period of 28 days from Monday 5 July 2021 to Monday 2 August 2021 in accordance with section 610F and section 705 of the *Local Government Act 1993*.

During the public exhibition period the documents were made available to the community for comment via Council's website. Hard copies of the documents were also made available at the Customer Service Centre. Council also wrote to eleven existing regular hirers of Henley Park and Blair Park to advise them of the proposed new fees and charges and engage with the groups directly. This resulted in one submission during the public exhibition period.

Following the conclusion of the public exhibition period, Council sought further clarification and feedback from the previous and existing regular hirers of Henley Park and Blair Park Amenities Buildings. In particular, Council has undertaken significant consultation via online meetings, telephone discussions and email correspondence with Canterbury District Soccer Football Association, Enfield Rovers and Burwood Football Club.

### **Planning or Policy Implications**

In accordance with section 610F(1) of the *Local Government Act 1993*, a council must not determine the amount of a fee until it has given public notice of the fee and has considered any submissions duly made to it during the period of public notice.

Council has now given public notice for 28 days of the fees proposed for the Henley Park and Blair Park Amenities Buildings.

### **Financial Implications**

The impetus for the draft fees and charges being proposed was the recent completion of the new Henley Park Amenities Building. Council has also recently completed a review of the park bookings function as a result of the transition of the function from Council's Operations Team to the Customer Service Team. This review has determined that fees and charges for some facilities have not previously been in place for the use of the Blair Park Amenities Building. The proposed fees and charges will therefore result in a minimal level of income to Council that has not previously been received.

It should also be noted that Council is required to manage and maintain the Henley Park and Blair Park amenities buildings and grounds, including the cleaning, maintenance, repair and replacement of its assets. Council also pays for staffing costs associated with the upkeep of both sites as well as utilities. All new fees proposed are heavily subsidised, and will enable Council to introduce some level of minimal contribution towards these ongoing costs.

Further review of the fees and charges will be required in 2022/23 and subsequent years and may result in further increases to ensure financial sustainability. The proposed fees and charges in 2021/22 should therefore be considered as transitional or 'introductory' fees. This approach has been taken to minimize impacts on existing users.

Moreover, consistent with the Mayoral Minute 'Burwood Bounce Back Business Support Package' (MM26/21) resolved at the Ordinary Meeting of Council held on 28 September 2021, it should be noted that Council has also applied a 50% discount to community sporting groups for the hire and use of Council sports fields and amenities until 31 December 2021. The proposed discount takes into consideration the impact of the Covid-19 Pandemic on local sporting groups and ensures consistency with the approved discount applied to other community facilities. This discount has only been applied to community sporting groups and not commercial hirers

Consistent with this level of financial relief and in consideration of the impact of Covid-19 on local sporting groups, this report recommends that the new fees and charges proposed in this report for the Blair Park and Henley Park Amenities Buildings only be applied from 1 January 2022.

### **Conclusion**

This report recommends that Council adopts the draft fees and charges 2021/22 for the Henley Park and Blair Park Amenities Buildings following a public exhibition process. In response to the one formal submission received and additional feedback from local sporting groups, further consideration has been applied. It is recommended that a seasonal (Saturday and Sunday) fee of \$1500 is incorporated for the Henley Park Community Room; and the Storage Room and Office Space fees be combined and further reduced to \$600 per annum in 2020/21 as an 'introductory' or transitional rate to support local sporting groups.

**Recommendation**

That Council:

1. Adopts the draft fees and charges 2021/22 for the Henley Park and Blair Park Amenities Buildings as outlined in this report following the conclusion of the public exhibition period, as required by section 610F and section 705 of the *Local Government Act 1993*.
2. Incorporates the above fees and charges into Council's Schedule of Fees and Charges 2021/2022 with an applicable commencement date of 1 January 2022.

**Attachments**

There are no attachments for this report.

**(ITEM 95/21) INVESTMENT REPORT AS AT 30 SEPTEMBER 2021**

File No: 21/48447

REPORT BY DIRECTOR CORPORATE SERVICES

**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

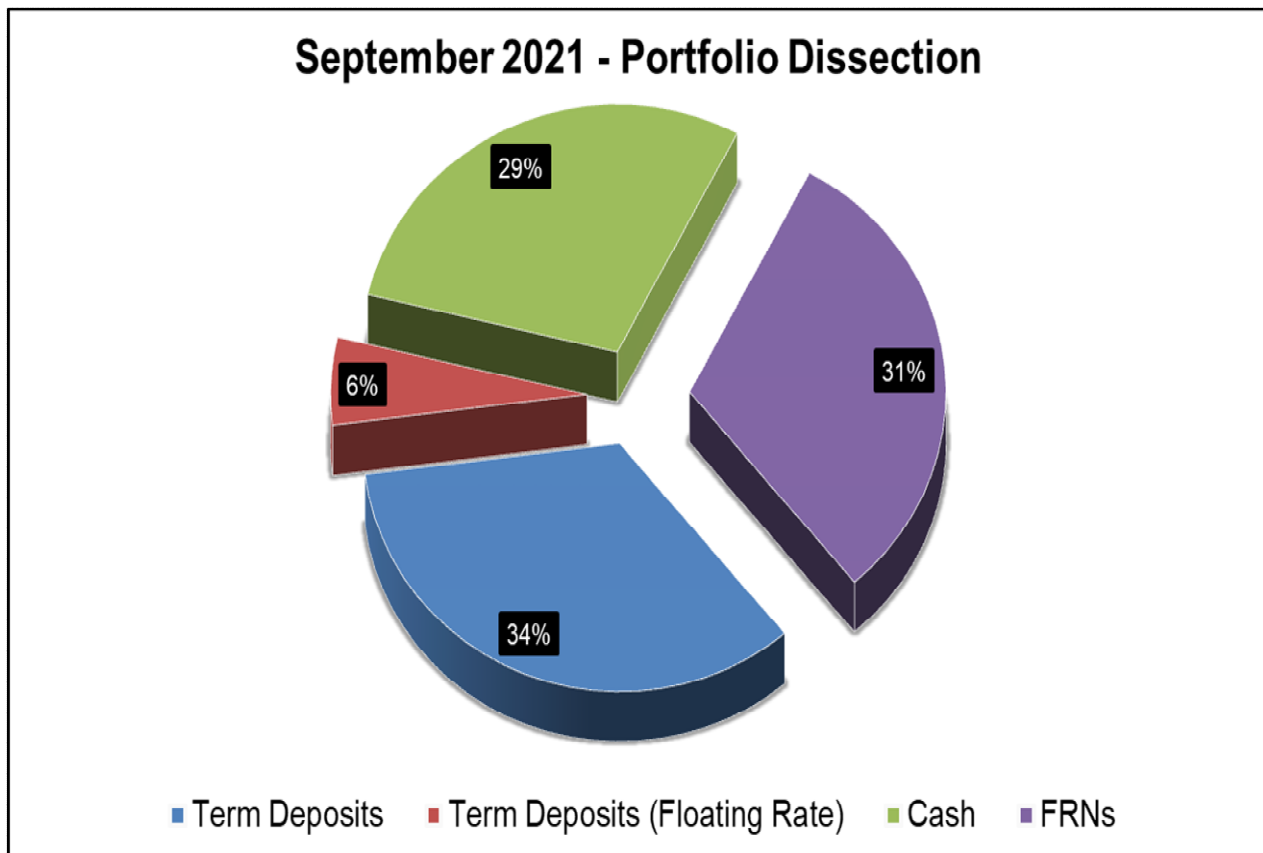
**Background**

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**

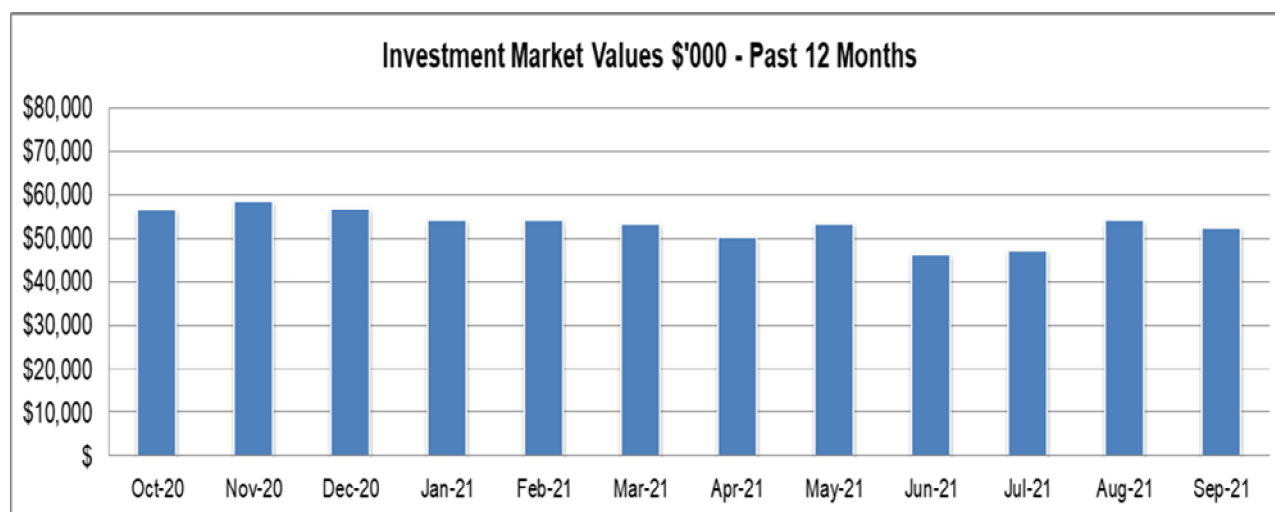
Council has a diversified investment portfolio and has a number of direct investments in term deposits. Its investment portfolio as at 30 September 2021 is:



As at 30 September 2021 Council held the following term deposits:

Purchase Date	Financial Institution	Principal Amount	Interest Rate	Investment Days	Maturity Date
14 Jul 20	Westpac	4,000,000	0.89%	730	14 Jul 22
14 Jul 20	National Australia Bank	4,000,000	0.90%	730	14 Jul 22
31 Aug 20	Westpac	4,000,000	0.83%	543	25 Feb 22
31 Aug 21	National Australia Bank	3,000,000	0.80%	1,095	30 Aug 24
31 Aug 21	Westpac	3,000,000	0.75%	1,095	30 Aug 24
<b>Total</b>		<b>18,000,000</b>			

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 October 2021, the Board decided to maintain the official cash rate at 0.10 per cent. According to the RBA Governor "...The Board took this decision stating that prior to the Delta outbreak has interrupted the recovery of the Australian economy and GDP is expected to have declined materially in the September quarter. The outbreak is affecting many parts of the economy, but the impact is uneven, with some areas facing very difficult conditions while others are continuing to grow strongly.

This setback to the economic expansion in Australia is expected to be only temporary. As vaccination rates increase further and restrictions are eased, the economy is expected to bounce back. Many businesses are now planning for the easing of restrictions and confidence has held up reasonably well. There is, however, uncertainty about the timing and pace of the bounce-back and it is likely to be slower than that earlier in the year. Much will depend on the nature and timing of the easing of restrictions on activity.

The restrictions on activity have had a significant effect on the labour market. Hours worked – the best indicator of labour market conditions at the moment – declined by nearly 4 per cent in August. Looking forward, the Bank's business liaison and data on job vacancies suggest that many firms are seeking to hire workers ahead of the expected reopening in October and November.

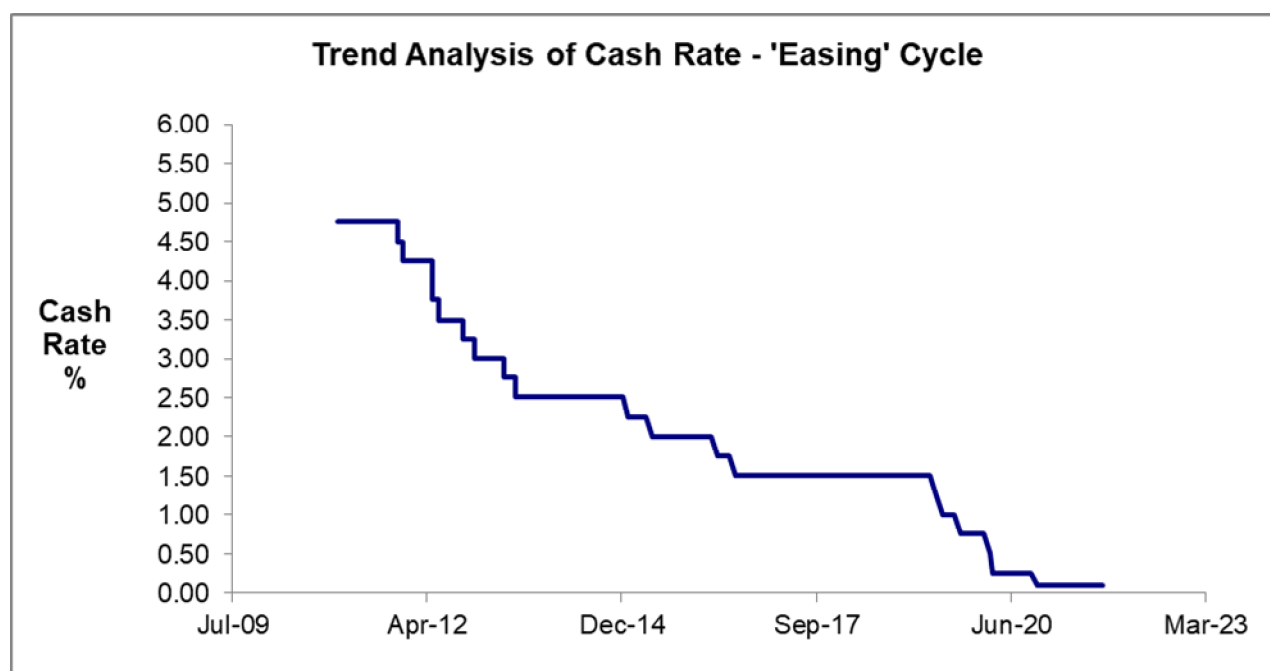


Wage and price pressures remain subdued in Australia. In underlying terms, inflation is running at around 1¾ per cent and wages, as measured by the Wage Price Index, are increasing at just 1.7 per cent. While disruptions to global supply chains are affecting the prices of some goods, the impact of this on the overall rate of inflation remains limited.

Housing prices are continuing to rise, although turnover in some markets has declined following the virus outbreak. Housing credit growth has picked up due to stronger demand for credit by both owner-occupiers and investors. Given the environment of rising housing prices and low interest rates, the Bank is monitoring trends in housing borrowing carefully and it is important that lending standards are maintained.

The Board remains committed to maintaining highly supportive monetary conditions to achieve a return to full employment in Australia and inflation consistent with the target. It will not increase the cash rate until actual inflation is sustainably within the 2 to 3 per cent target range. The Bank's central scenario for the economy is that this condition will not be met before 2024. Meeting it will require the labour market to be tight enough to generate wages growth that is materially higher than it is currently." Statement by Philip Lowe, Governor: Monetary Policy Decision – 5 October 2021".

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



### ***Recommendation(s)***

1. That the investment report for 30 September 2021 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

### **Attachments**

- 1 Investment Register - September 2021
- 2 Types of Investments - December 2017

Investment Register - September 2021

BURWOOD COUNCIL  
INVESTMENT PORTFOLIO  
as at 30 September 2021

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

Certificate of Responsible Accounting Officer

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

*W. Amitage*

Wayne Amitage  
Chief Finance Officer

Investment Adviser	Issuer	ADI or N-ADI	Investment Name	Type	Rating S&P	Invested Amount	Market Value as at 31/07/2021	Market Value as at 31/08/2021	Market Value as at Reporting Date	% of Total Invested
Cash										28.03
Council	Commonwealth Bank	ADI	Operating Account	Cash	AA-	181,518	3,023,382	5,988,167	181,518	0.34
Council	Commonwealth Bank	ADI	Cash Deposit Account	ATC Call	AA-	-	10,024	10,024	-	0.00
Council	Commonwealth Bank	ADI	Online Saver	ATC Call	AA-	7,137,039	886,813	886,826	7,137,039	13.52
Council	Macquarie Bank	ADI	Accelerator Account	ATC Call	AA-	8,006,051	4,001,797	8,006,051	8,006,051	15.16
Council	AMP Bank Limited	ADI	AMP Business Saver	ATC Call	BBB-	1,271	1,295	1,295	1,271	0.00
Council	AMP Bank Limited	ADI	AMP Notice Account	Notice 30 days	BBB-	3,442	3,438	3,440	3,442	0.01
Term Deposits										34.13
Council	Commonwealth Bank	ADI	Commonwealth Bank	Term Deposit	AA-	-	2,000,858	2,001,351	-	0.00
Council	Westpac	ADI	Westpac	Term Deposit	AA-	4,000,000	4,001,658	4,002,820	4,002,820	7.58
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	4,000,000	4,001,677	4,004,734	4,007,683	7.59
Council	Westpac	ADI	Westpac	Term Deposit	AA-	4,000,000	4,006,094	4,000,091	4,007,608	7.59
Council	Westpac	ADI	Westpac	Term Deposit	AA-	3,000,000	-	3,000,000	3,001,849	5.68
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	3,000,000	-	3,000,000	3,001,973	5.68
Council	Westpac	ADI	Westpac	Term Deposit	AA-	-	3,003,911	-	-	0.00
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	-	3,021,982	-	-	0.00
Term Deposits - Fixed & Floating Rates										57.0
Council	Westpac	ADI	Westpac	Coupon Select Deposit 2 Yr Fixed plus 3 Yr (90day BBSW + 1.05 bps)	AA-	3,000,000	3,015,431	3,000,490	3,007,838	5.70
Floating Rate Notes										31.14
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Floating Rate Notes (90 day BBSW mid +44 bps)	A+	1,500,000	1,516,890	1,513,305	1,513,020	2.87
Council	Bendigo-Adelaide	ADI	Bendigo Bank & Adelaide Bank	Floating Rate Notes (90 day BBSW mid + 105 bps)	BBB+	1,500,000	1,519,385	1,520,070	1,519,500	2.88
Council	ANZ Group	ADI	ANZ Group	Floating Rate Notes (90 day BBSW mid + 77 bps)	AA-	2,000,000	2,021,090	2,021,220	2,020,940	3.83
Council	Newcastle Permanent Building Society	ADI	Newcastle Permanent Building Society	Floating Rate Notes (90 day BBSW +140 bps)	BBB	1,250,000	1,272,163	1,268,938	1,269,713	2.40
Council	Bank Australia Ltd	ADI	Bank Australia Ltd	Floating Rate Notes (90 day BBSW +130 bps)	BBB	-	1,504,065	-	-	0.00
Council	National Australia Bank	ADI	National Australia Bank	Floating Rate Notes (90 day BBSW +41 bps)	AA-	1,500,000	-	1,501,575	1,487,090	2.84
Council	MyState Bank Ltd	ADI	MyState Bank Ltd	Floating Rate Notes (90 day BBSW +65 bps)	BBB	2,500,000	2,502,100	2,503,500	2,500,625	4.74
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +93 bps)	AA-	2,000,000	2,037,820	2,032,860	2,031,180	3.85
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +113 bps)	AA-	4,000,000	4,096,960	4,097,560	4,062,520	7.75
Grand Total						52,579,321	47,448,342	54,363,647	52,862,768	100.00

**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 83/21) BURWOOD COUNCIL ANNUAL REPORT 2020-2021**

File No: 21/46645

REPORT BY DIRECTOR PEOPLE AND PERFORMANCE

**Summary**

Burwood Council's Annual Report for the period 2020-2021 has been prepared in accordance with the *Local Government Act 1993* (the Act) and the Office of Local Government's Annual Report requirements.

**Operational Plan Objective**

Leadership and Innovation

2.1.3. Ensure transparency and accountability in decision-making

2.1.3.1 Audit and evaluate projects and report outcomes to the community where possible

2.1.3.2 Provide information in a transparent manner

**Background**

The report is prepared annually to comply with Sections 428 and 406 of the Act and Clause 217 of the *Local Government (General) Regulation 2005* and must be provided to the Minister for Local Government by 30 November each year.

The focus on the Annual Report is Council's progress in implementing its Delivery Program and Operational Plan. The report addresses each of the strategic directions outlined in the Community Strategic Plan and has been prepared as a key reporting mechanism in accordance with the requirements of the State Government Integrated Planning and Reporting Framework

**Consultation**

In compliance with the Local Government Regulation 2021 in force during the regulated period before the scheduled Local Government elections on 4 December 2021, the Annual Report is presented to Council and published on Council's website only as part of the business papers relating to this meeting.

The Annual Report will not be publicised or circulated in other sections of Council's website nor via established media channels until after the December 2021 elections.

**Planning or Policy Implications**

No Planning or Policy implications.

**Financial Implications**

No Financial implications.

**Recommendation(s)**

That Council endorse the Burwood Council Annual Report 2020-2021

**Attachments**

1 Draft Burwood Council Annual Report 2020-2021

## **(ITEM 87/21) COUNCIL AND BURWOOD LOCAL PLANNING PANEL MEETING SCHEDULES FOR REMAINDER OF 2021 AND FOR 2022**

File No: 21/45368

REPORT BY DIRECTOR CORPORATE SERVICES

### **Summary**

The proposed 2022 schedule for meetings of the Burwood Planning Panel, ordinary meetings of Council and Councillor briefing sessions is presented to Council for endorsement. Changes to meeting dates for 2021 are also proposed as a result of the 4 December 2021 local government election.

### **Operational Plan Objective**

2.5.1 Provide strong leadership and advocacy on behalf of the community.

### **Background**

Elected Council is required under Section 365 of the *Local Government Act 1993* to meet at least 10 times in a given year, each time in a different month, to conduct the business of Council. Its decisions on management of the local area environment are complemented by decisions made by the Burwood Local Planning Panel (BLPP), which is required under Division 2.5 of the *Environmental Planning and Assessment Act 1979* to deal with certain development and building proposals submitted to Council. A schedule of minimum meeting requirements to effectively handle the anticipated levels of business for both bodies in 2022 has been drafted for consideration by Council.

In addition, the local government elections have been postponed to 4 December 2021 and results are not likely to be declared until late December. This will impact scheduled council meeting dates for the remainder of 2021.

### **Proposal**

#### **The remainder of 2021**

Despite the timing of the election, Council is still required to meet 10 times during the year, each time in a different month. To date Council has met during 9 months of 2021. To meet the requirements of section 365 of the *Local Government Act 1993*, council will need to proceed with a November meeting. However, given the timing of the election, it is proposed that the meeting be brought forward by a week to 16 November 2021 to help ensure that action on Council resolutions is well in hand before the election.

It is noted that this will be during the 'caretaker period', which commences on Friday 5 November 2021. However, the caretaker period does not prevent Council from meeting, providing the business at the meeting does not include any of the following matters that are precluded by clause 393B of the *Local Government (General) Regulation 2021*:

- a) entering a contract or undertaking involving the expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger),
- b) determining a controversial development application, with certain exceptions,
- c) the appointment or reappointment of a person as the council's general manager (or the removal of a person from that position), other than a temporary or acting arrangement.

With the election scheduled for 4 December 2021, the meeting scheduled for 14 December 2021 will now need to be cancelled because the results of the election will not have been formally declared by that date.

### **Schedule for 2022**

1. Burwood Council normally convenes one ordinary meeting of Council in every month of the year with the exception of January. Meetings from March to November have typically been convened on the fourth Tuesday of the month whilst meetings set down for February and December have been convened earlier in the month to accommodate a Christmas / New Year recess period. In this case, the February meeting will also need to take into account the Councillor induction program and the longer than usual summer gap in council meetings due to the December election.
2. No major shifts in the volume of business to be considered by Council are anticipated in the coming year, therefore the established pattern of meetings should continue to serve the Council relatively well.
3. Nomination of dates for the Council meeting schedule has taken account of the following key factors:
  - Local Government NSW Special Conference – 28 February to 2 March 2022
  - Local Government NSW 2022 Annual Conference – 23 to 25 October 2022
  - Australian Local Government Association National General Assembly – 19 to 22 June 2022
  - public holidays
4. The schedule of dates is being proposed now to facilitate advanced planning. However, the schedule will be presented to newly elected council at its first meeting in February 2022 for validation or change as it sees fit.
5. Council meetings and briefings for 2022 will be planned on the basis of face-to-face sessions at 2 Conder Street in Burwood, subject to any changing public health advice or guidance from the Office of Local Government about statutory provisions for virtual meetings.
6. As per the *Councillor Induction, Briefings and Workshop Policy* the councillor briefings that proceed on the same days as ordinary meetings of Council will be focused on matters set down in the agenda for the Council meeting to immediately follow. Councillors will be consulted on opportunities to attend workshops and extra briefing sessions on days other than those nominated for ordinary meetings of Council. Workshops and briefings will continue to focus on learning and discussion opportunities that help councillors prepare for decision making at formally constituted meetings of Council.
7. The provisions under the *Environmental Planning and Assessment Act 1979* governing the conduct of local planning panels were modified in mid-2020 to reduce potential barriers to timely determinations. This included eliminating the obligation of Panels to convene public hearings on matters that do not meet certain thresholds. Officers of Council consider that the existing model of monthly meetings of the BLPP from February to December will continue to meet the efficiency expectations of the NSW Minister for Planning and Public Spaces.
8. As part of the Burwood Council response to COVID-19, the BLPP has conducted its hearings and deliberations completely electronically for most of 2020 and 2021. It appears that such virtualisation is increasingly favoured by the Minister for Planning and Public Spaces as a long term option, where it can improve the speed with which determinations can be reached.

### **Planning or Policy Implications**

The proposal follows long-standing practices for the scheduling of these meetings.

## **Financial Implications**

No financial implications.

## **Conclusion**

Council is obliged to determine scheduling arrangements for ordinary meetings of Council and ancillary briefings, as well as minimum scheduling requirements for the Burwood Local Planning Panel. Timely determination of these commitments is important for ensuring that stakeholders can effectively plan their commitments. Further adjustments for the 2021 meeting schedule have been prompted by the second postponement of the local government elections.

## **Recommendation(s)**

That:

1. The November Ordinary Meeting of Council be rescheduled to 16 November 2021.
2. The scheduled 14 December 2021 meeting of council be cancelled.
3. Council endorse the schedule for meetings of the Burwood Local Planning Panel, ordinary meetings of Council and Councillor Briefing sessions in 2022 as proposed in the attachment to this report, subject to re-confirmation by the incoming Council at its first meeting in 2022.
4. Meetings of the Burwood Local Planning Panel meetings commence with public hearings (where required) at 6:00pm and accommodate virtual participation consistent with requirements under the *Environmental Planning and Assessment Act 1979* and any prevailing Public Health Orders.
5. Ordinary meetings of Burwood Council commence at 6:00pm in the Conference Room at 2 Conder Street in Burwood and accommodate virtual participation consistent with requirements under the *Local Government Act 1993* and any prevailing Public Health Orders.
6. Councillor briefing sessions preceding ordinary meetings of Council commence no later than 5:00pm (unless otherwise negotiated) and be convened at 2 Conder Street in Burwood.
7. Councillor workshops and briefings on days other than those nominated for ordinary meetings of Council continue to be scheduled as required.

## **Attachments**

- 1 DRAFT Burwood Local Planning Panel and Council Meeting schedule 2022

**ITEM NUMBER 87/21 - ATTACHMENT 1**

**DRAFT Burwood Local Planning Panel and Council Meeting schedule 2022**

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<b>Burwood Local Planning Panel and Burwood Council Meetings Schedule 2022 (proposed)</b>			
<b>Date</b>	<b>Burwood Local Planning Panel</b>	<b>Ordinary Meeting of Council</b>	<b>Councillor Briefing on Agenda</b>
8 February 2022	x		
15 February 2022		x	x
<i>28 February–2 March 2022 – LG NSW Special Conference (Sydney)</i>			
8 March 2022	x		
22 March 2022		x	x
12 April 2022	x		
26 April 2022		x	x
10 May 2022	x		
24 May 2022		x	x
14 June 2022	x		
<i>19–22 June 2022 – ALGA National General Assembly</i>			
28 June 2022		X	x
12 July 2022	x		
26 July 2022		x	x
9 August 2022	x		
23 August 2022		x	x
13 September 2022	x		
27 September 2022		x	x
11 October 2022	x		
18 October 2022 <sup>1</sup>		x	x
<i>23–25 October 2022 – LGNSW Annual Conference (Hunter Valley)</i>			
8 November 2022	x		
22 November 2022		x	x
6 December 2022	x		
13 December 2022		x	x

<sup>1</sup> Third week of the month to allow for LGNSW Annual Conference on 23–25 October 2022.



## **(ITEM 89/21) DISCLOSURE OF INTEREST RETURNS - COUNCILLORS AND DESIGNATED PERSONS**

File No: 21/46469

REPORT BY DIRECTOR CORPORATE SERVICES

### **Summary**

The General Manager is required under the *Local Government Act 1993* and supporting instruments to table written returns of interests for councillors and designated persons at a meeting of Council. Annual returns for the period 2020–21 are now due to be formally received and noted.

### **Operational Plan Objective**

2.1.3 Ensure transparency and accountability in decision making

### **Background**

Sections 440AAA and 440AAB of the *Local Government Act 1993* establish the framework for disclosures of interest that must be completed by councillors and designated persons. The returns are fundamental transparency and accountability documents and as such must be retained as part of a publicly accessible register. Section 6(2) of the *Government Information (Public Access) Act 2009* stipulates that certain open access information must be made publicly accessible on the Council website. Returns of interests of councillors, designated persons and delegates are classed under Schedule 1 of the *Government Information (Public Access) Regulation 2018* as open access information for the purposes of website publication.

### **Discussion**

Specific requirements for preparation and lodgement of returns is contained in the Model Code of Conduct that is required under the *Local Government Act 1993*. The Model Code is the basis of the Burwood Council Code of Conduct. All councillors and designated persons must lodge disclosure of interest returns within 3 months of:

- a) becoming a councillor or designated person (first time return)
- b) 30 June each year
- c) the councillor or designated person becoming aware of an interest they are required to disclose under Schedule 1 of the Burwood Council Code of Conduct that has not been previously disclosed in a return lodged in a first time return or an annual return.

A 'designated person' is described in clause 4.8 of the Burwood Code of Conduct as:

- a) the general manager
- b) other senior staff of the council
- c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions under the LGA or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
- d) a person who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual

functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

Preparation and proactive release of disclosure of interests returns are important elements in promoting public accountability of Council. They help to protect the integrity of Council decision making processes by allowing scrutiny of potential conflicts of interest that could arise where councillors or other key council officials participate in decision making from which they or their close associates may derive (or be perceived to derive) personal or financial benefit.

The relevant officer positions for the purposes of identifying designated persons were confirmed by the General Manager in July 2021. All councillors and designated persons, other than one officer who is out of contact on extended leave and two officers who have since separated from Council, have lodged their returns within the prescribed format by the due date of 30 September 2021. The returns will be published on the Council website in line with statutory requirements.

### **Conclusion**

Pursuant to Section 440AAB of the *Local Government Act 1993*, the returns for the period ended 30 June 2021 as per the summary of returns appearing as Attachment 1 to this report are formally tabled for information.

### **Recommendation(s)**

That the report and tabled disclosure of interest returns by councillors and designated persons for 2020/21 are received and noted.

### **Attachments**

1 Summary of Annual Disclosure of Interest Returns – 2020–21

**ITEM NUMBER 89/21 - ATTACHMENT 1**

**Summary of Annual Disclosure of Interest Returns – 2020–21**

<p align="center"><b>Annual Disclosure of Interest Returns – 2020/21</b>  <b>Councillors and Designated Persons</b></p> <p align="center"><i>For statutory disclosures of interests required under Section 4.21 of the Burwood Council Code of Conduct</i></p> <p align="right"><i>* Denotes first time return</i></p>	
<b>Position Title</b>	<b>Incumbent</b>
Mayor	John Faker
Deputy Mayor	Ernest Chan
Councillor	Heather Crichton
Councillor	Joseph Del Duca
Councillor	Raj Dixit
Councillor	Lesley Furneaux-Cook
Councillor	George Mannah
General Manager	Tommaso Briscece
Director - City Assets	George El Kazzi
Director - City Strategy	Dylan Porter
Director - Community Life	Brooke Endycott
Director - Corporate Services	Fab Zincone
Director - People & Performance	Patricia Hatzigiannis
Area Building Surveyor	Nelson Silva
Building & Projects Coordinator	Mike Pimentel*
Chief Financial Officer	Wayne Armitage
Consultant Governance Specialist <i>[temporary delegate for Manager Governance and Internal Ombudsman]</i>	Tanya Whitmarsh
Development Assessment Officer	Julian Sciarone*
Development Enquiry Officer	Alastair Sim
Executive Planner	Robert Toohey
Group Manager, Assets & Infrastructure	John Inglese
Group Manager, Building & Development	Brian Olsen

**ITEM NUMBER 89/21 - ATTACHMENT 1**

**Summary of Annual Disclosure of Interest Returns – 2020–21**

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<p align="center"><b>Annual Disclosure of Interest Returns – 2020/21</b>  <b>Councillors and Designated Persons</b></p> <p align="center"><i>For statutory disclosures of interests required under Section 4.21 of  the Burwood Council Code of Conduct</i></p> <p align="right"><i>* Denotes first time return</i></p>	
<b>Position Title</b>	<b>Incumbent</b>
Group Manager, Community Library & Aquatic Services	Simon Fox
Group Manager, Community Safety	Martin Jenner
Group Manager, Corporate Planning & Communications	Lawrence Hennessy
Group Manager, Customer Service & Records	Julie Mockett
Group Manager, Environment & Health	Harry Gavrilis
Group Manager, Information Technology	Shisir Manandhar
Group Manager, Operations	Peter Cassilles*
Group Manager, Operations	Neil Strickland*
Group Manager, Property & Building Services	Alistair White
Group Manager, Strategic Planning, Heritage & Place Planning	Karla Castellanos
Manager Civil Construction & Maintenance	Manoj Kumar*
Manager Parks & Operations	Chris Lane*
Procurement Officer	Prudence Pinto
Property Management Coordinator	Howard Bellchambers*
Senior Plant Mechanic	Grant Trevena*
Senior Strategic Planner	Diwei Luo
Senior Town Planner	Emma Buttress-Grove
Senior Town Planner	Holly Duan
Special Projects Officer (Building & Development)	Mark Ranieri
Strategic Planner	Ryan King

## **(ITEM 90/21) PORTLAND STREET, ENFIELD - TRAFFIC CALMING DEVICES**

File No: 21/46684

REPORT BY DIRECTOR CITY ASSETS

### **Summary**

Further investigation has been undertaken into traffic calming devices for Portland Street Enfield following a recent report presented to the Burwood Local Traffic Committee.

### **Operational Plan Objective**

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

### **Background**

A report was presented to the September 2021 meeting of the Burwood Local Traffic Committee (BLTC) with a recommendation to install two raised thresholds within Portland Street Enfield along the Henley park frontage in order to reduce vehicle speed and improve safety for visitors to the park.

All residents directly affected by the proposal in Portland Street were notified through a hand delivered survey package which included a letter outlining the proposal, a copy of the concept plan and a survey with the option of providing feedback on the proposal. Two responses were received, one of which was in support of the threshold near #39 however recommended the threshold near #23 be relocated just north of the intersection at Mitchell Street, and the other which was against the threshold at #23 due to the noise associated with vehicles traveling over the device.

The BLTC unanimously supported the recommendation however agreed that the threshold height be lowered from the originally proposed 100mm in height to 75mm to cater for the buses which use the street. The reduced height would also help to reduce noise as the ramps would be a lower grade and less impactful to traffic.

At the September Ordinary Council Meeting discussion took place on the report and the feedback received from one of the residents specifically relating to noise from the devices. Council resolved to defer the item for further consideration into rubber speed cushions in lieu of a concrete raised threshold.

### **Proposal**

Raised concrete thresholds span the entire width of the road carriageway. They consist of a 3.6 metre wide platform in the middle with a 1.2 metre long ramp on both approach sides. The height of the thresholds is generally 100mm however can be reduced down to 75mm in locations along bus routes to minimise the impact on heavy vehicles.

Raised thresholds are designed to reduce vehicle speeds via vertical deflection. An example of a concrete raised threshold is shown below.



*Concrete Raised Threshold*

Rubber speed cushions are installed in the centre of travel lanes as well as in adjacent parking lanes so as to prevent motorists from being able to drive around them. In some locations an additional median island is required to also prevent motorists from driving down the centre of the road to avoid the devices. The speed cushions are 75mm in height, two metres in length and are supplied in segment so that they can be made as wide as necessary. Generally, the width of the speed cushions selected is in the range of 1.8 to 2.0 metres.

Speed cushions are designed to allow vehicles to straddle one wheel on each side of the device. Wider vehicles such as buses have a wider space between their wheels which allows them to travel over the device at a higher speed. An example of rubber speed cushions is shown below.



*Rubber Speed Cushions*

In order to prevent vehicles from driving around speed cushions on Portland Street four speed cushions will be required. Each travel lane will require a 1.8m wide device, while the eastern and western kerbside areas, which are signposted as 'No Stopping', will require 0.9m and 1.6m wide devices respectively. The placement of the speed cushions is shown on the concept plan below.



Portland Street Rubber Speed Cushion Placement

A comparison of concrete raised thresholds and rubber speed cushions has been prepared. This includes a cost estimate for the treatment of a road 10 metres in width as is the case at Portland Street.

	Concrete Raised Thresholds	Rubber Speed Cushions
Pros	<ul style="list-style-type: none"> <li>• Greater speed reduction.</li> <li>• Lower maintenance.</li> <li>• Long lasting.</li> </ul>	<ul style="list-style-type: none"> <li>• Lower cost.</li> <li>• Less impact on heavy vehicles.</li> <li>• Lower noise due to lower vertical deflection.</li> </ul>
Cons	<ul style="list-style-type: none"> <li>• Higher cost.</li> <li>• Greater noise.</li> <li>• Greater impact on heavy vehicles.</li> </ul>	<ul style="list-style-type: none"> <li>• Lower speed reduction.</li> <li>• Higher maintenance.</li> <li>• Short lifespan due to wear and tear.</li> <li>• Motorists attempting to avoid devices crossing onto wrong side of road</li> </ul>
Cost	<ul style="list-style-type: none"> <li>• \$50,000</li> </ul>	<ul style="list-style-type: none"> <li>• \$24,000</li> </ul>

**Consultation**

Consultation has already been undertaken with affected resident as well as via the BLTC in relation to the concrete raised threshold. No consultation has been undertaken in relation to the rubber speed cushions.

**Financial Implications**

The cost of installing two new raised concrete thresholds with all associated signs and line marking is estimated to cost \$50,000. The cost of installing eight new raised rubber speed cushions with all associated signs is estimated to cost \$24,000. Additionally, new landscaping will be required adjacent to each of the devices to prevent pedestrians from attempting to cross the road at these locations. The cost of landscaping is the same for either option.

The traffic calming devices are to be funded from Council’s Traffic Facilities Budget – 2021/22.

## **Conclusion**

Whilst each option has its own set of pro and cons it is still recommended that Council proceed with the installation of concrete raised thresholds in Portland Street.

The greater reductions in speed which are achieved by the raised threshold when compared to speed cushions should take priority in a location such as this which is immediately adjacent to a park with multiple play fields, the Enfield Aquatic Centre, as well as a children's playground.

The savings in cost associated with rubber speed cushions is not considered to be a determining factor as the cost to replace individual damaged rubber segments or remove and replace the rubber devices with matching concrete versions of the speed cushions will result in a greater total cost.

Noise will be associated with any traffic calming device which relies on a vertical deflection. Though rubber speed cushions do provide some benefits in a reduction in noise the reduced height of the concrete raised threshold from 100mm to 75mm will help to address this concern and will likely result in similar noise levels.

## **Recommendations**

1. That Council approve the construction of two new raised concrete thresholds with all associated signs and line marking outside No.23 and No.39 Portland Street, Enfield, as per the plan in the report, subject to the height of the thresholds reduced to 75mm above the road surface.
2. That Council approve landscaping on both sides of Portland Street at each of the raised thresholds to avoid the facilities being misunderstood as pedestrian crossings.

## **Attachments**

There are no attachments for this report.



**(ITEM RC8/21) BURWOOD LOCAL TRAFFIC COMMITTEE - OCTOBER 2021**

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File No: 21/46856

REPORT BY DIRECTOR CITY ASSETS

**Summary**

Attached are the Minutes of the Burwood Local Traffic Committee from its meeting of October 2021. 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 Burwood Local Traffic Committee of October 2021 be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

**(ITEM LTC27/21) CANTOR STREET, CROYDON - PROPOSED TIMED NO PARKING RESTRICTIONS**

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***Recommendation***

That Council approve the installation of 'No Parking – 6.00am – 12.00pm Wednesday' parking restrictions fronting #14 Cantor Street Croydon per the plan in the report.

**(ITEM LTC28/21) 3A BYER STREET, ENFIELD - PROPOSED TIMED NO PARKING RESTRICTIONS**

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That Council approve the installation of 'No Parking – 6.00am – 12.00 noon Tuesday' parking restrictions fronting 3A Byer Street Enfield per the plan in the report.

**(ITEM LTC29/21) 19 PARK ROAD, BURWOOD - PROPOSED TIMED NO PARKING RESTRICTIONS**

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***Recommendation***

That Council approve the installation of 'No Parking' restrictions fronting 19 Park Road Burwood.

**Attachments**

- 1 October 2021 - Burwood Local Traffic Committee - Agenda
- 2 October 2021 - Burwood Local Traffic Committee - Minutes



## NOTICE OF BURWOOD LOCAL TRAFFIC COMMITTEE MEETING

The October 2021 meeting of the Burwood Local Traffic Committee will be held electronically with the Agenda emailed to Members for review. The minutes from the September 2021 meeting have also been emailed to members for confirmation. All comments are requested to be returned to Council by 9.30 am Friday 8 October 2021.

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**

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website: [www.burwood.nsw.gov.au](http://www.burwood.nsw.gov.au)

**AGENDA**

**APOLOGIES/LEAVE OF ABSENCES**

**CONFIRMATION OF MINUTES**

***Recommendation***

That the Minutes of the September 2021 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**

(ITEM LTC27/21)	CANTOR STREET, CROYDON - PROPOSED TIMED NO PARKING RESTRICTIONS .....	3
(ITEM LTC28/21)	3A BYER STREET, ENFIELD - PROPOSED TIMED NO PARKING RESTRICTIONS .....	5
(ITEM LTC29/21)	19 PARK ROAD, BURWOOD - PROPOSED TIMED NO PARKING RESTRICTIONS.....	7

**INFORMATION ITEMS**

(ITEM TIN1/21)	DATES FOR 2022 BURWOOD LOCAL TRAFFIC COMMITTEE MEETINGS .....	9
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22-Sep

**(ITEM LTC27/21) CANTOR STREET, CROYDON - PROPOSED TIMED NO PARKING RESTRICTIONS**

File No: 21/37987

REPORT BY TRAFFIC ENGINEERING OFFICER

**Summary**

Council has received a request to implement time restricted 'No Parking' restrictions fronting 14 Cantor Street Croydon to allow uninterrupted vehicle access for waste services on Wednesday mornings.

**Background**

The access issues were raised by a resident of Cantor Street who identified a number of concerns in relation to the current parking arrangement within the cul-de-sac on Wednesday's which is this area's waste collection day.

Residents in the cul-de-sac end of Cantor Street currently place their bins outside #14 Cantor Street to assist waste collection vehicles which struggle to enter and exit the cul-de-sac.

Council Officers have observed and confirmed that when vehicles are parked within the cul-de-sac, it effectively limits heavy vehicle ingress and egress with this section of the street. This section of Cantor Street has a road width of 7.5 metres and only provides access to residential properties. Unrestricted parking is currently available on both sides of Cantor Street.

**Proposal**

From a traffic and road safety perspective, to help facilitate the collection as well as the access and egress of waste collection service vehicles, it is proposed to install 'No Parking' restrictions on Wednesday mornings between 6.00am – 12.00 noon fronting #14 per the plan below. The changes to the parking restrictions will allow sufficient space for waste service vehicles to access the bins placed in front of #14 and then reverse into Cantor Crescent safely.



22-Sep

The 'No Parking' restrictions allow motorists to pull up for 2 minutes provided the driver stays within the vicinity of their vehicle, but does not allow vehicles to be parked indefinitely. This will ensure that one side of Cantor Street remains free from parked vehicles and allow sufficient space for residents to egress their property driveway while waste collection occurs.

**Consultation**

Consultation was conducted with 6 properties in Cantor Street directly affected by the proposed changes. Council has received 2 responses to date with 1 'strongly in favour' and 1 who was 'against' the proposal due to driveway access issue at the end of the cul-de-sac (property #20).

Consultation was also conducted with the waste service providers to determine the best method to allow safe and efficient service. The waste collection provider has provided comments on their method of delivery and has agreed with the suggestion proposed by Council.

**Financial Implications**

The installation of new 'No Parking' signage is estimated to cost \$400 and will be funded from the 2021/22 Traffic Facilities Budget.

***Recommendation***

That Council approve the installation of 'No Parking – 6.00am – 12.00pm Wednesday' parking restrictions fronting #14 Cantor Street Croydon per the plan in the report.

**Attachments**

There are no attachments for this report.

**(ITEM LTC28/21) 3A BYER STREET, ENFIELD - PROPOSED TIMED NO PARKING RESTRICTIONS**

File No: 21/42744

REPORT BY TRAFFIC ENGINEERING OFFICER

**Summary**

Council has received a request to implement time restricted 'No Parking' restrictions fronting 3A Byer Street Enfield to allow uninterrupted access for waste service vehicles.

**Background**

The access issues were raised by the residents at 3A Byer Street who identified a number of concerns in relation to the current parking arrangement during waste collection days.

Byer Street has a road width of 7.5 metres and provides access to residential properties and Council's Byer Street car park. Currently '4P' parking restrictions are in place on both sides of Byer Street.

The residential flat building at 3A Byer Street currently has 7 waste bins and 9 recycling bins which are collected every Tuesday morning. These bins are placed on the footpath fronting the building which takes up the entire frontage and spans between the subject sites driveway and the exit driveway to the Byer Street car park located immediately south of the site. Vehicles parked in this area restrict the ability to empty the bins.

**Proposal**

From a traffic and road safety perspective, to help facilitate the collection as well as the access and egress of waste collection service vehicles, Council is proposing the installation of 'No Parking' restrictions on Tuesday mornings between 6.00am – 12.00 noon fronting #3A per the plan below. The changes to the parking restrictions will allow sufficient space for waste service vehicles to manoeuvre along the kerb side lane to collect garbage and recycling bins safely.



The 'No Parking' restrictions allow motorists to pull up for 2 minutes provided the driver stays within the vicinity of their vehicle, but does not allow vehicles to be parked indefinitely. This will ensure that one side of Byer Street remains free from parked vehicles and allow sufficient space for residents to egress their property driveway while waste collection occurs.

**Consultation**

Consultation was conducted with residents in the vicinity of 3A Byer Street Enfield. Council received two responses who were both in favour of the proposal.

**Financial Implications**

The installation of new 'No Parking' signage is estimated to cost \$300 and will be funded from the 2021/22 Traffic Facilities Budget.

***Recommendation***

That Council approve the installation of 'No Parking – 6.00am – 12.00 noon Tuesday' parking restrictions fronting 3A Byer Street Enfield per the plan in the report.

**Attachments**

There are no attachments for this report.

**(ITEM LTC29/21) 19 PARK ROAD, BURWOOD - PROPOSED TIMED NO PARKING RESTRICTIONS**

File No: 21/42758

REPORT BY TRAFFIC ENGINEERING OFFICER

**Summary**

Council has received a request to implement 'No Parking' restrictions fronting 19 Park Road Burwood to assist with vehicle ingress and egress from their property garage.

**Background**

Council has received a request from the resident at 19 Park Road Burwood regarding the current parking arrangements along the kerb side lane fronting their property. The concerns relate to the difficulties with ingress and egress from their property garage as well as restricted sight lines when vehicles are parked on the raised threshold in the western kerb side lane.

An analysis of the area has confirmed the difficulty for a standard sized vehicle to safely manoeuvre out of the property driveway when vehicles are parked on the raised threshold fronting the property throughout the day and night.

**Proposal**

From a traffic and road safety perspective, Council is proposing to install "No Parking" restrictions fronting 19 Park Road to allow sufficient space for residential access and egress at all times. All other existing on-street parking in this area will remain unrestricted.





The "No Parking" restrictions allow motorists to pull up for up to 2 minutes provided the driver stays within the vicinity of their vehicle, but does not allow vehicles to be parked indefinitely. This will ensure that the resident has access to their property and sufficient sight lines during egress.

**Consultation**

Consultation was conducted with residents in the vicinity of 19 Park Road Burwood. 1 response was received who was 'strongly in favour' of the proposal.

**Financial Implications**

The installation of new 'No Parking' signage is estimated to cost \$600 and will be funded from the 2021/22 Traffic Facilities Budget.

***Recommendation***

That Council approve the installation of 'No Parking' restrictions fronting 19 Park Road Burwood.

**Attachments**

There are no attachments for this report.

**(ITEM TIN1/21) DATES FOR 2022 BURWOOD LOCAL TRAFFIC COMMITTEE MEETINGS**

File No: 21/44235

REPORT BY MANAGER TRAFFIC & TRANSPORT

**Summary**

The purpose of this report is to propose dates for the 2022 Burwood Local Traffic Committee Meetings.

**Proposal**

The following dates are proposed for the 2022 Burwood Local Traffic Committee Meetings:

February	Thursday 3 February 2022
March	Thursday 3 March 2022
April	Thursday 7 April 2022
May	Thursday 5 May 2022
June	Thursday 2 June 2022
July	Thursday 7 July 2022
August	Thursday 4 August 2022
September	Thursday 1 September 2022
October	Thursday 6 October 2022
November	Thursday 3 November 2022

All meetings to commence at 9.30am in a meeting room at Council unless informed otherwise.

**No Decision – Information Item Only**

**Attachments**

There are no attachments for this report.



MINUTES OF THE MEETING OF THE BURWOOD LOCAL TRAFFIC COMMITTEE held electronically with all members requested to provide comments or feedback via email by Friday 8 October 2021 at 9.30am.

**ATTENDANCE**

Cr John Faker (Mayor) Chairperson  
Snr Constable Germaine Grant, NSW Police Service  
Mr Ram Sriharan, Transport for NSW  
Ms Jodi McKay, State Member for Strathfield  
Mr Peter Whitney, Transit Systems

Mr George El Kazzi, Director City Assets  
Mr John Inglese, Group Manager Assets and Infrastructure  
Mr Roberto Di Federico, Manager Traffic and Transport

**APOLOGIES**

That there were no apologies.

**CONFIRMATION OF MINUTES**

That the minutes of the Burwood Local Traffic Committee of Burwood held on Thursday 2 September 2021, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

**GENERAL BUSINESS**

**(ITEM LTC27/21) CANTOR STREET, CROYDON - PROPOSED TIMED NO PARKING RESTRICTIONS**

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**Summary**

Council has received a request to implement time restricted 'No Parking' restrictions fronting 14 Cantor Street Croydon to allow uninterrupted vehicle access for waste services on Wednesday mornings.

***Recommendation***

That Council approve the installation of 'No Parking – 6.00am – 12.00pm Wednesday' parking restrictions fronting #14 Cantor Street Croydon per the plan in the report.

**(ITEM LTC28/21) 3A BYER STREET, ENFIELD - PROPOSED TIMED NO PARKING RESTRICTIONS**

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**Summary**

Council has received a request to implement time restricted 'No Parking' restrictions fronting 3A Byer Street Enfield to allow uninterrupted access for waste service vehicles.

MINUTES OF BURWOOD LOCAL TRAFFIC COMMITTEE MEETING 7 OCTOBER 2021

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**Recommendation**

That Council approve the installation of 'No Parking – 6.00am – 12.00 noon Tuesday' parking restrictions fronting 3A Byer Street Enfield per the plan in the report.

**(ITEM LTC29/21) 19 PARK ROAD, BURWOOD - PROPOSED TIMED NO PARKING RESTRICTIONS**

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**Summary**

Council has received a request to implement 'No Parking' restrictions fronting 19 Park Road Burwood to assist with vehicle ingress and egress from their property garage.

**Recommendation**

That Council approve the installation of 'No Parking' restrictions fronting 19 Park Road Burwood.

**INFORMATION ITEMS**

**(ITEM TIN1/21) DATES FOR 2022 BURWOOD LOCAL TRAFFIC COMMITTEE MEETINGS**

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**Summary**

The purpose of this report is to propose dates for the 2022 Burwood Local Traffic Committee Meetings.

**Proposal**

The following dates are proposed for the 2022 Burwood Local Traffic Committee Meetings:

February	Thursday 3 February 2022
March	Thursday 3 March 2022
April	Thursday 7 April 2022
May	Thursday 5 May 2022
June	Thursday 2 June 2022
July	Thursday 7 July 2022
August	Thursday 4 August 2022
September	Thursday 1 September 2022
October	Thursday 6 October 2022
November	Thursday 3 November 2022

All meetings to commence at 9.30am in a meeting room at Council unless informed otherwise.

**No Decision – Information Item Only**

This concluded the business of the meeting.

## **(ITEM RC10/21) BURWOOD 150 YEARS ANNIVERSARY STEERING COMMITTEE MINUTES - 12 OCTOBER 2021**

File No: 21/46958

REPORT BY DIRECTOR COMMUNITY LIFE

### **Summary**

This report presents the draft minutes of the Burwood 150 Years Anniversary Steering Committee meeting held on Tuesday 12 October 2021.

### **Operational Plan Objectives**

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

### **Background**

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

### **Meeting Overview**

The Burwood 150 Years Anniversary Steering Committee held its third meeting on 12 October 2021. The Committee discussed key action updates arising from the meeting held on 13 July 2021 and received a presentation on proposed events for 2024.

The draft minutes of the Committee Meeting are included under Attachment 1 of this report.

### **Consultation**

There are no further consultation processes associated with this report.

### **Planning or Policy Implications**

The Committee is conducted in accordance with its Terms of Reference adopted by Council on 8 December 2020. Whilst the role of the Committee is to act as an advisory body to Council, the Terms of Reference specifies that the minutes of the Committee are to be submitted to the first available Ordinary Meeting of Council.

### **Financial Implications**

Council has sufficient funds allocated in the Library Services **Operational Budget 2021/22** to complete the Request for Quotation process for the Burwood History Publication.

### **Conclusion**

This report provides the draft minutes of the Burwood 150 Years Anniversary Steering Committee held on 12 October 2021 for Council's information. The Burwood 150 Years Anniversary Steering Committee will continue to meet on a quarterly basis.

***Recommendation***

That Council receives and notes the draft minutes of the Burwood 150 Years Anniversary Steering Committee held on 12 October 2021 (included under Attachment 1).

**Attachments**

- 1 Draft Meeting Minutes for Burwood 150 Years Anniversary Steering Committee Meeting - 12 October 2021



**Burwood**  
Inc.1874

**150 YEARS ANNIVERSARY  
STEERING COMMITTEE QUARTERLY MEETING  
Tuesday, 12 October 2021, 2.00pm – 3.00pm**

## DRAFT MINUTES

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### COMMITTEE MEMBERS:

Cr Heather Crichton	Burwood Council, Alternate Chair and Delegate
Andrew Anderson	Community Representative
Susan Borel	Community Representative
Claire Boskett	Community Representative
Justine Ann Channing	Community Representative
Dennis Quinlan	Community Representative

### COUNCIL OFFICERS:

Brooke Endycott	Director Community Life
Simon Fox	Group Manager Community, Library & Aquatic Services
Li Li	Business & Community Engagement Officer
Richard Old	Events Coordinator
Connie Vartuli	Executive Assistant – Community Life, Minute Taker

### APOLOGIES:

Cr John Faker	Mayor of Burwood, Chair
Cr Lesley Furneaux-Cook	Burwood Council, Alternate Delegate
Cecily Gray	Burwood Historical Society Representative
Li Hua Chu	Community Representative
Jack Karnaghan	Community Representative

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## 1. WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

The Alternate Chair, Deputy Mayor of Burwood, Cr Heather Crichton opened the meeting with an Acknowledgement of Country.

## 2. DECLARATIONS OF INTEREST

Nil declarations of interest were submitted.

## 3. CONFIRMATION OF MINUTES OF MEETING HELD 13 JULY 2021

The minutes of the meeting of the Burwood 150 Years Anniversary Steering Committee were confirmed as an accurate record of the proceedings of the previous meeting held on 13 July 2021. Cr Crichton noted that the Burwood Memorial Arch anniversary will occur on ANZAC Day in 2023 and there is an opportunity for the 'Bugler of Burwood' publication to link with this occasion as well as 2024 celebrations.

## 4. UPDATE ON ACTIONS ARISING FROM MEETING HELD 13 JULY 2021

Council officers provided an update on the actions arising from the meeting held on 13 July 2021, including the following:

- Council has commenced the Request for Quotation process for the Burwood History Publication as per the project brief and scope of works presented to the Committee. Submissions are due to Council by 21 October 2021.
- Following the engagement of a suitably qualified contractor for the Burwood History Publication, Council will undertake a call out to members of the community to

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**Burwood**  
Inc.1874

**150 YEARS ANNIVERSARY  
STEERING COMMITTEE QUARTERLY MEETING  
Tuesday, 12 October 2021, 2.00pm – 3.00pm**

contribute photographs and stories to the work via the Participate Burwood engagement platform available at <https://participate.burwood.nsw.gov.au>.

- Website content has also been developed for a dedicated Burwood 150 Years Anniversary webpage, which will be built upon over the coming years to encourage the community to access local studies information.
- Council has completed the digitization of the *Harvest of the Years* written by Mr Eric Dunlop following an extensive research process and legal advice. The publication is now available to the community via the Library Catalogue available at <https://www.burwood.nsw.gov.au/For-Residents/Burwood-Library/Search-the-catalogue>.
- Council has revised the draft logo to incorporate the previous feedback and suggestions of the Committee. The revised logo was presented to the Committee for feedback and endorsement.
- Council has followed up with the current property owner to discuss restoration of Burwood's iconic Clock Tower and has sought initial cost estimates via a quotation from a specialist clock restoration contractor. Given the costs involved, Council will support the property owner to pursue funding opportunities via the NSW Heritage Grants Program.

#### **Feedback from the Committee:**

- The Committee noted that the completion of the digitization of the *Harvest of the Years* written by Mr Eric Dunlop was a significant achievement to date.
- It was noted that Mr Eric Dunlop also authored a book in 1964 titled *Between Two Highways*, which focuses on the Croydon area. It was suggested that Council investigate applying the same research process undertaken for the *Harvest of the Years* and also pursue digitization of this book for the benefit of the local community.
- The Committee provided positive feedback in relation to the revised logo design noting that it was inclusive, clear and comprehensive. The Committee noted its endorsement of the logo design with the exception of the fourth quadrant, which seeks to acknowledge the migrant history of Burwood combined with its current status as a food destination. The Committee requested an alternative option in relation to this quadrant of the logo design for consideration at the next meeting.
- The Committee suggested exploring sponsorship contributions from local businesses to support the restoration of Burwood's iconic Clock Tower. It was suggested that any approaches to local businesses be withheld until 2022 when businesses had a chance to bounce back following the impacts of the Covid-19 Pandemic.

#### **Actions or recommendations arising:**

- 4.1 Council to investigate feasibility of the digitization of *Between Two Highways* written by Mr Eric Dunlop.
- 4.2 Council to explore additional options for the fourth quadrant of the logo design and present alternate options to the next Committee meeting.
- 4.3 Council to investigate funding options to support the restoration of the Burwood Clock Tower in consultation with the property owner.

#### **5. OVERVIEW AND DISCUSSION OF KEY EVENTS PROPOSED FOR 2024**

Council's Events Coordinator provided an overview of proposed events to be delivered in 2024. It was proposed that Council's annual events program incorporates key anniversary activities into existing programming. Key new events discussed with the Committee included:

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**Burwood**  
Inc.1874

**150 YEARS ANNIVERSARY  
STEERING COMMITTEE QUARTERLY MEETING  
Tuesday, 12 October 2021, 2.00pm – 3.00pm**

- Light Up Burwood (July 2024) – A projection and lighting project (Vivid style) illuminating key buildings and public spaces via light installations across the CBD in the month of July.
- Picnic in the Park (September 2024) – To be delivered across multiple sites including Burwood Park, Wangal Park, Henley Park and Flockhart Park.
- Burwood Festival & Street Parade (October 2024) – A re-creation of the traditional street parade as part of Burwood Festival.
- 150 Years Anniversary Official Dinner and Awards (November 2024) – To be delivered in partnership with Club Burwood.

**Feedback from the Committee:**

- In relation to the Street Parade, the Committee suggested that the Burwood RSL Sub Branch Pipes and Drums Band should be invited to lead the street parade. The Committee also noted that historic car clubs, sporting clubs, community groups, NSW Police and local schools should be engaged in elements of the Street Parade.
- The Committee suggested engaging with Transport for NSW to coordinate the arrival of steam trains into Burwood Station as part of the festivities. Burwood RSL noted that they had coordinated a similar activity some years ago which was very popular with the local community.
- Burwood RSL noted that they would like to host the formal dinner and would need to confirm the date towards the end of 2022. The formal dinner was discussed as the finale element of the program in 2024 with possible inclusion of a Community Awards Program.
- An extraordinary Council Meeting was suggested for June 2024 to coincide with the first Burwood Council Meeting in June 1874 with invitations to be issued to neighbouring councils.
- A suggestion was made for the 'Light up Burwood' event to connect with NAIDOC Week celebrations in July 2024 to ensure acknowledgement of Burwood's traditional custodians as part of the event.
- The Committee highlighted the need to develop contingency plans for the events proposed, particularly given the recent experience of lockdowns and to mitigate any financial implications arising from further shutdowns.
- The Committee endorsed the program of events proposed.

**Actions or Recommendations arising:**

- 5.1 Council to progress with ongoing planning of the events proposed to the Committee, including grant seeking to support delivery.

**6. GENERAL BUSINESS**

There were no other items raised.

**7. CLOSE OF MEETING**

Deputy Mayor of Burwood, Cr Heather Crichton thanked the Committee for their attendance and participation. The meeting was closed at 2.59pm.

**(ITEM IN24/21) ANSWERS TO QUESTIONS ON NOTICE**

File No: 21/48445

REPORT BY DIRECTOR CORPORATE SERVICES

**Summary**

The following Questions on Notice were submitted by Councillors.

**Operational Plan Objective**

2.1.3 Ensure transparency and accountability in decision making.

The answers are provided below:

**Cr Lesley Furneaux-Cook****Question 1**

According to Australian Sports Foundation, as reported in ABC news, many community sporting clubs face financial ruin due to the impacts of COVID. This includes lost seasons, no fundraising abilities, less volunteers, no sponsorship but outlay costs have either remained or increased including ground fees. Given the importance of these clubs to both the physical and mental well-being of our community, has council reached out to these clubs to gauge their ongoing needs post lockdown? What support strategies as per business support plan have been considered? If so when will these be presented to Council?

**Answer – Director Community Life**

Between July and August 2021 a total of 56 local community organisations were contacted and surveyed by the Community Development Team to assess their needs in relation to financial assistance offered by Council. This included a particular focus on improvements to the annual Community Grants Program. The survey gave consideration to both current and ongoing funding needs and included a cross section of local and regional not for profit organisations, including sporting clubs. The outcomes of this review will be reported to the Council Meeting in November 2021. Local sporting groups have traditionally not been a focus of this funding program, however, the changes proposed will expand the types of projects to be funded in 2021/22 and will prioritise community recovery and reactivation following the extended lock down period. Council will proactively promote the expanded Community Grants Program to local sporting groups once opened.

Throughout August and September 2021, Council's Customer Service Team has also undertaken significant consultation via online meetings, telephone discussions and email correspondence with local sporting groups in relation to fees and charges for ground and facilities hire and to seek feedback on improvements to Council's bookings and hire arrangements. As a result of this consultation, Council rapidly cancelled seasonal ground hire fees for the lockdown period commencing on the 26 June 2021 and for the remainder 2021 winter season and is working with local sporting clubs to provide discounted access to grounds and facilities for the remainder of 2021.

Consistent with the Mayoral Minute 'Burwood Bounce Back Business Support Package' (MM26/21) resolved at the Ordinary Meeting of Council held on 28 September 2021, Council has applied a 50% discount to community sporting groups for the hire and use of Council sports fields and amenities until 31 December 2021. This discount has only been applied to community sporting groups and not commercial hirers. Council officers have also recommended that new fees and charges proposed for the Henley Park and Blair Park Amenities Buildings be further discounted and only be applied from 1 January 2022. This proposal is included in the Business Paper for the Ordinary Meeting of Council of 26 October 2021.

**Question 2**

Use of electric vehicles in Australia is set to reach 30% by at least 2030. What provisions have council made in terms of both pop up charging stations (e.g. Canada Bay Council) and inclusion in planning documents for new builds (e.g. Randwick Council)?

**Answer – Director City Strategy**

The electrical vehicle (EV) charging stations that have recently been introduced into Strathfield and Canada Bay area are provided by a company called JOLT. JOLT have secured an exclusive agreement with Energex to convert existing above ground substations into EV charging stations. This includes a new shroud over the existing green Energex sub-station that are present in the footpath. The new shroud includes an electronic advertisement panel at either end of the charging station. The charging station is also supported with a dedicated 'Electric Vehicle Charging Only' parking space in the road.

This is a commercial venture by a private company but is part of a broader initiative to expand the availability of EV charging infrastructure across the community. Specifically, to make the transition to electric vehicles more appealing and manage perceptions regarding range anxiety.

Burwood Council has received enquiries from the same company regarding sub-station locations in Burwood. Council has been supportive of the concept and encourage JOLT to lodge the required Development Application. This has now been received (DA.2021.91) for 6 locations across the LGA including:

- Close to 36 The Boulevard, Strathfield
- Close to 26 Park Avenue, Burwood Park
- Close to 19 Everton Road, Strathfield
- Close to 133 Liverpool Road, Burwood
- Close to 129 Georges River Road, Croydon Park
- Close to 61 Georges River Road, Croydon Park

This application is currently under assessment.

With regard to electrical vehicle charging infrastructure, this has been identified as an item for consideration as part of the comprehensive DCP review. Burwood Council will be investigating the success of similar policies currently being implemented by other Councils.

**Question 3**

Council recently completed direct education programs with eight of the larger apartment buildings within the Burwood Town Centre precinct. Were any improvements identified?

**Answer – Group Manager, Environment & Health**

Due to Covid-19 restrictions Council staff have not been able to undertake detailed visual assessments at each of the buildings. The Team will revisit / contact the Building Managers in the coming months to discuss the recycling practices. It can be assumed that improvements to the recycling practices have occurred, as Council's waste collection contractor has not reported overfilled bins or other issues at these apartment buildings.

**No Decision – Information Item Only****Attachments**

There are no attachments for this report.

## **(ITEM IN25/21) DESIGN & BUILDING PRACTITIONERS ACT 2020 & DESIGN & BUILDING PRACTITIONERS REGULATION 2021**

File No: 21/44851

REPORT BY DIRECTOR CITY STRATEGY

### **Summary**

The Design & Building Practitioners Act 2020 and Regulation 2021 commenced on 1 July 2021. It is a response from the NSW government to the 2018 Sheargold Weir Report into Building Confidence in NSW. The legislation is aimed at strengthening compliance in the building sector and is initially aimed at Class 2 (residential flat) buildings.

This report is intended to provide an overview of the Act and supporting regulation and how it is intended to operate. It is also to brief Councillors, given recent motions regarding the role of Private Certifying Authorities on projects within the Burwood Council area.

### **Operational Plan Objective**

4.3.1 – Encourage architectural integrity and aesthetically pleasing buildings

### **Design & Building Practitioners Act 2020 (The Act)**

One of the main features of the Act is that it imposes a new duty of care on those who carry out construction work (that is, building work, preparation of designs, manufacturing and supplying of building products, or supervising, coordinating or project-managing any of the above) to exercise reasonable care to avoid economic loss caused by defects arising from the work. This aspect of the Act stems from the issues that are still on going with high profile cases such as the Mascot Towers & Opal Towers developments which have had significant impacts upon residents.

These provisions will have retrospective effect and will apply to economic losses that first become apparent after the commencement of the Act as well as those that first became apparent within 10 years immediately before commencement.

Other key features of the Act are:

1. **A register of construction professionals** – the Act imposes a comprehensive registration regime which requires designers, engineers, and all people who contract to do building work to be registered with the NSW Fair Trading and included on a publicly available register of registered practitioners.
2. **Regulated designs and building work**: the introduction of the concept of 'regulated designs', which includes designs for a building element (including fire safety systems, waterproofing and load bearing components) or a performance solution for building work or a building element.
3. **Compliance declarations** – design and building practitioners must provide mandatory declarations that building designs and building works comply with the requirements of the Building Code of Australia (BCA) before an occupation certificate can be issued.
4. **Enforcement** – the Act gives the Secretary of the Department of Customer Service grounds to take disciplinary action against a registered practitioner, including imposing fines or suspending registration. Further the Act provides for authorised officers to undertake investigations (without or without any complaint being made) and for stop work orders to be issued by the Secretary in certain circumstances.

The building practitioner cannot start constructing unless it has obtained all regulated designs from the registered design practitioners, and provided and lodged the necessary compliance declarations. From 1 July 2021, construction certificates or complying development certificates for building work can only be issued if designs and design compliance declarations are first provided to the person issuing the relevant certificate. Similarly, occupation certificates for building work can only be issued if a building compliance declaration is first provided to the person issuing the certificate.

The Act sets out the steps for when the designs are to be lodged and all regulated designs must be lodged through the NSW Planning Portal. NSW Fair Trading has notified all Practitioners of its intentions to audit completed work against the designs lodged through the Portal. The Act also requires registered design practitioners, principal design practitioners, professional engineers and building practitioners to be "adequately insured" with respect to certain compliance declarations and work.

### **Design & Building Practitioners Regulation 2021 (Regulations)**

The Regulations have clarified that the registration scheme created in the Act currently only applies to 'building work' and 'professional engineering work' (defined by sections 4 and 31 of the Act respectively) carried out for 'class 2' buildings under the BCA. A class 2 building is a building that contains two or more sole-occupancy units, with each sole-occupancy unit being a separate dwelling. Therefore, a residential apartment building falls into this category. Importantly, the application of the Act extends to buildings with mixed classifications that include class 2 buildings, for instance a building partly containing office space (class 5) and residential apartments (class 2).

The Regulations have further clarified the regime being implemented by the Act, with schedules 1 to 3 setting out the different classes of registration, qualifications and experience requirements relevant to each class, and the continuing professional development that registered professionals are required to complete. Schedule 1 of the Regulations contains:

- 18 different classes of design practitioner;
- two different classes of principal design practitioner;
- three different classes of building practitioner; and
- six different classes of professional engineer.

The schedule then sets out the different types of work that are authorised to be carried out by a person holding a particular class of registration as a practitioner. Schedules 2 & 3 of the Regulations set out the relevant qualifications, experience, knowledge and skills that a person is required to have to be registered. In addition Schedules 2 & 3 of the Regulations specifies the continuing professional development (CPD) requirements of practitioners registered under the Act.

The NSW Department of Customer Service has also released guidelines relevant to the completion of the CPD requirements. The regulations also specify a code of practice for registered practitioners, requirements to keep records and offences for which penalty notices may be issued.

### **Penalties**

A regulatory framework has been set up to enforce the provisions of the Act & Regulations. This includes investigation and enforcement powers for authorised officers and the Secretary of the Department of Customer Service, such as issuing stop work orders for up to 12 months (with penalties up to \$330,000 for bodies corporate and \$110,000 for individuals for non-compliance) and initiating court proceedings.

### **Implications for Burwood Council**

The Act and regulations imposes new obligations on design practitioners and builders throughout the life of a building to ensure compliance with the relevant legislation such as the Building Code of Australia and is underpinned by a higher standard of design documentation.

While the Act and Regulations do not provide Councils with any additional powers of enforcement, the mandated processes and lodgement of documentation through the NSW Planning Portal allow for auditing of designs and documentation. NSW Fair Trading have made it very clear that they intend to audit design and documentation commencing in September this year with breaches being reported to the NSW Building Commissioners offices for investigation and enforcement as required.

The legislation has new insurance provisions to protect residents of a development, specific penalties for breaches of the Act and Regulations including large fines and Stop Work Orders for up to 12 months to reinforce compliance.

### **No Decision – Information Item Only**

### **Attachments**

There are no attachments for this report.

## (ITEM IN26/21) STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021 - HOUSING SEPP

File No: 21/46976

REPORT BY DIRECTOR CITY STRATEGY

### Summary

The NSW Government is seeking to consolidate five existing housing-related state environmental planning policies through the introduction of the *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)*.

The Housing SEPP was publicly exhibited in August 2021 and is **phase three of the government's four-phase plan** to deliver more diverse and affordable housing by providing a range of housing types to meet the changing needs of people across the state. It is anticipated that the Housing SEPP will be made and come into force in October/November 2021.

The purpose of this report is to provide an insight into the provisions of the Housing SEPP and advise of the implications for Burwood. It is also to advise Council as to likely changes effecting the consideration of development applications for boarding houses.

### **Operational Plan Objective**

4.5.1.1 – Provide support and information on development processes.

### Background

The Housing SEPP is part of a wider package of proposed amendments aimed at reforming policies for housing. The four proposed phases of delivering this reform are as follows:

**Phase one** occurred on 18 December 2020 through changes to the State Environmental Planning Policy (Affordable Rental Housing) 2009 to facilitate the delivery of social and affordable housing by the Land and Housing Corporation.

**Phase two** commenced in February 2021 introducing new provisions pertaining to build-to-rent housing, which comprises of large-scale, purpose-built rental housing that is held in single ownership and professionally managed. These changes include the permissibility of built-to-rent housing in residential flat building areas, B3 Commercial Core, B4 Mixed Use zones and B8 Metropolitan Centre zones.

**Phase three** will be delivered through the consolidation of the following five existing housing-related State Environmental Planning Policies (**SEPPs**) to create the new Housing SEPP.

- State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP);
- State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (Seniors SEPP);
- State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) (SEPP 70);
- State Environmental Planning Policy No 21—Caravan Parks; and
- State Environmental Planning Policy No 36—Manufactured Home Estates,

**Phase four** which has yet to be implemented will involve the inclusion of caravan park and manufactured home estate provisions within the new Housing SEPP.

### The Housing SEPP

SEPPs are environmental planning instruments that legislate development on a state-wide basis. SEPPs provide details of what use may be made of land, through dictating the permissibility and

standards of certain types of developments. The new Housing SEPP is divided into two broad categories of affordable housing and diverse housing.

### **Affordable Housing**

Affordable housing includes: in-fill housing; boarding houses (including boarding houses managed by the LAHC), supportive accommodation; and residential flat building carried out by social housing providers, public authorities and joint ventures.

Although boarding houses have been traditionally described as an affordable form of housing, there has been no requirement for boarding houses to be provided as “affordable housing” and many new generation boarding houses are rented out at premium prices. This is despite boarding houses attracting additional development yield above existing local council planning controls under the SEPP.

Significant changes are now proposed to policy concerning boarding houses which is expected to lead to a decline in this type of development. Most notably, SEPP Housing will require new boarding houses to be used exclusively for affordable housing (which includes rent controls), and to be managed by a registered community housing provider. Additionally, boarding houses will no longer be mandated in Zone R2 Low Density Residential, and will only be permitted in Zone R2 if they are located within an “accessible area” (for land in the Greater Sydney region).

### **Diverse Housing**

Diverse housing is intended to cover secondary dwelling, group homes, Co-living housing and seniors housing. The introduction of Co-living housing is a new definition of development and appears to be intended to take the place of Boarding Houses which are now more heavily regulated as Affordable Housing in the Housing SEPP. Co-living houses include buildings or places that:

- Have a number (at least 6) of private rooms, some or all of which are provided with private kitchen and bathroom facilities
- Provide occupants with a principal place of residents for at least 3 months
- May also have shared facilities, such as a communal room, common kitchen, bathroom or laundry facilities.

The definition of Co-living housing does not include backpackers’ accommodation, a boarding house, a group home, hotel or motel accommodation, seniors housing or a serviced apartment. Co-living housing may be granted consent in zones in which residential flat building or shop top housing is permitted, however, will not be permissible in R2 Low Density Residential areas.

An additional definition has been introduced to cover Student Accommodation. The full definition is yet to be provided but will include:

- provides accommodation and communal facilities principally for students enrolled to study at an education establishment during teaching periods; and
- may incorporate some fully self-contained dwellings.

It is important to note that some planning provisions are proposed for both forms of housing options and flexibility is being encouraged with regard to car parking provisions. However, this form of development will be required to maintain the floor space and height controls put forward in the LEP.

### **Seniors Housing**

The New Housing SEPP provides a comprehensive list prescribing permissible zones for seniors housing, in comparison to previous provisions providing permissibility for seniors housing in land zoned primarily for urban purposes and land adjoining land zoned primarily for urban purposes.



The definition of seniors has been amended to now only include people over the age of 60, rather than previous scope of 55 years old and above. The definition still includes people who are residents at a residential care facility within the meaning of *the Aged Care Act 1997* and people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider. Further changes have been made through the removal of the ability to obtain a site compatibility certificate. Further restriction of Seniors living developments has been provided in environmentally sensitive areas such as Heritage Conservation Areas.

Housing SEPP categorises the development standards for seniors housing into various categories, consisting of general development standards, development standards for hostels and independent living units, development standards for seniors housing – Zones RE2, SP1, RU5 and R2, non-discretionary development standards and non-discretionary development standards for vertical villages.

Incentives for “Vertical Villages” are proposed for high and medium density zones where residential flat buildings are permitted. The incentives are both for additional height and FSR and the bonuses vary depending whether development is classified as an independent living unit or as a residential care facility.

### **Implications for Burwood**

The proposed introduction of an affordability requirement for boarding house development would mean that this type of housing may become less popular with developers.

To address this gap, the NSW Government is proposing to introduce a new land use definitions and planning provisions for co-living development and student housing which will take its place. It is expected that Burwood would see more of this type of development however the benefit of this is that it will not be permissible in the R2 Low density zoning. Council also has the opportunity in its review of the Burwood Local Environmental Plan 2021 to specify Boarding Houses as not permissible within the low density R2 zones.

The implications for the House SEPP will be considered as part of the upcoming comprehensive LEP review.

### **No Decision – Information Item Only**

### **Attachments**

There are no attachments for this report.