



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 16 February 2021 at 4:00pm to consider the matters contained in the attached agenda.

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

Tommaso Briscese
GENERAL MANAGER

Our Mission

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

AGENDA

FOR AN ORDINARY MEETING OF BURWOOD COUNCIL
TO BE HELD ELECTRONICALLY ON TUESDAY 16 FEBRUARY 2021 AT 4.00PM.

ACKNOWLEDGEMENT OF COUNTRY

PRAYER

APOLOGIES/LEAVE OF ABSENCES

DECLARATION OF INTERESTS BY COUNCILLORS

DECLARATION OF POLITICAL DONATIONS

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

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

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

CONFIRMATION OF MINUTES

Recommendation

That the minutes of the Council Meeting held on 8 December 2020, copies of which were previously circulated to all Councillors be hereby confirmed as a true and correct record of the proceedings of that meeting.

OPEN FORUM COMMENCES

ADDRESS BY THE PUBLIC ON AGENDA ITEMS COMMENCES

MAYORAL MINUTES

(ITEM MM3/21)	INVESTIGATION INTO THE ROLE OF PRIVATE PRINCIPAL CERTIFYING AUTHORITIES IN ENSURING BUILDING WORK IS CARRIED OUT IN ACCORDANCE WITH BURWOOD COUNCIL APPROVED DEVELOPMENT PLANS.	4
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QUESTIONS ON NOTICE

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

MAYORAL MINUTE

(ITEM MM3/21) INVESTIGATION INTO THE ROLE OF PRIVATE PRINCIPAL CERTIFYING AUTHORITIES IN ENSURING BUILDING WORK IS CARRIED OUT IN ACCORDANCE WITH BURWOOD COUNCIL APPROVED DEVELOPMENT PLANS.

File No: 21/5112

MAYORAL MINUTE BY CR JOHN FAKER (MAYOR)

Summary

As we know, a Private Certifier is a building professional who can act as a Principal Certifying Authority and is responsible for inspecting and approving building works to ensure they are in accordance with approved plans and state legislative requirements.

This role includes ensuring that in issuing Complying Development Certificates, Construction Certificates, and Occupation Certificates, development is carried out in accordance with the standards contained in the Burwood LEP and Burwood DCP. Importantly this also includes endorsement that building works have been completed in accordance with the Development Consent issued by Burwood Council.

Unfortunately across the State we are witnessing more and more occasions where private certifiers are issuing construction certificates and occupation certificates without a thorough and rigorous review, resulting in building works that are not compliant with the Development Consent, conditions of approval and approved plans.

Burwood is not immune from this problem.

The areas of non-compliance include departures from the approved external appearance, construction materials and finishes and deficiencies in the provision of items such as landscaping and communal open space. In extreme cases, the resulting development is a form that would not otherwise be acceptable to Burwood Council and is negatively impacting the amenity of surrounding residents.

I believe that this is having a significant impact upon the quality of development that the community of Burwood should expect and is otherwise harmful to the future amenity of our town centres and residential areas.

I feel as a Council responsible for a strategic centre in our global city we should take a strong stance on this issue, identifying options for enforcement action, legislative measures and we should also consult with NSW Government regarding appropriate steps to address this matter.

Operational Plan Objective

4.3.1: Encourage architectural integrity and aesthetically appealing buildings

4.4.2: Partner with key stakeholders to deliver major projects

4.5.1: Ensure support and provide efficient assessment of developments

4.5.2: Ensure independence and transparency in decision making on significant developments

I therefore move that:

1. The General Manager investigate manner and form in which Burwood Council currently issues Development Consent to identify initiatives that will promote improved development compliance

during construction

2. The General Manager investigate enforcement action available to Burwood Council in relation to private certifiers that are authorising works not in accordance with the Development Consent issued by Burwood Council
3. The Mayor sends a letter to the Premier, the Minister for Planning and Place and the Minister for Customer Service urging the NSW Government to take decisive action in relation to this issue and recommend legislative reviews to improve protection for customers and residents of the State, including the investigation of options to bring Private Certifiers under the purview of the Independent Commission Against Corruption (ICAC)
4. The General Manager liaise with NSW Government, including the Office of Fair Trading, Building Commissioner and Department of Planning, Industry and Environment to highlight compliance and enforcement concerns and identify strategic compliance initiatives.

Attachments

There are no attachments for this report.

MAYORAL MINUTE

(ITEM MM4/21) HERITAGE CONSERVATION AREAS - POLICY REVIEW

File No: 21/5120

MAYORAL MINUTE BY CR JOHN FAKER (MAYOR)

Summary

There are a number of Heritage Conservation Areas (HCA) located across the Burwood Local Government Areas. The oldest and most established of which include the Appian Way and Malvern Hill Conservation Area. HCAs are extremely valuable as they provide a physical record of the history and growth of our community for future generations.

When new development is proposed within a HCA, it is important that works are respectful to the character and appearance of the original building and the broader conservation area values. Development is controlled via policy contained in the Burwood LEP and the Burwood DCP. The DCP contains extensive design guidance across a number of matters.

I have observed that in some instances there have been inconsistencies in the way in which current policy has been applied to residential dwellings. Specifically in relation to single and two storey additions and alterations to the side and rear of the original dwelling. This has resulted in some development outcomes which may not represent best practice.

I believe it is necessary to undertake a review of the current Heritage Conservation Area provisions contained in the DCP and LEP as they relate to residential dwellings. This is to consider initiatives to improve the application of policy to future development proposals assessed by Burwood Council

Operational Plan Objective

5.3.3: Support innovation which will enhance local identity and culture

5.4.1: Update and maintain the aesthetics of town centres and villages

5.4.2: Promote and recognise local history through urban design

I therefore move that:

The General Manager initiate the following review:

- Review the current Heritage Conservation Areas provisions in the Burwood LEP and DCP and make comparison with contemporary best practice regarding additions and alterations to dwellings within Heritage Conservation Areas.
- Investigate communication initiatives, publically available information or other online resources that can be provided to the community to promote awareness regarding appropriate additions and alterations to dwellings within Heritage Conservation Areas.
- Provide a future report to Council outlining recommended revisions or initiatives for action.

Attachments

There are no attachments for this report.

NOTICE OF MOTION – COUNCILLOR HEATHER CRICHTON**(ITEM NM1/21) RECOGNITION OF BURWOOD'S EARLIEST COLONIAL SETTLER - SARAH NELSON**

File No: 21/4673

Summary

Eighty years before the proclamation of Burwood Council, Lieutenant Governor Major Francis Grose granted free settler Sarah Nelson (nee Goodwin), wife of convict Isaac Nelson, 15 acres of land known as 'Nelson Farm'. This land grant of 19 November 1794 confirmed Sarah Nelson as the earliest colonial settler to Burwood. Nelson Farm sat on what we know today as Malvern Hill Estate with the farm's eastern boundary being Dickinson Avenue Croydon.

Eric Dunlop's 'The Harvest of the Years, The Story of Burwood 1794-1974', outlines Sarah Nelson's remarkable story but states '*Sarah's fate is not recorded*'. However, since its publication marking the centenary of Burwood Council in 1974, many important records have been digitised making it possible to readily search and access early historical records from numerous sources which were previously unavailable. With the utmost respect to the late Eric Dunlop information now accessible indicates his statement was incorrect.

Indeed, the death and burial of Sarah Nelson is recorded and held in the Sydney Diocesan Archives of the Anglican Church Diocese of Sydney. An entry in the composite church register from historic St Luke's Anglican Church Liverpool, digitised in 2016, reads:

***Sarah Nelson, Wife of Isaac Nelson (Free) Ship Mary Ann, Died December 18, 1817
Aged 49 Years, of the District of Liverpool, was buried December 21, 1817
42 Signature of Clerk Signature of Chaplain***

The resting place of Sarah Nelson is grave 42 within the site of Liverpool's first burial ground, known today as Apex Park. Governor Macquarie set aside this land as a public burial ground, with the first burial held in 1811. Between 1811 and 1821 at least 122 people, including Sarah Nelson, were buried here before it was abandoned as a cemetery due to the land being excessively damp. *The Liverpool Cemetery Act 1950* allowed Liverpool Council to maintain the area as a 'rest park and garden' with Liverpool Apex Club improving the space in 1956, no headstones remain today.

Sarah Nelson was the '*one free woman*' amongst 141 convict women and six children who arrived in Sydney Cove aboard the female convict ship the *Mary Ann* in 1791. As a convict-wife Sarah was a minority. Convict-wives made up such a small proportion of arrivals that they became known as '*the forgotten women of Botany Bay*'. The 11 transports of the Third Fleet in 1791 saw over 2,000 convicts, military personnel and public servants, who were mostly men, shipped to the colony with Sarah Nelson being one of just six convict-wives who arrived that year.

The 1806 NSW General Muster lists Sarah Nelson as having '*11 acres under pasture, 4 acres fallow*'. Further records confirm Sarah's surviving children: Isabella Nelson (b1795), Louisa Nelson (b1798) and Harriett Nelson (b1800) and husband, Isaac Nelson's grant of 100 acres in 1809 in the District of Banks Town around Fairfield. Following Sarah's death in 1817, Isaac married Ann Brackfield in 1825, and died at his farm in Lower Minto in 1833 aged 71 years.

From all available records it can be gleaned that Sarah Nelson was a wife, a mother, a farmer, our earliest colonial settler and that her journey was one of enormous courage, resourcefulness, hard work and determination.

With the subsequent subdivisions of the farms of 'Old Burwood' and the proclamation of Burwood

Council in 1874, new streets and parks were built and named almost entirely after our early men: district pioneers, public servants, governors, mayors, aldermen, explorers, soldiers, statesmen, authors and royalty. The link with Nelson Farm was extinguished around this time with the July 1896 NSW Government Gazette showing Samuel and William Dickinson as the applicants for the title over *'the land granted as 15 acres to Sarah Nelson ... on Liverpool Road, adjoining the properties of G A Murray and S Dickinson'*.

Placed in context of these earlier times it is hardly surprising that Sarah Nelson's story has largely been lost and forgotten, albeit for a few surviving records. But with so little recognition of our leading women, it is especially important this immense story of our earliest colonial settler is captured, treasured and forever honoured with Burwood Council its entrusted custodian.

Dedicated to Sarah Nelson, 1768-1817

In researching this motion, I gratefully acknowledge the advice and expertise of:

- Mr Tony Nolan, Coordinator, Liverpool Regional Museum, Liverpool City Council
- Ms Anna Namuren, Team Leader Local Studies, Liverpool City Council
- Mrs Joan Nichols, President, Liverpool Genealogy Society
- Ms Deb Kumar, Church Administrator, St Luke's Anglican Church Liverpool
- Dr Louise Trott, Sydney Diocesan Archivist, Anglican Church Diocese of Sydney.

Operational Plan Objective

- 1.4.4 Promote and celebrate the area's heritage and Indigenous history
- 5.3 Enhance and foster the local identity.

Councillor Heather Crichton to move that:

1. The Mayor writes to the Anglican Church Diocese of Sydney, Liverpool City Council and Liverpool Genealogy Society to express Council's gratitude for their assistance in sourcing the death and burial record and final resting place of Sarah Nelson, Burwood's earliest colonial settler.
2. The Mayor consults with the community over the installation of a plaque in honour of Sarah Nelson.
3. The General Manager ensures that Sarah Nelson's story is comprehensively researched by our local studies staff and is shared with Burwood Historical Society and our community including our secondary schools.
4. The General Manager ensures that Sarah Nelson's story is recognized where possible and on International Womens' Day.

Attachments

- 1 [↓](#) Notice of Motion - Recognition of Burwood's Earliest Colonial Settler - Sarah Nelson – Attachment

Notice of Motion - Recognition of Burwood's Earliest Colonial Settler - Sarah Nelson – Attachment

From: Archives <archives@sydney.anglican.asn.au>
Date: 22 January 2021 at 12:08:04 am AEDT
To: Heather Crichton <Heather.Crichton@burwood.nsw.gov.au>
Subject: HEATHER CRICHTON: Sarah Nelson, record of death & burial: Liverpool St Luke 18 & 21 December 1817

From the Sydney Diocesan Archives, Anglican Church Diocese of Sydney

The Sydney Diocesan Archives is a private, in-house, business and academic research archive.

Visit our website: www.sydneyanglicanarchives.com.au

Dear Heather,

Please find attached to this email a downloaded copy of the relevant page from Ancestry.com re the 18 December 1817 death & 21 December 1817 burial of Sarah Nelson. The record is in this register which is held in the Sydney Diocesan Archives and was digitised by Ancestry.com in 2016:

LIVERPOOL ST LUKE - COMPOSITE REGISTER [Baptisms, Burials & Marriages]

19 May 1811 - 07 July 1823

* BAPTISMS: 19 May 1811 - 25 May 1823

* BURIALS: 19 May 1811 - 01 July 1823 [NB. 1811-1821: Apex Park is the site of the first Liverpool cemetery. Governor Macquarie set aside the land as a public burial ground, first burial in 1811. The land was excessively damp & was abandoned as a cemetery in June 1821. It was cleaned up & turned into a recreational park in 1956.]

* MARRIAGES: 23 December 1816 - 07 July 1823.

Best wishes,

Louise Trott

Dr Louise Trott

Sydney Diocesan Archivist

Sydney Diocesan Archives, Anglican Church Diocese of Sydney

Tel: 02 9265-1620

Fax: 02 9232-7841

Email: archives@sydney.anglican.asn.au

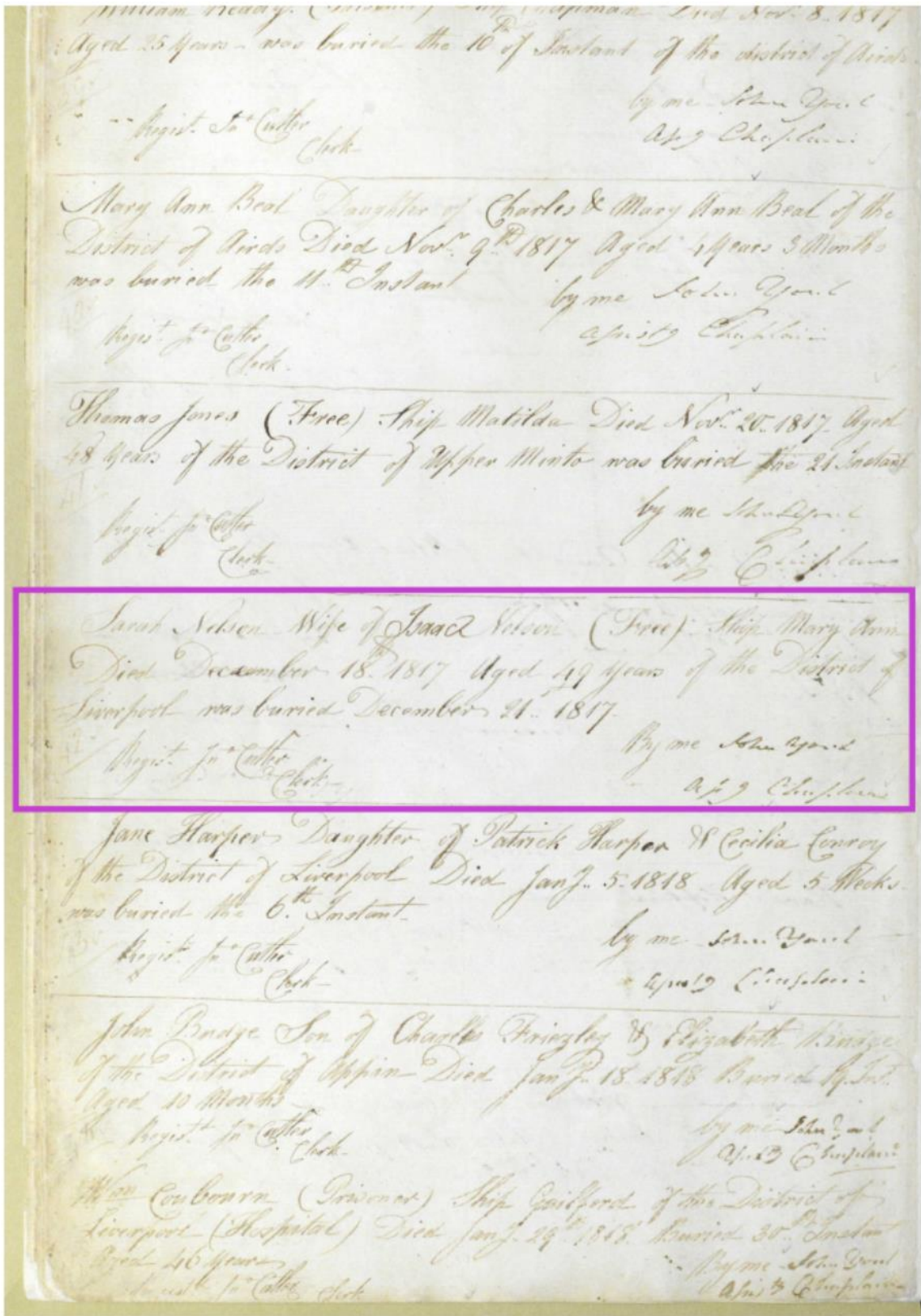
Website: www.sydneyanglicanarchives.com.au

Postal Address: P O Box Q190, QVB Post Office, Sydney 1230

BA (Hons) (Syd); Grad Dip Info Mgt (Archives Admin) (UNSW); PhD (Syd).

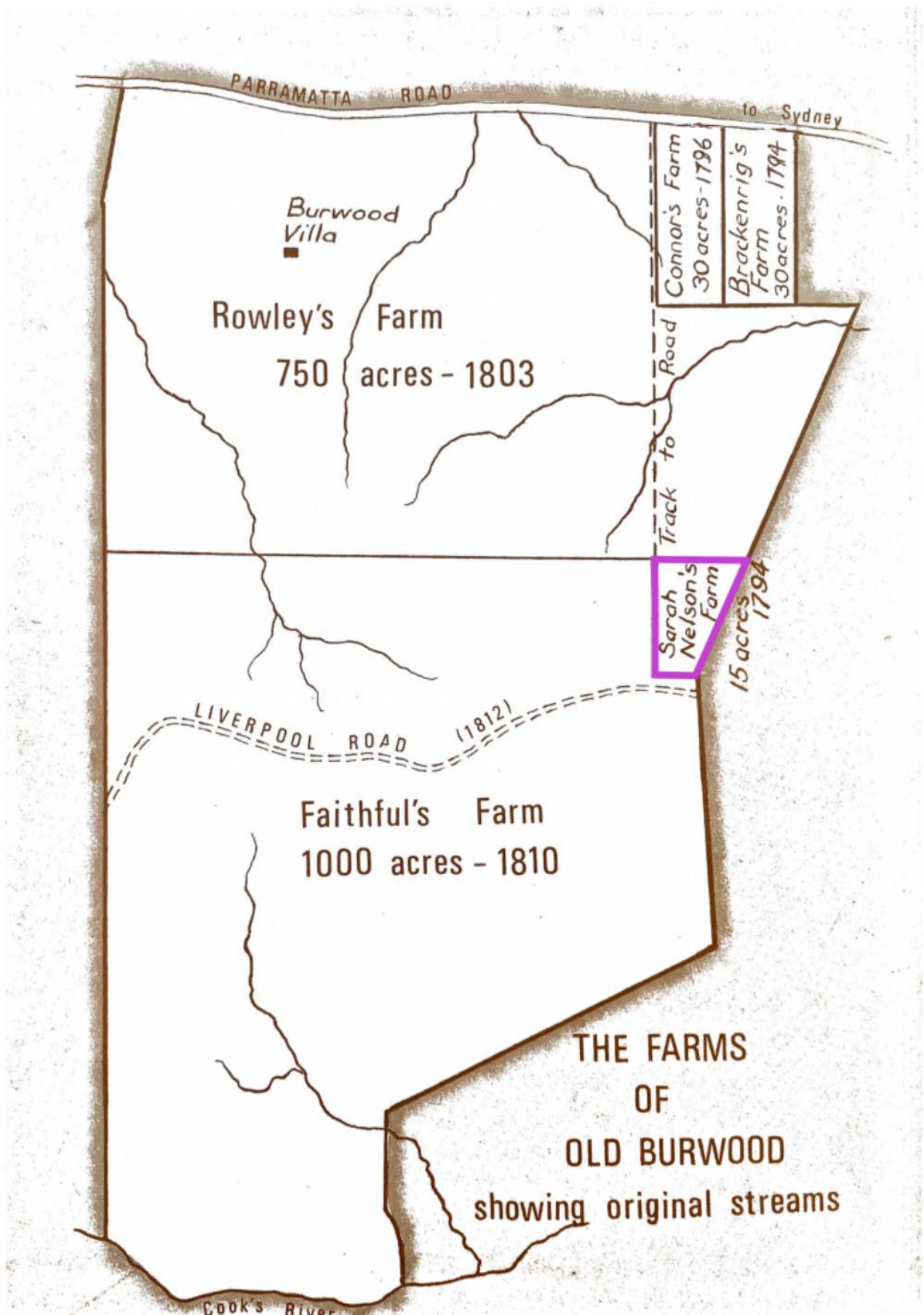
Accredited Professional Member of the Australian Society of Archivists Inc. (ASAAP)

Notice of Motion - Recognition of Burwood's Earliest Colonial Settler - Sarah Nelson - Attachment

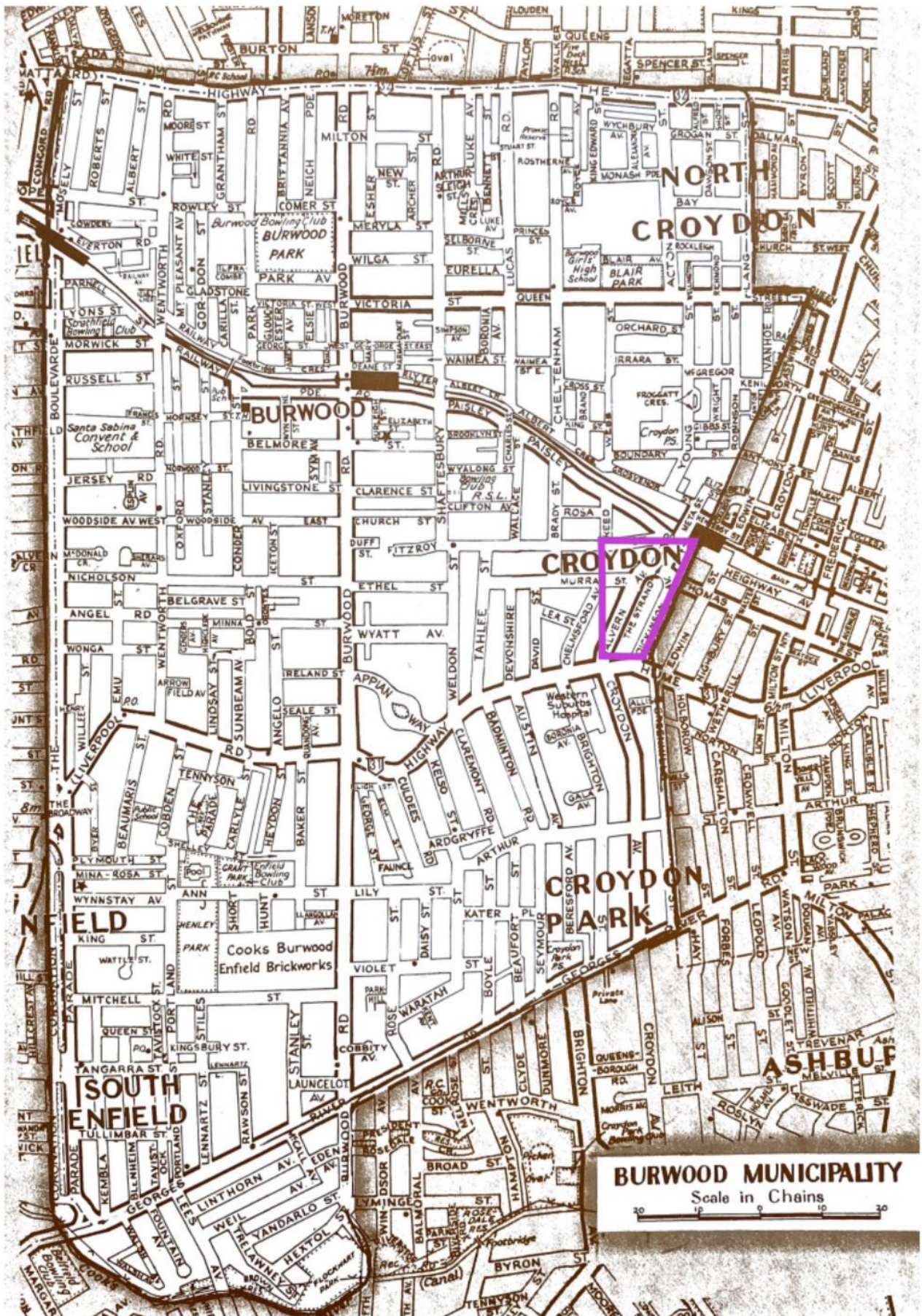


ITEM NUMBER NM1/21 - ATTACHMENT 1

Notice of Motion - Recognition of Burwood's Earliest Colonial Settler - Sarah Nelson - Attachment



Notice of Motion - Recognition of Burwood's Earliest Colonial Settler - Sarah Nelson - Attachment





A CONVICT CHAIN GANG. A few huts built in 1793 as an overnight resting place for convict gangs moving between Sydney and Parramatta were Burwood's first buildings. (Photo—Mitchell Library.)

the colony. Governor Phillip relied mainly on government farms, but after his departure in 1792 the Lieutenant Governor, Major Grose, decided to encourage private farming in the hope that it might result in a greater output. Grose has often been criticised for too lavishly granting land to the soldiers and officers of the N.S.W. Corps, but in fairness it should be remembered that apart from the military there were almost no free men in the colony. His policy was to grant 100 acres to any officer who wished to work the land, and to make smaller grants to soldiers or to convicts who had served their sentences. A private soldier was entitled to 25 acres and an ex-convict to 30, on condition that the grantee "shall reside within the same and proceed to the improvement and cultivation thereof".

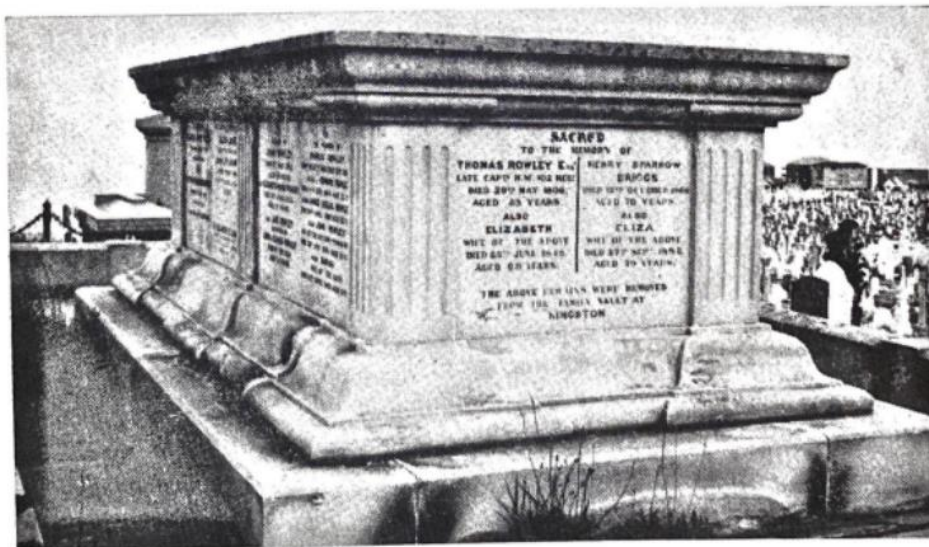
The earliest known settler in Burwood was a free woman named Sarah Nelson, whose courage and enterprise must appeal strongly to modern advocates of the Women's Liberation movement. When her husband, Isaac Nelson, was convicted at Stafford on 13th August, 1789, and sentenced to seven years penal servitude at Botany Bay, Sarah was undaunted. She resolved to share his fortunes in the convict colony, and arranged her own passage aboard the *Mary Ann*, a transport that reached Sydney in July, 1791, "with one hundred and forty-one female convicts on board, six children, and one free woman". Actually she reached the colony ahead of her husband, who arrived on the *Albermarle* in October, 1791. In some instances free women were known to have their convict husbands assigned to them as servants, but whether Sarah succeeded in this is not recorded. We do know that their first child died in December, 1793, and that on November 19, 1794, Major Francis Grose, the Lieutenant Governor, granted Sarah:

"Fifteen acres of Land to be known by the name of Nelson Farm, laying and situate on the West side of Hermitage Farm in the

District of Petersham Hill, the said Fifteen Acres of land to be had and held by her the said Sarah Nelson Her Heirs and Assigns free from all Fees, Taxes, Quit Rents and other acknowledgments for the space of Five Years from the date of these Presents; provided the said Sarah Nelson Her Heirs or Assigns shall reside within the same and proceed to the Improvement and Cultivation thereof, such timber as may be growing or to grow hereafter upon the said Land which may be deemed fit for Naval Purposes to be reserved for the use of the Crown, and paying an Annual Quit Rent of One Shilling after the expiration of the Term of Five Years before mentioned.”

Situated on what we now call Malvern Hill, this tiny farm must have been a lonely spot for Sarah. There was no Liverpool Road in those days, and her only access to Sydney was by a bush track leading out onto Parramatta Road a little to the east of Cheltenham Road. From the Muster of 1806 we find that she then had 11 acres under pasture and 4 acres fallow, and that though her younger daughters—Louisa and Harriott—were “victualled” from Government stores, Sarah and her 11-year-old daughter Isabella were not victualled, but evidently supported themselves from the Farm. Sarah’s fate is not recorded, but the 1828 Muster shows that Isaac had remarried and had his own farm at Lower Minto.

Sarah Nelson’s earliest neighbour was James Brackenrig, a private soldier in the N.S.W. Corps, who received a 25-acre grant on December 3, 1794, a little nearer Parramatta Road in an area then called York Place. His land was bounded by Parramatta Road and what we now know as Queen Street, Lang Street and Acton Street. But Brackenrig did not occupy his farm for long. He had moved to Parramatta by 1806, and his land was eventually absorbed into Joseph Underwood’s huge estate of Ashfield Park.



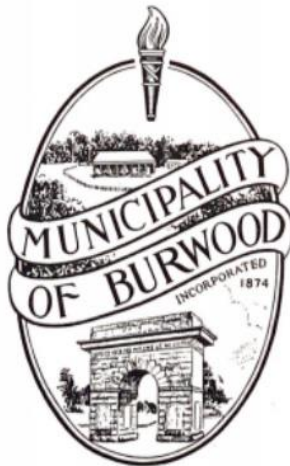
CAPTAIN THOMAS ROWLEY’S TOMB, originally at Kingston Farm but now re-erected in Waverley Cemetery.

HARVEST OF THE YEARS

The Story of Burwood
1794-1974

ERIC DUNLOP

Issued by Authority of the Council of the
Municipality of Burwood



Notice of Motion - Recognition of Burwood's Earliest Colonial Settler - Sarah Nelson - Attachment

5056

NOTICE UNDER REAL PROPERTY ACT.

APPLICATIONS having been made to bring the lands hereunder described under the provisions of the Real Property Act, Certificates of Indefeasible Title will issue, unless Caveats be lodged in Form B of the said Act, on or before the date named opposite each case respectively.

Property.	Name of Applicant.	Residence.	Date up to and inclusive of which Caveats may be lodged.
No. 9,762. Croydon, 14 acres 2 roods 11½ perches, on the Liverpool Road, adjoining the properties of G. A. Murray and S. Dickinson, being the land granted as 15 acres to Sarah Nelson.	Samuel Dickinson and William Robert Dickinson.	Croydon	2 Oct., 1896.
No. 9,800. County of Macquarie, parish of Redbank, 66 acres, at the junction of the Hastings River and Morton's Creek, adjoining the property of J. Mathieson,—is part of 1,170 acres granted to John Lewis Spencer.	John Cameron	Hastings River	2 Oct., 1896.

Diagrams delineating these lands may be inspected at the Land Titles Office, Elizabeth-street, Sydney.
Dated at Sydney, this 24th day of July, 1896, at the Registrar General's Department.

A. PARRY LONG,
Registrar General.

[735]



ITEM NUMBER NM1/21 - ATTACHMENT 1

Notice of Motion - Recognition of Burwood's Earliest Colonial Settler - Sarah Nelson – Attachment



(ITEM 4/21) DRAFT VOLUNTARY PLANNING AGREEMENT FOR 15-19 CLARENCE STREET, BURWOOD

File No: 21/3055

REPORT BY DIRECTOR CITY STRATEGY

Applicant: Planning Ingenuity Pty Ltd

Owner: Atlas Clarence Street Developments Pty Ltd ATF Atlas Clarence Street Unit Trust

Company Directors: Rongzhen Zhao, Jackson Denis Wong and Weinan Xiao

Operational Plan Objective

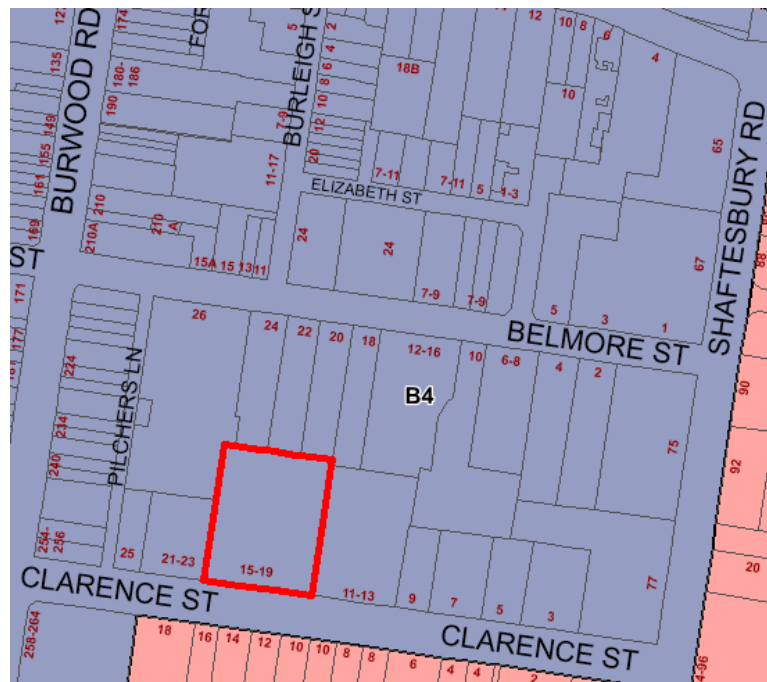
1.2.1 Inform the community of Council's activities, facilities and services using accessible communication

Summary

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) in connection with a Development Application (DA) No. 79/2020 for 15-19 Clarence Street Burwood have been publicly notified in accordance with the relevant legislation. The draft VPA will provide for the developer to pay a monetary contribution of \$1,015,000 excluding GST to Council in exchange for 580m² additional floor space. Council's endorsement is sought to enter into the VPA after the granting of the consent for the DA.

Background

The subject site is located on the northern side of Clarence Street, between Burwood Road and Shaftesbury Road, Burwood.



Location map of 15-19 Clarence Street Burwood

DA No. 79/2020 proposes the alterations and additions to residential development with an additional two levels comprising six residential units and internal and external alterations to the approved residential flat building on the subject site. The DA seeks to provide 580m² of additional

Gross Floor Area (GFA), or a 6.1% increase in the maximum Floor Space Ratio (FSR) permitted by Clause 4.4(2) of the *Burwood Local Environmental Plan* (BLEP) 2012. This GFA increase is allowed under Council's policy *Carrying Out Bonus Development in the Public Interest*, adopted by Council on 21 August 2018.

VPA

The VPA will:

- Provide a monetary contribution to Council for the purposes of providing, augmenting or improving open space, community facilities or other public facilities as determined by Council, in accordance with the *Burwood Open Space and Community Facilities Study* undertaken for Council.
- Provide the developer, in exchange for making the monetary contribution, additional GFA or FSR over the development site, based on the *Burwood Town Centre Urban Design Study* undertaken for Council, which recommended a maximum 10% FSR increase.

Under the draft VPA the developer proposes to pay Council \$1,015,000, based on the monetary contribution rate of \$1,750/m² additional GFA.

Consultation

The draft VPA and EN were publicly notified from 27 November 2020 to 15 January 2021. An exhibition notice and the exhibition material were placed on Council's website. The exhibition notice included a link to the NSW Planning Portal where the draft VPA and EN were also available for viewing. This exhibition arrangement was in line with the NSW Government's emergency measures as a result of the COVID-19 pandemic and in accordance with the *Community Participation Plan*, adopted by Council on 26 November 2019.

Planning or Policy Implications

Council has a *Planning Agreements Policy*, last adopted on 30 October 2018. The Policy stipulates the matters that Council should consider when determining whether or not to enter into a VPA. Consideration of these matters against the draft VPA is outlined below:

1. The VPA is directed towards a proper planning purpose. The VPA provides funds to Council to be used to provide the augmentation or improvement of open space, community facilities or other public facilities, consistent with the *Burwood Open Space and Community Facilities Study*.
2. The VPA would result in a public benefit. The contribution to Council would be used towards public facilities.
3. The VPA provides a reasonable means of achieving the relevant purpose. The *Burwood Open Space and Community Facilities Study* identified the open space and community facilities required to meet the population increase.
4. The VPA would produce outcomes that meet the general values and expectations of the community, and protect the overall public interest. The provision, augmentation and improvement of public facilities by Council are an expectation of the community. The VPA provides Council with the financial resources to assist in the delivery.
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) Obtain additional public benefits for the wider community by sharing in the increased land value accruing to a developer from a rezoning or development approval.
 - (c) 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, the DA must be considered on its individual merit.
 - 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 is in accordance with Council's *Open Space and Community Facilities Study*.

Financial Implications

The VPA would provide for a monetary contribution of \$1,015,000 (depending on the final determination of the DA), based on the 1,750/m² additional GFA rate to Council for the provision, augmentation or improvement of open space, community facilities or other public facilities. Council would be obliged under legislation to allocate the contribution and any return on its investment to the provision of, or the recoupment of the cost of providing public facilities.

The provision of public facilities by Council would not coincide with the completion of the subject development, and would be undertaken at a time determined by Council at its discretion.

Conclusion

The VPA will help secure a monetary contribution of \$1,015,000 for the provision of public facilities. 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 15-19 Clarence Street Burwood for the provision of a monetary contribution of \$1,105,000 (dollar value dependant on the final determination of the DA) towards public facilities after the granting of the consent for DA No. 79/2020, 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.

Attachments

- 1 [↓](#) Draft VPA for 15-19 Clarence Street, Burwood - exhibition version
- 2 [↓](#) Explanatory Note - Draft VPA for 15-19 Clarence Street, Burwood - exhibition version

PLANNING AGREEMENT

DATE:

PARTIES

Burwood Council of Suite 1, Level 2, 1-17 Elsie Street Burwood in the State of New South Wales (the Council).

and

Atlas Clarence Street Developments Pty Ltd (ACN 630 150 186) ATF Atlas Clarence Street Unit Trust of 'South Tower', 1-5 Railway Street, Chatswood in the State of New South Wales (Developer).

Background:

- A. The Developer is the registered proprietor of the Land.
B. The Land is situated 15-19 Clarence Street, Burwood.
C. On 10 August 2020, Development Application No. 79/2020 was submitted by the Developer to the Council for development consent for development to be carried out on the Land for the purposes of alterations and additions to residential development with an additional two levels comprising six residential units and internal and external alterations to the approved residential flat building.
D. The Development Application was accompanied by an offer by the Developer to enter into this Planning Agreement to make a monetary contribution towards the provision, augmentation or improvement of open space, community facilities, and other public facilities as determined by the Council if the Development Consent is granted.
E. As contemplated by section 7.4 of the Act, the Parties wish to enter into this Planning Agreement with respect to the 6.1% increase in FSR for the Land contemplated by the Development upon the Development Consent.

Operative Provisions

1. Planning Agreement under the Act

The Parties acknowledge and agree that this Planning Agreement is a planning agreement within the meaning of section 7.4 of the Act and is governed by Part 7 of the Act.

2. Application of this Planning Agreement

This Planning Agreement applies to the Land and the Development.

3. Operation of this Planning Agreement

3.1 The Parties are to execute this Planning Agreement immediately following the grant by the Council of Development Application No. 79/2020.

3.2 This Planning Agreement commences on and from the date it is executed by all Parties.

4. Definitions and interpretation

4.1 In this Planning Agreement the following definitions apply:

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

Approval means any approvals, consents, section 4.55 modifications, Part 6 certificates or approvals under the Act, certificates, construction certificates, occupation certificates, complying development certificates, permits, endorsements, licences, conditions or requirements (and any variation to them) which may be required by this Planning Agreement or the Development Consent.

Authority means any government, local government, statutory, public, ministerial, administrative, fiscal or other authority or body, and includes the Joint Regional Planning Panel or such other consent authority as may be lawfully appointed and authorised to grant an Approval, including an accredited certifier defined under the Act.

Business Day means any day except Saturday or Sunday or a day which is a public holiday in Sydney.

Construction Certificate means a certificate issued under Part 6 of the *Environmental Planning and Assessment Act 1979* (NSW) approving building work to be carried out on the Land for the whole or part of the work consented to under the Development Consent on the Land.

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

Development means the development of the Land in accordance with the Development Application No. 79/2020 as made by the Developer and as a result of any conditions of Development Consent.

Development Consent means the consent granted in connection with Development Application No. 79/2020.

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

GST has the 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 GST.

Land means Lot 1 in Deposited Plan 1265822 situated at and known as 15-19 Clarence Street, Burwood.

Law means:

- a) the common law including principles of equity; and

- b) the requirement of all statutes, rules, ordinances, codes, instruments, regulations, proclamations, by-laws or consent by an Authority, that presently apply or that may apply in the future.

Monetary Contribution means the sum of \$1,015,000 excluding GST representing \$1,750 x 580m².

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

Planning Agreement means this Planning Agreement.

Planning Certificate has the meaning ascribed in section 10.7(1) of the Act.

Public Benefit means the Monetary Contribution.

Public Facilities means the augmentation or improving of open space, community facilities, or other public facilities as determined by the Council.

4.2 In the interpretation of this Planning 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 Planning Agreement.
- (b) If the day on which any act, matter or thing is to be done under this Planning Agreement is not a business day, the act, matter or thing must be done on the next business day.
- (c) A reference in this Planning Agreement to dollars or \$ means Australian dollars and all amounts payable under this Planning Agreement are payable in Australian dollars.
- (d) A reference in this Planning 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.
- (e) A reference in this Planning Agreement to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
- (f) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Planning Agreement.
- (g) A reference to person includes a natural person, any corporation, trust, partnership, joint venture, association, body corporate, governmental agency, or legal entity and their personal representatives, successors, substitutes (including persons taking by novation) and permitted assigns.
- (h) 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.
- (i) 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.
- (j) References to the word 'include' or 'including' are to be construed without limitation.

- (k) A reference to this Agreement includes the agreement recorded in this Planning Agreement.
- (l) A reference to a Party to this Planning Agreement includes a reference to the servants, agents and contractors of the Party, and the Party's successors and assigns.
- (m) Any schedules and attachments form part of this Planning Agreement.

5. Development Contributions to be made under this Planning Agreement

- 5.1 The Developer will pay to the Council the Monetary Contribution after Development Consent and prior to the issue of any Construction Certificate for the Development.
- 5.2 The payment of the Monetary Contribution will be by way of the delivery of a bank cheque to the Council which must be:
 - (a) For the amount of the Monetary Contribution;
 - (b) made payable to the Council; and
 - (c) in a form acceptable to the Council.
- 5.3 The Developer covenants and agrees not to make an application for the issue of any Construction Certificate until the Monetary Contribution required to be made to the Council hereunder has been paid.
- 5.4 Subsequent to payment of the Monetary Contribution, in the event the Development Consent is not taken up by the Developer or an application for the issue of the Construction Certificate is refused, the Council will refund the amount of the Monetary Contribution to the Developer within 14 days of notice being given to the Council by the Developer of such event.
- 5.5 Notwithstanding any refund of the Monetary Contribution pursuant to clause 5.4 of this Planning Agreement, the Planning Agreement shall continue to have effect.
- 5.6 In the event the Development Consent expires, is abandoned, is surrendered, or ceases to have effect, the Planning Agreement will also expire and cease to have effect and from that point on not be binding on any Party.

6. Application of the Development Contributions

- 6.1 The Monetary Contribution paid by the Developer under this Planning Agreement will be used by the Council to develop and provide Public Facilities.
- 6.2 The Public Facilities will:
 - (a) not be provided to coincide with the conduct or completion of the Development;
 - (b) be constructed at a time determined by the Council at its absolute discretion; and

- (c) be available for use by the general public and will not be restricted for use by patrons, visitors or occupiers of the Development.

7. Application of section 7.11, and section 7.12 and section 7.24 of the Act to the Development

This Planning Agreement does not exclude the application of:

- (a) section 7.11, section 7.12 or section 7.24 of the Act;
- (b) any affordable Housing Levy;
- (c) any other monetary contributions;

in connection with Development Application No. 79/2020. Benefits under the Agreement are not to be taken into account in determining a development contribution under section 7.11, section 7.12 or section 7.24 of the Act.

8. Registration of this Planning Agreement

8.1 The Developer further covenants with the Council:

- (a) that prior to the issue of any Construction Certificate for the Development, or within such further time as the Parties hereto agree, they shall do all things reasonably necessary to obtain the consent to the registration of this Planning 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 Planning Agreement to be registered on the title of the Land;
- (c) that if this Planning Agreement is not registered on the title to 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 Planning Agreement in which substantially the same covenants as set out herein shall apply;
 - (iii) within seven (7) days of exchange of contracts for the sale, notify the Council of the sale and provide the Council with a copy of the contract;
 - (iv) within twenty one (21) days of receipt from the Council of a replacement agreement between the Council and the purchaser substantially in the form of this Planning Agreement, have it executed by the purchaser and return it to the Council;
 - (v) that if this Planning 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

Developer (Initial)..... Council (Initial).....

transferee or assignee enter into an agreement with the Council substantially in the form of this Planning Agreement insofar as concerns the interest assigned or transferred and shall provide same to the Council.

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

9. Acknowledgements

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

9.2 The Parties acknowledge that the 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 Planning 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 Planning 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 Planning Agreement.

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

11. Enforcement

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

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

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

11.3 The rights of the Council expressly provided for herein are cumulative and in addition to and not exclusive of the rights of the Council existing at law or which the 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 Planning 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: (02) 9911 9900

Email: council@burwood.nsw.gov.au

Developer

Attention: Jackson Wong

Address: Suite 601, Level 6, South Tower, 1-5 Railway Street, Chatswood NSW 2065

Post: Suite 601, Level 6, South Tower, 1-5 Railway Street, Chatswood NSW 2065

Fax Number: Not applicable.

Email: jackson@atlaspropertyinvestments.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 machine 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 on 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 Planning Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Planning 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 Planning Agreement shall be binding upon the Developer and upon its respective transferees, assignees or successors.

15. Costs

- 15.1 The Developer shall bear the Council's costs directly related, and incidental to negotiating, preparing, executing, stamping and registering the Planning Agreement, including any costs of lodging/removing caveats on the title to the Land.
- 15.2 The Proprietor and/or Developer will pay Council's reasonable legal costs not exceeding \$5,000.00 (five thousand dollars) including GST directly related, and incidental to negotiating, preparing, executing, stamping and registering the Planning Agreement and of drafting, registering and removing caveats on the title to the Land.

16. Entire Agreement

This Planning 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 Planning 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 Planning Agreement and all transactions incidental to it.

18. Governing law and jurisdiction

This Planning 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 Planning Agreement, any agreement, covenant, representation or warranty under this Planning 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 Planning 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 Planning Agreement and comply with their obligations under the Planning Agreement and that entry into this Planning Agreement will not result in the breach of any law.

22. Severability

If a clause or part of a clause of this Planning 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 Planning Agreement, but the rest of this Planning Agreement is not affected.

23. Modification

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

24. Waiver

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Planning 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. Explanatory note

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

26.3 Where a Party to this Planning 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 Planning Agreement, any amount payable under this Planning Agreement, which is calculated by reference to an amount paid or incurred by a Party to this Planning 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 Planning Agreement are not confidential and this Planning Agreement may be treated as a public document and exhibited or reported without restriction by any Party.

28. Release from Planning Agreement

Once the Council is satisfied that the Developer has fully complied with all of its obligations under this Planning Agreement, the Council agrees to provide a full release and discharge of this Planning Agreement with respect of the whole of the Land. In such circumstances the 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 Planning Agreement on the title to the Land.

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

Date

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.

Signed for and on behalf of **Atlas Clarence Street Developments Pty Ltd ACN 630 150 186 ATF Atlas Clarence Street Unit Trust** in accordance with section 127 of the Corporations Act 2001 (Cth) by:)
)
)
)

Signature of Director/Secretary

Signature of Director

(Print) Name of Director/Secretary

(Print) Name of Director

Date

PLANNING AGREEMENT - Explanatory Note

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

Planning Agreement for the provision of monetary contribution for public benefit at 15-19 Clarence Street, Burwood.

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

1. Parties

The parties to the Planning Agreement are:

- (1) Burwood Council (**Council**)
- (2) Atlas Clarence Street Developments Pty Ltd (ACN 630 150 186) ATF Atlas Clarence Street Unit Trust (**Developer**)

2. Description of Subject Land

Folio Identifiers: Lot 1 in Deposited Plan 1265822
Location: 15-19 Clarence Street, Burwood

3. Description of Proposed Development

The Developer has lodged a development application (being DA No. 79/2020 for the land which proposes alterations and additions to residential development with additional two levels comprising six residential units and internal and external alterations to the approved residential flat building. The application includes a voluntary planning agreement for material and financial contribution to Council as a public benefit as part of the application seeking approval for additional gross floor space of 580m² of residential floor space above what the Burwood LEP would normally allow overall.

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

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

The intent of the Planning Agreement is to ensure that public benefits are provided in the form of provision, augmentation or improvement of open space, community facilities or other public facilities as proposed by the development application and determined by Council.

The Planning Agreement is proposed to require a monetary contribution for an amount of \$1,015,000 (excluding GST) being \$1,750 (excluding GST) per square metre (580m²) of GFA in excess of the permitted GFA limit for the development payable after development consent is granted and before issue of a Construction Certificate.

5. Assessment of the Merits of the Planning Agreement

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

5.1 The planning purposes served by the Planning Agreement

[Clause 25E(2)(e) of the EP&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 provide, augment, or improve open space, community facilities, or other public facilities as determined by Council.

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

- (i) Council has conducted an Urban Design Study which revealed that in parts of the Burwood Town Centre, including the area in which the subject land is located, there is some potential for a maximum increase of 10% in FSR. Council has also prepared a Burwood Open Space and Community Facilities Study, which identified public benefit requirements in the Burwood Local Government Area .
- (ii) The Planning Agreement will secure a considerable material benefit to the public as the Council is to use, or put the monetary contribution towards, the provision of material benefits such as civil infrastructure, public domain upgrades and facilities for the Burwood Town Centre, which will not only benefit the users and those in the immediate vicinity of the Burwood Town Centre but the wider Burwood population. This is considered to be a substantial public benefit and the Planning Agreement achieves this objective of delivering the benefit.

5.2 Promotion of the public interest

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

The Planning Agreement promotes the public interest by:

- Ensuring the orderly use and development of land by ensuring that public benefits are provided where a development site achieves additional FSR.

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.

5.3 Promotion of the Council's charter (now Principles)

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

The Planning Agreement promotes one or more of the elements of Council's charter (now Principles) under sections 8, 8B and 8C of the *Local Government Act 1993* (NSW) as follows:

- (i) The Planning Agreement provides the monetary resources to assist Council in the provision of civil infrastructure, public domain upgrades and facilities for the augmentation, or improvement of open space, community facilities, and other public facilities for the Burwood Town Centre and ensures that those facilities are managed efficiently and effectively.
- (ii) Identifying and prioritising community needs and aspirations;

- (iii) Carrying out Council functions in a way that provides the best possible value for residents and ratepayers;
- (iv) Providing an opportunity for the community and stakeholders to be involved and interested people are invited to make comment during the exhibition period of the Planning Agreement. The public exhibition and the consideration of this matter at Council meetings are intended to keep the local community informed.

5.4 Capital Works Program

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

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

- Council has in place a capital works program, but the program does not, to date, identify public benefits within the Burwood Town Centre.
- Council has prepared a Burwood Community Facilities and Open Space Study which identifies works and improvements to community facilities and open space to be carried out. These are known as public benefits. This study will inform the capital works program as it is reviewed annually where those public benefits will be included within the capital works program including when and where sufficient funds are available.

6. Whether the draft Planning Agreement specifies that certain requirements must be complied with before a construction certificate is issued.

The Planning Agreement provides that the Monetary Contribution be paid prior to the issue of any construction certificate for the proposed development.

(ITEM 5/21) DRAFT VOLUNTARY PLANNING AGREEMENT FOR 105-115 LIVERPOOL ROAD BURWOOD

File No: 21/3279

REPORT BY DIRECTOR CITY STRATEGY

Summary

Applicant: Urban Link Pty Ltd
Owner: Laley Roser Pty Ltd
Developer RG AD Developments Pty Ltd
Company Directors: Robert Gregory and Michael Doueihy

Operational Plan Objective

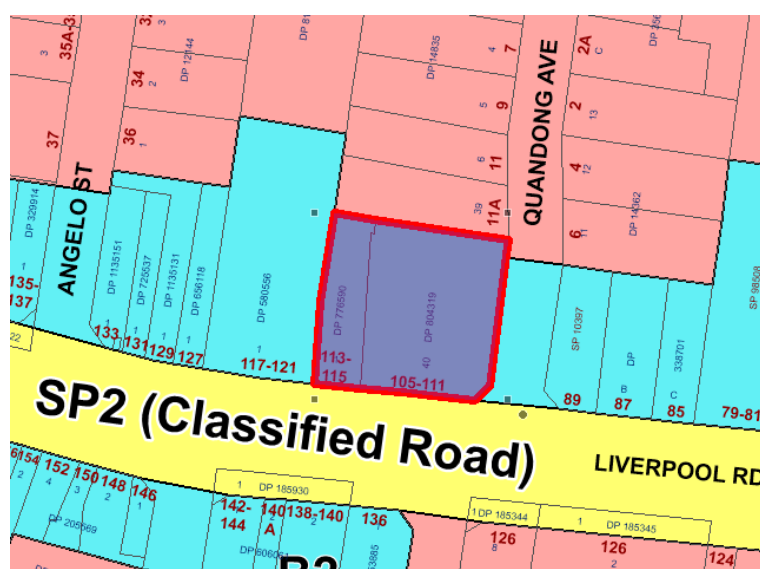
1.2.1 Inform the community of Council's activities, facilities and services using accessible communication

Summary

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) in connection with a Development Application (DA) No. 93/2020 for 105-115 Liverpool Road Burwood have been publicly notified in accordance with the relevant legislation. The draft VPA will provide for the developer to pay a monetary contribution of \$169,250 excluding GST to Council in exchange for 169.25m² additional floor space. Council's endorsement is sought to enter into the VPA after the granting of the consent for the DA.

Background

The subject site is located on the northern side of Liverpool Road, between Quandong Avenue and Angelo Street, Burwood.



Location map of 105-115 Liverpool Road, Burwood

DA No. 93/2020 proposes an additional level containing 4 x two bedroom apartments to the approved 6 storey mixed use development containing 44 apartments on the site. The DA seeks to provide 169.25m² of additional Gross Floor Area (GFA), or a 4.47% increase in the maximum Floor Space Ratio (FSR) permitted by Clause 4.4(2) of the *Burwood Local Environmental Plan (BLEP) 2012*. This GFA increase is allowed under Council's policy *Carrying Out Bonus Development in the Public Interest*, adopted by Council on 21 August 2018.



Proposed additional development is shown in the red cloud on the North Elevation (Liverpool Road facade) - excerpt from the Urban Link Architectural Drawings set (DA 10 A).

VPA

The VPA will:

- Provide a monetary contribution to Council for the purposes of providing, augmenting or improving open space, community facilities or other public facilities as determined by Council, in accordance with the *Burwood Open Space and Community Facilities Study* undertaken for Council.
- Provide the developer, in exchange for making the monetary contribution, additional GFA or FSR over the development site, based on Council's policy *Carrying Out Bonus Development in the Public Interest*, which allows a maximum 10% FSR increase.

Under the draft VPA the developer proposes to pay Council \$169,250, based on the monetary contribution rate of \$1,000/m² additional GFA for the area where the subject site is located.

Consultation

The draft VPA and EN were publicly notified from 18 December 2020 to 29 January 2021. An exhibition notice and the exhibition material were placed on Council's website. The exhibition notice included a link to the NSW Planning Portal where the draft VPA and EN were also available for viewing. This exhibition arrangement was in line with the NSW Government's emergency measures as a result of the COVID-19 pandemic and in accordance with the *Community Participation Plan*, adopted by Council on 26 November 2019.

Planning or Policy Implications

Council has a *Planning Agreements Policy*, last adopted on 30 October 2018. The Policy stipulates the matters that Council should consider when determining whether or not to enter into a VPA. Consideration of these matters against the draft VPA is outlined below:

1. The VPA is directed towards a proper planning purpose. The VPA provides funds to Council to be used to provide the augmentation or improvement of open space, community facilities or other public facilities, consistent with the *Burwood Open Space and Community Facilities Study*.

2. The VPA would result in a public benefit. The contribution to Council would be used towards public facilities.
3. The VPA provides a reasonable means of achieving the relevant purpose. The *Burwood Open Space and Community Facilities Study* identified the open space and community facilities required to meet the population increase.
4. The VPA would produce outcomes that meet the general values and expectations of the community, and protect the overall public interest. The provision, augmentation and improvement of public facilities by Council are an expectation of the community. The VPA provides Council with the financial resources to assist in the delivery.
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) Obtain additional public benefits for the wider community by sharing in the increased land value accruing to a developer from a rezoning or development approval.
 - (c) 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 Burwood Council *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, the DA must be considered on the individual merit.
 - 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 is in accordance with Council's *Open Space and Community Facilities Study*.

The DA accompanying this VPA is currently under assessment and will be determined as a separate matter.

Financial Implications

The VPA would provide for a monetary contribution of \$169,250 (depending on the final determination of the DA), based on the \$1,000/m² additional GFA rate to Council for the provision, augmentation or improvement of open space, community facilities or other public facilities. Council would be obliged under legislation to allocate the contribution and any return on its investment to the provision of, or the recoupment of the cost of providing public facilities.

The provision of public facilities by Council would not coincide with the completion of the subject development, and would be undertaken at a time determined by Council at its discretion.

Conclusion

The VPA will help secure a monetary contribution of \$169,250 for the provision of public facilities. 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 105-115 Liverpool Road Burwood for the provision of a monetary contribution of \$169,250 (dollar value dependant on the final determination of the DA) towards public facilities after the granting of the consent for DA No. 93/2020, 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.

Attachments

- 1 [↓](#) Draft VPA for 105-115 Liverpool Road Burwood - exhibition version
- 2 [↓](#) Explanatory Note - Draft VPA for 105-115 Liverpool Road Burwood - exhibition version

PLANNING AGREEMENT - Explanatory Note

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

Planning Agreement for the provision of monetary contribution for public benefit at Nos.105-115 Liverpool Road, Burwood

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

1. Parties

The parties to the Planning Agreement are:

- (1) Burwood Council (**Council**)
- (2) Laley Roser Pty Ltd (ACN 606 333 537) (**Proprietor**)
- (3) RG AD Developments Pty Ltd (ACN 609 625 372) (**Developer**)

2. Description of Subject Land

Folio Identifiers: Lot 40 in DP804319 and Lot 1 in DP776590
Location: Nos. 105-115 Liverpool Road, Burwood, NSW 2134

3. Description of Proposed Development

The Developer has lodged a development application (being DA-2020.93.1) for the land which proposes the erection of an additional storey to an approved mixed use development (granted under DA/2016/158) and subsequently modified (under DA/2016.158.2 and DA/2016.158.3). The application includes a voluntary planning agreement for material and financial contribution to Council as a public benefit as part of the application seeking approval for additional gross floor space of 169.25m² of residential floor space above what the Burwood LEP would normally allow overall.

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

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

The intent of the Planning Agreement is to ensure that public benefits are provided in the form of provision, augmentation or improvement of open space, community facilities or other public facilities as proposed by the development application and determined by Council.

The Planning Agreement is proposed to require a monetary contribution for an amount of \$169,250.00 (excluding GST) being \$1,000 (excluding GST) per square metre (169.25m²) of GFA in excess of the permitted GFA limit for the development payable after development consent is granted and before issue of a Construction Certificate.

5. Assessment of the Merits of the Planning Agreement

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

5.1 The planning purposes served by the Planning Agreement

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

The Planning Agreement serves the following planning purpose:

- The monetary contributions paid by the **Proprietor and/or Developer** under this Planning Agreement will be used by Council to provide, augment, or improve open space, community facilities, or other public facilities as determined by Council.

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

- (i) Council has conducted an Urban Design Study which revealed that in parts of the Burwood Town Centre, including the area in which the subject land is located, there is some potential for a maximum increase of 10% in FSR. Council has also prepared a Burwood Open Space and Community Facilities Study, which identified public benefit requirements in the Burwood Local Government Area .
- (ii) The Planning Agreement will secure a considerable material benefit to the public as the Council is to use, or put the monetary contribution towards, the provision of material benefits such as civil infrastructure, public domain upgrades and facilities for the Burwood Town Centre, which will not only benefit the users and those in the immediate vicinity of the Burwood Town Centre but the wider Burwood population. This is considered to be a substantial public benefit and the Planning Agreement achieves this objective of delivering the benefit.

5.2 Promotion of the public interest

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

The Planning Agreement promotes the public interest by:

- Ensuring the orderly use and development of land by ensuring that public benefits are provided where a development site achieves additional FSR.

The Planning Agreement promotes one or more of the objects of the *Local Government Act 1919* (NSW) 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.

5.3 Promotion of the Council's charter (now Principles)

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

The Planning Agreement promotes one or more of the elements of Council's charter (now Principles) under Section 8, 8B and 8C of the *Local Government Act 1993* (NSW) as follows:

- (i) The Planning Agreement provides the monetary resources to assist Council in the provision of civil infrastructure, public domain upgrades and facilities for the augmentation, or improvement of open space, community facilities, and other public facilities for the Burwood Town Centre and ensures that those facilities are managed efficiently and effectively.
- (ii) Identifying and prioritising community needs and aspirations;

- (iii) Carrying out Council functions in a way that provides the best possible value for residents and ratepayers;
- (iv) Providing an opportunity for the community and stakeholders to be involved and interested people are invited to make comment during the exhibition period of the Planning Agreement. The public exhibition and the consideration of this matter at Council meetings are intended to keep the local community informed.

5.4 Capital Works Program

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

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

- Council has in place a capital works program, but the program does not, to date, identify public benefits within the Burwood Town Centre.
- Council has prepared a Burwood Community Facilities and Open Space Study which identifies works and improvements to community facilities and open space to be carried out. These are known as public benefits. This study will inform the capital works program as it is reviewed annually where those public benefits will be included within the capital works program including when and where sufficient funds are available.

6. Whether the draft Planning Agreement specifies that certain requirements must be complied with before a construction certificate is issued.

The Planning Agreement provides that the Monetary Contribution be paid prior to the issue of any construction certificate for the proposed development.

PLANNING AGREEMENT

DATE

PARTIES

Burwood Council of Suite 1, Level 2, 1-17 Elsie Street Burwood in the State of New South Wales (the Council).

and

Laley Roser Pty Ltd ACN 606333537 of C/- Maxim Chartered Accountants, Level 2, 59 Wentworth Avenue, Kingston in the Australian Capital Territory (Proprietor).

and

RG AD Developments Pty Ltd ACN 609 625 372 of C/- Maxim Chartered Accountants, Level 2, 59 Wentworth Avenue, Kingston in the Australian Capital Territory (Developer).

Background:

- A. The Land is situated at 105-115 Liverpool Road, Burwood in the State of New South Wales.
- B. The Proprietor is the registered proprietor of the Land..
- C. On 21 September 2020, Development Application No. DA-2020.93.1 was submitted by the Developer to the Council for development consent for development to be carried out on the Land for the purposes of the erection of an additional storey to an approved mixed use development (granted under DA/2016.158) and subsequently modified (under DA/2016.158.2 and DA/2016.158.3).
- D. The Development Application was accompanied by an offer by the Developer to enter into this Planning Agreement to make a monetary contribution towards the provision, augmentation or improvement of open space, community facilities, and other public facilities as determined by the Council if the Development Consent is granted.
- E. As contemplated by section 7.4 of the Act, the Parties wish to enter into this Planning Agreement with respect to the 4.47% increase in FSR for the Land contemplated by the Development upon the Development Consent.

Operative Provisions

1. Planning Agreement under the Act

The Parties acknowledge and agree that this Planning Agreement is a planning agreement within the meaning of section 7.4 of the Act and is governed by Part 7 of the Act.

2. Application of this Planning Agreement

This Planning Agreement applies to the Land and the Development.

3. Operation of this Planning Agreement

- 3.1 The Parties are to execute this Planning Agreement immediately following the grant by the Council of Development Application No. DA-2020.93.1.
- 3.2 This Planning Agreement commences on and from the date it is executed by all Parties.

4. Definitions and interpretation

- 4.1 In this Planning Agreement the following definitions apply:

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

Approval means any approvals, consents, section 4.55 modifications, Part 6 certificates or approvals under the Act, certificates, construction certificates, occupation certificates, complying development certificates, permits, endorsements, licences, conditions or requirements (and any variation to them) which may be required by this Planning Agreement or the Development Consent.

Authority means any government, local government, statutory, public, ministerial, administrative, fiscal or other authority or body, and includes the Joint Regional Planning Panel or such other consent authority as may be lawfully appointed and authorised to grant an Approval, including an accredited certifier defined under the Act.

Business Day means any day except Saturday or Sunday or a day which is a public holiday in Sydney.

Construction Certificate means a certificate issued under Part 6 of the *Environmental Planning and Assessment Act 1979* (NSW) approving building work to be carried out on the Land for the whole or part of the work consented to under the Development Consent on the Land.

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

Development means the development of the Land in accordance with the Development Application No. 2020.93.1 as made by the Developer and as a result of any conditions of Development Consent.

Development Consent means the consent granted in connection with Development Application No. 2020.93.1.

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

GST has the 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 GST.

Land means situated at Lot 40 in DP804319 and Lot 1 in DP776590 and known as Nos. 105-115 Liverpool Road, Burwood in the State of New South Wales.

Law means:

- a) the common law including principles of equity; and
- b) the requirement of all statutes, rules, ordinances, codes, instruments, regulations, proclamations, by-laws or consent by an Authority, that presently apply or that may apply in the future.

Monetary Contribution means the sum of \$169,250.00 excluding GST representing \$1,000 (excluding GST) x 169.25m².

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

Planning Agreement means this Planning Agreement.

Public Benefit means the Monetary Contribution.

Planning Certificate has the meaning ascribed in section 10.7(1) of the Act.

Public Facilities means the augmentation or improving of open space, community facilities, or other public facilities as determined by the Council.

4.2 In the interpretation of this Planning 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 Planning Agreement.
- (b) If the day on which any act, matter or thing is to be done under this Planning Agreement is not a business day, the act, matter or thing must be done on the next business day.
- (c) A reference in this Planning Agreement to dollars or \$ means Australian dollars and all amounts payable under this Planning Agreement are payable in Australian dollars.
- (d) A reference in this Planning 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.
- (e) A reference in this Planning Agreement to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
- (f) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Planning Agreement.
- (g) A reference to person includes a natural person, any corporation, trust, partnership, joint venture, association, body corporate, governmental agency, or legal entity and their personal representatives, successors, substitutes (including persons taking by novation) and permitted assigns.
- (h) 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.

- (i) 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.
- (j) References to the word 'include' or 'including' are to be construed without limitation.
- (k) A reference to this Agreement includes the agreement recorded in this Planning Agreement.
- (l) A reference to a Party to this Planning Agreement includes a reference to the servants, agents and contractors of the Party, and the Party's successors and assigns.
- (m) Any schedules and attachments form part of this Planning Agreement.

5. Development Contributions to be made under this Planning Agreement

- 5.1 The Developer will pay to the Council the Monetary Contribution after Development Consent and prior to the issue of any Construction Certificate for the Development.
- 5.2 The payment of the Monetary Contribution will be by way of the delivery of a bank cheque to the Council which must be:
 - (a) For the amount of the Monetary Contribution;
 - (b) made payable to the Council; and
 - (c) in a form acceptable to the Council.
- 5.3 The Developer and the Proprietor each covenant and agree not to make an application for the issue of any Construction Certificate until the Monetary Contribution required to be made to the Council hereunder has been paid.
- 5.4 Subsequent to payment of the Monetary Contribution, in the event the Development Consent is not taken up by the Developer or Proprietor, or an application for the issue of the Construction Certificate is refused, the Council will refund the amount of the Monetary Contribution to the Developer within 14 days of notice being given to the Council by the Developer or Proprietor of such event.
- 5.5 Notwithstanding any refund of the Monetary Contribution pursuant to clause 5.4 of this Planning Agreement, the Planning Agreement shall continue to have effect.
- 5.6 In the event the Development Consent expires, is abandoned, is surrendered, or ceases to have effect, the Planning Agreement will also expire and cease to have effect and from that point on not be binding on any Party.

6. Application of the Development Contributions

- 6.1 The Monetary Contribution paid by the Developer under this Planning Agreement will be used by the Council to develop and provide Public Facilities.
- 6.2 The Public Facilities will:
 - (a) not be provided to coincide with the conduct or completion of the Development;

- (b) be constructed at a time determined by the Council at its absolute discretion; and
- (c) be available for use by the general public and will not be restricted for use by patrons, visitors or occupiers of the Development.

7. Application of section 7.11 and section 7.12 and section 7.24 of the Act to the Development

This Planning Agreement does not exclude the application of:

- (a) section 7.11, section 7.12 or section 7.24 of the Act;
- (b) any affordable Housing Levy;
- (c) any other monetary contributions;

in connection with Development Application No. 2020.93.1. Benefits under the Agreement are not to be taken into account in determining a development contribution under section 7.11, section 7.12 or section 7.24 of the Act.

8. Registration of this Planning Agreement

8.1 The Developer and the Proprietor each further covenant with the Council:

- (a) that prior to the issue of any Construction Certificate for the Development, or within such further time as the Parties hereto agree, they shall do all things reasonably necessary to obtain the consent to the registration of this Planning 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 they shall cause this Planning Agreement to be registered on the title of the Land;
- (c) that if this Planning Agreement is not registered on the title to the Land, and if the Proprietor 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 Planning Agreement in which substantially the same covenants as set out herein shall apply;
 - (iii) within seven (7) days of exchange of contracts for the sale, notify the Council of the sale and provide the Council with a copy of the contract;
 - (iv) within twenty one (21) days of receipt from the Council of a replacement agreement between the Council and the purchaser substantially in the form of this Planning Agreement, have it executed by the purchaser and return it to the Council;

- (v) that if this Planning Agreement is not registered on the title to the Land, and if the Proprietor 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 the Council substantially in the form of this Planning Agreement insofar as concerns the interest assigned or transferred and shall provide same to the Council.

8.2 The Developer and the Proprietor further covenant and agree with the Council that pending the registration of this Planning Agreement on the title of the Land as required by clause 8.1, the Council shall be entitled to register a caveat at Land and Property Information over the title to the Land to protect its interest therein pursuant to this Planning Agreement

9. Acknowledgements

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

9.2 The Parties acknowledge that the 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 Planning 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 Planning 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 Planning Agreement.

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

11. Enforcement

- 11.1 This Planning Agreement may be otherwise enforced by either Party in any court of competent jurisdiction.
- 11.2 For the avoidance of doubt, nothing in this Planning Agreement prevents:
 - (a) a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Planning Agreement or any matter to which this Planning Agreement relates; and
 - (b) the Council from exercising any function under the Act or law relating to the enforcement of any aspect of this Planning Agreement or any matter to which this Planning Agreement relates.
- 11.3 The rights of the Council expressly provided for herein are cumulative and in addition to and not exclusive of the rights of the Council existing at law or which the 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 Planning 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 Condor Street Burwood 2134
Post: PO Box 240, Burwood NSW 1805
Fax Number: (02) 9911 9900
Email: council@burwood.nsw.gov.au

Proprietor

Attention: Mr Robert Gregory
Address: L10, 70 Castlereagh Street, Sydney NSW 2000
Post: L10, 70 Castlereagh Street, Sydney NSW 2000
Fax Number: N/A

Email: Robert@diamondbuild.com.au

Developer

Attention: Mr Robert Gregory

Address: L10, 70 Castlereagh Street, Sydney NSW 2000

Post: L10, 70 Castlereagh Street, Sydney NSW 2000

Fax Number: N/A

Email: Robert@diamondbuild.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 machine 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 on 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 Planning Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Planning 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 and the Proprietor agree that this Planning Agreement shall be binding upon the Proprietor and the Developer and upon their respective transferees, assignees or successors.

15. Costs

15.1 The Developer and the Proprietor, on a joint and several basis, shall bear the Council's costs directly related, and incidental to negotiating, preparing, executing, stamping and registering the Planning Agreement, including any costs of lodging/removing caveats on the title to the Land.

15.2 The Developer and/or the Proprietor will pay Council's reasonable legal costs not exceeding \$5,000.00 (five thousand dollars) including GST directly related, and incidental to negotiating, preparing, executing, stamping and registering the Planning Agreement and of drafting, registering and removing caveats on the title to the Land.

16. Entire Agreement

This Planning 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 Planning 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 Planning Agreement and all transactions incidental to it.

18. Governing law and jurisdiction

This Planning 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 Planning Agreement, any agreement, covenant, representation or warranty under this Planning 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 Planning 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 Planning Agreement and comply with their obligations under the Planning Agreement and that entry into this Planning Agreement will not result in the breach of any law.

22. Severability

If a clause or part of a clause of this Planning 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 Planning Agreement, but the rest of this Planning Agreement is not affected.

23. Modification

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

24. Waiver

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Planning 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. Explanatory note

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

26.3 Where a Party to this Planning 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 Planning Agreement, any amount payable under this Planning Agreement, which is calculated by reference to an amount paid or incurred by a Party to this Planning 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 Planning Agreement are not confidential and this Planning Agreement may be treated as a public document and exhibited or reported without restriction by any Party.

28. Release from Planning Agreement

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

29. Jurisdiction

Any legal action or proceedings with respect to this Deed against any party or any of its property and assets may be brought in the Courts of the State of New South Wales and, by execution and delivery of this Deed that party accepts, for itself and in respect of its property and assets, generally and unconditionally the jurisdiction of the Courts of that State.

ITEM NUMBER 5/21 - ATTACHMENT 2

Explanatory Note - Draft VPA for 105-115 Liverpool Road Burwood - exhibition version

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.

Signed for and on behalf of **Laley Roser Pty Ltd ACN 606 333 537** in accordance with section 127 of the Corporations Act 2001 (Cth) by:

Signature of Director/Secretary

Signature of Director

(Print) Name of Director/Secretary

(Print) Name of Director

Signed for and on behalf of **RG AD Developments Pty Ltd ACN 609 625 372** in accordance with section 127 of the Corporations Act 2001 (Cth) by:

ITEM NUMBER 5/21 - ATTACHMENT 2

Explanatory Note - Draft VPA for 105-115 Liverpool Road Burwood - exhibition version

.....
Signature of Director/Secretary

.....
Signature of Director

.....
(Print) Name of Director/Secretary

.....
(Print) Name of Director

(ITEM 6/21) AMENDMENT TO BURWOOD LOCAL ENVIRONMENTAL PLAN TO CONTROL DUAL OCCUPANCY SUBDIVISIONS IN R2 LOW DENSITY RESIDENTIAL ZONE

File No: 21/1832

REPORT BY DIRECTOR CITY STRATEGY

Summary

The proposed amendment to the Burwood Local Environmental Plan (BLEP) 2012 seeks to permit dual occupancy subdivisions in the R2 zone only if each resulting lot would have a minimum site area of 400sqm and a minimum street frontage of 12m. The BLEP amendment was expected to address Council's concern that the subdivision of dual occupancies under the State Government's policy would change the subdivision pattern in the Burwood Local Government Area (LGA) and would be more likely to affect the streetscape and character in low density residential areas. Despite this BLEP amendment, a Strata subdivision of dual occupancies under the State Government's policy which overrides the BLEP is still possible.

Notwithstanding, it is recommended that the proposed BLEP amendment be progressed to finalisation given the multiple benefits it has, which are discussed under the *Planning or Policy Implications* section in this report.

Operational Plan Objective

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

4.5.2 Ensure independence and transparency in decision making on significant developments.

Background

A timeline of the matter is provided below:

- In 2018, the Department of Planning, Industry and Environment (DPIE) amended the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2009* (the Codes SEPP). The amendment introduced the Low Rise Housing Diversity Code (LRHDC) and additions to the Subdivisions Code, which allow development for dual occupancies and their subdivision by Complying Development Certificates (CDCs) in the R2 Low Density Residential zone.
- On 27 November 2018, Council considered the Codes SEPP amendment, and resolved to prepare a Planning Proposal (PP), which would seek to only permit dual occupancy subdivisions in the R2 zone, if each resulting lot would have a minimum site area of 400sqm and a minimum street frontage of 12m.
- On 24 January 2020, DPIE issued the Gateway Determination for the PP.
- Between 18 March 2020 and 15 April 2020, the PP was exhibited.
- On 19 May 2020, Council considered the outcomes of the exhibition, and resolved to endorse the PP and submit it to DPIE for finalisation into a BLEP amendment.
- In late June 2020, the Parliamentary Counsel Office (PCO) drafted a BLEP amendment for Council staff's review and comment. The PCO is responsible for drafting and publishing the laws of the Commonwealth of Australia, including LEPs.

- It became clear only at this point from communications amongst staff from Council, the PCO and DPIE that the proposed BLEP amendment would not fully address Council's concern, in that a Strata subdivision of dual occupancies under the Codes SEPP is still possible.
- On 1 July 2020, the LRHDC and the amended Subdivisions Code (being part of the Codes SEPP), became effective for land in the Burwood LGA.
- On 28 July 2020, Council considered implications of the proposed BLEP amendment, and resolved that the Mayor meet with the Minister for Planning and Public Spaces to discuss matters covering housing supply, housing targets, and failure of the proposed BLEP amendment to fully address Council's concern.
- On 29 September 2020, a meeting was held between the Mayor and the Minister, with Council's General Manager and Group Manager – Building and Development as well as staff from DPIE attending.
- On 27 October 2020, details of the meeting discussion were reported to Council. In short, the Minister agreed to look into the matter and would advise Council further.
- On 17 November 2020, the Director of Eastern and South Districts of DPIE wrote to the Mayor on behalf of the Minister. Council is advised to progress the proposed BLEP amendment to finalisation. More details are discussed later in this report.

Codes SEPP

Clause 6.2 of the Codes SEPP relates to Strata subdivision of a dual occupancy. It provides, amongst other provisions, that:

- *Strata subdivision of a dual occupancy can occur if the dual occupancy has been approved through complying development.*

Clause 6.4 of the Codes SEPP relates to Torrens subdivision of a dual occupancy. It requires, amongst other provisions, that:

- *The area of each resulting lot must be at least the minimum size specified for the subdivision of land for the purpose of a dual occupancy in the LEP that applies to the land.*

This means that Strata subdivision of a dual occupancy is outside of the provisions of the BLEP, while Torrens subdivision of a dual occupancy is subject to complying with BLEP provisions.

Effect of BLEP Amendment

The proposed BLEP amendment will permit dual occupancy subdivision in the R2 zone, only if each resulting lot would have a minimum site area of 400sqm and a minimum street frontage of 12m.

The BLEP amendment cannot override the Codes SEPP which allows Strata subdivision of dual occupancies via CDCs. While most landowners would prefer Torrens subdivision of dual occupancies, approximately 2,000 parcels of land in the R2 zone in the Burwood LGA would have enough land size and street frontage to be eligible for applying for a Strata subdivision in conjunction with a dual occupancy development via CDCs under the Codes SEPP in theory.

Comparison of Planning Controls on Dual Occupancy Subdivisions

The table below provides a comparison of planning controls on dual occupancy subdivisions under the current BLEP, current Burwood Development Control Plan (BDCP), Codes SEPP and the proposed BLEP amendment.

Matter	Current BLEP	Current BDCP	SEPP	Proposed BLEP
Torrens subdivision of dual occupancies	? The BLEP is silent which limits our ability to control this type of development.	X BDCP states dual occupancy developments, by definition, do not permit subdivision by Torrens title.	? Clause 6.4 provides that the area of each resulting lot must be at least the minimum size specified for the subdivision of a dual occupancy in the LEP. Our current BLEP is silent on dual occupancy subdivision, so it is open to interpretation.	✓ Any type of dual occupancy subdivision in the R2 zone will be permitted only if each resulting lot would have a minimum site area of 400sqm and a minimum street frontage of 12m.
Torrens subdivision in front and rear arrangement	? Same as above.	X Same as above.	? Same as above.	X The rear occupancy does not have a street frontage. See above.
Torrens subdivision side by side	? Same as above.	X Same as above.	? Same as above.	✓ Any type of dual occupancy subdivision in the R2 zone will be permitted only if each resulting lot would have a minimum site area of 400sqm and a minimum street frontage of 12m.
Strata subdivision	? The BLEP is silent which limits our ability to control this type of development.	X BDCP states dual occupancy subdivisions in R2 zone by Strata or Community title are not permitted.	✓ CI 6.2 provides: <ul style="list-style-type: none"> • Strata subdivision of a dual occupancy can occur if the dual occupancy has been approved through complying development, • each dwelling must have lawful frontage to a public road (other than a lane), • no dwelling must be located behind any other dwelling on the same lot (except in the case of a corner lot or a parallel road lot), • each resulting lot must have a minimum width (measured at the building line) of 6m, • the strata area (being the area of the ground floor of all dwellings) is not less than 180sqm. 	✓ Any type of dual occupancy subdivision in the R2 zone will be permitted only if each resulting lot would have a minimum site area of 400sqm and a minimum street frontage of 12m.

Strata subdivision in front and rear arrangement	? Same as above.	X Same as above.	X The rear occupancy has no street frontage. See above.	X The rear occupancy does not have a street frontage. See above.
Strata subdivision side by side	? Same as above.	X Same as above.	✓ If the dual occupancy development is complying development and each resulting strata lot will have a minimum lot area of 180sqm and minimum width of 6m.	✓ Any type of dual occupancy subdivision in the R2 zone will be permitted only if each resulting lot would have a minimum site area of 400sqm and a minimum street frontage of 12m.

DPIE's Correspondence

DPIE's letter dated 17 November 2020, which was received following the meeting between the Mayor of Burwood and the Minister for Planning and Public Spaces, advises Council to:

1. Seek an exemption from the relevant provisions of the Codes SEPP that allow dual occupancy Strata subdivisions via CDCs through local character investigations. This involves two stages:
 - Stage 1: identify local character for inclusion in the LEP.
 - Stage 2: seek exemption where the LRHDC is inconsistent with local character.

DPIE stresses that the process does not guarantee support for an exemption and that an exclusion will not be provided for whole local government areas or for the entirety of a particular zone.

2. Proceed with the proposed BLEP amendment to finalisation. Although this BLEP amendment will still allow Strata subdivision of a dual occupancy as complying development, the approach to Strata subdivision of dual occupancies under the Codes SEPP has been consistently applied across NSW.

Council staff's comment:

Burwood Local Strategic Planning Statement (LSPS), endorsed by Council in February 2020 and approved by the Greater Sydney Commission in March 2020, already contains 8 Local Character Investigation Areas. All of these 8 areas are either in the B4 Mixed Use zone, and/or R1 General Residential zone, or has recently been rezoned for a higher density (Cooper Street Southern Side Precinct), or are being considered for possible rezoning (Livingstone Street and Clarence and Church Streets Precincts).

Council could add land in the R2 zone as an additional Local Character Investigation Area. However, DPIE has clarified that any exemption from the Codes SEPP will not be granted for the entirety of a particular zone.

The most efficient way forward is to progress the proposed BLEP amendment to control the Torrens subdivision of dual occupancies in R2 zone to finalisation.

Consultation

The PP was exhibited between 18 March 2020 and 15 April 2020. Outcomes of the exhibition were reported to the Council meeting on 19 May 2020, when Council resolved to endorse the PP and submit it to DPIE for finalisation into a BLEP amendment.

Council staff had many discussions with officers of DPIE and the PCO in the late June and July 2020 when the PCO provided the draft LEP amendment to Council for review and comment.

Planning or Policy Implications

The proposed BLEP amendment can effectively control Torrens subdivision of a dual occupancy. It cannot prohibit Strata subdivision of a dual occupancy via a CDC under the Codes SEPP.

Nevertheless the proposed BLEP amendment still presents the following benefits:

- It will apply for Development Applications (DAs) for dual occupancy subdivisions and will assist with assessment of the DAs.
- It provides development standards for dual occupancy Torrens subdivisions, which the majority of landowners would prefer.
- It will address Council's concern to a large extent over the impact of dual occupancy subdivisions on the subdivision pattern in the R2 zone. This is because most landowners would prefer a Torrens subdivision over a Strata subdivision. Torrens subdivisions can effectively be controlled through the BLEP amendment, while not many people are expected to apply for a Strata subdivision of dual occupancies.

Financial Implications

There are no financial implications.

Conclusion

Although the proposed BLEP amendment cannot stop a Strata subdivision of dual occupancies via CDCs under the Codes SEPP, it can effectively control a Torrens subdivision of dual occupancies. Progression of the BLEP amendment to finalisation is recommended given the multiple benefits it presents.

Recommendation(s)

1. That the draft BLEP amendment which imposes requirements for dual occupancy subdivisions in the R2 zone be progressed to finalisation.
2. That the Parliamentary Counsel Office be requested to issue the PC opinion and the final draft BLEP amendment.
3. That the BLEP amendment become effective from the date of publication on the NSW legislation website.

Attachments

There are no attachments for this report.

(ITEM 7/21) PLANNING PROPOSAL - HERITAGE LISTING OF 17 ETHEL STREET BURWOOD

File No: 21/171

REPORT BY DIRECTOR CITY STRATEGY

Summary

A preliminary heritage investigation of 17 Ethel Street Burwood has been undertaken by a heritage consultant. The investigation has found that the property has potential heritage significance and progression of a heritage listing is recommended. A Planning Proposal has been prepared and considered by the Burwood Local Planning Panel (BLPP).

Operational Plan Objective

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

Background

A Mayoral Minute was put at the Council Meeting on 28 July 2020 concerning the potential heritage significance of the property at 17 Ethel Street Burwood. It was resolved:

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

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

In September 2020, Council engaged City Plan Heritage to undertake the investigation. While the consultant was unable to obtain internal access to the property, a visual inspection did occur. The investigation found that the property is considered to be of local heritage significance, principally on the basis of its historic and aesthetic values. The heritage consultant also prepared a draft heritage inventory sheet for the property.

The heritage investigation found that:

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

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

The findings of the heritage investigation were reported to Council at its meeting on 8 December 2020, whereupon Council resolved as follows:

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

In accordance with Council's resolution, a Planning Proposal has been prepared and this report presents the outcome of the BLPP's consideration.

BLPP's Consideration

The BLPP considered the Planning Proposal at its meeting on 9 February 2021. It was resolved:

That the Council Officer's recommendation on this item be adopted. The Panel supports the planning proposal to heritage list the property at 17 Ethel Street Burwood.

On the basis of the BLPP's resolution, it is recommended that Council endorse the Planning Proposal and progress the heritage listing of 17 Ethel Street Burwood.

Consultation

The property owner is aware of the preliminary heritage investigation. The owner was invited to attend the Council Meeting on 8 December 2020. Three speakers (the owner and two others on her behalf) spoke at the Council Meeting via teleconference link as the customary face-to-face public participation had been replaced under Covid-19 protocols. The recording of this Meeting is available on Council's website.

The owner was also advised of the BLPP Meeting, and invited to make representations (in writing or via teleconference under current Covid-19 protocols) to the BLPP Meeting. However, they were not in attendance at the said meeting.

The owner has also been advised of this Council Meeting, and the owner has again been invited to make representations.

It is recommended that a Planning Proposal be progressed to facilitate the heritage listing of the property. The Planning Proposal process includes consultation with affected property owners, public exhibition, and consultation with relevant agencies. The Gateway Determination, if issued by the State Government, would confirm any requirements for public exhibition and community consultation. The results of any such consultation and public exhibition would be reported back to Council.

Planning or Policy Implications

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

The advice of the BLPP has been sought in respect to the Planning Proposal, as required. The BLPP has recommended that the Planning Proposal be progressed.

Should Council resolve to endorse the Planning Proposal, the general steps would be as follows:

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

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

Financial Implications

Progression of a Planning Proposal would have implications on staff allocation and resources, but should generally be within existing budgetary means.

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

Conclusion

In accordance with the findings of the heritage investigation by an external heritage consultant, it is recommended that the property be heritage listed in the BLEP 2012 as a local heritage item, with a view to providing long term protection. In view of the BLPP’s support for the Planning Proposal, Council’s endorsement is sought for progressing the Planning Proposal to a Gateway Determination.

Recommendation(s)

1. That Council endorse the heritage listing of the property at 17 Ethel Street Burwood.
2. That Council submit the Planning Proposal to NSW Department of Planning, Industry and Environment for a Gateway Determination.
3. That subject to the Gateway Determination, affected property owners be notified, the Planning Proposal be publicly exhibited and consultation with any relevant public authorities be undertaken.
4. That the results of the public exhibition and consultation be reported back to Council.

Attachments

- 1 [↓](#) Draft Planning Proposal



Planning Proposal

Heritage Listing of 17 Ethel Street Burwood

January 2021

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

Part 1 – Objectives or Intended Outcomes

The Planning Proposal seeks to facilitate the heritage listing of the property at 17 Ethel Street Burwood under Schedule 5 of the Burwood Local Environmental Plan (BLEP) 2012.

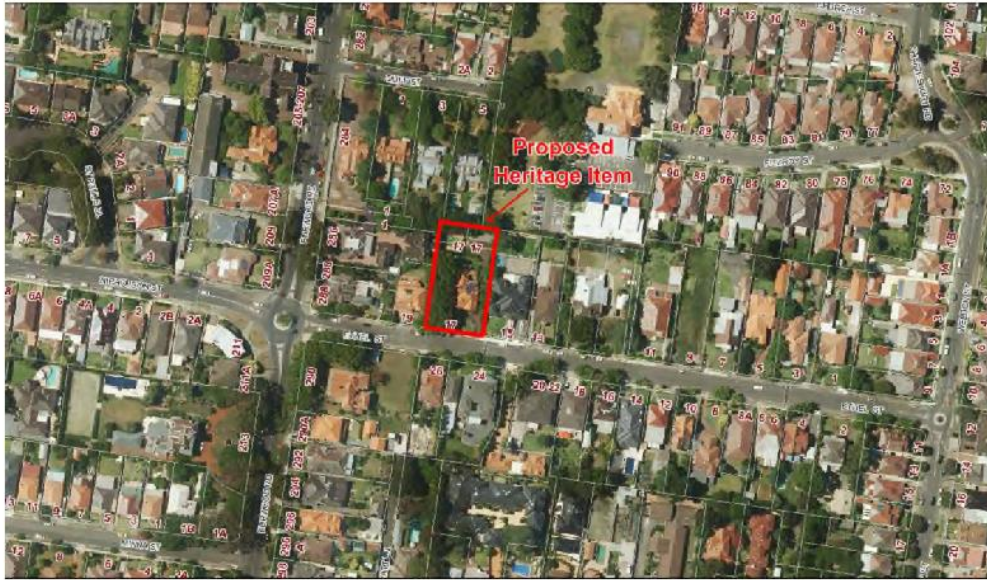
Part 2 – Explanation of the Provisions

The property at 17 Ethel Street Burwood (comprising three land parcels) would be listed in Schedule 5 of the BLEP 2012. In doing so, the Heritage Conservation provisions under clause 5.10 of the BLEP would apply to the property.

The Heritage Map of the BLEP 2012 would be amended to include the property at 17 Ethel Street Burwood.

The heritage listing would apply to the whole of the property, as is the usual case for listings under Schedule 5 and the Heritage Map. Refer to Appendix One for particulars of the proposed Schedule 5 entry.

Draft Planning Proposal



Aerial Photograph of 17 Ethel Street Burwood.
Subject site is shown outlined in red.



Existing BLEP Heritage Map of 17 Ethel Street Burwood.
Subject site is shown outlined in red.



Photograph of 17 Ethel Street Burwood.
Source: City Plan Heritage Assessment, 2020.

Part 3 – Justification

Section A – Need for the Planning Proposal

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

Yes. In September 2020, Council engaged a heritage consultant, City Plan Heritage, to undertake a heritage assessment (Appendix 2). The investigation found that the property is considered to be of local heritage significance, principally on the basis of its historic and aesthetic values. The heritage consultant also prepared a heritage inventory sheet for the property.

The findings of the heritage investigation were reported to Council at its meeting on 8 December 2020, whereupon Council resolved as follows:

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

3. *That the results of the BLPP's consideration be reported back to Council.*

On [insert date], the Burwood Local Planning Panel (BLPP) considered a report on the proposed heritage listing of 17 Ethel Street Burwood and draft Planning Proposal. The BLPP resolved:

[insert BLPP resolution]

On [insert date], Council considered a report on the BLPP's recommendations. The Council resolved:

[insert Council resolution]

This Planning Proposal seeks to implement the Council resolution.

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

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

Section B – Relationship to Strategic Planning Framework

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

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

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

Objective 13 of *A Metropolis of Three Cities* states that '*environmental heritage is identified, conserved and enhanced*'. Meanwhile, Planning Priority E6 of the *Eastern City District Plan* relates to '*creating and renewing great places and local centres, and respecting the District's heritage*'. In addition, the *Eastern City District Plan* states:

Heritage and history are important components of local identity and great places. The District's rich Aboriginal, cultural and natural heritage reinforces its sense of place and identity...

Identifying, conserving, interpreting and celebrating Greater Sydney's heritage values leads to a better understanding of history and respect for the experiences of diverse communities. Heritage identification, management and interpretation are required so that heritage places and stories can be experienced by current and future generations.

By identifying a property of local heritage significance, this Planning Proposal supports Objective 13 of the Region Plan, and Planning Priority E6 of the District Plan.

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

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

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

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

Burwood's Local Strategic Planning Statement (LSPS) was endorsed by the Greater Sydney Commission (GSC) in March 2020. The vision for Burwood makes reference to *'cherished heritage conservation areas, ...well designed buildings and... neighbourhoods filled with distinct character'*. One of the LSPS's objectives include:

Preserve local character by preventing extensive redevelopment in those parts of the LGA which have heritage significance or a significant local character.

By identifying a property of local heritage significance, this Planning Proposal is in keeping with the vision and objectives of the LSPS.

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

Yes. There are no State Environmental Planning Policies (SEPPs) which would be contravened by the amendments proposed in the Planning Proposal.

All SEPPs applicable to the Burwood local government area are set out in the table below, together with a comment regarding the Planning Proposal's consistency:

SEPP	Comment
SEPP No. 1 – Development Standards	Not relevant. BLEP 2012 contains a clause which replaces this SEPP in relation to variations to development standards.
SEPP No. 19 – Bushland in Urban Areas	Not relevant.
SEPP No. 21 – Caravan Parks	Not relevant.
SEPP No. 30 – Intensive Agriculture	Not relevant.
SEPP No. 33 – Hazardous and Offensive Development	Not relevant.

SEPP No. 50 – Canal Estate Development	Not relevant.
SEPP No. 55 – Remediation of Land	Not relevant. There is no indication that previous uses at the subject sites would trigger site remediation requirements.
SEPP No. 64 – Advertising and Signage	Not relevant
SEPP No. 65 – Design Quality of Residential Apartment Development	Not relevant. Applicable to development of three storeys or more, while the subject building is only two storeys at present. The property is zoned R2 – Low Density Residential with a height limit of 8.5 metres, which would only allow for two storey development.
SEPP No. 70 – Affordable Housing (Revised Schemes)	Not relevant. The subject properties are not known to contain affordable housing.
SEPP (Building Sustainability Index: BASIX) 2004	Not relevant.
SEPP (Housing for Seniors or People with a Disability) 2004	Not relevant.
SEPP (Major Developments) 2005	Not relevant.
SEPP (Infrastructure) 2007	Not relevant.
SEPP (Miscellaneous Consent Provisions) 2007	Not relevant.
SEPP (Mining, Petroleum and Extractive Industries) 2007	Not relevant.
SEPP (Repeal of Concurrence and Referral Provisions) 2008	Not relevant.
SEPP (Exempt and Complying Development Codes) 2008	Not relevant. The heritage listing of properties may alter whether development under the Codes SEPP may be carried out on that site, but this Planning Proposal would not contravene the SEPP in any way.
SEPP (Affordable Rental Housing) 2009	Not relevant. The heritage listing of properties may alter whether development under the ARH SEPP may be carried out on that site, but this Planning Proposal would not contravene the SEPP in any way.
SEPP (Vegetation in Non-Rural Areas) 2017	Not relevant. This SEPP contains provisions in respect to heritage trees. The heritage listing of properties may alter whether development under the SEPP may be carried out on that site, but this Planning Proposal would not contravene the SEPP in any way.
SEPP (Educational Establishments and Child Care Facilities) 2017	Not relevant.
Draft Coastal Management SEPP	Not relevant. The subject properties are not located within the coastal areas identified by this SEPP.

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

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

Draft Planning Proposal

Direction	Issue Date / Date Effective	Comment
1. Employment and Resources	1 July 2009 (Except for new Direction 1.2 effective 14 April 2016 and 1.1 effective 1 May 2017 and new Direction 1.5 effective 28 February 2019)	
1.1 Business and Industrial Zones		Not relevant.
1.2 Rural Zones		Not relevant.
1.3 Mining, Petroleum Production and Extractive Industries		Not relevant.
1.4 Oyster Aquaculture		Not relevant.
1.5 Rural Lands		Not relevant.
2. Environment and Heritage	1 July 2009 (Except for new Direction 2.5 effective 2 March 2016, Direction 2.1, 2.2 and 2.4 effective 14 April 2016)	
2.1 Environment Protection Zones		Not relevant.
2.2 Coastal Protection		Not relevant.
2.3 Heritage Conservation		The Planning Proposal seeks the conservation of items of local heritage significance. Clause 5.10 of the BLEP has been implemented under the Standard Instrument in satisfaction of the Direction.
2.4 Recreation Vehicle Areas		Not relevant.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs		Not relevant.
3. Housing, Infrastructure and Urban Development	1 July 2009 (Except for new Direction 3.6 effective 16 February 2011, Direction 3.1, 3.2, 3.4 and 3.5 effective 14 April 2016, Direction 3.7 effective 15 February 2019)	
3.1 Residential Zones		The property is zoned R2 – Low Density Residential. The Planning Proposal does not seek to amend the zoning or range of permissible uses on the site. The sensitive development of heritage properties is supported by Council's Development Control Plan (DCP).

3.2 Caravan Parks and Manufactured Home Estates		Not relevant.
3.3 Home Occupations		The Planning Proposal would not alter the permissibility of home occupations at the subject site under the Exempt and Complying Development Codes SEPP, nor BLEP.
3.4 Integrating Land Use and Transport		The Planning Proposal does not alter the land zoning, and as such, would not affect travel demand or the availability of transport options.
3.5 Development Near Licensed Aerodromes		Not relevant.
3.6 Shooting Ranges		Not relevant.
3.7 Reduction in non-hosted short term rental accommodation period		Not relevant.
4. Hazard and Risk	1 July 2009	
4.1 Acid Sulfate Soils		The property has been identified as Class 5 on the Acid Sulfate Soils Map, representing the lowest probability of containing Acid Sulfate Soils.
4.2 Mine Subsidence and Unstable Land		Not relevant.
4.3 Flood Prone Land		Not relevant.
4.4 Planning for Bushfire Protection		Not relevant.
5. Regional Planning	1 July 2009 (Except for new Direction 5.2, effective 3 March 2011, Direction 5.9 effective 30 September 2013, Direction 5.4 effective 21 August 2015, Direction 5.8 and 5.10 effective 14 April 2016, Direction 5.1 and 5.3 effective 1 May 2017, Direction 5.11 effective 6 February 2019)	
5.1 (Revoked 17 October 2017)		Not relevant.
5.2 Sydney Drinking Water Catchments		Not relevant.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast		Not relevant.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast		Not relevant.
5.5 (Revoked 18 June 2010)		Not relevant.
5.6 (Revoked 10 July 2008)		Not relevant.
5.7 (Revoked 10 July 2008)		Not relevant.

Draft Planning Proposal

5.8 Second Sydney Airport: Badgerys Creek		Not relevant.
5.9 North West Rail Link Corridor Strategy		Not relevant.
5.10 Implementation of Regional Plans		Not relevant.
5.11 Development of Aboriginal Land Council Land		Not relevant.
6. Local Plan Making	1 July 2009	
6.1 Approval and Referral Requirements		The Planning Proposal will not contain provisions which require the concurrence, referral or consultation of other public authorities, nor identify any use as designated development.
6.2 Reserving Land for Public Purposes		Not relevant.
6.3 Site Specific Provisions		Not relevant.
7. Metropolitan Planning	1 February 2010 (Except for Direction 7.2 effective 22 September 2015)	
7.1 Implementation of A Plan for Growing Sydney		The NSW Government's Metropolitan Plan and District Plan contain objectives in respect to heritage. The Planning Proposal is not inconsistent with the intent of these Plans, and does not undermine the achievement of their vision, policies, outcomes or actions. Section B, 3 of this Planning Proposal describes its consistency with metropolitan and district planning documents.
7.3 Parramatta Road Corridor Urban Transformation Strategy	9 December 2016	Not relevant. The subject properties are not within the Parramatta Road corridor, nor undermine the achievement of that Strategy's vision or objectives.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	15 May 2017	Not relevant.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	25 July 2017	Not relevant.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	5 August 2017	Not relevant.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	22 December 2017	Not relevant.
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	20 August 2018	Not relevant.

7.9 Implementation of Bayside West Precincts 2036 Plan	25 September 2018	Not relevant.
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	25 September 2018	Not relevant.

Section C – Environmental, Social and Economic Impact

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

No. There is no known critical habitat or threatened species, populations or ecological communities, or their habitats affected by the Planning Proposal.

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

No. There are no other likely environmental effects as a result of the Planning Proposal, such as flooding, landslip, bushfire hazard and the like.

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

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

Section D – State and Commonwealth Interests

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

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

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

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

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

Part 4 – Mapping

The Planning Proposal seeks to identify 17 Ethel Street Burwood as a heritage item upon the Heritage Map.

A draft Heritage Map and Site Identification Map are contained at the end of this Planning Proposal.

The Planning Proposal does not seek to alter the zoning, height of buildings, floor space ratio, or any other BLEP maps.

Part 5 – Community Consultation

Burwood Council has consulted the property owner ahead of preparing this Planning Proposal. The property owner has been invited to each Council Meeting and BLPP Meeting where this matter was considered. The property owner, and her representatives, made verbal representations to the Councillors at the initial Council Meeting. The property owner and her representatives have also had detailed phone conversations with Council's Heritage Advisor. The property owner has objected to the proposed heritage listing.

Council will continue to consult the property owner in respect to this Planning Proposal.

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

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

Part 6 – Project Timeline

Anticipated date of Gateway Determination	By end of March 2021
Anticipated timeframe for the completion of required technical information	End of April 2021
Timeframe for government agency consultation	May 2021
Commencement and completion dates for the public exhibition period	Mid to late May 2021
Dates for public hearing	Not applicable
Timeframe for consideration of submissions	End of July 2021
Timeframe for the consideration of a proposal post exhibition	End of July 2021
Anticipated date RPA will make the plan (if delegated)	August 2021
Anticipated date RPA will forward to the department for notification (if delegated)	End of September 2021

Appendix One

- Proposed Amendment to Schedule 5

Appendix Two

- Delegation Checklist

Supporting Documentation

- List of supporting documents that are provided under separate cover.

Links to Supporting Material

- Council Report of 8 December 2020 is available on Council's website (refer Item 119/20): <https://www.burwood.nsw.gov.au/files/sharedassets/public/council-meeting-minutes-and-agendas/2020/council-meeting-agenda-8-december-2020.pdf>
- BLPP Report of [insert date] is available on Council's website (refer Item):
[insert link]
- Council Report of [insert date] is available on Council's website (refer Item):
[insert link]

Appendix One

Proposed Amendment to Schedule 5

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

For the avoidance of doubt, the following table sets out the proposed new Schedule 5 text.

Suburb	Item name	Address	Property description	Significance	Item no
Burwood	"Lansdowne" - house and interiors	17 Ethel Street	Lots A, B & D, DP 101675	Local	i224

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

Appendix Two

Delegation Checklist and Evaluation Criteria

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:
Burwood.

Name of draft LEP:
Heritage listing of 17 Ethel Street Burwood.

Address of Land (if applicable):
17 Ethel Street Burwood.

Intent of draft LEP:
The heritage listing of the subject property.

Additional Supporting Points/Information:
Please refer to the PP.

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

* It is proposed that the PP be submitted to the Heritage NSW during the consultation stage. Heritage assessments have been carried out in accordance with Heritage NSW guidelines.

If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		N/A		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) <i>Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?		N/A		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A		
Spot Rezoning	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		N/A		
Does the planning proposal create an exception to a mapped development standard?		N/A		
Section 73A matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE - the Minister (or Delegate) will need to form an Opinion under section 73(A1)(c) of the Act in order for a matter in this category to proceed).		N/A		
<p>NOTES</p> <ul style="list-style-type: none"> Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance. Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department. 				

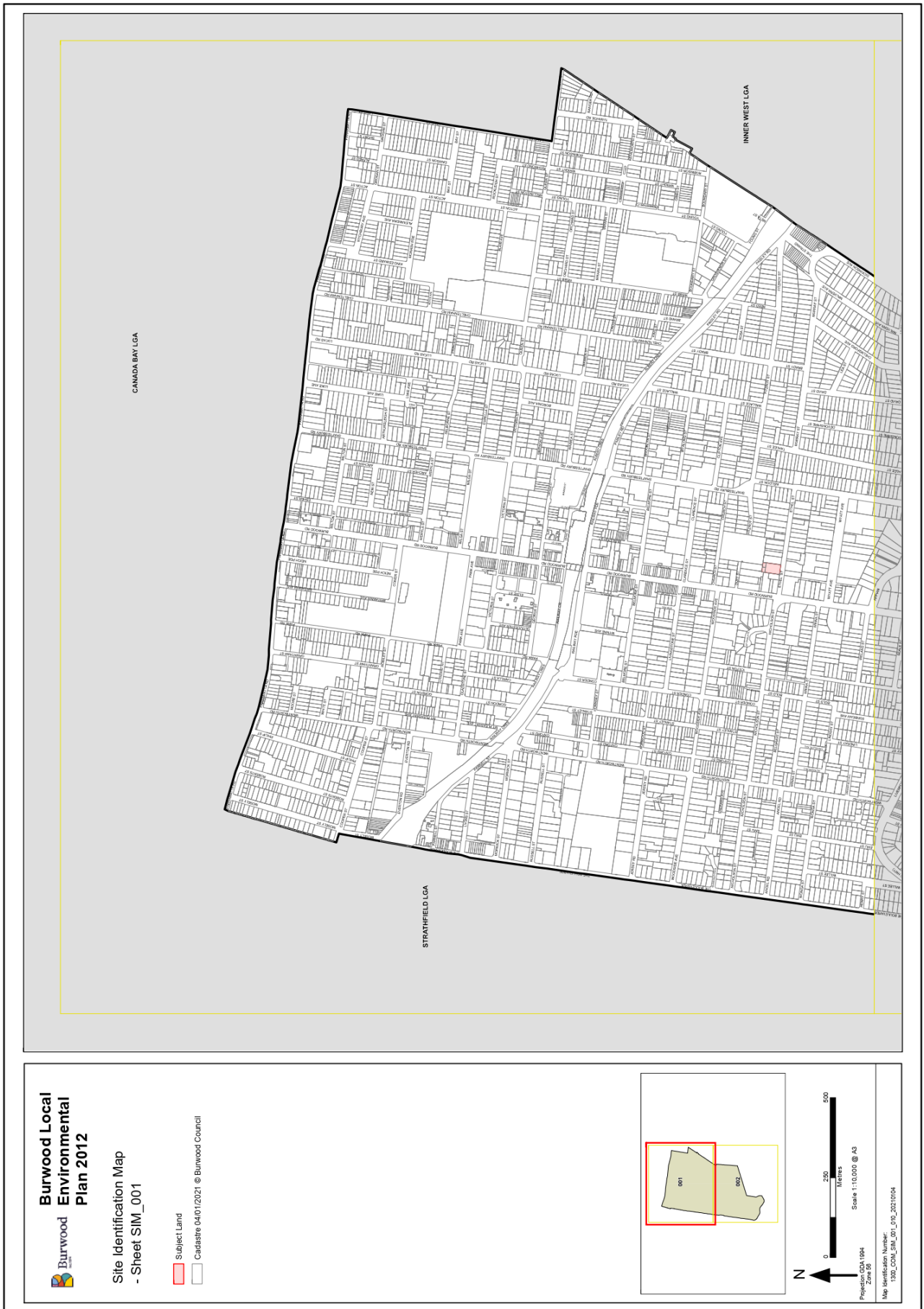
Supporting Documentation

Heritage assessments and other supporting documents are provided under separate cover

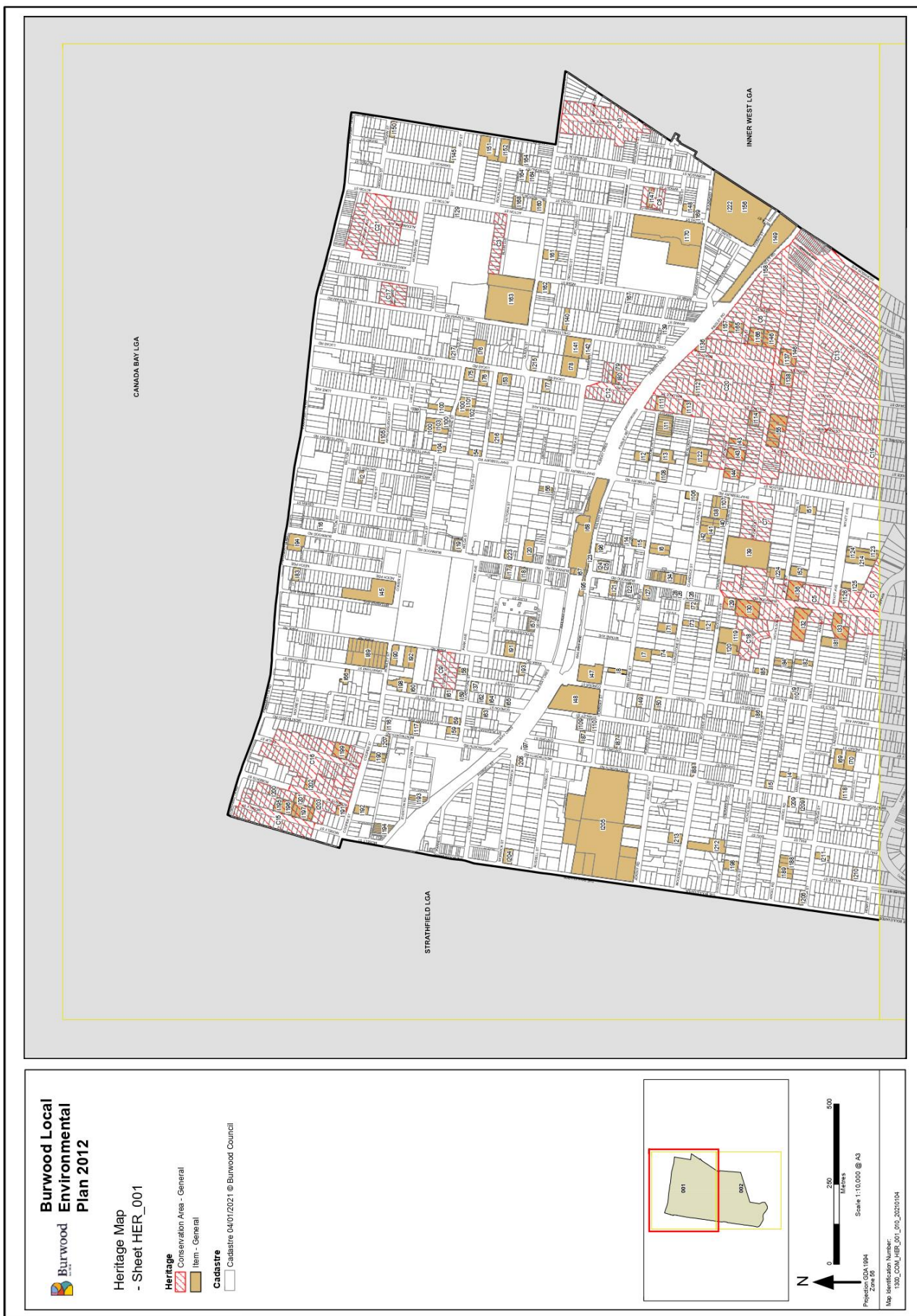
Enclosure No.	Description
1	Heritage Assessment of 17 Ethel Street Burwood, undertaken by City Plan Heritage in November 2020.

Mapping

Draft Planning Proposal



Draft Planning Proposal



(ITEM 8/21) ENFIELD VILLAGE REVITALISATION PROJECT

File No: 21/103

REPORT BY DIRECTOR COMMUNITY LIFE

Summary

In November 2020, the NSW Government announced the 'Your High Street' grant program, which seeks to enhance the amenity and functionality of high streets throughout NSW. The program aims to support local business recovery, boost economic stimulus in response to the pandemic, improve the comfort and experience for the community and enable permanent improvement projects.

In response to this new grant opportunity, Council identified the need to improve the public domain in the Enfield Village located at the intersection of Coronation Parade and Liverpool Road, Enfield and its immediate surrounds. This report provides information on Council's proposal to the NSW Government and seeks to confirm Council's funding allocation to the project, should the grant application be successful.

Operational Plan Objectives

- 1.2 A well informed, supported and engaged community.
- 1.3 A safe community for residents, workers and visitors.
- 2.2 Strong partnerships to benefit the community.
- 3.1 Enhanced green and open spaces, and streetscapes.
- 4.1 Effective traffic and parking management strategies.
- 4.2 Connected and accessible infrastructure.
- 5.2 Supported and engaged local businesses.
- 5.3 Enhance and foster the local identity.
- 5.4 Activate village precincts and preserve the distinct characters of surrounding residential areas.

Background

In November 2020, the NSW Government announced the 'Your High Street' grant program, which seeks to enhance the amenity and functionality of high streets (also known as strategic neighbourhood centres) throughout NSW. Grants of up to \$1 million were made available for councils to deliver permanent improvements for a high street by May 2022.

Funding was specifically made available to:

- Improve/increase number of uses over day and night
- Improve safety and comfort for people
- Improve local accessibility and connections
- Increase footfall and capacity for trade for businesses.

Projects already allocated for in councils' future asset and maintenance plans were not eligible for funding under the program.

In response to this new grant opportunity, Council identified the need to improve the public domain in the Enfield Village located at the intersection of Coronation Parade and Liverpool Road, Enfield and its immediate surrounds. This identified need is consistent with priorities outlined within the *Community Strategic Plan - Burwood2030* and the *Burwood Local Strategic Planning Statement (LSPS) 2020*.

Proposal

Proposed Project Location

The proposed Enfield Village Revitalisation Project is located at the intersection of Liverpool Road and Coronation Parade, Enfield and its immediate surrounds. The project site includes the northern and southern sides of Liverpool Road from Byer Street to Coronation Parade, and the eastern side of Coronation Parade (from no. 2 to 14). The project site also includes the Byer Street Carpark and Cervetto Pedestrian Lane connecting Coronation Parade with the Byer Street Carpark.

The Enfield Local Centre has been identified as a key strategic neighbourhood centre in the *Burwood LSPS (2020)* and its related background studies, which outline the need to 'improve the public domain in the Enfield Local Centre, mitigating amenity impacts from its location on a major road'.

Furthermore, the *Burwood LSPS* identifies that local centres in the Burwood LGA, outside the Burwood Town Centre, play a critical role in supporting Burwood's status as a strategic centre. It notes that local centres, such as Enfield, play an important local-focused role, providing local jobs, convenience retail and essential services targeted to the local population. This is further supported by the Eastern City District Plan which highlights that local centres include many of the District's great places, from clusters of local shops and main streets that provide essential access to day-to-day goods and services close to where people live.

Details of Council's Proposed Enfield Village Revitalisation Project

The Enfield Village Revitalisation Project seeks to transform the strategic neighbourhood centre of Enfield into a vibrant local centre that better caters to the needs of the local community and enhances support for local businesses by mitigating amenity impacts from its location on the intersection between two major roads.

In 2016, the resident population of Enfield was 3,845 (9.5% of the Burwood LGA population) with higher proportions of older people (17.4% aged 65+ years). The age structure of Enfield's population provides key insights into the level of demand for essential services in the local area and the need for improved accessibility and connectivity.

With its mix of retail, local services and businesses, and its location within walking distance to open space, schools and recreational facilities, the Enfield Village has been identified as a local centre that can be strengthened to improve safety, amenity, accessibility and attractiveness. There is also an opportunity to increase the capacity for trade for local businesses and strengthen the centre's function in supporting the local neighbourhood as well as Burwood's status as a strategic centre within the Eastern City District.

Council's proposed permanent improvements have been designed to improve the accessibility, amenity, functionality, connection and safety of the Enfield Village as well as its capacity for trade, which concurrently contribute to a stronger sense of character and boost economic recovery. Improvements aim to support existing businesses by improving walkability of the Enfield Village to generate increased pedestrian activity. Council's proposal also seeks to address shop vacancies by improving the attractiveness of the high-street location.

Key elements of Council's project proposal include:

- New street hedge planting and landscaping to improve pedestrian amenity.
- Improved gateway and wayfinding signage.
- More accessible paths of travel with new paving and footpath works.
- New street furniture, including places to sit and rest.
- Installation of smart poles to define the local centre and create opportunities for banner artworks.
- Increased safety and access to Byer Street Carpark, including parking sensors and lighting.

- Public artworks to activate Cervetto Lane and other prominent locations within the project location to build a stronger sense of identity within Enfield Village.
- A new green edged plaza to transform an old and disjointed concrete public space into an attractive public space that provides respite from major roads.

Further information about proposed project outputs is available in the attached Concept Plan, Artist Impressions and Streetscape Elements, which are included under Attachments 1 and 2 of this report.

Consultation

The 'Your High Street' Guidelines released by the NSW Department of Planning, Industry and Environment required councils to demonstrate current community and stakeholder support for their nominated project.

From 8 December 2020 to 15 January 2021, Council undertook the following engagement activities to gain community input and feedback on Council's proposal for the Enfield Village Revitalisation Project:

Activity	Description and Reach
Two Rounds of Face to Face Business Visits	20 business visits were undertaken by Council staff in December 2020. Additional emails and phone calls were also undertaken with over 15 property owners and/or local businesses within the project location in January 2021.
Online Local Business Survey	8 local businesses completed the online local business survey. The online business survey was mostly utilised in instances where local businesses were unable to provide feedback at the time of visit.
Online Community Survey*	69 residents/community members completed the online community survey.
Community Consultation Stall	Held on Tuesday 22 December 2020, 7.30am - 9.30am at Henley Park, Corner of Mitchell Street and Portland Street, Enfield.
Direct Phone Calls and/or Emails to Key Stakeholders	Transport for NSW Burwood Business Asian Partnership Croydon Park Chamber of Commerce Schools Infrastructure NSW Community Groups and Organisations operating in the Enfield area or with large numbers of members living in the suburb of Enfield (6)

A series of promotional activities were also conducted by Council to ensure that the local community was well informed of Council's proposal and how to have their say. Promotional activities included:

Activity	Description and Reach
Burwood Council Webpage	Dedicated webpage specific to the project proposal, including project concept plan, artist impressions and an online community survey. 281 page views from 8 December 2020 to 15 January 2021.
Social Media	7 Facebook posts with a total reach of 6,224 people. 1 Instagram post with a total reach of 37 people. 2 WeChat posts with a total reach of 321 people. 1 Mayoral Video about the project proposal with a total of 204 views.
Letter from the Mayor	Direct letter with project concept plan to 2838 households in the suburb of Enfield and immediate surrounds inviting comment on Council's proposal.
Council e-News	Inclusion of project information and access to online survey via Burwood Library e-news (10,228 subscribers), Burwood Cares e-news (14,363 subscribers) and Burwood Council e-news (3,017 subscribers).

Activity	Description and Reach
Additional Email Communications	Email communications to: Enfield Aquatic Centre customer database – 250+ email recipients. Council committees, community organisations and networks – 100+ email recipients.

High levels of community engagement evidenced to date will continue throughout the implementation and activation phases should funding be awarded by the NSW Government for the project. Public artworks, for example, will be designed in accordance with *Council's Public Art Strategy*, which includes clear community engagement processes that provide creative opportunities for local residents to participate in the creation of artworks lead by professional artists.

Further information about community engagement activities undertaken and associated findings is available under Attachment 3 of this report.

Planning or Policy Implications

The need to improve the public domain in Enfield Village has been identified in the *Burwood LSPS*. The project is also consistent with nine strategic goals in the *Community Strategic Plan - Burwood2030* and NSW Government strategies, including Premier's Priorities 11 and 12, and the Eastern City District Plan.

The following table provides a summary of the project's alignment with both NSW Government and Council plans.

Policy or Plan	Relevant Goals, Strategies or Priorities
Premier's Priorities	Premier's Priority 11: Greener Public Spaces - a commitment to increase the proportion of homes in urban areas within 10 minutes' walk of quality green, open and public space by 10 percent by 2023. Premier's Priority 12: Greening Our City – which aims to increase the tree canopy and green cover across Greater Sydney by planting one million trees by 2022.
The Eastern City District Plan	Planning Priority E4. Fostering healthy, creative, culturally rich and socially connected communities. Planning Priority E6. Creating and renewing great places and local centres, and respecting the District's heritage. Planning Priority E17. Increasing urban tree canopy cover.
The Community Strategic Plan - Burwood2030	1.2 A well informed, supported and engaged community 1.3 A safe community for residents, workers and visitors 2.2 Strong partnerships to benefit the community 3.1 Enhanced green and open spaces, and streetscapes 4.1 Effective traffic and parking management strategies 4.2 Connected and accessible infrastructure 5.2 Supported and engaged local businesses 5.3 Enhance and foster the local identity 5.4 Activate village precincts and preserve the distinct characters of surrounding residential areas.
The Burwood Local Strategic Planning Statement	Planning Priority 8. Increase the long term viability of all centres - Improve the public domain in the Enfield Local Centre, mitigating amenity impacts from its location on a major road. Planning Priority 11. Increase urban tree canopy cover.

Financial Implications

The total estimated funding required to deliver the Enfield Village Revitalisation Project is \$2,187,960 (excluding GST). Council has applied for a total funding contribution of \$1 million under the NSW Department of Planning, Industry and Environment's (DPIE) 'Your High Street' Grant Program, which is the maximum amount of funding available to individual councils.

Should Council's funding application be successful, an additional funding allocation of \$1,187,960 will be required from Council. Accordingly, this report recommends that Council allocate a total of \$1,187,960 in the Capital Works Program 2021/22 Budget to support the successful delivery of the Enfield Village Revitalisation Project should NSW Government funding be granted.

Successful projects are anticipated to be announced in April 2021 with project commencement required by May 2021. It is a NSW Government funding requirement that successful projects be completed by May 2022.

If Council is not successful in obtaining NSW Government funding for the project, Council will be required to investigate alternative funding sources for the project. This will likely involve the delayed and/or staged delivery of the project over future Capital Works Program budgets. As part of the development of the project proposal, Council has also identified a potential second stage for the project to extend revitalisation further east along Liverpool Road, which would require further funding via future Capital Works Program budgets if approved.

Council is committed to delivering complex public domain and community infrastructure projects, and has been successful in the delivery of a number of high profile projects supported by State and Federal Government funding, including the recent Hornsey Lane Renewal Project as part of DPIE's Places to Love Pilot Program.

It is also important to note that Council is investing in significant renewal, expansion or new community infrastructure projects in the suburb of Enfield, including:

- Council recently completed a \$330,000 federally funded project for an obstacle course in Enfield, delivering a unique sporting facility for the community catering for a range of abilities.
- Council has commenced the Grant Park Multipurpose Courts and Carpark Extension in Enfield with a total project value of \$2.46 million, including \$1 million from the NSW Government.
- The \$5.4 million expansion and upgrade of the Enfield Aquatic Centre is also well underway and due for completion in July 2021.

The proposed Enfield Village Revitalisation project seeks to complement and build upon these current projects in an overall effort to renew and revitalise Enfield.

Conclusion

This report provides an overview of the proposed Enfield Village Revitalisation Project; the subject of Council's submission to the NSW Department of Planning, Industry and Environment's 'Your High Street' Grant Program. It also seeks to confirm a Council funding commitment of \$1,187,960 to the project in the Capital Works Program 2021/22 Budget, which is contingent upon NSW Government funding being granted.

Council's proposal presents a significant opportunity to improve the public domain and function of the Enfield Village as a strategic neighbourhood centre, ensuring it remains viable into the future. The final project proposal submitted by Council is underpinned by community engagement, which indicates high levels of support for the project amongst local businesses and residents.

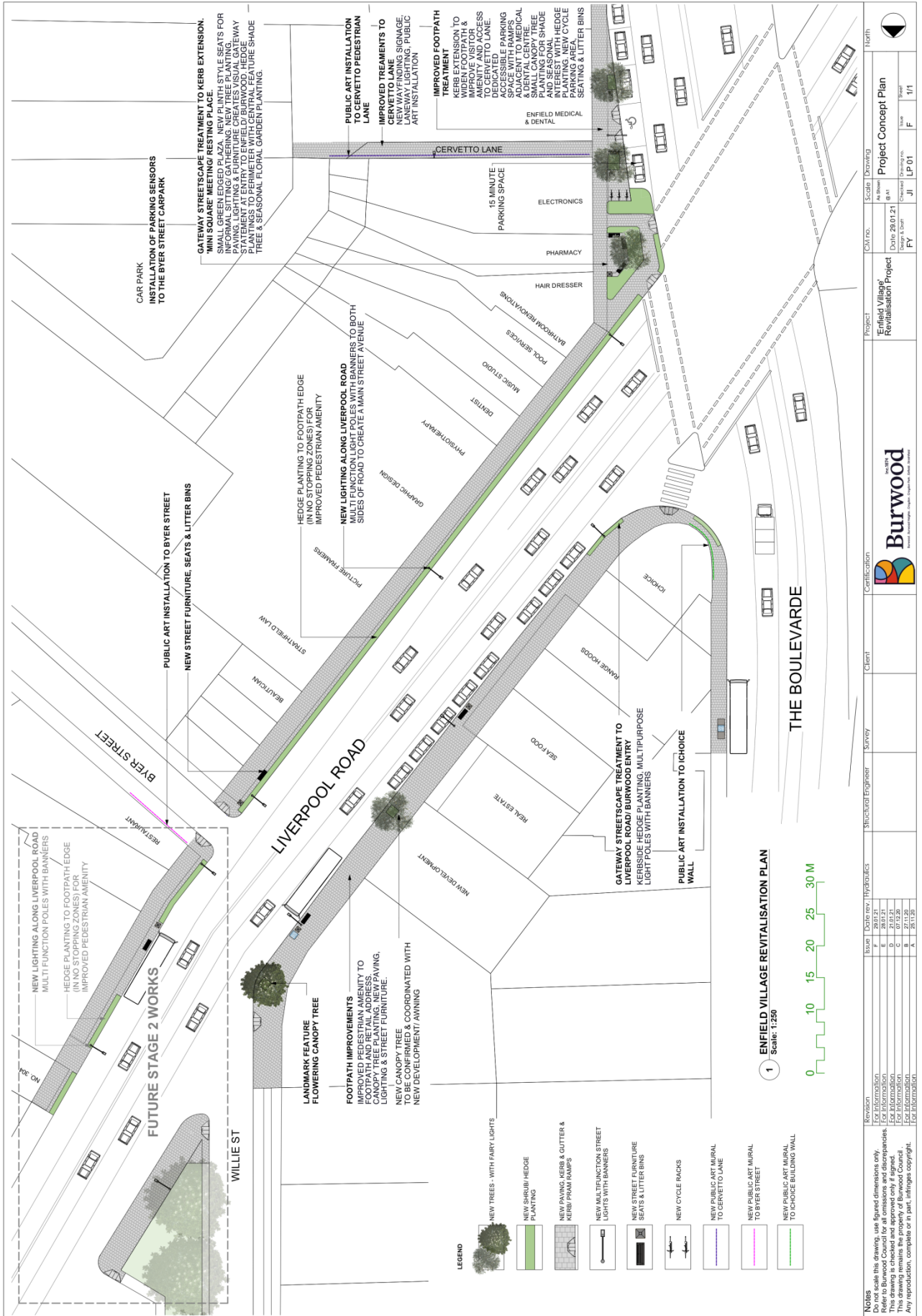
Recommendation(s)

1. That Council endorses the proposed Enfield Village Revitalisation Project submitted for funding under the NSW Department of Planning, Industry and Environment's 'Your High Street' Grant Program.
2. That Council allocates a total of \$1,187,960 in the Capital Works Program 2021/22 Budget to support the delivery of the Enfield Village Revitalisation Project should NSW Government funding be granted.

Attachments

- 1 [↓](#) Enfield Village Revitalisation Project - Concept Plan
- 2 [↓](#) Enfield Village Revitalisation Project - Artist Impressions and Streetscape Elements
- 3 [↓](#) Community Engagement Findings Report - 'Have Your Say' on the Enfield Revitalisation Project

Enfield Village Revitalisation Project - Concept Plan



Notes: Do not scale this drawing, use figured dimensions only. Refer to Burwood Council for all omissions and discrepancies. This drawing is checked and approved only if signed. For information. For information. For information. For information.	Scale: Drawing	Scale: Project Concept Plan	North
	Scale: 1:250	Scale: A1	Scale: F 1/1
Revision	Date	Drawn by	Checked by
1	29.01.21	JL	FV
Project: Enfield Village Revitalisation Project		Client: Burwood	Project: Concept Plan
Mechanical Engineer: Survey		Client: Burwood	Project: Concept Plan
Issue		Date	Drawn by
1	29.01.21	JL	FV
2	07.02.21		
3	27.11.20		
4	12.01.20		



The Enfield Village Revitalisation Project



The Enfield Village Revitalisation Project

Streetscape Elements

Plantings



Street Trees
Teddy Bear Magnolia
Magnolia Grandiflora
'Teddy Bear'



Central Shade Tree
Quandong
Elaeocarpus Eumundii



Hedge Planting
Japanese Box
Buxus microphylla



Annual Beds
Seasonal Floral
Plantings

Furniture, Fixings & Treatments



Seating
Slat Style Seating
on concrete plinth



Liter Bins
Stainless Steel
with Timber Finish



Cycle Racks
Stainless Steel



Paving
Concrete Paver



Multi-function Poles
Lighting & Banners



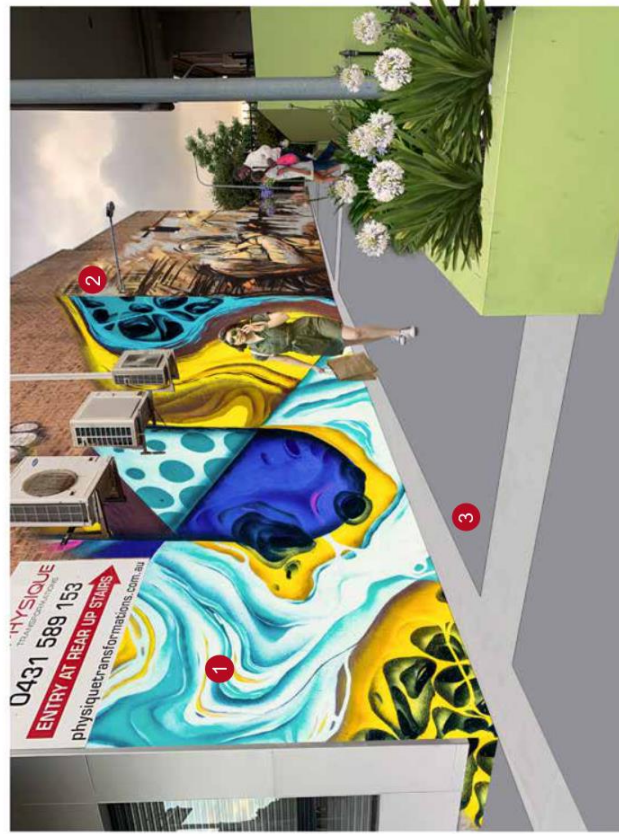
The Enfield Village Revitalisation Project

Cervetto Lane - Existing Site



The Enfield Village Revitalisation Project

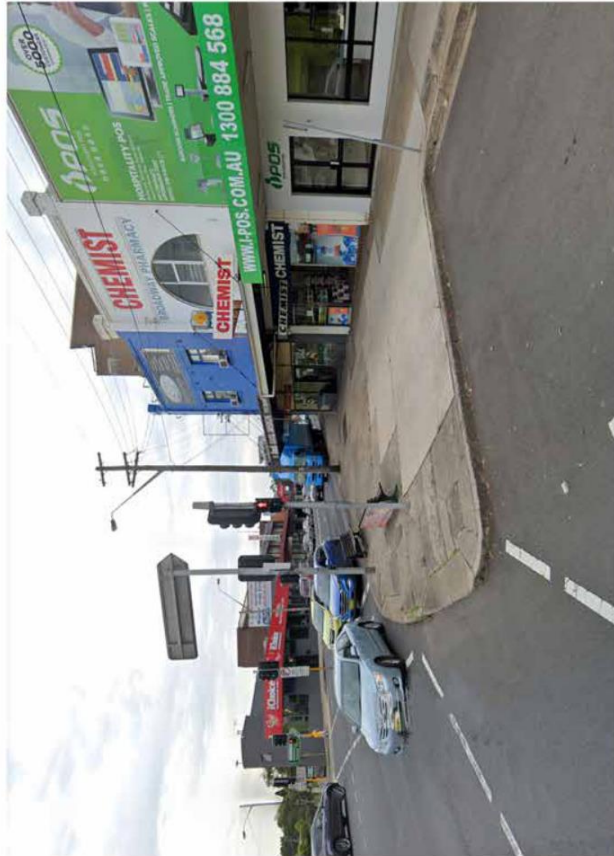
Cervetto Lane - Artist Impression



- 1 Public Art Treatment
- 2 Lighting
- 3 New Paving

The Enfield Village Revitalisation Project

Gateway Streetscape Treatment - Existing Site



The Enfield Village Revitalisation Project

Gateway Streetscape Treatment - Artist Impression

- 1 Kerb Extension & Plantings
- 2 Shade Tree & Understorey Plantings
- 3 Hedging Plants
- 5 Multi-Function Pole
- 6 Seating
- 7 Bike Racks
- 8 New Paving



Community Engagement Program for the Development of Burwood Council's Application for
Your High Street Program, NSW Department of Planning, Industry and Environment

Report on Engagement Findings:

***'Have Your Say' on the
Enfield Village
Revitalisation Project***



Prepared by:
Community Life, January 2021



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Executive Summary

From December 2020 to January 2021, Council sought community and local business input and feedback on Council's proposal for the Enfield Village Revitalisation Project in accordance with the NSW Government, Department of Planning, Industry and Environment 'Your High Street Guidelines.'

In response to this new grant opportunity, Burwood Council identified the need to improve the public domain in the Enfield Village located at the intersection of Coronation Parade and Liverpool Road, Enfield and its immediate surrounds. This identified need is consistent with needs and priorities outlined with the *Community Strategic Plan - Burwood2030* and the *Burwood Local Strategic Planning Statement (LSPS)*.

To aid consultation, Council developed a preliminary concept plan for the project, which proposed a range of permanent improvements designed to improve the accessibility, connection and safety of the Enfield Village and contribute to a stronger sense of local character.

Key elements in the preliminary concept plan included:

- New street hedge planting and landscaping to improve pedestrian amenity
- Improved gateway and wayfinding signage
- Kerb and footpath extensions to widen footpath areas, promote accessibility and increase foot traffic
- New street furniture, including places to sit and rest
- Installation of smart poles to define the local centre and create opportunities for banner artworks
- Increased safety and access to the Byer Street Carpark, including new lighting solutions
- Public artworks to activate Cervetto Lane and other prominent locations within the project location to build a stronger sense of identity within Enfield Village.

The concept plans along with key information on the proposed Enfield Village Revitalisation Project were made publicly available as part of Council's community engagement program to support the development of the proposal. Council also undertook a series of proactive engagement and promotional activities to ensure the local community was well informed of the proposal and how to have their say.

The information in this report is based upon an analysis of the results of the community engagement program, which comprised face to face business visits, an online local business survey, an online community survey, a community consultation stall and direct engagement with identified key stakeholders. More than 100 community members or stakeholders participated in the engagement program.

The first part of the report presents key findings from engagement with local businesses within the project location or immediate surrounds.

Key findings of engagement with local businesses indicate:

- 100% of businesses engaged (20) noted that there was a need to improve the Enfield Village.
- 'A variety of activities,' 'clear signage' and a 'shady green leafy environment' were considered to be the features of greatest importance for existing local businesses in the Enfield Village.
- 63% of local businesses engaged noted that their business had been impacted by the Covid-19 Pandemic, with many noting a decrease in foot traffic and a decline in both local and non-local visitation.

- The majority of existing businesses (63%) noted that their business operated by day, with the remainder (37%) noting that their business operated both day and night.
- Enhancements to increase foot traffic and promote accessibility were of greatest importance to local businesses, alongside improvements to the Byer Street Carpark (lighting and parking sensors to encourage greater turnover and parking availability for customers).
- 87.5% of local businesses indicated support for the proposal in its current form - 75% 'strongly supported' the proposal, 12.5% 'supported' the proposal and 12.5% indicated a 'neutral' response.
- A key barrier identified in relation to the project being a success was the lack of funding support.

The following section of the report presents key findings from the online community survey that was either administered by Council staff at the community consultation stall or completed online.

Key findings of engagement with the broader community indicate:

- 90% of community members engaged (67) noted that there was a need to improve the Enfield Village.
- 'A variety of activities,' 'appropriate traffic levels/speeds' and 'wide footpaths and easy crossing points' were considered to be the features of greatest importance for community members when visiting the Enfield Village.
- 26% of community members engaged noted that they had visited the Enfield Village less frequently as a result of the Covid-19 Pandemic.
- New street hedge and tree planting, followed by kerb and footpath extensions to widen footpath areas, promote accessibility and increase foot traffic were of greatest importance to the local community.
- 88% of community members engaged indicated support for the proposal in its current form - 71% 'strongly supported' the proposal, and 17% 'supported' the proposal.
- Key barriers identified in relation to the project being a success included: Lack of funding /cost of project, ongoing maintenance, particularly to address littering, the lack of variety of shops in the area, and traffic and parking issues.

Overall community feedback was overwhelmingly positive throughout the community engagement program with many community members noting the need for the Enfield Village to be upgraded and excited by the project's potential. Many respondents also highlighted the benefits the project would contribute in creating a stronger sense of neighbourhood and community within the Enfield Local Centre and surrounds.

The findings of the community engagement program have been utilised to inform the final proposal to the NSW Department of Planning, Industry and Environment. Burwood Council would like to thank all members of the community who participated in the community engagement program who provided valuable input into the development of the Enfield Village Revitalisation Project.

Introduction

About Your High Street Program

In November 2020, the NSW Government announced the 'Your High Street' grant program, which seeks to enhance the amenity and functionality of high streets throughout NSW. The program aims to support local business recovery, boost economic stimulus in response to the pandemic, improve the comfort and experience for the community and enable permanent improvement projects.

Grants of up to \$1 million were made available for councils to deliver improvements for a high street by May 2022. Funding was made available to:

- Improve/increase number of uses over day and night
- Improve safety and comfort for people
- Improve local accessibility and connections
- Increase footfall and capacity for trade for businesses.

Projects already allocated for in councils' future asset and maintenance plans were not eligible for funding under the program.

About Council's Proposal – The Enfield Village Revitalisation Project

In response to this new grant opportunity, Burwood Council identified the need to improve the public domain in the Enfield Village located at the intersection of Coronation Parade and Liverpool Road, Enfield and its immediate surrounds. This identified need is consistent with priorities outlined with the *Community Strategic Plan - Burwood2030* and the *Burwood Local Strategic Planning Statement (LSPS)*.

The proposed Enfield Village Revitalisation Project seeks to transform the area into a vibrant local centre that better caters to the everyday needs of the local community and enhances support for local businesses by mitigating amenity impacts from its location on the intersection between two major roads.

Council's proposal consists of a range of permanent improvements designed to improve the accessibility, connection and safety of the Enfield Village and contribute to a stronger sense of local character.

Key elements include:

- New street hedge planting and landscaping to improve pedestrian amenity
- Improved gateway and wayfinding signage
- Kerb and footpath extensions to widen footpath areas, promote accessibility and increase foot traffic
- New street furniture, including places to sit and rest
- Installation of smart poles to define the local centre and create opportunities for banner artworks
- Increased safety and access to the Byer Street Carpark, including new lighting solutions
- Public artworks to activate Cervetto Lane and other prominent locations within the project location to build a stronger sense of identity within Enfield Village.

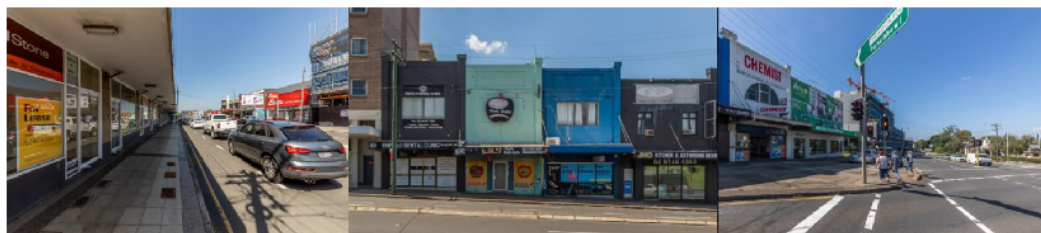
Alignment of the Proposal to NSW Government and Council Plans

Local centres in the Burwood LGA, such as Enfield, have a local-focused role, providing convenience retail and services targeted to the local population, which provides a strong basis for continued viability.

The Burwood LSPS specifically highlights the need for ongoing public domain improvements in the Enfield Local Centre to ensure it maintains its competitiveness and attractiveness into the future. With its mix of retail, local services and local businesses clustered at the intersection of Liverpool Road and The Boulevarde in Enfield, it has been identified as a local centre that can be strengthened to improve safety, amenity, accessibility, attractiveness and support to increase capacity for trade for local businesses.

Council’s project proposal has also been developed in alignment with relevant NSW Government strategies and policies. The following table provides a summary of the project’s alignment with both NSW Government and Council key policies and plans.

Policy or Plan	Relevant Goals, Strategies or Priorities
Premier’s Priorities	Premier’s Priority 11: Greener Public Spaces - a commitment to increase the proportion of homes in urban areas within 10 minutes’ walk of quality green, open and public space by 10 percent by 2023. Premier’s Priority 12: Greening Our City – which aims to increase the tree canopy and green cover across Greater Sydney by planting one million trees by 2022.
The Eastern City District Plan	Planning Priority E4. Fostering healthy, creative, culturally rich and socially connected communities. Planning Priority E6. Creating and renewing great places and local centres, and respecting the District’s heritage. Planning Priority E17. Increasing urban tree canopy cover.
The Community Strategic Plan - Burwood2030	1.2 A well informed, supported and engaged community 1.3 A safe community for residents, workers and visitors 2.2 Strong partnerships to benefit the community 3.1 Enhanced green and open spaces, and streetscapes 4.1 Effective traffic and parking management strategies 4.2 Connected and accessible infrastructure 5.2 Supported and engaged local businesses 5.3 Enhance and foster the local identity 5.4 Activate village precincts and preserve the distinct characters of surrounding residential areas.
The Burwood Local Strategic Planning Statement	Planning Priority 8. Increase the long term viability of all centres - Improve the public domain in the Enfield Local Centre, mitigating amenity impacts from its location on a major road. Planning Priority 11. Increase urban tree canopy cover.



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Community Engagement Findings Report - 'Have Your Say' on the Enfield Revitalisation Project

Community and Business Engagement

The Your High Street Guidelines released by the Department of Planning, Industry and Environment requires councils to demonstrate current community and stakeholder support for their nominated high street project.

From 8 December 2020 to 15 January 2021, Council undertook the following engagement activities to gain community input and feedback on Council's proposal for the Enfield Village Revitalisation Project:

Two Rounds of Face to Face Business Visits	20 business visits were undertaken by Council staff in December 2020. Additional emails and phone calls were also undertaken with over 15 property owners and/or local businesses within the project location in January 2021.
Online Local Business Survey*	8 local businesses completed the online local business survey. The online business survey was mostly utilised in instances where local businesses were unable to provide feedback at the time of visit.
Online Community Survey*	69 residents/community members completed the online community survey.
Community Consultation Stall	Held on Tuesday 22 December 2020, 7.30am - 9.30am at Henley Park, Corner of Mitchell Street and Portland Street, Enfield.
Direct Phone Calls and/or Emails to Key Stakeholders	Transport for NSW Burwood Business Asian Partnership Croydon Park Chamber of Commerce Schools Infrastructure NSW Community Groups and Organisations operating in the Enfield area or with large numbers of members living in the suburb of Enfield (6)

* The survey Instrument was based on the Your High Street Project Community Consultation Survey template provided by NSW Department, Industry and Environment.

A series of promotional activities were also conducted by Council to ensure that the local community was well informed of Council's proposal and how to have their say. Promotional activities included:

Activity	Description and Reach
Burwood Council Webpage	Dedicated webpage specific to the project proposal, including project concept plan, artist impressions and an online community survey. 281 page views from 8 December 2020 to 15 January 2021.
Social Media	7 Facebook posts with a total reach of 6,224 people. 1 Instagram post with a total reach of 37 people. 2 WeChat posts with a total reach of 321 people. 1 Mayoral Video about the project proposal with a total of 204 views.
Letter from the Mayor	Direct letter with project concept plan to 2838 households in the suburb of Enfield and immediate surrounds inviting comment on Council's proposal.
Council e-News	Inclusion of project information and access to online survey via Burwood Library e-news (10,228 subscribers), Burwood Cares e-news (14,363 subscribers) and Burwood Council e-news (3,017 subscribers).
Additional Email Communications	Email communications to: Enfield Aquatic Centre customer database – 250+ email recipients. Council committees, community organisations and networks – 100+ email recipients.

This report outlines findings of community engagement activities undertaken for the development of Council's 'Your High Street' grant application, which also informed the final concept plans for the project.

Acknowledgements and Notes

Burwood Council would like to thank all members of the community who participated in the community engagement program. Council values your input and ideas for the development of the Your High Street Grant Proposal for the Enfield Village Revitalisation Project.

Please note that Burwood Council staff developed and administered community engagement program activities. Council staff also undertook analysis of participant responses and wrote the resultant report.

It should also be noted that the timing of the announcement of the funding opportunity and subsequent opening and closing times of the funding round along with Covid -19 restrictions impacted the extent of community engagement for Council's proposal.



Findings from Business Visits and the Business Survey

Face to Face Business Visits

To engage with local businesses located within the project location, Council undertook two rounds of face to face business visits in December 2020 and January 2021. A total of 20 local businesses were visited. With each visit Council staff explained the project and its purpose aided with copies of the concept plans and artist illustrations, and sought key feedback on the project elements and outputs.

Additional emails and phone calls were also undertaken with over 15 property owners and/or local businesses within the project location in January 2021. The information herein presents a snapshot of feedback from local businesses.



Snapshot of Business Visits



"It is very much a needed project that will enhance the public spaces in and around the Enfield Village. As a local business owner it's very important that we attract more people to come to our local centre. I'm really supportive of improved access to parking and new wayfinding signage – it will help visitors to better navigate and access local businesses."

Eddie, Eddie's Picture Framing



"I've been running my businesses in the local area for 40 years. Covid-19 has presented many new challenges to my business and my customers. There has never been a more important time to activate the Enfield Village. This project will provide the oomph our local neighbourhood needs – it will support our local community, protect local jobs and to ensure essential services remain into the future."

Carmen, Soul Hair Design



"We support the proposal as it will be good for existing businesses and will also help to attract new businesses to the area and help fill vacant shops. Our business is located next to Cervetto Lane, and the proposed lighting and public artwork will make the area feel safer, link the public carpark to local businesses and create a stronger sense of community."

The team at iPos are committed to being involved in the creation of the public artwork. We are excited about the neighbourhood feel it will create, it will activate the laneway and encourage locals to use it more."

Ernest, iPos



"We have invested significantly in the presentation of our business to attract customers from all over Sydney. We support the revitalisation of the Enfield local centre as it will bring much needed vibrancy and activity to the area. The site of the project is currently old and tired. We hope the project will encourage more foot traffic and local customers, and make it a more pleasant visitor experience for customers coming from outside the local area."

Jason, Profiterole Patisserie



"The area desperately needs an upgrade. It will be great for both business and residents."

Vicky, Elders Real Estate



"I love the proposal – it should help to create more of a community feeling and provide an incentive for residents to come back to the area."

Lauren, Enfield Hotel



"The project is an awesome idea. I welcome the opportunity to have public art on my building, which is highly visible and acts as a gateway into the local centre of Enfield. It would be nice to see the area improved and brought back to life again."

Jason, iChoice



Business feedback obtained during visits incorporated into the revised concept plans included:

- Additional wayfinding signage to help customers locate the Byer Street Carpark/available parking.
- Increased landscaping (trees, shrub and hedge planting) wherever feasible and minor modifications to the location of new trees proposed so as to not impact on business shopfront visibility from the roadway.
- Additional strategies to promote higher turnover of parking, including parking sensors in the Byer Street Carpark and the inclusion of a drop off/15 minute parking space in front of 6-8 Coronation Parade to promote access by elderly customers visiting local businesses/services catering to older residents.
- Confirmation of proposed sites for public artworks, including identification of an additional public art site on the property located at 343-347 Liverpool Road following consultation with property and business owners.

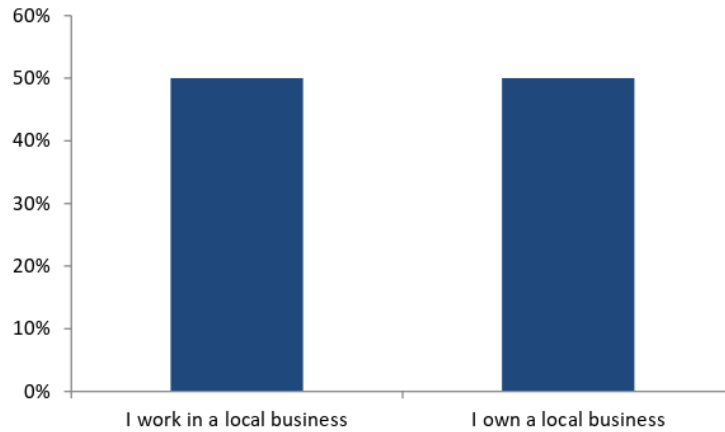
Business Survey

An online business survey was also utilised to gain feedback on the project and was mostly utilised in instances where local businesses were unable to provide feedback at the time of visit or wanted to provide additional detailed feedback to Council. A total of 8 local businesses completed the online local business survey from 8 December 2020 to 15 January 2021.

The information herein presents a summary of key findings from the business survey.

Presentation of Data

What is your connection with the Enfield Village?



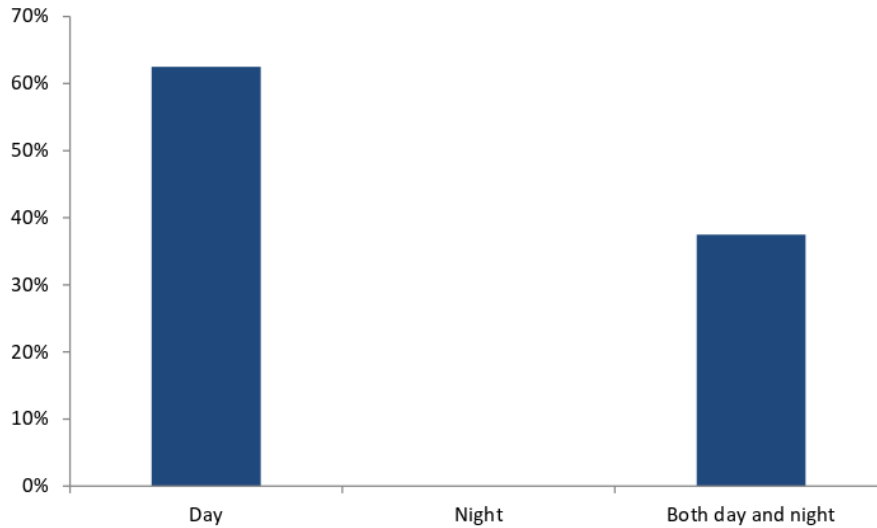
The types of local businesses that participated in the survey included:

- Food services (2)
- Retail trade (2)
- Education and training (1)
- Real estate services (1)
- Legal services (1)
- Bar, food and gaming (1)

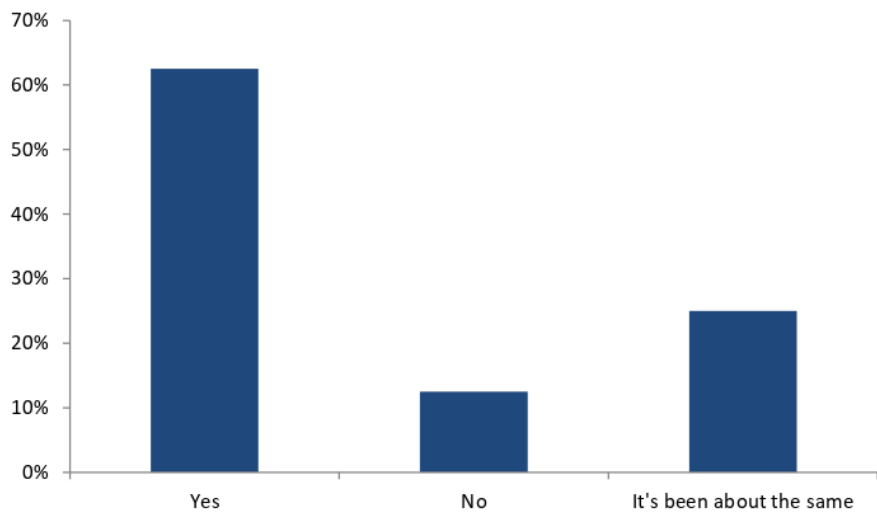
Of the businesses that completed the survey, six were located on Liverpool Road, one was located on Coronation Parade and one was located on Willee Street.

The business owners or employees that participated in the business survey were aged 18 to 24 years or 55 to 64 years (3 or 37.5% of respondents respectively), followed by the 35 to 44 year age bracket (2 or 25% of respondents).

When does your business operate?



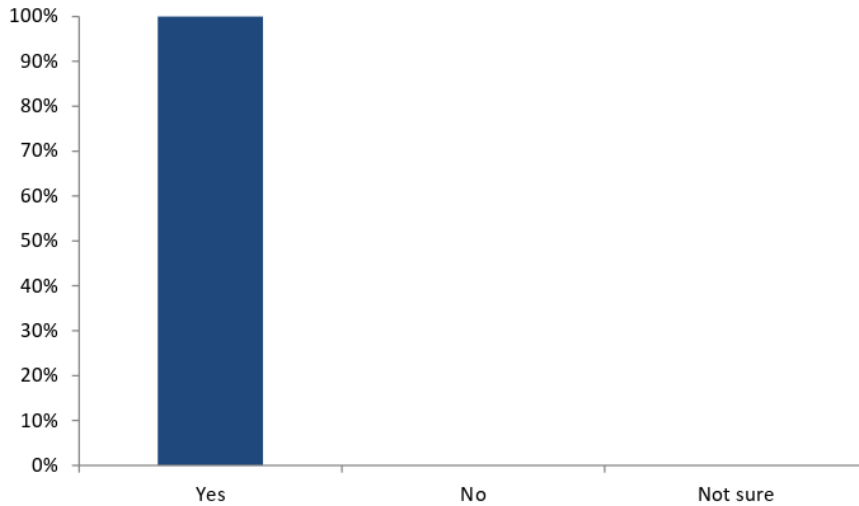
Has your business been impacted by COVID-19?



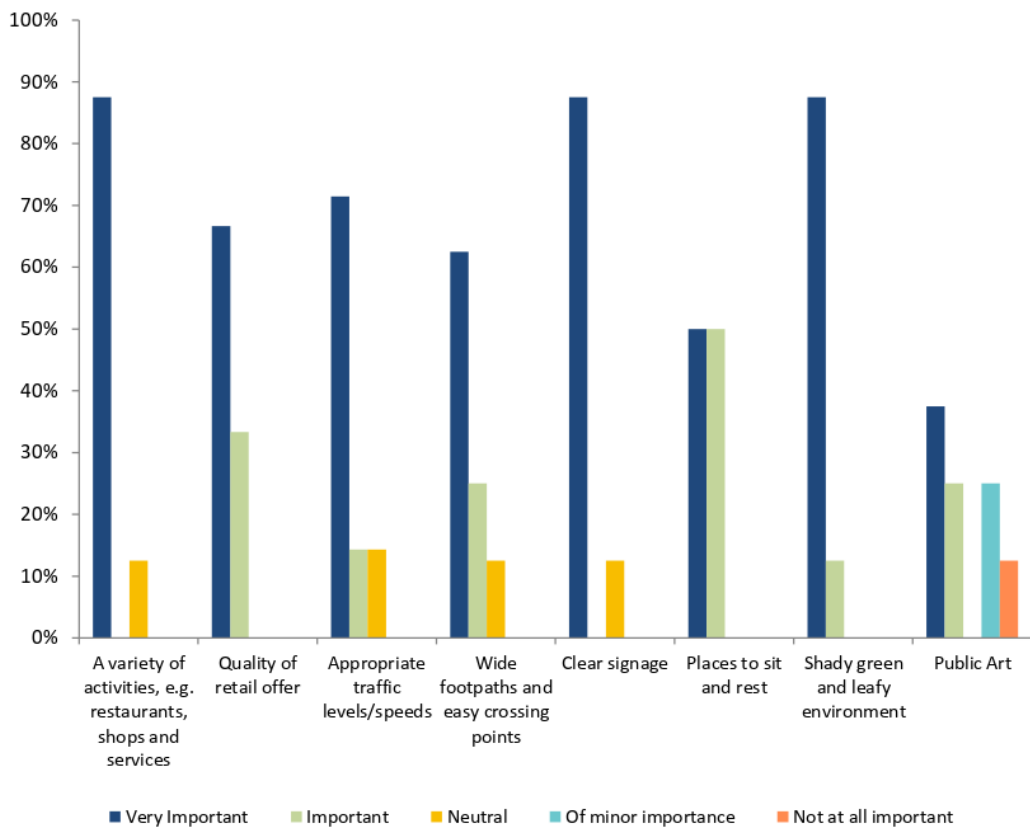
Respondents noted that their business had been impacted in the following ways:

- "Loss of trade from April 2020. Rents lower so less fees."*
- "Lack of traffic of people in and out of the venue."*
- "Client loss due to COVID-19."*
- "The business is going down. There is a very low customer flow due to the pandemic."*
- "Less people around the area."*

Do you think the Enfield Village needs to be improved?



How important to you are each of the following features of a high street in the Enfield Village?



Are there any other features you think are important for the Enfield Village?

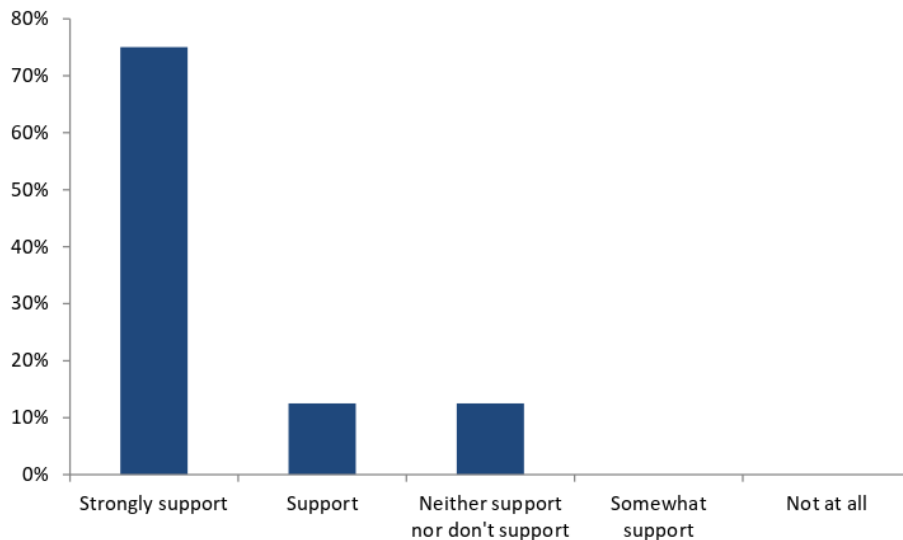
A total of 3 responses were received, which included:

- "Not that I can think of, you all seem to have everything that needs improvement covered."*
- "More greenies would be great."*
- "Parking."*

To improve the amenity and functionality of the Enfield Village, Burwood Council is considering the following enhancements. Please select the three you would consider as most important from the list below.

Enhancement Type	Respondents	% of Respondents
Kerb and footpath extensions to widen footpath areas, promote accessibility and increase foot traffic.	6	75%
Improvements to the Byer Street Carpark to increase safety and access, such as parking sensors and lighting.	6	75%
New street hedge and tree planting.	5	62.5%
Improved wayfinding signage.	4	50%
New street furniture, including places to sit and rest.	3	37.5%
Installation of smart poles to define the local centre and create opportunities for banner artworks.	3	37.5%
Public artwork to activate Cervetto Lane and other key locations to build a stronger sense within Enfield Village.	1	12.5%

How strongly do you support the proposal?



What barriers do you think there will be to the project being a success?

The following barriers were identified by respondents:

- Lack of funding (2)
- Consider the strong wind at the project location and its impact (1)

Do you have any other comments or suggestions to improve the Enfield Village Precinct?

Additional comments or suggestions included:

"Improve or do away with the island on Willee Street. It could be much better utilised by making it more attractive or done away with to increase parking in the street."

"This is a very good proposal for upgrading the environment."

"Improve parking on Liverpool Road."

Findings from the Community Survey

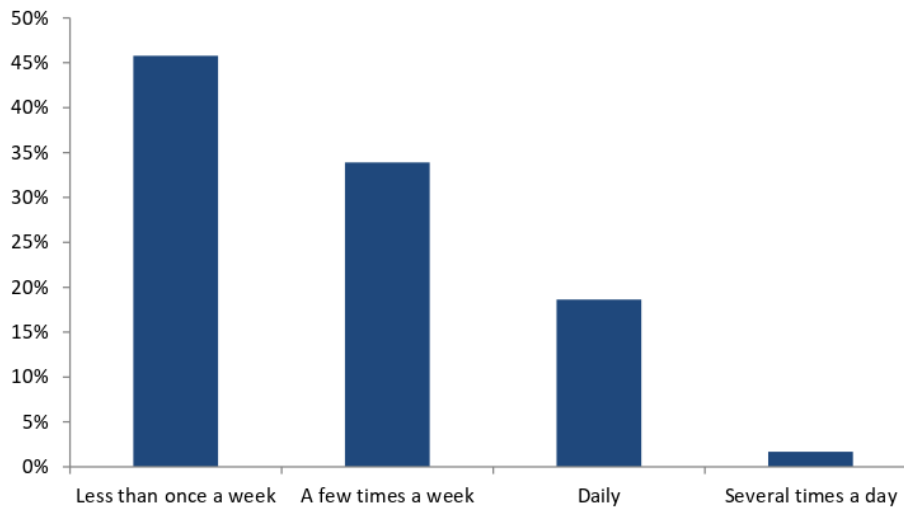
Council also undertook an online Community Feedback Survey from 8 December 2020 to 15 January 2021 targeting residents in the suburb of Enfield as well as the broader Burwood LGA community. A total of 69 surveys were completed. The information herein presents key findings from the survey.

Presentation of Data

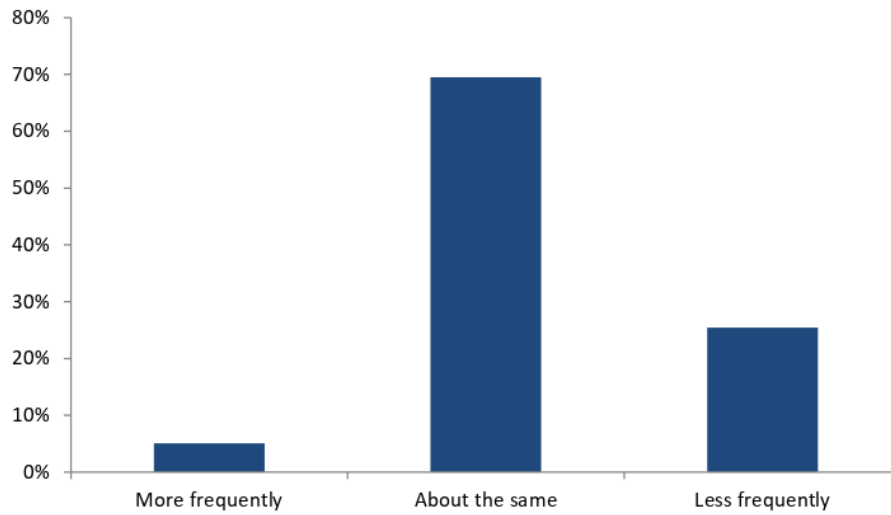
What is your connection with the Enfield Village?

Response	No. of Respondents	% of Respondents
I live locally	51	74%
I visit to buy goods or services	19	28%
I spend time in cafes and restaurants	16	23%
I work locally	14	20%
I visit for recreation or to socialise	9	13%
I visit to travel or commute to other places	9	13%
I own a local business	8	12%
I participate in community life (programmed activities, events, things to do)	6	9%
Other	2	3%
TOTAL	69	100%

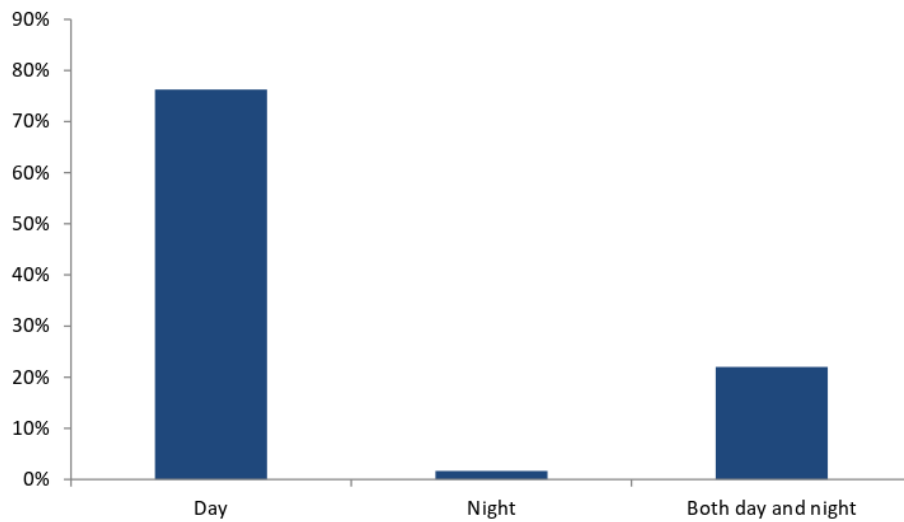
How frequently do you visit the Enfield Village?



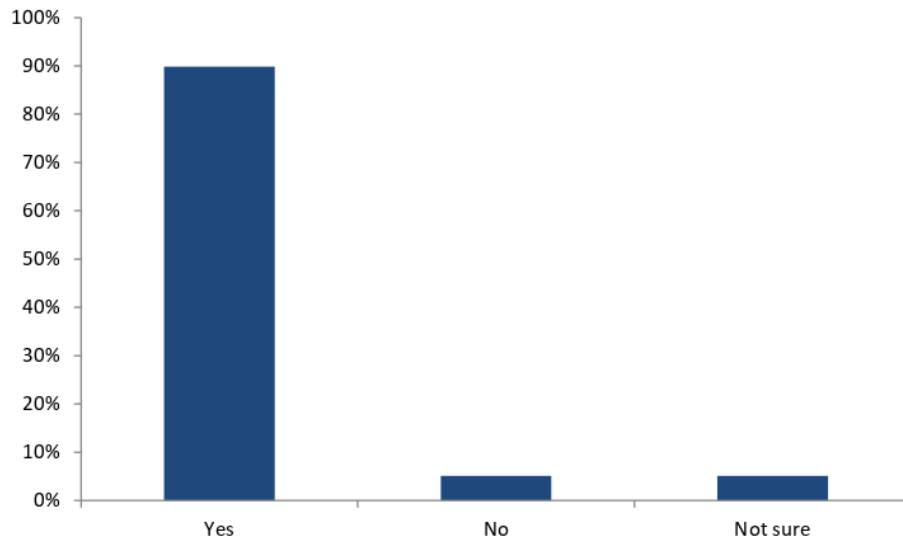
Is this more or less frequently than before COVID-19?



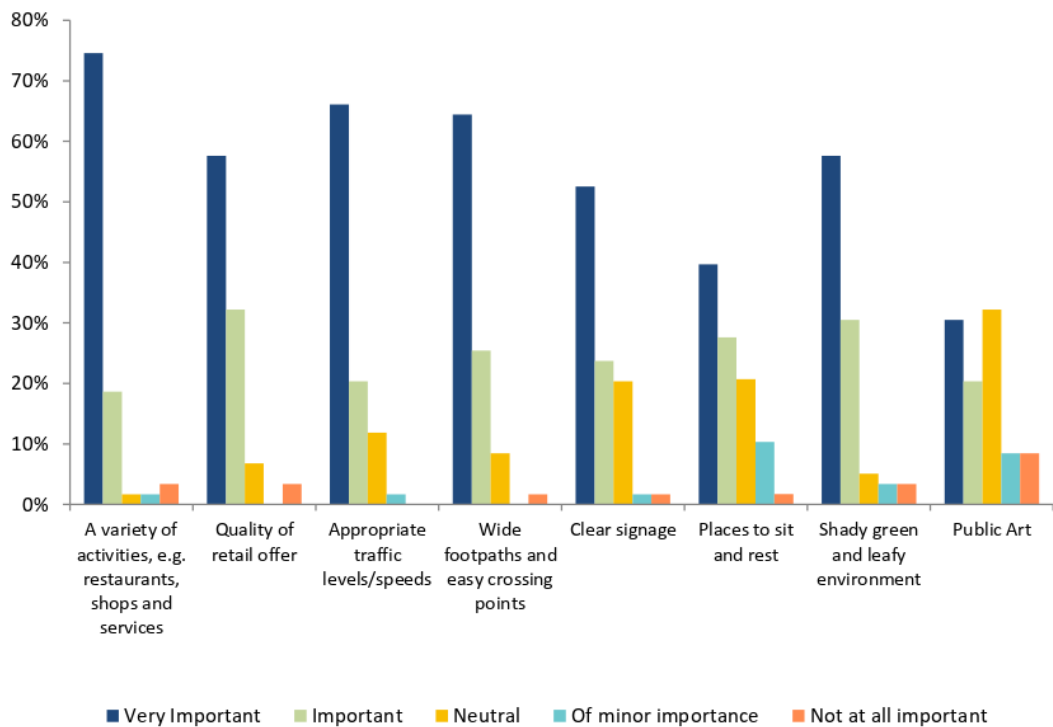
Do you typically visit the Enfield Village during the day or night?



Do you think the Enfield Village needs to be improved?



How important to you are each of the following features of a high street in the Enfield Village?



Are there any other features you think are important for the Enfield Village?

A range of additional features, suggestions and comments were provided by survey respondents. A total of 47 comments were provided, which are outlined below:

"Public transport. Buses run on Liverpool Road and The Boulevard and also on the Coronation Parade."

"I would like to see more restaurants and kids' education centres. Like the fish and chips shop and dance studio."

"Making sure footpaths are not used by cyclists."

"Kerb and guttering on Mitchell Reserve and the improvement after developers have broken and dumped rubbish/glass here."

"It just feels very very dingy in its current state. The shops are terrible (apart from the wonderful fish and chips shop), and it's difficult to park, there are no trees and it's impossible to cross the road. I think adding trees, flowers and greenery and making the footpaths attractive should be the top priority to make it an attractive location, and then cafes and other businesses may pop up. Enfield is so lovely and green and quiet, and this zone is just horrible. Burwood Council has done an incredible job at Henley Park and other locations, and I assume the team will dream up something creative and beautiful for this space too."

"Family friendly venues and reduced traffic."

"Better shops."

"Looking at the pictures they're very pretty and an improvement, but the gardens are showing annual plants and there is only one large tree. The area needs to look to the warmer future and greater need for shade so the radiated heat from the road is less impactful - bigger shadier trees please! Drought and heat resistant ground cover."

"Parking is essential as I do not live within walking distance and public transport to this area unsatisfactory."

"Safe, separated bike paths so people are not forced to use a car for short trips."

"A planted area or buffer for shading trees and groundcovers which buffers the road from the pedestrians, even better if there was a cycle lane that could go the length of coronation and the Boulevard which was off the road and buffered on both sides by landscaping. There are many examples of this in Alexandria and around Surry hills."

"Pedestrian crossing for accessing bus stops near king street and pedestrian crossing for accessing Henley park near playgrounds."

"Repair and paint awnings in front of shops as well as lighting. Fix and level out existing footpath & create more safe parking that's free to invite people to stop and visit/ use the services and shops."

"Creation of safe area for community to connect away from noise and traffic of busy main road intersection."

"Car parking."

"Parking lot spaces need to be increased, multi-level improvement. Increased curb side parking for shops also during noon peak times. Footpaths are wide enough just not level enough."

"As Burwood council has limited resources, the Council should use the money to do more important and urgent works such as repairing the roads and streets. Many of the roads and streets are full of holes which endanger the safety of drivers. The road conditions are like third world countries."

"Definitely needs more parking."

"Council should consider the introduction of Parklets around this intersection. For example, instead of kerb extension and plantings outside of iPOS - a parklet may invite a cafe to open on this corner (plantings would form part of the parklet) and facilitate outdoor seating without taking up footpath space. Another parklet could be created near Myssys Seafood, and another near Domino's Pizza. Parklets create a fun vibe. With Council providing the simple infrastructure for them each could have custom character or style applied, depending on the business/es close by that will likely make use of them. <https://www.thefifthestate.com.au/innovation/design/whats-a-parklet-and-how-can-it-boost-business/>

Good decorative lighting would enhance ambiance (e.g. festoon lights maybe). Additionally waste sorting rubbish bins would be good."

"Coronation History."

"A village?? That's a misnomer surely. There is no reason for me to ever go there. I think this is a waste of rate payer money."

"Hopefully through this but cafes and restaurants need to be attracted so there is some life to Enfield outside the flower power cafe. The park improvements have been amazing from a sporting perspective and recreational upgrades like Jackson Park need to be completed but a vibrant cafe/restaurant strip is missing to complement the other improvements. This is a step in the right direction to refresh the retail offerings to a younger more diverse demographic that is moving into the area."

"More trees and flowers to brighten up the area."

"Ensure some coffee shops which have shaded areas on the footpath (e.g. good canopies/pergola) and adequate parking."

"Supermarket or grocery store."

"The pub needs to be revamped to have more of a family feel, this will bring people back. There also needs to be better shops, to bring people to the Enfield village, more cafes, local shops such as bakeries etc."

"Community spaces and parks."

"Possibly pedestrian bridges. It feels like a high traffic intersection and not pleasant to spend time at on foot. Linking it to the green space on coronation pde would make it feel more welcoming."

"Cafes."

"To attract cafes and restaurants will make it more vibrant. Street art and greenery is a step in the right direction."

"Coffee shops and nice eateries along with a clean and Covid safe area for all the local residents and visitors."

"Community spaces."

"More cafes, retail and supermarket."

"Cleanliness, safety, somewhere to have coffee and be able to park somewhat nearby."

"It needs a lot of greenery landscaping to soften the feel of the major intersection. Way more than the current plan."

"Traffic flow of cars should be improved. When lights turn green its like cars are taking off for a race. A footbridge across Liverpool road and Coronation parade would be ideal."

"Mainly the overall village atmosphere that would welcome more visitors. Which it currently lacks."

"Make it stand out as it's currently an eye sore and people wouldn't stop there unless they're a local wanting to shop at their existing shop."

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“It's not necessary to enhance this area as hardly anyone uses it when Henley Park is close-by. Just a waste of ratepayer's money. Seems funds are unnecessarily spent so as to give some contractors business with kickbacks. Mack Construction seems to be doing road repairs annually fixing the same poor quality work it did previously. Maybe we need a Royal Commission on why and how contracts for works are awarded.”

“Overall maintenance and upkeep by council and retailers.”

“Ongoing removal of graffiti, incentives for shopkeepers to beautify shopfronts and signage, regular maintenance of weeds growing in footpath and gutter cracks.”

“Parking, traffic lights.”

“Recreational areas such as cafes, restaurants.”

“It will be great if you add more parking in front of Chemist and Dr. Surgery for old and disabled patients also if possible to increase the traffic crossing time to be suitable for old residents and parents with young children to cross that big intersection safely.”

“A few cafes, seating, it could do with greening and artwork. Maybe a free book exchange nook.”

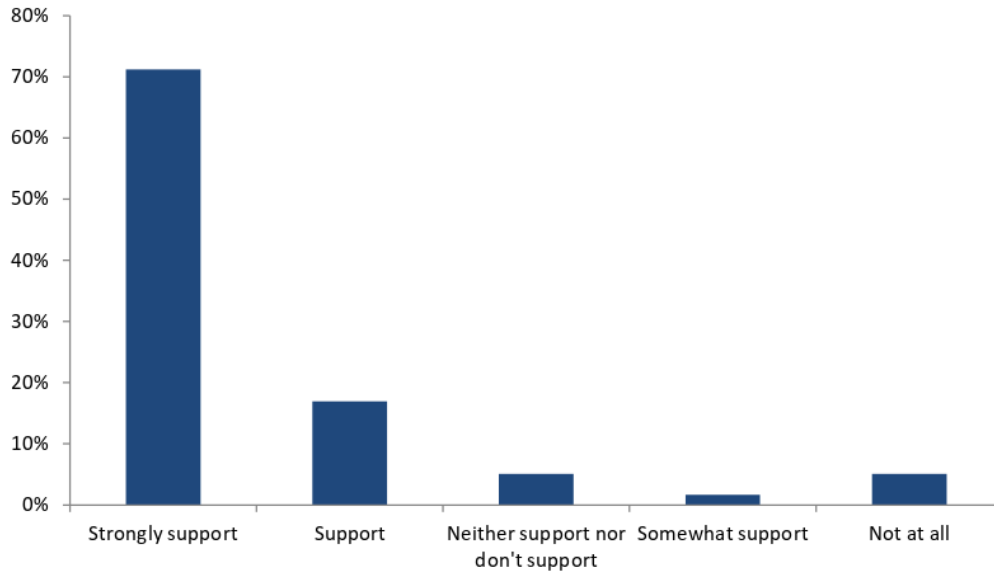
“For pensioners and the disabled who cannot walk far (especially those who need to use a wheeled walker or wheelchair) there should be a small supermarket there. A known brand such as Aldi or IGA is best. We don't think that Coles or Woolworths would put a small supermarket in a location like that. To explain, people need to walk to Liverpool Rd to catch a bus to the supermarkets. So by putting a supermarket in that location people would be able to buy groceries locally instead of having to catch the bus to and from.”

“Outdoors workout area / playground, Flowers, Weekend markets? Less grey.”

To improve the amenity and functionality of the Enfield Village, Burwood Council is considering the following enhancements. Please select the three you would consider as most important from the list below.

Enhancement Type	Respondents	% of Respondents
New street hedge and tree planting.	40	68%
Kerb and footpath extensions to widen footpath areas, promote accessibility and increase foot traffic.	37	63%
New street furniture, including places to sit and rest.	28	47%
Improvements to the Byer Street Carpark to increase safety and access, such as parking sensors and lighting.	27	46%
Public artwork to activate Cervetto Lane and other key locations to build a stronger sense within Enfield Village.	13	22%
Installation of smart poles to define the local centre and create opportunities for banner artworks.	10	17%
Improved wayfinding signage.	9	15%

How strongly do you support this proposal?



What barriers do you think there will be to the project being a success?

The following is a summary of key barriers identified by respondents:

- Lack of funding /cost of project
- Ongoing maintenance, particularly to address littering
- The lack of variety of shops in the area
- Traffic and parking issues

“Only the will to make it happen - Many dingy busy areas in Sydney and around the world have been transformed into beautiful attractive desirable spaces through the reintroduction of trees and greenery and making them pedestrian friendly zones. If this is achieved many cafes and other businesses will pop up for sure.

It’s a long overdue project.”

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Community Engagement Findings Report - 'Have Your Say' on the Enfield Revitalisation Project

Community Survey Participants

A total of 69 participants completed the survey from 8 December 2020 to 15 January 2021. Details of suburb of residence, age, and language spoken at home follow.

Suburb of Residence

Suburb	No. of Respondents	% of Respondents
Enfield	21	30%
Strathfield	16	23%
Croydon Park	10	14%
Burwood	9	13%
Burwood Heights	4	6%
Croydon	2	3%
Other	7	10%
TOTAL	69	100%

Age of Participants

Age	No. of Respondents	% of Respondents
Under 18	2	3%
18-24	4	6%
25-34	10	14%
35-44	20	29%
45-54	13	19%
55-64	12	17%
65 - 74	8	12%
75+	0	0%
TOTAL	69	100%

Language Spoken at Home

Language	No. of Respondents	% of Respondents
English	62	90%
Cantonese	9	13%
Italian	5	7%
Other (please specify)	5	7%
Arabic	4	6%
Korean	1	1%
TOTAL	69	100%

Appendix A - Business Survey Instrument

Burwood Council Business Survey – Enfield Revitalisation Project

Burwood Council is inviting you to have your say on its funding proposal for the Enfield Village Revitalisation Project as part of the NSW Department of Planning Industry and Environment's 'Your High Street' program.

High streets are public spaces that offer opportunities for social interaction and improved health and wellbeing, while also providing a sense of identity and local character for communities. It is important that high streets are safe, comfortable and accessible for all to use and enjoy.

Burwood Council has identified the need to improve the public domain in the Enfield Village located at the intersection of Coronation Parade and Liverpool Road, Enfield and its immediate surrounds.

Burwood Council is seeking your feedback on what is important to you about the Enfield Village, and your support for the proposal.

Please tell us what you think by completing the following survey.

About You

1. What is your connection with the Enfield Village?

(Mandatory question, multi-select response)

- I work in a local business
- I own a local business
- Other (Free text answer box)

2. What type of local business are you?

(Mandatory question, single-select response)

- Health Care and Social Assistance
- Food Services
- Accommodation
- Professional, Scientific and Technical Services
- Retail Trade
- Education and Training
- Financial and Insurance Services
- Construction
- Rental, Hiring and Real Estate Services
- Arts and Recreation Services
- Other (Free text answer box)

3. Which high street is your business located on? Please select the answer that applies

(Mandatory question, single-select response)

- Liverpool Road, Enfield
- Coronation Parade, Enfield
- Other (please specify)

4. What age bracket do you fit into?

(Mandatory question, single-select response)

- Under 18
- 18-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65-74
- 75+

5. When does your business operate?

(Mandatory question, single-select response)

- Day
- Night
- Both day and night

6. Has your business been impacted by COVID-19?

(Mandatory question, single-select response)

- Yes
- No
- It's been about the same

If yes, please explain how your business has been impacted:

About Enfield Village

7. Do you think the Enfield Village needs to be improved?

(Mandatory question, single-select response)

- Yes
- No
- Not sure

8. How important to you are each of the following features of a high street in the Enfield Village?

(Mandatory question, each row single-select response)

	Very Important	Important	Neutral	Of minor importance	Not at all important
A variety of activities, such as restaurants, shops and services					
Quality of retail offer					
Appropriate traffic levels and speeds					
Wide footpaths and easy crossing points					
Clear signage					
Places to sit					

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Community Engagement Findings Report - 'Have Your Say' on the Enfield Revitalisation Project

and rest					
Shady green and leafy environment					
Public Art					

10. Are there any other features you think are important for the Enfield Village?

(Non-mandatory question, free text box)

11. To improve the amenity and functionality of the Enfield Village, Burwood Council is considering the following enhancements. Please select the three you would consider as most important from the list below.

(Mandatory question, multi-select response limited to three answers)

- New street hedge and tree planting
- Improved wayfinding signage
- Kerb and footpath extensions to widen footpath areas, promote accessibility and increase foot traffic
- New street furniture, including places to sit and rest
- Installation of smart poles to define the local centre and create opportunities for banner artworks
- Improvements to the Byer Street Carpark to increase safety and access, such as parking sensors and lighting
- Public artwork to activate Cervetto Lane and other key locations to build a stronger sense within Enfield Village.

12. How strongly do you support this proposal?

(Mandatory question, single-select response)

- Strongly support
- Support
- Neither support nor don't support
- Somewhat support
- Not at all

13. What barriers do you think there will be to the project being a success?

(Non-mandatory question, free text box)

14. Do you have any other comments or suggestions to improve the Enfield Village Precinct?

(Non-mandatory question, free text box)

To stay informed about the outcomes of the consultation program, please provide your contact details below. The provision of your personal information is optional.

Business Name:

Contact:

Email:

Phone:

Thank you for participating in this survey, your feedback is valued by Burwood Council.

Appendix B – Community Survey Instrument

Burwood Council Community Survey – Enfield Revitalisation Project

Burwood Council is inviting you to have your say on its funding proposal for the Enfield Village Revitalisation Project as part of the NSW Department of Planning Industry and Environment's 'Your High Street' program.

High streets are public spaces that offer opportunities for social interaction and improved health and wellbeing, while also providing a sense of identity and local character for communities. It is important that high streets are safe, comfortable and accessible for all to use and enjoy.

Burwood Council has identified the need to improve the public domain in the Enfield Village located at the intersection of Coronation Parade and Liverpool Road, Enfield and its immediate surrounds.

Burwood Council is seeking your feedback on what is important to you about the Enfield Village, and your support for the proposal. Please tell us what you think by completing the following survey.

About You

9. What is your connection with the Enfield Village?

(Mandatory question, multi-select response)

- I work locally
- I own a local business
- I live locally
- I visit to buy goods or services
- I visit for recreation or to socialise
- I spend time in cafes and restaurants
- I participate in community life (programmed activities, events, things to do)
- I visit to travel or commute to other places
- Other (Free text answer box)

10. What suburb do you live in?

(Mandatory question, single-select response)

- Burwood
- Burwood Heights
- Croydon
- Croydon Park
- Enfield
- Strathfield
- Other. Please specify: _____

11. What age bracket do you fit into?

(Mandatory question, single-select response)

- Under 18
- 18-24
- 25-34
- 35-44
- 45-54
- 55-64

- 65-74
- 75+

12. What language (s) do you speak at home?

About the Enfield Village

13. How frequently do you visit the Enfield Village?

(Mandatory question, single-select response)

- Less than once a week
- A few times a week
- Daily
- Several times a day

14. Is this more or less frequently than before COVID-19?

(Mandatory question, single-select response)

- More frequently
- About the same
- Less frequently

15. Do you typically visit the Enfield Village during the day or at night?

(Mandatory question, single-select response)

- Day
- Night
- Both day and night

16. Do you think the Enfield Village needs to be improved?

(Mandatory question, single-select response)

- Yes
- No
- Not sure

17. How important to you are each of the following features of a high street in the Enfield Village?

(Mandatory question, each row single-select response)

	Very Important	Important	Neutral	Of minor importance	Not at all important
A variety of activities, such as restaurants, shops and services					
Quality of retail offer					
Appropriate traffic levels and speeds					
Wide footpaths and easy crossing points					
Clear signage					

Places to sit and rest					
Shady green and leafy environment					
Public Art					

10. Are there any other features you think are important for the Enfield Village?

(Non-mandatory question, free text box)

11. To improve the amenity and functionality of the Enfield Village, Burwood Council is considering the following enhancements. Please select the three you would consider as most important from the list below.

(Mandatory question, multi-select response limited to three answers)

- New street hedge and tree planting
- Improved wayfinding signage
- Kerb and footpath extensions to widen footpath areas, promote accessibility and increase foot traffic
- New street furniture, including places to sit and rest
- Installation of smart poles to define the local centre and create opportunities for banner artworks
- Improvements to the Byer Street Carpark to increase safety and access, such as parking sensors and lighting
- Public artwork to activate Cervetto Lane and other key locations to build a stronger sense within Enfield Village.

12. How strongly do you support this proposal?

(Mandatory question, single-select response)

- Strongly support
- Support
- Neither support nor don't support
- Somewhat support
- Not at all

13. What barriers do you think there will be to the project being a success?

(Non-mandatory question, free text box)

To stay informed about the outcomes of the consultation program, please provide your contact details below. The provision of your personal information is optional.

(Please note that if you are under 16 years old, Council is not allowed to collect your personal contact information without parental permission. You will need to provide contact details for a parent or guardian.)

Name:

Email:

Phone:

Thank you for participating in this survey, your feedback is valued by Burwood Council.

(ITEM 9/21) SMALL BUSINESS MONTH TRIBUTE

File No: 21/104

REPORT BY DIRECTOR COMMUNITY LIFE

Summary

This report responds to the *Notice of Motion - Small Business Month Tribute* and proposes the creation of the *Mayor's Commendation Awards* in recognition of Burwood's small businesses and their ongoing contribution to the local community. This new Awards Program is proposed to be delivered in conjunction with the state wide initiative 'NSW Small Business Month' in October 2021.

Operational Plan Objective

- 1.1 A well informed, supported and engaged community.
- 2.2 Strong partnerships to benefit the community.
- 5.2 Supported and engaged local businesses.
- 5.3 Enhance and foster the local identity.
- 5.4 Activate village precincts and preserve the distinct characters of surrounding residential areas.

Background

At the Ordinary Meeting of Council held on 27 October 2020, Council considered the *Notice of Motion – Small Business Month Tribute* (ITEM NM7/20), and resolved as follows:

1. *That the General Manager investigate the creation of the 'Mayor's Commendation Awards' as Council recognition for our long-established small independent businesses.*
2. *That the General Manager investigate the development of a program for 'Burwood Small Business Month 2021' and seeks out all possible NSW and Federal Government grant funding opportunities.*

Council recognises the contribution that small businesses make to the Burwood LGA's economy, diverse lifestyle and sense of place. In the year ending June 2019, \$2.89 billion in GDP was generated within the Burwood Local Government Area. This in turn provided over 20,500 jobs across 5,077 businesses and more than 18 industries, contributing to Burwood's status as a Strategic Centre and making the area an economic hub in the Inner West region with its broad spectrum of businesses and economic output.

Over the past year, the local area economy has demonstrated its resilience in the face of new social and economic challenges brought about by the COVID-19 Pandemic. During this time, Council has provided increased support to local businesses in an effort to sustain business activity.

As part of the Burwood Cares Program, Council provided support to over 2,000 local businesses via the delivery of 45 new business support activities and resources in 2020. Council has also directly consulted with over 190 businesses on social and economic impacts and continues to regularly engage with over 1,900 businesses via e-Newsletters and social media platforms providing access to up to date information and support services as well as promotional programs to strengthen and sustain local businesses.

This report outlines Council's ongoing commitment to supporting local small businesses through the creation of the *Mayor's Commendation Awards* and the ongoing implementation of other business support initiatives such as 'NSW Small Business Month' in 2021.

Proposal

Mayor's Commendation Awards for Local Businesses

The Burwood LGA enjoys local support from many long-established small businesses. To honour their impact on the wider community and ongoing economic contribution, Council proposes to launch the inaugural *Mayor's Commendation Awards* program in 2021.

If approved, the program will recognise small businesses that have made a significant contribution to Burwood's sense of place and/or have operated continuously within the Burwood Local Government area for a minimum of 10 years.

Businesses will be encouraged to nominate for the following categories:

- **Bronze Commendation** (10+ years)
- **Silver Commendation** (25+ years)
- **Gold Commendation** (40+ years)
- **Intergenerational Family Business Commendation** (2+ generations)
- **Business Impact Commendation** (to recognise new and emerging local businesses that have contributed to raising the profile of Burwood or have demonstrated a significant contribution to the local community).

Council's review and assessment process will verify the continuous operation of business nominees for the period or category specified, and will also ensure that businesses recognised have no outstanding compliance matters.

Successful applicants will receive a range of benefits, including (but not limited to):

- Workplace or shopfront window decal and certificate of appreciation.
- Social media commendation badge.
- Invitation to participate in Council's photographic collection capturing commendation recipients in their workplace, which overtime would become a valuable addition to Burwood's Local Studies Collection.
- Celebration of commendation recipients at a presentation event and via Council's social media platforms during NSW Small Business Month.

It is proposed that that the *Mayor's Commendation Awards* program be launched in April 2021 with recipients to be recognised during NSW Small Business Month in October 2021.

NSW Small Business Month

NSW Small Business Month, an initiative of the NSW Government, is the only dedicated festival for small businesses in NSW. In the month of October, Councils and Business Chambers across NSW deliver hundreds of free and low cost-activities to support NSW small businesses to connect and build their capacity.

In 2020, the program focused on supporting small businesses to reboot and recover given the challenges of the Covid-19 Pandemic. In October 2020, Council delivered the 'Futureproof Your Business Forum' (online and face to face) as part of NSW Small Business Month inviting industry professionals to share insights on navigating stressors and disruptors, building resilience, adjusting to increased digitisation of services and developing meaningful customer engagement. Council successfully obtained \$2000 in funding to support the initiative via the NSW Treasury's NSW Small Business Month Festival Funding Program.

Council will continue to support and recognise small businesses through the NSW Small Business Month program in 2021. At this stage, funding opportunities for 2021 are yet to be announced, however, Council plans to run a series of business support initiatives in partnership with local business chambers, business networks and Service NSW. Council will also use NSW Small

Business Month as a platform to celebrate successful recipients of the *Mayor's Commendation Awards* in 2021.

Consultation

Council has undertaken preliminary consultation with local chambers of commerce, the Burwood Asian Business Partnership, small business owners and representatives from the Service NSW Business Concierge program in the development of the *Mayor's Commendation Awards*.

Council will continue to engage in meaningful consultation with local business stakeholders in the development and evaluation of the inaugural *Mayor's Commendation Awards*, the Small Business Month Program for 2021 and the ongoing delivery of additional evidence-based initiatives to support local businesses throughout the Burwood LGA.

Planning or Policy Implications

The proposed *Mayor's Commendation Awards* is consistent with priorities outlined in the *Community Strategic Plan – Burwood2030* and the *Burwood Local Strategic Planning Statement 2020*, including:

Policy or Plan	Relevant Goals, Strategies or Priorities
The Community Strategic Plan - Burwood2030	1.2 A well informed, supported and engaged community 2.2 Strong partnerships to benefit the community 5.2 Supported and engaged local businesses 5.3 Enhance and foster the local identity 5.4 Activate village precincts and preserve the distinct characters of surrounding residential areas.
The Burwood Local Strategic Planning Statement	Theme: Productivity - A strong and thriving centre for jobs and investment and a leading entertainment destination. Planning Priorities: P6. Strategically grow investment, business opportunities and jobs P7. Grow Burwood's night-time entertainment, dining and other recreational opportunities P8. Increase the long term viability of all centres.

It is important to note that the *Mayors Commendation Awards* also aligns with Planning Priorities outlined within the Eastern City District Plan, namely Planning Priority E6, which focuses on 'Creating and renewing great places and local centres, and respecting the District's heritage.'

Financial Implications

A budget of \$10,000 is required to support the delivery of the inaugural *Mayor's Commendation Awards* in 2021. Funds will be used for program promotion, graphic design, development and distribution of recognition decals and the delivery of a recognition and awards ceremony.

Accordingly, this report recommends that Council allocates \$10,000 in the Operational Budget 2021/22 to support the delivery of this new program as there is currently no budget available.

Council will also seek available funding from NSW Treasury for the delivery of Small Business Month initiatives in 2021. Further work will also be undertaken to explore alternative funding and partnership opportunities to expand Council programming to support local businesses.

Conclusion

Council plays an important role in harnessing Burwood's strategic status and supporting local businesses that contribute to the Burwood economy. Council is committed to the ongoing improvement of services and initiatives that support local businesses. The proposed *Mayor's*

Commendation Awards will enable Council to further promote local businesses and complements existing initiatives that seek to strengthen and sustain local businesses.

Recommendation(s)

1. That Council endorses the development and delivery of the *Mayor's Commendation Awards* in recognition of Burwood's small businesses and their ongoing contribution to the local community in 2021.
2. That Council allocates \$10,000 in the Operational Budget 2021/22 to support the delivery of the inaugural *Mayor's Commendation Awards*.

Attachments

There are no attachments for this report.

(ITEM 10/21) BUDGET REVIEW FOR QUARTER ENDING 31 DECEMBER 2020

File No: 21/3178

REPORT BY CHIEF FINANCE OFFICER

Summary

The 2020-2021 Budget was adopted at the Council Meeting held on 28 July 2020 with a surplus of \$15,232. The adopted budget was prepared on the basis of the organisational structure which included three Divisions (Office of the General Manager, Corporate, Governance and Community, and Land, Infrastructure and Environment).

This report provides Council with the financial results for the period ending 31 December 2020, in the 2020-2021 Financial Year. In accordance with Clause 203(1) of the *Local Government (General) Regulation 2005* (the Regulation) the Responsible Accounting Officer is required to prepare and submit to Council a budget review statement no later than two months after the end of each quarter (except the June Quarter).

The following Statement of Budget Income and Expenditure identifies a forecast funding surplus of \$9,378 as at 31 December 2020 compared to the September revised deficit of \$158,635 which included additional funding of \$1,387,000 from the "COVID-19 Reserve".

The reasons for the net increase of \$168,013 are outlined in the report, additionally Council will need to continue to closely monitor and review budgets with particular focus on identifying opportunities for additional grants and internal savings moving forward.

Operational Plan Objective

2.3.1 Identify and maintain additional revenue sources to ensure financial sustainability.

Background

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

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

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

This requires Council to:

- implement full accrual accounting, including capitalisation of infrastructure assets
- prepare consolidated financial statements incorporating all functions and entities under the control of Council

- adapt to a change in accounting focus from the fund result for the year (i.e. the movement in working funds) to the gain/(loss) from ordinary activities

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

BURWOOD COUNCIL							
Statement of Budget Income & Expenditure							
as at 31 December 2020							
Income							
Type	Budget	Adopted Variations September	Amended Budget	Recommended Amendments	Forecasted Year End	Reference	Actuals
Rates & Annual Charges	(32,232,633)	(64,508)	(32,297,141)	(85,744)	(32,382,885)	1	(32,382,803)
User Charges & Fees	(8,990,415)	938,171	(8,052,244)	48,500	(8,003,744)	2	(3,744,544)
Interest & Investment Revenue	(1,048,310)	300,000	(748,310)	-	(748,310)	3	(262,270)
Other Revenue	(4,130,629)	10,000	(4,120,629)	12,000	(4,108,629)	4	(1,717,047)
Rental Income	(2,174,742)	22,962	(2,151,780)	-	(2,151,780)	5	(562,734)
Operating Grants & Contributions	(2,581,255)	(198,510)	(2,779,765)	(281,330)	(3,061,095)	6	(1,534,768)
Capital Grants & Contributions	(5,891,950)	(3,647,434)	(9,539,384)	(175,225)	(9,714,609)	7	(2,915,228)
Carryover Grants	-	-	-	(100,827)	(100,827)	8	(1,200)
Total Income	(57,049,934)	(2,639,319)	(59,689,253)	(582,626)	(60,271,879)		(43,120,594)
Expenditure							
Type	Budget	Adopted Variations September	Amended Budget	Recommended Amendments	Forecasted Year End	Reference	Actuals
Employment Costs	22,709,304	(370,201)	22,339,103	(621,280)	21,717,823	9	9,889,727
Borrowing Costs	351,025	-	351,025	-	351,025	10	152,957
Materials & Contracts	12,710,490	1,748,800	14,459,290	1,385,425	15,844,715	11	6,381,756
Depreciation	7,985,886	-	7,985,886	-	7,985,886	12	3,995,940
Other Expenses	10,752,981	(20,015)	10,732,966	(63,199)	10,669,767	13	5,924,577
Total Expenditure	54,509,686	1,358,584	55,868,270	700,946	56,569,216		26,344,957
Net Operating Result	(2,540,248)	(1,280,735)	(3,820,983)	118,320	(3,702,663)		(16,775,637)
Net Operating Result before Capital Items	3,351,702	2,366,699	5,718,401	293,545	6,011,946		(13,860,409)
Funding Statement							
Net Operating Result	(2,540,248)	(1,280,735)	(3,820,983)	118,320	(3,702,663)		(16,775,637)
Add Back Non Cash Items							
Depreciation	(7,985,886)	-	(7,985,886)	-	(7,985,886)	14	(3,995,940)
Movement in ELE	-	-	-	-	-	-	-
Adjusted Net Operating Result	(10,526,134)	(1,280,735)	(11,806,869)	118,320	(11,688,549)		(20,771,577)
Source of Capital Funds							
Sale of Assets	(900,000)	-	(900,000)	-	(900,000)	15	(15,350)
Loan Funding	-	-	-	-	-	16	-
Transferred From Section 7.12	(5,460,000)	(3,235,180)	(8,695,180)	(1,962,225)	(10,657,405)	17	-
Transferred From Reserves	(6,137,657)	(3,855,288)	(9,992,945)	378,442	(9,614,503)	18	-
Add Back Non Cash Property	-	-	-	-	-	-	-
Funds Available	(23,023,791)	(8,371,203)	(31,394,994)	(1,465,463)	(32,860,457)		(20,786,927)
Funds Utilised:							
Acquisition of Assets	16,388,103	8,545,070	24,933,173	1,297,450	26,230,623	19	4,821,583
Loan Principal Repayment	720,456	-	720,456	-	720,456	20	333,766
Transfer to Section 7.12	5,030,000	-	5,030,000	-	5,030,000	21	-
Transfer to Reserves	870,000	-	870,000	-	870,000	22	-
Budget Result	(15,232)	173,867	158,635	(168,013)	(9,378)		(15,631,578)

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

Total Income from continuing operations

Income from continuing operations was originally forecast at \$57,049,934. At the September review this was increased to \$59,689,253. As at December there is a further increase of \$582,626 to \$60,271,879. The major items resulting in this forecast income adjustment include:

Reference 1 – Rates and Annual Charges - An increase in Council's Rating Base of \$85,744 attributed to an increase in residential strata units coming on line and the re-categorisation of property within the Local Government Area \$27,424 an increase in Domestic Waste Management Charges of \$58,320.

Reference 2 – User Charges and Fees - An overall decrease of \$48,500 primarily due to the following:

- Termination of Enfield Aquatic Centre Café lease, and
- Reduction in the usage of Council's Community Halls and Facilities.

Reference 4 – Other Revenue - An overall decrease of \$12,000 primarily due to the reduction in Library Fees and Charges.

Reference 6 – Operating Grants and Contributions – An increase in Operating Grants and Contributions of \$281,330, associated with the following;

- An amount of \$200,000 in Road Restorations from Utility Companies, income is offset against increases in road and footpath repair maintenance works. Reference 11 – Materials & Contracts
- A grant of \$60,000 for Quality Public Space Demonstration. Offset against works carried in Hornsey Lane. Reference 11 – Materials & Contracts.
- A grant of \$20,000 toward Australia Day celebrations, offset against. Reference 11 – Materials & Contracts.

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

Reference 7 – Capital Grants and Contributions – An increase of \$175,225 to the budget due to the following:

- A grant of \$162,225 from the Greening our City toward Canopy Enhancement at Wangal Park. Reference 18 – Acquisition of Assets.
- PRUIAP Grant funding for Cycleway \$13,000, this is a grant received in prior years and will be spent during the year. Reference 18 – Acquisition of Assets.

Reference 8 – Carryover Grants - A total of \$100,827 Library Grant monies which were unspent or prepaid in prior Financial Year have been brought forward after being approved by the funding authority.

The expenditure items for this grant are distributed within Reference 11 - Materials and Contracts

Total Expenditure from continuing operations

Expenditure from continuing operations was originally forecast at \$54,509,686. At the September Review it was increased to \$55,868,270. As at December 2020 there is a further increase of \$700,946 to \$56,569,216. The major items resulting in this forecast expenditure adjustment include:

Reference 9 – Employment Costs - An overall decrease in Employee costs of \$621,280 is attributed to, but not limited to:

- Savings from various Business Units Wages and Salaries components of \$459,500 for the funding of Contractors – Temporary Staff who are employed to fill vacant positions within the organisation. Areas which required the transfers during the quarter were Parking Enforcement, People & Culture, Operations Centre, Property Administration, Parks Operations, Engineering and Council's Street Cleaning Service. A commensurate offset in Reference 11 – Materials and Contracts
- Recalculation of all Wages and Salaries budgets by 1% due to award increase not being fully granted than expected which equated in savings of \$201,780.
- The creation of new Library Customer Experience Officer of \$40,000 for balance of financial year.

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

Reference 11 – Materials and Contracts - An additional expenditure amount of \$1,385,425 was attributed to various movements within Business Units throughout the budget. Significant movements and additional funding requests were:

- Contracted Temporary Staff - \$401,387 to fill various positions throughout the organisation. These funds were in part sourced from savings within Wages and Salaries respective budgets. Reference 9 – Employment Costs.
- An additional amount of \$130,000 was required for the extension of temporary staffing in People & Culture assisting with the organisational restructure. Reference 9 – Employment Costs.
- Additional Library resource material of \$100,827 offset against unspent Library grant monies. Reference 8 – Carryover Grants
- Increase of \$320,000 in legal costs associated with Appianway matter. Reference 18 – Transferred from Insurance Reserve.
- Increase in Property Minor Equipment for a Security Locking system - \$27,459. Reference 18 - Transfer from Reserves
- Additional funding for Council's Property Strategy of \$60,000. Reference 18 - Transfer from Reserves
- \$45,000 required for the replacement of CCTV cabling along Railway Parade and Burwood Road. Reference 18 - Transfer from Reserves
- \$5,000 additional expenditure relating to Volunteering and Programs. Reference 18 - Transfer from Reserves
- A \$120,000 increase in legal costs associated with Visy Recycling Legal challenge. Funded through additional Domestic Waste Charges Reference 1 – Rates and Annual Charges and Reference 18 – Transferred from Reserves
- An additional amount of \$170,000 for Road and Footpath restoration contractors. This amount was more than offset against additional restoration income received. Reference 6 – Operating Grants and Contributions

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

Reference 13 – Other Expenses - There was a saving in expenditure for the December quarter in Other Expenses which amounted to \$63,119 attributed to various movements within Business Units throughout the budget. Significant movements and additional funding requests were:

- After a review of several organisational expenses items to actuals for the first half of the financial year savings were found in Advertising of \$30,900, Telephone and Communication charges of \$73,250 and Postage costs of \$11,500
- An additional amount of \$75,000 was required for increases in IT software licencing. Savings were found within the IT budget. Reference 9 – Employment Costs and Reference 11 – Materials and Contracts
- An amount of \$35,000 was required for additional flags to be installed throughout the Burwood Town Centre additional to current budget allocations.
- An amount of \$70,000 from the IT operational budget was transferred to IT Capital project. This transfer had no effect on Council's budget. Reference 19 – Acquisition of Assets

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

Capital Expenditure

Reference 19 – Acquisition of Assets - Council's original adopted 2020-2021 Capital Budget, per Delivery Plan, was \$16,388,103. At the September review it was increased to \$24,933,173. As at December there is a further allocation of \$1,297,450 bringing the total Capital Works programme to \$26,230,623.

Capital Plant, Equipment and Other Assets:

Actual Expenditure to 31 December 2020 represents 20.73% of the revised budget as shown in the table below. The purchase of light fleet equipment has been placed on hold for a minimum of 9 months resulting in \$400,000 cashflow savings.

Property Acquisitions/Disposals:

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

Capital Works Program:

During the December quarter review the Capital Program Working Party assessed and revised the 2020-2021 Capital Works Program based on recommendations from the respective Project Managers and Council initiatives, the following adjustments have been made:

- Information Technology Business Continuity implementation \$70,000. Reference 13 – Other Expenses.
- Town Centre – Railway Parade East upgrade \$1,400,000. Reference 17 – Transfer from S7.12 Contributions.
- Wangal Park - Canopy Enhancement \$324,450. Reference 6 - Capital Grants and Contributions and Reference 17 – Transfer from S7.12 Contributions.
- Project deferral of Operation Centre Design \$1,000,000. Reference 18 – Transfer from Reserve.

- Additional \$400,000 required for Enfield Aquatic Centre due to Stage 3.b Rear Entrance being brought forward due to construction of Car Park and additional design costs also relating to Stage3.b and Stage4 works. Reference 17 – Transfer from S7.12 Contributions (Public Benefit monies).
- \$13,000 Traffic Facility works (Island) at Shaftesbury Road. Reference 7 – Capital Grants and Contributions
- \$90,000 for the completion of the Library & Community Hub, late invoicing. Reference 18 – Transfer from Reserve.

BURWOOD COUNCIL							
Statement of Capital Income & Expenditure							
Budget Review as at 31 December 2020							
<u>Income</u>							
Adopted Variations							
	<u>Budget</u>	<u>September</u>	<u>Amended Budget</u>	<u>Recommended Amendments</u>	<u>Forecasted Year End</u>	<u>Reference</u>	<u>Actuals</u>
Capital Expenditure							
Renewal Assets (Replacement):							
Fleet Capital Acquisitions Sales	1,610,000	-	1,610,000	-	1,610,000	19	19,441
Grant Funded Capital Works	169,167	169,168	338,335	-	338,335	19	-
Roads	1,150,000	243,136	1,393,136	-	1,393,136	19	565,894
Traffic Facilities	561,950	-	561,950	13,000	574,950	19	90,633
Footpaths	1,220,000	(73,136)	1,146,864	-	1,146,864	19	485,548
Kerb & Gutter	475,000	(45,000)	430,000	-	430,000	19	219,647
Drainage	1,427,986	640,000	2,067,986	-	2,067,986	19	69,989
Park Improvements	250,000	3,745,019	3,995,019	324,450	4,319,469	19	1,313,847
Playground Equip	200,000	-	200,000	-	200,000	19	-
Street Furniture	320,000	225,000	545,000	-	545,000	19	131,593
Restorations & Private Works	500,000	2,032,595	2,532,595	-	2,532,595	19	1,233,122
Street Trees	-	-	-	-	-	19	-
Library Collection	123,000	1,600	124,600	-	124,600	19	37,849
Lib Resources	31,000	(1,600)	29,400	-	29,400	19	14,302
IT Projects	565,000	200,000	765,000	65,000	830,000	19	292,603
Corporate Projects	350,000	-	350,000	-	350,000	19	37,586
Town Centre Beautification	1,000,000	-	1,000,000	1,400,000	2,400,000	19	48,584
Council Buildings	1,250,000	(51,712)	1,198,288	(905,000)	293,288	19	210,539
Enfield Pool	5,070,000	1,460,000	6,530,000	400,000	6,930,000	19	638,830
Domestic Waste Collection	115,000	-	115,000	-	115,000	19	27,087
Total Capital Expenditure	16,388,103	8,545,070	24,933,173	1,297,450	26,230,623		5,437,094
Capital Funding							
Rates & other Charges	2,116,504	2,192,832	4,309,336	461,558	4,770,894		
Capital Grants & Contributions	(5,891,950)	(3,647,434)	(9,539,384)	(175,225)	(9,714,609)		
Loan Funding	-	-	-	-	-		
Domestic Waste Charge	(115,000)	-	(115,000)	-	(115,000)		
Sale of Assets	(900,000)	-	(900,000)	-	(900,000)		
Reserves:							
Section 7.12 Funding	(5,460,000)	(3,235,180)	(8,695,180)	(1,962,225)	(10,657,405)		
Reserve Funding	(6,137,657)	(3,855,288)	(9,992,945)	378,442	(9,614,503)		-
Total Capital Funding	(16,388,103)	(8,545,070)	(24,933,173)	(1,297,450)	(26,230,623)		

Transfers to and From Reserves:

Reference 17 – Transferred from Section 7.12 – An increase of \$1,962,225 relating to the following projects:

- Railway Parade – East upgrade – \$1,400,000
- Wangal Park – Canopy Enhancement project – \$162,225
- Enfield Aquatic Centre Stage3.b Rear Entrance and design works - \$400,000

Reference 18 – Transferred from Reserves – A decrease of \$378,442 relating to the following projects:

- CCTV cabling along Railway Parade and Burwood Road - \$45,000
- Property Strategy - \$60,000
- Security Locking System - \$27,459
- Domestic Waste Reserve (Legal Costs) - \$74,099
- Risk Management (Legal Costs) - \$320,000
- Deferral of Operations Centre Design – \$1,000,000
- Volunteering and Programs - \$5,000
- Library & Community Hub - \$90,000

Cash and Investments Budget Review Statement

Budget Review for quarter ended 31 December 2020						
Cash & Investments						
	Opening Balance as at 1 July 2020 000s	Original Budget 2020-21 000s	Budget Review September 2020-21 000s	Budget Review December 2020-21	Projected Year End Result 000s	Actual YTD figures 000s
Total Cash, Cash Equivalents and Investment Securities	58,031	46,433	39,343	37,760	37,760	57,047
Restrictions						
External Restrictions						
Developers Contributions	17,267	-5,460	-3,235	-1,962	6,610	7,874
Specific Purpose Unexpended Grants	27				27	27
Loans	1,000		-1,000		-	-
Stormwater Management	-				-	-
Domestic Waste Management	2,085	-531		-74	1,480	1,480
Total External Restrictions	20,379	-5,991	-4,235	-2,036	8,117	9,381
Internal Restrictions						
Plant & Vehicle Replacement	3,043	-710			2,333	2,333
Employees Leave Entitlements	1,465				1,465	1,465
Carry Over Works	2,128	-600	-250		1,278	1,278
Deposits, Retentions & Bonds	4,446				4,446	4,446
Financial Assistance Grant (advance)	561				561	561
Information Technology	667	-395	-200		72	72
WHS	371				371	371
Parking Meters Replacement	266				266	266
Property Sales	500				500	500
Future Property Investment	4,556				4,556	4,556
LATMs	294				294	294
Woodstock Community Building	287				287	287
Election	325				325	325
Property Maintenance	1,949	-250	-198	-177	1,324	1,324
Park Upgrades	934				934	934
Car Park Upgrades	574		-570		4	4
Enfield Aquatic Centre Maintenance/Upgrade	1,253	-800	-120		333	333
Road & Footpath Restorations	692				692	692
Insurances	1,123		-50	-320	753	753
CCTV	234			-45	189	189
Organisational Alignment	500				500	500
Technology Enhancements	971				971	971
Payments in Advance	23				23	23
Operations Centre	1,400	-1,000		1,000	1,400	1,400
Covid-19 (operational reimbursement)	1,852	-1,852			-	-
Contract Liabilities	3,671				3,671	3,671
Town Centre festive decorations	50				50	50
Other	344		-80	-5	259	259
Total Internal Restrictions	34,479	-5,607	-1,468	453	27,857	27,857
Total Restrictions	54,858	-11,598	-5,703	-1,583	35,974	37,238
Unrestricted Cash	3,173	3,173	1,786	1,786	1,786	19,809

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

Investments:

Council's investments have been made in accordance with its Investment Policy and the Investment Guidelines issued by the Minister for Local Government at the time of their placement. As at 31 December 2020, Council's investment portfolio stood at \$57,046,980. Council's Investments are tabled on a monthly basis as a separate report.

Cash:

Council's Finance Officers undertake a monthly bank reconciliation, which reconciles funds held in Council's General Fund Bank Account with those within its ledger. The most recent reconciliation was undertaken on 6 January 2021 for the month ending 31 December 2020. The reconciliation was approved by the Financial Operations Accountant and the balance in Council's General Fund Bank Account totalled \$881,972.55.

Key Performance Indicators Statement

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

	Performance Indicator	2020-21 Original Budget	2020-21 Budget Sept Review	2020-21 Budget Dec Review	Local Government or NSW Treasury Corp Bench Mark	December quarter Comments
1	Operating Performance Ratio	-6.55%	-11.40%	-11.89%	Greater or equal to break-even	Tracking to revised result due to Coronavirus
2	Consolidated Budget Result	\$15,232 Surplus	\$158,635 Deficit	\$9,378 Surplus	N/A	September Deficit revised after Council approved transfer from Restricted Cash Balance associated with Coronavirus. December review shows Surplus, expenditure and income have stabilised through quarter. Closer monitoring will continue for remainder of year.
3	Unrestricted Current Ratio	2.96:1	3.6:1	3.61:1	Greater or equal to 1.5:1	Currently trending above the benchmark. Once several Capital Works are completed Council's Unrestricted Current Ratio will reduce.
4	Debt Service Result	2.09%	2.14%	2.12%	Greater than Zero	Tracking as per Budget.
5	Rates and Annual Charges Outstanding %	104.16%	70.18%	42.66%	Less than or equal to 5%	For the year to 31 December 2020 Council has received \$18,748,452 in payment of Rates, Annual Charges and Interest levied which equates to 57.34% paid.
6	Building and Infrastructure Renewals Ratio	247%	395%	411%	>100% or 1:1	Ratio has increased in December quarter due to additional Capital Works projects.

- Operating Performance Ratio** - The Operating Performance Ratio measures the ability of Council to contain operating expenditure within operating revenue excluding capital amounts. An indicator of "equal to or greater than zero percent".
- Consolidated (Budget) Result** - The Consolidated (Budget) Result is the increase or call on Council funds which shows the source and application of both Operating and Capital Income and Expenditure along with transfers to and from Reserves applicable to those activities. A Surplus is a positive financial indicator.

3. **Unrestricted Current Ratio** - The Unrestricted Current Ratio is an industry based liquidity ratio which measures the serviceability of debt. Over time the preferred level of adherence has shifted from 2:1 (or \$2 in cash for every \$1 of debt) to 1.5:1. Some local government practitioners (including independent auditors) consider 1:1 is satisfactory. Council currently projects to have a ratio of 3.61:1 at years end. A ratio greater than 1.5 is a positive financial indicator.
4. **Debt Service Result** - This ratio measures annual debt service costs (Principal and Interest) against operating result before capital excluding interest and depreciation. NSW Treasury Corporation benchmark suggests an indicator at 2% minimum. A ratio of 2.1 or more is a positive financial indicator.
5. **Rates and Annual Charges Outstanding Percentage** - This indicator measures the collectability of Council's rates and annual charges revenue and highlights the strengths of collection policies and strategies. A ratio of 5% or less is a positive financial indicator. Currently Council has collected 57.34% of the Rates and Annual Charges raised, based on these figures a collection rate for the year will be below the OLG recommended 5% level.
6. **Building and Infrastructure Renewal Ratio** - This ratio indicates the rate of renewal/replacement of existing assets as against the depreciation of the same category of Assets. A ratio greater than one is a positive financial indicator.

Budget Review Contracts and Other Expenses

Part A – Contracts Listing

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

Contractors	Contract Details and purpose	Contract Value GST excl	Commencement Date	Duration of contract	Budgeted (Y/N)
GovSpec Advisory	Provide Governance consulting services	\$56,000	21 December 2020	31 March 2021	Y
APARC	Parking Meters – Maintenance , Hosting, Licensing and Commissions	\$241,996	10 November 2020	One year with two x one year options	Y

Part B – Legal Expenses

Type	Individual Matter	Expenditure Year to Date	Cost Recovery / Fines YTD
Advice	Visy Recycling Contract Negotiations	132,763.14	
Advice	60 Burwood Road Burwood CVA Apartments	225.00	
Advice	35 Woodside Avenue Burwood - unlawful use brothel	396.02	
Advice	Council vs Bue Chip Projects Australia Pty Ltd DA consent breaches at 267 Georges River Road	1,370.00	500.00
Advice	48 Rose Street Croydon Park Non-Compliance With Consent	700.00	
Advice	Fire Safety Issues - Marsden Hotel	875.00	
Advice	Developmet Application Inspection 4 George Street Burwood	875.00	
Advice	40 Wentworth Rd failure to comply with Swimming Pool Safety Regulations	945.00	
Advice	Advice - Conflict of Interest	1,750.00	
Advice	Lease to RMS Suite C2, C3, 1-17 Elsie Street Burwood	2,237.90	
Land & Environment Court	61 Georges River Road, Croydon Park	13,583.82	
Advice	Awning - Victoria Street 51-53 Burwood Road	315.00	
Advice	George Street Car Park - occupation of council owned private parking spaces at ground floor loading	700.00	
Advice	12 Coronation Parade Enfield Sukkar Constructions Pty Ltd - DA Consent Breach	875.00	500.00
Advice	2 Culdees Road Burwood Heights	2,040.00	
Advice	12 Minna Street Burwood - tree removal Karam Souied	4,012.80	
Advice	Inspection at Marsden Hotel 56-60 Burwood Road Burwood supplying alcohol to the public without	5,040.00	
Advice	33 Fountain Ave Croydon Park - tree removal James Caruana	6,145.00	700.00
Advice	7 Deane St & 1 Marmaduke St Burwood - Judicial review of decision of BLPP	13,387.27	
Appeal	4 Railway Parade Burwood	39,635.11	
Advice	34 Wentworth Road Burwood – unauthorised tree removal		800.00
Advice	5/181a Burwood Road Burwood - unlawful use brothel		1,800.00
Advice	1 Lyon Street Strathfield - works without approval Council v Komplete Construction Pty Ltd		13,000.00
Advice	4 Portland Street Enfield	1,039.00	
Advice	Sorrentino & Sorrentino And Burwood Council - Deed Of Agreement 49-51 Burwood Road, Burwood Nsw	1,090.91	
Advice	269 Georges River Rd Croydon Park Proposed 3 storey Boarding House	5,754.00	
Land & Environment Court	420 Parramatta Rd DA 2019/023 - Statement of Facts & Contentions	5,478.00	
Advice	6 Woodside Ave Burwood - dog attack		446.00
Advice	55a-57 Stanley Street Appeal DA14/2018		5,000.00
Voluntary Planning Agreement	9-15 George Street Burwood	70.00	
Supreme Court	13 Appian Way Burwood	335,792.01	
Land & Environment Court Appeal	24 Burleigh Street	40,508.89	
Voluntary Planning Agreement	15-19 Clarence Street Burwood	2,964.10	2,964.10
Land & Environment Court	11A Ethel Street Burwood	18,459.76	
Advice	168 Burwood Road Burwood	1,861.00	
Advice	20A Angelo St Burwood - Liana Sugrono unlawful works		135.00
Advice	57A Park Road		143.00
Advice	Lease - 2RdJ-FM Woodstock Centre	627.00	
Advice	General Advice	1,930.00	
Advice	Advice - Tender Documentation Enfield Aquatic Centre	8,372.60	
Advice	Ilias Panas - 9 Badminton Road Croydon Dog Attack		850.00
Advice	Council vs Dimah Construction P/L 360-362 Georges River Rd Roadway use without Council approval		
	Rates Recovery Action	2,989.73	
		654,808	26,838
Annual Budget		1,030,000	

Conclusion

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

Due to the continued effects the Covid-19 pandemic has placed on Council's budget there are a number of budget items that will be closely monitored and reviewed over the next six months, with particular focus being placed on identifying opportunities for additional income and internal expenditure savings. These areas include Enfield Aquatic Centre revenue and expenditure, Enforcement Fine income, Car Parking income, Development Application income, legal and consultancy expenses, Temporary Agency Staff expenses (the filling of current vacancies should become a priority in the next quarter) and Wages and Salaries Overtime.

Regulatory Compliance

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

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

“It is my opinion that the Quarterly Budget Review Statement for Burwood Council for the quarter ended 31 December 2020 indicated in the above report, takes into account and reflects the changing economic and other conditions that are currently impacting on Council due to the COVID-19 outbreak. Council is in an unpredictable position at present and it will be essential for Council management to continually monitor their budgets and wherever possible endeavour to minimise excessive and nonessential expenditure, with particular attention being placed on reducing reliance on external contractors and consultants, maintain revenue streams where possible and delivering Council’s Capital Works programme.”

Recommendation(s)

1. That the Budget Review Statement of the 2020-2021 Budget as at 31 December 2020, including the statement by the Responsible Accounting Officer, Chief Finance Officer, be received and noted.
2. That in accordance with Clauses 203 and 211 of the *Local Government (General) Regulation 2005*, the revised estimates of income and expenditure for 2020-2021 surplus of \$9,378, as shown in the report be approved and that Council’s adopted budget be adjusted accordingly and that the expenditure and income variations projected in the report and the transfers to and from External and Internal Restricted Reserves be, and are hereby voted.

Attachments

There are no attachments for this report.

(ITEM 11/21) INVESTMENT REPORT AS AT 30 NOVEMBER 2020

File No: 20/56371

REPORT BY CHIEF FINANCE OFFICER

Summary

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

Operational Plan Objective

2.3.1 Identify and maintain additional revenue sources to ensure financial sustainability.

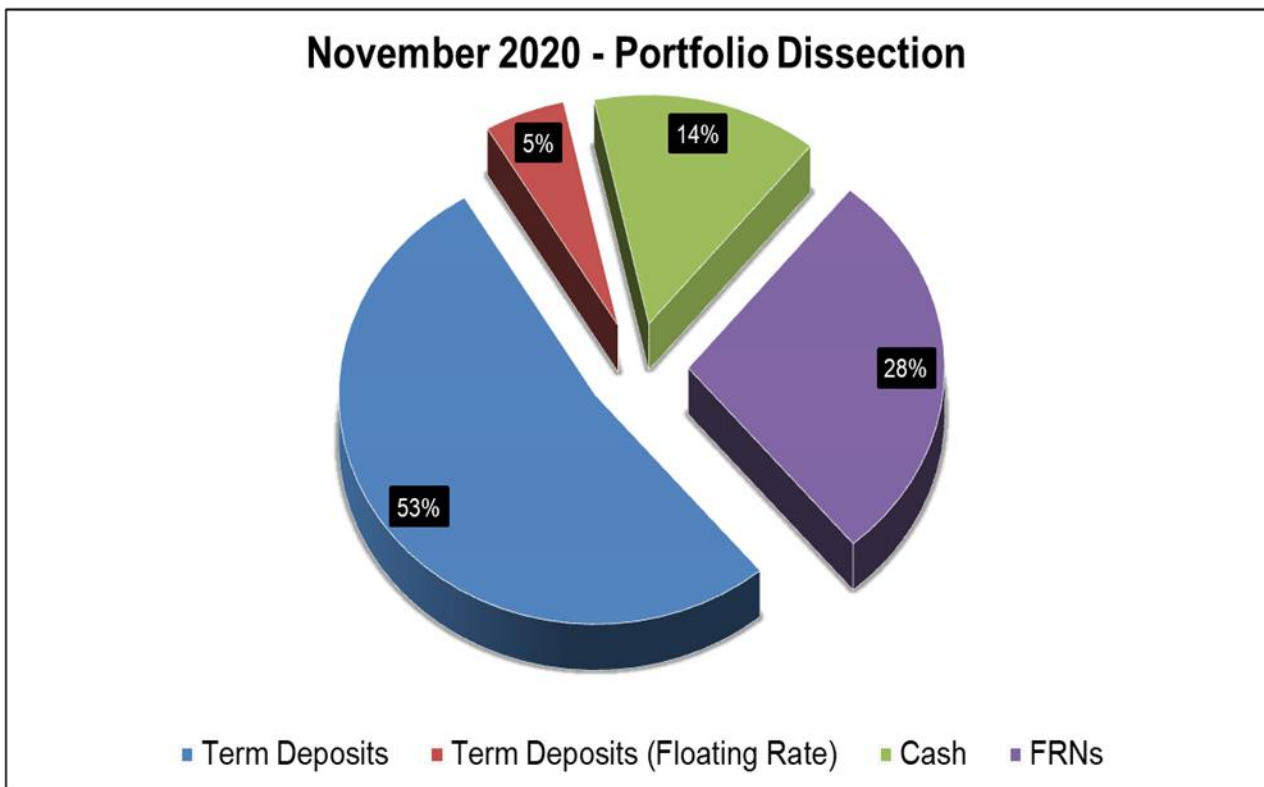
Background

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

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

Investment Portfolio

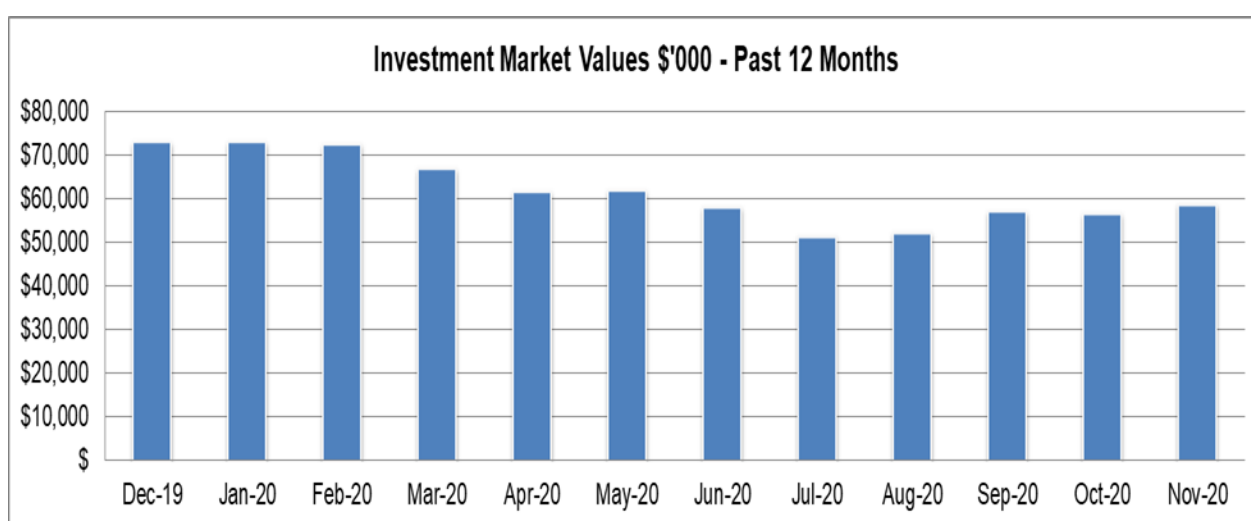
Council has a diversified investment portfolio and has a number of direct investments in term deposits. Its investment portfolio as at 30 November 2020 is:



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

Purchase Date	Financial Institution	Principal Amount	Interest Rate	Investment Days	Maturity Date
13 Jul 20	AMP Bank (Imperium)	2,000,000	1.00%	365	13 Jul 21
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 20	National Australia Bank	3,000,000	0.80%	365	31 Aug 21
31 Aug 20	Westpac	3,000,000	0.78%	365	31 Aug 21
09 Sep 20	Commonwealth Bank	4,000,000	0.64%	271	07 Jun 21
10 Sep 20	National Australia Bank	3,000,000	0.73%	180	09 Mar 21
24 Sep 20	Suncorp-Metway	4,000,000	0.65%	180	23 Mar 21
Total		31,000,000			

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



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

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

Investment Performance and Market Commentary

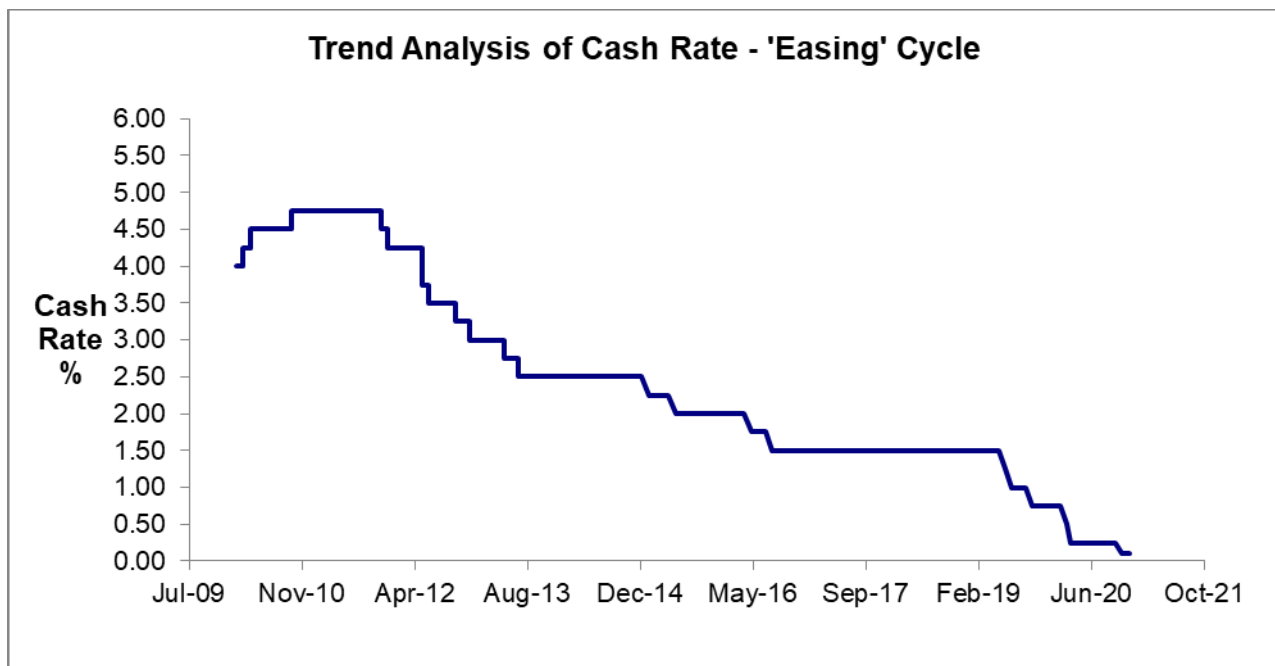
At the Reserve Bank of Australia (RBA) meeting on the 1 December 2020, the Board decided to maintain the official cash rate at 0.10 per cent. According to the RBA Governor "...The Board took this decision stating that the global economy has been mixed recently. On the one hand, infection rates have risen sharply in Europe and the United States and the recoveries in these economies have lost momentum. On the other hand, there has been positive news on the vaccine front, which should support the recovery of the global economy. The recovery is also dependent on ongoing support from both fiscal and monetary policy. Hours worked in most countries remain noticeably below pre-pandemic levels and inflation is low and below central bank targets.

In Australia, the economic recovery is under way and recent data has been generally better than expected. This is good news, but the recovery is still expected to be uneven and drawn out and it remains dependent on significant policy support. In the central scenario, it will not be until the end of 2021 that the level of GDP reaches the level attained at the end of 2019. In the central scenario, GDP is expected to grow by around 5 per cent next year and 4 per cent over 2022.

Employment growth was again strong in October, although the unemployment rate increased to 7 per cent as more people rejoined the workforce. A further rise in the unemployment rate is still expected, as businesses restructure in response to the pandemic and more people rejoin the workforce. The unemployment rate is forecast to decline next year, but only slowly and still to be around 6 per cent at the end of 2022.

Given the outlook for both employment and inflation, monetary and fiscal support will be required for some time. For its part, the Board will not increase the cash rate until actual inflation is sustainably within the 2 to 3 per cent target range. For this to occur, wages growth will have to be materially higher than it is currently. This will require significant gains in employment and a return to a tight labour market. Given the outlook, the Board is not expecting to increase the cash rate for at least 3 years. The Board is prepared to do more if necessary.” Statement by Philip Lowe, Governor: Monetary Policy Decision – 1 December 2020”.

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



Recommendations(s)

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

Attachments

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

Investment Register November 2020

BURWOOD COUNCIL
INVESTMENT PORTFOLIO
as at 30 November 2020

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

Certificate of Responsible Accounting Officer

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

W. Amittage

Wayne Amittage
Chief Finance Officer

Investment Adviser	Issuer	ADI or N-ADI	Investment Name	Type	Rating S&P	Invested Amount	Market Value as at 30/09/2020	Market Value as at 31/10/2020	Market Value as at Reporting Date	% of Total Invested
Cash										14.28
Council	Commonwealth Bank	ADI	Operating Account	Cash	AA-	6,909,770	3,140,233	670,477	6,909,770	11.72
Council	Commonwealth Bank	ADI	Cash Deposit Account	At Call	AA-	10,023	529,326	10,000	10,023	0.02
Council	Commonwealth Bank	ADI	Online Saver	At Call	AA-	1,500,356	34	500,034	1,500,356	2.55
Council	ANZ Bank Limited	ADI	ANZ Business Saver & Notice Account	At Call / Notice 30 days	BBB-	3,276	61,764	2,081,817	3,276	0.01
Term Deposits										52.98
Council	Commonwealth Bank	ADI	Commonwealth Bank	Term Deposit	AA-	4,000,000	4,000,000	4,000,000	4,000,000	6.79
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.09
Council	Westpac	ADI	Westpac	Term Deposit	AA-	4,000,000	4,000,000	4,000,000	4,000,000	6.70
Council	ANZ Bank (Imperial)	ADI	ANZ Bank	Term Deposit	BBB+	2,000,000	2,000,000	2,000,000	2,000,000	3.39
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	4,000,000	4,000,000	4,000,000	4,000,000	6.79
Council	National Australia Bank	ADI	Westpac	Term Deposit	AA-	4,000,000	4,000,000	4,000,000	4,000,000	6.79
Council	Westpac	ADI	Westpac	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.09
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Term Deposit	AA-	4,000,000	4,000,000	4,000,000	4,000,000	6.70
Council	Commonwealth Bank	ADI	Commonwealth Bank	Term Deposit	AA-	-	3,000,000	3,000,000	-	0.00
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.09
Term Deposits - Fixed & Floating Rates										5.09
Council	Westpac	ADI	Westpac	Coupon Select Deposit 2 Yr Fixed plus 3 Yr (90 day BBSW + 1.05 bps)	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.09
Floating Rate Notes										26.03
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Floating Rate Notes (90 day BBSW mid +94 bps)	A+	1,500,000	1,516,499	1,518,624	1,519,338	2.58
Council	Bendigo-Adelaide	ADI	Bendigo Bank & Adelaide Bank	Floating Rate Notes (90 day BBSW mid + 105 bps)	BBB+	1,500,000	1,518,428	1,522,116	1,524,465	2.59
Council	ANZ Group	ADI	ANZ Group	Floating Rate Notes (90 day BBSW mid + 77 bps)	AA-	2,000,000	2,021,384	2,038,740	2,037,546	3.44
Council	Newcastle Permanent Building Society	ADI	Newcastle Permanent Building Society	Floating Rate Notes (90 day BBSW + 140 bps)	BBB	1,250,000	1,267,775	1,270,820	1,272,506	2.16
Council	Members Equity Bank Pty Ltd	ADI	ME Bank	Floating Rate Notes (90 day BBSW mid +127 bps)	BBB	2,500,000	2,509,483	2,510,185	2,509,535	4.26
Council	Bank Australia Ltd	ADI	Bank Australia Ltd	Floating Rate Notes (90 day BBSW + 130 bps)	BBB	1,500,000	1,508,084	1,507,688	1,507,979	2.56
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +93 bps)	AA-	2,000,000	2,033,374	2,040,472	2,042,456	3.46
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +113 bps)	AA-	4,000,000	4,094,520	4,113,660	4,119,268	6.99
Grand Total						56,673,426	57,200,903	56,752,643	56,946,519	100.00

Investment Types

Types of Investments

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

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

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

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

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

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

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

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

(ITEM 12/21) INVESTMENT REPORT AS AT 31 DECEMBER 2020

File No: 21/184

REPORT BY CHIEF FINANCE OFFICER

Summary

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

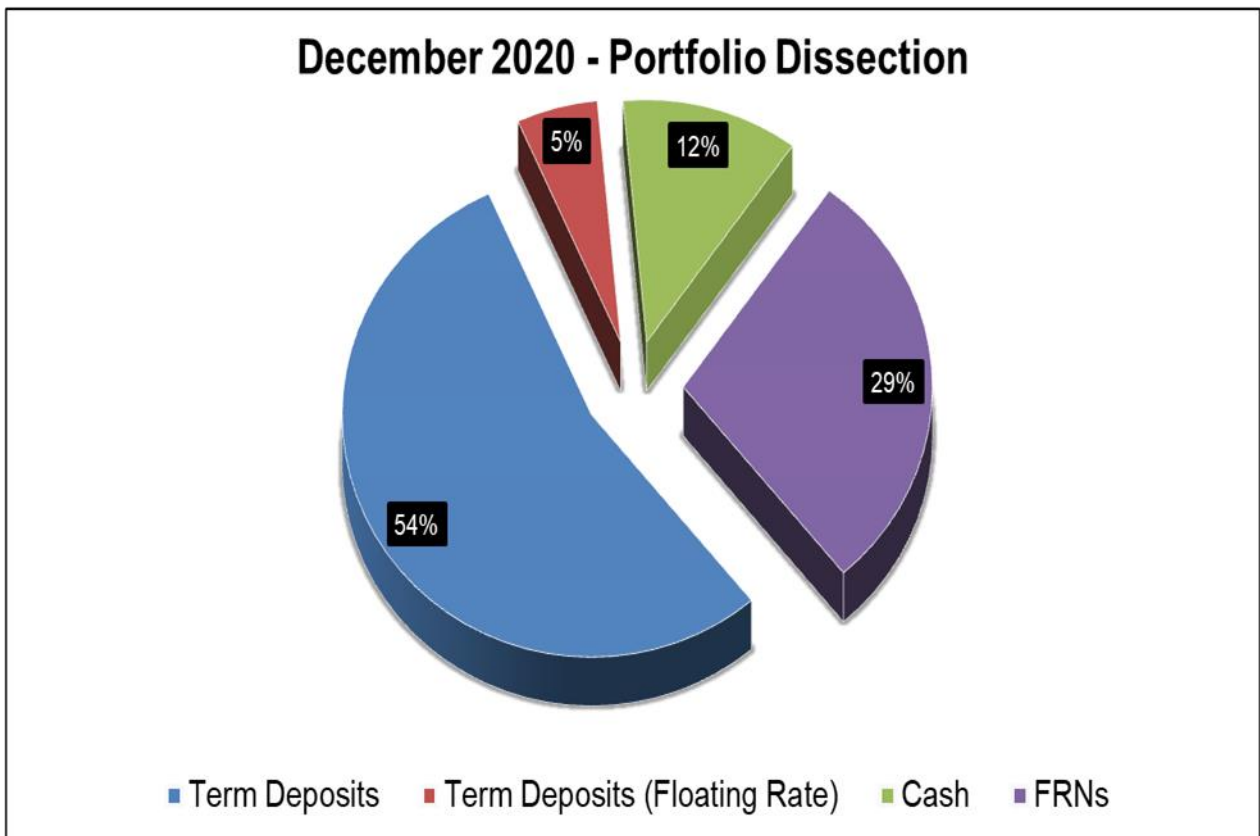
Background

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

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

Investment Portfolio

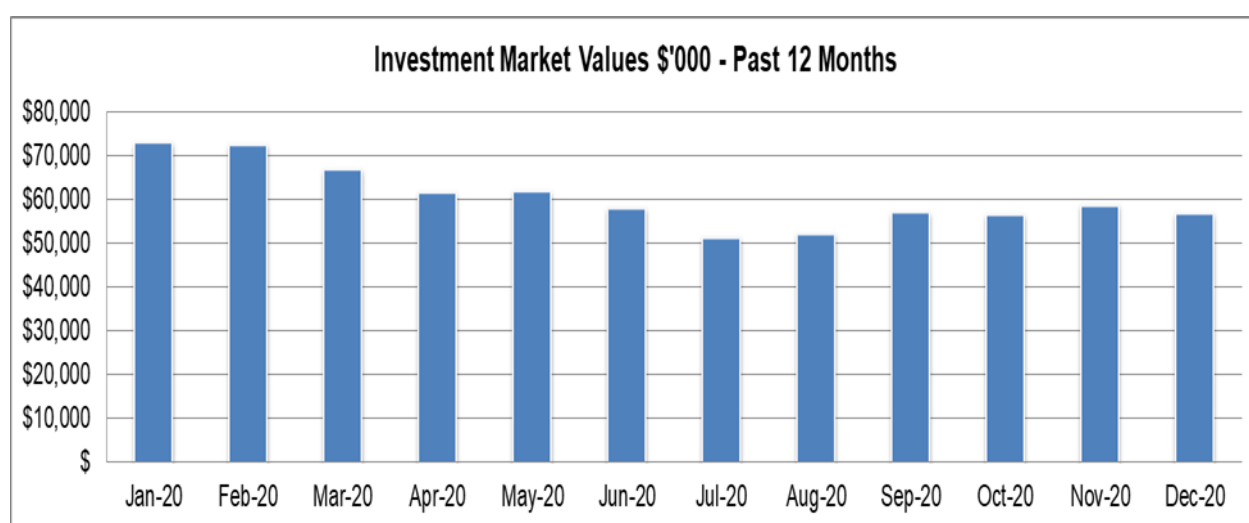
Council has a diversified investment portfolio and has a number of direct investments in term deposits. Its investment portfolio as at 31 December 2020 is:



As at 31 December 2020 Council held the following term deposits:

Purchase Date	Financial Institution	Principal Amount	Interest Rate	Investment Days	Maturity Date
13 Jul 20	AMP Bank (Imperium)	2,000,000	1.00%	365	13 Jul 21
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 20	National Australia Bank	3,000,000	0.80%	365	31 Aug 21
31 Aug 20	Westpac	3,000,000	0.78%	365	31 Aug 21
09 Sep 20	Commonwealth Bank	4,000,000	0.64%	271	07 Jun 21
10 Sep 20	National Australia Bank	3,000,000	0.73%	180	09 Mar 21
24 Sep 20	Suncorp-Metway	4,000,000	0.65%	180	23 Mar 21
Total		31,000,000			

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



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

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

Investment Performance and Market Commentary

The Reserve Bank of Australia (RBA) did not hold a meeting in January 2021 due to the Christmas and New Year holiday period. The official interest rate remains at 0.10% per annum.

Recommendations(s)

1. That the investment report for 31 December 2020 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

Attachments

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

Investment Register December 2020

BURWOOD COUNCIL
INVESTMENT PORTFOLIO
as at 31 December 2020

Investment Adviser	Issuer	ADI or IF-ADI	Investment Name	Type	Rating S&P	Invested Amount	Market Value as at 31/10/2020	Market Value as at 30/11/2020	Market Value as at Reporting Date	% of Total Invested
Cash										
Council	Commonwealth Bank	ADI	Operating Account	Cash	AA-	1,094,813	670,477	6,909,770	1,094,813	11.48
Council	Commonwealth Bank	ADI	Cash Deposit Account	At Call	AA-	10,024	10,024	10,024	10,024	1.92
Council	Commonwealth Bank	ADI	Online Saver	At Call	AA-	5,440,576	5,000,034	1,500,356	5,440,576	9.54
Council	AMP Bank Limited	ADI	AMP Business Saver & Notice Account	At Call / Notice 30 days	BBB-	4,715	2,061,817	3,278	4,715	0.01
Term Deposits										
Council	Commonwealth Bank	ADI	Commonwealth Bank	Term Deposit	AA-	4,000,000	4,000,000	4,000,000	4,000,000	54.34
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	7.01
Council	Westpac	ADI	Westpac	Term Deposit	AA-	4,000,000	4,000,000	4,000,000	4,000,000	5.28
Council	AMP Bank (Impenium)	ADI	AMP Bank	Term Deposit	BBB+	2,000,000	2,000,000	2,000,000	2,000,000	7.01
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	4,000,000	4,000,000	4,000,000	4,000,000	3.51
Council	Westpac	ADI	Westpac	Term Deposit	AA-	4,000,000	4,000,000	4,000,000	4,000,000	7.01
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.28
Council	Commonwealth Bank	ADI	Commonwealth Bank	Term Deposit	AA-	4,000,000	4,000,000	4,000,000	4,000,000	7.01
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	0.00
Term Deposits - Fixed & Floating Rates										
Council	Westpac	ADI	Westpac	Coupon Scaled Deposit 2 Yr Fixed plus 3 Yr (90day BBSW + 1.05 bps)	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.28
Floating Rate Notes										
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Floating Rate Notes (90 day BBSW mid +94 bps)	AA-	1,500,000	1,519,824	1,519,338	1,517,643	2.68
Council	Bendigo-Adelaide	ADI	Bendigo Bank & Adelaide Bank	Floating Rate Notes (90 day BBSW mid + 105 bps)	BBB+	1,500,000	1,522,116	1,524,465	1,522,431	2.67
Council	ANZ Group	ADI	ANZ Group	Floating Rate Notes (90 day BBSW mid + 77 bps)	AA-	2,000,000	2,028,740	2,027,546	2,023,864	3.65
Council	Newcastle Permanent Building Society	ADI	Newcastle Permanent Building Society	Floating Rate Notes (90 day BBSW +140 bps)	BBB	1,250,000	1,270,820	1,272,506	1,271,014	2.23
Council	Members Equity Bank Pty Ltd	ADI	ME Bank	Floating Rate Notes (90 day BBSW mid +127 bps)	BBB	2,500,000	2,510,185	2,509,535	2,507,058	4.39
Council	Bank Australia Ltd	ADI	Bank Australia Ltd	Floating Rate Notes (90 day BBSW +130 bps)	BBB	1,500,000	1,507,898	1,507,879	1,506,890	2.64
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +83 bps)	AA-	2,000,000	2,040,472	2,042,456	2,038,562	3.57
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +113 bps)	AA-	4,000,000	4,113,660	4,119,268	4,108,172	7.20
Grand Total						58,800,127	58,752,643	58,846,519	57,046,980	100.00

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

Certificate of Responsible Accounting Officer

I hereby certify that the investments listed have been made in accordance with Section 025 of the Local Government Act 1983, Clause 2.12 of the Local Government (General) Regulation 2005 and Council's Investment Policies at the time of their placement.

W. Ambage
Wayne Ambage
Chief Finance Officer

Investment Types

Types of Investments

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

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

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

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

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

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

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

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

(ITEM 13/21) DISCLOSURE OF INTERESTS RETURNS FOR 2019-2020 - BURWOOD LOCAL PLANNING PANEL

File No: 20/46224

REPORT BY DIRECTOR CORPORATE SERVICES

Summary

Clause 4.15 of the *NSW Government Code of Conduct for Local Planning Panel Members* stipulates that the General Manager must keep a Register of Pecuniary Interest Returns and the returns must be tabled at a Council Meeting. Annual returns for Burwood Local Planning Panel Members have now been finalised and published on the Council website in accordance with requirements under the *Government Information (Public Access) Act 2009*.

Operational Plan Objective

2.1 Community confidence in Council's decision making.

2.1.3 Ensure transparency and accountability in decision making.

Background

Under Clause 4.15 of the *NSW Government Code of Conduct for Local Planning Panel Members*, each Burwood Planning Panel Member must make a disclosure of interests return as at 30 June 2020 and lodge this with the Chair of the Burwood Local Planning Panel.

Such disclosures are to be subsequently referred to the General Manager for inclusion in a Register of Pecuniary Interest Returns, and for tabling at a meeting of Council.

Returns for 2019-2020 were received as follows:

REGISTER OF DISCLOSURE OF INTERESTS RETURNS 2019-2020

Position	Incumbent	Received
Alternate Chair	Mr Graham Brown	4 July 2020
Alternate Chair	Ms Penny Holloway	14 October 2020
Expert Member	Mr Trevor Bly	20 October 2020
Expert Member	Ms Marjorie Ferguson	9 November 2020
Expert Member	Mr Wayne Carter	16 November 2020
Expert Member	Mr Lindsay Fletcher	23 October 2020
Expert Member	Ms Juliet Grant	23 November 2020
Expert Member	Mr Milan Marecic	14 October 2020
Expert Member	Mr Philip Sarin	15 October 2020
Expert Member	Ms Julie Walsh	24 October 2020
Community Member	Ms Cathryn Callaghan	17 November 2020
Community Member	Mr Jon Breen	28 October 2020
Community Member	Ms Chery Kemp	25 November 2020
Community Member	Mr Brian Kirk	2 November 2020

Recommendation(s)

That the Disclosures of Pecuniary Interest and Other Matters Returns by the Burwood Local Planning Panel Members for the period ending 30 June 2019 be formally noted as tabled.

Attachments

There are no attachments for this report.

(ITEM 14/21) PROPOSED CHANGE OF DATE - JUNE 2021 COUNCIL MEETING

File No: 21/4584

REPORT BY DIRECTOR CORPORATE SERVICES

Summary

In November 2020, Council adopted its schedule of ordinary meetings to be convened in 2021. A recent review of business intelligence has indicated that it would be prudent to defer the June 2021 meeting by two weeks until 29 June 2021. This action would allow valuable extra time to complete a special assessment of the impact of COVID-19 on business operations, and to better take account of this as part of preparations for the Delivery Program and Operational Plan 2021/22 of Council.

Operational Plan Objective

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

Background

COVID-19 has had a profound effect on the operations and priorities of Burwood Council as well as its capacity to deliver services for the current and subsequent financial years. It is particularly important that the impact of the pandemic is very carefully assessed prior to finalising and commending the next Draft Delivery Program, Draft Operational Plan and budget for 2021/22 to Council for public exhibition.

Discussion

Ordinary meetings of Council scheduled from March through to November (inclusive) are normally set down for the fourth Tuesday of the month. Meetings in February and December are typically set down earlier in the month to factor in the gap of the Christmas / New Year recess period. In order to avoid a scheduling conflict with the Australian Local Government Association National General Assembly on 20-23 June 2021, the Council meeting that might otherwise have been convened on the fourth Tuesday of June 2021 was brought forward by one week to 15 June 2021.

Given the potential significance of COVID-19 impacts on current and future planning and budgeting for Council, it is prudent for officers to invest as much time as reasonably possible in conducting a robust business analysis of these. This means that it is desirable to present the next Draft Delivery Program, Operational Plan and budget 2021/22 to the ordinary meeting of Council in May 2021.

The May 2021 and June 2021 Council meetings in the current schedule are separated by 27 days. If the next Draft Delivery Program, Operational Plan and budget 2021/22 were to be presented to Council at its May meeting it would leave insufficient time for Council to meet its statutory obligation to publicly exhibit the instruments for comment for at least 28 days before final consideration of the instruments. Rescheduling the June 2021 meeting to the fifth Tuesday of the month would overcome that constraint without compromising the statutory obligation to have a refreshed Delivery Program and Operational Plan 2021/22 adopted by Council by 30 June 2021.

Consultation

Executive Team members and civic governance specialists of Council have considered this matter further to recommendations made by the Chief Financial Officer of Council. The advice was also considered by the Group Manager Corporate Planning and Communications of Council.

Financial Implications

There are no financial implications directly associated with the proposed course of action. Maximisation of time available to conduct robust business analysis has potential to improve the quality of financial decision making that will ensue.

Conclusion

The statutory deadline for Council to finalise its Delivery Program update and Operational Plan 2021/22 is 30 June 2021. It is prudent to make as full use as reasonably possible of the time before that deadline to complete robust analysis and community consultation work as part of preparation of the Program and Plan.

Recommendation

That the 2021 schedule of ordinary meetings of Council adopted on 24 November 2020 is amended so that the ordinary meeting of Council is to be convened on 29 June 2021 instead of 15 June 2021.

Attachments

There are no attachments for this report.

(ITEM IN3/21) REGISTER - TRIBUTES TO RESIDENTS - COUNCILLORS' EXPENSES AND FACILITIES POLICY- PERIOD ENDING 31 DECEMBER 2020

File No: 21/5559

REPORT BY THE GENERAL MANAGER

Summary

The Councillors' Expenses and Facilities Policy includes a \$2,500 budget for the Elected Body to offer wreaths, flowers or the equivalent for particular reasons, including in the event of the passing of a resident.

To ensure transparency in allocation of funds, a Quarterly Report on expenses is presented to Council. This report covers the period ending 31 December 2020.

Operational Plan Objective

2.1.3 Ensure transparency and accountability in decision making.

Background

The Councillors' Expenses and Facilities Policy includes a \$2,500 budget for the Elected Body to offer wreaths, flowers or the equivalent for particular reasons, including in the event of the passing of a resident.

The Policy states that:

Wreaths, flowers or the equivalent may be given for the purpose of a tribute to person(s) for the following reasons (these are to be labelled from the Mayor and Councillors, Burwood Council):

1. *As an appreciation for long service to Council (either employee or Councillor) at the cessation of their tenure or employment*
2. *A resident turning 100 years of age where Council has been notified*
3. *50 years of marriage where Council has been notified*
4. *Passing of a resident who has resided in the area:*
 - *Council has been notified of the death*
 - *a Councillor advised Council in writing of the death*
 - *Where it is decided under the discretion of the Mayoral office*

Approval to be sought within one business day.

A budget allocation of \$2,500 is available each Financial Year with all gifts to be capped at \$100, unless approved by the Council.

The attached table details the Tributes to Residents Register for the period ending 31 December 2020.

Proposal

That Council notes this report as per the requirements of the Councillors' Expenses and Facilities Policy.

Financial Implications

Within the approved budget allocation of \$2,500.

Conclusion

That Council receives and notes the tributes made to residents.

No Decision – Information Item Only**Attachments**

1 [↓](#) Councillors Gifts or Benefit - Tribute to Residents - period ending 31 December 2020

(ITEM IN4/21) MAYORAL DISCRETIONARY GRANTS - SMALL DONATIONS MADE FOR THE PERIOD ENDING 31 DECEMBER 2020

File No: 21/5562

REPORT BY THE GENERAL MANAGER

Summary

The Discretionary Grants – Small Donations Policy was reviewed by Council and adopted on 12 December 2017. As part of the Policy requirements a list of donations made is to be reported to Council on a quarterly basis. The attached table details all the Discretionary Grants for the quarter ending 31 December 2020.

Background

The Mayor is allocated an annual budget of \$15,000 to extend civic leadership by supporting, through the allocation of small donations on behalf of Council, organisations or individuals for one or more of the following purposes:

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

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

Proposal

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

Financial Implications

Within the approved budget allocation of \$15,000.

No Decision – Information Item Only

Attachments

- 1 [↓](#) Mayoral Discretionary Grants - Small Donations Policy - period ending 31 December 2020

(ITEM IN5/21) ANSWERS TO QUESTIONS ON NOTICE - COUNCIL MEETING OF 8 DECEMBER 2020

File No: 20/59105

REPORT BY DIRECTOR CORPORATE SERVICES

Summary

At the Council Meeting of 8 December 2020 the following Questions on Notice (QoN) were submitted by Councillors. Council Officers responded to the QoN and Councillors were notified on 16 December 2020 of the outcome of the QoN.

Operational Plan Objective

2.1.3 Ensure transparency and accountability in decision making.

This is now submitted as part of the Council Agenda for Public Notification:

QUESTIONS ON NOTICE – COUNCIL MEETING OF 8 DECEMBER 2020	
Question	Response
<p><u>Councillor Heather Crichton</u></p> <p>Question 1:</p> <p>Will the condition and visibility of pedestrian crossings, 'kiss and ride' and 'school zone' signage around our 11 schools be checked by Council Officers ahead of the commencement of the 2021 school year in conjunction with Transport NSW and Burwood Council's Traffic Committee?</p>	<p><u>Director City Assets</u></p> <p>All signs around schools are reviewed on an annual basis throughout the year by Council to ensure signs are visible and legible by motorist. Notwithstanding this a review will be undertaken of all 11 schools prior to the commencement of the 2021 school year.</p>
<p><u>Councillor Heather Crichton</u></p> <p>Question 2:</p> <p>To ensure school communities are reminded of these important road safety features around our schools, will Council provide our school principals with safety messaging targeted at parents and students early in term 1?</p>	<p><u>Director City Assets</u></p> <p>Council's Road Safety Officer is working with the newly formed Community Safety working group as well as Transport for NSW to ensure that information is made available to all schools prior to the 2021 school year. Transport for NSW currently provide Kindergarten Orientation Road Safety Library Bags to all primary schools and include a range of road safety resources and information for families with children starting primary school. This collaborative approach helps to ensure that there is not a double up of information.</p>

No Decision – Information Item Only

Attachments

There are no attachments for this report.