



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 in the Conference Room, Level 1, 2 Conder Street, Burwood on Tuesday 27 April 2021 at 5:30pm to consider the matters contained in the attached Agenda.

A public gallery area will be open and face-to-face public participation will be possible subject to NSW Government Public Health Order provisions. Alternatively, citizens may attend the meeting virtually by registering anytime up until 2:00pm of the day of the meeting – see www.burwood.nsw.gov/our-council/council-and-committee-meetings for details and access to the online registration form.

Anyone wishing to speak on any item on the agenda, either in person or virtually, must register by 2:00pm on the day of the meeting – see www.burwood.nsw.gov/our-council/council-and-committee-meetings for details and access to the online registration form.

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 IN THE CONFERENCE ROOM,
LEVEL 1, 2 CONDER STREET, BURWOOD ON TUESDAY 27 APRIL 2021 AT 5.30 PM.

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

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

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

3. PRAYER (READ BY CHAIR)

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

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

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

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

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

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

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

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

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

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

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

9. CONFIRMATION OF MINUTES (RECOMMENDATION ANNOUNCED AS FOLLOWS)

I move that the minutes of the Council Meeting held on 23 March 2021, copies of which were previously circulated to all councillors be hereby confirmed as a true and correct record of the proceedings of that meeting.

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

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

11. OPEN FORUM

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

12. ADDRESSES BY THE PUBLIC ON AGENDA ITEMS

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

13. AGENDA ITEMS AS LISTED IN THE BUSINESS PAPER

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

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

(ANNOUNCED BY CHAIR)

OPEN FORUM COMMENCES

ADDRESS BY THE PUBLIC ON AGENDA ITEMS COMMENCES

MAYORAL MINUTES

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CONFIDENTIAL ITEMS

(ITEM 28/21) ROAD RESHEET PROGRAM FOR 20/21

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (d) of the Local Government Act, 1993, as the matter involves commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

MAYORAL MINUTE

(ITEM MM8/21) PENSIONER REBATE

Trim Folder: 21/16256

MAYORAL MINUTE BY CR JOHN FAKER (MAYOR)

Summary

As a result of the COVID-19 pandemic, the last 12 months have been a particularly hard year for many community members in the Burwood Local Government Area.

Our seniors in particular have raised concerns about the difficulties in managing their expenses due to the rising cost of living in Sydney combined with the COVID-19 issues persisting.

In recognition of these unprecedented circumstances, I propose that Council contribute an additional one off \$25 rebate to pensioners in the 2021-2022 rates notices to help ease the financial burden. This will bring the 2021-2022 pensioner rebate up to \$400 and will assist pensioners through the financial challenges they continue to face as a result of the COVID-19 pandemic.

Council has 1,598 pensioners receiving a rebate on their rates. The total cost of the pensioner rebate is \$390,422 with Council's contribution of \$175,690 and the NSW Government's contribution of \$214,732.

Three years ago, Council started an incremental increase to the pensioner rebate. In the 2018-2019 financial year Council contributed an additional \$50 above the existing pensioner rebate of \$250. For the 2019-2020 financial year Council's contribution increased to \$75, bringing the total to \$325. For the 2020-2021 financial year and beyond Council's contribution increased to \$125 bringing the total pensioner rebate to \$375. The cost to Council of this one off additional pensioner rebate for the 2021-2022 financial year is estimated at \$40,000.

Preliminary discussions with the General Manager have indicated that the rebate can be funded through a one off reduction for financial year 2021-2022 of the Corporate Capital Projects budget of \$40,000.

Operational Plan Objective

- 2.1.1 Provide opportunities for engagement and report decisions back to the community
- 2.1.3 Ensure transparency and accountability in decision making

I therefore move that:

1. As a continuation of the relief measures implemented by Burwood Council in response to the COVID-19 pandemic Council provides to pensioners an additional one off \$25 rebate on the 2021-2022 pensioner residential rates notices to help ease the financial burden.
2. That the General Manager arrange the one off reduction from the Corporate Capital Projects budget of \$40,000 for financial year 2021-2022 to cover the cost of the \$25 pensioner rebate.
3. That the Mayor write to all pensioners to inform them of the additional rebate.

Attachments

There are no attachments for this report.

(ITEM 23/21) PLANNING PROPOSAL FOR HOUSEKEEPING AMENDMENTS TO BURWOOD LOCAL ENVIRONMENTAL PLAN 2012

File No: 21/13279

REPORT BY SENIOR STRATEGIC PLANNER

Summary

A Planning Proposal has been prepared to make three amendments to the Burwood Local Environmental Plan (BLEP) 2012:

- (1) Rezone properties in Livingstone Street, Sym Avenue, and part of Clarence and Church Streets Burwood from R2 Low Density Residential to R1 General Residential or R3 Medium Density Residential with corresponding development standards and controls.
- (2) Rezone a majority of properties on the northern side of Mitchell Street Enfield within the Mitchell and Kembla Streets Heritage Conservation Area from R3 to R2.
- (3) Update the Heritage Schedule and Map in the BLEP for the former Masonic Temple building at 45 Belmore Street Burwood.

The Planning Proposal has been considered and supported unanimously by the Burwood Local Planning Panel (BLPP). It is recommended that the Planning Proposal be submitted to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination.

Operational Plan Objective

- 1.2.1 Inform the community of Council's activities, facilities and services using accessible communication
- 2.1.3 Ensure transparency and accountability in decision making

Background

A review of the BLEP was conducted in order to implement the Eastern City District Plan developed by the Greater Sydney Commission (GSC) and to give effect to the Burwood Local Strategic Planning Statement (LSPS) approved by the GSC.

A report was presented to the Council meeting of 24 November 2020 on the review of the BLEP. It was resolved in part that:

2. *Council provide endorsement to proceed with the preparation of a housekeeping LEP amendment that considers the following items:*
 - a. *Livingstone Street, Sym Avenue, Clarence and Church Streets, Burwood*
 - b. *Former Masonic Temple building*
 - c. *Mitchell and Kembla Streets Conservation Area*
3. *Council endorse the preparation of a consultation strategy noting the commitment to undertake direct consultation in response to the nature of the BLEP amendment being proposed.*
4. *Council note the overall timeframe to complete this housekeeping Planning Proposal currently programed to be endorsed by mid-2022.*
5. *This housekeeping Planning Proposal be reported to Council for endorsement after it has been reported to the BLPP and before it is submitted to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination.*

In accordance with the Council resolution, a consultation strategy, specific to the Livingstone Street and Sym Avenue, Clarence Street and Church Street Precincts, was developed, engagement with the land owners, residents and/or occupiers was carried out, and a Planning Proposal was prepared, which was reported to the BLPP on 13 April 2021.

The Planning Proposal seeks to make the first of two tranches of amendments to the BLEP. The main change proposed in this Planning Proposal serves as a pilot scheme for rezoning and setting development standards and controls for suitable urban infill locations across the LGA. The proposed amendment along with the methodology used, if endorsed by DPIE, will provide a framework which could be implemented across other potential urban infill areas of the Burwood Local Government Area (LGA) for further BLEP amendments.

Planning Proposal

1. Livingstone Street and Sym Avenue Precinct and Clarence and Church Streets Precinct

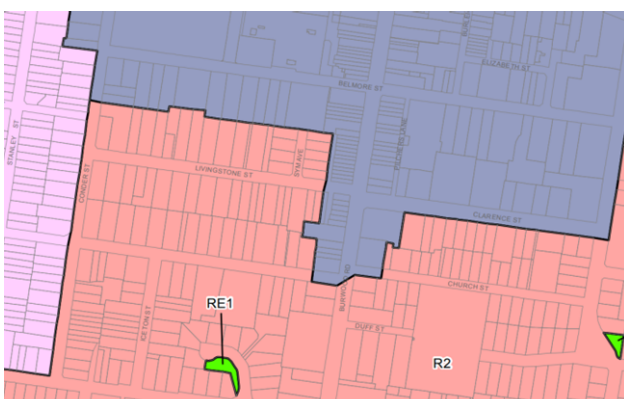
Objective

The Planning Proposal seeks to rezone land in Livingstone Street, Sym Avenue, Clarence and Church Streets with corresponding building height and floor space ratio (FSR) standards and additional local provisions.

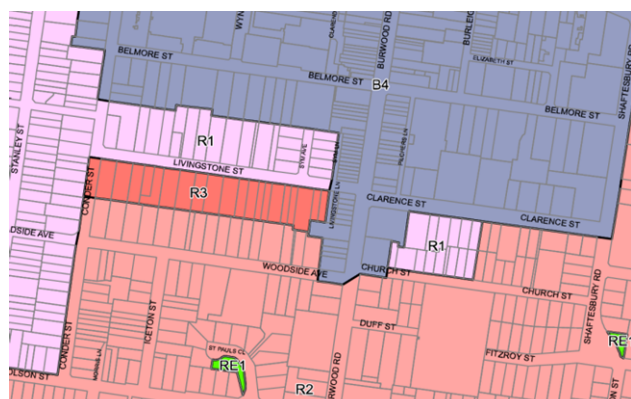
Explanation

The proposal is to:

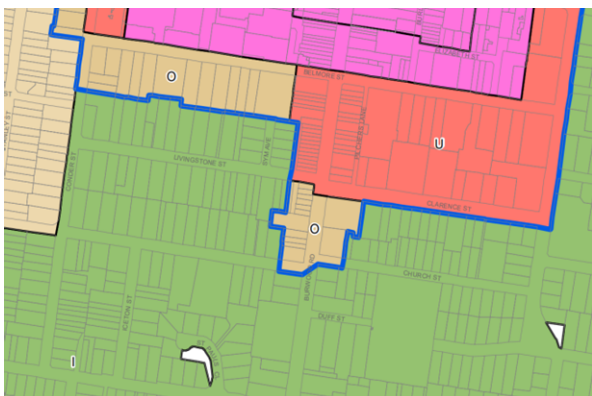
- Rezone the northern side of Livingstone Street, Sym Avenue, 10 – 18 Clarence Street and 7-17 Church Street Burwood from R2 Low Density Residential to R1 General Residential, and increase the maximum building height from 8.5m to 17m and the maximum FSR from 0.55:1 to 1.8:1.
- Rezone the southern side of Livingstone Street Burwood from R2 Low Density Residential to R3 Medium Density Residential, and increase the maximum building height from 8.5m to 10m and the maximum FSR from 0.55:1 to 1.2:1.



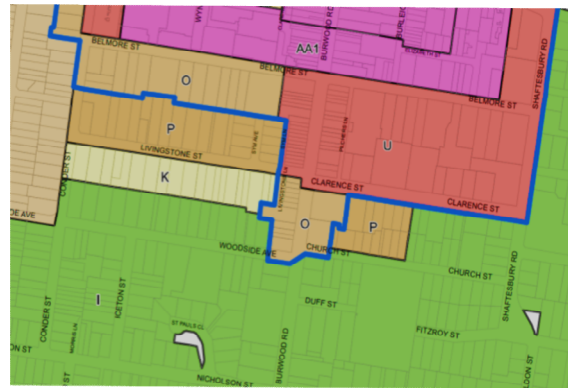
Existing zoning map



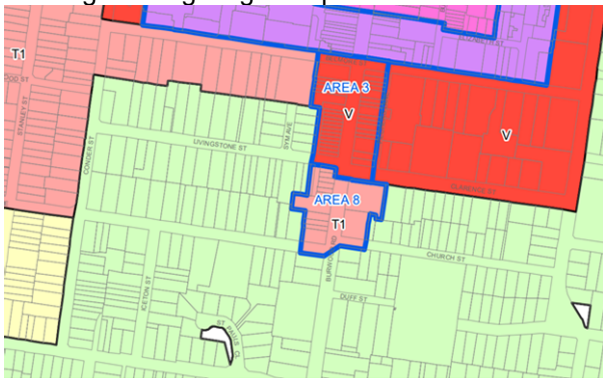
Proposed zoning map



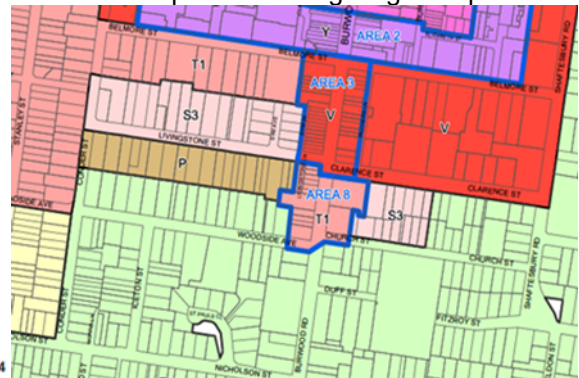
Existing building height map



Proposed building height map



Existing FSR map



Proposed FSR map

- Remove part of the Building Height Plane (BHP) Line E next to 18 Conder Street Burwood, and lift the BHP Line B height from 1.8m to 7.2m.



Existing: BHP map



Proposed: BHP map

Building Height Plane			
BHP Line	BHP Line	BHP Projected	BHP General
Symbol	Height	Angle	Orientation
	1.8m	54°	East of BHP line

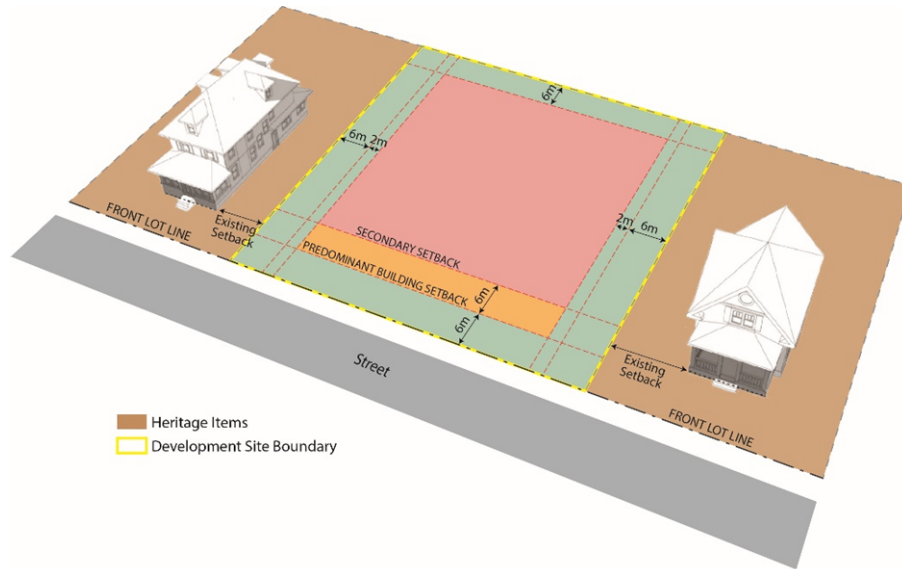
Existing BHP Line B height

Building Height Plane			
BHP Line	BHP Line	BHP Projected	BHP General
Symbol	Height	Angle	Orientation
	7.2m	54°	East of BHP line

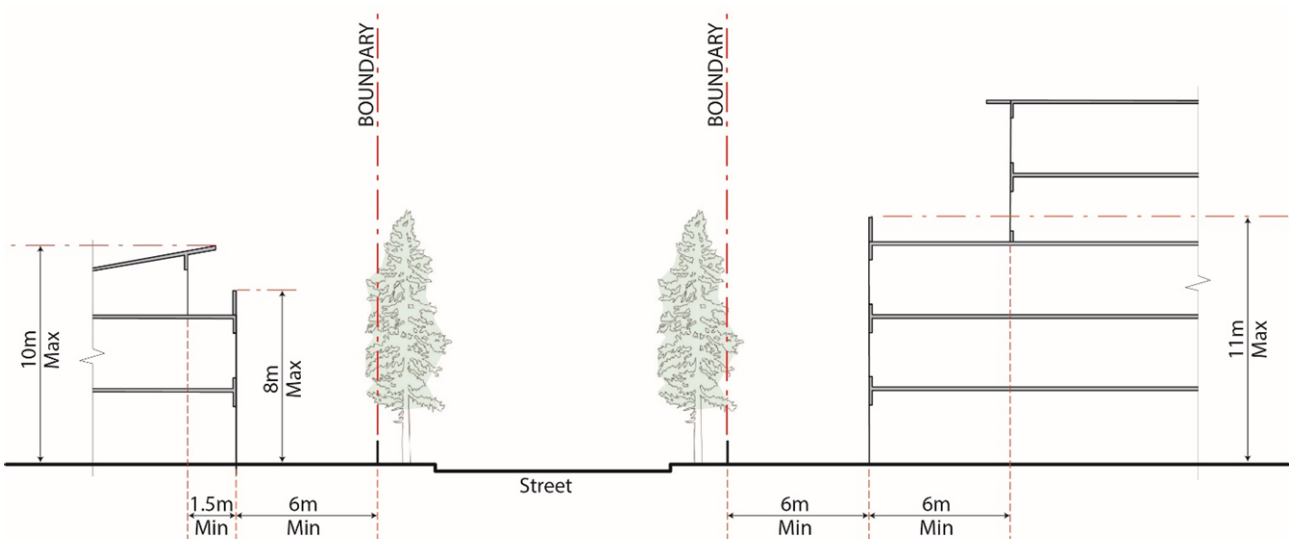
Proposed BHP Line B height

- Introduce additional local provisions on:
 - Setback, including:
 - Minimum 6m predominant building setback from any street frontage.
 - Minimum 2m extra setback from a boundary adjoining a heritage item, in addition to the setback requirements in the Apartment Design Guide (ADG) or equivalent guide once State Environmental Planning Policy No. 65 and the ADG are superseded.

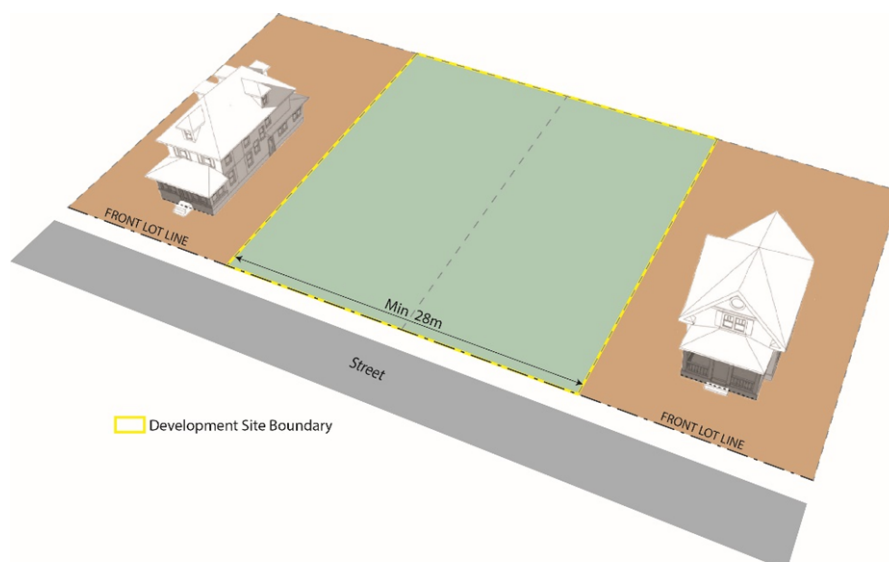
- Minimum secondary setback of 6m for all streets except for the southern side of Livingstone Street, which is to have a minimum secondary setback of 1.5m, and Sym Avenue, which is to have a minimum secondary setback of 3m.



- Wall height: a maximum street wall height of 11m for all streets except for the southern side of Livingstone Street which is to have a maximum street wall height of 8m.



- Frontage: a minimum frontage of 28m before development for residential apartments, terraces or townhouses can be carried out.



- Site area: a minimum site area of 1500sqm (i.e. $> 28\text{m} \times 48\text{m} = 1344\text{sqm}$) for boarding house development and for sites including a heritage item.
- Building frontage: a maximum length of uninterrupted building frontage of 12m for terrace or townhouse development in order to achieve substantial articulation in the form of an indent, recess or physical break along the length of the front elevation.
- Landscaped area: a minimum landscaped area of 40% of the site including a substantial provision of deep soil planting for residential apartment, terrace or townhouse development, to be provided at ground floor.

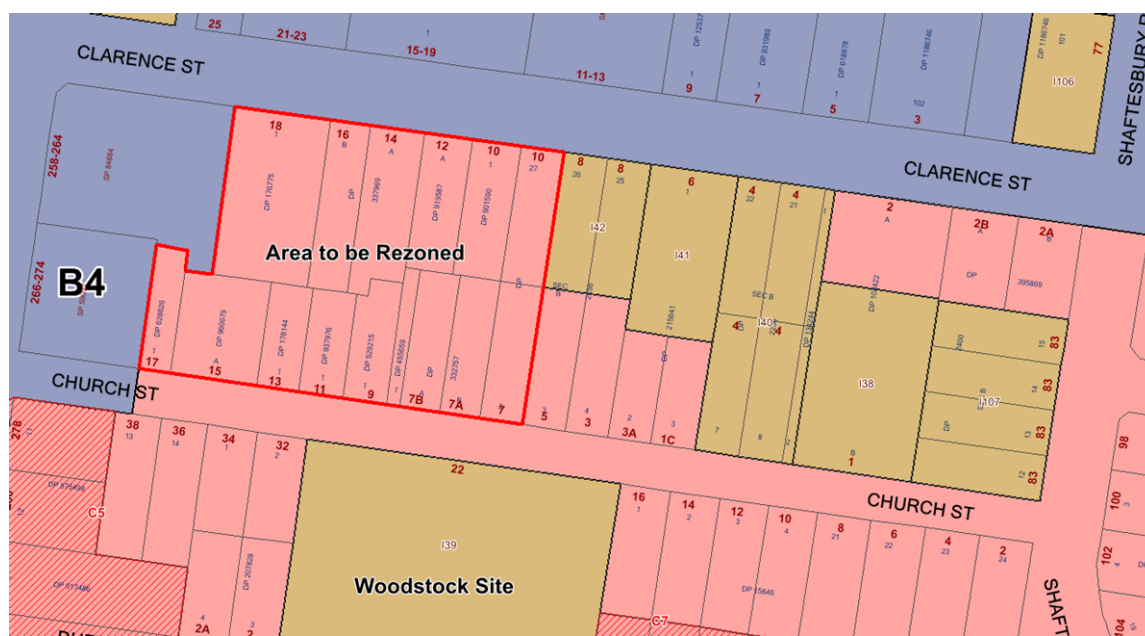
Rationale

The proposal is based on the following rationale:

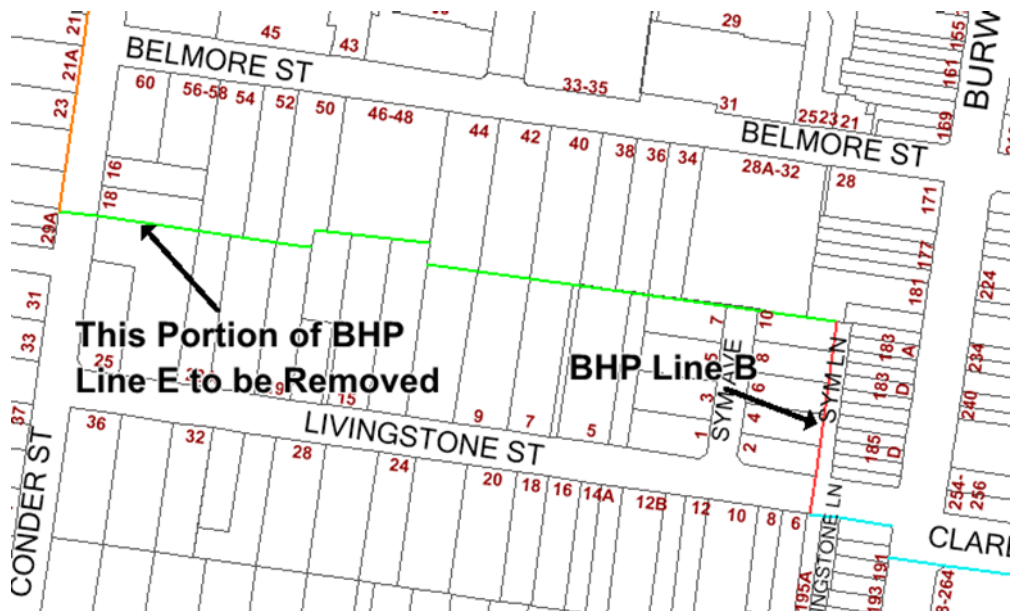
- The two precincts are located in close proximity to the Burwood Town Centre, with easy access to available retail, commercial and public transport services.
- The Burwood LSPS identifies the precincts as two of the eight Local Character Investigation Areas, with the aim in part of providing a transition between the higher density development in the Burwood Town Centre and the low rise buildings outside of the town centre, conserving heritage buildings as well as addressing amenity issues.
- The community consultation outcome is that 61% of the survey respondents had a preference for four to five storey residential apartment developments therein.
- The proposed rezoning as described is supported by land use economic viability testing.
- Council's Traffic and Transport team has advised that intersection upgrades would be required to accommodate the development generated from the rezoning, the team however, has raised no objection to the proposal.
- Development controls on setback, street wall height, frontage, site area, building length and landscaped area etc will be included in the LEP in order to protect streetscape character, achieve acceptable design outcomes, address amenity concerns and minimise impacts on heritage items. LEP provisions also carry more weight than provisions in a Development Control Plan (DCP) hence adoption of this approach.
- Allowing three storey terrace or townhouse development for the southern side of Livingstone Street is aimed at providing a degree of transition between the five storey building height for the northern side of the street and the two storey residences further south, without causing

amenity issues for the interface, as well as achieving a more balanced streetscape appearance.

- A group of five heritage items occupy the majority of the eastern part of the Clarence and Church Streets Precinct. This area has been excluded from the proposed rezoning to ensure the significance of existing heritage items will not be undermined by development of the non-heritage items in this part of the precinct. The impact of development in the western part of the precinct on Heritage Item No. 142 (i.e. 8 Clarence Street) will be managed through additional local provisions in the LEP. Refer to map below.



- Although three storey only developments for the northern side of Church Street would provide a better transition between the higher rise buildings in the Burwood Town Centre and the two storey residences on the southern side of Church Street. The economic testing has shown that a three storey development outcome would not be viable. This is due to the limited yield which is restricted by the small size and shallow depth of those lots. This option has therefore been discounted.
- All properties within the red outline above will be rezoned to R1 to allow for five storey apartment development. This outcome is supported by the economic testing and the proposed design controls in relation to heritage, secondary setbacks and built form will mitigate the impacts associated with the relationship to two storey dwellings on the southern side of Church Street.
- The proposed density is in keeping with the objective of locating housing close to open space and community facilities. In this case, the Woodstock building and open space, owned by Council, are accessible off Church Street. Refer to the map above.
- The portion of the existing BHP Line E next to 18 Conder Street will be removed to help allow for orderly development at 18 Conder Street. The rest of the BHP Line E along the Belmore and Livingstone Streets' interface is to remain in order to prevent development in Belmore Street from being built to the southern boundary, which would result in poor building, landscaping and amenity outcomes along the zone change. The existing BHP Line B along the western side of Sym Lane will have its BHP line height increased to help allow for orderly development in Burwood Road while ensuring the eastern elevation of development in Sym Avenue will not be overshadowed by development in Burwood Road. Refer to map below.



2. Mitchell and Kembla Streets Heritage Conservation Area (HCA)

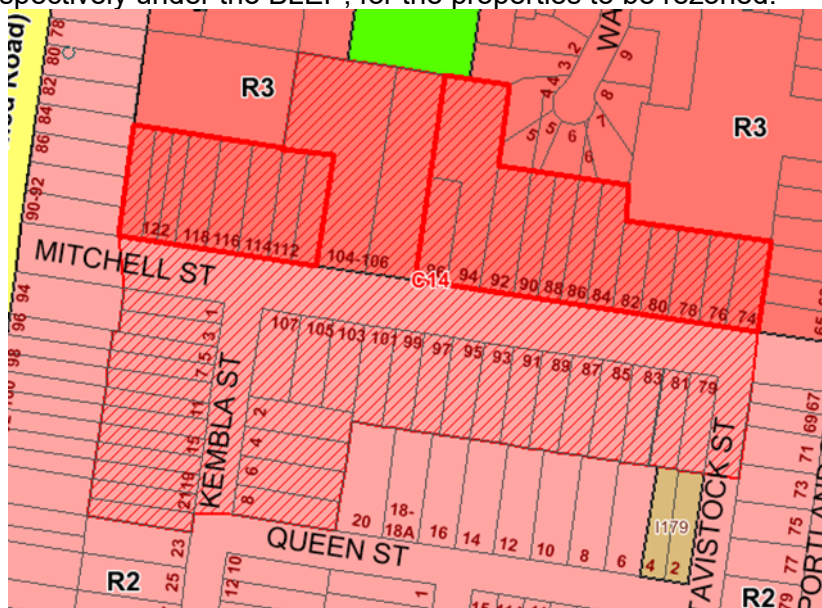
Objective

The Planning Proposal seeks to apply R2 Low Density Residential zone to all properties within the Mitchell and Kembla Streets Heritage Conservation Area (HCA), except for 104-106 Mitchell Street Enfield, which has already been developed with medium density housing.

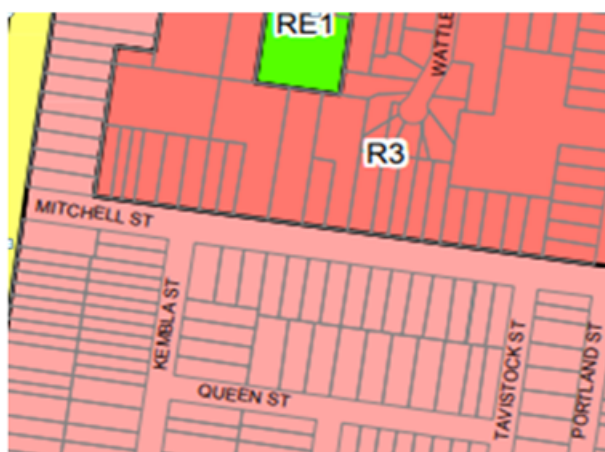
Explanation

The proposal is to:

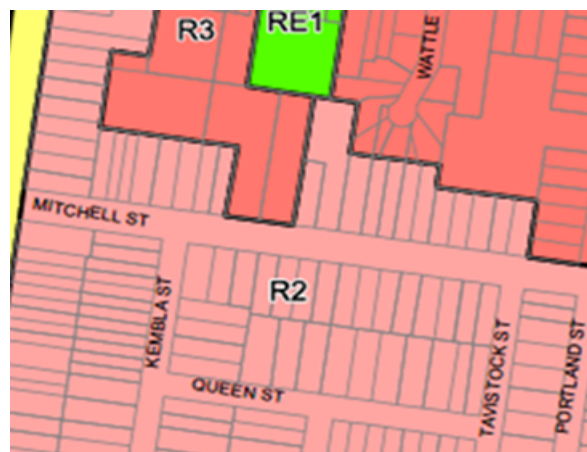
- Rezone the northern side of Mitchell Street Enfield in the Mitchell and Kembla Streets HCA from R3 Medium Density Residential to R2 Low Density Residential to match the zoning of the southern side of Mitchell Street Croydon Park, with the exception of 104-106 Mitchell Street Enfield, which contains existing medium density housing.
- Make no change to the maximum building height and maximum FSR standards, being 8.5m and 0.55:1 respectively under the BLEP, for the properties to be rezoned.



Existing zoning of Mitchell and Kembla Streets HCA. The hatching denotes the HCA. The thick red outlines denote properties to be rezoned.



Existing zoning map



Proposed zoning map

Rationale

A petition was received in May 2020 with signatures from 28 house addresses (out of 36 land parcels) in Mitchell Street Enfield and Croydon Park. It was stated in the petition that the residents in the HCA were alarmed by the zoning of the northern side of Mitchell Street being R3 Medium Density Residential, and that the type of housing allowed in the R3 zone would contravene the conservation area status and would go against the streetscape of the area. The petition requested Council to change the northern side of Mitchell Street to R2 Low Density Residential.

It is stated in the report to the 24 November 2020 Council meeting that:

- The R3 zoning is incongruous to the properties zoned R2 in the HCA.
- Properties in HCA could be rezoned to either R2 or R3 so that only one type of zoning applies.
- An R2 Low Density Residential zone is considered more appropriate to protect the character of the conservation area.

The report to Council further states that this matter requires further investigation to determine the implications of the two zonings upon the long term preservation of the conservation area, and that this matter be included as part of this Planning Proposal.

In this regard, given an R2 zone mainly allows one to two storey dwelling houses while an R3 zone allows two storey townhouses or two storey plus attic terraces, the inconsistent zoning could lead to incompatible streetscape character between the two sides of Mitchell Street.

Hence this Planning Proposal seeks to rezone the northern side of Mitchell Street, Enfield in the HCA from R3 Medium Density Residential to R2 Low Density Residential. The property at 104-106 Mitchell Street Enfield will be excluded from the rezoning as it has already been developed with medium density housing in approximately late 1970s.

The R2 and R3 zones are currently subject to the same maximum building height and FSR standards under the BLEP. Rezoning the northern side of Mitchell Street Enfield in the HCA from R3 to R2 would not affect the development potential of the properties concerned.

3. Former Masonic Temple Building

Objective

The Planning Proposal seeks to update the Heritage Schedule and Heritage Map in the BLEP to reflect the correct street address, lot and deposited plan numbers and land parcel shape for the heritage item of the former Masonic Temple building.

Explanation

Schedule 5 Environmental heritage would be amended to show the following details for Heritage Item No. 18:

Suburb	Item name	Address	Property description	Significance	Item no
Burwood	Masonic Temple	45 Belmore Street	Part Lot 104, DP 1258893	Local	18

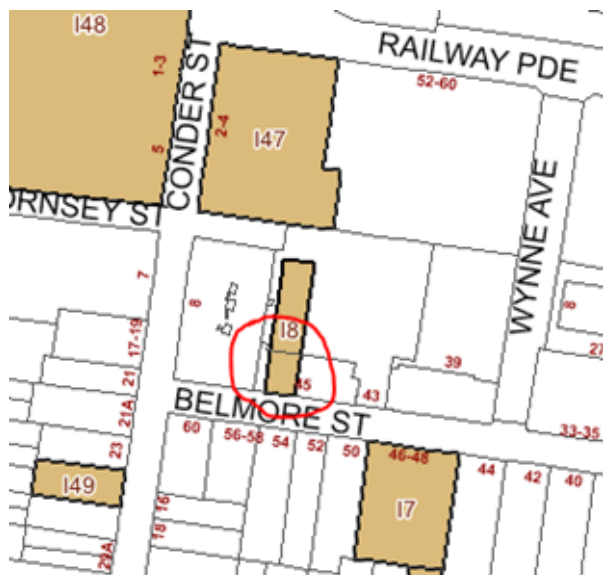
The Heritage Map of the BLEP 2012 would be amended to include the land parcel at 45 Belmore Street only as the Heritage Item.



The heritage listing would apply to the whole of the land parcel (i.e., part Lot 104 in DP 1258893) containing the former Masonic Temple building, as is the usual case for listings under Schedule 5 and the Heritage Map.

Rationale

The former Masonic Temple used to occupy two parcels of land, at 43 and 45 Belmore Street Burwood. The building is a heritage item listed in the Heritage Schedule and on the Heritage Map of the BLEP.



Existing heritage map



Aerial photo of current former Masonic Temple building

Consent for Development Application No. 193/2015 was granted for the construction of a mixed use development comprising a commercial podium, three residential towers and commercial floor space with multi-storey basement parking at 39 - 47 Belmore Street Burwood. The development involved partial demolition of the former Masonic Temple building.

The development has been completed and new subdivision plans have been registered with NSW Land Registry Services. The heritage building after completion of the development has been given a new street address and lot and deposited plan numbers.

Council therefore takes this opportunity to update the Heritage Schedule and the Heritage Map in the BLEP to reflect the current street address, lot and deposited plan numbers for this heritage building.

The existing Heritage Map in the BLEP shows the footprint of the heritage building before the partial demolition (see the excerpt above), while the heritage items nearby and in the rest of the LGA are shown as having their whole land parcels identified, which is the usual case for listings under Schedule 5 and the Heritage Map.

Therefore the updated Heritage Map would see the part lot containing the heritage building being identified like all other heritage items.

BLPP's Consideration

The BLPP considered the Planning Proposal at its meeting on 13 April 2021. It was resolved:

*That the Burwood Local Planning Panel **SUPPORT** the Planning Proposal for housekeeping amendments to the Burwood Local Environmental Plan 2012.*

Further that any detailed planning documents prepared by the Council be exhibited with the Planning Proposal, if granted a Gateway Determination. The decision was unanimous.

Reasons for the decision

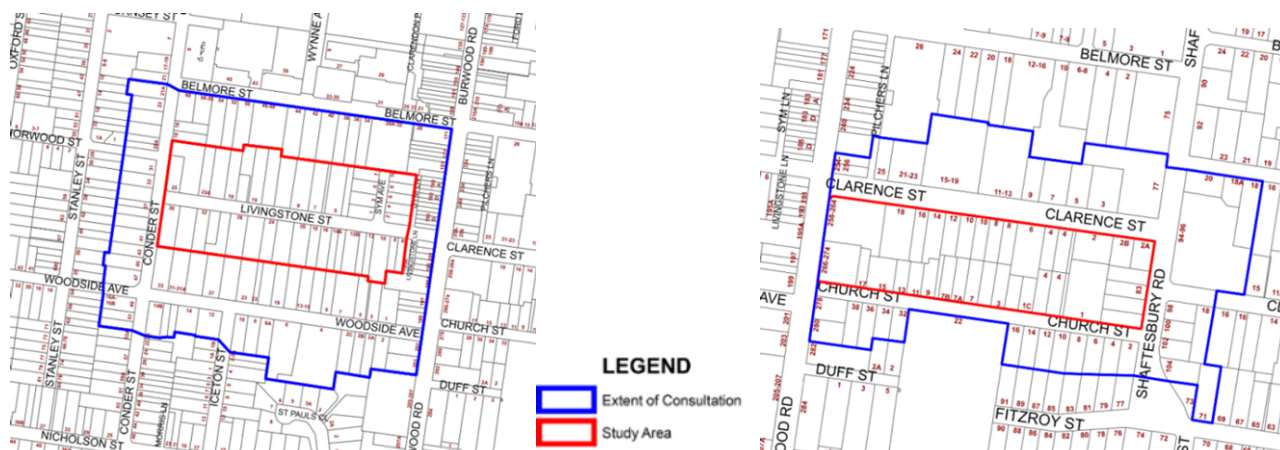
It was noted in the BLPP meeting minutes that in reaching its decision the Panel generally agreed with the rationale and conclusions set out in Council's report, and that the Panel also considered that residents would have a greater understanding of the changes proposed if the Planning Proposal was accompanied by more detailed planning documents.

In view of the BLPP's resolution, it is recommended that Council endorse the Planning Proposal and submit it to DPIE for a Gateway Determination.

Consultation

1. Livingstone Street and Sym Avenue Precinct and Clarence and Church Streets Precinct

Prior to preparation of this Planning Proposal, community consultation was undertaken with residents, land owners and/or occupiers in these two precincts, as outlined below.



The consultation included:

- Online survey, by way of 'SurveyMonkey', between 20 January and 12 February 2021.
- Three drop-in information sessions in the week commencing 1 February 2021.
- Hard copies of 'SurveyMonkey' made available at all drop-in consultation sessions for completion.
- One-on-one sessions with planning staff upon request from those who were not be able to attend the drop-in sessions (total of three completed with summary records of meeting issued to attendees via email).
- Planning staff were available to answer any phone or face to face enquiries.

Arrangements for the consultation included:

- A Mayoral letter and an information brochure.
- The letter and brochure were sent to all residents, owners or occupiers of properties in and around the study areas (properties having a common boundary, having made prior submissions or within the visual catchment of the study area).
- Council's planning staff hand delivered the letter and brochure where the addresses were within or around the study areas.
- Information on the 'Have your say' section of Council's website.
- Six presentation boards for the information drop in sessions.
- On-going updates to the website content as a response to community requests/feedback.
- Social media updates and reminders on key deadlines and dates.
- Extension of deadlines for submission of 'SurveyMonkey' for community members who experienced technical difficulties accessing online portals.
- Professional submissions considered as part of the community input received.

As a result, 85 responses to 'SurveyMonkey' were received through the on-line portal. One was completed manually during a drop-in session. One hard copy was mailed to Council and five submissions were received by the Strategic team via e-mail. This is a total of 92. Key findings of the survey can be summarised below:

- 45% of the respondents were from Livingstone Street, 10-12% from Church Street, Sym Avenue, elsewhere or nearby, and 5% from Clarence Street.

- 51% of the respondents strongly disagreed with the option of terrace/ townhouse development while 13% disagreed with this option.
- 48.7% of the respondents disagreed with the option of three storey apartment buildings while 7.5% agreed with this option.
- 61% of the respondents agreed (including 51% who strongly agreed) with the option of four to five storey apartment buildings while 30% strongly disagreed with this option.
- 46% of the respondents would like to see more intensive development while 25% would like to remain as is.
- 48 respondents supported rezoning while 22 were against.

The table below contains a summary of opinions expressed in the survey returns and Council staff's comments.

Issues and/or Concerns	Council Staff's Comments
<p>Support rezoning and want to see more intensive form of development.</p> <p>Burwood is becoming the hub of the Inner West and needs the higher density developments as well as more retail accessibility and options to meet the demand.</p>	<p>The opinions are noted.</p>
<p>Request an extension of B4 zone to cover both precincts.</p>	<p>This is discussed under the 'Options' section of this report.</p>
<p>Would like no further developments in the area due to congestion, over development and rubbish dumping on footpaths, noise, parking and traffic issues, over shadowing, wind tunnels no greenery, safety, privacy and quality of life impacts.</p> <p>Further development needs to be balanced with maintaining the character of residences in the area.</p> <p>This suburb is fast becoming an ugly soulless concrete forest with no place for families to relax or any green space for children to play.</p> <p>The boarding house in Church Street is poorly maintained and untidy. Front yard is overgrown and garbage is always a problem. Drainage is an issue too.</p> <p>Older buildings need preservation and should not be dwarfed by high rise.</p> <p>Livingstone, Church and Clarence Streets are filled with beautiful heritage houses and should not be spoilt with new developments that would permanently alter the character of these streets and further diminish the heritage value that can</p>	<p>The opinions are noted.</p> <p>The proposed rezoning has been based on the results of the community consultation, site analysis and economic viability testing.</p> <p>The proposed rezoning would help meet the housing target for the Burwood LGA, give effect to the Burwood LSPS, which has identified Livingstone Street and Sym Avenue Precinct and Clarence and Church Streets Precinct as Local Character Investigation Areas.</p> <p>The Planning Proposal is unlikely to receive the State Government's endorsement if no rezoning is proposed.</p> <p>Council acknowledges any visual, character and amenity impacts and impacts on heritage items that the rezoning could cause, and would mitigate these impacts through the introduction of local additional provisions in the LEP.</p>

<p>never be replaced. The constant destruction of the suburb's unique heritage and horrific over development must stop.</p> <p>The centre of Burwood is fine to develop - centering on the Railway corridor and the street front of Burwood Road. But keep the historical markers, and make them shine.</p>	
<p>There is already many high rises around the area. Church Street is narrow. It is not wise to rezone just one side of the street. So if the rezoning is to take place, both sides of the street should be considered.</p>	<p>Rezoning both sides of Church Street would have flow-on effects for properties further south.</p> <p>Development controls on setback, street wall height, frontage, site area, building length and landscaped area will be included in the LEP in order to improve the streetscape character of Church Street.</p>
<p>OK to have buildings as high as north side of Clarence Street.</p> <p>Being opposite to Woodstock Park, the side closer to Burwood Road can sustain a higher level of development.</p>	<p>The rezoning and development standards proposed are based on site analysis and economic testing.</p> <p>It is the staff's view that any development greater than the density proposed in the Planning Proposal would not lead to good design outcomes.</p>
<p>Want R1 or R3 zone to apply from Livingstone Street to Nicholson Street.</p> <p>Want to address the unsightly hotchpotch appearance of Conder Street.</p> <p>Have met with the Mayor at February 2020 Council meeting about the problem and asked for the whole length of Conder Street through to Nicholson Street to be reviewed.</p> <p>Conder Street is currently unbalanced in that different zones apply to different side of the street and needs urban renewal.</p> <p>Conder Street is perfect for medium and high density development given its level topography and close proximity to Burwood Town Centre.</p> <p>The entire length of Conder Street should be zoned to medium/high density with a minimum height limit of 12m to Nicholson Street.</p> <p>Refer to a submission made on behalf of some land owners by a planning consultant.</p>	<p>The submission made on behalf of the land owners by the planning consultant is discussed under 'Options' section of this report.</p>
<p>Would like to see more intensive and higher density development in the main town centre area and very clearly defined low density housing area outside the town centre.</p>	<p>The Burwood LSPS recommends the application of a transition zone for these precincts.</p> <p>The economic viability testing has revealed that</p>

<p>It is pointless if land can only be built up to 10m in the town centre, since manor houses and townhouses etc medium density housing pop up in all zones under the State Government policy. The supply of medium density housing will be self-fulfilling based on market demand.</p> <p>Lifts for prams, walkers, wheel chairs etc facilities are needed due to the demographic of Burwood being older people and young families. Three storey apartments serve no purpose.</p>	<p>development would be viable if at a (maximum) building height of 17m and FSR of 1.8:1 standards are adopted for most parts of these precincts.</p> <p>A 10m or three storey building height and a FSR of 1.2:1 are assigned to the southern side of Livingstone Street in order to provide transition, as some sites therein, with amalgamation, could achieve sufficient frontage and land size to allow for viable development, according to the economic viability testing.</p>
<p>The northern side of Livingstone Street was meant to be part of the Burwood Town Centre. Council decided to defer including Livingstone Street in the Burwood Town Centre pending a heritage study.</p> <p>Livingstone Street is the only street where the town centre boundary finishes on the back fence between B4 and R2 zoned properties. There is no backyard privacy, not to mention loss on maximum resale potential.</p>	<p>A search of Council records reveals that Council has never committed itself to including the Livingstone Street in the Burwood Town Centre. The genesis of the residents' impression regarding the inclusion of Livingstone Street as part of the town centre stems from the boundary of a deferred area in 'The Vision Document' dated March 2004. However, the boundary of the deferred area did not mean consideration for B4 at that time.</p> <p>The heritage study referred to was undertaken. The heritage consultant did not recommend listing more properties as heritage items or listing the area as a Heritage Conservation Area.</p> <p>The proposed rezoning should help address the concerns raised.</p>
<p>A heritage property owner would like to have their property delisted, or no zoning change should take place for the Clarence and Church Streets Precinct. Concerned with privacy.</p>	<p>A heritage item could not be delisted without an investigation and justification by the property owner and assessment by Council.</p> <p>It is proposed to rezone the western part of the Clarence and Church Streets Precinct in order to preserve the heritage items within the eastern part of the precinct.</p>

Councillor Workshops were held on 16 and 23 March 2021 concerning outcomes of the consultation, the proposed changes to the planning controls as well as details of economic viability testing for these precincts. A further Councillor Workshop has been scheduled for 20 April 2021, i.e., prior to the Planning Proposal going to this Council meeting.

A letter was sent out, advising all land owners, residents and/or occupiers who were invited to participate the consultation in February 2021, of the BLPP meeting of 13 April 2021 and this Council meeting, as well as the availability of viewing the reports on Council's website.

2. Mitchell and Kembla Streets Heritage Conservation Area (HCA)

Council's Heritage Advisor had a conversation with the head petitioner prior to the petition being submitted to Council in May 2020. No further consultation has been carried out since. A letter was sent out, advising the owners and residents of the properties affected and adjacent, of the BLPP

meeting of 13 April 2021 and this Council meeting, as well as the availability of viewing the reports on Council's website.

3. Former Masonic Temple Building at 45 Belmore Street Burwood

No consultation has been carried out, due to the housekeeping nature of the proposal. The property owner has been notified of the BLPP meeting of 13 April 2021 and this Council meeting.

Statutory community consultation will be carried out in accordance with the requirements of the Gateway Determination to be issued by DPIE.

Planning or Policy Implications

As mentioned before, this Planning Proposal seeks to make the first of two tranches of amendments to the BLEP. The main change proposed in this Planning Proposal, for the Livingstone Street and Sym Avenue Precinct and Clarence and Church Streets Precinct, serves as a pilot scheme for further BLEP amendments for the rest of the Burwood LGA.

According to the Burwood Local Housing Strategy, there is substantial development in the pipeline to meet all of the housing targets for the LGA and no planning intervention is required. The six to 10 year (2021 to 2026) housing target has been identified as 2,030 dwellings while a pipeline supply of approximately 3,000 dwellings has also been identified for the same period.

The proposed LEP house-keeping amendment will assist in addressing any shortfall between 2016 - 2021. The proposed change to planning controls for the two precincts has the capacity for approximately 670 dwellings, or 620 additional dwellings (as approximately 50 dwellings exist on the properties to be rezoned), assuming 100% take up, which should help meet the six to 10 year housing target established in the Burwood Local Housing Strategy. This could potentially increase overall pipeline supply to approximately 3,620 dwellings.

The advice of the BLPP has been sought in respect to the Planning Proposal, as required. The BLPP has unanimously supported the proposal.

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

- The Planning Proposal is submitted to DPIE for a Gateway Determination.
- Public exhibition and consultation with relevant State agencies are undertaken.
- The outcomes of exhibition and consultation are reported back to Council. The Council will decide whether to endorse the Planning Proposal in full or with amendments or not support.
- The Planning Proposal if endorsed by Council, will proceed to plan-making.
- Council staff liaises with the DPIE to draft the LEP amendment.
- The amendment to the BLEP will come into force from the date of publishing on the NSW legislation website.

The above process would take in the order of nine to 12 months to complete all steps outlined above.

Financial Implications

All works associated with preparing the Planning Proposal have been undertaken in house by Council staff, except for the economic testing, which was conducted by HillPDA engaged by Council's Strategic Planning team.

Options

Extending the B4 Mixed Use zone

Some land owners requested that the B4 Mixed Use zone be extended to apply to properties in both precincts.

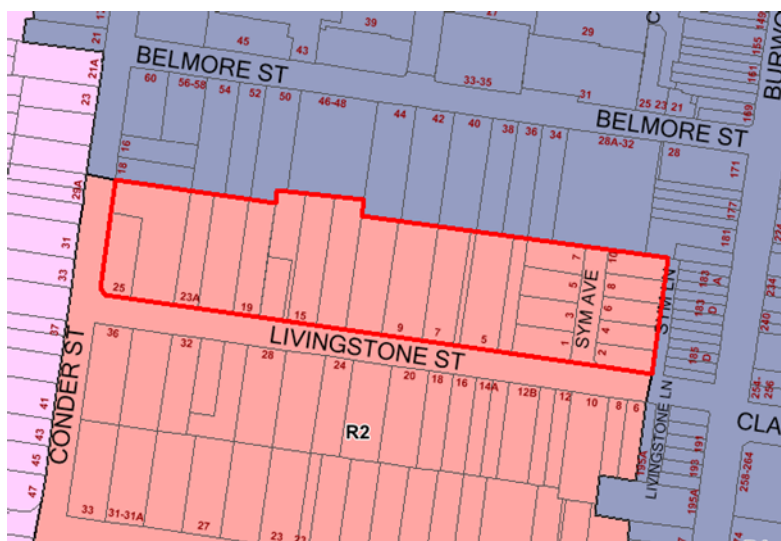
This option is not supported, since:

- Mixed use development, including commercial premises and other non residential type of land uses permitted in the B4 zone would have the potential to change the streetscape character completely.
- Podiums for mixed use development could be built from boundary to boundary, hence preventing open space, deep soil planting or landscaped areas at street level and between buildings. Any landscaped areas would be provided above podia.
- Redefining the Burwood Town Centre boundary would have flow-on impacts on the low rise residences to the south.

Submission by planning consultant

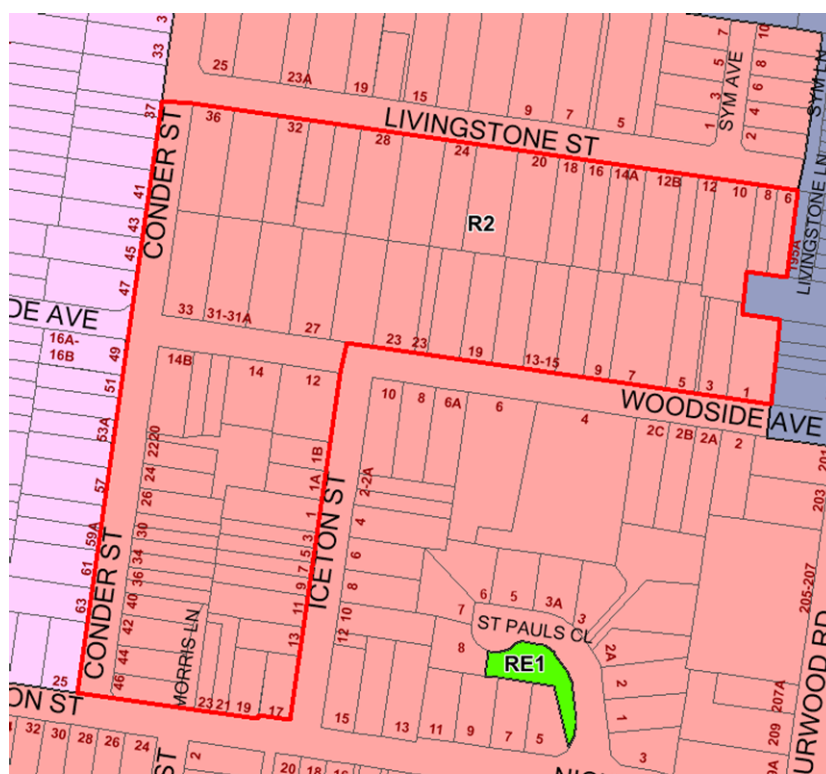
A submission by a planning consultant on behalf of some land owners requested Council to consider:

- Rezoning the northern side of Livingstone Street and Sym Avenue from R2 to R1, with a maximum building height of 14m and a maximum FSR of 2:1.



Existing zoning map. The red outline denotes the area in question.

- Rezoning the area within the outline on the map below from R2 to R1 or equivalent, with a maximum building height of 10m and a maximum FSR of 0.85:1. Refer to the map below.



Existing zoning map. The red outline denotes the area in question.

These suggestions are not supported, since:

- The suggested maximum building height and FSR standards have not been based on site testing and economic viability testing.
- There will be the flow-on impacts on the low rise residences adjacent and further south.
- Some properties especially those in the southern part are small in frontage and land size, making viable development impossible even with site amalgamations.

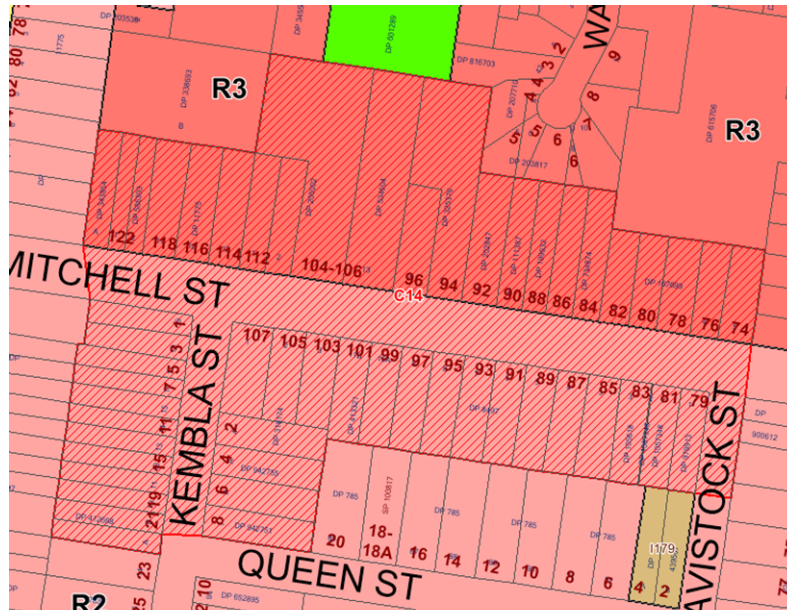
Clarence and Church Streets Precinct

One option is to do nothing for this precinct, on the basis that the owners of properties within the eastern part of the precinct had lobbied Council to upzone land. Upzoning the western portion of the precinct may be perceived as having the potential to create disparity. However, the latest round of consultation suggests that a number of owners within the eastern portion of the precinct do not support development.

Therefore, this 'do nothing' option is not recommended, since:

- Council is seeking to further supplement the dwelling supply and address any interim shortfall to comfortably meet the six to 10 year housing target. The do nothing option would risk DPIE not granting Gateway Determination for the entire Planning Proposal.
- The proposed local additional provisions on setback, wall height, frontage, land size and landscaped area etc would facilitate orderly development of good design while protecting the streetscape and mitigating any amenity impacts.

Mitchell and Kembla Streets Heritage Conservation Area



Existing zoning and boundary of the Mitchell and Kembla Streets HCA

One option would be to zone properties on the southern side of Mitchell Street and both sides of Kembla Street within the HCA to R3 Medium Density Residential to be consistent with the R3 zoning on the northern side of Mitchell Street.

This option is not recommended, given an R2 zone mainly allows one to two storey dwelling houses, which are the predominant character in the HCA while an R3 zone allows townhouses or terraces, rezoning to R3 would alter, rather than preserve, the character of the HCA.

Conclusion

The main part of this Planning Proposal has been prepared based on a rigorous process of community consultation, site analysis and economic viability testing. It will help meet the six to 10 year housing target and make up the shortfall in the 2016 – 2021 five year housing provision.

The Planning Proposal will help preserve the heritage character of the Mitchell and Kembla Streets HCA by addressing the zoning differences therein.

The Planning Proposal will also help keep the Heritage Schedule and Map in the BLEP updated through updating the property detail of the former Masonic Temple building.

Council's endorsement is sought for progressing the Planning Proposal to a Gateway Determination.

Recommendation(s)

1. That Council endorse the Planning Proposal for housekeeping amendments to BLEP 2012.
2. That Council submit the Planning Proposal to DPIE for a Gateway Determination.
3. That subject to the Gateway Determination, the Planning Proposal be publicly exhibited and consultation with affected property owners and relevant public authorities be undertaken.
4. That the results of the public exhibition and consultation be reported back to Council.

Attachments

- 1 Planning Proposal for housekeeping amendments to the Burwood Local Environmental Plan 2012



Planning Proposal

Amendment to Burwood Local Environmental Plan 2012

March 2021
File No.: 21/8177

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, Industry and Environment (DPIE) for its consideration, referred to as the Gateway Determination, and is also made available to the public as part of the community consultation process.

Introduction

Burwood Council is conducting a review of the Burwood Local Environmental Plan 2012 (BLEP) to help implement the Eastern City District Plan developed by the Greater Sydney Commission (GSC) and give effect to the Burwood Local Strategic Planning Statement (LSPS) approved by the GSC.

The Planning Proposal seeks to make the first of two tranches of amendments to the BLEP. The main change proposed in this Planning Proposal serves as a pilot scheme for rezoning and setting development standards and controls. The change, along with the methodology used, if endorsed by DPIE and proceeds to finalisation, would be advocated for or introduced to other areas of the Burwood Local Government Area (LGA) for further BLEP amendments.

Part 1 – Objectives or Intended Outcomes

This Planning Proposal seeks to:

1. Rezone land in Livingstone Street, Sym Avenue, Clarence and Church Streets Burwood with corresponding building height and floor space ratio (FSR) standards and additional local provisions.
2. Apply R2 Low Density Residential zone to a majority of properties on the northern side of Mitchell Street Enfield within the Mitchell and Kembla Streets Heritage Conservation Area (HCA).
3. Update the Heritage Schedule and Heritage Map in the BLEP to reflect the correct street address, lot and deposited plan numbers and land parcel for the heritage item of the former Masonic Temple building at 45 Belmore Street Burwood.

Part 2 – Explanation of the Provisions

1. Livingstone Street and Sym Avenue Precinct and Clarence and Church Streets Precinct

Proposal

- 1) The following properties would be rezoned to R1 General Residential, with a maximum building height of 17m and a maximum FSR of 1.8:1:

- Nos. 1, 3, 5, 7, 2, 4, 6, 8, and 10 Sym Avenue, Burwood
- Nos. 5 - 25 Livingstone Street, Burwood

The above properties are henceforth referred to as the Livingstone Street north and Sym Avenue sites.

The following properties would be rezoned to R1 General Residential, with a maximum building height of 17m and a maximum FSR of 1.8:1:

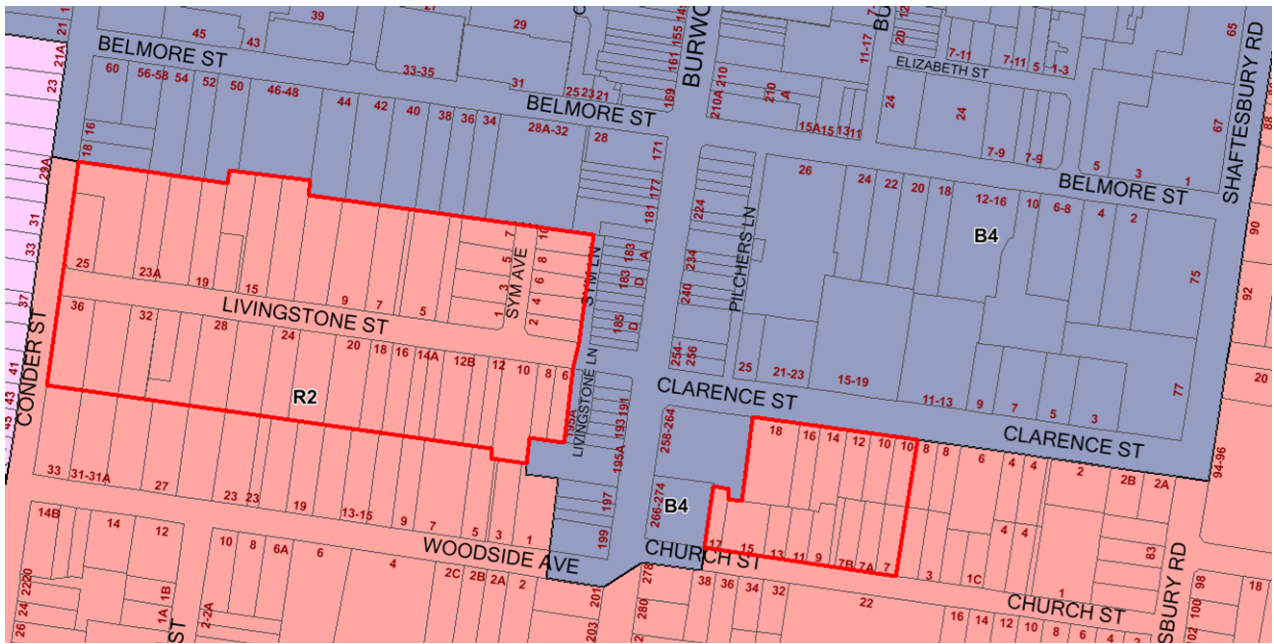
- Nos. 10 - 18 Clarence Street, Burwood
- Nos. 7 - 17 Church Street, Burwood

The above properties are henceforth referred to as the Clarence Street and Church Street sites.

The following properties would be rezoned to R3 Medium Density Residential, with a maximum building height of 10m and a maximum FSR of 1.2:1:

- 6 – 36 Livingstone Street, Burwood

These properties are henceforth referred to as the Livingstone Street south sites.



Existing land zoning map showing properties to be rezoned


- 2) Remove part of the Building Height Plane (BHP) Line E next to 18 Conder Street Burwood, and lift the BHP Line B height from 1.8m to 7.2m.




Existing: BHP lines as marked



Proposed: BHP lines as marked

Building Height Plane			
BHP Line	BHP Line	BHP Projected	BHP General
Symbol	Height	Angle	Orientation
	1.8m	54°	East of BHP line

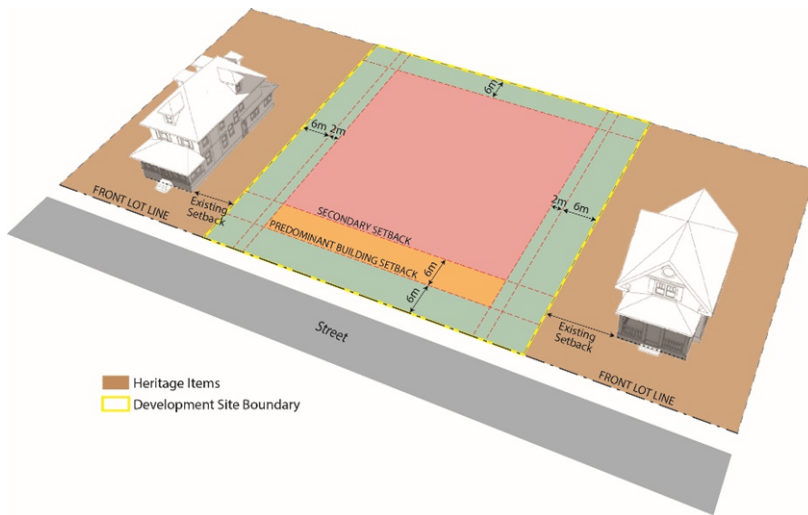
Existing BHP Line B height

Building Height Plane			
BHP Line	BHP Line	BHP Projected	BHP General
Symbol	Height	Angle	Orientation
	7.2m	54°	East of BHP line

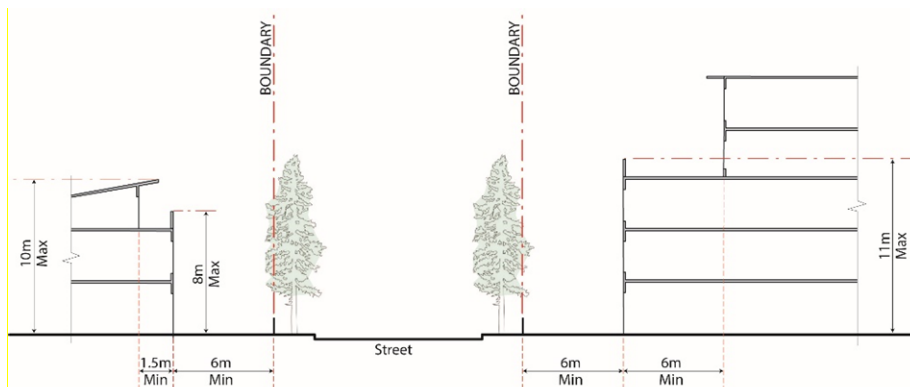
Proposed BHP Line B height

- 3) Introduce additional local provisions on:

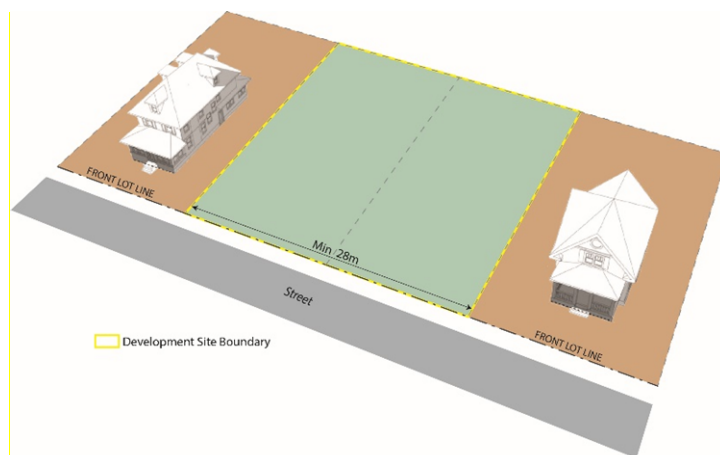
- Setback, including:
 - Minimum 6m predominant building setback from any street frontage.
 - Minimum 2m extra setback from the boundary adjoining a heritage item, additional to the setback requirements in the Apartment Design Guide (ADG).
 - Minimum secondary setback of 6m for sites in all streets except for the southern side of Livingstone Street, which is to have a minimum secondary setback of 1.5m, and Sym Avenue, which is to have a minimum secondary setback of 3m.



- Wall height: a maximum street wall height of 11m for all streets except for the southern side of Livingstone Street which is to have a maximum street wall height of 8m.



- Frontage: a minimum frontage of 28m before development for residential apartments, terraces or townhouses can be carried out.



- Site area: a minimum site area of 1500sqm (ie. > 28m x 48m = 1344sqm) for boarding house development and for sites including a heritage item.
- Uninterrupted building frontage: a maximum length of uninterrupted building frontage of 12m for terrace or townhouse development in order to achieve substantial articulation in the form of an indent, recess or physical break along the length of the elevation.
- Landscaped area: a minimum landscaped area of 40% of the site including a substantial provision of deep soil planting for residential apartment, terrace or townhouse development.

Background and Rationale

Burwood LSPS

The Burwood LSPS was endorsed by Council on 11 February 2020 and approved by the Greater Sydney Commission on 12 March 2020.

The LSPS identifies eight Local Character Investigation Areas, including:

- Livingstone Street Precinct (consisting of all properties on the northern side of Livingstone Street and on both sides of Sym Avenue, and the average front building line of properties on the southern side of Livingstone Street).



Source: Burwood LSPS

- Clarence and Church Streets Precinct (consisting of all properties bounded by Clarence Street, Shaftesbury Road, Church Street and Burwood Road).



Source: Burwood LSPS

The aims identified in the LSPS for these precincts are:

- *Ensure a suitable transition between the higher density development to the north and the low rise buildings to the south.*
- *Address the amenity issues at the interface between the Burwood Town Centre boundary and the land on the northern side of Livingstone Street.*
- *Investigate potential for two storeys terrace style housing with lofts or dormer windows (for Livingstone Street Precinct only).*
- *Protect solar access and amenity for properties within the precincts and to the south.*
- *Conserve significant heritage buildings and ensure future redevelopment responds sensitively to heritage items.*
- *Increase street trees and provide for a green, leafy character, with provision for gardens and an urban street canopy.*
- *Ensure a high quality standard for new buildings.*
- *Ensure a safe and pleasant street for pedestrians, emphasising the precinct's walkability to the Burwood Town Centre.*

Report to 24 November 2020 Council Meeting

A report on BLEP review was presented to Council meeting on 24 November 2020, when Council resolved to prepare a planning proposal to amend the BLEP by considering the possible rezoning of properties in Livingstone Street, Sym Avenue, Clarence and Church Streets Burwood.

Council also resolved to undertake direct consultation with local residents and land owners prior to the preparation of this Planning Proposal.

Community Consultation

Prior to writing up this Planning Proposal, community consultation was undertaken for residents, land owners and/or occupiers for the study areas outlined below.



The consultation included:

- Online survey, by way of 'SurveyMonkey', between 20 January and 12 February 2021.
- Three drop-in information sessions in the week commencing 1 February 2021.
- Hard copies of 'SurveyMonkey' made available at all drop-in consultation sessions for completion if required.

- One-on-one sessions with planning staff upon request from those who would not be able to attend the drop-in sessions (total of three completed with summary records of meeting issued to attendees via email).
- Planning staff were available to answer any phone or face to face enquiries.

Arrangements for the consultation included:

- A Mayoral letter and an information brochure.
- The letter and brochure were sent to all residents, owners or occupiers of properties in and around the study areas (properties having a common boundary, having made prior submissions or within the visual catchment of the study area).
- Council's planning staff hand delivered the letter and brochure where the addresses were within or around the study areas.
- Information on the 'Have your say' section of Council's website.
- Six presentation boards for the information drop in sessions.
- On-going updates to the website content as a response to community requests/feedback.
- Social media updates and reminders on key deadlines and dates.
- Extension of deadlines for submission of 'SurveyMonkey' for community members who experienced technical difficulties accessing online portals.
- Professional submissions considered as part of the community input received.

As a result, 85 responses to 'SurveyMonkey' were received through the on-line portal. One was completed manually during a drop-in session. One hard copy was mailed to Council and five submissions were received by the Strategic team via e-mail. This is a total of 92.

Key findings of the survey can be summarised below:

- 45% of the respondents were from Livingstone Street, 10-12% from Church Street, Sym Avenue, elsewhere or nearby, and 5% from Clarence Street.
- 51% of the respondents strongly disagreed with the option of terrace/ townhouse development while 13% disagreed with this option.
- 48.7% of the respondents disagreed with the option of three storey apartment buildings while 7.5% agreed with this option.
- 61% of the respondents agreed (including 51% who strongly agreed) with the option of four to five storey apartment buildings while 30% strongly disagreed with this option.
- 46% of the respondents would like to see more intensive development while 25% would like to remain as is.
- 48 respondents supported rezoning while 22 were against. Locations of the respondents are mapped but will not be shown in the Planning Proposal for privacy reasons.

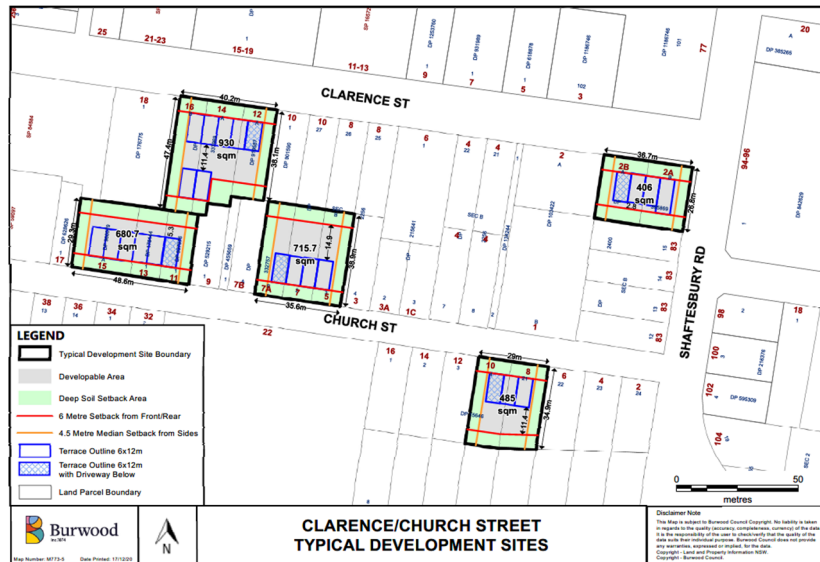
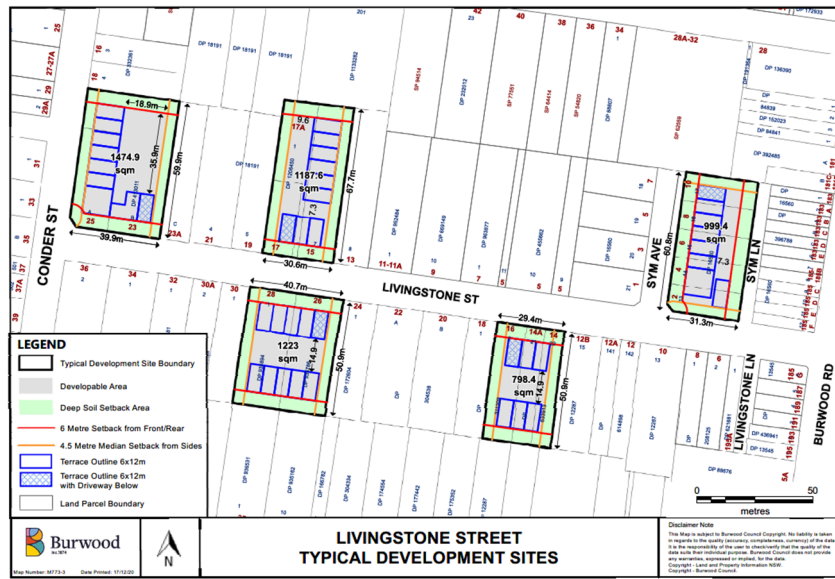
Economic Testing

Council staff inspected all properties in the study areas and identified 10 typical sites, each of which had three scenarios of development, being:

- Up to 10m high, or two storey plus attic space terraces/ townhouses.
- Up to 10m high, or three storey apartment buildings.
- Up to 14m high, or four to five storey apartment buildings.

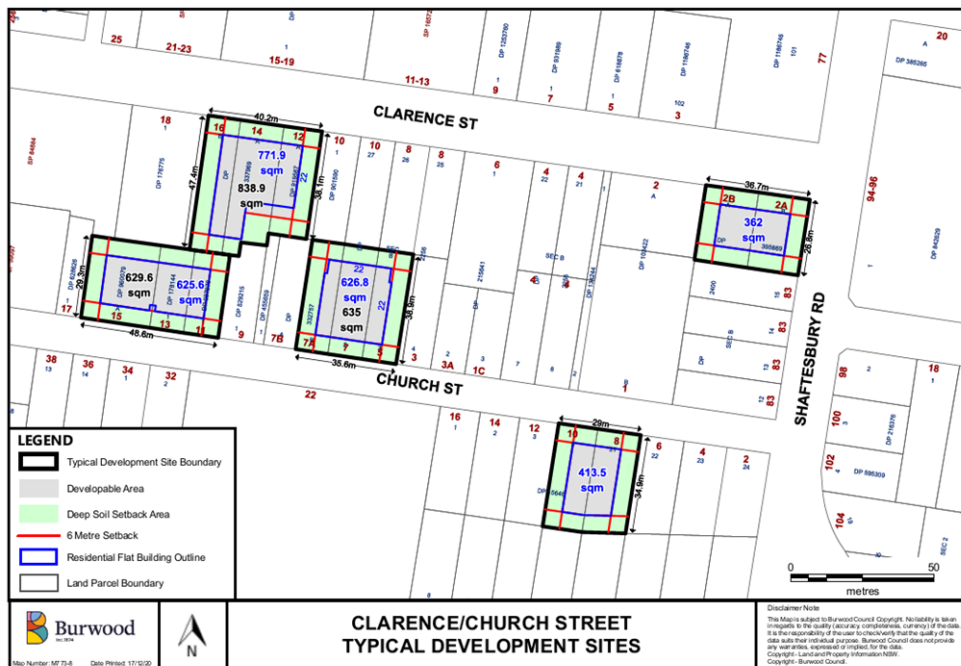
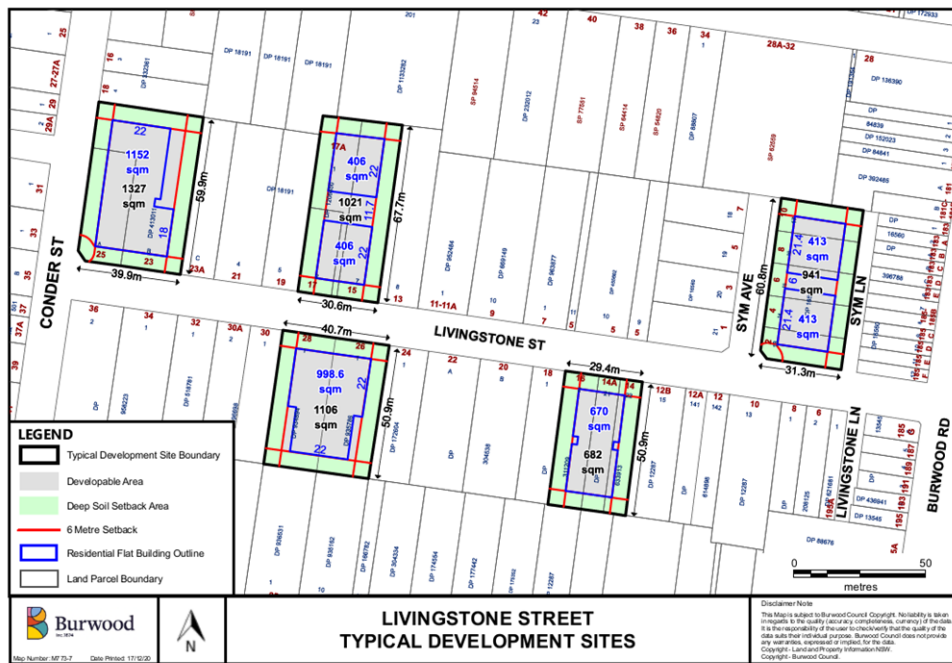
For the terrace/ townhouse scenario, the proposed building layouts and typical footprints comply with Council controls i.e. side and front setback and best practice building separation provisions.

See below the typical sites with building layouts and footprints for the terrace/townhouse development scenario.



For the apartment building scenarios, the proposed building layouts and typical footprints comply with applicable Council controls, the minimum setback and building separation provisions in State Environmental Planning Policy (SEPP) 65 - Design Quality of Residential Apartment Development and the ADG.

See below the typical sites with building layouts and footprints for 10m and 14m apartment development scenarios.



Dwelling yields, building heights, FSRs and parking requirements under the various scenarios were tabulated and provided to an economic consultant for viability testing.

Three representative sites were finally selected to test the three development scenarios. Council selected external consultant HillPDA to complete land use economic testing.

HillPDA used the following methodology:

- Calculating development profits, by inputting revenues less costs in a bespoke Excel model to derive a development profit then dividing profit by total project costs to derive a development or profit/risk margin.
- Assumed that a development margin of 16% to 17% would be required for a developer to purchase the site without development consent, and a lower margin of 12% to 14% might be acceptable if the site is sold with development consent.

- Testing each development scenario by starting with revenue then deducting GST and other sales costs, deducting construction and other development costs including interest, and deducting a required profit margin to derive a residual land value. This is the value of the land as a redevelopment site. By comparing it to the 'as is' value of the land (the value of the land assuming no change in zoning in perpetuity) the feasibility of each development scenario is revealed.

The results of the economic testing are:

- Five storey residential apartments, with a FSR of 1.8:1 are economically viable if two to three sites are consolidated.
- Three storey terraces or townhouses, with a FSR of 1.2:1 may be economically viable provided two sites are consolidated achieving a minimum frontage of approximately 40m and depth of 48m.

Traffic and Transport Considerations

Council's Traffic and Transport team has been consulted on the proposed zoning described earlier. The team considered the additional traffic to be generated and the potential road network impacts if the above viable scenarios were to be considered as changes to the applicable controls. The general comments by Council's Traffic and Transport team are:

- The additional traffic will not result in the traffic volumes exceeding the planned capacity of the local roads.
- The additional traffic generation in the Clarence Street and Church Street precinct (some 17 trips/hr) is low and therefore unlikely to impact the surrounding intersection performance.
- The additional traffic in the Livingstone Street and Sym Avenue precinct (some 104 trips/hr) is more significant and is likely to negatively impact on the intersection performance. Further detailed SIDRA intersection assessment is required on the impacted intersections to determine whether any upgrades are required.
- Both streets are within a 450m catchment of the existing Burwood Train Station providing future residents with the opportunity to use public transport services with accessibility to both Sydney and Parramatta CBDs.
- Both streets are directly adjoining the Burwood Town Centre. This provides direct, walkable access to a range of retail and professional services, community facilities and employment opportunities.
- The streets occupy a highly connected location which will promote active travel options as an alternative to private vehicle use.

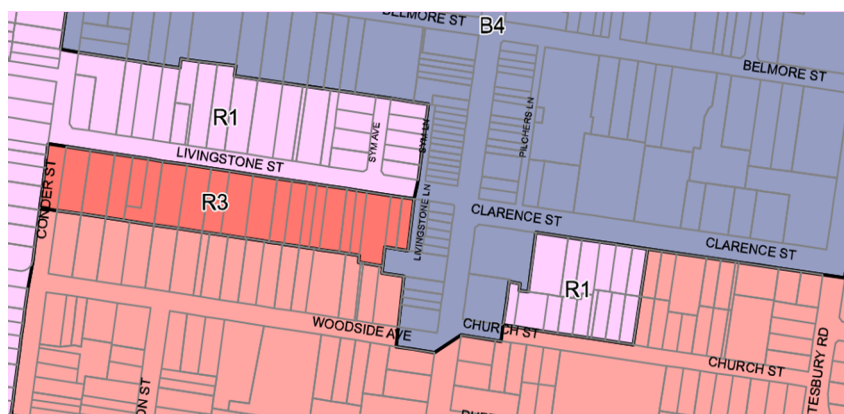
Council's Traffic and Transport team has raised no objection to the proposed rezoning on traffic grounds.

Summary of Rationale

The proposed rezoning is:

- The Livingstone Street North and Sym Avenue properties would be rezoned to R1 General Residential, with a maximum building height of 17m and a maximum FSR of 1.8:1.
- The Livingstone Street South properties would be rezoned to R3 Medium Density Residential, with a maximum building height of 10m and a maximum FSR of 1.2:1.

- The Clarence and Church Street sites would be rezoned to R1 General Residential, with a maximum building height of 17m and a maximum FSR of 1.8:1.



Map showing the proposed rezoning

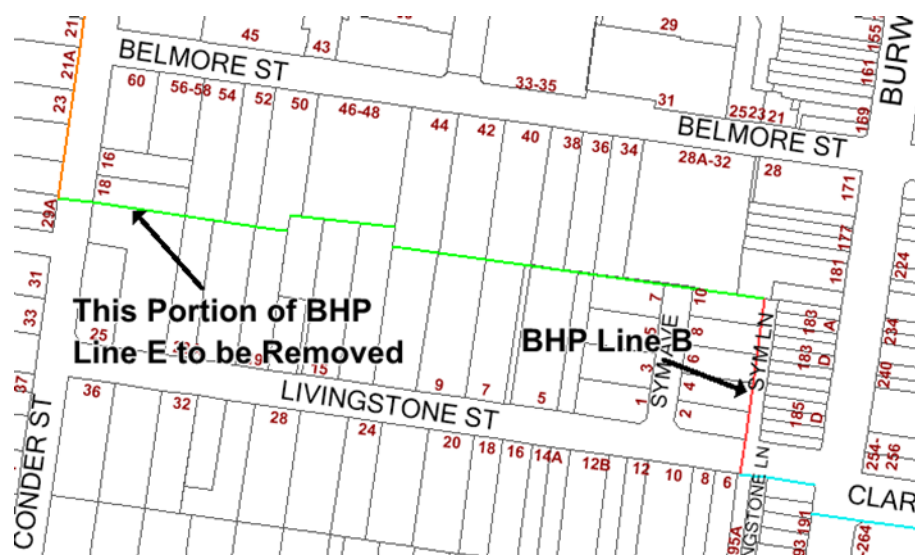
The above proposed rezoning is based on the following rationale:

- The two precincts are located right next to the Burwood Town Centre, therefore enjoying close proximity to existing available retail and commercial facilities and public transport services.
- The Burwood LSPS identifies the precincts as Local Character Investigation Areas, with the aim in part of providing a transition between the higher density development in the Burwood Town Centre and the low rise buildings outside of the town centre, conserving heritage buildings as well as addressing amenity issues.
- The community consultation outcome is that 61% of the survey respondents had a preference for four to five storey residential apartment developments therein.
- The proposed rezoning as described is supported by the land use economic viability testing.
- Although the proposed rezoning could trigger the requirements for intersections upgrade, Council's Traffic and Transport team raised no objection to the proposal.
- The proposed rezoning occupies a highly connected location that will support the role and function of the Burwood Town Centre as a regional strategic centre and offer convenient access to public transport services.

More detailed considerations or substantiation are provided below:

- Additional local provisions on setback, street wall height, lot size, frontage, and length etc will be included in the BLEP amendment in order to protect streetscape characters, control built forms, address amenity concerns and minimise impacts on heritage items, since LEP provisions have more weight than DCP controls.
- Allowing three storey terrace or townhouse development for the southern side of Livingstone Street is aimed at providing a degree of transition between the five storey building height for the northern side of the street and the two storey residences further south, without causing amenity issues for the interface, as well as achieving a more balanced streetscape appearance.
- Five heritage items (within a consolidated group) occupy the majority of the eastern part of the Clarence and Church Streets precinct. This part has been excluded from the proposed rezoning to ensure the significance of existing heritage items will not be undermined by development of the non-heritage items in this part of the precinct. Again, the impact of development in the eastern part of the precinct on Heritage Item No. I42 (i.e. 8 Clarence Street) will be assessed and managed through additional local provisions in the BLEP amendment.

- Although three storey only developments for the northern side of Church Street would provide a better transition between the higher rise buildings in the Burwood Town Centre and the two storey residences on the southern side of Church Street, such developments would not be viable due to a reduced yield taking into account the smaller size and depths of the properties therein, based on the economic testing.
- The proposed density is in keeping with the objective of locating housing close to open space and community facilities. In this case, the Woodstock building and open space, owned by Council, are accessible in Church Street.
- The portion of the existing BHP Line E next to 18 Conder Street will be removed to help allow for orderly development at 18 Conder Street. The rest of the BHP Line E along the Belmore and Livingstone Streets interface is to remain in order to prevent development in Belmore Street from being built to the southern boundary, which would result in poor building, landscaping and amenity outcomes. The existing BHP Line B along the western side of Sym Lane will have its BHP line height increased to help allow for orderly development in Burwood Road while ensuring the eastern elevation of development in Sym Avenue will not be overshadowed by development in Burwood Road. Refer to map below.

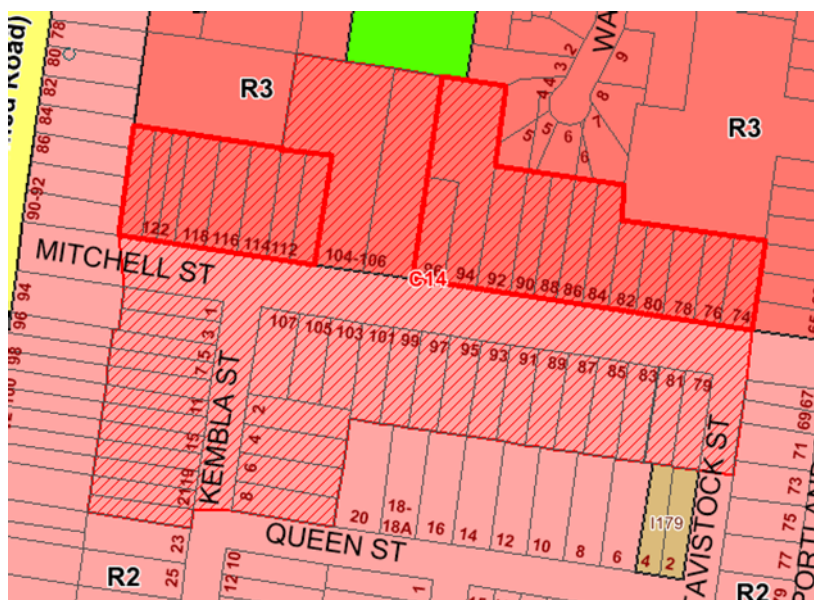


2. Mitchell and Kembla Streets Heritage Conservation Area (HCA)

Proposal

The following properties in the Mitchell and Kembla Streets HCA would be rezoned to R2 Low Density Residential, with a maximum building height of 8.5m and a maximum FSR of 0.55:1:

- Nos. 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 110, 112, 114, 116, 118, 120, 122 and 124 Mitchell Street, Enfield



Existing zoning of Mitchell and Kembla Streets HCA.

The hatching denotes the HCA. The thick red outlines denote properties to be rezoned.

The property at 104-106 Mitchell Street Enfield is excluded from the rezoning, as it has already been developed with medium density housing in late 1970s.

Background and Rationale

A petition was received in May 2020 with signatures from 28 house addresses (out of 36 land parcels) in Mitchell Street Enfield and Croydon Park. It was stated in the petition that the residents in the HCA were alarmed by the zoning of the northern side of Mitchell Street being R3 Medium Density Residential, and that the type of housing allowed in the R3 zone would contravene the conservation area status and would go against the streetscape of the area. The petition requested Council to change the northern side of Mitchell Street to R2 Low Density Residential.

It is stated in the report to the 24 November 2020 Council meeting that:

- The R3 zoning is incongruous to the properties zoned R2 in the HCA.
- Properties in HCA could be rezoned to either R2 or R3 so that only one type of zoning applies.
- An R2 Low Density Residential zone is considered more appropriate to protect the character of the conservation area.

The report to Council further states that this matter requires further investigation to determine the implications of the two zonings upon the long term preservation of the conservation area, and that this matter be included as part of this Planning Proposal.

In this regard, given an R2 zone mainly allows one to two storey dwelling houses while an R3 zone allows two storey townhouses or two storey plus attic terraces, the inconsistent zoning could lead to incompatible streetscape character between the two sides of Mitchell Street.

Hence this Planning Proposal seeks to rezone the northern side of Mitchell Street, Enfield in the HCA from R3 Medium Density Residential to R2 Low Density Residential, with the exception for 104-106 Mitchell Street, which contains existing medium density housing development.

The R2 and R3 zones are currently subject to the same maximum building height and FSR standards under the BLP. Rezoning the northern side of Mitchell Street Enfield (with the exception of 104-106 Mitchell Street) in the HCA from R3 to R2 would not affect the development potential of the properties concerned.

3. Former Masonic Temple Building

Proposal

Schedule 5 Environmental heritage would be amended to show the following details for Heritage Item No. 18:

Suburb	Item name	Address	Property description	Significance	Item no
Burwood	Masonic Temple	45 Belmore Street	Part Lot 104, DP 1258893	Local	i8

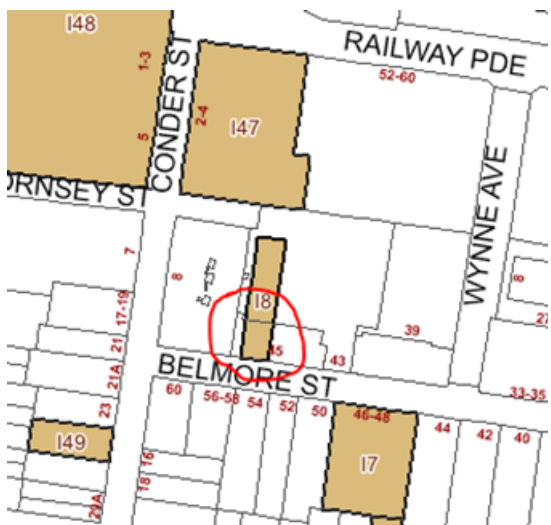
The Heritage Map of the BLEP 2012 would be amended to include the land parcel at 45 Belmore Street only as the Heritage Item.



The heritage listing would apply to the whole of the land parcel (i.e., part Lot 104 in DP 1258893) containing the former Masonic Temple building, as is the usual case for listings under Schedule 5 and the Heritage Map.

Background and Rationale

The former Masonic Temple used to occupy two parcels of land, at 43 and 45 Belmore Street Burwood. The building is a heritage item listed in the Heritage Schedule and on the Heritage Map of the BLEP.



Map showing the heritage item covers two parcels Aerial photo of current heritage building

Consent for Development Application No. 193/2015 was granted for the construction of a mixed use development comprising a commercial podium, three residential towers and commercial floor space with multi-storey basement parking at 39 - 47 Belmore Street Burwood. The development involved partial demolition of the former Masonic Temple building.

The development has been completed and new subdivision plans have been registered with NSW Land Registry Services. The heritage building after completion of the development has been given a new street address and lot and deposited plan numbers.

Council therefore take the opportunity of preparing this Planning Proposal to update the Heritage Schedule and the Heritage Map in the BLEP to reflect the current street address, lot and deposited plan numbers for this heritage building.

The existing Heritage Map in the BLEP shows the foot print of the heritage building before the partial demolition (see the excerpt above), while the heritage items nearby and in the rest of the LGA are shown as covering their whole land parcels, which is the usual case for listings under Schedule 5 and the Heritage Map.

Therefore the updated Heritage Map would see the whole of 45 Belmore Street being identified consistently with other heritage items.

Part 3 – Justification

Section A – Need for the Planning Proposal

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

On 24 November 2020, Council considered a report on BLEP review, and resolved, in part:

2. *That Council provide endorsement to proceed with the preparation of a housekeeping LEP amendment that considers the following items:*
 - a. *Livingstone Street, Sym Avenue, Clarence and Church Streets Precinct, Burwood*
 - b. *Former Masonic Temple Building*
 - c. *Mitchell and Kembla Street Conservation Area*

This Planning Proposal seeks to implement the above Council resolution.

The proposal is consequential to Council's LSPS and the Local Housing Strategy (LHS).

The Burwood LSPS was adopted by Council on 11 February 2020 and approved by the Greater Sydney Commission on 12 March 2020. The Burwood LHS was also adopted by Council on 11 February 2020 and has been under assessment by DPIE.

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

The Planning Proposal is the only means to achieve the intended outcomes as identified in Part 1 of this proposal. Any change to zoning and/or update to a schedule in a LEP requires the preparation of a planning proposal.

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 (including any exhibited draft plans or strategies)?*

Assessment Criteria

a) *Does the proposal have strategic merit? Will it:*

- *give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*
- *give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or*
- *responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.*

The Planning Proposal is considered to have strategic merit.

Greater Sydney Region Plan

The Planning Proposal is consistent with the Greater Sydney Region Plan in that it will:

- *Promote Greater Sydney's communities as "culturally rich with diverse neighbourhoods" (Objective 8).*
- *"Incorporate cultural and linguistic diversity in strategic planning and engagement" (Strategy 8.1).*
- *Provide "greater housing supply" (Objective 10).*
- *Make housing "more diverse and affordable" (Objective 11).*
- *Identify, conserve and enhance environmental heritage (Objective 13).*

Eastern City District Plan

The Planning Proposal is consistent with the Eastern City District Plan in that it will:

- *Provide housing supply, choice and affordability, with access to jobs, services and public transport (Planning Priority E5).*
- *Create and renew great places and local centres, and respect the District's heritage (Planning Priority E6).*

Burwood LSPS

The Planning Proposal is consistent with the Burwood LSPS.

Item 1 of the proposal concerning the rezoning of properties in Livingstone Street, Sym Avenue, Clarence and Church Streets Burwood will address the following priorities and action under the Liveability Theme in the Burwood LSPS:

- *Priority 3 – Provide housing supply, choice and affordability in close proximity to jobs, services and public transport.*
 - *Action 3.2 - Deliver housing supply with the aim of meeting housing targets of 2,600 new homes in 2016-2021. If there is a shortfall in the target (which is true for the Burwood LGA), deliver additional new homes in the six to 10 year housing supply projections.*
- *Priority 5 – Identify local character areas considering preservation, enhancement and desired future character.*

Item 2 of the proposal concerning the rezoning of the northern side of Mitchell Street Enfield within the Mitchell and Kembla Streets HCA will address the following objective identified in the Burwood LSPS:

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

Responding to Changes in Circumstances

This Planning Proposal has not been triggered by any investment in new infrastructure or a change in demographic trends. It responds to a change in circumstances as follows:

The Burwood LSPS contains under *Priority 5 – Identify local character areas considering preservation, enhancement and desired future character* an action, which states:

- *Action 5.3 – Investigate rezoning land in the transition area around the Burwood Town Centre to the R3 zone.*

In this case, the economic viability testing has revealed that rezoning land on the Livingstone Street north and Sym Avenue sites as well as the Clarence and Church Street sites to R3 Medium Density Residential would not be viable. It is therefore necessary for the proposal to be adjusted accordingly, by seeking a R1 zoning, instead of a R3 zoning, for the study areas concerned.

b) Does the proposal have site specific merit, having regard to the following?

- ***The natural environment (including known significant environmental values, resources or hazards) and***
- ***The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and***
- ***The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.***

The Planning Proposal is considered to have site specific merit. It may not specifically address the natural environment, but it does have regard to land uses and likely future development of land in the vicinity of proposal.

As described in Part 2 of this proposal, Council's Traffic and Transport team assessed the impact of development on the road network, if the rezoning were to be adopted. The team advised that the development in Livingstone Street and Sym Avenue north and south sites is likely to impact on the intersection performance, requiring intersection upgrades.

The introduction of traffic signals at Burwood Road/ Livingstone Street /Clarence Street and upgrade of existing traffic signals at Burwood Road/ Belmore Street are already listed in Council's Local Infrastructure Contributions Plan. Any further works when determined would be included in

the Contributions Plan. These works are expected to be funded through local infrastructure contributions.

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

In addition to consistency with Council's LSPS, which has been discussed above, the Planning Proposal is consistent with the following plans of Council:

Burwood 2030 Community Strategic Plan (CSP)

The CSP recognises the challenge of balancing growth with maintaining lifestyles, preserving heritage and protecting the environment, while ensuring progress and innovation.

The Planning Proposal is consistent with the following strategic goals identified in the CSP:

- 1.2 *A well informed, supported and engaged community*
 - 1.2.3 *Communication and community engagement through innovation solutions*
- 2.1 *Community confidence in Council's decision making*
 - 2.1.1 *Provide opportunities for discussions and report decisions back to the community*
 - 2.1.3 *Ensure transparency and accountability in decision making*
- 4.3 *Burwood's existing heritage integrated with high quality urban design*
 - 4.3.2 *Preserved heritage through relevant planning strategies*
- 5.4 *Activated village precincts and preserve the distinct characters of surrounding residential areas*
 - 5.4.1 *Local heritage is preserved through relevant planning strategies and initiatives*

Burwood Local Housing Strategy (LHS)

The Planning Proposal aims to address the following objectives for housing in the Burwood LGA as identified in the Burwood LHS:

- *Increase housing diversity and choice to meet the community's changing needs (by Item 1 of the proposal).*
- *Plan for longer term housing needs, preserving opportunities for medium and high density housing development beyond 2036 near centres and public transport (by Item 1 of the proposal).*
- *Support the vibrancy, vitality and activity of centres, including the Burwood Town Centre, local centres and neighbourhood centres (by Item 1 of the proposal).*
- *Preserve local character by preventing extensive redevelopment in those parts of the LGA which have heritage significance or a significant local character (by Item 2 of the proposal).*

The Planning Proposal is consistent with the following key element as identified in the housing structure plan in the Burwood LHS:

- *More medium density development to increase housing diversity around local and neighbourhood centres and in the potential density gradient area creating a built form transition from Burwood Town Centre to surrounding lower-density suburbs.*

As mentioned before, the lack of economic viability of medium density development in two of the precincts suggests the need for an adjustment to this key element.

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

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

All SEPPs that are in force are set out in the table below, together with a comment regarding the Planning Proposal's consistency:

SEPP	Comment
SEPP No. 19 – Bushland in Urban Areas	Not relevant.
SEPP No. 21 – Caravan Parks	Not relevant.
SEPP No. 33 – Hazardous and Offensive Development	Not relevant.
SEPP No. 36 – Manufactured Home Estates	Not relevant.
SEPP No. 47 - Moore Park Showground	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	The Planning Proposal would not contravene SEPP 65 in any way. The building envelopes developed in Item 1 of the proposal for economic viability testing comply with key provisions of the Apartment Design Guide.
SEPP No. 70 – Affordable Housing (Revised Schemes)	Not relevant. This SEPP applies only to certain development applications. It does not apply to a planning proposal.
SEPP (Aboriginal Land) 2019	Not relevant.
SEPP (Activation Precincts) 2020	Not relevant.
SEPP (Affordable Rental Housing) 2009	The Planning Proposal would not contravene this SEPP in any way.
SEPP (Building Sustainability Index: BASIX) 2004	Not relevant.
SEPP (Coastal Management) 2018	Not relevant.
SEPP (Concurrences and Consents) 2018	The Planning Proposal would not contravene this SEPP in any way.
SEPP (Educational Establishments and Child Care Facilities) 2017	Not relevant.
SEPP (Exempt and Complying Development Codes) 2008	The Planning Proposal would not contravene this SEPP in any way.
SEPP (Gosford City Centre) 2018	Not relevant.
SEPP (Housing for Seniors or People with a Disability) 2004	Not relevant.
SEPP (Infrastructure) 2007	Not relevant.
SEPP (Koala Habitat Protection) 2020	Not relevant.
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not relevant.
SEPP (Kurnell Peninsula) 1989	Not relevant.
SEPP (Major Infrastructure Corridors) 2020	Not relevant.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not relevant.
SEPP (Penrith Lakes Scheme) 1989	Not relevant.
SEPP (Primary Production and Rural	Not relevant.

Development) 2019	
SEPP (State and Regional Development) 2011	Not relevant.
SEPP (State Significant Precincts)	Not relevant.
SEPP (Sydney Drinking Water Catchment) 2011	Not relevant.
SEPP (Sydney Region Growth Centres) 2006	Not relevant.
SEPP (Three Ports) 2013	Not relevant.
SEPP (Urban Renewal) 2010	Not relevant.
SEPP (Vegetation in Non-Rural Areas) 2017	The Planning Proposal would not contravene this SEPP in any way.
SEPP (Western Sydney Aerotropolis) 2020	Not relevant.
SEPP (Western Sydney Employment Area) 2009	Not relevant.
SEPP (Western Sydney Parklands) 2009	Not relevant.

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

No s.9.1 directions would be contravened by the amendments proposed in the Planning Proposal.

All current s.9.1 directions are set out in the table below, together with a comment regarding the Planning Proposal's consistency:

Direction	Issue Date / Date Effective	Comment
1. Employment and Resources	1 July 2009 (Except for New Direction 1.2 effective 14 April 2016; Direction 1.1 effective 1 May 2017; 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 and 2.4 effective 14 April 2016; Direction 2.2 effective 3 April 2018)	
2.1 Environment Protection Zones		Not relevant.
2.2 Coastal Management		Not relevant.
2.3 Heritage Conservation		The Planning Proposal is consistent with this direction by seeking to apply a unified R2 zone to all properties within the Mitchell and Kembla Streets HCA, in order to better conserve the housing and streetscape characters therein.
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.
2.6 Remediation of Contaminated Land		Not relevant.
3. Housing, Infrastructure and Urban Development	1 July 2009 (Except for new Direction 3.6 effective 16 February 2011, Direction 3.1, 3.2, 3.4 and 3.5 effective 14 April 2016, Direction 3.7 effective 15 February 2019)	
3.1 Residential Zones		<p>The objectives of this direction are:</p> <ol style="list-style-type: none"> to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, to minimise the impact of residential development on the environment and resource lands. <p>The direction requires a planning proposal to (among other provisions):</p> <ul style="list-style-type: none"> ▪ broaden the choice of building types and locations available in the housing market, ▪ make more efficient use of existing infrastructure and services, ▪ be of good design. <p>The Planning Proposal is consistent with this direction by upzoning lands in the Livingstone Street, Sym Avenue, Clarence Street and Church Street, following a building footprint study and an economic viability testing.</p>
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 sites under the Exempt and Complying Development Codes SEPP, nor the BLEP.
3.4 Integrating Land Use and Transport		<p>The objective of this direction is to ensure that future development (after rezoning) will:</p> <ol style="list-style-type: none"> improve access to housing, jobs and services by walking, cycling and public transport, increase the choice of available transport and reducing dependence on cars, reduce travel demand including the number of trips generated by development and the distances travelled, especially by car, support the efficient and viable operation of public transport services. <p>The Planning Proposal is consistent with this</p>

		<p>direction by upzoning lands in Livingstone Street, Sym Avenue, Clarence Street and Church Street, which adjoin the Burwood Town Centre, and as such would enjoy easy access to jobs, retail and commercial premises, open space and public transport services available.</p> <p>This rezoning is not expected to adversely affect mode of travel, choice of transport or dependence on cars. It should help support the efficient and viable operation of public transport by upzoning of land right next to the Burwood Town Centre.</p> <p>Council's Traffic and Transport team has advised the additional traffic generation will not result in the traffic volumes exceeding the environmental capacity of the local roads. The additional traffic generation in the Clarence and Church Streets Precinct (some 17 trips/hour) is low and therefore unlikely to impact the surrounding intersection performance. The additional traffic in the Livingstone Street and Sym Avenue north and south sides (some 104 trips/hour) is significant and is likely to impact on the intersection performance. Further detailed SIDRA intersection assessment is required on the impacted intersections to determine whether any upgrades are required.</p>
3.5 Development Near Regulated Airports and Defence Airfields		Not relevant.
3.6 Shooting Ranges		Not relevant.
3.7 Reduction in non-hosted short term rental accommodation period		Not relevant.
4. Hazard and Risk	1 July 2009 (Except for new Direction 4.2 effective 14 April 2016; Direction 4.4 effective 19 February 2020)	
4.1 Acid Sulfate Soils		The Planning Proposal will not contravene this direction, as all properties that are included in the proposal are 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		The Planning Proposal will not contravene this direction, as none of the properties that are included in the proposal have been identified as being flood prone, based on the flood studies undertaken for Council.
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 5.4	

	effective 21 August 2015; Direction 5.9 effective 30 September 2013; Direction 5.10 effective 14 April 2016; Direction 5.3 effective 1 May 2017; Direction 5.11 effective 6 February 2019)	
5.1 (Revoked 17 October 2017)		
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)		
5.6 (Revoked 10 July 2008)		
5.7 (Revoked 10 July 2008)		
5.8 (Revoked 20 August 2018)		
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 on development applications, nor identify any land use or development 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 Planning Proposal is not inconsistent with the intent of the NSW Government's <i>A Metropolis of Three Cities and the Eastern City District Plan</i> , and does not undermine the achievement of their vision, policies, outcomes or actions. Section B, 3 of this Planning Proposal assesses its consistency with those plans.
7.2 (Revoked 28 November 2019)		
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.
7.11 Implementation of St Leonards and Crows Nest 2036 Plan	27 August 2020	Not relevant.
7.12 Implementation of Greater Macarthur 2040	28 November 2019	Not relevant.
7.13 Implementation of the Pymont Peninsula Place Strategy	11 December 2020	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 enabling additional housing development, housing supply and the conservation of properties in a HCA.

Section D – State and Commonwealth Interests

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

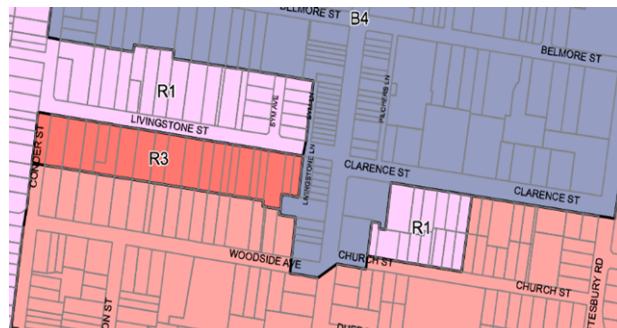
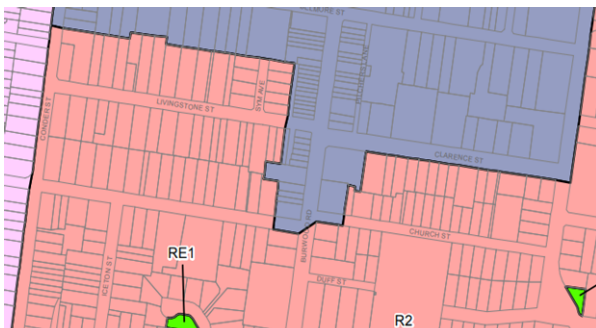
This proposal is unlikely to have any impacts on State's or Commonwealth's infrastructure provision.

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

The views of any relevant State and Commonwealth authorities will be sought through consultation following receipt of a positive Gateway Determination, which is expected to confirm and specify any consultation required on the Planning Proposal.

Part 4 – Mapping

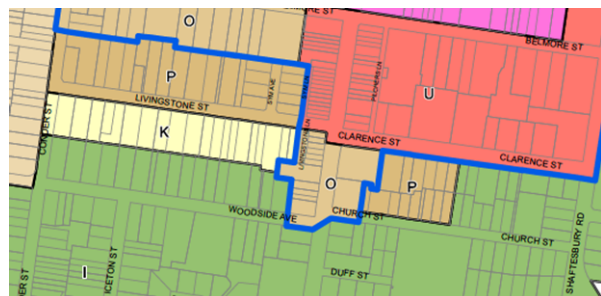
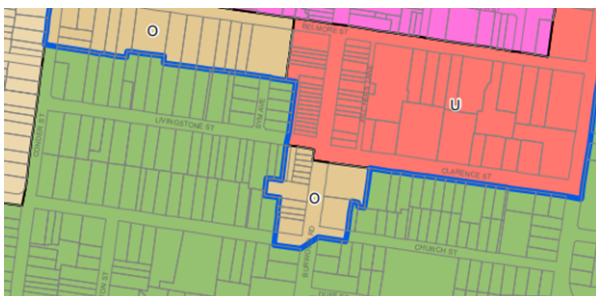
Lands in Livingstone Street, Sym Avenue, Clarence Street and Church Street Burwood



Land Zoning (Map Sheet LZN_001)

Existing: R2 Low Density Residential

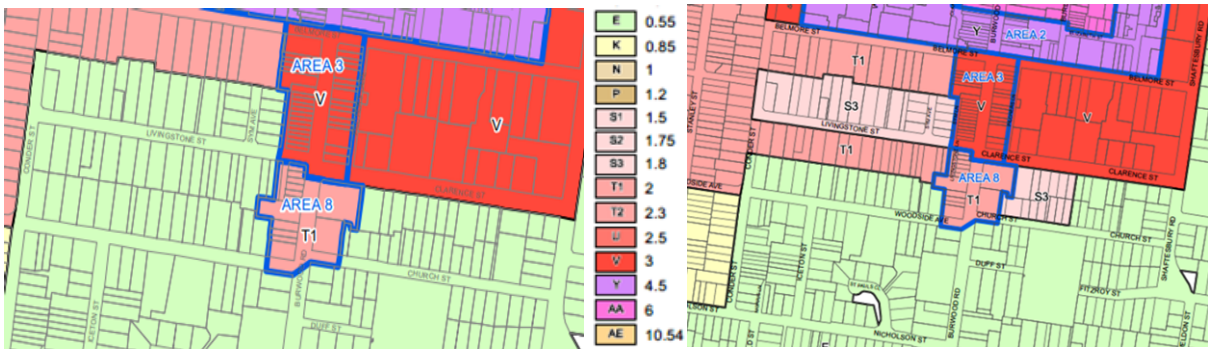
Proposed: R1 General Residential and R3 Medium Density Residential



Height of Buildings (Map Sheet HOB_001)

Existing: 8.5m

Proposed: 17m and 10m



Floor Space Ratio (Map Sheet FSR_001)

Existing: 0.55:1

Proposed: 1.8:1 and 1.2:1



Building Height Plane (Map Sheet BHP_001)

Existing: BHP lines as marked

Proposed: BHP lines as marked

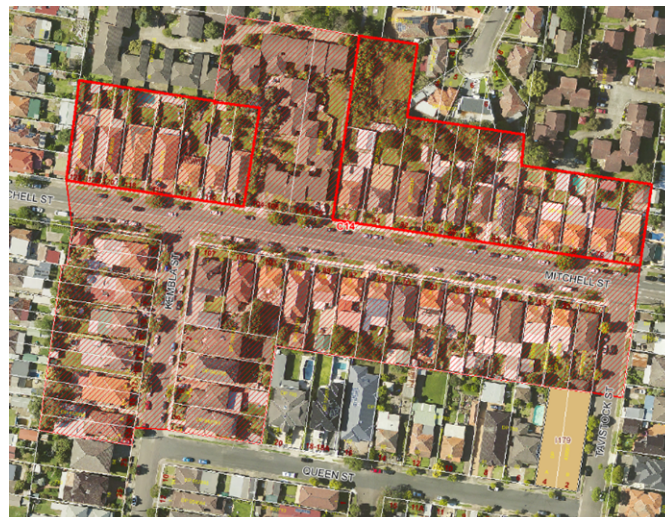
Building Height Plane			
BHP Line Symbol	BHP Line Height	BHP Projected Angle	BHP General Orientation
	1.8m	54°	East of BHP line

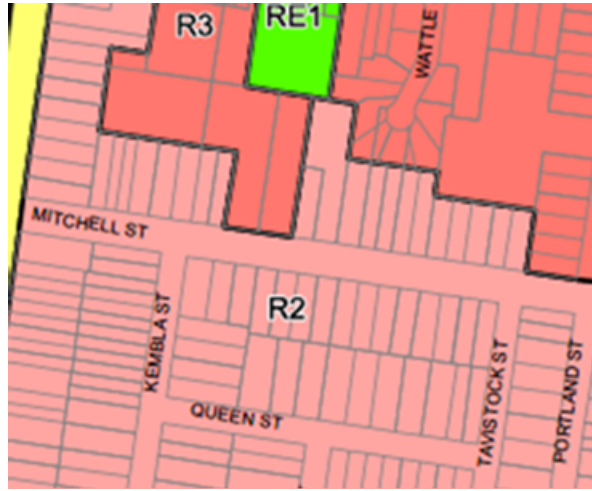
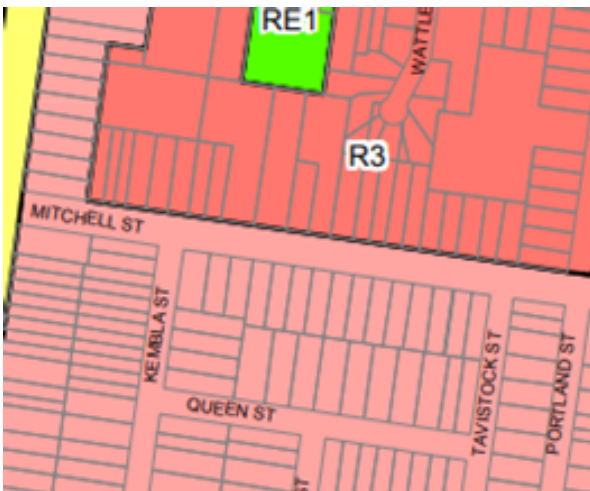
Building Height Plane			
BHP Line Symbol	BHP Line Height	BHP Projected Angle	BHP General Orientation
	7.2m	54°	East of BHP line

Existing BHP Line B height

Proposed BHP Line B height

Lands within the Mitchell and Kembla Streets Heritage Conservation Area





Land Zoning (Map Sheet LZN_002)

Existing: R3 Medium Density Residential

Proposed: R2 Low Density Residential



Height of Buildings (Map Sheet HOB_002)

Existing: 8.5m

Proposed: no change, 8.5m



Floor Space Ratio (Map Sheet FSR_002)

Existing: 0.55:1

Proposed: no change, 0.55:1

45 Belmore Street, Burwood (Lot 104 in DP1258893)



Existing: Heritage Item 18

Heritage (Map Sheet HER_001)
Proposed: Heritage Item 18

Part 5 – Community Consultation

Burwood Council has consulted the property owners and residents concerning land in Livingstone Street, Sym Avenue, Clarence and Church Streets Burwood, ahead of preparing this Planning Proposal. Details of this consultation are described in Part 2 - Explanation of the Provisions.

Council intends to publicly exhibit this Planning Proposal for a period of 28 days.

It is expected that Council would be required to consult with the following agencies in respect of the Planning Proposal:

- Office of Environment and Heritage
- Transport for NSW
- Roads and Maritime Services
- Energy Australia
- Sydney Water
- NSW Department of Education

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 June 2021
Anticipated timeframe for the completion of required technical information	End of July 2021
Timeframe for government agency consultation	August 2021
Commencement and completion dates for the public exhibition period	August 2021
Dates for public hearing	Not applicable
Timeframe for consideration of submissions	September and October 2021
Timeframe for the consideration of a proposal post exhibition	23 November 2021 (due to local government election)
Date of submission to the Department to finalise the LEP	By 7 December 2021
Anticipated date the local plan-making authority will make the plan (if authorised)	December 2021 and January 2022
Anticipated date the local plan-making authority will forward the final draft plan for publication	February or March 2022

Appendix One

Information Checklist

MATTERS — CONSIDERED ON A CASE BY CASE BASIS
(Depending on complexity of planning proposal and nature of issues)

Planning Matters or Issues	To be considered	N/A		To be considered	N/A
	Y	X		Y	X
Strategic Planning Context			Environmental Considerations		
Consistent with the relevant regional, district or corridor/precinct plans applying to the site, including any draft regional/district or corridor/precinct plans released or public comment; or	Y		Flooding		X
			Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)		X
			Sea level rise		X
Consistent with a relevant local council strategy that has been endorsed by the Department; or	Y		Urban design Considerations		
			Existing site plan (buildings, vegetation, roads, etc)	Y	
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls; or	Y		Existing site plan (buildings, vegetation, roads, etc)	Y	
			Building mass/block diagram study (changes in building height and FSR)	Y	
			Lighting impact		X
Seeking to update the current planning controls if they have not been amended in the last 5 years	Y		Development yield analysis (potential yield of lots, houses, employment generation)	Y	
Site Description / Context			Economic Considerations		
Aerial photographs	Y		Economic impact assessment		X
Site photos / photomontage	Y		Retail centres hierarchy		X
Traffic and Transport Considerations			Employment land		X
Local traffic and transport	Y		Social and Cultural Considerations		
TMAP	Y		Heritage impact	Y	
Public transport	Y		Aboriginal archaeology		X
Cycle and pedestrian movement	Y		Open space management		X
Environmental Considerations			European archaeology		X
Bushfire Hazard		X	Social and cultural impacts	Y	
Acid sulphate Soil		X	Stakeholder engagement	Y	
Noise impact		X	Infrastructure Considerations		
Flora and/or fauna		X	Infrastructure servicing and potential funding arrangements	Y	
Soil stability, erosion, sediment, landslip assessment and subsidence		X	Miscellaneous / Additional Considerations		
Water quality		X	List any additional studies that should be undertaken post Gateway determination	Y*	
Stormwater management	Y				

* SIDRA intersection assessment is required for the impacted intersections to determine upgrade requirements.

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 Council
Name of draft LEP: Housekeeping Amendments to Burwood Local Environmental Plan 2012
Address of Land (if applicable): <ol style="list-style-type: none"> Livingstone Street and Sym Avenue Precinct and Clarence and Church Streets Precinct Properties on northern side of Mitchell Street Enfield, in Mitchell and Kembla Streets Heritage Conservation Area 45 Belmore Street Burwood (Lot 104 in DP1258893)
Intent of draft LEP: <ol style="list-style-type: none"> Rezone northern side of Livingstone Street, both sides of Sym Avenue, 10 - 18 Clarence Street and 7 - 17 Church Street Burwood to R1 with a maximum building height of 17m and a maximum FSR of 1.8:1. Rezone southern side of Livingstone Street Burwood to R3 with a maximum building height of 10m and a maximum FSR of 1.2:1. Remove identified segment of BHP Line E and increase BHP Line B height. Rezone 74 – 124 (except for 104-106) Mitchell Street Enfield to R2. Update heritage map and heritage schedule for 45 Belmore Street Burwood (104/1258893).
Additional Supporting Points/Information: <ol style="list-style-type: none"> Report to Council meeting of 24 November 2020. Report to Burwood Local Planning Panel meeting of 13 April 2021. Report to Council meeting of 27 April 2021.

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?	N			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		N/A		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		N/A		
Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		N/A		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A		
Is the planning proposal proposed to rectify an anomaly in a classification?		N/A		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under section 30 of the <i>Local Government Act, 1993</i> ?		N/A		

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?	Y			
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(A(1)(c) of the Act in order for a matter in this category to proceed).		N/A		
NOTES				
<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

- **Report to Council meeting of 24 November 2020**
- **Report to Burwood Local Planning Panel meeting of 13 April 2021**
- **Report to Council meeting of 27 April 2021**

Mapping

Proposed LZN_001, LZN_002, HOB_001, HOB_002 (no change), FSR_001, FSR_002 (no change), BHP_001 and HER_001.

(ITEM 24/21) REVIEW OF HOARDING POLICY AND PUBLIC ART POLICY

File No: 21/11843

REPORT BY DIRECTOR COMMUNITY LIFE

Summary

This report responds to the *Mayoral Minute - Review of Hoarding Policy and Public Art Strategy*, resolved at the Ordinary Meeting of Council held on 23 March 2021 (Min. 23/21, Item MM7/21). It also presents a revised *Hoarding Policy* and a revised *Public Art Policy* to be placed on public exhibition for consultation with the community.

Operational Plan Objective

5.3.1 Promote opportunities for public art and culture.

5.3.2 Maintain an attractive Burwood CBD.

Background

At the Ordinary Meeting of Council held on 23 March 2021, Council considered the *Mayoral Minute - Review of Hoarding Policy and Public Art Strategy* (Min. 23/21, Item MM7/21) and resolved that:

“Council review the current Hoarding Policy and Public Art Strategy, and provide a detailed report back to Council on opportunities to improve the coverage of these policies to deliver improved public art outcomes.”

The current policies have now been reviewed following an initial period of operation. Council officers have examined opportunities to strengthen both policies in order to achieve improved public art outcomes for the benefit of the local community.

Proposal

Review of Hoarding Policy

At the Ordinary Meeting of Council held on 19 May 2020, Council adopted the *Hoarding Policy*, which controls the placement of temporary structures on or above a public road or footpath by property owners, developers, builders and contractors when undertaking construction or maintenance activity. The Policy also describes the design standards for hoardings, which require approval from Council via the submission of a Development Application.

A key feature of the Policy is the requirement for artwork or graphics to be displayed on hoardings in areas of high pedestrian activity or exposure in an effort to reduce the visual impact, provide new public art opportunities and contribute to the attractiveness of the Burwood Town Centre and other local centres.

Due to the limitations of the current Policy, its application has not captured the number of sites as expected. The Policy has now been reviewed to include development sites in residential areas, and a new section that requires solid site fencing on development sites as well as artwork or graphics on site fencing in certain circumstances. Additionally, the graphics are required to undergo a Council approval process to ensure correct placement and standards are met.

With regarding to artwork or graphics on hoardings, this is now a requirement of any construction site hoarding within the LGA. Previously this requirement was limited to the B2, B4 and B6 zones. Some larger site in the R1 General Residential Zone may require site hoardings and it is considered appropriate that such sites are also captured by the policy.

The inclusion of site fencing is a new feature of the revised Policy also provides opportunity to impose a condition of consent on a development to require solid site fencing to the frontage of a site rather than chain wire mesh panel fencing. This will allow graphics to be displayed accordingly and as per the policy for hoardings.

The site fence policy will be applied to site with a site frontage greater than 20m or subject to excavation. Closed site fencing to maybe required to sites with two road frontages or occupying a prominent site location. Such site will be considered on a case by case basis taking into account the circumstances of the site and development proposed. For this reason it is proposed the single dwelling development sites are excluded from this requirement.

It is considered that the provision of graphics on site fencing can only be mandated through conditions of development consent, which would also permit Council to enforce such conditions.

A copy of the revised *Hoarding Policy* is included under Attachment 1 reflecting the proposed changes.

Review of Public Art Strategy

At the Ordinary Meeting of Council held on 30 October 2018, Council adopted the *Public Art Strategy 2018-2022*, which provides an overarching framework for Council in the commissioning of new public art. It also includes provision for major developments to make an onsite contribution for public art based upon the Capital Investment Value (CIV) of the project. This is currently limited to projects with a CIV of \$40 million or greater and requires that 1% of the CIV be provided for public art (capped at \$100,000).

Following a review of development applications lodged over the past 5 years, Council has found that only 8 applications met the CIV threshold for the inclusion of public art. Moreover, the average CIV value per Development Application over this period was approximately \$4.5 million. These figures highlight the limitations of the current Strategy, which has also not captured the number of developments as anticipated.

Accordingly, key changes included in the revised *Public Art Policy* include lowering the CIV threshold for developments requiring the provision of onsite public art from \$40 million to \$10 million, and removing the previous \$100,000 contribution cap for public art whilst maintaining the provision that 1% of the CIV be allocated to public art. This would equate to a contribution to public art of \$100,000 per \$10 million of CIV for any particular development.

These revisions are comparable with public art policies of other Sydney Metro councils, some of which include varying thresholds between \$5 million and \$20 million for the inclusion of public art in major developments.

In addition to the above, a new requirement for Council's own Capital Works Program has also been included in the revised Policy, which notes that when developing its Capital Works Program Council will seek to integrate public art elements, where feasible, into the scope of works and budget for open space, building and civil works projects. For Capital Works Projects over \$1 million, a minimum of 1% of the total cost of the project should be allocated for public art where feasible.

Further to the above, the original Strategy included some procedural elements and an action plan, which have now become outdated, redundant or integrated as part of Council's ongoing public arts practice. Accordingly, the original Strategy document has been renamed and streamlined to reflect Council's standard policy format and structure, and remove outdated elements.

A copy of the revised *Public Art Policy* is attached to this report under Attachment 2 reflecting the proposed changes.

Consultation

Significant internal consultation has occurred involving Council officers in the City Strategy and Community Life Directorates with expertise in strategic planning, building/development and public art.

Given the proposed changes are significant in nature, the report recommends that the revised *Hoarding Policy* and *Public Art Policy* be placed on public exhibition for a period of 28 days in accordance with *Section 160* of the *Local Government Act 1993* to enable consultation with the community.

During the public exhibition period, the revised policies will be made available to the community on the Burwood Council Website at www.burwood.nsw.gov.au and the Customer Service Centre located at 2 Conder Street, Burwood. Council will also utilise its social media and e-news channels to promote the public exhibition period. Feedback and public comments arising from the public exhibition period will be reported back to Council for consideration prior to adoption.

Planning or Policy Implications

The Burwood Local Government Area is undergoing major renewal, particularly in the Burwood Town Centre, with significant development and construction activity anticipated in the foreseeable future. The revision of both policies included in this report is expected to improve the coverage and application of public art, either through temporary hoardings or as permanent public art.

Financial Implications

The revised Public Art Policy includes a new provision for Council's own Capital Works projects over the value of \$1 million to allocate a minimum of 1% of the total cost of the project for the inclusion of public art where feasible. This new inclusion provides an aspirational model for Council to increase its own delivery of public art outcomes that is in keeping with the financial resources available to Council at the time of project planning.

There are no other financial implications to Council associated with the policy revisions.

Conclusion

Council has undertaken a review of its current *Hoarding Policy* and *Public Art Strategy* to streamline and strengthen both policies to achieve improved public art outcomes for the benefit of the local community. Accordingly, this report recommends that the revised *Hoarding Policy* and revised *Public Art Policy* be placed on public exhibition for a period of 28 days for consultation with the community.

Recommendation(s)

That Council:

1. Endorse and place the revised Hoarding Policy as outlined in Attachment 1 on public exhibition for a period of 28 days.
2. Endorse and place the revised Public Art Policy as outlined in Attachment 2 on public exhibition for a period of 28 days.
3. Provide a report back to Council following the conclusion of the public exhibition period.

Attachments

- 1 Revised Hoarding Policy - April 2021
- 2 Revised Public Art Policy - April 2021



Burwood

Inc.1874

REVISED - DRAFT HOARDING POLICY

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1. Purpose

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

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

The aims of the HP are to:

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

2. Scope

The HP applies to the whole of the Burwood Local Government Area (LGA) and is administered by Council's Building and Development Team.

3. Policy Application

3.1 Exemptions

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

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

3.2 Determination criteria

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

3.3 Other matters for consideration

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

ITEM NUMBER 24/21 - ATTACHMENT 1

Revised Hoarding Policy - April 2021

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

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

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

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

4. Policy Status and Legislation References

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

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

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

5. Definitions

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

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

ITEM NUMBER 24/21 - ATTACHMENT 1

Revised Hoarding Policy - April 2021

Classified road: (Roads Act 1993) includes:

- a. a main road
- b. a highway
- c. a controlled access road
- d. a secondary road

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

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

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

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

HPS: Council's Hoarding Procedures and Specifications.

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

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

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

Public place: a road.

Road: (Local Government Act 1993) includes:

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

Roadway: a road that may also include a laneway.

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

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

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

6. General Requirements

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

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

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

Type B hoardings are typically a prefabricated modular steel gantry hoarding installed and assembled in segments to form an integrated overhead protective structure allowing pedestrians to pass beneath. It may also incorporate a site fence and overhead office sheds. The structural frame of Type B hoardings must be of steel.

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

6.1 Shared pathways

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

6.2 Prohibited hoarding materials

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

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

6.3 Lighting

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

6.4 Office sheds

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

6.5 Use of cranes and hoists

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

6.6 Protective footpath crossings

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

6.7 Utility services

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

6.8 Footpaths and provision for people with disabilities

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

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

6.9 Maintenance of hoardings

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

6.10 Protection of Council street trees

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

6.11 Council assets

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

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

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

6.12 Traffic management plan

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

6.13 Obstruction to traffic lights, DoT cameras and CCTV Cameras

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

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

6.14 Artwork, graphics, images and innovative hoarding finishes

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

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

Graphics are required on hoardings as follows:

- a. Within B2, B4 and B6 zone sites and any other zone requiring a hoarding, or as a condition of development consent, hoardings must, with the exception of temporary structures associated with heritage items incorporate one of the following:
 - i. a digital artwork or historical image to be supplied by Council in consultation with the applicant; Historic images for hoardings are able to be viewed at: <https://www.burwood.nsw.gov.au/Planning-Building/Development-Codes-and-Policies> or

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- ii. an approved site-specific high quality artwork commissioned by the applicant that adds visual interest in the streetscape and which is appropriate for the locality. Any artworks commissioned by an applicant must align with Council's Public Art Policy. Applicants must discuss their proposal with the Council prior to commissioning an artwork.

- b. At least 75 per cent of the surface area of a hoarding including return end panels, major or large access gates and doors (wider than 2 metres) and fascia must be covered by a graphic display with the remaining surface finished and painted black and in accordance with the colour scheme in the HPS.

The artwork and/or graphics on all Type B hoardings must be displayed on both the hoarding fascia and site fence (where applicable). In approving any graphics, other than Council supplied artwork and graphics, the Council accepts no copyright responsibilities that the applicant may need to meet. Graphics or artwork are not required for a hoarding on a narrow site (less than 12m in width), minor works such as a new shop front and shop fitouts and hoardings that are proposed to be in place for less than four weeks.

Any site requiring any form of graphics on their hoardings will need to obtain written approval from Council officers prior to installation of graphics. Applicants using Council supplied artworks will also need to agree to terms and conditions of use for the artworks.

6.15 Public indemnity insurance

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

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

6.16 Site Fencing

Construction sites are required to be fenced for safety reasons to prevent unauthorized access to the site. Site fencing is located on or within the property boundary and does not encroach upon public land. Site fencing is normally not regulated except to provide a safe and secure barrier to the site. As a policy requirement, Council will require the following in respect of any type of on-site construction fencing to any property frontage:

- In all zones, except for single dwellings & ancillary structures, Council will require solid fencing (in lieu of open wire mesh fencing) to a site where an excavation to the site is proposed, or where a frontage to a street is 20m or greater. The fencing will be subject to clause 6.14 – 'Artwork, Graphics, Images and Innovative Hoarding Finishes' of Council's Hoarding Policy.

- For all sites in Residential zones (except works relating to dwelling houses), where a site has more than one street frontage (e.g. corner allotments or prominent site location), solid fencing maybe required to the site, and if required, will be subject to clause 6.14 - 'Artwork, Graphics, Images and Innovative Hoarding Finishes' of Council's Hoarding Policy.

In the above circumstances Council will impose conditions of consent on the relevant development applications. For complying development certificates issued by private certifying authorities, where applicable, Council will pursue the provision of site fencing with the applicant through this Policy.

7. Operating Procedures

7.1 Granting an approval

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

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

7.2 Amending an approval

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

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

7.3 Extending an approval

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

An approval may not be extended where a temporary structure:

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

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

7.4 Revoking an approval

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

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

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

8. Enforcement

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

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

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

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

9. Review

This policy will be reviewed at least every four years.

10. Contact

Group Manager Building and Development on 9911 9911.

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11. Appendix 1 – Hoarding Application Submission Matrix

This table identifies the minimum information required for hoarding applications.

HOARDING APPLICATION SUBMISSION MATRIX		Type A (Open) Hoarding	Type A (Closed) Hoarding	Type B Hoarding
MANDATORY = <input type="checkbox"/> MAY BE REQUIRED = 0				
ARCHITECTURAL -TYPE DRAWINGS	Two sets, fully dimensioned, 1:100 scale (min)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Site fence and scaffolding (where proposed) fully dimensioned including an elevation drawing		<input type="checkbox"/>	<input type="checkbox"/>
	Site sheds including their accurate position on Type B hoardings			0
	Proposed or approved works zone on the roadway	0	0	0
	Existing building entrances, emergency egress exits and existing sprinkler/hydrant booster connections		0	0
	Street trees (trunk diameter, canopy volume and dimensions of tree pits)		<input type="checkbox"/>	<input type="checkbox"/>
	Street furniture accurately plotted on drawings with clearances to site fences		<input type="checkbox"/>	<input type="checkbox"/>
SECTIONS & ELEVATIONS	Hoarding heights to the underside of the deck and bracing for Type B hoardings			<input type="checkbox"/>
	Clear footway width dimensions and the location of the site fence including showing the proposed encroachment onto the footway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Detailed written justification for any site fence encroachment on the footway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PUBLIC LIABILITY	Copy of public liability insurance policy held in the name of the Applicant (\$20 million minimum value)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ARTWORK/ GRAPHICS	Location of artwork or graphics proposed or required to be installed on the temporary structure (mandatory for Type A closed and Type B in commercial Zones, refer to <i>Hoardings Policy and Procedures</i>)		0	0
LIGHTING	Lighting system for Type B hoardings			<input type="checkbox"/>
DURATION	Details setting out the length of time that the hoarding will be installed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12. Appendix 2 – Example of Hoarding Types

Type A (Open) Hoarding



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



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



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



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

Type A (Closed) Hoarding



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



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



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



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



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



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

Type B Hoarding



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



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



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



Example 14: Underside of hoarding must be painted white



Example 15: Scaffolding Style – **Not Acceptable** in any zones



Example 16: Scaffolding Style – **Not Acceptable** in any zones



Burwood
Inc.1874

REVISED – DRAFT PUBLIC ART POLICY

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1. Introduction

Burwood Council recognises that public art can enhance, beautify and activate public spaces, contribute to the local area economy and create a stronger sense of cultural identity, connectedness and liveability throughout the Burwood LGA. This enables the community to celebrate Burwood's cultural diversity, including opportunities to recognise the Traditional Custodians of the land, the Wangal People.

Through Council's strategic planning and community engagement processes, the Burwood community has expressed a desire for public spaces that are attractive and create a sense of local identity. In response to this need, the Community Strategic Plan - *Burwood2030*, includes a goal to promote opportunities for public art and culture. The Public Art Policy (the Policy) supports the delivery of this goal.

2. Purpose

The Policy provides a framework for the planning, delivery and management of public art in the Burwood LGA. It also supports the increased provision of public art for the benefit of the community and encourages awareness and recognition of Burwood's local creative and cultural identities.

The Policy outlines the rationale for public art, the types of public art to be installed and provides criteria to be utilised in the planning and implementation of public artworks, including community consultation requirements. The Policy also prescribes overarching curatorial themes to guide public art projects in the Burwood LGA as well as public art requirements for major developments and Council's own Capital Works Program.

3. Scope

The Policy will be implemented in relation to all public art projects within the Burwood LGA and will be monitored by Council's Community Development Team in collaboration with other Council departments.

4. Definitions

Public Art

A creative work which is visible in the public domain, either temporary or long term. Examples of public art include murals, sculptures, sound scapes, installations, lighting, multimedia works and performances. Public art can exist on public or private property.

Placemaking

An active approach to designing public and private spaces through art, landscaping and infrastructure that seeks to transform, capitalise on and improve existing natural and urban environments. This creates a space that facilitates interaction within the community and helps people to establish a connection to their surroundings through a sense of ownership, community connection, comfort, security and enjoyment.

Public Art Consultation Group (PACG)

An external panel of arts and cultural industry experts who can provide feedback to Council, when required, in relation to public art design and artist selection.

Public Art Reference Group (PARG)

An internal working group of Burwood Council staff appointed from relevant departments who are able to provide expert advice in relation to logistical and technical aspects of public art projects.

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Permanent Artwork

Artwork intended to last for five years or longer from the date of installation.

Temporary Artwork

Artwork intended to last up to five years from the date of installation.

Ephemera

Temporary artworks that can include installations, exhibitions or performance art.

5. Policy Statement

Burwood Council supports the provision of public art across the Burwood Local Government Area (LGA). Council recognises that public art can increase the liveability of a space through aesthetic improvement, increased community connection and improved community safety, which in turn can activate local economies and revitalise areas. Public art projects within the Burwood LGA aim to 'placemake' locations and spaces to connect people to places and foster a sense of cultural identity within the community.

6. Assessment Criteria

Prior to the commencement of a public art opportunity or project, Council Officers will assess and document proposed projects against the following assessment criteria:

- The aims and desired outcome of the proposed public art project
- Suitability of the preferred location for public art
- Present value and potential value appreciation over time
- Identification of a funding source (either through Council or external funding or both)
- The nature of stakeholder and community consultation to be undertaken
- The outcome of community consultation
- Consideration of any relevant plans in place for the earmarked location
- Links to the Burwood LGA curatorial themes (see Section 7).

The information generated from the above assessment will form a project recommendation to the General Manager for approval.

Once a project is approved and an artist selected, all artworks must meet the following criteria prior to installation:

- Be created by a professional and reputable artist
- Demonstrably meet the project aims and outcomes
- Demonstrate a clear connection to one or more of the Burwood LGA curatorial themes and project place or location
- Be of the highest quality and demonstrate a best practice approach to the planning, implementation and delivery of public art
- Be of safe and sound design
- Demonstrate innovation through design
- Be an original design which does not infringe on the copyright of any third party
- Have clear and demonstrable provenance
- Be made of materials which will ensure it lasts for the full duration specified by Council
- Able to be fabricated and installed within the allocated budget.

7. Burwood LGA Curatorial Themes

Three curatorial themes have been established to guide public art projects in the Burwood LGA and bring a sense of unity to Council's overall Public Art Program. They include:

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Past

- Exploration of the history and ongoing culture of the Traditional Custodians of the Land, the Wangal People of the Eora Nation
- Exploration of the history and changing demographics of communities in the Burwood LGA
- Exploration of the history of traditional businesses and uses of areas
- Exploration of the history of significant landmarks, developments or stories in Burwood's past.

Present

- Bringing to the forefront the recognition of the living culture and stories of the Wangal People of the Eora Nation
- Reflecting the diverse demographics of the Burwood LGA
- Reflecting current economies, trade and businesses
- Reflecting the landscape, current uses of the location and communities that engage with the selected public art site.

Future

- Acknowledging the ongoing presence and importance of Aboriginal culture
- Supporting a vision for a diverse, creative and cohesive community through projects that are inclusive of the Burwood community
- Creating a unified view of the future in relation to community harmony, growing economies, changing landscapes and evolving urban environments.

8. Funding

All public art projects will be funded through one or more of the following means:

- Burwood Council operational and capital works budgets
- External grant funding
- Donations
- Sponsorship
- Partnerships with business or local property owners.

9. Community Consultation Criteria and Procedures

The nature of community consultation required is dependent on the level of impact of the public art project on the community.

A project will be considered of lower level impact if it meets the following criteria:

- Situated in a location where a strategic plan has already been adopted
- Will be a temporary artwork
- Will be a small to medium size installation
- Includes a relatively small number of stakeholders
- Has a total project value of less than \$25,000.

For projects of lower impact, community consultation will be considered on a case by case basis.

A project will be considered of higher level impact if it meets the following criteria:

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- Situated in a highly prominent location with multiple key stakeholders
- Intended to be a permanent artwork
- Will be a large size installation
- Has a total project value of more than \$25,000.

For projects of higher impact, community consultation will be undertaken via multiple community engagement methods, including but not limited to:

- Information uploaded to the Burwood Council Website
- Direct contact/meetings with key stakeholders
- Open community information sessions or consultation stalls
- Community surveys
- Workshops or other co-design methods.

Consultation will occur during the design phase and prior to the installation of public art projects.

10. Use of the Public Art Reference Group (PARG)

The PARG will be led by Community Development and convened as required to provide logistical and technical support and advice for projects prior to and during installation to ensure a fully informed and collaborative cross-Council approach.

11. Use of the Public Art Consultation Group (PACG)

The PACG will be led by Community Development and established on a needs basis to provide advice regarding project type, artist selection and concept design, particularly for higher impact public art projects. Any PACG recommendations will be submitted to the General Manager for consideration.

12. Public Art in Major Developments

Any major development having a Capital Investment Value of \$10 million or more is required to provide public art within its publicly-accessible spaces, or spaces visible from the public domain (e.g. common areas in the front setback and integrated art upon walls). Such developments must implement public art, with a minimum of 1% of the total value of the development to be designated to the public art budget.

Council requires developments that fall into this category to submit a Public Art Plan (PAP) for approval. The plan must confirm the following:

- Value of the artwork/s to be installed
- Placement of the artwork/s within the site
- Timing for installation
- Ongoing management requirements
- A commitment to the ongoing maintenance of the works in the public sphere.

PAPs will be assessed by Council officers and approved in writing.

13. Public Art in Council's Capital Works Program

When developing its Capital Works Program, Council will seek to integrate public art elements, where feasible, into the scope of works and budget for open space, building and civil works projects. For Capital Works Projects over \$1 million, a minimum of 1% of the total cost of the project should be allocated for public art where feasible.

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14. Review

This policy will be reviewed at least every four years.

15. Contact

Group Manager Community, Library & Aquatic Services on 9911 9911.

(ITEM 25/21) DRAFT VOLUNTARY PLANNING AGREEMENT FOR 17 GEORGE STREET, BURWOOD

File No: 21/14141

REPORT BY SENIOR STRATEGIC PLANNER

- Applicant:** Urban Link Pty Ltd
- Owner:** The Owners – Strata Plan No. 2497
- Developer:** The George 17 Pty Ltd
- Company Directors:** Pierre Sleiman

Operational Plan Objective

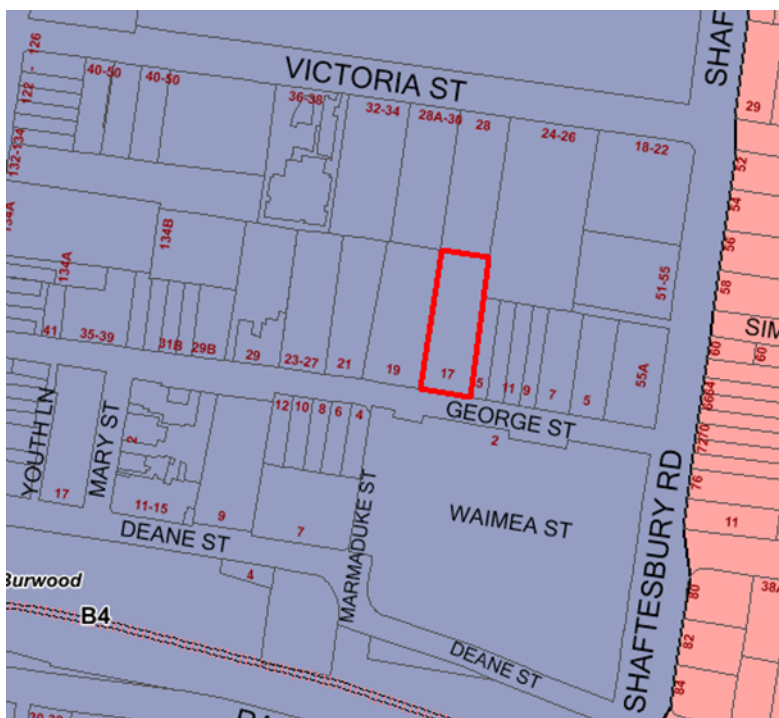
1.2.1 Inform the community of Council’s activities, facilities and services using accessible communication

Summary

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) in connection with a Development Application (DA) No. 110/2020 for 17 George 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 \$1,024,625 excluding GST to Council in exchange for 585.5m² 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 George Street, between Burwood Road and Shaftesbury Road, Burwood.



Location map of 17 George Street Burwood

DA No. 110/2020 proposes the construction of a 24 storey mixed use development containing a podium with commercial suite and tenancies, 15 serviced apartments and 60 residential apartments with basement parking on the subject site. The DA seeks to provide 585.5m² of additional Gross Floor Area (GFA), or a 10% 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 Clause 4.4A(5) and 4.4A(6) of the BLEP.

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 \$1,024,625, based on the monetary contribution rate of \$1,750/m² additional GFA (i.e., \$1,750/m² x 585.5m² = \$1,024,625).

Consultation

The draft VPA and EN were publicly notified from 26 February 2021 to 26 March 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 \$1,024,625 (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 \$1,024,625 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 17 George Street Burwood for the provision of a monetary contribution of \$1,024,625 (dollar value dependant on the final determination of the DA) towards public facilities after the granting of the consent for DA No. 110/2020, 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 Voluntary Planning Agreement as exhibited
- 2 Explanatory Note as exhibited

PLANNING AGREEMENT

DATE:

PARTIES

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

and

The Owners – Strata Plan No. 2497 of 17 George Street, East Burwood in the State of New South Wales (**Proprietor**)

The George 17 Pty Ltd (ACN 627 397 157) of Unit 5, 37 Roberts Street, Strathfield 2135 in the State of New South Wales (**Developer**).

Background:

- A. The Land is situated at 17 George Street, Burwood.
- B. The Proprietor is the registered proprietor of the Land.
- C. On 20 November 2020, Development Application No. 10.2020.110 was submitted by Urban Link (Architects) on behalf of the Developer to the Council for development consent for development to be carried out on the Land for the purpose of mixed use development comprising of, in summary, commercial floor space, serviced apartments, as well as dwellings.
- 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 10% increase in floor space ratio 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. 10.2020.110.

PLANNING AGREEMENT version 24 February 2021

Page 1

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

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. 10.2020.110 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. 10.2020.110.

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 Strata Plan 2497 situated at and known as 17 George Street, 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 \$1,024,625.00 excluding GST representing \$1,750/m² x 585.5m².

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 Proprietor and Developer 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 Proprietor or 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 a joint notice being given to the Council by the Proprietor and 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. 10.2020.110. 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 Proprietor and the Developer 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 Proprietor and the Developer 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 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 and the Proprietor acknowledge 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

Proprietor

Attention: The Secretary
 Address: Shop 1/36 Victoria Street, East Burwood 2134 NSW
 Post: Shop 1/36 Victoria Street, East Burwood 2134 NSW
 Fax Number: N/A
 Email: pierre@pncompanies.com.au

Developer

Attention: The George 17 Pty Ltd

Address: Shop 1/36 Victoria Street, Burwood 2134 in the State of New South Wales

Post: Shop 1/36 Victoria Street, Burwood 2134 in the State of New South Wales

Fax Number: N/A

Email: pierre@pncompanies.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 Proprietor and the Developer 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 Proprietor and Developer, 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 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 Proprietor and Developer 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.

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.

The seal of **The Owners – Strata Plan No 2497** was affixed on _____ in the presence of the following person(s) authorised by section 273 Strata Schemes Management Act 2015 to attest to the affixing of the seal:

Signature

Signature

(Print) Full Name

(Print) Full Name

Authority

Authority

Signed for and on behalf of **The George 17**)
Pty Limited ACN 627 397 157 in)
accordance with section 127 of the)
Corporations Act 2001 (Cth) by:)
)

Signature of Director/Secretary

Signature of Director

(Print) Full Name of Director/Secretary

(Print) Full Name of Director

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 17 George 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) The Owners – Strata Plan No. 2497 (**Proprietor**)
- (3) The George 17 Pty Ltd (ACN 627 397 157) (**Developer**)

2. Description of Subject Land

Folio Identifiers: SP 2497
Land/Location: 17 George Street, East Burwood in the State of New South Wales

3. Description of Proposed Development

The Developer has lodged a development application (being DA No. 10.2020.110) for the land which proposes a 23 storey mixed use development comprising of, in summary, 60 dwellings, commercial tenancies, as well as basement parking. 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 585.5m² 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 \$1,024,625.00 (excluding GST) being \$1,750m (excluding GST) per square metre (585.5m²) 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]

The contribution will be provided to Council. Council will use the contribution to fund community infrastructure.

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 a construction certificate for the proposed development.

(ITEM 26/21) INTERACTION BETWEEN COUNCIL OFFICIALS POLICY

File No: 21/15008

REPORT BY CONSULTANT GOVERNANCE SPECIALIST

Summary

High level restructuring of the organisation has prompted a review of the spread of officer responsibilities and obligations for dealing with elected representatives. Work to validate, realign and clarify key responsibilities needs to be reflected in fresh policy documentation. Accordingly, a new *Interaction Between Council Officials Policy* has been prepared for Council endorsement.

Operational Plan Objective

2.1.3 Ensure transparency and accountability in decision making

Background

Remaking of policy in relation to organisational governance is part of a continuous program of review, evaluation and improvement of the governance instrument framework of Burwood Council. Despite minimum review periods set for individual instruments, certain instruments are re-prioritised for earlier attention when significant changes in prevailing circumstances occur and / or the need for policy improvement is identified. Remaking of public policy on interaction between Council officials is a policy that has been prompted by both changes in circumstances and a need for improvement.

Discussion

Policy making on interaction between Council officials was last addressed by Council in February 2019. Since that time high level restructuring of the organisation and remaking of the parent *Burwood Council Code of Conduct* have occurred.

The title of the prevailing *Councillor Access to Information and Interaction with Council Officers Policy* suggests that it offers detailed policy positions on both access to information and officer interaction. However close scrutiny of the instrument reveals that it largely replicates content from the parent policy, especially with respect to information access, and thus adds limited value as a piece of subordinate policy.

The policy position on information access as stated in the *Burwood Council Code of Conduct* is clear. Achieving the information access outcomes stated in the Code is better served through the development of business documentation with an operational focus on design and use of support systems for information access. Consequently, the emphasis in the proposed replacement policy is on the rules of engagement for interaction between Council officials.

It is important to note that the term 'Council officials' is an umbrella one that embraces councillors, Council officers and others who exercise Council functions. The prevailing policy tends to be pitched from a 'Councillor only' perspective whereas the proposed policy actively targets the wider audience and seeks to provide a more balanced perspective of the respective roles. (Note that for the sake of simplicity in policy construction and interpretation, the term "staff" has been defined in the policy as an umbrella term to cover all Council officials other than councillors.)

Though significant sections of the proposed policy include details from the parent policy, this has been done to clearly establish the context for key messages about standards of ethical behaviour. The community is highly sensitised to issues around ethical behaviour of public officials, therefore it is important for them to also be able to see and understand what is expected.

The table that is included in the policy has more of a corporate policy focus. It makes the 'who' and 'what' clear in relation to sourcing of advice and support by councillors. Officers have determined that there is merit in incorporating such content in a public policy document. It increases its visibility and places it in clear context. Nonetheless, the General Manager remains accountable under the *Local Government Act 1993* for operational arrangements such as the allocation of responsibilities and granting of powers to Council officers. Given the ebb and flow of workplace transformation it is recommended that the General Manager be authorised to independently make periodic changes to the table in the proposed policy without the need to refer the entire policy back to elected Council for remaking.

Consultation

Senior governance and probity specialists within Council have collaborated on the development of the proposed new policy. The instrument was subsequently endorsed by the Executive Team.

Planning or Policy Implications

A policy such as this should be reviewed within the first year of the term of each new elected body of Council. It is an important sub-ordinate policy to the *Burwood Council Code of Conduct* as well as being a practical aid to identifying the most efficient and effective channels of information and advice to councillors. It is a key piece in the governance instrument framework that provides clarity around the way Council officers collectively exercise Council functions and responsibilities.

Financial Implications

There are no financial implications per se in relation to the recommendations in this report. Improved clarity within the policy around responsibilities is conducive to improved efficiency and effectiveness in handling support requirements of councillors.

Conclusion

Remaking of public policy on interaction between Council officials has been prompted by both changes in circumstances and a need for improvement. The policy aims to cultivate an environment which fosters positive and productive working relationships between councillors and other council officials of Burwood Council.

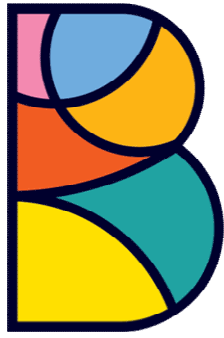
Recommendation(s)

That Council

1. Adopt the proposed *Interaction Between Council Officials Policy*
2. Retire the prevailing *Councillor Access to Information and Interaction with Council Officers Policy*
3. Authorise the General Manager to independently make periodic changes to the table contained within the *Interaction between Council Officials Policy* in line with changes to organisational design and related operational arrangements.

Attachments

1 DRAFT Interaction between Council Officials Policy_Apr 2021



Burwood Inc.1874

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

INTERACTION BETWEEN COUNCIL OFFICIALS POLICY

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Supersedes COUNCILLORS ACCESS TO INFORMATION AND INTERACTION WITH COUNCIL
OFFICERS POLICY adopted by Council on 5 February 2019

Ownership: Governance

1. Purpose

Cultivate an environment which fosters positive and productive working relationships between councillors and other council officials of Burwood Council.

2. Definitions

Council officials – councillors, employees and delegates (including volunteers, consultants, contractors or any other service provider involved in exercising a Council function)

Councillors – includes the mayor and other elected representatives of Council or, alternatively, an administrator of the Council appointed by the Minister for Local Government

Staff - for the purposes of this policy, any reference to the term “staff” is taken to mean all Council officials other than councillors or administrators who are involved in exercising a Council function

3. Scope

This policy applies to all councillors and all staff in relation to any of their interactions with each other. It applies wherever and whenever interactions occur, whether onsite at Council premises or at non-Council locations and irrespective of whether they occur during normal business hours.

4. Context

In accordance with the *Local Government Act 1993*, councillors and staff have distinct though complementary roles in the effective exercise of Council functions. In order to perform effectively in these roles, there needs to be a respectful understanding and appreciation of the rights and responsibilities of each of these classes of Council officials.

Councillors are responsible for the strategic direction of the organisation and for determining the public policy framework of Council. The Council also has a number of critical statutory obligations including its role as a consent authority, under both the *Environmental Planning & Assessment Act 1979* and the *Local Government Act 1993*, for applications for development consent and for various local approvals.

The General Manager and other senior staff of the Council are responsible for the effective management of the organisation and delivery of Council services. These responsibilities are focused on the implementation of public policies and strategic plans adopted by the elected body of councillors.

Councillors must not be involved in the day to day management of the Council. Council staff must not become involved in the political processes of the Council beyond their reporting and advisory responsibilities to all councillors. These respective obligations are reflected in the *Local Government Act 1993* and the supporting *Model Code of Conduct for Councils in NSW* which is the basis for the *Burwood Council Code of Conduct*.

There often needs to be personal interaction between councillors and key staff to effectively integrate policy and plan making with service delivery. The operational distinction between the roles of councillor and staff may not always seem clear under these circumstances. This has prompted the need for additional policy direction that helps councillors and staff to understand their respective roles, and how they are to operate in them in order to perform their jobs effectively and lawfully.

5. Obligations of Councillors

As per the *Burwood Council Code of Conduct*, councillors or administrators must not:

- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the *Local Government Act 1993*
- b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
- c) contact a member of the staff of the council on council-related business unless in accordance with this policy governing the interaction of councillors and council staff that has been authorised by the council and the general manager
- d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the *Local Government Act 1993*.
- e) approach staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- f) discuss any application they may have lodged with council in their capacity as a private citizen with council staff in staff-only areas of the council
- g) approach members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting
- h) be overbearing or threatening to council staff
- i) make personal attacks on council staff or engage in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of the *Burwood Council Code of Conduct* in public forums including social media
- j) direct or pressure council staff in the performance of their work, or recommendations they should make
- k) attend on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the *Local Government Act 1993*.

Councillors may engage in contact with representatives of the Audit Office of NSW who are acting in their capacity as the external auditor of Council, or with the chair of the Audit Risk and Improvement Committee of Council, to exchange information reasonably necessary for the exercise of external audit and internal audit functions.

No provision in this policy affords any councillor preferential treatment in the provision of any Council service when the councillor is acting outside their civic role, even in their private capacity as a local constituent. As per the *Burwood Council Code of Conduct* they are not to receive favourable treatment for themselves or any other entity.

6. Obligations of Staff

Staff must not engage in any of the following inappropriate interactions:

- a) approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) refusing to give information that is available to other councillors to a particular councillor, unless the councillor has a conflict of interests that would prohibit them from accessing that information
- c) be overbearing or threatening to councillors or administrators
- d) providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- e) meet with applicants or objectors alone and outside office hours to discuss planning applications or proposals

7. Obligations during Council Meetings

The interaction between councillors and staff at Council and committee meetings is regulated by the *Local Government Act 1993*, the *Burwood Council Code of Conduct* plus the *Burwood Council Code of Meeting Practice*.

Section 360 of the *Local Government Act 1993* obliges the elected body of Council to make rules about the conduct of meetings through adoption of its codes of meeting practice. Such codes must be consistent with the *Model Code of Meeting Practice for Councils in NSW* that is issued under the Act. The *Burwood Council Code of Meeting Practice* contains details on how councillors are permitted to ask questions of other councillors and staff by posing these through the Chair and the General Manager respectively.

Councillors must at all times show respect for the meeting chair, other Council officials and any members of the public present during council and committee meetings or other proceedings of the Council.

8. Obligations Outside of Council and Committee Meetings

Councillors may need to make contact with staff as a local constituent or other direct customer of services offered to the public by Council. In these instances, it is appropriate for the councillor to engage with Customer Service staff and / or other frontline staff as other members of the public would be expected to.

When acting in their role as a councillor outside of Council or committee meetings, the following provisions apply to interactions between councillors and staff:

- a) The General Manager, under Section 335 of the *Local Government Act 1993*, is accountable to the elected body of Council for the performance and direction of all staff and day-to-day management of Council
- b) Councillors are permitted to access any public areas (subject to any booking constraints), the Councillor's Suite, the office of the Executive Assistant to Mayor and Councillors (during office hours) and the Mayoral Office (with the consent of the Mayor) on Council premises at 2 Conder Street, Burwood
- c) All councillor requests for information and approaches to staff outside of a meeting of Council or one of its committees must be directed to the General Manager or relevant Director or other approved staff in accordance with the following table.

ITEM NUMBER 26/21 - ATTACHMENT 1

DRAFT Interaction between Council Officials Policy_Apr 2021

Staff Authorised to Interact with Councillors		
Matter	Scope	Authorised Staff
Access to Information – simple verbal queries	Queries relating to operational matters which require a verbal response i.e. ones that may reasonably be expected to be resolved at first point of contact	<ul style="list-style-type: none"> • General Manager • Directors (on matters directly relevant to their portfolio of responsibilities)
Access to information – requests requiring written response	Requests for information concerning functions of Council that require research and / or considered assessment before response (<i>Excludes matters proactively consigned to the public domain via a Question on Notice through a meeting of Council</i>)	<ul style="list-style-type: none"> • General Manager • Directors (on matters directly relevant to their portfolio of responsibilities)
Complaints management	Complaints; Public Interest Disclosures; allegations of fraud or corruption or a breach of the <i>Burwood Council Code of Conduct</i>	<ul style="list-style-type: none"> • General Manager • Internal Ombudsman
Elections	Information on legislative requirements and their implementation re local government elections	<ul style="list-style-type: none"> • Manager Governance
Executive support (ancillary)	Alternative points of contact for others authorised to deal with councillors, and to assist with information exchange and coordination of appointments	<ul style="list-style-type: none"> • Executive Officer (to the General Manager) • Executive Assistant (within scope of the portfolio to which they are assigned) • Executive Project Support Officer (within the scope of the portfolio to which they are assigned)
Executive support (core)	Diary management; reception services; information exchange; logistical support; correspondence management; preparation of reports; secretariat support to nominated advisory and industry committees; citizenship services	<ul style="list-style-type: none"> • Executive Assistant to Mayor and Councillors
Expenses and facilities management	Queries related to councillor expenditure and facilities provisions; coordination of councillor expenses claims	<ul style="list-style-type: none"> • Manager Governance • Governance Coordinator
Information and communications technology support	Hardware supply / management, network connectivity, software installation / upgrade and software support	<ul style="list-style-type: none"> • Group Manager Information Technology

ITEM NUMBER 26/21 - ATTACHMENT 1

DRAFT Interaction between Council Officials Policy_Apr 2021

Staff Authorised to Interact with Councillors		
Matter	Scope	Authorised Staff
Media and communications support	Integrated planning and reporting; community engagement; media management; communications support	<ul style="list-style-type: none"> • Group Manager Corporate Planning and Communications • Community Engagement Officer • Media and Communications Officer
Notices of Motion and Questions on Notice handling	Submissions and information on requirements for submitting Notices of Motion and Questions on Notice	<ul style="list-style-type: none"> • General Manager • Manager Governance • Governance Coordinator
Probity obligations of a routine nature - compliance support	Advice on preparation and processing of documents such as disclosures of interests, conflict of interest declarations and declaration of offers of gifts or benefits	<ul style="list-style-type: none"> • Manager Governance
Professional development and current awareness - logistical support	Appointment of delegates to conferences; provision of information relating to learning and development opportunities; use of <i>PD In A Box</i> software application	<ul style="list-style-type: none"> • Manager Governance • Governance Coordinator
Secretariat support for Council and committee meetings, councillor briefings and councillor workshops	Meeting logistics; queries related to supply of business papers and other records of (or related to) the meetings	<ul style="list-style-type: none"> • Manager Governance • Governance Coordinator
Service requests	Requests on behalf of constituents for service on routine operational issues such as damaged / faulty public infrastructure (e.g. road or footway areas; street signs), waste collection or maintenance of trees in the public domain	<ul style="list-style-type: none"> • General Manager • Directors • EA to Mayor and Councillors • EA to General Manager

Staff members are not permitted to interact with councillors on any matters not covered by the above table unless they have explicit approval from the relevant Director or the General Manager.

A councillor or member of staff must not take advantage of their official position to improperly influence other councillors or staff, in the performance of their public or professional duties, for the purpose of securing private benefit for themselves or some other person. This is a serious breach under the *Burwood Council Code of Conduct* and is subject to disciplinary action. In the case of councillors, personal benefit includes activities associated with the pursuit of election to Council; it is a breach under the *Local Government Act 1993* and the *Burwood Council Code of Conduct* provisions in relation to the use of Council resources.

9. Appropriate Interactions

The following interactions are considered appropriate under this policy:

- a) councillors and staff promoting a positive supportive workplace in all dealings with each other
- b) councillors accessing staff and Council records through the provisions of this policy
- c) councillors behaving courteously at all times when dealing with staff
- d) staff behaving courteously at all times when providing advice or information to councillors
- e) staff making available to all councillors, upon request, information that had been provided to one or more councillors
- f) councillors and staff ensuring that decisions and advice between them are accurately recorded and such records retained
- g) councillors who have in their personal capacity an application before Council, meeting with staff in relation to their application with such meetings having been approved and arranged according to the provisions of this policy
- h) staff approaching councillors in relation to the councillor's personal dealings with Council according to normal service standards for dealing with members of the public
- i) councillors contacting Council's customer service officers for standard works (service) requests in the same manner as a private individual.

10. Reporting Breaches

Councillors and staff are responsible for ensuring that any breaches of this policy are reported to the General Manager immediately. The General Manager is obliged to review breach allegations with the Mayor promptly.

This policy is a subordinate policy to the *Burwood Council Code of Conduct*. Breaches of this policy are to be handled in accordance with the *Burwood Council Procedures for Administering the Code of Conduct*.

11. Accountability for Policy Awareness

The General Manager is accountable for ensuring that councillors and staff are kept fully aware of their responsibilities in relation to this policy.

Scheduled Review

Within the first 12 months following a general election of Council.

Contact

Manager Governance

(ITEM 27/21) INVESTMENT REPORT AS AT 31 MARCH 2021

File No: 21/13785

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

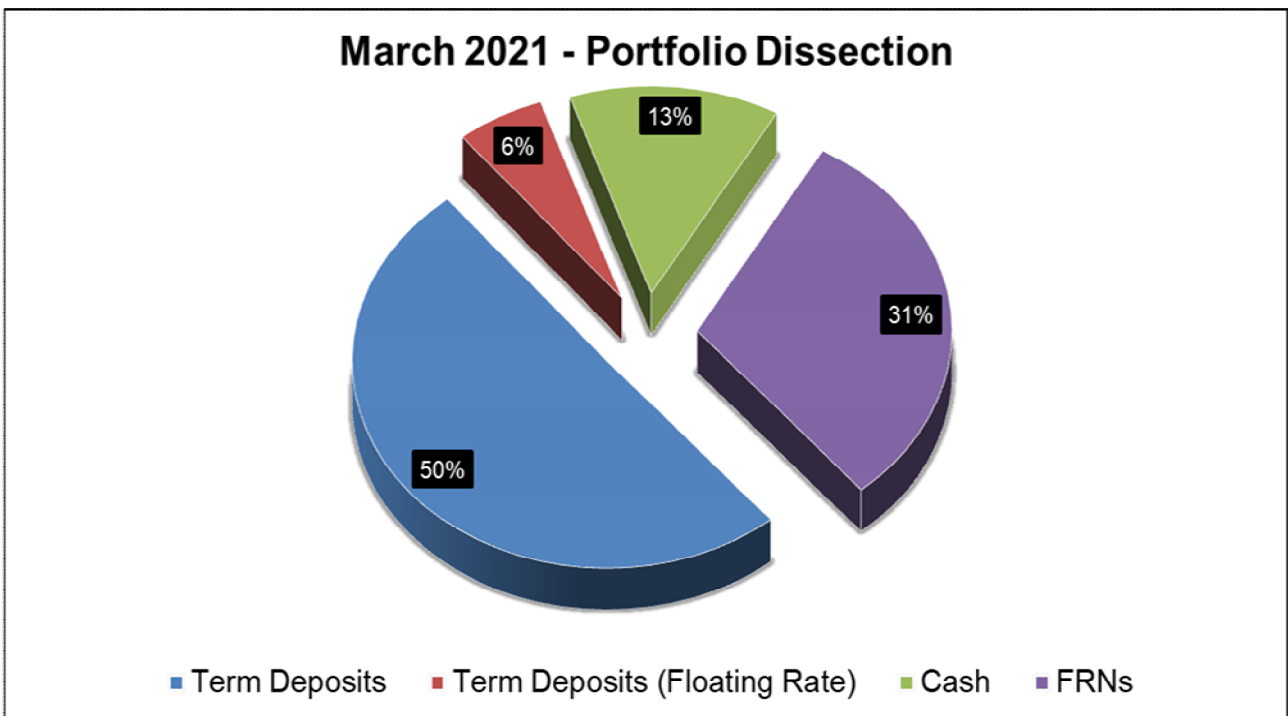
Background

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

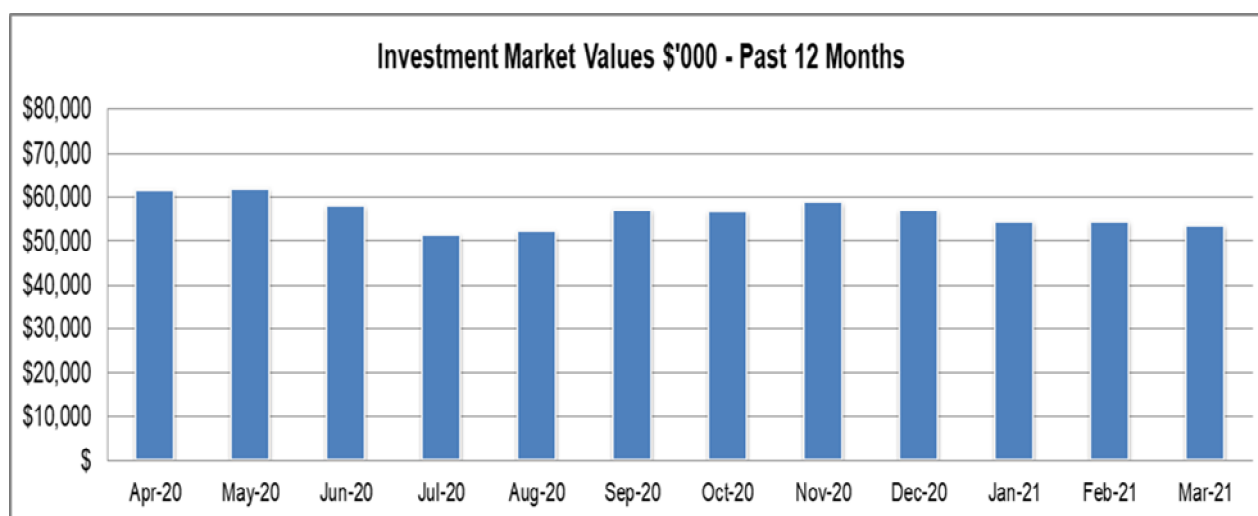
Council has a diversified investment portfolio and has a number of direct investments in term deposits. Its investment portfolio as at 31 March 2021 is:



As at 31 March 2021 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
09 Mar 21	National Australia Bank	3,000,000	0.33%	92	09 Jun 21
Total		27,000,000			

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 6 April 2021, the Board decided to maintain the official cash rate at 0.10 per cent. According to the RBA Governor "...The Board took this decision stating that the rollout of vaccines is supporting the recovery of the global economy, although the recovery is uneven. While there are still considerable uncertainties regarding the outlook, the central case has improved. Global trade has picked up and commodity prices are mostly higher than at the start of the year. Inflation remains low and below central bank targets.

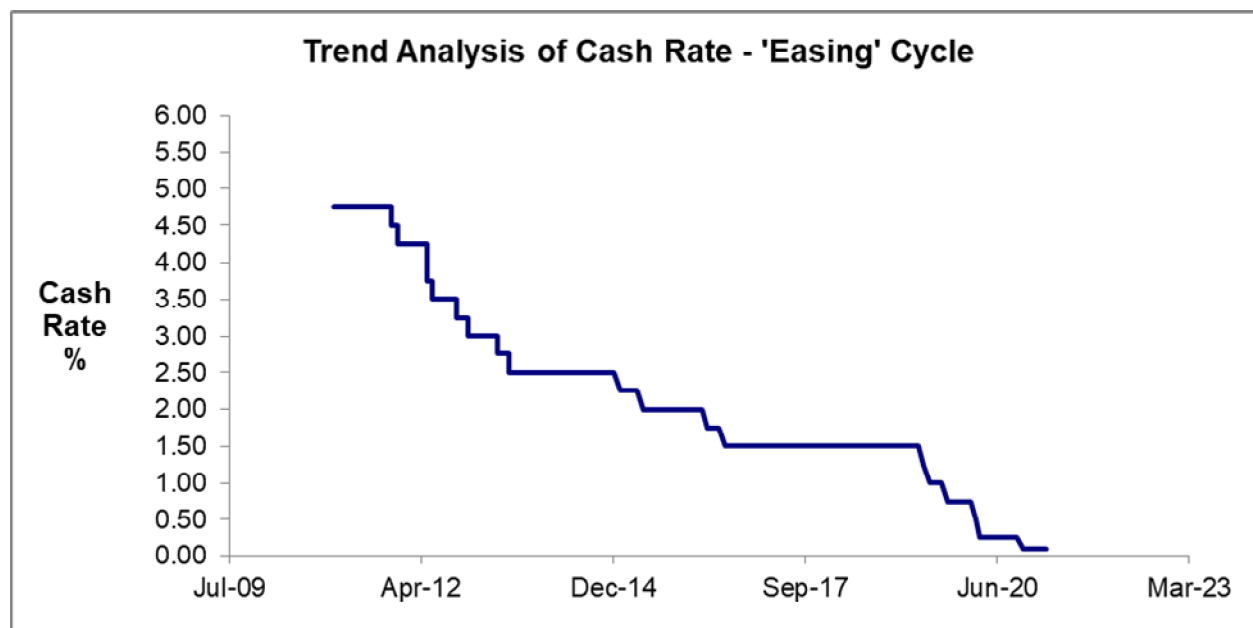
The economic recovery in Australia is well under way and is stronger than had been expected. The unemployment rate fell to 5.8 per cent in February and the number of people with a job has returned to the pre-pandemic level. GDP increased by a strong 3.1 per cent in the December quarter, boosted by a further lift in household consumption as the health situation improved. The recovery is expected to continue, with above-trend growth this year and next. Household and business balance sheets are in good shape and should continue to support spending.

Nevertheless, wage and price pressures are subdued and are expected to remain so for some years. The economy is operating with considerable spare capacity and unemployment is still too high. It will take some time to reduce this spare capacity and for the labour market to be tight enough to generate wage increases that are consistent with achieving the inflation target. In the

short term, CPI inflation is expected to rise temporarily because of the reversal of some COVID-19-related price reductions. Looking through this, underlying inflation is expected to remain below 2 per cent over the next few years.

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 until 2024. " Statement by Philip Lowe, Governor: Monetary Policy Decision – 6 April 2021".

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



Recommendations(s)

1. That the investment report for 31 March 2021 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

Attachments

- 1 Investment Register - March 2021
- 2 Investment Types

Investment Register - March 2021

BURWOOD COUNCIL
INVESTMENT PORTFOLIO
as at 31 March 2021

Credit Ratings	Extremely strong capacity to meet financial commitments
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	Strong capacity to meet financial commitments, but more subject to adverse economic conditions.
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. Armitage

Wayne Armitage

Chief Finance Officer

Investment Adviser	Issuer	ADI or N-ADI	Investment Name	Type	Rating S&P	Invested Amount	Market Value as at 31/03/2021	Market Value as at 28/02/2021	Market Value as at Reporting Date	% of Total Invested
Council	Commonwealth Bank	ADI	Operating Account	Cash	AA-	511,778	422,364	982,912	911,778	1.70
Council	Commonwealth Bank	ADI	Cash Deposit Account	AI Call	AA-	10,024	10,024	10,024	10,024	0.02
Council	Commonwealth Bank	ADI	Online Saver	AI Call	AA-	8,243,875	3,502,310	3,043,145	6,243,875	11.64
Council	JAMP Bank Limited	ADI	JAMP Business Saver & Notice Account	AI Call / Notice 30 days	BBB-	4,723	4,718	4,720	4,723	0.01
Council	Commonwealth Bank	ADI	Commonwealth Bank	Term Deposit	AA-	4,000,000	4,000,000	4,000,000	4,000,000	7.46
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	3,000,000	-	-	3,000,000	5.59
Council	Westpac	ADI	Westpac	Term Deposit	AA-	-	3,000,000	3,000,000	-	0.00
Council	AMP Bank (Imparrium)	ADI	AMP Bank	Term Deposit	BBB+	2,000,000	2,000,000	2,000,000	2,000,000	3.73
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	4,000,000	4,000,000	4,000,000	4,000,000	7.46
Council	Westpac	ADI	Westpac	Term Deposit	AA-	4,000,000	4,000,000	4,000,000	4,000,000	7.46
Council	Westpac	ADI	Westpac	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.59
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Term Deposit	A+	-	4,000,000	4,000,000	-	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	5.59
Council	Westpac	ADI	Westpac	Coupon Select Deposit 2 Yr Fixed plus 3 Yr (90day BBSW + 1.05 bps)	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.59
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Floating Rate Notes (90 day BBSW mid +94 bps)	A+	1,500,000	1,517,265	1,516,314	1,515,401	2.83
Council	Bendigo-Adelaide	ADI	Bendigo Bank & Adelaide Bank	Floating Rate Notes (90 day BBSW mid + 105 bps)	BBB+	1,500,000	1,521,980	1,520,997	1,519,948	2.83
Council	ANZ Group	ADI	ANZ Group	Floating Rate Notes (90 day BBSW mid + 77 bps)	AA-	2,000,000	2,024,224	2,022,498	2,021,570	3.77
Council	Newcastle Permanent Building Society	ADI	Newcastle Permanent Building Society	Floating Rate Notes (90 day BBSW +140 bps)	BBB	1,250,000	1,270,521	1,269,539	1,268,743	2.37
Council	Members Equity Bank Pty Ltd	ADI	ME Bank	Floating Rate Notes (90 day BBSW mid +127 bps)	BBB	2,500,000	2,504,995	2,503,303	2,500,730	4.66
Council	Bank Australia Ltd	ADI	Bank Australia Ltd	Floating Rate Notes (90 day BBSW +130 bps)	BBB	1,500,000	1,507,275	1,506,657	1,505,378	2.81
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +293 bps)	AA-	2,000,000	2,039,000	2,034,708	2,034,642	3.79
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +113 bps)	AA-	4,000,000	4,110,168	4,099,128	4,097,572	7.64
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia							

Investment Types

Types of Investments

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

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

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

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

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

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

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

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

(ITEM RC2/21) BURWOOD LOCAL TRAFFIC COMMITTEE - APRIL 2021

File No: 21/13773

REPORT BY MANAGER TRAFFIC & TRANSPORT

Summary

Attached are the Minutes of the Burwood Local traffic Committee from its meeting of April 2021. The Minutes are hereby submitted to the Ordinary Council Meeting for consideration and adoption by Council.

Operational Plan Objective

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

Recommendations

That the minutes of the Burwood Local traffic Committee of April 2021 be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

(ITEM LTC7/21) SHAFTESBURY ROAD, BURWOOD - PROPOSED NO PARKING RESTRICTIONS OUTSIDE WESTFIELD SHOPPING CENTRE***Recommendation***

That Council approve the installation of new 'No Parking' restrictions for a length of 10 metres on the western side of Shaftesbury Road Burwood 10 metres north of the intersection with Victoria Street.

(ITEM LTC8/21) RAILWAY CRESCENT, BURWOOD - LONG TERM FULL ROAD CLOSURE***Recommendation***

That Council approve the temporary road closure for facilitate the Sydney Trains compound along Railway Crescent between Burwood Road and John Street for a period of up to 18 months.

(ITEM LTC9/21) PORTLAND STREET, ENFIELD - ADDITIONAL DISABLED PARKING SPACE***Recommendations***

1. That Council approve the installation of an additional 7.0m long 'Disabled Parking' space with associated signage and line marking on the eastern side of Portland Street, outside the entry to the Enfield Aquatic Centre, as per the attached concept plan.
2. That Council approve the construction of three concrete kerb ramps as per Australian Standards and the attached concept plan.

(ITEM LTC10/21) BOUNDARY STREET CROYDON - PLC ANNUAL OPEN DAY & STREET FAIR - TEMPORARY ROAD CLOSURE***Recommendation***

That Council approve the Temporary Road Closure of Boundary Street between Robinson Street and Young Street on Saturday 8 May 2021.

Attachments

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



NOTICE OF BURWOOD LOCAL TRAFFIC COMMITTEE MEETING

The March 2021 meeting of the Burwood Local Traffic Committee will be held electronically with the Agenda emailed to Members for review. All comments are requested to be returned to Council by 9.30am Friday 2 April 2021.

Tommaso Briscese
GENERAL MANAGER

Our Mission

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

2 Conder Street, Burwood NSW 2134, PO Box 240 Burwood NSW 1805
phone: 9911 9911 facsimile: 9911 9900
email: council@burwood.nsw.gov.au
website: www.burwood.nsw.gov.au

AGENDA

APOLOGIES/LEAVE OF ABSENCES

CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the March 2021 Meeting of Burwood Local Traffic Committee as typed and circulated, be confirmed and signed as a true record of the proceedings of that meeting.

GENERAL BUSINESS

(ITEM LTC7/21)	SHAFTESBURY ROAD, BURWOOD - PROPOSED NO PARKING RESTRICTIONS OUTSIDE WESTFIELD SHOPPING CENTRE	3
(ITEM LTC8/21)	RAILWAY CRESCENT, BURWOOD - LONG TERM FULL ROAD CLOSURE	6
(ITEM LTC9/21)	PORTLAND STREET, ENFIELD - ADDITIONAL DISABLED PARKING SPACE	9
(ITEM LTC10/21)	BOUNDARY STREET CROYDON - PLC ANNUAL OPEN DAY & STREET FAIR - TEMPORARY ROAD CLOSURE	13

(ITEM LTC7/21) SHAFTESBURY ROAD, BURWOOD - PROPOSED NO PARKING RESTRICTIONS OUTSIDE WESTFIELD SHOPPING CENTRE

File No: 21/11286

REPORT BY MANAGER TRAFFIC & TRANSPORT

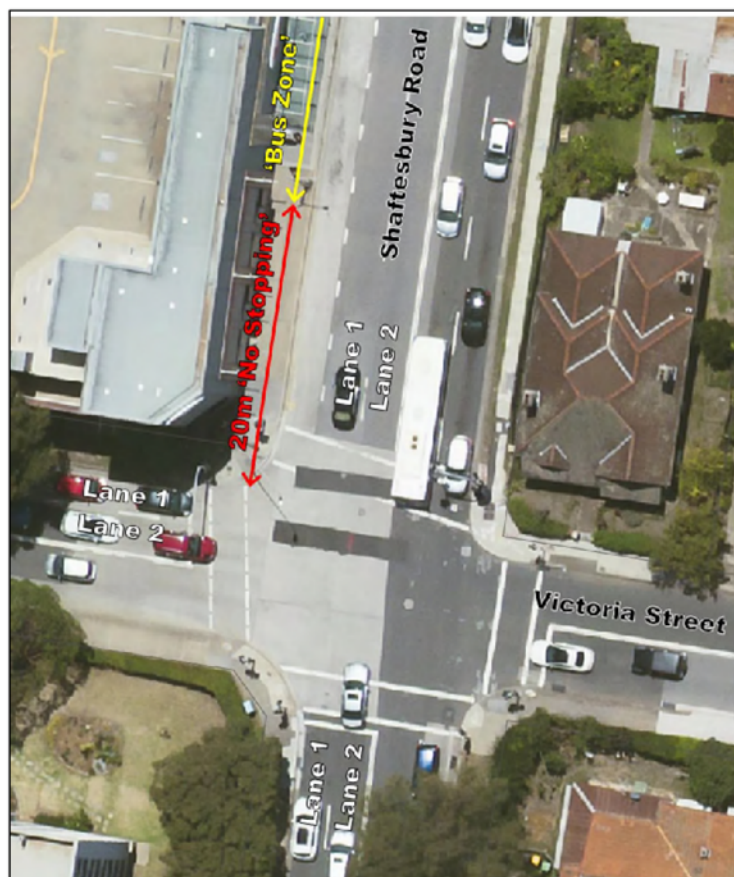
Summary

Council has received a request for a pick up and drop off area within Shaftesbury Road adjacent to the pedestrian entrance to Burwood Westfield.

Background

Shaftesbury Road is a collector road with a 14.6 metre wide carriageway between Victoria Street and Wilga Street. This provides two southbound travel lanes, two northbound travel lanes and a kerbside transportation hub lane on the western side which accommodates a bus stop and bus layover area.

A 20 metre long 'No Stopping' zone is situated on the western side of Shaftesbury Road immediately north of the traffic signals at its intersection with Victoria Street which complies with Road Rule 170 (2) which states "A driver must not stop on a road within 20 metres from the nearest point of an intersecting road at an intersection with traffic lights, unless the driver stops at a place on a length of road, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Rules."

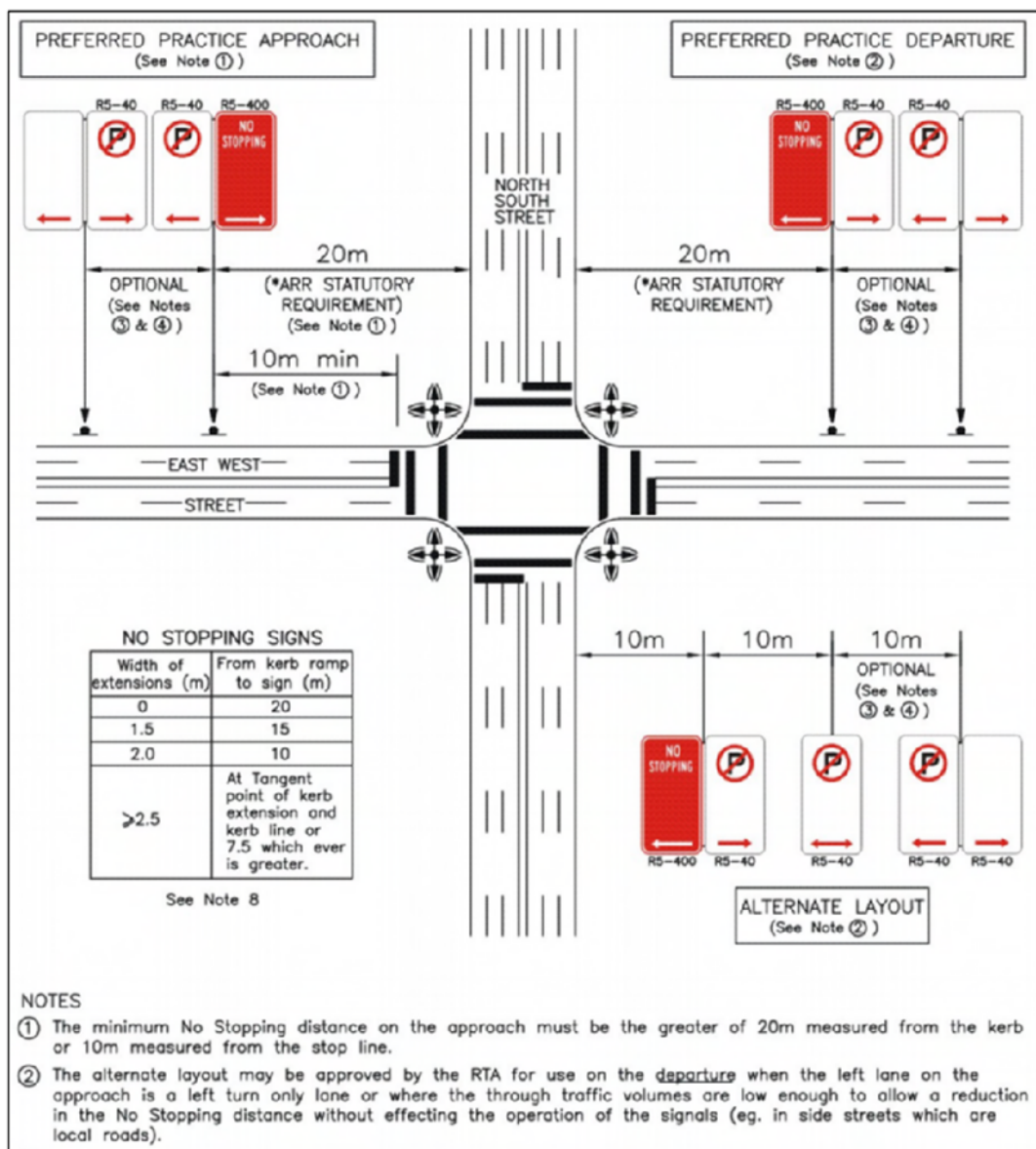


Existing parking restrictions

Proposal

It is proposed to reduce the 20 metre 'No Stopping' restrictions to 10 metre 'No Stopping' and 10 metre 'No Parking' in order to allow motorists to legally drop off/pick up passengers.

This parking configuration is permissible under Technical Direction 2002/12c Stopping and Parking Restrictions at Intersections and Crossings (please refer to Note 2 in Figure 1 below). Whilst the approach lane at this intersection is not a left turn only lane the subject area is not impacted by the approach lane given the fact that it is part of the road widening area used as a bus stop and bus layover area.



TD 2002/12c - Figure 1



Proposed new 'No Parking' restrictions

Consultation

Council staff have consulted with Transit Systems who raised no objections to the proposal provided it does not reduce the Bus Zone length which is required to ensure adequate room for their services.

Financial Implications

The installation of two new parking signs and one new post is estimated to cost \$400.00 and will be funded from Council's 2020/21 Traffic Facilities Budget.

Recommendation

That Council approve the installation of new 'No Parking' restrictions for a length of 10 metres on the western side of Shaftesbury Road Burwood 10 metres north of the intersection with Victoria Street.

Attachments

There are no attachments for this report.

(ITEM LTC8/21) RAILWAY CRESCENT, BURWOOD - LONG TERM FULL ROAD CLOSURE

File No: 21/11436

REPORT BY TRAFFIC ENGINEERING OFFICER

Summary

Burwood Council has been contacted by Sydney Trains requesting the full road closure of Railway Crescent, between Burwood Road and John Street, to facilitate refurbishment works to the railway overpass for approximately 12-18 months.

Background

Sydney Trains have contacted Council in late 2020 requesting assistance to conduct refurbishment works to the Burwood Road rail overpass. The planned refurbishment works requires the partial and full closure of the footpath and road for a maximum period up to 18 months on Burwood Road and Railway Crescent.

The rail overpass is located on Burwood Road between Railway Crescent and Railway Parade Burwood. The closure area on Burwood Road will require approval from Transport for NSW due to the proximity of the Regional Road (Railway parade) and traffic signals.

Sydney Trains are currently in discussion with Transport for NSW to obtain an approval to close the road during certain hours to conduct works to the rail overpass. Sydney Trains have also advised the road closure duration will be based on the approvals granted by Transport for NSW.

Sydney Trains have advised the scope of the works will include:

- Set up crane to lift precast panels to track level;
- The installation of precast panels to the bridge within track levels;
- Abrasive blasting painting to the bridge;
- Bridge steel concrete repairs;
- Site compound closure.

To facilitate the works overall, Sydney Trains have requested the full closure of Railway Crescent for the entire duration of the works to set up a site compound and store materials.

This section of Railway Crescent is a narrow one-way road with a carriageway width of approximately 4.2m. Traffic is only permitted to travel in a west bound direction and the street currently has 'No Stopping' restrictions on northern and southern sides.

The proposed closure for the compound will not affect pedestrian passageway to local businesses and offices. Access to the Avondale Hotel will not be affected by the road closure and all deliveries to the hotel are conducted at the rear of the property in John Street Burwood. Access to the 'Loading Zone' within George Street can only be accessed through George Street West.



Existing parking restrictions

Proposal

To facilitate the works requested by Sydney Trains, it is proposed to set up a closure for the compound for a distance of 45 meters on Railway Crescent from Burwood Road to John Street.

Sydney Trains are currently conducting a traffic impact study and have advised the closure will commence in late 2021 for approximately 18 months.

Approval is subjected to the following:

- a. Emergency services, Police Services and public transport operators are to be advised of the closure, with a copy of the correspondence forwarded to Council.
- b. A copy of the Public Liability Insurance for the event (\$20 million) to be forwarded to Council.
- c. Water Barriers, temporary fencing and traffic control signs to be provided by Accredited Traffic Controllers in accordance with Work Cover requirements and AS1742.3 (1996) – Traffic Control for Works on Roads.
- d. Residents, local businesses and offices are to be advised in writing of the compound closure (outlining start and finish times, street closure details, and contact name and number) with a copy of the correspondence forwarded to Council.



Proposed road closure and refurbishment works areas

Consultation

Residents, local businesses and offices will not be affected by the road closure. Access to the business fronting 119 Burwood Road will be accessible at all times. Therefore no consultation has been conducted.

Prior to the closure, Sydney Trains must notify all residents, local businesses and offices.

Financial Implications

All permits and road closures are to be funded by Sydney Trains.

Recommendation

That Council approve the compound closure along Railway Crescent between Burwood Road and John Street for a period of up to 18 months.

Attachments

There are no attachments for this report.

(ITEM LTC9/21) PORTLAND STREET, ENFIELD - ADDITIONAL DISABLED PARKING SPACE

File No: 21/11642

REPORT BY ENGINEER TRAFFIC & DESIGN

Summary

As part of the Enfield Aquatic Centre (EAC) Upgrade, a condition of consent was recommended for Council to provide an additional disabled parking space in Portland Street, Enfield. The disabled parking space is required to ensure that the development meets the Australian Standard for accessible parking.

Background

As the Burwood Local Government Area continues to experience substantial growth and change, Council is committed to providing high quality services and facilities for its local community. The EAC is a facility currently being upgraded that will include a new 25m pool and expansion of the existing rear car park. The car park will effectively increase its capacity from 20 to 77 parking spaces which will include a number of dedicated disabled parking spaces, in addition to a proposed new disabled parking space to be introduced on Portland Street, Enfield.



Aerial Map of Enfield Aquatic Centre

A preliminary review of the site shows that Portland Street is two-way with parking provided on both sides of the street. There is currently unrestricted parking provided on both sides with the exception of two disabled parking spaces and a 30.0m Bus Zone on the eastern side of the road, outside the front entry of the EAC.

A parking occupancy survey was undertaken to gauge the current parking behavior within the area. The results acknowledged that at most times the disabled parking spaces were unoccupied with ample parking available along Portland Street however, during times when the EAC or Henley Park were in full use, finding a disabled or unrestricted parking space was much more difficult.



Current Parking Configuration

Proposal

Given that an additional disabled parking space is required as part of the EAC Upgrade Project and the difficulties currently faced with finding a parking space during times the EAC or Henley Park are in full use, it is proposed to install an additional disabled parking space adjacent to the existing two disabled parking spaces on Portland Street, Enfield, outside the entry to the EAC.

This would require the existing Bus Zone to be shifted south by 7.0m and reduce the current unrestricted parking area from 50.0m to 43.0m. It should be noted that the proposal will result in a loss of one unrestricted parking space.



Proposed Parking Configuration

The disabled parking space will need to comply with AS2890.5 Parking Facilities Part 5: On-street parking. This standard provides the requirements for on-street disabled parking and outlines that for a parallel disabled on-street parking space, the provision of a kerb ramp is required. Given that there will be a total of three disabled parking spaces it is proposed to construct a kerb ramp at the rear of each disabled space, in order to bring the entire area up to standard. Refer to attached concept plan.

Consultation

No consultation has been undertaken given the requirement for additional disabled parking was a condition of consent for the EAC Upgrade which was already placed on public exhibition.

Financial Implications

The cost of installing new disabled parking signage, delineating the disabled parking spaces and constructing three kerb ramps is estimated to cost \$5,000.00. These works have been budgeted as part of the EAC Upgrade Project.

Recommendations

1. That Council approve the installation of an additional 7.0m long ‘Disabled Parking’ space with associated signage and line marking on the eastern side of Portland Street, outside the entry to the Enfield Aquatic Centre, as per the attached concept plan.
2. That Council approve the construction of three concrete kerb ramps as per relative standards and the attached concept plan.

Attachments

- 1 Portland St - Extension of Disabled Parking _ CONCEPT PLAN

(ITEM LTC10/21) BOUNDARY STREET CROYDON - PLC ANNUAL OPEN DAY & STREET FAIR - TEMPORARY ROAD CLOSURE

File No: 21/10961

REPORT BY TRAFFIC ENGINEERING OFFICER

Summary

Burwood Council has been contacted by Presbyterian Ladies College (PLC) Croydon, requesting the closure of Boundary Street between Robinson Street and Young Street for the Presbyterian Ladies College Annual Open Day & Street Fair to be held on Saturday, 8 May 2021.

Background

PLC hosts its Annual Open Day & Street Fair each May with the aim of attracting a number of visitors to the school, inspecting various aspects of everyday school activities. As part of the festivities, PLC provides a number of stalls and rides within the school grounds. This event has taken place annually over the past several years with a road closure as requested above.

Due to the size of the event and the potential number of visitors inspecting both the high school and infants campuses, Boundary Street, Croydon is proposed to be closed to traffic between Young Street and Robinson Street. This allows a safe thoroughfare for visitors and school children as they walk between campuses. In addition, the road closure also allows several stalls to be established closer to the infant's campus (located on the northern side of Boundary Street).

Proposal

It is proposed that Boundary Street, Croydon will be closed on Saturday 8 May 2021 between 6.00 am and 6.00 pm to facilitate the Open Day & Street Fair. This twelve (12) hour road closure takes into account a provision for the erection and dismantling of stalls and rides etc.

The PLC Annual Open Day & Street Fair to be held on Saturday 8 May 2021 subject to the following:

- a. Emergency services and public transport operators are to be advised of the event, with a copy of the correspondence forwarded to Council. *(Received by Council)*
- b. Organisers of the event to obtain Police Approval for Public Assembly, with a copy of the correspondence forwarded to Council. *(Received by Council)*
- c. A copy of the Public Liability Insurance for the event (\$20 million) to be forwarded to Council. *(Received by Council)*
- d. Barricades and signs to be provided by Accredited Traffic Controllers in accordance with Work Cover requirements and AS1742.3 (1996) – Traffic Control for Works on Roads. *(Traffic Control Company and documents received)*
- e. All Barricades and signs to be set up and taken down by Accredited Traffic Controllers on the day of the event. *(Traffic Control Company and documents received)*
- f. Parents & Carers of PLC to be advised of correct parking behaviour prior to the event. *(Notification letter received by Council)*
- g. Residents of the following streets are to be advised in writing of the event (outlining start and finish times, street closure details, and contact name and number for the day), with a copy of the correspondence forwarded to Council: *(Notification letter received by Council)*

1. Boundary Street
2. Young Street
3. Grosvenor Street
4. Webb Street
5. Irrara Street
6. Orchard Street
7. Queen Street (from Webb Street to Robinson Street)
8. Gibbs Street
9. Macgregor Street
10. Wright Street
11. Robinson Street

All fees associated with the proposed road closure are borne by PLC.

Consultation

As part of Council's conditions of consent, PLC will be required to inform residents from nominated streets (in writing) of the event, including details of the road closure and a contact name and number.

Financial Implications

To be fully funded by PLC School. Road closure application fee & charges waived by the Council as part of School event.

Recommendation

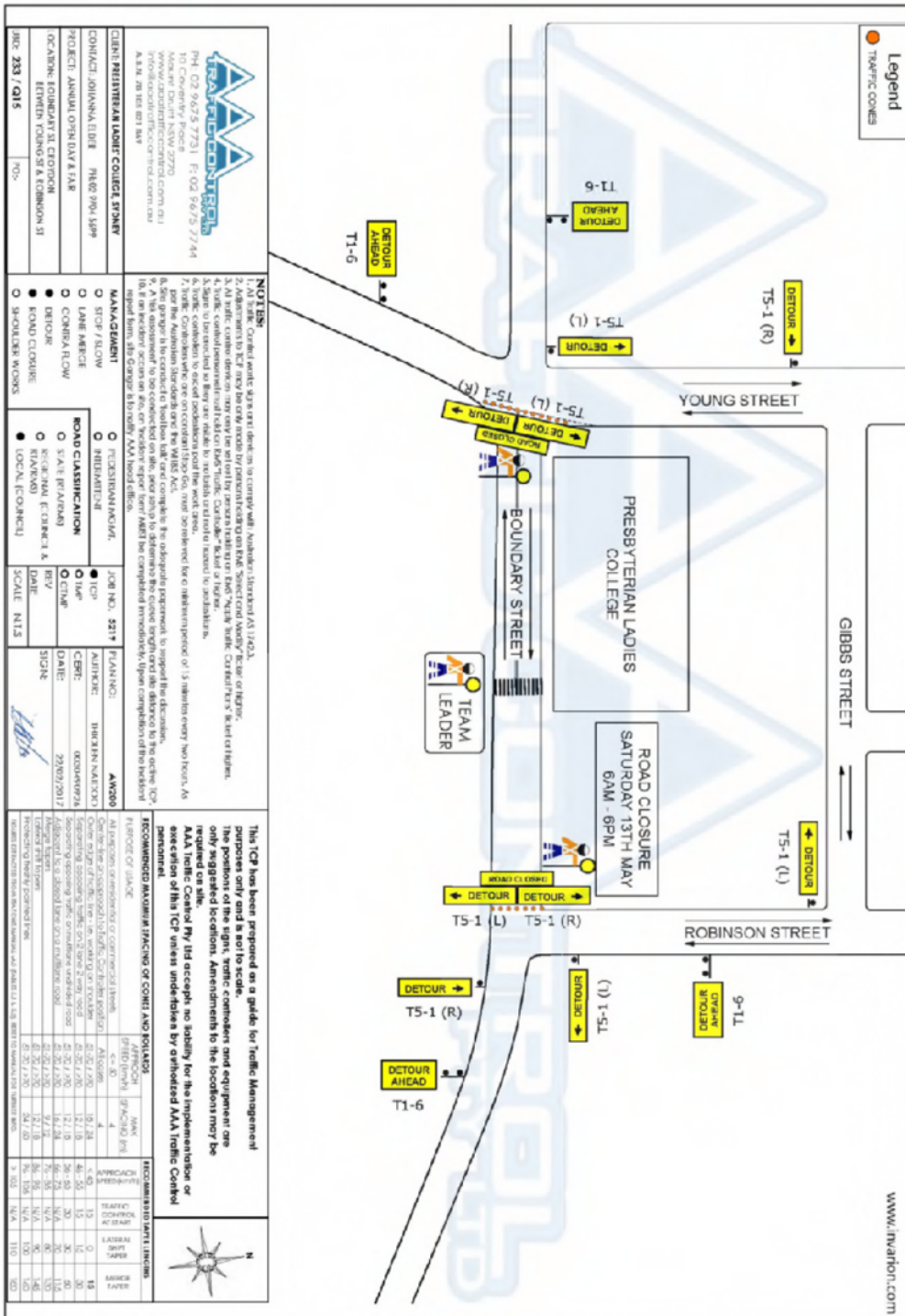
That Council approve the Temporary Road Closure of Boundary Street between Robinson Street and Young Street on Saturday 8 May 2021.

Attachments

- 1 Boundary Street Road Closure and Detour - TCP

ITEM NUMBER LTC10/21 - ATTACHMENT 1

Boundary Street Road Closure and Detour - TCP



PH: 02 9625 7731 F: 02 969 97744
 MVA nr. DCURT NSW 2770
 10 Chervinny Place
 PROFFERS COURT, CHERRY BLOSSOM
 A.M. 20 BELMONT AVE

NOTES:
 1. Control signs apply and do not to comply with Austlian Standard AS 1924.3.
 2. Amendments to TCP may be made by production of a written signed copy of the TCP.
 3. All traffic control devices may only be set up by persons holding a valid 'Traffic Control' or 'Traffic Control' license.
 4. Sign: Control devices may be used in the following situations: Closure, Lane or Road.
 5. Sign: Control devices may be used in the following situations: Closure, Lane or Road.
 6. Sign: Control devices may be used in the following situations: Closure, Lane or Road.
 7. Sign: Control devices may be used in the following situations: Closure, Lane or Road.
 8. Sign: Control devices may be used in the following situations: Closure, Lane or Road.
 9. A sign must be set up on the site or 'before' work begins and must be completed immediately upon completion of the work.
 10. If an incident occurs on site or 'before' work begins, the sign must be removed and replaced with a 'ROAD CLOSED' sign.

CLIENT: PRESBYTERIAN LADIES COLLEGE STRYER
CONTACT: JOHANNA EDELL PH: 02 924 5899
PROJECT: ANNUAL OPEN DAY & F&E
OC/ADMIN: JOHANNA EDELL & CHRISTOPHER ELLIOTT
REF: 2021 / 015

MANAGEMENT:
 STOP / SLOW
 LANE AHEAD
 CONE / FLUO
 DETOUR
 ROAD CLOSURE
 SHOULDER WORKS

ROAD CLASSIFICATION:
 STATE (P/M) ROAD
 STATE (C) ROAD
 LOCAL (C) ROAD

JOB NO: 2217 **PLAN NO:** AN200
DATE: 22/09/2017
SCALE: 1:15

This TCP has been prepared as a guide for Traffic Management purposes only and is not to scale. The positions of the signs, traffic cones and equipment are only suggested locations. Amendments to the locations may be required on site. AAT Traffic Control Pty Ltd accepts no liability for the implementation or execution of this TCP unless undertaken by authorized AAT Traffic Control personnel.

RECOMMENDED MAXIMUM TRAFFIC OF CONTROL AND BOARDING PER HOUR OF CLOSURE

TYPE OF ROAD	LANE WIDTH (m)	LANE LENGTH (m)	RECOMMENDED MAXIMUM TRAFFIC (Vehicles per hour)
CITY / SUBURBAN	3.0 - 4.0	10 - 15	20 - 30
	4.0 - 5.0	15 - 20	30 - 40
SUBURBAN / RURAL	3.0 - 4.0	10 - 15	10 - 20
	4.0 - 5.0	15 - 20	20 - 30
RURAL / OPEN COUNTRY	3.0 - 4.0	10 - 15	5 - 10
	4.0 - 5.0	15 - 20	10 - 15
MOTORWAY	3.0 - 4.0	10 - 15	10 - 20
	4.0 - 5.0	15 - 20	20 - 30

ITEM NUMBER LTC10/21 - ATTACHMENT 1

Boundary Street Road Closure and Detour - TCP

Legend

NOTES:

1. Control signs refer to the date on the sign only. Non-compliance with the Australian Standard AS 1924.3.
2. Amendments to CP may be made by the Traffic Management Officer, Traffic Management Department, Transport Services.
3. All traffic control devices may only be used by persons authorized by the Traffic Management Officer.
4. Signs, cones, drums, and other traffic control devices should be used in accordance with the Australian Standard AS 1924.3.
5. Signs, cones, drums, and other traffic control devices should be used in accordance with the Australian Standard AS 1924.3.
6. Signs, cones, drums, and other traffic control devices should be used in accordance with the Australian Standard AS 1924.3.
7. Traffic Control Signs refer to the MARS and should be used in accordance with the Australian Standard AS 1924.3.
8. The Traffic Management Officer may amend the sign positions and dimensions of signs at any time.
9. A sign amendment to be conducted on-site, once signs are in place, they should be replaced immediately upon completion of the project.
10. In the event of an accident or other incident, the Traffic Management Officer should be notified immediately.

MANAGEMENT

PROJECT / SIGN	AVZQX (R)	JOB NO.	5217	PLAN NO.	1920/2017
CONTRACT / SIGN	AVZQX (R)	APPROVED	20/10/2017	DATE	20/10/2017
DESIGNED BY	AVZQX (R)	DRAWN BY	AVZQX (R)	SIGNATURE	(Signature)
CHECKED BY	AVZQX (R)	DATE		SCALE	1:1.5

TRAFFIC CONTROL

This TCP has been prepared as a guide for Traffic Management purposes only and is not to scale. The positions of the signs, traffic cones and equipment are only suggested locations. Amendments to the location may be required on site. AAT Traffic Control Pty Ltd accepts no liability for the implementation or execution of this TCP unless undertaken by authorized AAT Traffic Control personnel.

RECOMMENDED SIGN PLACEMENT OR CONTROL BOARD			
FUNCTION OF SIGN	FUNCTION OF BOARD	FUNCTION OF BOARD	FUNCTION OF BOARD
AVZQX (R)	AVZQX (R)	AVZQX (R)	AVZQX (R)
AVZQX (R)	AVZQX (R)	AVZQX (R)	AVZQX (R)
AVZQX (R)	AVZQX (R)	AVZQX (R)	AVZQX (R)

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MINUTES OF THE MEETING OF THE BURWOOD LOCAL TRAFFIC COMMITTEE of April 2021 held electronically with all comments forwarded to Council by Tuesday 6 April 2021.

ATTENDANCE Cr John Faker (Mayor) Chairperson
Sgt Jasen Chapman, NSW Police Service
Mr Shah Kshitij, Transport for NSW
Ms Jodi McKay, State Member for Strathfield
Mr Peter Whitney, Transit Systems
Mr Doug Sutherland AM, JP, Burwood Chamber of Commerce

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

APOLOGIES

That there were no apologies.

CONFIRMATION OF MINUTES

That the minutes of the Burwood Local Traffic Committee of Burwood of March 2021, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

GENERAL BUSINESS

(ITEM LTC7/21) SHAFTESBURY ROAD, BURWOOD - PROPOSED NO PARKING RESTRICTIONS OUTSIDE WESTFIELD SHOPPING CENTRE

Summary

Council has received a request for a pick up and drop off area within Shaftesbury Road adjacent to the pedestrian entrance to Burwood Westfield.

Recommendation

That Council approve the installation of new 'No Parking' restrictions for a length of 10 metres on the western side of Shaftesbury Road Burwood 10 metres north of the intersection with Victoria Street.

(ITEM LTC8/21) RAILWAY CRESCENT, BURWOOD - LONG TERM FULL ROAD CLOSURE

Summary

Burwood Council has been contacted by Sydney Trains requesting the full road closure of Railway Crescent, between Burwood Road and John Street, to facilitate refurbishment works to the railway overpass for approximately 12-18 months.

Recommendation

That Council approve the compound closure along Railway Crescent between Burwood Road and John Street for a period of up to 18 months.

(ITEM LTC9/21) PORTLAND STREET, ENFIELD - ADDITIONAL DISABLED PARKING SPACE

Summary

As part of the Enfield Aquatic Centre (EAC) Upgrade, a condition of consent was recommended for Council to provide an additional disabled parking space in Portland Street, Enfield. The disabled parking space is required to ensure that the development meets the Australian Standard for accessible parking.

Recommendations

1. That Council approve the installation of an additional 7.0m long 'Disabled Parking' space with associated signage and line marking on the eastern side of Portland Street, outside the entry to the Enfield Aquatic Centre, as per the attached concept plan.
2. That Council approve the construction of three concrete kerb ramps as per relative standards and the attached concept plan.

(ITEM LTC10/21) BOUNDARY STREET CROYDON - PLC ANNUAL OPEN DAY & STREET FAIR - TEMPORARY ROAD CLOSURE

Summary

Burwood Council has been contacted by Presbyterian Ladies College (PLC) Croydon, requesting the closure of Boundary Street between Robinson Street and Young Street for the Presbyterian Ladies College Annual Open Day & Street Fair to be held on Saturday, 8 May 2021.

Recommendation

That Council approve the Temporary Road Closure of Boundary Street between Robinson Street and Young Street on Saturday 8 May 2021.

QUESTIONS WITHOUT NOTICE

No questions were submitted.

This concluded the business of the meeting.

(ITEM IN10/21) ANSWERS TO QUESTIONS ON NOTICE - COUNCIL MEETING OF 23 MARCH 2021

File No: 21/3781

REPORT BY GOVERNANCE OFFICER

Summary

At the Council Meeting of 23 March 2021 the following Questions on Notice (QoN) were submitted by Councillors. Council Officers responded to the QoN and Councillors were notified on 9 April 2021 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 23 MARCH 2021	
Question	Response
<p><u>Councillor Heather Crichton</u></p> <p>With Sydney Metro due to commence demolition works in the fourth quarter of 2021 in the vicinity of Parramatta Road and Burwood Road, marking the commencement of the 10 year Burwood North Metro transport infrastructure project:</p> <p>Question 1:</p> <p>What is Council’s communication strategy to our business chambers, residents and business owners in this vicinity?</p>	<p><u>Director City Strategy</u></p> <p>The project is approved subject to a range of conditions. A large number of these relate to the preparation and implementation of management plans. There is both an overarching community communication strategy, complaints management plan and business management. These are in place to manage impacts of the project during construction, including affected business.</p> <p>We will be working with Sydney Metro in the preparation of these plans. This will also include identifying opportunities for Sydney Metro to present to the community and business forum.</p>
<p><u>Councillor Heather Crichton</u></p> <p>With Sydney Metro due to commence demolition works in the fourth quarter of 2021 in the vicinity of Parramatta Road and Burwood Road, marking the commencement of the 10 year Burwood North Metro transport infrastructure project:</p> <p>Question 2:</p> <p>Is Council making representations to Sydney Metro to limit possible risk and impact of:</p> <p>a) Sydney Metro staff and contractors parking on our local streets;</p>	<p><u>Director City Strategy</u></p> <p>As with item 1, a range of management plans are required and there are specific conditions to manage these aspects of the project.</p> <ul style="list-style-type: none"> • A site compound will be established for the project. This includes parking for contractors during construction. It is located in the large construction site on the northern side of Parramatta Road. This part of the construction site will also include the majority of material storage, site offices, laydown areas and other ancillary activities. • There are a number of conditions which relate to the monitoring and control of air quality which requires these impacts to be minimised. In practical terms this will include use of water sprinklers to manage dust suppression. It is also likely that an acoustic shed will

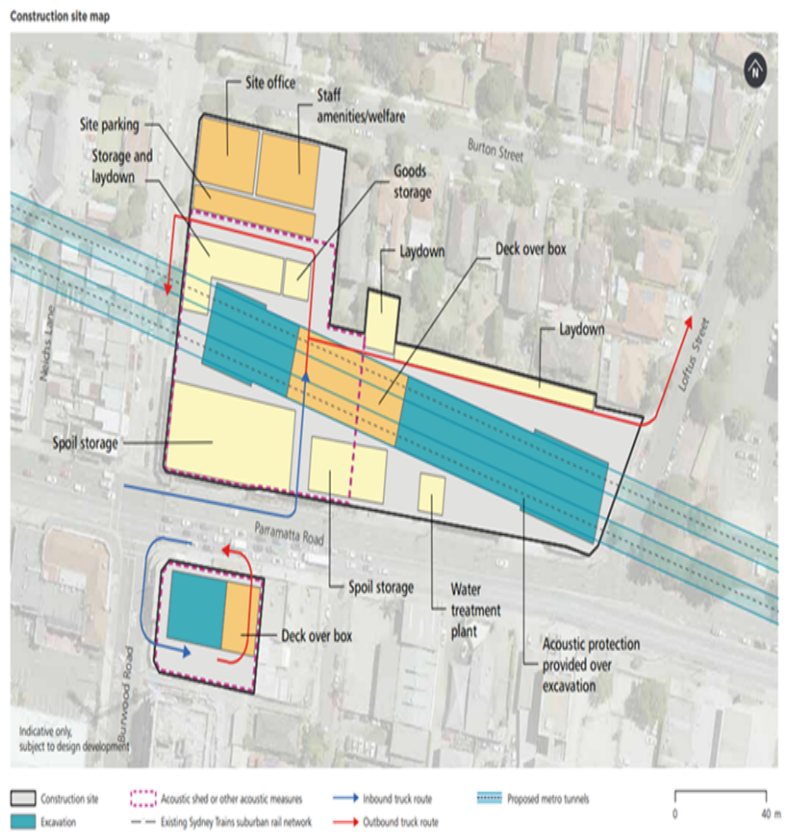
QUESTIONS ON NOTICE – COUNCIL MEETING OF 23 MARCH 2021	
Question	Response
<p>b) Local air quality and dust particles;</p> <p>c) 24-hour construction noise;</p> <p>d) 24-hour truck movements and noise; and</p> <p>e) Drivers using our local streets as a 'rat run' to avoid the construction zone?</p>	<p>be installed over the excavation site. This will assist in managing dust too. As most construction is occurring underground, the focus is on the management of noise and vibration which potentially represents the higher risk. This includes the appointment of an acoustics advisor who will advise the contractor on the acceptability of their specific management approaches.</p> <ul style="list-style-type: none"> • 24 construction and access will occur with tunneling being permitted as a prescribed activity on a 24 hour basis and this includes removal of spoil. Other activities are limited to normal hours of construction. As tunneling is some 18 to 38 m below ground – the overall physical separation is likely to be a limiting factor to noise. Truck movements are limited by condition to exclude 10pm to 7am where this would cause sleep disturbance on Loftus and Burton Street. This relates to the large construction site on the northern side of Parramatta Road. Notwithstanding this condition it is expected that truck movements will occur on a 24 hour basis to some extent. • Vehicles attempting to avoid the construction zone can be difficult to manage. Impacts from construction will likely alter driver behaviour to some degree in the short to medium term. Haulage routes for trucks are focusing on Parramatta Road, so would have a lesser impact on local streets.
<p><u>Councillor Heather Crichton</u></p> <p>With Sydney Metro due to commence demolition works in the fourth quarter of 2021 in the vicinity of Parramatta Road and Burwood Road, marking the commencement of the 10 year Burwood North Metro transport infrastructure project:</p> <p>Question 3:</p> <p>Is Council developing a 'place-plan' for the 10 year construction phase?</p>	<p><u>Director City Strategy</u></p> <p>As part of the next approval stage of the project an urban design report and station design will be developed for the precinct. This will take into account the built form and street patterns in the immediate Burwood North Precinct. It will detail the overall outcomes for the project and consider land use, town centre and station integration. We will be working closely with Sydney Metro in the development of the urban design strategy for the station precinct. This will be in addition to our own master plan work to inform the Burwood North precinct and final outcomes to be included in the LEP.</p> <p>At this stage a place plan specific to construction is not proposed by Council.</p>

QUESTIONS ON NOTICE – COUNCIL MEETING OF 23 MARCH 2021	
Question	Response
<p><u>Councillor Heather Crichton</u></p> <p>With Sydney Metro due to commence demolition works in the fourth quarter of 2021 in the vicinity of Parramatta Road and Burwood Road, marking the commencement of the 10 year Burwood North Metro transport infrastructure project:</p> <p>Question 4:</p> <p>Will Council photograph this location prior to demolition works for our Local Studies collection?</p>	<p><u>Director City Strategy</u></p> <p>The conditions of approval for the Sydney Metro project include the management and protection of non-aboriginal heritage. This includes salvage and re-use of any heritage items to be demolished or removed. It is not proposed to undertake any specific photography of the location as part of the Local Studies Collection. If items of heritage significance are identified, it is expected that Sydney Metro will respond to those matters and any archival material can be included in the Local Studies Collection.</p>
<p><u>Councillor Lesley Furneaux-Cook</u></p> <p>Question 1:</p> <p>How will the findings and implications for Council and Councillors from the ICAC recommendations on Canterbury Council be brought into our operations and discussed with councillors?</p>	<p><u>Consultant Governance Specialist</u></p> <p>The report entitled Investigation into the Conduct of Councillors of the former Canterbury City Council and Others was released by the NSW Independent Commission Against Corruption on Monday 22 March 2021. A summary of the report will be provided to the Audit Risk and Improvement Committee (ARIC) and subsequently to elected Council incorporating relevant feedback from the ARIC. The summary will focus on the corruption prevention recommendations contained within the report and their relevance to the operations of Burwood Council.</p> <p>Of the 23 corruption prevention recommendations from ICAC, only three recommendations were for the attention of the City of Canterbury Bankstown Council. All other recommendations were directed to the attention of the NSW Department of Planning, Industry and Environment or the NSW Government as a whole. This spread of responsibilities for actioning the recommendations suggests that the corruption prevention issues relevant to this investigation are principally within the control of state government agencies and not individual local government authorities.</p> <p>The ICAC report has been circulated to all Directors for their review to ensure that recommendations in it are adequately factored into the practices of Burwood Council.</p>
<p><u>Councillor Lesley Furneaux-Cook</u></p> <p>Question 2:</p> <p>Do staff have any update on the progress of the Burwood North Station as part of Sydney West Metro?</p>	<p><u>Director City Strategy</u></p> <p>The Sydney Metro West has received infrastructure approval in two parts. The current approval comprises two components being concept approval for the construction and operation of new passenger rail infrastructure, namely Sydney Metro West and associated infrastructure. This essentially provides approval for the project to proceed and early construction works to commence.</p> <p>The second part is detailed approval for the Stage 1 of the</p>

QUESTIONS ON NOTICE – COUNCIL MEETING OF 23 MARCH 2021

Question	Response
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	<p>Critical State Significant Infrastructure (CSSI) being station excavation and tunnel between the Sydney CBD and Westmead Parramatta. This relates to all the below ground engineering and construction that is required to form the tunnels. This will include creation of works yards, access shafts and importantly installation of the tunnel boring machines.</p> <p>Construction is expected to commence within the project corridor mid-2022 and be complete by the end of 2026. Specific tunneling and excavation works within the Burwood North precinct are noted to take place between early 2022 and late 2023. So a 2 year construction period for the underground works. This will be followed by a period of time for station fitout and above ground building works.</p> <p>The approval issued for stage 1, is subject to a comprehensive suite of management plans to mitigate the impacts associated with the project. For example heritage, construction, community engagement and environmental management plans need to be prepared for construction activities, in addition to detailed design work for the tunnel alignment and construction. The image below is the indicative layout of the Burwood North station site during construction.</p>
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QUESTIONS ON NOTICE – COUNCIL MEETING OF 23 MARCH 2021			
Question	Response		
<p><u>Councillor Lesley Furneaux-Cook</u></p> <p>Question 3:</p> <p>What damages and potential costs to road and other council assets have we experienced from the recent extreme weather event?</p>	<u>Director City Assets</u>		
	Repair	Approx Cost (\$)	Comments
	Pot holes repaired	9,000	Mainly small pot holes resulted from the flooding event, these were filled with cold mix
	Drainage Maintenance	3,500	Our drainage system managed well. It would appear that the main issued was a capacity issue. Along with the fact the mere volume of water washed a lot of loose debris and vegetation into the drainage system causing blockages.
	One tree uprooted	750	One tree in Claremont Avenue was uprooted which our emergency crew attended
Total approx costs	13,250		
<p><u>Councillor Ernest Chan</u></p> <p>Question 1:</p> <p>What was the last time the local traffic committee review the traffic in the vicinity of the intersection of Burwood Road and Deane Street?</p>	<u>Manager Traffic and Transport</u>		
	<p>The Burwood Local Traffic Committee (BLTC) only considered reports where a change is recommended in relation to traffic facilities, parking restrictions or traffic management. No proposals have been put forward to the BLTC in relation to traffic in the vicinity of the intersection of Burwood Road and Deane Street.</p> <p>A Traffic and Transport Study is currently being undertaken for the entire Burwood LGA including a detailed assessment of traffic within the Burwood and Strathfield Town centres. As part of this study traffic and pedestrian movements in Deane Street and on Burwood Road will be reviewed with future traffic growth included to determine options to maximise traffic flow whilst also aiming to improve urban amenity.</p>		

No Decision – Information Item Only

Attachments

There are no attachments for this report.

(ITEM IN11/21) PETITIONS

File No: 21/3791

REPORT BY GOVERNANCE OFFICER

Summary

Petitions received are reported to Council on a monthly basis. Council has received one petition since the 23 March 2021 Council Meeting.

Operational Plan Objective

2.1.1 Provide opportunities for discussions and report decisions back to the community

Background

Date Received	Petition Subject	No. of Households and Businesses within the LGA	No. of Households outside the LGA	Responsible Council Division
23 February 2021	Set up of Table Tennis Table in Henley Park	32	0	City Assets

Comments

That Council notes that the Petition has been referred to the appropriate Council Officers for attention.

No Decision – Information Item Only**Attachments**

There are no attachments for this report.