EXTRAORDINARY COUNCIL MEETING
THURSDAY, 14 AUGUST 2003
6.00PM

1. COUNCIL PRAYER

2. APOLOGIES

3. DECLARATIONS OF INTERESTS BY COUNCILLORS

4. GENERAL BUSINESS

   (38) REVIEW OF THE BURWOOD PLANNING SCHEME ORDINANCE
        – NEW LOCAL ENVIRONMENTAL PLAN  3

   (39) DRAFT LOCAL ENVIRONMENTAL PLAN – RAILWAY PRECINCT  7

   (40) BURWOOD CIVIC PRECINCT  10

   (41) PROPERTY LOCATED AT 14 CONDER STREET, BURWOOD  14
COUNCIL PRAYER

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.

Public Address

Councillor Chris Christogorge
Councillor John Faker
Councillor Lesley Furneaux-Cook
Councillor Joseph Tannous
Councillor David Weiley (Deputy Mayor)
Councillor Teresa West

Mr C Clissold, Director, Technical Services and Operations
Mr I Dencker, Director, Planning & Environment
Mr L Hullick, Director, Business and Corporate Services
Mr M Tse, Executive Manager – Finance
Ms J Hartshorn, Executive Manager - Administration

PRESS

MAYOR – COUNCILLOR ERNEST WONG
GENERAL MANAGER – PAT ROMANO
(38) REVIEW OF THE BURWOOD PLANNING SCHEME ORDINANCE – NEW LOCAL ENVIRONMENTAL PLAN

File No: T.0760.000

REPORT BY GENERAL MANAGER

Purpose
To provide an update on the issues relevant to the preparation of a consolidated Local Environmental Plan (LEP) for the Burwood Local Government Area (LGA) and propose recommendations for future work to be undertaken.

Background
Land use and development in Burwood continues to be governed by a wide range of planning documents comprising of the main local plan, the Burwood Planning Scheme Ordinance, and a number of development control plans and codes.

Strategically important planning reviews have been initiated for the Burwood CBD, Parramatta Road and areas to the North West of the CBD under the “Centres Travelling Together” programme. Progress on these planning reviews has relied, to a large extent, on the funding and priorities of Department of Infrastructure, Planning and Natural Resources (DIPNR) programme.

At the meeting of the Building and Development Committee Meeting on the 3rd September 2002 the following recommendations were adopted:-
   a) That the new Local Environmental Plan for Burwood be in the form of a “consolidated” plan.
   b) That a further report be brought to Council to outline the process and proposed timetable for preparing the consolidated Local Environmental Plan.

At its meeting on 26 November 2002, Council resolved:

"That a five year Financial Strategy be developed by Council to address some of the current financial deficiencies and ensure the future financial viability and sustainability of Council's operations."

Work on the consolidated LEP was subsequently put on hold whilst a review of the future financial viability and sustainability of Council’s operations was undertaken. A key element of the review was the reassessment of Draft LEP 2000 which has not been gazetted despite having been submitted to DIPNR in early 2001 for its approval and ultimate gazettal.

As 2½ years has elapsed since Draft LEP 2000 was submitted to DIPNR, it was considered appropriate to review the proposed planning controls and assess whether Draft LEP 2000 represents the communities and Councils objectives for the future of Burwood. In addition, it included two deferred areas, the Railway and Conder Street precincts, which have been the
subject of separate and ongoing planning reviews. In the circumstances, and after consultation with DIPNR, it is considered inappropriate to proceed with the Draft LEP 2000 document.

The preliminary work undertaken to date for the development of the Five Year Financial Strategy has reinforced the need for the consolidated LEP for the Burwood LGA. To adequately address all relevant issues across the LGA and to undertake comprehensive community consultation based on agreed priorities, will take at least 9-15 months. However, there are more immediate issues to be addressed within the CBD, including reaching resolution on the upgrading of the Railway Station with the relevant State Government stakeholders and the redevelopment of the Conder Street Civic Precinct to provide for a new expanded library and other community facilities.

Proposal

Council’s vision is to make Burwood vibrant, prosperous, progressive and proud of its history and heritage.

Burwood’s status as a "Regional Centre" has been reinforced by DIPNR given its accessibility, particularly by rail and bus, and its potential to cater for future commercial, retail and medium to high density residential development within the Town Centre. Therefore, key objectives in support of Council’s vision and DIPNR’s regional development strategies include:

- to ensure the amenity of the suburbs, the status of Burwood’s heritage and its open spaces are preserved.
- to create opportunities for commercial development within the Town Centre, in particular along Railway Parade and within the Railway Precinct.
- to maintain and enhance the existing retail vitality along Burwood Road.
- to improve access to the Railway Station and the surrounding amenity including upgraded transport interchange facilities.
- to develop urban improvement plans for the Town Centre, included additional open space and upgraded streetscapes.
- to increase the workforce by 10,000-15,000 employees within 10-15 years.
- to provide new community facilities including a new library catering for current and future information and communication links with all schools in the LGA.
- to ensure better planning, utilisation and management of community facilities.

To further develop the various studies and reviews undertaken in recent times and make progress towards achieving the key objectives outlined above it is proposed to implement the following:

1. Preparation of a consolidated LEP for the Burwood LGA and a draft Master Plan for the Town Centre.
   Scott Carver Urban Planners, has been engaged to undertake the preparation of the documents, a preliminary draft is attached to this report.

2. Preparation of a draft LEP and DCP for the Conder Street Precinct.
   A separate report has been prepared for consideration by Council.
3. Preparation of a draft LEP and DCP for the Railway Station Precinct.  
A separate report has been prepared for consideration by Council.

4. Preparation of a plan for the Town Centre outlining proposed improvements for landscaping and streetscapes and traffic management.  
A traffic model for Burwood is being developed using the latest available data and the results of this work will be advised at a later date. The costs are being funded from Section 94 contributions and a contribution by Transport NSW.

5. Preparation of plans of management for all community facilities.

6. Review and update Section 94 contribution plans for:
   - Open space
   - Traffic improvements
   - Community facilities
   - Car parking

Financial and Resource Implications
The preliminary work undertaken to date has been achieved by using Council Strategic Planning staff supported by resources from external planning consultant Scott Carver.

Preparation of a new planning instrument and the associated plans will be a resource intensive process. It is anticipated that this will be the major focus for Council’s Strategic Planning resources.

Conclusion

1. It is now appropriate to continue with the preparation of the consolidated LEP for the Burwood LGA. This Plan will progressively identify the key planning issues to be addressed across the LGA and will propose priorities for the preparation of precinct based studies. It is intended to undertake extensive community consultation during the preparation of the Plan.

2. The preparation of a Master Plan for the Town Centre is an important step in determining the potential for future commercial, residential and retail development. To ensure the amenity of the Town Centre will not be compromised by higher density development, plans outlining proposed improvements for the transportation network, landscaping and streetscapes within the Town Centre will be an integral part of the Master Plan for the Town Centre.

3. To satisfy statutory requirements and to address any potential community concerns regarding the future of community facilities, both within the Town Centre and throughout the LGA, plans of management for each facility will be prepared.
4. To establish the sources and level of funding for the proposed upgrading works it will be necessary to review and update the Councils’ Section 94 plans in terms of scope of works, budget and programmes.

Attachment (circulated separately)

- Draft report on preliminary strategic planning study incorporating a draft Master Plan for the Town Centre.

Recommendations

A. That, in accordance with the resolution dated 3rd September 2002 the preparation of the consolidated LEP for the Burwood LGA proceed.

B. That Council receive the attached report outlining the draft Master Plan for the Town Centre and endorse the principles outlined therein.

C. That, Council prepare a Landscaping Strategy in consultation with the Burwood community.

D. That traffic management plans for the Burwood LGA and particularly the Town Centre be updated.

E. That Section 94 plans be reviewed and updated.

F. That a future report be brought to Council to outline the process, budgets and proposed timetable for preparing the plans detailed in items A, B, C, D and E.
REPORT BY GENERAL MANAGER

Purpose
To provide an update of the relevant issues in respect of proposals to upgrade the Burwood Railway Station and to make recommendations for the preparation of a draft LEP for the Railway Precinct.

Background
The preparation of an Integrated Town Centre Strategy some time ago led to the evolution of the Draft LEP 2000 document. At the time of submission to Department of Infrastructure, Planning and Natural Resources (DIPNR) the document contained a 'deferred area' defined as the Railway Precinct.

This area was excluded from the provisions of Draft LEP 2000 as a number of options for the station upgrade were being investigated by Council and relevant State Government Authorities. Council had entered into a Memorandum of Understanding (MOU) with DIPNR and State Rail Authority (SRA) to provide a well designed, accessible, safe and efficient railway station which contributes to the Burwood Town Centre. Council officers continue to attend Project Control Group (PCG) meetings, but a preferred option for the upgrade of the station is yet to be recommended. In addition, the sources of funding and the mechanism for any specific levy have yet to be agreed.

The need for an efficient and effective railway station in support of higher density development within the Town Centre is acknowledged by all stakeholders i.e. State Government Departments, Council, property owners, business associations and the community at large.

Whilst a preferred upgrade option is yet to be recommended by the PCG, Council is in a position to develop the planning framework within the Railway Precinct to provide a greater degree of certainty than currently exists. Such a framework will assist in reaching resolution on the station upgrade and the preparation of plans to improve the amenity of the area through improved landscaping, streetscapes and traffic management. Progress in these areas will also preserve and enhance the vitality of the retail sector along Burwood Road.

Proposal
It is proposed that a Draft LEP be prepared for the Railway Precinct. The boundary of the LEP map has been extended from the deferred area in Draft LEP 2000 to include properties on either side of Railway Parade, west of Burwood Road, as indicated on the plan below.
RAILWAY PRECINCT DRAFT LEP

The draft LEP will permit redevelopment of areas surrounding the Burwood rail station that require revitalisation in association with important public domain improvements to be identified in the landscape strategy centred around Burwood Road and the railway station entrance.

Planning or Policy Implications
The Draft LEP will establish land use zones, maximum floor space ratios and height limits for the precinct.

It is anticipated that a further report will be submitted to allow Council to consider publicly exhibiting the Draft LEP. Work will be undertaken on the Draft DCP while relevant government authorities are being consulted about the Draft LEP in accordance with the Environmental Planning and Assessment Act, 1979.

Financial and Resource Implications
The work undertaken to date has been achieved through the use of Council Strategic Planning Staff supported by resources from external consultants. Continued involvement by an external planning consultant in preparation of the Draft LEP will be required in the short term to support Council strategic planning resources.

Conclusion
The upgrade of the Railway Station is a critical element in the overall strategy for the growth of the Burwood Town Centre. Options for the station upgrade have been considered by the
PCG but a recommendation on a preferred option has yet to be made. Nevertheless, Council has the opportunity to provide greater certainty to the business community regarding its strategy to improve the area around the station prior to a station upgrade option being selected.

The preparation of a draft LEP for the Railway Station Precinct will be an important first step in the process.

**Recommendations**

A. That Council prepare a Draft Local Environmental Plan for the Railway Precinct.

B. That Council prepare a Draft Development Control Plan to provide detailed controls for the Railway Precinct.

C. That the Department of Infrastructure, Planning and Natural Resources be informed of Council’s decision to prepare a Draft Local Environmental Plan in accordance with Section 54 of the *Environmental Planning and Assessment Act, 1979.*

D. That relevant government authorities be consulted about the Draft Local Environmental Plan in accordance with the provisions of Section 62 of the *Environmental Planning and Assessment Act, 1979.*

E. That a further report be brought to Council to enable consideration of any submissions from relevant government authorities under Section 62 of the *Environmental Planning and Assessment Act, 1979.*
REPORT BY GENERAL MANAGER

Purpose
To provide an update of the relevant issues in respect of the Civic (Conder Street) Precinct and to make recommendations for the preparation of a draft LEP for the Civic Precinct.

Background
The preparation of an Integrated Town Centre Strategy some time ago led to the evolution of the Draft LEP2000 document. At the time of submission to the Department of Infrastructure, Planning and Natural Resources (DIPNR) the document contained or “deferred area”, defined as the Conder Street precinct as outlined on the map below.

This area is highly significant to Burwood Town Centre as it contains a number of civic buildings, is closely related to the railway station and defines the south-western edge of the Town Centre. Council is a key land owner within this precinct. At its meeting on 16 February 2000, Council resolved to defer this area from draft LEP 2000 to allow for further investigation in relation to provision of a ‘transitional zone’. As indicated in a separate report to Council, given the 2½ year delay in the gazettal of LEP 2000 by DIPNR and the studies currently being undertaken in relation to a consolidation LEP it is now considered inappropriate to proceed with Draft LEP 2000.

Architectus (formerly known as Travis McEwen Group) was engaged by Council to undertake a planning study of this area and prepare appropriate development controls for inclusion in the Town Centre planning instruments. Their work included an urban design analysis followed by preparation of five options for future development of the area. Through a process of three public workshops, two Councilor workshops and staff consultation, a preferred option was identified and translated into a Draft Development Control Plan, which has not been publicly exhibited.

At its meeting on 26 November 2002, Council resolved:
“(a) That Council acknowledge the establishment of a Project Control Group to manage the development of the new library within the Conder Street Civic Precinct.

(b) That Council support the development of a Master Plan with a range of options for the Conder Street Civic Precinct, particularly with regards to the proposed Burwood Library.

(c) That Council approve the budget of $445,000 for the works noted above through June 2003, including works completed to date. These funds will be initially sourced from S94 Open Space and Unutilised Loan funds. It is noted that it is expected that these funds will be recouped from the joint venture partner in the development process.”

McLachlan Lister was subsequently engaged by Council to project manage an assessment of the options for the development of a new library and other civic facilities in the precinct.

Stanisic and Associates Urban Designers, City Plan Services Urban Planners and supporting consultants were engaged to develop Master Plan options for the Conder Street precinct. The initial phase of this work was an assessment of the appropriate building forms and densities in the Conder Street Precinct, considering its location on the fringe of the CBD, the scale of existing buildings bounding the precinct and the environmental impacts of the potential development.

The assessment considered the rezoning application lodged by the owner of 7-15 Conder Street, which is part of the study area, and Council’s decision to reject the application in July 2003.

It is proposed that a Draft LEP be prepared for the Civic Precinct. The boundary of the LEP will be in accordance with the dederred area as outlined in this report.

Proposal
There are several critical issues which will shape the preparation of the draft LEP:

- While Council is a major land owner within the precinct, the pattern of ownership creates difficulties for substantial redevelopment unless sites are amalgamated. The draft LEP will provide controls based upon a range of site amalgamations and allow Council to exercise its discretion for developments on sites which do not meet the minimum amalgamation requirements.

- The Southern side of the Council Chambers is the preferred site for civic facilities and a civic square as the coupling of there facilities with the existing Council Chambers, Cultural Centre and Burwood Community Welfare will produce an integrated civic heart for Burwood. This site also provides potential for the largest amalgamation of Council owned properties with which to achieve the Civic Square and large ground floor area required for a future library.
The types of land uses will have an important role in determining how the precinct is used and perceived. The Draft LEP will provide substantial community/civic facilities with predominately residential development. Ground floor retail/commercial uses will be proposed to activate street frontages to create ‘living streets’, which will serve the needs of the residents and reinforce the role of this precinct within the Town Centre.

The Council car park is currently used as an informal pedestrian link to Burwood Plaza and the Town Centre. The LEP will require basement car parking be provided to support the development of the precinct and a formal landscaped Pedestrian Way be created to link the new Civic Square, library and Council Chambers to the Town Centre.

The area is located at the edge of the Town Centre and has an immediate relationship to lower density residential areas. As a result, the building forms and heights proposed for the precinct will respond to the lower scale building forms that surround the site, as well as to the high density Town Centre core.

The precinct contains and is adjacent to items of heritage significance (particularly, the former Masonic Temple, the former School of Arts and the Council Chambers). The LEP will control the height and density of developments surrounding these heritage items, however, additional controls such as building setbacks will be provided through a detailed Development Control Plan for the Conder Street Precinct.

Consultation

A Project Control Group was established to guide the preparation of the Draft LEP and Civic Precinct planning works. The PCG consists of the General Manager, Director of Engineering, Community Services Manager, Acting Library Manager, Senior Strategic Planner, Human Resource Manager and IT Manager from Council and key external consultants.

Planning or Policy Implications

The Draft LEP will establish land use zones, maximum floor space ratios and height limits for the precinct.

It is anticipated that a further report will be submitted to allow Council to consider publicly exhibiting both the Draft LEP and Draft DCP. Work will be undertaken on the Draft DCP while relevant government authorities are being consulted about the Draft LEP in accordance with the Environmental Planning and Assessment Act, 1979.

As Council owns significant parcels of land within the Conder Street Precinct, the Draft LEP will be prepared in accordance with the Department of Infrastructure, Planning and Natural Resources Best Practice Guidelines for LEPs and Council Land.

Financial Implications

The work undertaken to date has been achieved through the use of Council Strategic Planning staff supported by resources from external consultants.
Expenditure within approved budgets for the Conder Street Precinct, including the preparation of the Draft LEP and Burwood Civic Precinct planning works, to the end of 2002/2003 financial year was $x.

**Conclusion**

The Conder Street Precinct is highly significant to Burwood Town Centre as it contains a number of civic buildings, is closely related to the railway station and defines the southwestern edge of the Town Centre.

A Draft LEP for the Precinct is being developed, in consultation with the PCG, based upon an assessment of the urban structure, the relationship of the Precinct to the greater Town Centre area and the surrounding residential precincts, and the opportunities to enhance the Precinct as the civic heart of Burwood.

Preliminary assessments of the proposed land uses, urban forms and densities proposed in the Draft LEP will be undertaken to confirm that the Draft LEP will facilitate environmentally sustainable developments in relation to the physical environment, traffic, heritage, infrastructure and flora and fauna.

It is therefore recommended that Council proceeds with the Draft Local Environmental Plan for the purposes of consultation.

**Recommendations**

A. That Council prepare a Draft Local Environmental Plan for the Civic precinct.

B. That Council prepare a Draft Development Control Plan to provide detailed controls for the Civic precinct.

C. That Planning NSW be informed of Council’s decision to prepare a Draft Local Environmental Plan in accordance with Section 54 of the *Environmental Planning and Assessment Act, 1979*.

D. That relevant government authorities be consulted about the Draft Local Environmental Plan in accordance with the provisions of Section 62 of the *Environmental Planning and Assessment Act, 1979*.

E. That a further report be brought to Council to enable consideration of any submissions from relevant government authorities under Section 62 of the *Environmental Planning and Assessment Act, 1979*. 
(41) PROPERTY LOCATED AT 14 CONDER STREET, BURWOOD

File No.T.0342.000

REPORT BY GENERAL MANAGER

Purpose
To outline the issues relating to this property, which adjoins Council owned property, when considering development options for Council owned land.

Background
Council has resolved to prepare a Master Plan for the Conder Street Civic Precinct, particularly with regards to the proposed Burwood Civic precinct.

It has been recommended in a separate report to Council that a draft LEP and draft DCP be prepared for the Civic Precinct.

14 Conder Street is located within the Conder Street Precinct on the corner of Conder and Belmore Streets indicated in the plan below.

Legend
- Council owned properties in the Conder Street Precinct
- Non-Council owned properties
- Conder Street Precinct Boundary
Preliminary conceptual planning for the Civic Precinct indicates that because 14 Conder Street is in a prominent location adjacent to a number of Council owned properties, the inclusion of this property in the Burwood Civic Precinct development would have benefits in terms of urban design facility design and potentially the financial returns from the development.

The owners of the property currently operate a medical practice from the premises and have over the recent years, discussed the possibility of selling the property to Council. However, with the expectation over an extended period, of new planning instrument being prepared they have not sought to seriously negotiate with a view of entering into a contract for sale.

Proposal
The owners, in past discussions with Council, have outlined two possible scenarios;

1. Seek to reach agreement on a sale price and settlement period on the basis that they would vacate the property on settlement and of conduct their medical practice in another location.
2. Seek to reach agreement on sale price on the basis that the property be sold and space provided in any redevelopment to enable them to conduct their medical practice from new premises within the boundary of their existing property or elsewhere within the redevelopment.

It is proposed to recommence discussions with the owners to confirm their current position in respect of the potential sale of the property to Council.

An independent valuation of this property will be undertaken to provide a basis for Council to commence negotiations with the owners.

Conclusion
The preferred outcome is for 14 Conder Street to be included in any development. Therefore, Council should seek to secure possession of the property to enable it to be included.

Recommendations

A. That Council authorise the General Manager to commence discussions with the owners of 14 Conder Street to establish whether the owners will sell the property to Council on acceptable commercial terms.

B. That a further report will be submitted to Council advising the outcome of the discussions and, if appropriate, outline terms upon which Council may consider the purchase of 14 Conder Street.