EXTRAORDINARY COUNCIL MEETING
TUESDAY, 7 OCTOBER 2003

(AT THE CONCLUSION OF THE BUILDING & DEVELOPMENT COMMITTEE MEETING, WHICH IS SCHEDULED TO COMMENCE AT 6.00pm)

1. PRAYER

2. APOLOGIES

3. DECLARATIONS OF INTERESTS BY COUNCILLORS

4. GENERAL BUSINESS

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CONFIDENTIAL ITEM

Recommendation
That General Business Item 61 (Burwood Civic Precinct) be considered in Closed
Session to the exclusion of the press and public in accordance with Section 10A(2)(c) of
the Local Government Act 1993 as the report contains information that would, if
disclosed, confer a commercial advantage on a person with whom the Council is
conducting (or proposes to conduct) business.

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(Confidential report distributed separately)
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 Christogeorge (Deputy Mayor)
Councillor John Faker
Councillor Lesley Furneaux-Cook
Councillor Joseph Tannous
Councillor Teresa West
Councillor Ernest Wong

Director Technical Services & Operations – Colin Clissold
Director Planning & Environment – Ian Dencker
Director Business & Corporate Service – Les Hullick
Executive Manager – Administration – Julie Hartshorn
Executive Manager – Finance – Michael Tse

PRESS

MAYOR – COUNCILLOR DAVID WEILEY
GENERAL MANAGER – PAT ROMANO
(ITEM 54) AFFIXING OF COMMON SEAL OF THE COUNCIL – PLAN OF SUBDIVISION FOR 1-3 TANGARRA STREET, CROYDON PARK

File No: 216.09.D

REPORT BY DIRECTOR BUSINESS & CORPORATE SERVICES

Precis
The purpose of this report is to obtain formal Council authority to affix the Common Seal to the plan of subdivision for 1-3 Tangarra Street, Croydon Park (Council-owned land - the Tangarra Street Subdivision site).

Background
Clause 43 of the Local Government (Meetings) Regulation requires that “the seal of a Council must not be affixed to a document unless the document relates to the business of the Council and the Council has resolved (by resolution specifically referring to the document) that the seal be so affixed.”

Proposal
The common seal is required to be affixed to the plan of subdivision for 1-3 Tangarra Street, Croydon Park prior to it being registered by Land & Property Information. The plan of subdivision for the eight (8) lot subdivision was approved at the Council Meeting of 29 April 2003.

Consultation
Extensive consultation undertaken in relation to the Local Environmental Plan for the site.

Planning or Policy/Financial Implications
The Plan of Subdivision must be registered prior to settlement of the sale of the seven (7) lots on the northern side of the site.

Conclusion
It is recommended that the Common Seal of the Council be affixed to the subdivision plan.

Recommendation
That the Mayor and General Manager be authorised to sign the plan of subdivision (and associated documents) for 1-3 Tangarra Street, Croydon Park under the Common Seal of the Council.
REPORT BY DIRECTOR PLANNING & ENVIRONMENT

Purpose
To appoint new delegates from Council to carry out the functions of the Director-General of the Department of Infrastructure, Planning and Natural Resources under Section 65(1) and Section 69 of the Environmental Planning and Assessment Act.

Background
The current Instruments of Delegation which enable Council to exercise the Director-General of the Department of Infrastructure, Planning and Natural Resources functions under the Environmental Planning and Assessment Act 1979, relating to the preparation of Local Environmental Plans, were revised. In 1997 the then Director-General issued new delegations designed to give Councils more autonomy in dealing with matters of local significance and to streamline the administration of the plan making process.

The 1997 Delegations relate to Section 65(1) and Section 69 of the Environmental Planning and Assessment Act 1979. Attached is a copy of the Delegation and Explanatory Note which describe in detail how and when the 1997 Delegations may be exercised. Section 65(1) provides for the issuing of a certificate to enable a draft LEP to be exhibited. Section 69 is a report by Council on behalf of the Director-General to the Minister giving details of the results of the LEP process.

Councils are required to ensure that care and diligence are observed when exercising the Director-General’s Delegations to make certain they are exercised validly. It is also stressed that Councils bear the full responsibility of ensuring that Local Environmental Plans forwarded to the Minister to be made are accurate and correct as the Department will no longer be checking these instruments for consistency with Parliamentary Counsel Opinion.

The new delegations came into force on the 3 March, 1997 and Council nominated Council Officers who carried out the Director-General’s functions.

As Council has new staff appointed to the position of responsibility for these strategic town planning tasks, the current delegations are required to be rescinded. Further delegations have to be resolved to cover the current circumstances of operation.

Conclusion
Ian Dencker and Charles Raneri are to be nominated as the delegates for Burwood Council to exercise its authority under Section 65(1) and Section 69 of the Act for the LEP process.
Attachment


Recommendations

A. That Council resolve to appoint Ian Dencker and Charles Raneri as Burwood Council’s delegates of the Director-General of the Department of Infrastructure, Planning and Natural Resources to carry out those functions of Section 65(1) and Section 69 of the Environmental Planning and Assessment Act 1979.

B. That the Department of Infrastructure, Planning and Natural Resources be notified of Council’s resolution.
Purpose

Draft Local Environmental Plan (DLEP) No. 64 aims to “rezone” lands in the vicinity of the Burwood railway station and railway line and generally bounded by Shaftesbury Road, George Street, John Street, Railway Parade, Wynne Avenue to Clarendon Place, Belmore Street and Burwood Road from Special Uses (Railway) 5(b), Residential 2(c2), Business Special (Districts Centre) 3(c1) and 3(c2) and unzoned lands being Youth Lane, Mary Street and part of Deane Street to Town Centre Residential 2(t), Town Centre Retail 3(t1) and Town Centre Commercial 3(t2). It will also provide floor space ratios, height and ‘land mix’ controls.

The draft LEP provides for the preparation of an accompanying Development Control Plan (DCP).

The purpose then is to provide Council with details of the DLEP prepared for this exercise and to report on the results of the S.62 consultation with Government agencies.

A further and additional demand on this process is to provide Council with the details of information required to accompany the exhibition of the draft LEP resultant from Council’s ownership of a substantial proportion of lands subject of the draft instrument.

Background

Under the original Town Centre DLEP 2000, which was adopted by Council in its final form and forwarded to the Minister for gazettal in August 2001, part of the subject area was excluded thereon as a “deferred matter” on the zoning map.

On 14 August 2003, Council considered a report on the draft LEP for the Railway Precinct and resolved:

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.

The Department of Infrastructure Planning & Natural Resources was advised formally in accordance with S.54 of the EP&A Act.

The matter of the preparation of the draft DCP is subject of a separate report to this Committee.

The relevant Government agencies were consulted as required under S.62 and forwarded a copy of the draft LEP. A focus group meeting of the agencies was then held, the results of which are reported later in this report.

Planning or Policy Implications

Implications of Draft Plan
The draft LEP features a “Landuse Map” for zoning purposes as well as a “Floor Space Ratio Map” and a “Height Map”.

Properties facing Burwood Road and those fronting the Southern side of Railway Parade are proposed to be zoned Town Centre Retail 3(t1); lands of the railway itself and those fronting the northern side of Railway Parade are to be zoned Town Centre Commercial 3(t2) and the remainder of the area including public roads of part of Deane Street, Youth Lane, Mary Street and Waimea Street, are to be similarly zoned.

Road widening is to be continued for the Southern side of George Street, with the exception of the Burwood Road corner, part of Deane Street between Shaftesbury Road and Marmaduke Street are all subject to road widening.

Floor Space Ratios will vary from 3.5:1 along Shaftesbury Road, north of Deane Street to 3.7:1 for eastern side and 4:1 for the western side of Burwood Road, north of the railway, to 7:1 between Burwood Road and Clarendon Place, 4:1 south of Murray Arcade, and 5.5:1 for Plaza site. The railway lands east of Burwood Road have FSRs ranging from 2:1 to 4.5:1 and west of Burwood Road including Railway Parade property is 4.5:1. Lands south of George Street, between Youth Lane and Marmaduke Street have FSRs ranging from 3:1 to 4:1.

A bonus scheme has been included in the draft plan to encourage 5-star fine dining, a-la-carte restaurants for the Town Centre to be situated on Burwood Road between Railway Parade and Belmore Street.

The “normal” heritage provisions of LEP No. 19 and those of the Heritage Council of NSW (for the railway station and its surrounds) apply.

Results of S.62 Consultation
In the S.62 consultation exercise with the Government agencies, a focus group meeting was held on 12 September, 2003 and the agencies were given to 19 September to reply.
Notes were taken at the focus group meeting, which have been incorporated in the DLEP together with additional comments received from the agencies. No formal objections have been received from the agencies and in the absence of any disagreement between such agencies and Council, the DLEP can be placed on public exhibition with Council issuing the S.65 certificate for the exhibition process.

**Financial Implications**

The financial implications for this precinct are required to be provided and disclosed as part of the exhibition material under the “LEPs and Council Land Best Practice Guidelines” issued by the Department.

**Requirements for Public Exhibition**

A copy of the guideline is *attached* and must be included in the exhibition.

**Section 65 delegation**

Subject to meeting the guideline requirements for exhibited material not being contrary to Ministerial directions under S.117 of the Act and with no formal objections from Government agencies under S.62 of the Act, Council has authority to issue the S.65 certificate for public exhibition of the draft LEP.

**Timing and Process**

The intention is to exhibit and advertise in a local newspaper as soon as possible after Council’s decision to pursue the DLEP. The plan would be on exhibition for a period of 28 days along with the draft DCP and the other exhibition material.

A report to Council on the results of the public exhibition will be prepared by an independent town planning consultant. If the results are such that amendments are deemed necessary that would render the draft plan sufficiently different to that which was exhibited, it would necessitate re-exhibition.

Further to the above, Council could require a public hearing if it considers that the issues raised at exhibition are of such significance that they should be subject of a hearing.

Assuming that there is no re-exhibition and no public hearing, the final version of the draft plan will then be forwarded to the Parliamentary Council for an opinion as to the wording of the plan.

A report to the Minister under S.69 via the Department’s legal branch is prepared by Council staff under delegated authority after Council has resolved to request the Minister make the plan.

**Conclusion**

As no formal government agency objections have been raised to this draft LEP under S.62 of the Act, subject to the necessary exhibition material being available, it is considered that Council has delegation to issue a certificate to exhibit the planning instrument. It is therefore recommended that Council proceed to publicly exhibit the draft LEP for 28 days in accordance
with the “LEPs and Council Land – Best Practice Guideline” issued by DUAP and in accordance with the provisions of the EP&A Act and Regulations.

Attachments
1. Draft Local Environmental Plan 2003 No. 64.

Recommendations
A. That the results of the S.62 consultation is respect of draft Railway Precinct No. 64 LEP be noted.

B. That Draft Local Environmental Plan No. 64 for the Burwood Town Centre Railway Precinct and the accompanying material be publicly exhibited in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 and Regulation, and in accordance with the LEPs and Council Owned Land – Best Practice Guideline 1997 issued by the then Department of Urban Affairs & Planning.

C. That an advertisement be placed in the local newspaper to notify the exhibition of the Draft Plan.

D. That affected and surrounding landowners be notified in writing of the public exhibition.

E. That a report be brought to Council at the conclusion of the exhibition period for consideration of any submissions received.

F. That the Draft Burwood Strategic Planning Review and Town Centre Masterplan dated August 2003 be amended so as to ensure consistency with Draft Local Environmental Plan No. 63.

G. That Council engage an independent planning consultant to prepare a report on the results of the public exhibition.
REPUBLICAN COUNCIL MEETING – 7 OCTOBER 2003

(ITEM 57) DRAFT TOWN CENTRE RAILWAY PRECINCT
DEVELOPMENT CONTROL PLAN 2003 NO. 28 - PROCEDURES FOR
PREPARATION OF DEVELOPMENT CONTROL PLAN

File No: T.0764.000

REPORT BY DIRECTOR PLANNING & ENVIRONMENT

Proposal
To prepare a draft Development Control Plan (DCP) based on the Draft Burwood Town Centre Master Plan to be utilised in conjunction with the Local Environmental Plan (DLEP) No. 64 for the Town Centre Railway Precinct. This draft instrument will apply to Council owned land as well as privately owned land within this precinct.

Background
Council, on 14 August 2003, upon considering a report on this precinct, resolved in part:

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

Implications of the draft DCP
The draft DCP sets out urban design principles along with the urban framework made up of the built form, landscape, pedestrian way, streetscape and access/parking. The urban form sets out desired future character, building heights and depths, site frontage/amalgamations, setbacks, building uses and densities.

Site design, building design, residential amenity and preparing an application are particular features of the document.

Comments
This draft DCP, which is attached, has been prepared by architectural consultants in conjunction with the consultants who prepared the Vision Statement/Master Plan for Burwood. The intent is to exhibit this DCP at the same time as, and in conjunction with, the draft LEP.

A DCP is prepared in part under the Environmental Planning and Assessment Act, 1979, to provide more detailed provisions than are contained in an LEP and to generally conform to the provisions of such LEP applying to the land.

The Environmental Planning and Assessment Act and Regulation sets out the processes necessary for the preparation of DCPs by Councils. The applicable steps are set out below.

Process and Timing
In accordance with Cl. 16 of the Regulation, the DCP must be in the form of a written statement and may include supporting maps, etc. It must describe the land to which it applies and must identify an LEP applying to that land.
The DCP may provide for any matter for which an LEP may provide. Where any proposed development from the instruments involves residential flat development, it must be referred to the Urban Design Review Panel under SEPP No. 65 – Design Quality of Residential Flat Development.

Council, under Cl. 18 of the Regulation, must give public notice in a local newspaper and must publicly exhibit that Plan and any relevant LEP. The minimum time period for exhibition is twenty-eight (28) days. The DCP comes into effect on the date specified in the public notices section of a local newspaper. This step will follow a report to Council on the results of the public exhibition.

Conclusion

It is appropriate to proceed with Draft DCP No. 28 in accordance with the above process and as the basis for implementing Council’s earlier resolution of 14 August 2003.

Attachment

Draft Railway Precinct Development Control Plan No. 28

Recommendations

A. That Council adopt the draft Town Centre Railway Precinct Development Control Plan 2003 No. 28.

B. That the draft DCP be publicly exhibited in accordance with Clause 18 of the Environmental Planning and Assessment Regulation, 2000.

C. That a further report be prepared for Council following the formal exhibition process.
REPORT BY DIRECTOR PLANNING & ENVIRONMENT

Purpose

Draft Local Environmental Plan (DLEP) No. 63 aims to ‘rezone’ lands in the vicinity of Conder Street, Belmore Street and Wynne Avenue, Burwood, from Residential 2(c1) and Business Special (Commercial) 3(c3) to Town Centre Residential 2(t) and Special Use (Library & Community Facilities) 5(t) zoning. It is also to provide Floor Space Ratio (FSR) and controls.

The DLEP provides for the preparation of an accompanying Development Control Plan (DCP).

The purpose then is to provide Council with details of the DLEP prepared for this exercise and to report on the results of the S.62 consultation with Government agencies.

A further and additional demand on this process is to provide Council with the details of information required to accompany the exhibition of the draft LEP resultant from Council’s ownership of a substantial proportion of lands subject of the draft instrument.

Background

Under the original Town Centre DLEP 2000, which was adopted by Council in its final form and forwarded to the Minister for gazettal in August, 2001, the whole of the subject area was excluded therefrom as a “deferred matter” on the zoning map.

On 14 August 2003, Council considered a report on the Burwood Civic Precinct and resolved:

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.

The Department of Infrastructure, Planning & Natural Resources (DIPNR) was advised formally in accordance with S.54 of the Environmental Planning and Assessment Act, 1979.

The matter of the preparation of the Draft DCP is subject of a separate report to this Committee.

The relevant Government agencies were consulted as required under S62 and forwarded a copy of the Draft LEP. A focus group meeting of the agencies was then held, the results of which are reported below later in this report.

Implications of the Draft Plan

The Plan features a ‘Landscape Map’ for zoning purposes as well as FSR and height maps.

Properties on the western side of Conder Street, which are presently zoned Business 3(c3), where mixed development is prohibited and the FSR is 1.5:1, will be ‘rezoned’ to permit residential flat development as well as shops and commercial premises and with an FSR of 2:1.

Properties Nos. 6-14 Wynne Avenue, the adjacent part of Hornsey Street (to be closed), the former Masonic Temple (No. 47 Belmore Street) and the adjoining land at the rear are proposed to be ‘rezoned’ from Residential 2(c1) to Special Uses (Library & Community Facilities). This zone is designed to ensure those particular uses are provided to the community together with those ancillary or incidental to such uses and development that is permissible in, and consistent with, the objectives of an adjoining zone which is that proposed to the east being Town Centre Residential 2(t) and to the north being Business Special (District Centre) 3(c2). This section will have an FSR of 2:1.

Lands to the east of the above mentioned properties are also to be zoned Town Centre Residential 2(t) from Residential 2(c1) with FSR’s ranging from 2:1 to 3.5:1 as shown on the map.

Floor space bonuses of an additional 0.5:1 will result from large scale amalgamation of allotments of properties Nos. 39-45 Belmore Street and Council owned lands at the rear thereof.

There is a further provision within the DLEP which requires certain lots have a minimum area of 2,000m² to be able to utilise the maximum FSR as shown on the map.

The ‘normal’ heritage provisions of LEP No. 19 will still apply to this precinct.

Results of S.62 Consultation

In the S.62 consultation exercise with the Government agencies, a focus group meeting was held on 12 September 2003 and the agencies were given until 19 September 2003 to reply.
The issues raised at the focus group meeting have been incorporated the DLEP together with additional comments received from the agencies.

No formal objections have been received from the agencies and in the absence of any disagreement between such agencies and Council, the DLEP can be placed on public exhibition with Council’s Town Planning staff issuing the S.65 Certificate for the exhibition process.

Consultations

In September 2003, Council engaged Kathy Jones & Associates to plan and facilitate a series of focus groups and a community survey to gain community input to the development of the Civic Precinct.

Over one hundred representatives of local community groups and residents who had participated in the earlier library survey were invited to attend the one of three focus group sessions held on September 18, 2003. The community survey was distributed together with personal invitations to attend the focus groups. The Community Survey has also been promoted through local media and the Council Newsletter. Copies of the survey were made available at Council Chambers, the library and on the Council website.

Nineteen people attended the Focus Group Sessions held on September 18 including representatives of Burwood Chamber of Commerce, government and non-government schools, community organisations, churches and interested local residents.

Participants in all the focus groups felt that the Civic Precinct has the potential to provide a focus for the community’s interests and needs and that it could become a civic heart for Burwood – a place where people come together. Their vision was of a precinct designed and built so that it was bright, friendly, and spacious and that it included quality structures that were both substantial and lasting. Participants thought that the precinct would be used by people from different age demographics, at different times throughout the day and that the needs of children and the elderly in particular should be addressed in planning for the precinct. The participants were supportive of the concept of developing the precinct at no cost to Council through the development of residential units in a joint venture with a developer/s provided the civic facilities were given pride of place in the development. The issue of building heights was raised and it was suggested that the placement and height of buildings within the precinct would need to be well considered, particularly with regard to the heritage buildings in the area and the solar access to public open spaces. All groups identified access, parking and safety as key issues. Participants provided their input on the purpose and issues to be kept in mind when planning for each potential element within the precinct including:- a civic square, general purpose hall space, multi-purpose rooms/hall, retail/commercial, pedestrian linkages, landscaping and car parking. Participants were also provided with a snapshot of the results of the Library Survey and were invited to make any additional comments in relation to planning of the library.

Financial Implications

The financial implications for this precinct required to be provided and disclosed as part of the exhibition material under the “LEPs and Council Land Best Practice Guideline” issued by the Department.
Requirements for Public Exhibition

A copy of the guideline is attached and must also be included in the exhibition.

Section 65 Delegation

Subject to meeting the guideline requirements for exhibited material, not being contrary to Ministerial directions under S.117 of the Act and with no objections from Government Agencies under S.62 of the Act, Council has authority to issue the S.65 Certificate for public exhibition of the Draft LEP.

Timing and Process

The intention is to exhibit and advertise in a local newspaper as soon as possible, after Council’s decision to pursue the DLEP. The plan would be on exhibition for a period of twenty-eight (28) days along with the Draft DCP and the other exhibition material.

A report to Council on the results of public exhibition will be prepared by an independent town planning consultant. If the results are such that amendments are deemed necessary that would render the draft plan sufficiently different to that which was exhibited, it would necessitate re-exhibition.

Further to the above, Council could require a public hearing if it considers that the issues raised at exhibition are of such significance that they should be subject of a hearing.

Assuming that there is no re-exhibition and no public hearing, the final version of the draft plan will then be forwarded to the Parliamentary Counsel for an opinion as to the wording of the Plan.

A report to the Minister under S.69 via the Department’s legal branch is prepared by Council staff under delegated authority after Council has resolved to request the Minister make the Plan.

Conclusion

As no formal Government agency objections have been raised to this Draft LEP under Section 62 of the Environmental Planning and Assessment Act, 1979, Council has delegation to issue a Certificate to exhibit this planning instrument subject to the necessary exhibition material being made available. It is, therefore, recommended that Council proceed to publicly exhibit the draft LEP for a period of twenty-eight (28) days, in accordance with the “LEPs and Council Land – Best Practice Guideline” issued by DUAP and in accordance with the provisions of the Environmental Planning and Assessment Act and Regulation.

Attachments

1. Draft Local Environmental Plan 2003 No. 63.

Recommendations

A. That the results of the S.62 consultation in respect of Draft Civic Precinct LEP No. 63 be noted.
B. That Draft Local Environmental Plan No. 63 for the Burwood Town Centre Civic Precinct and accompanying material be publicly exhibited in accordance with the provisions of the Environmental Planning and Assessment Act and Regulation, and in accordance with the LEPs and Council-owned Land – Best Practice Guideline 1997 issued by the then Department of Urban Affairs and Planning (DUAP).

C. That an advertisement be placed in the local newspaper to notify the exhibition of the Draft Plan.

D. That affected and surrounding landowners be notified, in writing, of the public exhibition.

E. That a report be brought to Council at the conclusion of the exhibition period for consideration of any submissions received.

F. That the Draft Burwood Strategic Planning Review and Town Centre Masterplan dated August 2003 be amended so as to ensure consistency with Draft Local Environmental Plan No. 63.

G. That Council engage an independent planning consultant to prepare a report on the results of the public exhibition.
REPORT BY DIRECTOR, PLANNING & ENVIRONMENT

Proposal
To prepare a draft Development Control Plan (DCP) based on the Draft Burwood Town Centre Master Plan to be utilised in conjunction with the draft Local Environmental Plan (DLEP) No. 63 for the Town Centre Civic Precinct. This draft instrument will apply to Council owned land as well as privately owned land within this precinct.

Background
Council, on 14 August 2003, upon considering a report on this precinct, resolved in part:

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

Implications of the draft DCP
The draft DCP sets out urban design principles along with the urban framework made up of the built form, landscape, civic square, pedestrian way, streetscape and access/parking. The urban form sets out desired future character, building heights and depths, site frontage/amalgamations, setbacks, building uses and densities.

Site design, building design, residential amenity and preparing an application are particular features of the document.

Comments
This draft DCP, which is attached, has been prepared by architectural consultants in conjunction with the consultants who prepared the Vision Statement/Master Plan for Burwood. The intent is to exhibit this DCP at the same time as, and in conjunction with, the draft LEP.

A DCP is prepared in part under the Environmental Planning and Assessment Act, 1979, to provide more detailed provisions than are contained in an LEP and to generally conform to the provisions of such LEP applying to the land.

The Environmental Planning and Assessment Act and Regulation sets out the processes necessary for the preparation of DCPs by Councils. The applicable steps are set out below.

Process and Timing
In accordance with Cl. 16 of the Regulation, the DCP must be in the form of a written statement and may include supporting maps, etc. It must describe the land to which it applies and must identify an LEP applying to that land.
The DCP may provide for any matter for which an LEP may provide. Where any proposed development from the instruments involves residential flat development, it must be referred to the Urban Design Review Panel under SEPP No. 65 – Design Quality of Residential Flat Development.

Council, under Cl. 18 of the Regulation, must give public notice in a local newspaper and must publicly exhibit that Plan and any relevant LEP. The minimum time period for exhibition is twenty-eight (28) days. The DCP comes into effect on the date specified in the public notices section of a local newspaper. This step will follow a report to Council on the results of the public exhibition.

**Conclusion**

It is appropriate to proceed with Draft DCP No.27 in accordance with the above process and as the basis for implementing Council’s earlier resolution of 14 August 2003.

**Attachment**

Draft Civic Precinct Development Control Plan No. 27

**Recommendations**

A. That Council adopt the draft Town Centre Civic Precinct Development Control Plan 2003 No. 27.

B. That the draft DCP be publicly exhibited in accordance with Clause 18 of the Environmental Planning and Assessment Regulation, 2000.

C. That a further report be prepared for Council following the formal exhibition process.
REPORT BY DIRECTOR PLANNING AND ENVIRONMENT

Purpose
To provide a resolution of Council to prepare a new Burwood Town Centre Local Environmental Plan (LEP) as the first stage of the overall planning instrument.

The final part of the purpose is to have Council resolve to advise the Minister that it does not want for Burwood Town Centre LEP 2000 to be made and gazetted as it will be supplanted by the new Burwood Town Centre LEP.

Background
Council on 14 August, 2003 on considering a report on the review of the Burwood Planning Scheme Ordinance resolved in part:-

“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 Masterplan for the Town Centre and endorse the principles outlined therein.”

The separate commercial and residential Town Centre draft LEPS were adopted by Council in early 2000, then combined to form the Town Centre LEP 2000 in June 2000 and sent to the Minister for gazettement. Review took place as a result of the Urban Design Advisory Service’s receiving the development standards of Floor Space Ratio and Height. Council itself then reviewed such standards which were adopted in August 2001 and forwarded back to the Minister for gazettement. This document is now “out of date” and inconsistent with Council’s new draft Burwood Town Centre Masterplan as endorsed by Council on 14 August, 2003.

Comments
It is a feature of the Burwood Strategic Planning Review and Town Centre Masterplan that a strategic ‘structure’ identifies a number of precincts with some timing constraints for implementation. One of these precincts is the Burwood Town Centre or CBD, and the document identifies ‘Existing Conditions’, ‘Potentials’ and ‘Priorities’. A major part of the document details the ‘Burwood CBD Strategic Masterplan’.

Given the importance of the Burwood CBD it is the obvious staged starting point for the comprehensive LEP on the basis that the draft Town Centre LEP 2000 is now not going to be proceeded with. This will be necessarily followed by the preparation of a ‘stand alone’ draft LEP and accompanying DCP. This instrument would supersede and incorporate the
provisions of the Railway and Civic Precinct LEPs and be subject to the necessary public exhibition process under the Environmental Planning & Assessment Act.

Conclusion

As a follow-on from the Council Resolution of 14th August, 2003, it would be reasonable to prepare the draft LEP utilising the principles contained in the Draft Burwood Town Centre Masterplan as previously endorsed by Council and to be accompanied by a draft DCP to be prepared with all such documentation being formally exhibited in accordance with the Environmental Planning & Assessment Act and Regulation.

Recommendations

A. That Council prepare a Draft Local Environmental Plan for the Burwood Town Centre and that the Department of Infrastructure Planning & Natural Resources be formally advised under s.54 of the Environmental Planning & Assessment Act.

B. That Council prepare a Draft Development Control Plan for the Burwood Town Centre.

C. That no Environmental Study is required to be prepared under s.57 of the Act.

D. That a report be prepared for Council on completion of the ‘stand alone’ draft LEP and DCP for the Burwood Town Centre and following the required s.62 consultation with Government agencies.

E. That no further action be taken to have the Burwood Town Centre LEP 2000 gazetted and the Minister be advised that Council does not want Draft Burwood Town Centre Local Environmental Plan to be made and gazetted on the basis that this document is inconsistent with Council’s new draft Burwood Town Centre Masterplan and will be superseded by a new Burwood Town Centre LEP.
(ITEM 60) PROPOSED LEISURE CENTRE AT HENLEY AND GRANT PARK

REPORT BY DIRECTOR TECHNICAL SERVICES & OPERATIONS

Purpose

Council identified in the 2003/04 Management Plan to establish strategies for the development of a Masterplan to upgrade and redevelop the Enfield Swimming Centre.

The purpose of this report is to gain Council’s approval to:

1. Engage a Project Manager for the preparation of a Development Brief and Master plan for a Leisure Centre at Henley and Grant Parks, Enfield. The Masterplan shall incorporate a review of the Plan of Management for this precinct.

2. Proceed with Expressions of Interest for the selection of a Project Manager to undertake the possible Design, Construction and/or Management of the Leisure Centre at Henley Park/Grant Park.

Background

The 2001 Recreation Study indicated significant community support for improvements to Burwood Park, Grant Park and Enfield Pool. The Recreation Study found that Burwood had an inadequate supply of indoor/outdoor sporting recreation facilities. The study revealed, through the community consultation, a need for recreation opportunities, which includes provision of indoor/outdoor sport facilities, youth activities and provisions for people with disabilities.

Enfield Pool and Grant Park are considered as an ideal location opportunity to provide these facilities. Council has recognized the need to upgrade Enfield Pool and recently approved the provision of a canopy over the 25m pool to provide year round operation.

Council at its meeting held on 26th August 2002, was also provided with the Executive Summary of the Aqium Feasibility Study 2003. The study concluded with a number of recommendations for future consideration by Council. A series of recommendations were proposed concerning the wider Henley Park precinct as listed below:

- Additional funds be sought to allow a larger redevelopment of the Enfield Swimming Centre.
- Consideration of joint private public sector partnerships be investigated.
- The Feasibility Study be integrated into a broader precinct study for Henley Park and the adjoining Enfield Bowling club, with reference to the previous work undertaken in 1998 by HM Leisure Planning and Prior Cheney Architects.
- A larger overall Feasibility and Planning Study for the Henley Park and Enfield Swimming Centre precinct be undertaken.
Property Ownership
Henley Park covers approximately 17 hectares and the majority (approximately 12 ha) of the park is a Crown Reserve dedicated for Public Recreation. The total area of Grant Park is 1.355 hectares. Grant Park is classified as “Community Land” under the Local Government Act.

Proposal
Previous studies undertaken for Burwood Council have identified small community based clubs and sporting associations often have difficulties in providing sporting and administrative facilities and support functions. An opportunity exists to meet the needs of these clubs through the development of a leisure precinct at Enfield Pool and Grant Park. These improved facilities could then be leased and operated by a consortium of small clubs governed through an umbrella club, to which the smaller clubs are associated.

A two part project development approach is proposed:

Part A
Development Brief
- Consolidate all previous studies and community consultation to formulate a Development Brief
- Conduct a preliminary feasibility assessment of the project & analyse development potential
- Determine structural options for project delivery
- Seek discussions with interested private partnership parties.

Master-plan
- Review Planning requirements and Urban Design issues
- Determine concepts for the redevelopment of the Masterplan
- Review and Determine the Plan of Management in accordance with the Masterplan
- Determine operational and management requirements for various options
- Determine costings and economic returns, for a range of return periods.

A report would be submitted to Council on completion of Part A.

Part B
Detailed design, construction and/or centre management
- Prepare detailed design of the preferred option identified after consultations
- Prepare plans and specifications for tender
- Prepare contracts for construction and/or future management of the centre
- Prepare a Business Plan for Council’s endorsement.

Reports would be submitted to Council on completion of various stages of Part B.

A discussion with a neighbouring Council’s Leisure Centre Manager confirms a high demand for indoor leisure facilities. The Centre has approximately 1000 daily users and 400 sporting teams regularly competing at the indoor centre. Casual visit fees for gymnastic and aerobic lessons are $14 & $15 respectively. The annual membership fee for the Fitness and Health Centre is around $750 depending on choices of programs.
Consultation

Council would advertise the proposal once Council has endorsed the preferred option and details have been developed. The development of a consultation program would be a requirement of the Masterplan Project.

Planning or Policy Implications

From the previous studies, there are various community recreation needs expressed via surveys and consultation processes which include but are not limited to the following:

- Need for greater levels of management expertise for the protection of both the leisure resource and users
- Desire for facilities which enhance the identity, quality and amenity of locality
- Need for a diversity of indoor facilities
- Greater emphasis on cultural, non-competitive and passive leisure opportunities
- Expectations of high standard, professionally managed leisure experiences with safe and convenient facilities and quality programming, servicing, information, management and use regulation
- Greater demand for active, non-competitive and participatory recreation experiences such as walking, cycling, skateboarding and informal sports.

As a consequence the following Development Rationale is proposed to form the basis of the development brief:

- To provide a place of community assembly with safe opportunities for play, exercise and other health promoting activities
- To provide opportunities for widespread participation in centre-run programs
- To provide opportunity to promote membership of clubs and groups that make use of the leisure centre
- To promote family togetherness by providing a centre with a range of activities for the whole community
- To provide a centre with joint aquatic and non-aquatic recreational facilities to provide benefits from shared utilities and infrastructure
- To meet a wide diversity of leisure, sporting, health, well-being, social and community needs, at local, district and sub-regional levels
- To provide employment opportunities for local residents
- To provide a culture of local identity and ownership
- To provide a sense of identity and pride through centralised administrative support facilities for recreational clubs operating at the centre.

Financial Implications

A review of Council’s financial resources reveals that there will be limited opportunity to undertake a project of a significant scale of development in the foreseeable future. The recently proposed staged upgrading of the Enfield Pool was not proceeded with when a cost of $7 million was anticipated. In order to meet community expectations other financing models are to be explored.
Public Private Partnerships

Model 1 – Public Private Partnership

Public Private Partnership (PPP) is now widely used as a method of procurement for public infrastructure projects. This option is based upon a traditional way which was commonly referred to as PFI (Private Financing of Infrastructure) or BOOT (Build Own Operate Transfer). PPP is growing as a procurement method that offers opportunities for value improvement through involvement of the private sector.

<table>
<thead>
<tr>
<th>PPP- Public Private Partnership</th>
<th>Benefits</th>
<th>Risks</th>
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<tbody>
<tr>
<td>- No up front cost</td>
<td>- No recognition of community facilities</td>
<td></td>
</tr>
<tr>
<td>- Meets the objectives</td>
<td>- Minimal control in price setting</td>
<td></td>
</tr>
<tr>
<td>- New modern facilities</td>
<td>- Low financial return</td>
<td></td>
</tr>
<tr>
<td>- Cost savings through innovative solutions</td>
<td>- Private sector not meeting its obligation</td>
<td></td>
</tr>
<tr>
<td>- Transfer of risk to private sector</td>
<td>- Low risk</td>
<td></td>
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<tr>
<td>- Low risk</td>
<td>- No asset liability</td>
<td></td>
</tr>
<tr>
<td>- No asset liability</td>
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</table>

Model 2 – Private Partnership

This option provides diversity and flexible opportunities for innovative solutions meeting each party’s objectives.

<table>
<thead>
<tr>
<th>PP- Private Partnership</th>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Risk sharing – win-win</td>
<td>- Up front costs</td>
<td></td>
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<tr>
<td>- More attractive</td>
<td>- Slow returns</td>
<td></td>
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<tr>
<td>- Recognition of ownership</td>
<td>- Management roles</td>
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An amount of $100,000 is available in the 2003/04 capital works budget to complete the above Masterplan study. Further funds may be required through either grants or S94 allocations to supplement external sources of funding. Upon further development and a commitment of Council to a preferred design grant applications to the NSW Government authorities would be made.

Conclusion

In line with Council’s Vision in the 2000/01-2002/03 Management Plan, the development of a Regional & Sub-Regional Recreation & Leisure facility is proposed. However, as recognised in the 2001 Recreation Study this is beyond the financial capability of the Council to provide in the foreseeable future. Opportunities may exist to finance the development of such a leisure centre through a Partnership arrangement. This is the preferred financing option for consideration and is recommended for further investigation.

Recommendations

A. That a Project Manager be engaged to prepare a Development Brief and Master plan for a Leisure Centre at Henley and Grant Parks, Enfield. The Masterplan shall incorporate a
review of the Plan of Management for this precinct.

B. That, subject to the outcome of Part A (above), Expressions of Interest/Tenders be called to select a Project Manager to undertake the possible Design, Construction and/or Management of the Leisure Centre at Henley Park/Grant Park.

C. That a further report be presented to Council on completion of the Expression of Interest.
CONFIDENTIAL ITEM

Recommendation
That General Business Item 61 (Burwood Council Civic Precinct - Development) be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2)(c) of the Local Government Act 1993 as the matter involves information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

(61) BURWOOD COUNCIL CIVIC PRECINCT – DEVELOPMENT

File No: T.0342.000

(Confidential report distributed separately)