

Burwood Council

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ORDINARY MEETING

Notice is hereby given that a meeting of the Council of Burwood will be held in the Council Chamber, Suite 1, Level 2, 1-17 Elsie Street, Burwood on Tuesday 27 June 2017 at 6.00 pm to consider the matters contained in the attached Agenda.

Michael McMahon
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**

CONFLICT OF INTERESTS

What is a “Conflict of Interests” - A conflict of interests can be of two types:

Pecuniary - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

Non-pecuniary – are private or personal interests the Council official has that do not amount to a pecuniary interest as defined in the Local Government Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

Who has a Pecuniary Interest? - A person has a pecuniary interest in a matter if the pecuniary interest is the interest of:

- The person, or
- The person's spouse or de facto partner or a relative of the person, or a partner or employer of the person, or
- A company or other body of which the person, or a nominee, partner or employer of the person, is a member.

No Interest in the Matter - However, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body, or
- Just because the person is a member of, or is employed by, a Council or statutory body or is employed by the Crown.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter so long as the person has no beneficial interest in any shares of the company or body.

N.B. “Relative”, in relation to a person means any of the following:

- a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person's spouse;
- b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
 - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - A person does not breach the Act if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

What interests do not have to be disclosed (S 448 Act)?

- (a) an interest as an elector,
- (b) an interest as a ratepayer or person liable to pay a charge,
- (c) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Part,
- (d) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part,
- (e) an interest as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not),
- (f) an interest of a member of a council committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the committee member has been appointed to represent the organisation or group on the committee,
- (g) an interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument other than an instrument that effects a change of the permissible uses of:
 - (i) land in which the person or a person, company or body referred to in section 443 (1) (b) or (c) has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and any other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise), or
 - (ii) land adjoining, adjacent to or in proximity to land referred to in subparagraph (i), if the person or the person, company or body referred to in section 443 (1) (b) or (c) would by reason of the proprietary interest have a pecuniary interest in the proposal,
- (h) an interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company,

- (i) an interest of a person arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the committee) of the association or is a partner of the partnership,
- (j) an interest of a person arising from the making by the council of a contract or agreement with a relative of the person for or in relation to any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - (i) the performance by the council at the expense of the relative of any work or service in connection with roads or sanitation,
 - (ii) security for damage to footpaths or roads,
 - (iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council or by or under any contract,
- (k) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor),
- (l) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under Section 252,
- (m) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the Office of Mayor,
- (n) an interest of a person arising from the passing for payment of a regular account for wages or salary of an employee who is a relative of the person,
- (o) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or member of a council committee,
- (p) an interest arising from appointment of a councillor to a body as representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 448 of the Local Government Act.

Non-pecuniary Interests - Must be disclosed in meetings.

If you are a Council official, other than a member of staff of Council and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- a) Remove the source of the conflict by relinquishing or divesting the interest that creates the conflict, of reallocating the conflicting duties to another Council official;
- b) Have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in Section 451(2) of the Act apply.

If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

Disclosures to be Recorded - A disclosure (and the reason/s for the disclosure) made at a meeting of the Council or Council Committee must be recorded in the minutes of the meeting.

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AGENDA

FOR AN ORDINARY MEETING OF BURWOOD COUNCIL
TO BE HELD ON TUESDAY 27 JUNE 2017 IN THE COUNCIL CHAMBERS, 1-17 ELSIE STREET, BURWOOD
COMMENCING AT 6.00 PM.

I DECLARE THE MEETING OPENED AT (READ BY DEPUTY MAYOR)

ACKNOWLEDGEMENT OF COUNTRY (READ BY DEPUTY MAYOR)

"I would like to acknowledge the Wangal people who are the Traditional Custodian of this Land. I would also like to pay respect to the Elders both past and present of the Wangal Nation and extend that respect to other Aboriginals present".

PRAYER (READ BY DEPUTY MAYOR) *"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."*

TAPE RECORDING OF MEETING (READ BY DEPUTY MAYOR)

"Members of the Public are advised that Meetings of Council and Council Committees are audio recorded for the purpose of assisting with the preparation of Minutes.

The tape recordings will be subject to the provisions of the Government Information (Public Access) Act 2009 (GIPA).

Tapes are destroyed two months after the date of the recording"

APOLOGIES/LEAVE OF ABSENCES

Apologies received from:

Councillor John Faker.

DECLARATIONS OF INTERESTS BY COUNCILLORS

DECLARATION OF POLITICAL DONATIONS (READ BY DEPUTY MAYOR)

"Councillors & Members of the Gallery

As a result of recent changes to the Legislation that governs the legal process for the determination of Development Applications before Council, a person who makes a relevant application to Council or any person with a financial interest in the application must now disclose any reportable political donation or gift made to any local Councillor or employee of Council. Council will now require in its Development Application Forms this disclosure to be made.

Council is also required to publish on its website all reportable political donations or gifts. Should any person having business before Council this evening and being an applicant or party having a financial interest in such application feel that they have not made the appropriate disclosure, Council now invites them to approach the General Manager and to make their disclosure according to Law."

RECORDING OF COUNCILLORS VOTING ON PLANNING DECISIONS

In accordance with Section 375A of the Local Government Act a division must be called for and taken on every Environmental Planning & Assessment decision. The names of those Councillors supporting and those opposed to the decision are to be recorded in the meeting minutes and the register retained by the General Manager.

OPEN FORUM ACKNOWLEDGMENT (READ BY DEPUTY MAYOR)

The Mayor to ask each speaker to confirm that they had read the guidelines about addressing the Council and acknowledge that they had been informed that the meeting was being recorded and that the Council accepts no responsibility for any defamatory comments made. Speakers should refrain from providing personal information unless it is necessary to the subject being discussed, particularly where the personal information relates to persons not present at the meeting

OPEN FORUM COMMENCES

CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the following Meeting of Burwood Council:

Council Meeting held on 23 May 2017

copies of which were previously circulated to all Councillors be and hereby confirmed as a true and correct record of the proceedings of that meeting.

ADDRESS BY THE PUBLIC ON AGENDA ITEMS ACKNOWLEDGMENT (READ BY DEPUTY MAYOR)

The Deputy Mayor to ask each speaker to confirm that they had read the guidelines about addressing the Council and acknowledge that they had been informed that the meeting was being recorded and that the Council accepts no responsibility for any defamatory comments made.

ADDRESS BY THE PUBLIC ON AGENDA ITEMS COMMENCES

NOTICES OF MOTION

(ITEM NM3/17) LOW IMMUNISATION RATES FOR 5 YEAR OLDS IN BURWOOD 7

GENERAL BUSINESS

(ITEM 33/17) 42 CLAREMONT ROAD BURWOOD HEIGHTS - DEVELOPMENT
APPLICATION BD.2016.173 - CHANGE OF USE & FITOUT FOR
RESTAURANT & TAKEAWAY 9

(ITEM 34/17) ADOPTION OF 2017/18 OPERATIONAL PLAN AND BUDGET, 2017/18
STATEMENT OF REVENUE POLICY, 2017/18 FEES AND CHARGES AND
MAKING OF THE RATE AND CHARGES 70

(ITEM 35/17) INVESTMENT REPORT AS AT 31 MAY 2017 77

(ITEM 36/17) LOCAL GOVERNMENT REMUNERATION TRIBUNAL - FEES FOR MAYOR
AND COUNCILLORS 83

(ITEM 37/17) ADOPTION - DISABILITY INCLUSION ACTION PLAN 2017 - 2021 113

(ITEM 38/17) COUNCIL DECISION-MAKING PRIOR TO THE SEPTEMBER 2017 LOCAL
GOVERNMENT ELECTIONS..... 144

INFORMATION ITEMS

(ITEM IN17/17) ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCIL MEETING OF
23 MAY 2017 148

(ITEM IN18/17) PETITIONS 151

CONFIDENTIAL ITEMS

(ITEM 39/17) BURWOOD PARK PAVILION STAGE 2 PROJECT AND PROPOSED LEASE
OF BURWOOD PARK COMMUNITY CENTRE AS CHILD CARE CENTRE

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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND 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.

QUESTIONS WITHOUT NOTICE

Councillors are requested to submit any Questions Without Notice in writing.

NOTICE OF MOTION

(ITEM NM3/17) LOW IMMUNISATION RATES FOR 5 YEAR OLDS IN BURWOOD

File No: 17/29538

Councillor Lesley Furneaux-Cook to move that:

It was with alarm that I read in the Sydney Morning Herald (8 June 2017) that Burwood (2134) has the 2nd worst immunisation rate for children aged five with one in four children not being fully vaccinated. The latest report by the *Australian Institute of Health and Welfare* of its 2015-16 national-wide data revealed that by postcode, Burwood's immunisation rates for this age bracket is **72.8%** coming ahead of the usual suspect, Byron Bay at 73.8%. Sydney CBD topped the list at 70.5%. This data is collected and compared with all postcodes across Australia. Overall, the national coverage sits at **92.9%**, approximately 20% more than Burwood.

The impact on low childhood immunisation rates can have a devastating impact on children, their families and the wider community. At five years old, a child is making his or her way into the education system often transitioning from a pre-school or a childcare centre and into a primary school kindergarten class. They are also more likely to start to engage in the wider community through extracurricular activities such as sport, art classes etc. They may also have younger siblings or family members at home. Babies are particularly at risk as they have not been fully immunised against the potential life threatening diseases of whooping cough and measles.

Low immunisation rates influence the community's herd immunity. Herd immunity, where a critical level of immunisation is reached, means there is little opportunity for contagious disease outbreaks and, therefore, protects those who may not be able to be vaccinated - such as pregnant women, immunity compromised individuals and infants. The critical protection level is 92%. Burwood is well short of this mark.

Drilling down on the data also reveals a stark contrast between this postcode and its immediate neighbours:

Suburb	Immunisation Rate for 5 Year Olds	Burwood (72.8%) in Comparison
Ashfield	90%	-17.2%
Croydon	96%	-23.2%
Strathfield	88%	-15.2%

Clearly current messages and strategies are inadequate.

While this is of National and State concern and responsibility, it should also be of great concern for this Council. Our staff provides a great service in promoting community health and wellbeing as part of our Community Strategic Plan. However, if it is in our power to protect our community from the distressing impacts of contagious diseases such as Measles, Mumps, Whooping cough, Hepatitis B, Rubella, Diphtheria and Polio, then we must redouble our efforts.

Recommendations that:

1. Burwood Council seek stronger partnerships with the Department of Health and the Department of Education to:
 - further investigate the reasons behind the low immunisation rates for Burwood - develop targeted strategies to increase public awareness and access to immunisation programmes
 - work at a local level with local childcare centres, schools and general practitioners to ensure compliance with new immunisation requirements brought in by the Federal Government in January 2016
2. Burwood Council Investigate using its existing communication channels such as the website, newsletter, Facebook etc. to increase awareness of the importance of immunisation programmes for the health and wellbeing of the community.

Attachments

There are no attachments for this report.

(ITEM 33/17) 42 CLAREMONT ROAD BURWOOD HEIGHTS - DEVELOPMENT APPLICATION BD.2016.173 - CHANGE OF USE & FITOUT FOR RESTAURANT & TAKEAWAY

File No: 17/23552

REPORT BY DEPUTY GENERAL MANAGER, LAND, INFRASTRUCTURE & ENVIRONMENT

Applicant: Mr & Mrs Ayour C/- Pavela Architects
Location: Corner of Claremont and Arthur Streets Burwood Heights
Zoning: B1-Neighbourhood Centre Burwood Local Environmental Plan 2012

Proposal

The applicant seeks approval to change the use of the subject site, carry out alterations, additions with fitout of the building for the purpose of a restaurant and takeaway catering for 18 tables seating 36 patrons. Hours of operation being Sunday to Thursday at 7.00am to 9.00pm, Friday and Saturday 7.00am till 9.30pm. No on-site car parking is available.

The original building works included:

- Demolition of external laundry and shed
- New dining room and store room extended at the rear
- Fitout of shop for takeaway and restaurant purpose
- New detached cool room and shed in the backyard
- Minor works to the building's façade

Being advised of planning issues, the applicant has revised the proposal such that:

- The use is now an unlicensed restaurant with takeaway sales and deletion of liquor licence.
- Hours of operation reduced to:
 - 7.00am to 9.00pm Sunday to Thursday
 - 7.00am to 9.30pm Friday and Saturday
- Patron capacity increased to 36
- Three fulltime and three part-time employees
- Outdoor seating and charcoal cooking method is deleted
- Front roller shutter is deleted
- Internal alterations to include disabled toilet, wash basins, size of main kitchen reduced, revised rear stairs such that whole operation of restaurant use is contained internally with no access required to the external areas.
- Roof cavity containing mechanical ventilation system to be sound proofed
- Lower ground level to contain a 1000 litre grease trap, cool room, freezer room, laundry and waste room, staff amenities, and cleaner's cupboard and designated sink

The subject site is currently vacant.

Background

A background of the development application since lodgment is set out below:

- 7 December 2016 DA is submitted for “change of use of existing premises for takeaway restaurant with seating of up to 20 people”, with alterations and additions. The original proposal was for seven days/week takeaway/café style dining serving “three meals a day” incorporating outside dining between the hours of Sunday to Thursday at 6.30am to 9.30pm and Friday & Saturday 6.30am to 10.00pm. In addition, the serving and sale of liquor for dinners was proposed.
- 22 December 2016 The proposal is notified to surrounding properties for a three week period. Public submissions are received objecting to the proposal.
- 24 January 2017 By way of letter, Council advised the applicant of a number of issues relating to the proposal such as hours of operation, suitability of the site, cooking odours, and traffic & parking implications. The applicant was further advised that, prior to submitting information, consideration be made to withdrawing the proposal. On 25 January 2017, via email, a copy of Council’s letter is forwarded to the applicant.
- 27 January 2017 By way of email, and later discussed by phone call, the applicant is reminded of the planning issues such that, further to Council’s letter dated 24 January 2017, if the proposal is not to be withdrawn, the development shall be reduced so as to lessen the potential amenity impacts of the development to the surrounding locality.
- 31 January 2017 By way of email the applicant is advised of the heritage issues relating to the proposed development and that the proposal shall either be withdrawn or revised (as previously discussed).
- 30 March 2017 Council receives revised “Schedule of Amendments”, including plans, from the applicant’s Planning Consultant addressing matters such as the hours of operation, increased number of seating inside the premise, deletion of outside dining, deletion of the charcoal cooking method and liquor sales, traffic and acoustic reports.
- 3 April 2017 By way of email Council advised the Planning Consultant that based upon the submitted information the revised proposal will not be supported in its current form, however, the development could be supported where operating hours and patron numbers are further reduced.
- 10 April 2017 A meeting is held with Council Officers and the applicant, owner and Planning Consultant about the planning issues, such that support may be given where patron numbers and operating hours are reduced to 20 patrons and 7.00am to 7.00pm respectively.
- 3 May 2017 By email the applicants Planning Consultant requested that Council Officers assess the revised proposal, as submitted (documents of 30 March 2017), with relevant conditions to be imposed so that the applicant can commence trading.

Statutory Requirements

Heads of Consideration

The application is assessed under the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979*, as amended, which includes:

- The provisions of any environmental planning instrument:
 - *Burwood Local Environmental Plan (BLEP) 2012*
 - SEPP 55 Remediation of Land
- Burwood Development Control Plan 2013 (BDCP 2013)
- Likely impact of the development:
 - environmental, social and economic impacts
- The suitability of the site for the development
- Any submissions made
- The public interest

Locality

Site and surrounding area

The subject site is situated on the eastern side of Claremont Road comprising an area measuring approximately 254m². The subject site is one of three shops adjacent to the intersection of Claremont Road and Arthur Street. The calculated building areas within the site measure at least 165m². The subject site contains a single level building and is surrounded by low density residential developments.

The submitted plans show that the land slopes from the Claremont Road frontage to the rear. The subject site is burdened by an easement (DP 216716) for an eave and gutter that encroach from the northern adjoining property (shop) at No. 40 Claremont Road and provides an eave and gutter overhang onto the southern adjoining property (shop) at No. 44 Claremont Road. The subject site is elongated in shape and is irregular, with the following dimensions:

- 6.109 metres fronting Claremont Road
- 6.109 metres eastern (rear) boundary
- 40.335 metres northern side boundary adjoining No. 40 Claremont Road
- 10.516 metres and 29.82 metres along the southern side boundary adjoining No. 44 Claremont Road

The subject site is located within the "Badminton Road Culdees Road Heritage Conservation Area" (Ref "C2") under Schedule 5 of BLEP 2012.

Approval, under Development Application BD.2016.040, for a florist and café shop was issued on 7 December 2016 at No. 44 Claremont Road being situated on the southern side of the subject site and at the north-eastern corner of Claremont Road and Arthur Street. This use was approved, with limited operating hours, inside dining for two tables seating eight patrons and with no outside dining. However, on 11 January 2016 two areas for outside dining were approved comprising 8m² and 6m² to Claremont Road & Arthur Street respectively. To renew the use of 'outside' space, the

operator of the business is required to submit an application on an annual basis (period of 1 August – 31 July).

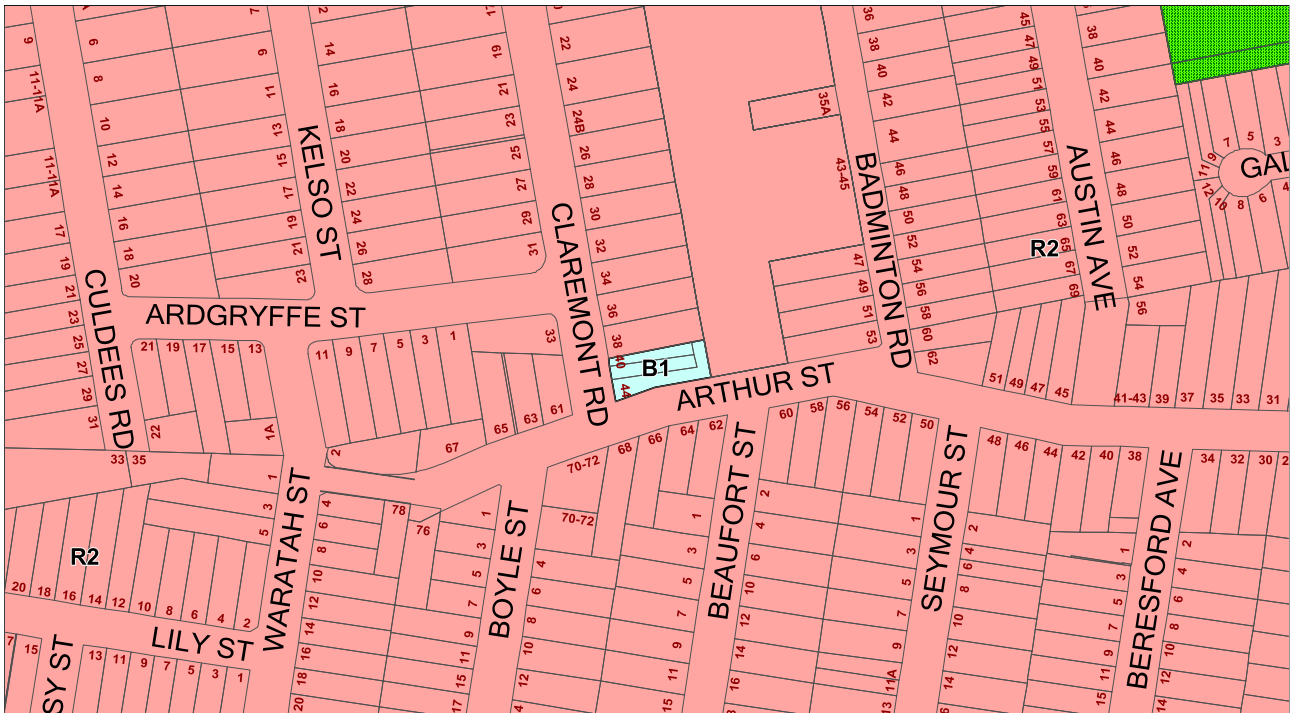


Figure 1 – Site Location and Zoning

Planning Assessment

BLEP 2012

The objectives of the B1-Neighborhood Centre zone are as follows:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To conserve the heritage character of neighbourhood centres.*

Under the provisions of BLEP 2012, and subject to an approval, the activity such as “restaurant or café” is a permissible land use within a B1-Neighborhood Centre zone:

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

Under Schedule 5 of BLEP 2012 the subject site is located within the Badminton Road Culdees Road Heritage Conservation Area (Ref “C2”) under Schedule 5 of BLEP 2012. In this regard, Clause 5.10(4) of BLEP 2012 requires a heritage assessment:

(4) ***Effect of proposed development on heritage significance***

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

On 31 January 2017 the applicant was advised of Council's Heritage Advisor's comments, which are summarised below:

No objection is raised to the use of the premises as a takeaway restaurant, nor the rear additions, which would not be highly visible from the street. However, additional information and/or amended plans are sought in respect to the following matters:

- Roller shutters are not permitted on shopfronts in a heritage conservation area. Section 3.8.8, **P20** of BDCP 2013 states:

Roller shutters, security bars or similar devices shall not be permitted upon a heritage property as these obscure significant architectural elements and detract from the character of buildings. In general, sympathetic alternatives can be found to address the security of business/office/retail premises, such as anti-theft glass and internal locks.

- The application indicates that the building would be repainted, however, insufficient detail is provided for the purpose of repainting. The applicant is to provide details of the paint colours and accurately describe which parts of the building would be painted (i.e. whether this excludes tiles and under awning supports). The colour scheme shall be sympathetic to the period of the building, and should not employ corporate colours in accordance with Section 3.8.8, **P24 & P25** of BDCP 2013.
- New signage is proposed the details of signage must be provided including dimensions, material, illumination etc. In a conservation area, BDCP 2013 expects that the signage fit well with the proportions and architectural elements of the building. Neon and flashing signs would not be permitted. It is recommended that BDCP 2013 controls for signage be consulted.
- Plaster ceilings and cornices shall be conserved as part of the fitout. Plans should be amended to provide for the ceiling retention and repair.

Additional information was received on 30 March 2017 in response to the above. In terms of the building façade, the roller shutters are deleted, metal framed security doors removed, repaint front folding doors, remove an air-conditioning unit located under the awning, and provide a "top hamper" sign above the front doorway. Under **P45** of Part 4.7.2-Heritage Controls of BDCP 2013 painting and works of the façade is to reflect the original character period of the buildings, and signage shall reflect the character of the building and its locality.

Permission for outdoor dining is a separate assessment process. Considerations are made based on an area size and can be limited on the use of the space during the day. Outside dining during the evening may create noise issues.

SEPP 55 Remediation of Land

The proposal seeks extensions, with minor footing excavations, to be carried out at the rear of the existing building. The subject site has been used for non-industrial purposes for many years and it is considered that due to its recent history has not been impacted by contamination.

BDCP 2013 Provides Provisions of BLEP 2012

Development Standards/Controls	Permitted/Required	Proposed	Compliance
<u>BLEP 2012</u> Zone	B1 permits restaurants & cafes	Restaurant & takeaway	Yes
cl. 4.3 Minimum building height	10m – Area "K"	Frontage - single level, part 2-storey at rear – height less than 6m at its highest point.	Yes
cl. 4.4 Maximum floor	1:1 – Area "N"	0.65:1	Yes

Development Standards/Controls	Permitted/Required	Proposed	Compliance
space ratio (FSR)			
cl. 5.10 Heritage (conservation area)	DA to be submitted with Heritage Impact Statement.	Part demolition, alterations & additions and use.	Acceptable
cl. 6.1 Sulphate salts	Class 4 or 5	Class 5 - no requirements	Yes
<u>BDCP 2013</u> <u>Section 3.7.4</u> <u>Parking in</u> <u>Neighbourhood</u> <u>Centres</u>	At minimum Total 5 spaces required: P1 Basic requirements (Table 2 of BDCP 2013): - 1.0 space per 40m ² = 4.1 spaces - 1 space per 3 seats Adequate provision for queuing of vehicles on-site P3 for small/difficult sites Council may consider an offer of monetary contribution. P6 Change of use applications can be considered under Councils discretion.	The site was last approved as residence and shop – sale of computer parts with two employees. - Nil on-site - Nil on-site - Not provided - The applicant has not pursued this issue - Previous use as shop for computer parts (1998), Milkbar/takeaway (1983)	No No No To be considered To be considered
<u>Section 4.7.2 -</u> <u>Heritage Controls</u>	O1 - retention & maintain heritage properties. O2 - alterations & additions are in keeping with character. O3 - alterations & additions are in proportion with locality.	Revised proposal seeks to generally maintain the façade of the shop.	Acceptable
<i>General Provisions</i> The applicant was advised about:		Additional information submitted:	
- roller shutters.	- roller shutters, bars or similar are not permitted on heritage properties.	- roller shutters are deleted from proposal.	Yes
- repainting of building.	- colour scheme to be submitted.	- colour scheme submitted.	Acceptable
- new signage.	- details to be submitted.	- top hamper sign – (0.5m x 3.73m).	Acceptable
- retention of ceilings and cornices.	- conservation to be carried out.	- incorporated as part of fitout works.	Acceptable

Likely impact of the development

The proposal has identified two key planning issues:

- (i) hours of operation
- (ii) intensity of use

Hours of Operation

The applicant was advised that the operating hours originally proposed, and those proposed as part of the revisions, were not acceptable. During the assessment process, Council Officers advised the applicant that support could be given to the development if the proposal were to operate on reduced hours, say till 7.00pm of an evening, similar to those operating at the adjoining café (DA BD.2016.040) at No. 44 Claremont Road. However, it has been noted that the adjoining café has operated beyond its approved hours which are:

- Between 6.00am and 4.00pm Mondays to Fridays
- Between 7.00am and 2.00pm Saturdays and Sundays

Approval of DA BD.2016.040 was assessed on the basis that the proposal created low impacts where the shop area measured 66m² and that the business was to service eight patrons with limited operating hours. The florist café site provides limited parking at its rear accessed from Arthur Street. To date, Council is not aware of any significant impacts generated by the 'florist /café' activity.

The applicant contends that the viability of the proposal relies upon the extended hours (as proposed) including a minimum number of 36 patrons. However, it is considered that, as the subject site is amongst a low density residential area, the revised development is an intensification of previous uses that operated from the three separate shops, as evidenced from the public submissions received.

Intensity of Use – patron numbers, traffic and parking

The subject site is zoned B1-Neighbourhood Business Centre; however, is surrounded by the R2-Low Density Residential zone (refer to Figure 1). It is considered that the restaurant use (as proposed) is an intensification of the site, given the increased number of patrons and hours of operation.

In terms of required parking for restaurant/café uses, assessment may be based on land either being zoned B1-Neighbourhood Centre, or as a shop within R1, R2 and R3 zoned land. Applicable rates are:

- **Table 2** (page 95), Part 3.7.6 of BDCP 2013: One space per 40m² for B1 zones
- **Table 4** (page 167), Part 4.6.3 of BDCP 2013: One space per 50m² for R1, R2 & R3 zones

Whilst zoned B1-Neighbourhood Centre, the site is surrounded by residential development (refer to Figure 1). Whilst the new floor area measures at least 165m², the actual public dining area measures approximately 36m² with plans showing 18 tables of two seats each. Burwood DCP 2013 requires the number of car parking spaces to be based on the gross floor area (not the actual dining area). Given the circumstances of the case, the number of patrons can also dictate the number of car spaces required. Based on total floor area within the B1 zone of one space per 40m², four car parking spaces are required – 165m² divide by 40m² = 4.1. This figure is complimented by the fact that the proposal relies upon a minimum number of 36 patrons within the restaurant component.

In addition, the Takeaway component requires one car space per three seats, which are not shown on the submitted plans. Therefore, under Table 2, the proposal will require 4.1 car spaces for the dining area, and one space for the Takeaway.

Based on Roads & Maritime Services (RMS) guidelines the applicants "Traffic and Parking Assessment Report" prepared by Varga Traffic Planning Pty Ltd contends that 1.9 car parking spaces are required. The proposal also includes a takeaway component in addition to the restaurant. Councils DCP 2013 would require one space per three seats; no seats are shown on the plans. Therefore, at most, the restaurant/takeaway proposal may require five on-site car parking spaces, based on four spaces for the restaurant and one space for the takeaway. However, this cannot be achieved. Therefore, five on-site car spaces would be required. The applicant's traffic report (Page 19) states that a net increase in traffic generation potential is six vehicle trips and 'credit' of two spaces based on the previous use.

Uncertainty exists as to the patronage of the takeaway component of the development, however, it is generally considered that takeaway activities themselves generate frequent short stay parking demands, and commonly cater for a greater demand during morning and evening hours. This frequency may impact upon the adjacent residential properties. In addition, uncertainty exists as to whether over time the restaurant patronage will rely on customers driving to the site.

The applicant has submitted a "Traffic and Parking Assessment Report" prepared by Varga Traffic Planning Pty Ltd. The report suggests that the majority of patrons will be local residents "who are expected to walk to the site", that two on-site parking spaces are required, and that as the required parking spaces are minimal these can be absorbed within the surrounding street network.

Notwithstanding the calculation of a parking rate either by RMS or Council, the fact is that the restaurant/takeaway use will attract vehicular traffic. This being the case, it is considered that where an increase in patrons has occurred, traffic and parking demand will occur. In order to mitigate this issue, it is considered that, by reducing the developments patron numbers and operating hours, the intensity and potential impacts would decrease. Therefore it is considered reasonable at this time that the restaurant patron numbers are limited to 20, and that operating hours are restricted to between 7.00am till 7.00pm seven days a week.

It is considered that if commuters should drive to the site, parking could be carried out within the adjoining street networks namely: Ardgyffe Street, Boyle Street, Beaufort Street and Badminton Road – all within 150 metres of the subject site. Accepting that the proposal does not provide on-site parking, unrestricted street parking is available. However, based on the public submissions, local residents have expressed that, inter alia, parking and traffic issues will arise.

The traffic report refers to the availability of public transport. However, the report shows that bus services are not available along Claremont Road. The report shows bus routes are situated along Burwood Road (600 metres), Liverpool Road (420 metres), Georges River Road (620 metres), and Green Hills Street (600 metres), with walking distances to each as indicated in 'brackets'. Uncertainty exists as to the reliance of takeaway 'pick-ups' from bus commuters walking to the site either dining in, or using the takeaway.

The residents' concerns are noted in that, while it is anticipated that some local residents would frequent the takeaway and use the restaurant, concern is raised where the additional traffic generated throughout parts of the day will compromise traffic flow and parking habits of customers who travel to the site.

The owner has stated that the viability of the business relies upon the increased patron numbers, and operating hours as revised, which were different to those originally proposed. The original proposal proposed 20 patrons without a restaurant component.

To mitigate local concerns, Council Officers discussed the proposal with the applicant and owner, such that the proposal can be supported based on 20 restaurant patrons and that the operating hours be restricted to between 7.00am to 7.00pm seven days a week, thus reducing its intensity.

The subject site cannot provide the required on-site parking for the proposed restaurant/takeaway. Under the provisions of **P3** of Part 3.7.4 of BDCP 2013, applicants can offer voluntary monetary contributions. However, the applicant had not addressed or requested consideration of this matter. Provision P3 of Part 3.7.4 of BDCP 2013 reads as follows:

P3 Other parking not provided on site: *In the B1 zone, if an applicant for development is unable to provide or chooses not to provide the on-site parking spaces as determined from the Table, because it is a difficult site, Council may consider an offer of a monetary contribution in lieu of the on-site provision of the parking spaces. Such an offer is voluntary and will be accepted solely at Council's discretion. If approved by Council, it will be administered through a Voluntary Planning Agreement under the Environmental Planning and Assessment Act 1979.*

The characteristics that Council will take into account in determining if a site is a difficult site include:

- *The site is very small, i.e. less than the minimum subdivision lot size for the area in the BLEP 2012, and isolated with no opportunities for amalgamation*
- *Vehicular access is severely constrained and there are limited options for on-site parking provision, e.g. the site is mostly occupied by existing buildings and involves only a change of use.*

It is the responsibility of the applicant to demonstrate that one or more of the above features applies and that redevelopment or the change of use is unlikely to be viable economically if parking requirements are applied strictly.

Please note that this option does not apply to development of residential accommodation in the B1 Neighbourhood Centre zone.

The voluntary monetary contribution offered must be equal to the number of spaces not being provided on site, multiplied by the dollar amount of the cost of providing an on-site parking space (see P4 below), less a discount of 50% in recognition of the development economics applying in the B1 zone. The following formula applies, and the calculation is pro rata, that is, the actual number to 1 decimal point:

*(Number of spaces not being provided on site X cost of an on-site parking space) X 0.5
= Visitors Parking contribution in lieu offer*

Example: (2.2 X \$49,500) X 0.5 = \$54,450

However, based on the restaurant component of 36 patrons and the applicant's contention that 1.9 car parking spaces are required, the applicant may consider that \$47,025 is not viable for such a small business.

Suitability of the Site for the Development

The subject site does not provide space for the required car parking facilities. The development relies upon kerb side parking in Claremont Road and potentially the adjoining streets. Directly situated in-front of the three shops restricted half hour parking is available. The applicant contends that the majority patrons would be local and that they would walk to the premises. Not dismissing the idea that some locals may walk to the restaurant, the premises once established, may attract a greater number of patrons using private vehicles to the site.

The issue relating to noise that may emanate from the use of the site stems from both the noise of patrons from within the building and from the noise of patrons arriving at and leaving the building. Noise from within the building may be controlled by appropriate construction and by reducing the number of persons within the building at any one time.

Noise from persons arriving at and leaving the premises is much harder to control especially at night and has the potential to create significant loss of amenity to surrounding properties. This can be mitigated to a large degree by reducing the numbers of patrons and in particular by limiting the hours of operation. The applicant has submitted an acoustic report which does look at this issue to some degree however experience has shown that this type of noise is extremely difficult to control and is best addressed by reducing the causable factors.

Any Submissions Made

As described within the report, the initial development attracted submissions objecting to the proposal. The applicant was advised of the planning issues, where the applicant submitted a revised proposal. However, on the issue of operating hours and number of patrons, these have not significantly altered, in fact the patron numbers have increased.

The Public Interest

It is considered that the proposal is contrary to the 'public interest', however, this would be overcome if the proposal reduced its hours of operation and number of patrons. These matters were conveyed to the applicant; however, the applicant requested Council to consider the proposal based on the revised documents submitted on 30 March 2017. It is considered that, to overcome the planning issues raised by the public and Council Staff, amongst other things, the matters of operating hours and patron numbers can be resolved as conditions within the approval, namely:

- Number of seats within the restaurant use being 20
- No more than three seats provided within the "waiting area" of the takeaway counter
- Public trading hours Monday to Sunday between 7.00am till 7.00pm

Community Consultation

Council has received a total of 19 separate submissions objecting to the proposal. Within the notification period between 22 December 2016 and 16 January 2017, Council received 14 individual submissions* with one submission containing a petition with 131 signatures**. Within the nominated 'notification area' eight properties objected to the initial proposal.

* one letter contains four signatures.

** of the 131 signatures, it is noted that signatures were identified as being from 79 properties.

The applicant was advised of planning issues and the public submissions relating to the development. Revised plans were received as discussed above. A summary of the submissions are as follows:

- Suitability: Proposal is not suited to the locality

Comment

Due to concerns raised by the original proposal, the applicant has responded to the issues with a revised proposal contending that the subject site is suitable for the proposed use as described above. However, it was considered that, as further discussed at a meeting held with the applicant and Council Officers on 10 April 2017, the revisions were not sufficient given the site and locality.

- Traffic and parking: No on-site parking and increase in traffic

Comment

The subject site does not provide any parking facilities. Therefore, if approved, the proposal will rely upon passing trade and parking within the surrounding street network. Residents' concerns include, inter alia, parking in front of driveway openings and queuing along the road way. Driver behaviour cannot be satisfactorily monitored to negate this issue, however, it is considered that this, in itself, is not a valid reason for not supporting a proposal.

- Hours of operation: Late trading is not supported

Comment

Resident and Council Officers concerns were forwarded to the applicant. As expressed within the report, it is considered that the residents' concerns are mitigated where the operating hours are reduced to 7.00pm.

- Potential for anti-social behaviour: Loitering within the street network

Comment

The original proposal included the serving of liquor and operating hours up to 10.00pm. It is considered that the potential for anti-social behaviour is reduced where the hours of operation are reduced and that the proposal does not involve the sale or the serving of liquor.

- Potential for increased noise and odour:

Comment

This issue arose where the proposal involved charcoal cooking techniques. The applicant has since revised the proposal where charcoal cooking is deleted from the business. In terms of patron noise, outside dining is deleted, and the reduction in patron and operating hours can reduce resident concerns.

Conclusion

Prior to submitting revised details, the applicant was provided the opportunity to withdraw the original proposal. Responding to the planning issues forwarded to the applicant, the proposal was revised, such that whilst the hours of operation were not significantly reduced, the number of patrons increased from 20 to 36.

The applicant was further advised that, to mitigate the planning issues, the proposal could be supported subject to further reduction of operating hours and patron numbers. However, as described above, the applicant has requested Council to consider the proposal based on the latest proposal. It is considered that, to mitigate planning issues, support be granted, such that operating hours are restricted from 7.00am till 7.00pm seven days per week and that the number of seated patrons be restricted to 20 persons.

That Council call for a Division in accordance with Section 375A of the *Local Government Act 1993* to record Councillor's voting for and against on each planning decision.

Recommendation(s)

That Development Application BD.2016.016 proposing the change of use and fitout for restaurant and takeaway at 42 Claremont Road Burwood Heights be granted consent, subject to the following conditions:

- (1) The development being carried out in accordance with the following plans, except where amended by the conditions of consent.

- Site Plan prepared by Pavela Architects referenced Drawing No. 01 Issue "C" date received 30 March 2017
- Lower Ground Floor Plan prepared by Pavela Architects referenced Drawing No. 02 Issue "C" date received 30 March 2017
- South Elevation Plan prepared by Pavela Architects referenced Drawing No. 03 Issue "C" date received 30 March 2017
- North Elevation & Section 1 Plan prepared by Pavela Architects referenced Drawing No. 04 Issue "C" date received 30 March 2017
- Proposed External Finishes Schedule prepared by Pavela Architects date received 24 May 2017

FEES

- (2) The fees and/or bonds shown in the Table of Fees, are to be paid to Council or another approved collection agency (the Long Service Levy Corporation and its agents and an approved insurer under the *Home Building Act 1989*) and suitable evidence of payment is to be provided to the Principal Certifying Authority **prior to the issuing of a Construction Certificate.**

TABLE OF FEES

FEES/BONDS TO BE PAID TO COUNCIL OR TO THE NOMINATED BODY PRIOR TO ISSUING A CONSTRUCTION CERTIFICATE

- (3) Building and Construction Industry Long Service Corporation Levy **\$525.00**
(Payment to be made to Council, the Corporation or its Agent)
- (4) Damage Deposit - security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage system, kerb and gutter, etc) during building work **\$3,000.00**
(Payment to be made to Council as a bond prior to issue of a Construction Certificate and/or commencement of demolition/bulk excavation)

NOTE: This deposit is refundable if no damage occurs.

- (5) **If Council is nominated as the Principal Certifying Authority (PCA)** an inspection fee is to be paid.

This fee is for six (6) inspections at the rate listed in Council's current Schedule of Fees and Charges. Any additional inspections, including re-inspections, shall be levied and paid to Council upon booking of an appointment at the rate listed in Council's current Schedule of Fees and Charges
(Payment to be made to Council).

PLANNING

- (6) The restaurant and takeaway use being confined to that part of the premises shown on the plan submitted.
- (7) The hours of operation being confined to between 7am and 7pm, without further approval of Council.
- (8) The maximum number of persons working on the premises being limited to 6, without further approval of Council.

- (9) The footpaths being kept clear of signs, fixtures and goods at all times.
- (10) Any trade waste containers being screened from view from a public place and not obstructing or interfering with the use of loading and parking facilities.
- (11) No alteration to the shop front taking place without prior approval of Council.
- (12) The total gross floor space of the building being restricted to 164.6m².
- (13) Details of proposed paint scheme being submitted to Council for consideration prior to commencement of painting.
- (14) A separate Development Application being submitted for the display and/or erection of any advertising signs or for the replacement of an existing advertising panel. Such application is to include full details of the dimensions, mode of attachment and means of illumination (if any).
- (15) Demolition or construction work including deliveries of materials, etc, which would result in footpaths and/or roads being blocked shall not be carried out on Saturdays.
- (16) The noise emitted by the air-conditioning equipment being inaudible in your neighbours' homes between 10pm and 7am weekdays, 10pm and 8am on weekends, and public holidays.
- (17) Dilapidation surveys are to be carried out by a Practising Structural Engineer, which is to include a full photographic record of the exterior and interior of the buildings at the applicants/owners expense on all premises adjoining the site and the survey is to be submitted to Council and the adjoining land owners **prior to the commencement of any works**. A further dilapidation survey is also to be carried out and submitted to Council and the adjoining owners **prior to the issuing of an Occupation Certificate**. The dilapidation surveys shall be dated accordingly.
- (18) The applicant shall take all necessary precautions to adequately protect adjoining properties during demolition. This shall include the submission to Council of specific details of the protection to be employed prior to demolition commencing.
- (19) Roller shutters, external security grilles/bars or similar security devices shall not be fitted to the shopfront. Removal of the existing metal bars shall be undertaken **prior to the issue of any Occupation Certificate or Interim Occupation Certificate**. Should security upgrading be required, security locks/devices shall be fitted to the building's interior.
- (20) Signage shall be limited to that shown on the approved plans. Neon and flashing signs shall not be permitted. No signage shall be permitted above awning level, on the building's parapet. Any further signage would be subject to the separate consent of Council, unless satisfying the Exempt Development provisions of the relevant NSW legislation.
- (21) The original plaster ceilings and cornice within the front room of the building shall be conserved, and repaired where necessary, as part of the development and fitout. Satisfaction of this condition shall be confirmed by the Principal Certifying Authority (PCA) **prior to the issue of any Occupation Certificate or Interim Occupation Certificate**.
- (22) Unless notated on the approved plans or otherwise approved by this consent, any alteration, repair and/or replacement of external features upon the retained portion of the existing house shall only be replaced by "like for like" elements, having the same material, profile, colour and finish of the original.

BUILDING

- (23) All plumbing and drainage work being carried out by licensed tradesmen and in accordance with the requirements of the Plumbing Code of Australia.
- (24) Toilet facilities are to be provided at, or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:
- a. must be a standard flushing toilet
 - b. must be connected
 - (i) to a public sewer
 - (ii) to an approved chemical closet facility

The toilet facilities are to be completed before any other work is commenced.

- (25) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (26) If the work involved in the erection or demolition of a building:
- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient
 - b. building involves the enclosure of a public place

A hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

- (27) Dial Before You Dig is a free national community service designed to prevent damage and disruption to the vast pipe and cable networks which provides Australia with the essential services we use everyday – electricity, gas, communications and water.

Before you dig call “Dial Before You Dig” on 1100 (listen to the prompts) or register on line at www.1100.com.au for underground utility services information for any excavation areas.

The Dial Before You Dig service is also designed to protect Australia’s excavators. Whether you are a backyard renovator, an individual tradesman or a professional excavator, the potential for injury, personal liability and even death exists everyday. Obtaining accurate information about your work site significantly minimises these risks.

Reason: To ensure that essential services such as electricity, gas, communications and water are not affected by excavation or construction works.

- (28) Safety glazing complying with B1.4 of the Building Code of Australia must be used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with Australian Standard 1288 - Glass in Buildings - Selection and Installation.

Should an alternative method of complying with B1.4 of the Building Code of Australia be proposed, please submit details to the Council for approval prior to installation. Such details are to show compliance with the performance provisions under BP1.3 of the Building Code of Australia.

- (29) A "Section 73 Compliance Certificate" under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For assistance either visit www.sydneywater.com.au > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority **prior to the issuing of an Occupation Certificate.**

- (30) Means of egress complying with Section D of the Building Code of Australia. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**
- (31) The builder is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property. Pedestrian access across the footpath must be maintained at all times. Any damage caused will be made good by Council at Council's restoration rates, at the builder's expense.
- (32) No opening is to be made in any road or footpath, nor is any hoarding to be erected without the prior consent of Council. The builder is to obtain the relevant permit for which fees will be charged in accordance with Council's current Schedule of Fees and Charges.
- (33) No materials are to be stored on Council's roads, footpaths, nature strips or parks.
- (34) Public roads are to be kept clean and free of any material which may fall from vehicles or plant. Waste containers shall be placed in accordance with Council's Rubbish Skips Policy and are subject to the payment of appropriate fees.
- (35) No work being carried out other than between the hours of 7:00am – 5:30pm Monday to Fridays and 7:00am – 4:00pm on Saturdays, with no work at all being carried out on Sundays and Public Holidays. Demolition, excavation and/or construction works that involve heavy machinery, noisy trades or the like are **not permitted** to be carried out from 1:00pm to 4:00pm Saturdays.
- (36) Hours of work shall be from 7:00am to 5:30pm Mondays to Fridays inclusive, and from 7:00am to 4:00pm Saturdays. Demolition, excavation and/or construction works that involve heavy machinery, noisy trades or the like are **not permitted** to be carried out from 1:00pm to 4:00pm Saturdays. No work shall be carried out on Sundays or Public Holidays. The owner/builder shall be responsible for the compliance of this condition by all sub-contractors, including demolishers.
- (37) When demolition of any existing building is involved, burning of any demolition materials on the site is prohibited. All waste materials to be removed from the site.
- (38) The approved structure shall not be used or occupied unless an Occupation Certificate (being a Final Certificate or an Interim Certificate) as referred to in section 109C(1)(c) of the *Environmental Planning & Assessment Act 1979* has been issued.

(Vide Section 109M *Environmental Planning & Assessment Act 1979*)

- (39) The building works are to be inspected during construction by the Principal Certifying Authority or an appropriate Accredited Certifier authorised by the Principal Certifying Authority at the stages of construction listed in the following schedule. The Principal Certifying Authority must be satisfied that the construction satisfies the standards specified in the Building Code of Australia or in this approval before proceeding beyond the relevant stage of construction.

SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

- * After excavation for, and prior to the pouring of, any footings;
 - * Prior to pouring any in-situ reinforced concrete building element;
 - * Prior to covering of the framework for any floor, wall, roof or other building element;
 - * Prior to covering waterproofing in any wet areas;
 - * Prior to covering any stormwater drainage connections; and
 - * After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.
- (40) An application for a Construction Certificate is to be made to Council or an Accredited Certifier. Council's "Construction Certificate Application" form is to be used where application is made to Council. Copies are available upon request. A Construction Certificate must be obtained **prior to the commencement of any building work**.
- (41) Structural Engineer details prepared and certified by a practicing Structural Engineer for all reinforced concrete and structural members being submitted to the Principal Certifying Authority for approval **prior to the issuing of a Construction Certificate**.

DEMOLITION

- (42) Demolition of the building is to be carried out in accordance with the requirements of Australian Standard AS 2601 – 2001, where applicable.
- (43) All material in the building which contains asbestos is to be removed in accordance with the guidelines of the WorkCover Authority and the requirements of the Environment Protection Authority.
- (44) Hours of demolition work shall be from 7:00am to 5:30pm Mondays to Fridays inclusive, and from 7:00am to 4:00pm Saturdays. Demolition works that involve heavy machinery, noisy trades or the like are **not permitted** to be carried out from 1:00pm to 4:00pm Saturdays. No demolition work shall be carried out on Sundays or Public Holidays. The owner/builder shall be responsible for the compliance of this condition by all sub-contractors, including demolishers.
- (45) A Waste Management Plan is to be submitted to Council for approval prior to commencing demolition work. The plan is to cover the proposed waste management practices to be implemented during demolition and any excavation or construction phase as well as on going waste management for any proposed development.

The applicant is to liaise with the Health Services Manager in relation to the requirements of the plan.

- (46) All demolition and excavation materials are to be removed from the site or disposed of on site using methods that comply with relevant environmental protection legislation.

- (47) The applicant shall take all necessary precautions to adequately protect adjoining properties during demolition. This shall include the submission to Council of specific details of the protection to be employed prior to demolition commencing.

ENGINEERING

- (48) Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to:

a. *The street gutter*

- (49) A detailed drainage design shall be submitted to the Principal Certifying Authority.

- a. The design and calculations shall indicate the details of the proposed method of stormwater disposal and shall be prepared by a competent practicing hydraulic/civil engineer in accordance with Council's Stormwater Management Code.
- b. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other property.
- c. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.
- d. The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering **prior to the issuing of a Construction Certificate.**

- (50) Details and calculations shall be prepared by a competent practicing Hydraulic/Civil Engineer. They shall include:

- a. a catchment plan
- b. plans showing proposed and existing floor, ground and pavement levels to Australian Height Datum (AHD)
- c. details of pipelines/channels showing calculated flows, velocity, size, materials, grade, invert and surface levels
- d. details and dimensions of pits and drainage structures
- e. hydrologic and hydraulic calculations
- f. details of any services near to or affected by any proposed drainage line
- g. any calculations necessary to demonstrate the functioning of any proposed drainage facility is in accordance with Council's requirements
- h. the depth and location of any existing stormwater pipeline and/or channel being connected to shall be confirmed by the applicant on site. Certification of such is to be provided to Council prior to the release of the construction certificate

The details and calculations are to be reviewed by Council or an Accredited Certifier - Civil Engineering, **prior to the issuing of a Construction Certificate.**

- (51) On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system.

- a. This storage shall be designed by a competent practicing Hydraulic/Civil Engineer in accordance with Council's Stormwater Management Code and submitted to the Principal Certifying Authority.
- b. The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering, **prior to the issuing of a Construction Certificate.**

(52) The stormwater works on the development property and connection to Council's stormwater system are to be inspected during construction by a competent practicing hydraulic/civil engineer. The inspections are to be carried out at the stages of construction listed in the following schedule. A compliance Certificate verifying that the construction is in accordance with the approved design, this development consent and satisfies the relevant Australian Standard is to be submitted to the Principal Certifying Authority before proceeding beyond the relevant stage of construction.

SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

- a. Following placement of pipe bedding material. Confirm trench/pipe location, adequacy of depth of cover, bedding material and depth.
- b. Following joining of pipes and connection to Council's stormwater system.
- c. For on-site detention systems:
 - (i) Following set out of detention tank/area to confirm area and volume of storage.
 - (ii) Following placement of weep-holes, orifice and/or weir flow control, outlet screen and overflow provision.
- d. Following backfilling. Confirm adequacy of backfilling material and compaction.

(53) Following completion of all drainage works:-

- a. Works-as-executed plans, prepared and signed by a registered surveyor, shall be prepared. These plans shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels. These plans are to be reviewed by the competent practicing hydraulic/civil engineer that inspected the works during construction.
- b. The Principal Certifying Authority is to be provided with a Certificate from a competent practicing hydraulic/civil engineer. The Certificate shall state that all stormwater drainage and related work has been constructed in accordance with the approved plans and consent conditions as shown on the work-as-executed plans, prior to the issuing of an Occupation Certificate.

(54) Habitable floor levels shall be a minimum of 150mm above the surrounding finished ground levels. Garage floor levels shall be a minimum of 100mm above the surrounding finished ground levels.

(55) A Positive Covenant under section 88E of the *Conveyancing Act* shall be created on the title of the property(s) detailing the

- a. *On-site Stormwater Detention system*

incorporated in the development. The wording of the Instrument shall include but not be limited to the following:

- a. The proprietor of the property agrees to be responsible for keeping clear and the maintenance of the facilities consisting of:

- i) *On-site Stormwater Detention system*
- b. The proprietor agrees to have the facilities inspected annually by a competent practicing Hydraulic/Civil Engineer.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean repair and maintain in good working order the facilities in or upon the said land; and recover the costs of any such works from the proprietor.
- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from failure of any component of the facilities.

The applicant shall bear all costs associated with the preparation of the 88E Instrument. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at the Land and Property Information office. Evidence that the Instrument has been registered at the Land and Property Information office shall be submitted to Council, **prior to issuing of an Occupation Certificate.**

- (56) All activities and works external to the site, or that affect public roads, are to be carried out in accordance with Council's Policies including but not limited to the Works on Council's Road Reserve Assets Policy, Rubbish Skips Policy, Work Zone Policy and Temporary Road Closure (Including Standing Plant) Policy.
- (57) A road-opening permit shall be obtained for all works carried out on public or Council controlled lands. Restoration of landscaping, roads and paths shall be carried out by Council at the applicant's expense in accordance with Council's **Schedule of Fees and Charges**. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$20 million, and shall provide proof of such cover to the Principal Certifying Authority prior to carrying out the works. **Please see Burwood Council's web site www.burwood.nsw.gov.au - Go to Development/Working on Footpaths or Roadways?/Works on Council Property (Application Form).**
- (58) Spoil and building materials shall not be placed, stored, thrown or caused to fall on any public roadway or footpath. Waste containers shall be placed in accordance with Council's Rubbish Skips Policy. Contact Council for a list of approved skip bin suppliers.
- (59) The builder is to ensure footpaths and roads affected by construction works are kept safe and prevent any damage to Council property. The builder shall erect and maintain where necessary approved hoardings, barricades, warning signs and night warning lamps to ensure public safety. Pedestrian access across the footpath must be maintained at all times.
- (60) The following matters shall apply to the damage deposit listed in the Table of Fees:
 - a. This deposit is refundable if no damage occurs. Any damage caused will be repaired at Council's restoration rates, at the applicant's expense. All or part of the deposit will be forfeited to cover damage to Council's property during the course of demolition and/or construction.
 - b. Council will carry out two inspections of the Council's footpath, kerb and gutter, stormwater drainage system and roadway, prior to works commencing and at the completion of all work covered by this consent. Council is aware that damage may be caused by individual contractors that culminate in the damage inspected at Council's final inspection. The applicant is responsible for attributing any part of the damage to their individual contractors. Council will not refund any part of a damage deposit until the completion of the work covered by this consent.

- (61) Stormwater from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe to Council's street drainage system.
- (62) A Stormwater Concept Plan with a provision of an On-Site Detention (OSD) storage storing at least 2yr, 20yr & 100yr ARI discharge & restricting the flow shall be submitted to Council for approval prior to issue of the Construction Certificate.
- (63) A Sediment Control Plan shall be submitted to prevent sediment and polluted waters discharging from the site.
- (64) All demolition and excavation materials are to be removed from the site or disposed off site using methods that comply with relevant environmental protection legislation.

HEALTH GENERAL

- (65) All food preparation, handling and storage are to be carried out in accordance with provisions of the Food Act 2003, the Food Regulation 2015 and the Food Safety Standards.

Copies of the Food Safety Standards Code (Australia) may be obtained by contacting the Food Standards Australia New Zealand Authority on Telephone: (02) 6271-2222, e-mail: info@foodstandards.gov.au or by visiting the website: www.foodstandards.gov.au

- (66) Prior to the opening or occupation of the premises, the applicant shall forward to Council on the appropriate form, the following:
 - a. Name, residential address and contact phone number of the business proprietor or licensee
 - b. Name, address and contact phone number of the building owner
 - c. Payment of the final inspection fee In accordance with current fees and charges
- (67) Prior to opening or occupation of the premises the applicant shall forward to Council details of the trained food safety supervisor and make payment of the annual administration fee based on the number of full time employees .

Note: Evidence of compliance of the above shall be submitted to Council prior to commencement of business.

HEALTH – FOOD SHOP CONSTRUCTION

- (68) The fit out of the premises is to be in accordance with Australian Standard A.S. 4674-2004 for the Design, construction and fit-out of food premises, *Food Act 2003 and Food Regulation 2015 and the Food Standards Code*.

Note: Copies of AS 4674-2004 may be obtained from Standards Australia Customer Service on phone 1300 65 46 46 or by visiting the website: www.standards.com.au

- (69) An insectocutor or similar non-chemical device is to be installed for fly and insect control.

Note: Insect control devices shall be installed so that the devices are not located directly over food preparation working areas, exposed food, clean equipment and unwrapped packaging material. Insect control devices that are used to electrocute or stun flying insects shall be designed to retain the insect within the device.

- (70) Ceilings are to be of rigid smooth faced, non-absorbent material. Drop in ceiling panels are not permitted in food preparation areas. The surface finish of the ceiling is to be free of open joints, cracks, crevices, or openings in which grease, vapours, or vermin may collect. The intersection of the walls and ceiling is to be tight jointed, sealed and dustproof.
- (71) Ceiling light fittings throughout the premises are to be installed flush with the ceiling and be designed and constructed to prevent contamination of food should the globe or tube shatter, be free of any feature that would harbour pests, dust, dirt, grime or make the fitting difficult to clean.
- (72) Walls are to be of solid construction, finished with glazed tiles, stainless steel or laminated plastic adhered directly to the wall to a height of 2 metres above floor level. Walls where not tiled are to be cement rendered, set with plaster and steel trowelled to a smooth even surface, painted with a washable gloss paint of a light colour.

Note: All partition walls inclusive of the ground floor toilet facilities and rear store room and lower ground/sub floor walls of the waste room, cool/freezer rooms, cleaners room, grease arrester room, laundry, toilet of the premises are to be of solid construction and finished with approved materials.

- (73) Floors are to be constructed of materials which are impervious, non-slip, non-abrasive, resistant to lactic acid and fatty acids, impermeable cement render over concrete, ceramic tiles, magnesite or other approved material. The floor is to be finished to a smooth even surface, graded and drained where necessary. The intersection of the walls and floors to be coved to a 25mm radius.
- (74) The intersection of floors with walls and exposed plinths in food preparation, storage and servery are to be coved. Coving is defined as a concave curve at the junction of two surfaces with the radius of the curve to be not less than 25mm.
- (75) Service pipes, conduits and electrical wiring shall be concealed in floors, plinths, walls or ceilings or fixed on brackets so as to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe or conduct and adjacent horizontal surface.

Note: the gap between the brackets and the wall and pipes, conduits or wires is to allow for easy and accessible cleaning and removes harbourage areas for pests.

- (76) Provide within the wash up area of the food premises a double bowl sink adequate in size for the largest piece of equipment, supplied with a sufficient supply of hot and cold water. Alternatively, provide a commercial dishwasher along with a single bowl (pot) sink adequate in size for the largest piece of equipment.
- (77) Any dishwasher and or under counter glass washer provided at the premises is to be of commercial grade and be provided with a mechanical exhaust extraction system that complies with the Australian Standard AS 1668 pt. 1 and 2 in order to capture vented steam and condensation.

Note: AS 2945 requires utensils to undergo a sanitising rinse of 800 C for 2 minutes or 750 C for 10 minutes or 700 C for 15 minutes.

- (78) The cool/freezer-rooms are to be constructed in accordance with the requirements of Part G1.2 of the Building Code of Australia namely:
- a. Be provided with a door which is capable of being opened by hand from inside without a key

- b. Have internal lighting controlled only by a switch which is located adjacent to the entrance doorway inside the cool-room
- c. Have an indicator lamp positioned outside the cool-room which is illuminated when the when the interior light is switched on
- d. Have an alarm that is:
 - Located outside the cool-room but controllable only from within the cool-room and
 - able to achieve a sound pressure level outside the cool-room of 90 dB(A) when measured 3 m from the sounding device

(79) The dry food storage area is to be provided and used exclusively for the storage of dry food goods and is to be fitted out in accordance with the requirements of the Australian Standard A.S. 4674-2004 for the Design, construction and fit-out of food premises, Food Act, 2003 and Food Regulation 2015.

(80) A mechanical exhaust ventilation system is to be provided to the kitchen area of the premises that complies with Australian Standard 1668, Parts 1 & 2. Exhaust ventilation shall be provided over all food cooking appliances including stoves, salamanders, hotplates, deep fryers and grill plates.

Note: The system must be certified by a qualified practicing mechanical engineer and evidence provided to Council upon completion of works and prior to commencement of trading.

(81) A mechanical exhaust ventilation system is to be provided to the the waste room, cleaners room, grease arrester room, laundry, toilet of the lower ground/sub floor of the premises.

Note: The system must be certified by a qualified practicing mechanical engineer and evidence provided to Council upon completion of works and prior to commencement of trading.

(82) Any mechanical ventilation, refrigeration equipment, air conditioning systems and equipment are to designed and installed in locations that do not cause a nuisance or disturbance to nearby residents or commercial premises. Details of the type of equipment, locations and any noise attenuation treatment are to be submitted to Council.

(83) Provide dry basket arrestors to all floor wastes in all food preparation or food handling areas.

(84) Toilet facilities on the premises are to be supplied with a hand wash basin equipped with hot and cold water and adequate supplies of liquid soap and single use hand towels. Toilet facilities are to be separated from food handling, preparation or display areas by means of an adjoining airlock.

Note: Taps that operate “hands free” (i.e. electronic sensors, foot paddles or other similar means) shall be provided within kitchen/food preparation area of the premises

(85) Hand washing facilities are to be provided in a central location in the front food preparation area, within the kitchen and any toilet facilities. The basin must be supplied with hot and cold water provided through a mixing tap, together with a sufficient supply of liquid soap and single use (e.g. paper) towels or another approved hand drying device.

Note: Taps that operate “hands free” (i.e. electronic sensors, foot paddles or other similar means) shall be provided within kitchen/food preparation area of the premises

- (86) Benches, draining boards, table-tops etc, are to be of rigid, smooth-faced non-absorbent material, free of cracks, crevices or cavities - such as stainless steel or other approved alternatively, mounted on round metal legs at least 150mm off the floor.
- (87) All shelving throughout the premises is to comply with the following:
- a. Shelving shall be of glass, metal, plastic, coated timber or other approved materials
 - b. The surface of shelving, including edges, is to be smooth, non-absorbent and free of cracks, crevices or cavities
 - c. All shelving is to be of solid construction
- (88) Provide a cleaners or sluice sink supplied with hot and cold water located outside of areas where open food is handled, prepared or stored.
- (89) A lockable storage room or cabinet is to be provided at the premises for storage of cleaning chemicals, cleaning products and equipment.

Note: cleaning chemicals, products and equipment and any pest control chemicals are to be stored physically separated from areas of food, food preparation surfaces or food storage.

- (90) Personal lockers are to be provided for the storage of personal items of clothing and other non-trade related items.
- (91) Protective barriers, sneeze guards and the like are to be provided and installed where food is displayed in food self-service areas or other food display areas, so as to provide adequate protection of food from customer aerosols, such as coughs, sneezes, direct hand contact, dirt, dust or pests.

Note: Self-service food display areas and the like are to be supervised by a staff whenever customers are accessing food.

HEALTH – FOOD SHOP HYGIENE

- (92) Foodstuffs at no time are to be stored or left to cool on the floor. All foodstuffs are to be kept at a minimum height of 300mm above floor level.
- (93) No food of any kind is to be left, stored and or prepared outside of the kitchen or food preparation area of the food premises at any time.
- (94) A temperature gauge is to be provided externally to each upright refrigeration freezer unit and any hot and cold food cabinets.
- (95) Provide an accurate temperature measuring device (e.g. probe thermometer) that measures the temperature of food being stored and/or displayed to +/- 1⁰ Celsius.
- a. Cold potentially hazardous foods must be stored and displayed at a temperature of less than 5⁰ Celsius.
 - b. Hot potentially hazardous foods must be stored at a temperature of more than 60⁰ Celsius.
- (96) Floors throughout the premises are to be maintained free of stored stock so as to allow cleaning and removal of waste.

ENVIRONMENTAL MANAGEMENT

- (97) The Noise attenuation measures as outlined in the acoustic report prepared by Acoustic Logic (dated 22 March 2017) are to be implemented in the construction of the premises to ensure compliance with legislated environmental noise guidelines. Certification that the works have been completed in accordance with the recommendations is to be submitted to Council prior to the issue of an Occupation Certificate.
- (98) The premises is to be managed in accordance with the Plan of Management as prepared by Rick Ayoub, (dated 27 March 2017) and is to be applied and enforced to all aspects of the operation of the premises.
- (97) The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act 1997. The sound level output shall not exceed 5dB(A) above the ambient background level in any octave at the received boundary.
- (98) Mechanical ventilation and or air conditioning systems and equipment are to be designed and installed in locations that do not cause a nuisance or disturbance to nearby residents or commercial premises. Details of the type of equipment, locations (inclusive of the waste room, kitchen, toilet facilities and the like) are to be submitted to Council.
- (99) A report specifying odour and other air impurity control methods prepared by an Air Pollution Control Consultant, must be submitted to the Principal Certifying Authority for consideration. Approval of such report by the Principal Certifying Authority and all works required by the Principal Certifying Authority must be implemented prior to the use commencing.
- (100) The construction, location and use of the premises and any mechanical ventilation is to be such that no nuisance is caused to the neighbouring properties by reason of noise, vibration, odour, smoke or for any other reason.

WASTE MANAGEMENT

- (101) Provide a grease arrester in accordance with the requirements of Sydney Water (Trade Waste Section) and the Australian Standard for the Construction and Fit-out of Food Premises. A section 73 certificate from Sydney Water is to be obtained and a copy provided to Council, along with a copy of the trade waste water agreement.

Note: Independent access to the grease arrester for cleaning purposes shall be provided from outside the building via a vacuum line fitted with quick release coupling and dust cap.

- (102) The proprietor of the business/premises is to enter into an agreement with Council or another registered waste company or provider for the regular collection of all waste and recyclable material from the premises.
- (103) Garbage and or recycling bins and or material from the premises are to be kept wholly within the designated waste storage room at all times. Garbage and or recycling bins or material from the premises are not to be stored on Claremont Road or Arthur Street at any time.
- (104) Garbage and recycling bins shall only be placed on the footpath the evening before the scheduled collection and shall be returned to within the premises immediately following the collection.
- (105) Waste and recycling bins shall be kept in a clean and hygienic condition. Bins are to be washed regularly within the garbage storage room with any waste water being discharged to the sewer by way of the grated drain.

- (106) The garbage/recycling storage and cleaning room is to be of sufficient size to accommodate waste and recycling material generated from the premises that is fitted out in accordance with the requirements of AS 4674-2004, as follows:
- a. Provided with hot and cold hose taps fitted with hose connectors and back flow prevention devices
 - b. Paved with impervious floor material
 - c. Coved at the intersection with walls with coving integral to the floor
 - d. Graded and drained to a floor waste gully connected to the sewerage system and traps (where required) of the premises
 - e. Walls shall be finished with a smooth, impervious surface (criteria on materials is given in section on floors, walls and ceiling of AS 4674-2004)
 - f. The room is to be mechanically ventilated
 - g. Proofed against pests
 - h. Racks shall be provided for the storage and drainage of receptacles. These will be designed to be easily cleaned with the lowest shelf being 300mm above the floor level
 - i. The door to the garbage room is to self-closing and fitted with a rubber seal or other approved gasket to provide a seal when closed.

REASONS

- (1) To ensure that the proposed development complies with the requirements of the *Environmental Planning and Assessment Act 1979 and Regulations*.
- (2) To ensure that the building complies with the *Local Government Act 1993 and Regulations*.
- (3) To ensure the building is in accordance with the requirements of the Building Code of Australia (BCA) and applicable Australian Standards.
- (4) To ensure that the development meets the aims, objectives and requirements of Council's Local Environmental Plan, Development Control Plans and Policies which relate to the subject land.

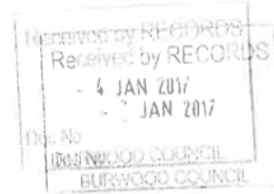
Attachments

- 1 [↓](#) Submissions - 42 Claremont Road Burwood Heights

ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 - Change of Use & Fitout for Restaurant & Takeaway.DOC Submissions - 42 Claremont Road Burwood Heights

Burwood Council
Building and Development
PO Box 240
Burwood, NSW 1805



**Building and Development Burwood Council,
Development Application No: 2016.173
42 Claremont Rd, Burwood Heights
Shop Fitout and Change of Use to takeaway shop and restaurant**

Thank you for the opportunity to make a submission in relation to a takeaway/restaurant at the above address.

There are many issues for council to consider on this application.

We have lived in the area for many years and the shop in question has never been a takeaway/restaurant. After the florist/coffee shop in the corner (next door to the shop in question) opened our quiet street transformed and became very busy with traffic and parking now being an issue.

People constantly park across resident's driveways to pick up coffees and flowers. It is truly an inconvenience. We are both elderly and unfortunately frequent doctors and the hospital regularly, and constantly have to wait for visitors to the coffee/florist to come back and move their vehicles from our driveway. How disturbing will it be to have another food outlet opens up along side the existing florist/coffee shop?

Over the years traffic on Claremont road (especially in the morning) has become horrendous. Cars back up from the lights on Liverpool road all the way down to Author Street. The lights have to change a minimum of 3 times to get to Liverpool road. Consider adding the inconvenience of a takeaway/restaurant to this already suffocating road. Council of late tried to elevate some traffic by adding a no right turn into Ardgriff St between 8am - 10am. We welcomed this but unfortunately this has had no affect to the congestion.

Also consider the noise, smells and hours this takeaway/restaurant will keep. Not to mention were visitors to this establishment would park. The family next door to us has two small children and the smell coming from the bins of the existing florist/ coffee shop stops the children from playing outside and the garbage truck to collect their rubbish comes very early and takes a long time to load all their rubbish waking the children. Nearly every school day their driveway is blocked with parked cars for coffees and they to have to wait for people to return to their cars.

Trucks and tradie's very often leave their vehicles running while they go and get coffees and snacks. The florist/coffee corner on weekdays has become a truck stop, which increases the congestion even further. There is no rest for us as on weekends people stop and have coffees for hours. Its loud and disruptive, how will it be with a takeaway/ restaurant?

We are not saying no to renting out the premises but we are saying no to a takeaway/ restaurant. Please consider the residents of both streets and the constant disruption to their daily routines.

Thank you for taking the time to consider my submission. I will not give you my details although it states will be confidential. I do fear in our ever changing society that people are no longer allowed to voice their opinion even when its justified.

Thanks again. All the very best for 2017.

Kind regards
Concerned resident

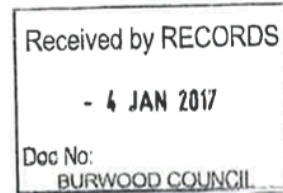
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ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 -
Change of Use & Fitout for Restaurant & Takeaway.DOC
Submissions - 42 Claremont Road Burwood Heights

Development Application for
42 Claremont Rd, Burwood Heights
Shop fitout + Change of use to takeaway/restaurant

Please no takeaways/restaurant.
It will be ~~z~~ very bad for street.

From neighbour



Burwood Council
Building + Development
PO Box 240
Burwood NSW



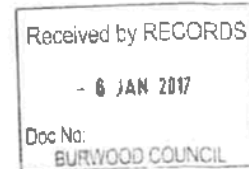
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Change of Use & Fitout for Restaurant & Takeaway.DOC
Submissions - 42 Claremont Road Burwood Heights

Burwood Council
Building and Development
PO Box 240
Burwood, NSW 1805

*Building and Development Burwood Council,
Development Application No: 2016.173
42 Claremont Rd, Burwood Heights
Shop Fitout and Change of Use to takeaway shop and
restaurant*



To whom this may concern,
My daughter is 12 and felt very passionate about a
takeaway/restaurant going into 42 Claremont Road. I have
attached her original letter and typed it out so it's
easier to read. I could have changed her letter
grammatically but I felt she captured how a lot of us
feel so I left it as is.
Thank you for your patience.

ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 -
Change of Use & Fitout for Restaurant & Takeaway.DOC
Submissions - 42 Claremont Road Burwood Heights

Dear Building and Development Burwood Council,

You have addressed a letter to ~~me~~ asking for my opinion on why there should not be an allowance for a take-away shop and restaurant on 42 Claremont Rd Burwood Heights 2136. I am very thankful for the letter you sent on this case and will state my opinion both truthfully and respectfully.

To begin with, there should not be a ^{shop and} take-away restaurant on 42 Claremont Rd because of how busy the roads would get. We are not living on an M4 highway with thousands of cars passing every minute but a quiet and calm street. I believe and I am definitely ~~sure~~ sure everyone else would too, that ~~they~~ ^{we} do not want ~~there~~ ^{our} parking spaces to be filled with cars ~~that~~ from people that don't even live here. One minute you leave your parking space, and the next there is nowhere to park! There ^{are} seven people living in my household with 5 adults - and 4 cars and two driveways. What do you expect us ~~to~~ to do, leave two cars in the middle of the street, or ~~to~~ try to squeeze another car into a small driveway? We already have a lot of people taking our parking spots, do you really think we want more? Not to mention ~~to~~ how much earlier we would have to get up because of the amount of cars passing and the traffic caused by one shop. Roads would become very busy and what seemed like a very peaceful neighbourhood might ~~change~~ ^{change} instantly into the busiest neighbourhood ever!

To continue on, we don't even know what ~~shop~~ type of restaurant and take-away shop it might be. You never know how much it would stink. When you ~~want~~ want your coffee in

ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 -
Change of Use & Fitout for Restaurant & Takeaway.DOC
Submissions - 42 Claremont Road Burwood Heights

The morning outside in the fresh air you never know what ~~one~~ smell might be coming for ~~that~~ that day. It might be foods that were in the fridge, and have been put in the bin because they went rotten. Do you really think that is a good smell to wake up too. Everyone loves there morning sleep in and they don't want it spoiled by disgusting smells. And all parents would be asking ~~their~~ kids "what happened to playing outside?" Well I will answer that for you, the stench from the restaurant/ take-away shop is beyond ~~an~~ imagination. In other words, it absolutely STINKS!!!

I understand that this shop has been closed and for lease for 30 years, ~~and~~ but it has been perfectly fine that way and we don't need to change it. I would be happy if it was a clothes shop which you may give to the owners as a suggestion, but a restaurant is going too far. I do not want to lose my appetite from smells I do not like, and I love my food. Let alone the fact that ~~there~~ we do not want busy roads and we need somewhere to park. I do not want to change my lifestyle ^{from} a shop, and neither would anyone else. I thank you for reading this letter and hope you take my opinion into consideration.

From
A Burwood Heights Resident

ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 - Change of Use & Fitout for Restaurant & Takeaway.DOC Submissions - 42 Claremont Road Burwood Heights

Dear Building and Development Burwood Council,

You have addressed a letter to me asking for my opinion on why there should not be an allowance for a take-away shop and restaurant on 42 Claremont Rd. Burwood Heights 2136. I am very thankful for the letter you sent on this case and will state my opinion both truthfully and respectfully.

To begin with, there should not be a take-away shop and restaurant on 42 Claremont Rd because of how busy the road would get. We are not living on an M4 highway with thousands of cars passing every minute but a quiet and calm street. I believe and I am definitely sure everyone else would too, that we do not want our parking spaces to be filled with cars from people that don't even live here. One minute you leave your parking space, and the next there is nowhere to park. There are seven people living in my household with 5 adults and 4 cars. What do you expect us to do, leave two cars in the middle of the street? Or try to squeeze another car into a small driveway? We already have a lot of people taking our parking spots, do you really think we want more. Not to mention how much earlier we would have to get up because of the amount of cars passing and the traffic caused by one shop. Roads would become very busy and what seemed like a very peaceful neighborhood might change instantly into the busiest neighborhood ever.

To continue on, we don't even know what type of restaurant and take-away shop it might be. You never know how much it would stink. When you want your coffee in the morning outside in the fresh air you never know what smell might be coming for you that day. It might be foods that were in the fridge, and have been put in the bin because they went rotten. Do you really think that is a good smell to wake up to. Everyone loves their morning sleep and they don't want it spoiled by disgusting smells. And all parents would be asking their kids "what happened to playing outside?" Well I will answer that for you; the stench from the restaurant/take-away shop is beyond imagination. In other words, it absolutely STINKS.

I understand that this shop has been closed and for lease for 30 years but it has been perfectly fine that way and we don't need to change it. I would be happy it was a clothes shop, which you may give to the owners as a suggestion, but a restaurant is going too far. I do not want to lose my appetite from smells I do not like, and I live my food. Let alone the fact that we do not want busy roads and we need somewhere to park. I do not want to change my lifestyle from a shop, and neither would anyone else. I thank you for reading this letter and hope you take my opinion into consideration.

From
A Burwood Heights, Resident

ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 -
Change of Use & Fitout for Restaurant & Takeaway.DOC
Submissions - 42 Claremont Road Burwood Heights

***Building and Development Burwood Council,
Development Application No: 2016.173
42 Claremont Rd, Burwood Heights
Shop Fitout and Change of Use to takeaway shop and
restaurant***



ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 -
Change of Use & Fitout for Restaurant & Takeaway.DOC
Submissions - 42 Claremont Road Burwood Heights

To whom it may concern,

- 6 JAN 2017

Doc No:
BURWOOD COUNCIL

I believe that a take-away shop and restaurant on 42 Claremont Road Burwood Heights is unacceptable. My household and I will not consent to a neighboring shop fitout. Thus, on behalf of my household, I have dedicated this letter to appose to this development application for various complications concerning my family.

The first dilemma is that the neighborhood of Burwood Heights would become very busy. I believe that our community would definitely not enjoy a noisy and crowded neighborhood. Burwood Road and Georges River Road in Croydon Park has a multitude of take-aways and restaurants where people can dine. There is no need for disruption in our area. Not to mention the fact that there is limited parking. This means that our streets will be filled with cars and ^{there will be} no room for our cars or other vehicles. This disruption will go on right through the night and my family will not get a lot of sleep. One of the reasons we bought this house is because of the quiet neighborhood, and to get away from shops.

Burwood Council sent me a letter stating that 42 Claremont Road Burwood Heights has had a change of use however, from what my elderly neighbour has told me, this shop has been closed for

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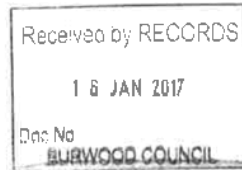
ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 -
Change of Use & Fitout for Restaurant & Takeaway.DOC
Submissions - 42 Claremont Road Burwood Heights

countless number of years. Why should
we now suffer!

A neighbour of the shop.

ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 -
Change of Use & Fitout for Restaurant & Takeaway.DOC
Submissions - 42 Claremont Road Burwood Heights



15/01/16

REF: BD 2016.173

To Whom it may concern,

RE: 42 Claremont rd Burwood Heights, Development Application No. 2016.173, shop fitout and change of use to takeaway shop and restaurant.

I am writing to make a submission and object on the above stated property, as the owner of 40 Claremont Rd and brother to Micheal Semaan who is the owner of 44 Claremont Rd, who also provided me his full attorney to write to you on his behalf,

42 Claremont rd has been isolated by Micheal Semaan and I, we will NOT support the above lodged DA as it none compliance,

A restaurant and a take away shop will only bring hygiene, rats and insects to both of our adjoining property, I can see it as only a headache as there will eventually be dining tables on the footpath in the middle of the pedestrian's path, grease traps will be an awful smell.

Please NOTE both of our properties are occupied with tenant in the back flats, these tenants have children's which could be affected by the hygienic food left on its daily bases.

The adjoining both of our properties has a hairdresser and a florist, in which no food scent is produced neither noise.

We will never accept this proposal and we are willing to take it legal if approved, as we would love our area to stay clean & fresh. We want our kids to grow in a quiet environment.

For further inquiries, please do not hesitate to contact me on

Phone: 0419 799 005

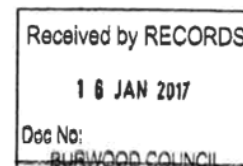
Email: admin@sconstructions.com

MIKHAEL SEMAAN

A handwritten signature in black ink, appearing to be "Mikhael Semaan".

TONI SEMAAN

A handwritten signature in black ink, appearing to be "Toni Semaan".

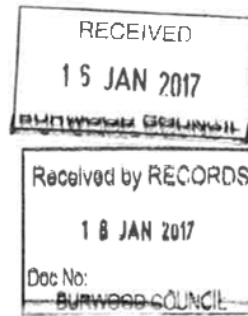


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ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 - Change of Use & Fitout for Restaurant & Takeaway.DOC Submissions - 42 Claremont Road Burwood Heights

To: Burwood Council
Suite 1, Level 2,
1-17 Elsie Street,
BURWOOD NSW 2134

Subject: Response to Development Application (DA) BD-2016.173,
Shop 42 Claremont Road, Burwood Heights 2136



Dear Councillor,

We are writing to express our strong dissatisfaction with Development Application BD-2016.173 ("the DA"), and to emphasize that it should *not* be permitted to proceed in its current form.

This proposal demonstrates a lack of regard for the social well-being and safety of the surrounding community, and will have a significant, negative impact on residents in the area.

Our concerns with the DA and business proposals are outlined in the paragraphs below:

1. Intention to apply for a liquor license

The connection between crime and alcohol are well documented. Granting the business a license to sell alcohol will undoubtedly lead to an increase in alcohol related violence, property damage and theft, in what is currently a peaceful neighbourhood environment.

From a NSW Bureau of Crime Statistics and Research bulletin¹:

"Almost one-quarter of the respondents who lived within half a kilometre (km) of the five closest licensed premises reported problems with drunkenness in their neighbourhood."

For the dozens of residents who live within metres of the business, this will undoubtedly pose a threat to their health and safety, considering that many are elderly people or families with children.

In addition, there will be a loss of privacy and an increase in waste and rubbish (bottles, food waste etc) – the cost of which will be borne by the Council.

2. Extended trading hours from 6.30am to 10.00pm

When coupled with alcohol, the proposal to extend trading hours presents a recipe for disaster. The alcohol related issues above will certainly be magnified by night time activities, in addition to the propensity for crime and public disturbance (including heightened noise levels and property damage).

¹Article: Liquor outlet concentrations and alcohol related neighbourhood problems <http://www.bcrs.nsw.gov.au/Documents/BB/ab081.pdf>

ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 - Change of Use & Fitout for Restaurant & Takeaway.DOC Submissions - 42 Claremont Road Burwood Heights

The corner of Claremont Rd and Arthur St is a busy intersection, which has experienced an increasing volume of traffic in recent years. It is a dangerous location, where cars and motorcycles frequently accelerate around the corner.

With the promotion of street parking, patrons will be tempted to leave their vehicles closer to the corner than the legally safe distance, parking for residents will be curtailed, safety of driveway access will be impacted, and there will be an overall increase in traffic congestion.

Given the impact to public safety, we strongly advise the Council to undertake further assessment and site due diligence before the DA is determined.

4. Provision of outdoor seating on sidewalk

This proposal will obstruct access for less mobile pedestrians (e.g. the elderly, children, mother's with prams) and presents a hazard on a narrow sidewalk, particularly with the busy intersection.

5. Intended use of premises as takeaway shop and restaurant

The key objection to this scheme is environmental pollution: i.e. the unsavoury odours and fumes emitted by this type of establishment, the increase in sidewalk waste material, and the influx of vermin as a result are undesirable by-products for a residential area.

There will be a detrimental impact on amenities, and the deterioration to visual aspects will cause a subsequent devaluation of property prices for home owners.

In conclusion

Burwood Heights is a quiet location, made attractive by its peaceful environment, friendly community and low crime rate. The five proposals above will significantly impact this identity, and threaten the safety and well-being of residents, in addition to their right to peaceful enjoyment of their properties.

The suggested opening hours (6.30am to 10pm) in what has been a predominantly residential area, is excessive and unreasonable, and the proposed type of commercial activities (i.e. restaurant with alcohol license) contradicts and conflicts with the area's local identity and types of businesses traditionally approved. In addition, it will likely incur additional costs to the Council to maintain cleanliness of the streets and surrounding area.

While we reject the current DA and business model, we would welcome development of the location as it has historically been utilized – as a café or florist, open during normal business hours, with indoor seating, and no special dispensation for onstreet parking.

Finally, we thank you for your time in considering our feedback, and trust that you will act appropriately.

Residents of Arthur Street and Claremont street.

ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 - Change of Use & Fitout for Restaurant & Takeaway.DOC Submissions - 42 Claremont Road Burwood Heights

Jennifer Cosentino

From: Elizabeth Alexiou <elizabeth.alexiou@nab.com.au>
Sent: Monday, 16 January 2017 2:58 PM
To: Council
Cc: Alexiou AA
Subject: Request council to reject DA: BD-2016.173

To whom this may concern at Burwood Council,

As a resident of Burwood my entire life and a resident at Burwood Heights for the past 9 years, my husband and I would like to express our serious concern and **objection to Development Application BD-2016.173** received by Burwood Council late last year.

We have been advised by many other concerned residents that the owner or tenant of Shop 42 Claremont Rd, Burwood Heights intends to open a take away shop/restaurant with extended operating hours and probably 7 days a week. We hear they also intend to apply for a liquor licence in future if successful. This is appalling.

As a resident with young children living in Kelso Street, only 1 street away, we are very concerned that if council were to approve this application, the significant negative impact it would have to the Burwood Heights area and especially those poor residents who have paid good money for property living in the immediate vicinity of this property. Not only would it increase noise (patrons coming and going at all hours), increase the road traffic and parking in our streets (as the business cannot cater for onsite parking) and smell due to cooking and health and safety impacts from discarded food wastes, but especially concern over late night trading and intentions to serve alcohol. This is of significant concern.

As you very well know, Burwood Heights is a quiet, residential area and this would open the doors for a complete change to the environment, feeling and image of Burwood Heights. This owner/tenant has plenty of options in the area for such a business, such as Burwood Road, Georges River Road and the Strand at Croydon, which are well known and successful restaurant / shopping precincts. While there previously were businesses at this corner area of Claremont St (hairdresser and now a florist), a food type business is a completely different ball game with very different impacts and concerns.

We sincerely hope the council does not approve this DA application and hope you seriously consider our rejection as residents of this request. Please help maintain Burwood Heights as the area it currently is and keep residential areas as dedicated residential areas. There are plenty of dedicated areas in Burwood for such businesses.

Could you please keep me informed as to the progress of this application and let me know if there is anything further we can do to express our objection and concerns.

Yours Sincerely
Elizabeth Alexiou

17 Kelso St
Burwood Heights NSW 2136
0418 109 986

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ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 - Change of Use & Fitout for Restaurant & Takeaway.DOC Submissions - 42 Claremont Road Burwood Heights

Jennifer Cosentino

From: Nicholas Augustinos <nicholas_augustinos@hotmail.com>
Sent: Sunday, 15 January 2017 5:27 PM
To: Council
Subject: Submission Re DA: BD-2016.173 Shop 42 Claremont Road Burwood Heights

Dear Sir/Madam

We are residents of Burwood Council living at 5 Ardgryffe Street Burwood Heights 2136 and make the following submission in respect of the above mentioned development application.

Although we have had difficulty accessing information about the application from Council's website, we understand that the application involves a change of use of the current property to a takeaway shop and restaurant trading Monday to Sunday from early morning to late hours. Apparently there is also an intention to apply for a liquor licence to sell liquor for onsite consumption.

We request that Council reject the application for the following reasons:

- Acceptance of the application by council would have an unacceptable impact on residents living in this local area;
- as there is no onsite parking, patrons will be using our street to park their vehicles from early morning to late hours thereby ensuring unavailability of street parking for residents;
- social impacts due to the influx of patrons to our local area including increased road traffic on small residential streets, the potential of the site to become a "hangout" thus encouraging loitering, noisy behaviour from early morning to late night hours as well as late night "hooning" by youth patrons (as has already been observed by local residents living near the Shisha restaurant on Georges River Road in Croydon Park);
- Burwood Heights is a quiet, peaceful, blue ribbon residential area with a harmonious community. A takeaway shop and restaurant with no onsite parking selling liquor and trading from early morning to late night hours with outdoor seating would have a significant negative effect on the the harmony and reputation of this local area.

Please confirm receipt of this submission.

Yours sincerely,

Nicolas and Lillian Augoustinos

ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 -
Change of Use & Fitout for Restaurant & Takeaway.DOC
Submissions - 42 Claremont Road Burwood Heights

15/01/16

REF: BD 2016.173

To Whom it may concern,

RE: 42 Claremont rd Burwood Heights, Development Application No. 2016.173, shop fitout and change of use to takeaway shop and restaurant.

I am writing to make a submission and object on the above stated property, as the owner of 40 Claremont Rd and brother to Micheal Semaan who is the owner of 44 Claremont Rd, who also provided me his full attorney to write to you on his behalf,

42 Claremont rd has been isolated by Micheal Semaan and I, we will NOT support the above lodged DA as it none compliance,

A restaurant and a take away shop will only bring hygiene, rats and insects to both of our adjoining property, I can see it as only a headache as there will eventually be dining tables on the footpath in the middle of the pedestrian's path, grease traps will be an awful smell.

Please NOTE both of our properties are occupied with tenant in the back flats, these tenants have children's which could be affected by the hygienic food left on its daily bases.

The adjoining both of our properties has a hairdresser and a florist, in which no food scent is produced neither noise.

We will never accept this proposal and we are willing to take it legal if approved, as we would love our area to stay clean & fresh. We want our kids to grow in a quiet environment.

For further inquiries, please do not hesitate to contact me on

Phone: 0419 799 005

Email: admin@sconstructions.com

MIKHAEL SEMAAN



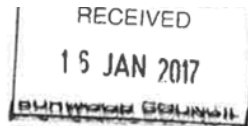
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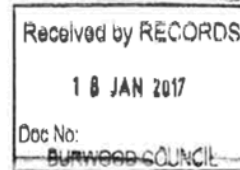
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To: Burwood Council
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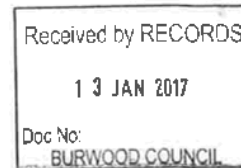
Finally, we thank you for your time in considering our feedback, and trust that you will act appropriately.

Residents of Arthur Street and Claremont street.

ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 -
Change of Use & Fitout for Restaurant & Takeaway.DOC
Submissions - 42 Claremont Road Burwood Heights

Burwood Council
Building and Development
PO Box 240
Burwood, NSW 1805



***Building and Development Burwood Council,
Development Application No: 2016.173
42 Claremont Rd, Burwood Heights
Shop Fitout and Change of Use to takeaway shop and restaurant***

We are concerned ratepayers of the suburb of Burwood Heights and have a mortgage on our home. Yet recently we are made to feel like we are living next to a shopping center not a suburb. Our area of Burwood Heights has never had to put up with so much rubbish and difficulties walking our footpaths (refer to photo attached of the 42 Claremont Rd). Its disgraceful to see so much rubbish and the collection day of the corner shop is not for another 2 days so not only do we endure the odor, the inconvenience but also this mound will continue to grow.

When the people bought the property in question they should have known that their was never a takeaway/restaurant approved for the premises and they should have known that the three shops have been closed to the public for many years. If they had done their research before buying they would not have make a request for such a DA. We strongly appose of the approval of this DA and the evidence shows that it will dramatically change the lifestyle of burwood heights.

We have never had a takeaway food/restaurant hear nor do we want one.

Concerned resident.

ATTACHMENT 1

**ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 -
Change of Use & Fitout for Restaurant & Takeaway.DOC
Submissions - 42 Claremont Road Burwood Heights**



ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 - Change of Use & Fitout for Restaurant & Takeaway.DOC Submissions - 42 Claremont Road Burwood Heights

Jennifer Cosentino

From: Agatha Satala <agatha.satala@bigpond.com>
Sent: Thursday, 12 January 2017 11:55 PM
To: Council; Mayor; George Mannah
Subject: DA 2016.173

Dear Sirs,

I am writing to you in relation to the proposed application lodged in respect to 42 Claremont Rd Burwood Heights.

I am informed the current DA proposes to vary the current zoning from professional commercial to a takeaway restaurant with a liquor license.

As a local resident in close proximity to the proposed restaurant I have a number of concerns;

1. Local Traffic and Safety

The current traffic congestion experience at the intersection of Arthur St and Claremont St is excessive already. The residents on Ardgyffe St have only just had a no right turn sign enforced following the excess traffic we have experienced over the past 18 months as a direct result of the overflow from Claremont St.

Arthur St is already too dangerous to allow children to cross without supervision and the elderly residents in the local area must walk further down to ensure their own safety.

Any further increases in traffic will require extensive expenditure on the councils behalf to put in place a roundabout or traffic lights to ensure the safety of the local residents.

The proposed DA does not allow for any off street parking. In this regard I note there is insufficient parking for local residents on both Claremont St and Ardgyffe St and the redesign of parking on Ardgyffe St did not take into consideration any extra parking required for commercial ventures in Claremont St.

Finally, a takeaway shop will encourage people to double park, park in no stopping areas and across residents driveways to get quick access to the takeaway shop - this is unacceptable in a small local residential area where you will put the elderly and children at risk of being hit by motorists in a hurry to pick up takeaway.

2. Increase in rubbish, vermin and odor

The amount of rubbish that will be littered along the residential streets as a direct result of a takeaway shop is simply unacceptable in this area. As a parent from Croydon Park Public School and previous resident on Boyle St I have personally seen the amount of rubbish that litters the surrounding streets as a direct result of McDonalds, Domino's and Anar Chicken on Georges River Road.

Burwood Heights is an exclusive suburb with median housing prices being more than \$2m and it is simply unacceptable to have litter on the streets from a takeaway shop.

Further, the increase in vermin and odor from a chicken shop is not acceptable. This is a residential area where people should not be concerned about smelling BBQ chicken in their homes or on their washing.

3. Trading hours and liquor license

ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 - Change of Use & Fitout for Restaurant & Takeaway.DOC Submissions - 42 Claremont Road Burwood Heights

The current cafe operating from early morning to 5pm already creates enough traffic issues of a morning with people regularly parking illegally when dropping in to pick up a coffee.

The proposed trading hours to 10pm are unacceptable in this quiet residential area. This will simply cause excessive noise from patrons leaving the venue in a quiet residential area.

Further, a proposed services of alcohol is unconscionable in a local area with small children and elderly residents who are all normally asleep by 9pm.

Burwood Heights is a small local residential area where the local community knows one another and provides a safe environment for children to ride their bikes and play in the front yard. By allowing such a retail premises to open council will allow non local residents into our small streets creating an unsafe environment for our children and ultimately jeopardizing the safety of all residents in the area.

The small stretch of shops at 42 Claremont St have been zoned commercial but the intention was always to ensure it was only for professional services so as to not disturb the dynamics of the local residential community.

I simply ask that council continue to enforce the intentions of the initial zoning a not permit the current DA to proceed. There is no need for chicken shop or restaurant in this area. It is located less than 600 metres away from food retail stores on Georges River Road or The Strand at Croydon or Burwood Road.

Kind regards

Agatha Satala

1 Ardgriffe St Burwood Heights NSW

Agatha Satala & Associates
Level 26, [44 Market Street](#)
[SYDNEY NSW 2000](#)
Tel: [\(02\) 9089 8753](#) Fax: [\(02\) 9089 8989](#)

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ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 -
Change of Use & Fitout for Restaurant & Takeaway.DOC
Submissions - 42 Claremont Road Burwood Heights



Burwood Council/ Development Application Approvals

As a concerned citizen I am responding to the DA 2816.173
Takeaway/Restaurant at 42 Claremont Rd Burwood Heights.

I always refer to this section in the local paper but this is the first time ever I have an objection strong enough to write to council. Council should not be considering this shop as a takeaway/Restaurant outlet. Consider the parking of all the people who have to work in such an establishment not to mention the paying customers.

It is a quiet suburb and we will not appreciate having more tables put out on the footpath and music and food smell as well as their rubbish and the hours that such an establishment will keep. This is not the position for a takeaway/restaurant with all the neighboring houses around.

At 61 Georges River Road corner Brighton Street the restaurant Shisha has made life for residents of Brighton Street very difficult. Some nights residents have to park as far away as Arthur Street and bring their cars closer to their homes after closing time. Patrons are very loud and often drunk when they return to their cars this is not what we want for our suburb. A takeaway/restaurant will bring with it this type of behavior and council should not be encouraging it but rather keeping it out of the suburb of Burwood Heights.

These shops were built in the day when shopping centers were not available and they provided essentials for families in the area. This is no longer the case. We have centers of business where it is acceptable to find takeaways and restaurants. Everyone now has cars and can go to these. It is unacceptable for councils to put such a venue in a suburb.

Thank you

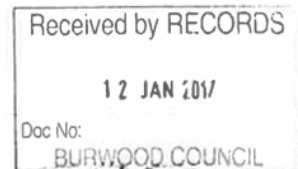
Sincerely

A handwritten signature in black ink, appearing to be "D. K." followed by a flourish.

Resident

ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 -
Change of Use & Fitout for Restaurant & Takeaway.DOC
Submissions - 42 Claremont Road Burwood Heights



Building + Development NO: 2016.173

Please do not put a takeaway in
42 Claremont Rd Burwood Heights.
We feel council has an obligation to
its residents first before making such a
decision. We petition strongly against
this for all the obvious reasons.

Thank you

ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 - Change of Use & Fitout for Restaurant & Takeaway.DOC Submissions - 42 Claremont Road Burwood Heights

Jennifer Cosentino

From: Workshop Manager <workshop@gregoryjewellers.com.au> on behalf of Simon Gregory <Simon@gregoryjewellers.com.au>
Sent: Monday, 6 February 2017 3:34 PM
To: Phillip Johnston
Cc: Lahdo Gregory
Subject: D.A Proposal restaurant 42 Claremont rd Burwood

Dear Phillip,

I am writing in relation to the matter below with my colleague Andrew.

As a resident of nearby area we are totally against the proposal of the application of a restaurant to be approved in purely residential area. As you may be aware 42 Claremont street has been long running history with unsuccessful business purely due to its unsuitable poor location. This location should be residential.

It is extremely disappointing that the proposed restaurant has already advertised in the local paper "Courier" of its possible opening. It appears that the application has been approved due to this advertisement? Also application has been with Council for so long without informing the local area.

Firstly the area is a purely residential with no nearby businesses who operate till late, this will be total disturbance to the local area and with strained parking area. There is no vacant uninterrupted land for this business and no parking area. Ideal area for this restaurant would be nearby Georges River Road where it is more commercial and has unrestricted operating hours.

I hope that the council values locals opinions and makes the correct decision to reject this application purely on its unsuitability for the location.

Should you wish to write please do not hesitate to address to;

12 Seymour St CROYDON PARK NSW 2133

On behalf of Mr Lahdo Gregory

Regards

Simon Gregory
Workshop Manager

Gregory Jewellers Head Office
Level 10, The Cullinan Building
70 Castlereagh Street, SYDNEY NSW 2000

ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 -
Change of Use & Fitout for Restaurant & Takeaway.DOC
Submissions - 42 Claremont Road Burwood Heights

REF: BD 2016.173

Dear Sir/Madam,

I am writing as a local resident to object to the above application. I am greatly concerned that the proposal, if it goes ahead, will have significant detrimental effects on the environment and the local community. As a local resident, this is a matter of concern which affects me and other local residents. This development will have an impact on our standard living. Our specific objections are as follows:

We believe that the proposed development would significantly alter the fabric of the street and will lead to serious cramming that we are not used to in our area. People will be coming in to the shop after 6pm causing a lot of noise. The kids even us adults will be disturbed with that noise. Also, this shop generates a significant parking demand; however, the application doesn't state that it has parking available. Our own parking spots will be taken and we won't be able to park our own cars. Traffic will be caused in the street which will cause a threat to our safety.

The proposed site development is at an area where it might invade our privacy. Especially with strangers in the area. This development does not respect our right to enjoy a quiet and safe area. Especially if outdoor seating becomes available. We have to keep our children inside the house as we will be afraid they will see strangers regularly.

We chose to live in this area as it is quiet, safe and clean with a great amount and variety of trees that decorate our street.

We do not want to breath food scent all day, we want to enjoy the fresh air.

Finally, we would also like to request that, should the application be approved, the council considers using its powers to enforce controlled hours of operation and other restrictions that might make the duration of operation hours more acceptable. The planned shop is very contained, with restricted road frontage, so we would like you to take into consideration how and where the trucks for unloading food and the restaurant materials gain access, even staff gaining parking without causing a hazard and inconveniencing neighbors.

We would appreciate if council considers our objection when deciding this application. We would welcome the opportunity to further discuss our objection

Hanna Semaan

0419799199



03/02/2017.

ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 -
Change of Use & Fitout for Restaurant & Takeaway.DOC
Submissions - 42 Claremont Road Burwood Heights

REF: BD 2016.173

To whom it may concern,

As a father of 2 kids I will not accept a takeaway shop in my neighborhood.

I have bought 2 houses in this area thinking it will be a safe place for me to live in and raise my children.

I always go for a walk in this street in the afternoon with my 2 children both aged under 3.

It's very rare for us to see strangers in this area. We have lovely neighbors, we all know each other.

I don't want to see while enjoying my walk, strangers sitting outside on the footpath waiting for their food, or even I can't imagine the traffic that will result from people trying to find parking to grab their food.

In addition to the food odor that will result from the takeaway shop and its exhaust.

I want to raise my children in the clean and safe Burwood Heights.

We need a shop there that will decorate and nourish the area,

Mikhael Seman.

03/02/2017

ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 - Change of Use & Fitout for Restaurant & Takeaway.DOC Submissions - 42 Claremont Road Burwood Heights

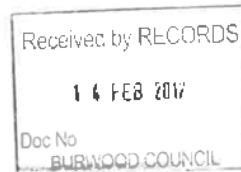
7th February 2017

Burwood Council

Attn: P Johnston (DA section)

PO Box 240

Burwood NSW 1805



Dear Sir/Madam,

Re: Development application (DA) number 173/2016

Property details 42 Claremont Road BURWOOD HEIGHTS NSW 2136

We are local residents who reside within 200 metres of abovementioned address. Burwood Council's DA 173/2016 was advertised in the Courier publication during the recent Christmas period, while we were away on holidays. Sadly, due to this, we were unable to make our strong objections to the DA by the time of the cut-off date. If at all possible please take into consideration our strong objections to the abovementioned DA.

Please allow us to paint the picture of the current environment at the corner of Claremont Road and Arthur Street being Mona Lisa Florist at 44 Claremont Road Burwood Heights NSW. Then I will follow with my objections to the proposal for 42 Claremont Road Burwood Heights NSW being right next door to Mona Lisa Florist.

Currently 44 Claremont Road is occupied by a florist/cafe. Prior to this address being a florist, it was a hairdressing salon. When the property was occupied as hairdressing salon, at most, it would service possibly 10 clients a day and the salon opened and closed at a reasonable time which meant that they had little need for multiple car spots and the presence of the shop did not disturb the peace before and after the normal business working hours of 9-6pm. There were no early morning deliveries to the shop and the area was relatively peaceful due to the nature of the business.

Current Environment

Just prior to Christmas in 2015, this shop became occupied by a florist/café. Since the florist/café opened we have noticed many changes in the area. Since 2015, due to the opening of this new shop traffic flow has increased astronomically to the point where we are unable to leave windows open during the day and night due to excessive noise. There were existing road rage incidents at the corner that have continued to increase and in addition there have been many accidents occurring. Drivers constantly and aggressively sound their car horns which are very frightening and alarming. It also takes pedestrians excessive time to cross the road from Claremont Road to Arthur Street.

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ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 - Change of Use & Fitout for Restaurant & Takeaway.DOC Submissions - 42 Claremont Road Burwood Heights

These are issues that are already occurring since the addition of the florist/café.

- Traffic flow has greatly increased
- There are daily numerous occurrences of road rage at the corner.
- Accidents at this corner have increased. Near accidents are a daily occurrence here as well. Please send a traffic marshal to confirm the dire situation that already exists at this corner.
- The florist/café staff make noise at the front of the shop at any time from 3.30am
- Unpredictably and almost any morning of the week (Monday through to Sunday) it isn't rare for a delivery van to arrive from 3.30am and for there to be talking and doors being opened and closed loudly. In addition to this, the van at times illegally parks diagonally across Claremont Road and Arthur Street, not one street or the other.
- At times there is a security guard sitting at the front of the shop overnight and they make noise talking making unacceptable noise disruptions. It also creates unease with the residents feel restless because having security implies that there is a potential threat.
- Cars and trucks pull up outside of the shop at all hours and leave their vehicles idling while they go into the shop to make their "quick" purchase.
- Staff and customers of the shop occupy our street parking, making it near impossible for us to find a car spot near our own homes.
- Our driveway is regularly blocked by customers who cannot get a car spot to visit the shop. We have become involved in altercations with drivers after we have asked them to move their vehicles.
- Customers pull up illegally in the "No Stopping" area to run into the shop to purchase coffee and/or flowers.
- Litter to the area has increased a lot with take away coffee cups being found on the road, in the gutter and on the footpath.
- Pedestrians using the area to cross from the corner of Claremont Road are at risk due to the increased traffic flow to the area.

Hopefully, the above points should demonstrate how the perimeter surrounding the corner of the proposed DA site has already changed detrimentally on such a large scale. This is not due to a business per se operating from this address but from the nature of business in operation (in this case, the business offers quick purchases to potentially hundreds of customers from Monday to Sunday).

Objections to DA at site of 42 Claremont Road Burwood Heights

We see many issues becoming a problem if the DA is approved. Most residents currently in the area have shared fears for personal health, safety and wellbeing. These fears are supported in the following.

- This area surrounding the proposed DA is characterised by residential properties, the residents in the area have chosen at a high monetary price to live here because of the safety and type of visitor that the area promotes. The need to protect residential amenity will be compromised when it should be taking precedence.
- Noise pollution to the area will be intolerable. Road rage, accidents and fighting has been an on-going problem at this corner for a long time. The opening of the café/florist further

ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 - Change of Use & Fitout for Restaurant & Takeaway.DOC Submissions - 42 Claremont Road Burwood Heights

exacerbated this problem. Further to this, noise created by delivery trucks to the area and customers will significantly further disturb the peace. If the new shop is opened and opening times are from 6.30am to 10pm Monday to Sunday, this noise will be extended when customers and staff continue to dwell in the area and when staff and suppliers are accessing the area at other additional times.

- The flow of vehicular movement will increase astronomically. Because of this the safety risk for pedestrians using the corner of Claremont Road will increase. Furthermore, the safety of residents in the area will be further compromised. There is already limited space for residents and existing customers using the facilities at 44 Claremont Road. The addition of a chicken shop would place incredible pressure on an existing high traffic and exacerbate the existing safety problem.
- The issue of limited parking spaces will be exacerbated if the da is approved. Currently it is difficult for the residents to find parking. If a new shop is opened it's very difficult to see where the new customers will park their cars without further adding to an already stressful environment.
- The disturbance to the surrounding residential properties will increase due to the adverse effects of the bad odour of commercial food cooking and continuous unfavourable smells. As residents we enjoy breathing in the fresh air.
- Litter to the area will diminish the quality of the streets and will also increase cockroach presence and that of rodents and other stray animals.
- The proposed opening times of operation being Monday to Sunday 6.30am to 10pm will create extreme noise disturbances. Increased numbers of customers around hot food takeaways, particularly in the late evening when trading activity tends to be at its peak will also lead to crime and anti-social behaviour. The business will potentially become a hangout especially so if alcohol is available.
- The safety of our children will be adversely affected with many new strangers visiting the area daily and at all hours of the night.
- The area is ill equipped to have an appropriate space for waste products
- There is very limited accessibility to the area for potential delivery trucks.
- The accumulative effect of stress after days months and years of residents being exposed to a stressful environment.

Summary

In summary, the area at the corner of Claremont Road and Arthur Street is under immense pressure from existing traffic as cars use this area to access a lot of different suburbs as an alternative to using Burwood Road. The opening of the florist/café at 44 Claremont Road has placed immense congestion to an existing high traffic area. Noise pollution due to customer traffic and the nature of the product being sold means that hundreds of customers are accessing the florist/café from Monday through to Sunday. Staff presence at the shop and deliveries to the florist/café have created a lot of noise outside of the agreed business hours and are far from beneficial to the residents in the area. Customers and delivery trucks park their vehicles illegally to make quick purchases, however in the meantime create more havoc to vehicular movement, residents and pedestrians.

ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 - Change of Use & Fitout for Restaurant & Takeaway.DOC Submissions - 42 Claremont Road Burwood Heights

Should the DA for 42 Claremont Road be approved it will place a huge burden on the residents, existing traffic and pedestrians in the direct and distant vicinity. Stress experience by residents began when we were made aware that the DA had been entered to Burwood Council.

The disturbances to the area are endless. Noise, health and safety and cleanliness will all be detrimentally compromised. The major disturbance will be to the peace of the neighbourhood. The neighbourhood comprises a diverse demographic however, is made up predominately of families with school age children. The noise created by customers using the shop and also people loitering around the shop, is a major threat to wellbeing, stress levels and safety of the local residents. Other significant disturbances will be the constant and unappealing odour pouring out of the commercial kitchen. Furthermore the noise created by staff and deliveries from suppliers to the area before, during and after closing hours will be significant (as can be demonstrated by the current situation created with the florist/café). Road rage which is a huge problem for the corner can only become worse with more traffic flow. Constant and increased congestion means that there are already limited parking spaces for cars, residents will soon have to park their cars at a distance from their house and this is a risk to school age children. Pollution created by food rubbish and litter will create a very unappealing environment. The addition of a commercial food shop will detrimentally affect the cleanliness of this residential area.

Please take into consideration that we have tried to paint the picture of the existing situation and how we can see the environment changing for the detriment if the da is approved. We hope that this will in some way encourage the outcome of the da and that it will be in the best interest for the safety, health and wellbeing for the local residents who oppose this development.

Yours sincerely,

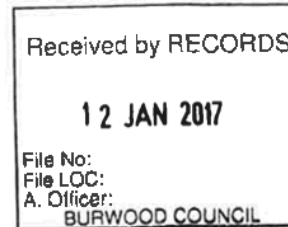
Local Residents

ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 -
Change of Use & Fitout for Restaurant & Takeaway.DOC
Submissions - 42 Claremont Road Burwood Heights

10 January 2017

Building and Development
Burwood Council
P.O Box 240
Burwood NSW 1805



Dear Sir/Madam,

RE: Development Application No 2016.173

We are writing in relation to the application of shop fitout and change of use to takeaway shop and restaurant for 42 Claremont Rd Burwood Heights.

We would like to express our serious concern regarding the above application since we are within **very close** proximity to this property.

While we understand that the property has been used in the past as a place of business and do not necessarily oppose the property being used for professional business purposes, a takeaway restaurant in this area would be inappropriate for the following reasons:

1. The proposed shop will be in the middle of a 20m strip of Claremont Rd that is close to a busy intersection and is already congested at morning and night peak traffic times, please advise how you intend to deal with further traffic that a takeaway restaurant will create;
2. Claremont Rd and surrounding streets are predominantly zoned residential and is home to many families with young children, a shop of this nature would attract more cars in the area and therefore a danger to children commuting to the local schools and parks;
3. There is insufficient parking to cater for patrons attending a takeaway restaurant considering we as residents already have to contend with the excessive amount of cars that park in our streets from events held at the Bible College in Badminton Ave and those that frequent Mona Lisa florist and the recently opened hairdresser within the same shop line (which we did not oppose opening); if provision for parking is being made within this application please advise accordingly;
4. The smell associated with takeaway food would prove to be unbearable for neighbours that live next to it, including our right to hang our washing in fresh air without having them dry with an associated food smell;
5. A significant increase in rubbish, this is a relevant concern since one of us was previously a resident of Seymour St Croydon Park and noted the significant increase in littering and rubbish since McDonalds opened on Georges River Rd; if the takeaway shop restaurant is approved, is the council prepared to provide extra bins to cater for the rubbish created by patrons and include a more frequent rubbish collection since once a week would not be adequate;
6. A takeaway restaurant trading hours would mean increased noise beyond normal business trading hours of 9-5 which the other businesses along the same line respect, we could no longer leave our front doors open fearing lack of privacy or put

ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 -
Change of Use & Fitout for Restaurant & Takeaway.DOC
Submissions - 42 Claremont Road Burwood Heights

our children to bed due to patrons coming and going or worse, loitering in front of our homes. Please advise the trading hours that the shop intends to trade, we note that any trading beyond 5pm would not be acceptable to the undersigned residents.

We respectfully ask that you seriously consider our concerns and put yourselves in our shoes, or more specifically our homes and consider how you would react in our position.

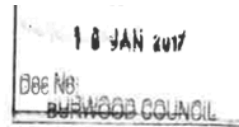
We are happy to discuss our concerns with council however **request that all our personal information and details be kept absolutely private and confidential.**

Thank you for your consideration of this matter.

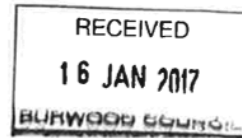
ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 -
Change of Use & Fitout for Restaurant & Takeaway.DOC
Submissions - 42 Claremont Road Burwood Heights

Burwood Council
PO Box 240, BURWOOD NSW 1805
Suite 1, Level 2, 1-17 Elsie Street, BURWOOD NSW 2134



12th January, 2017



Dear Burwood Council,

**Re: Development Application (DA) BD-2016.173 and related Petition by community
Attachment: Petition to Burwood Council**

I write on behalf of the community affected by Development Application (DA): BD-2016.173 to appeal plans to changes to 42 Claremont Road, Burwood Heights, 2136 that include:

- change of use to a takeaway shop and restaurant
- trade early morning to late hours e.g.: from 06:30am to 10:00pm
- trading from Monday to Sunday
- intentions to apply for a liquor license and sell liquor for onsite consumption
- provide outdoor seating on Claremont Road and Arthur streets, and
- promote street parking in residential areas due to absent onsite parking.

The community surrounding the 42 Claremont Road, Burwood Heights, 2136 identify significant issues and impacts to the community of concern and consistent with the Environmental Planning and Assessment Act 1979 – Sect 79C, forming the basis for appeal, including:

1. safety concerns for pedestrians from the neighbourhood from increased road traffic – particularly to the vulnerable and less mobile community members such as, children and elderly who reside in the neighbourhood. The intersection is already congested and dangerous during peak hours with limited vision along Arthur Street.
2. health & safety impacts from ongoing waste produced by the venue including, the attraction of vermin and subsequent impact to health e.g.: rats, cockroaches, pigeons and crows etc. with risk to disease
3. increases to road traffic on surrounding small residential streets already experiencing congestion, parking unavailability, difficult and unsafe driveway access due to recent vehicle traffic influxes
4. likely unavailability of street parking for residents – there are only 5 carspaces available on Claremont St in front of the proposed site and Ardgryffe St. being immediately adjacent to Claremont has insufficient parking for local residents let alone allowing for commercial parking for retail.

1 of 3

ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 - Change of Use & Fitout for Restaurant & Takeaway.DOC Submissions - 42 Claremont Road Burwood Heights

5. likelihood for residents to be forced to apply for household and guest parking permits (usually with limitations to the number of permits allocated per household by Council)
6. likelihood of time-limited parking restrictions imposed by Council impacting residents and guests of residents
7. social impacts due to the influx of population to the area and potential to be used as a youth "hangout" or loitering
8. unsuitable area for a service of alcohol licence – this is a small local community area where service of alcohol would encourage unacceptable behaviour from patrons
9. noise pollution eg: road traffic and from diners from early morning to late night hours
10. affect pedestrian access from outdoor seating obstruction
11. Offensive odour – a BBQ chicken shop emits offensive exhausts and fumes which are simply unacceptable in a suburb like Burwood Heights.
12. unsuitable site for development – see sect. 79C (c)
13. not in the public interest – see sect. 79C (e).

According to Burwood Council's Local Environmental Plan (LEP) 2012, the premises is zoned for B1 – neighbourhood centre, with objectives:

1. To provide a small scale retail, business and community uses that serve the needs of the people who live and work in the surrounding neighbourhood.
2. To conserve the heritage character of neighbourhood centres.

Given the strong opposition from the neighbourhood, this DA does not adequately service the needs of the local nearby neighbourhood – rather, the premises will attract customers from outside the local neighbourhood – is therefore uncompliant with the LEP and subject to rejection.

Furthermore, although unconfirmed by the Council, the applicant is believed to have intentions to open a takeaway chicken style shop. Various takeaway chicken style shops already exist in Croydon Park and Croydon shopping precincts – the closest of which, only 650 metres away from the premises, and all in shopping precincts on main roads suitable to their surroundings and open no later than 8:30pm.

Burwood Heights is a quiet, peaceful, blue ribbon, highly residential area with a harmonious community including, low crime rates. Whilst we have enjoyed hosting a range of shop occupants on this particular enclave, a takeaway shop and restaurant with no onsite parking, selling liquor, trading excessive early morning and late night hours with outdoor street seating would significantly disrupt the harmony, conservation & heritage image, and reputation of the local area.

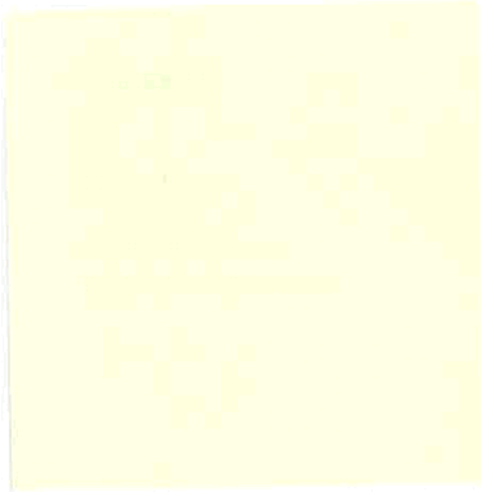
Please note: Burwood Council's Petition Template has been utilised, however a Privacy Clause has been added to ensure that Council respect the privacy & confidentiality of all

ATTACHMENT 1

**ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 -
Change of Use & Fitout for Restaurant & Takeaway.DOC
Submissions - 42 Claremont Road Burwood Heights**

petitioners including, not disclosing personally identifiable information to the DA submitter or third parties i.e: to remain anonymous.

On the basis of the above appeal and attached Petition, we ask Burwood Council to reject DA BD-2016.173.



ATTACHMENT 1

ITEM 33/17 42 Claremont Road Burwood Heights - Development Application BD.2016.173 - Change of Use & Fitout for Restaurant & Takeaway.DOC Submissions - 42 Claremont Road Burwood Heights

Petition to Burwood Council

PO Box 240, BURWOOD NSW 1805
Suite 1, Level 2, 1-17 Elsie Street, BURWOOD NSW 2134

We, the undersigned, petition Council to reject Development Application (DA) no. BD-2016.173 pertaining to changes to 42 Claremont Road, Burwood Heights, 2136 identifying significant issues and impacts to the community of concern and consistent with the Environmental Planning and Assessment Act 1979 – Sect 79C and Burwood Council's Local Environmental Plan (LEP) 2012 as outlined in the accompanying letter.

Petitioners consent for our personal details to be provided in full to Burwood Councillors in accordance with Section 18(1)(b) of the *Privacy and Personal Information Protection Act 1998* (NSW) for considering the subject of the petition and to verify that each petitioner lives in the municipality.

We understand that all petitions and related documents received by Council are publicly available under the *Government Information (Public Access) Act 2009*.

Please note: All petitioners request the Council to respect the privacy and confidentiality of petitioners including, not disclosing personally identifiable information to the DA submitter or third parties i.e.: to remain anonymous.

(ITEM 34/17) ADOPTION OF 2017/18 OPERATIONAL PLAN AND BUDGET, 2017/18 STATEMENT OF REVENUE POLICY, 2017/18 FEES AND CHARGES AND MAKING OF THE RATE AND CHARGES

File No: 17/20686

REPORT BY DEPUTY GENERAL MANAGER, CORPORATE, GOVERNANCE & COMMUNITY

Summary

The purpose of this report is to seek Council's adoption of the:

- 2017-2018 Operational Plan and Budget
- 2017-2018 Statement of Revenue Policy, incorporating Schedule of Fees and Charges
- Making of the rate and charges

Background

Council at its Meeting of 18 April 2017 resolved to place on public exhibition the Draft 2017-2018 Operational Plan and Budget and Draft Statement of Revenue Policy, incorporating the proposed Schedule of Fees and Charges for 2017-18, for a period between 19 April and 17 May 2017.

Proposal

That Council adopt the 2017-2018 Operational Plan and Budget, the Statement of Revenue Policy, incorporating the Schedule of Fees and Charges for 2017-2018 and making of the rate and charges.

Consultation

Council advertised the plans as follows:

- On Council's website (dedicated section)
- On social media (Facebook and Twitter)
- In the local newspaper (Inner West Courier 25 April 2017)

In addition, hard copies of the documents were made available at the Customer Service Centre at the Council Chambers and at the Burwood Library and Community Hub.

During the exhibition period, the web page dedicated to the documents was viewed over 155 times.

At the time of publishing the Council Meeting Business Paper Council had received one submission.

Submission	Comment
Request for a review of proposed increase to lane hire fees for 2017/18 from \$25/hr to \$40/hr at Enfield Aquatic Centre.	A commercial lane hire rate of \$25 per lane per hour was introduced in the 2016/2017 Financial Year. The rate was reviewed during preparation of the draft 2017/2018 Fees & Charges. The proposed increase to \$40 per lane per hour will bring the rate into line with comparable facilities, e.g. \$42 at Cabarita/Drummoynes.

Further, Council Officers undertook an internal review of the Draft Fees and Charges, and performed a number of changes, mostly relating to formatting. In addition, since the original Draft Fees and Charges were developed through a combined working party between Burwood and Canada Bay Councils, any reference to Canada Bay that was included in the document by mistake has been removed.

The list of alterations made to the original Draft 2017-2018 Fees and Charges is as follows:

Description of Fee or Charge	Reason for Change
Heading Classifications and descriptive wording	Modification and additional wording for Burwood specific were included throughout the document
GST Rounding	Throughout the document there were modifications made to remove 1 cent GST roundings
Administration of Business Use of Footpaths	Application Fee – Advertising Signboards changed to Annual Fee \$100
Public Land & Infrastructure Occupation	Deleted – Canada Bay fee only came across in error
Interest Rate – Outstanding Rates and Charges	Notification received of amendment to rate - From 8 per cent to 7.5 per cent
Documents, Maps & Reports – Aerial Photos	Deleted – Canada Bay fee only came across in error
Credit Card transactions Amex	Deleted – Canada Bay fee only came across in error
Hoarding Fees	Fee structure changed to reflect weekly not monthly - \$100 per month to \$25 per week - \$129 per month to \$33 per week
Aus Spec 1 Guidelines	Deleted – Canada Bay fee only came across in error
OSD Identification Plate	Deleted – Canada Bay fee only came across in error
Damage Deposits	Changed to Burwood specific current charges
Construction Certificates – Class 2-9	Additional wording inserted Burwood specific
Standard Conditions - DA	Deleted – Canada Bay fee only came across in error
Rates Certificate – 603 Certificate	Notification change in price from \$75 to \$80
Swimming Pool Safety Certificate – Assistance with internet access	Bring to current years pricing \$13
Public Health Inspections	Reclassified into Administration, Annual Charges, Inspections and Temporary Premises Permits. No fees or charges were modified
Facility Hire and Use – General Conditions	Inclusion of : - Council Policy is no 16 th , 18 th or 21 st Birthday Parties are to be allowed at the Woodstock Community Centre due to building under Heritage Order - Casual Booking Hire minimum 2 hours permitted with 1 week of hire date - Function Hire rates applies to private parties, weddings, receptions and dinner dances.

Facility Hire and Use – Bonds and Deposits – Access Card / Key Bond	Bond reduced to current level of \$50
Facility Hire and Use – Security per hour	Changed from \$80 per hour to Market Price plus 10%
Burwood Park Community Centre Hire	Fee reduced from \$400 to \$350 for under 4 hours
Burwood Library – Gregg Room Hire	Fees deleted due to room being occupied by HACC program
Burwood Library - Membership	Reinstatement of Non- Resident member fees to current fee structure - Adult \$20 - Juniors (0-17) \$10
Burwood Library – Photographic reproduction	Deleted Fee service no longer supplied
Burwood Library – Mailing Tube and SD Cards	Deleted Fee service no longer supplied
Use of Parks – Casual Booking Fee	Deleted – Canada Bay fee only came across in error
Use of Parks – Licence Fee	Deleted – Canada Bay fee only came across in error
Use of Parks – Field Lighting	Deleted – duplicated as charge was already included in field hire
Event – Large scale provided to / for general community	Deleted – Canada Bay fee only came across in error
Saw Cutting – per lineal metre	Number of charges reduced after consultation with Council's Engineer for Burwood specific
Enfield Aquatic Centre - Spectator	Additional wording inserted - (must be accompanying a full fee paying customer)
Enfield Aquatic Centre – Child / Student	Modified classification of Child / Student from (3 to 15 years) to (5 to 15 Years)
Enfield Aquatic Centre – Child under 3 years	Modified classification from (3 years) to (5 years must be accompanying a full paying adult)
Traffic Management – Footpath Closures	Fees were inadvertently omitted, reinstated at current levels

Planning or Policy Implications

The Operational Plan and Budget are to be considered the key accountability mechanism for Burwood Council, with each Council required to implement the identified priorities within their term and regularly report its performance against those priorities back to the community.

As with any long term plan, major circumstances need to be considered that might affect the prioritisation of activities and services, such as changes in legislation, a significant failure of infrastructure, a major flood etc.

Financial Implications

The resourcing of the Operational Plan 2017-2018 is detailed in the Budget 2017-2018.

During the exhibition period the Acting Chief Executive of the Office of Local Government determined the Section 603 Certificate Fee for 2017/2018 to be \$80 and also advised that the maximum rate of interest payable on overdue rates and charges for the 2017/2018 rating year will be 7.5% per annum.

On 3 June 2014 the Independent Pricing and Remuneration Tribunal (IPART) determined Burwood Council's application for a Special Rate Variation approving an increase as follows:

Year	2014/15	2015/16	2016/17	2017/18
Rate Increase (Including Rate Peg)	5.5%	6.5%	7.0%	7.5%

The Rate Yield for 2017/2018 including the 7.5% special rate variation increase and the proposed rates are shown in the following table:

2017/2018 RATING STRUCTURE WITH +7.5% Special Rate Variation & Other Mandatory Adjustments						
RATE TYPE	CATEGORY	TOTAL NUMBER OF ASSESSMENTS	RATE IN THE DOLLAR	NUMBER MIN. RATE ASSESSMENTS	MINIMUM RATE \$	NOTIONAL YIELD \$
Ordinary	Residential	9,608.51*	0.00119113	3,650.36*	\$909.00	\$12,795,787
Ordinary	Business A	458.49*	0.00199119	129.20*	\$994.00	\$1,433,815
Ordinary	Business B	43	0.00278371	3	\$994.00	\$557,100
Ordinary	Business C	31	0.00509164	2	\$994.00	\$385,898
Ordinary	Business D	45	0.00628240	5	\$1,272.00	\$1,844,015
Ordinary	Residential Town Centre	2,718	0.00078126	2,667	\$1,159.00	\$3,314,550
Ordinary	Town Centre - Minor Business	386	0.00195965	219	\$1,272.00	\$1,325,519
Total		13,290		6,675.56		\$21,656,685

*Pursuant to Section 518B of the *Local Government Act 1993*, inter alia land valuations carrying a Mixed Development Apportionment Factor (MDAF) are rated proportionally between Ordinary-Residential and Ordinary-Business A minimum/ad-valorem rates according to the MDAF percentages supplied by the NSW Valuer General. This accounts for the fractional number of assessments in the above table.

Residential Waste Service Charge

Residential Waste Service charges are made on an annual basis and are equal to the cost of providing residential waste removal and disposal, recycling and waste management education.

The *standard* Residential Waste Service consists of a 120 litre bin, a 240 litre recycling bin, a 240 litre green waste bin and two general clean-ups per annum.

In 2017-2018 it is proposed that the *standard* Residential Waste Service Charge will be set at \$372.50, representing an increase of \$5.50pa compared to the 2016-2017 Residential Waste Service Charge.

Fire and Emergency Services Levy

On Tuesday 30 May 2017 the NSW Government announced the indefinite deferral of the Fire and Emergency Services Levy (FESL). As such, the July 2017 Rates and Charges notices will not include any FESL levies or any reference to the FESL.

The Statement of Revenue Policy 2017-2018 incorporating the Schedule of Fees and Charges for 2017-2018 has been amended to delete any references to the FESL.

NSW Valuer General's Base Date Revaluation

The 2017/2018 rates are based on the new 1 July 2016 base date valuations supplied by the NSW Valuer General. The valuations are determined as per the methodology outlined in the explanatory material mailed to ratepayers, by the NSW Valuer General, in late January 2017.

Compared to the previous valuation base date of 1 July 2013, the Burwood Council area experienced, on a broad average, a doubling of land values. However, land values in some areas of the Local Government Area have more than doubled and this will be reflected in the rates levy.

Recommendation(s)

1. That Council note that one submission has been received relating to the Draft 2017-2018 Operational Plan and Budget and the 2017-2018 Draft Statement of Revenue Policy.
2. That Council adopt the 2017-18 Operational Plan.
3. That Council adopt the 2017-2018 Budget.
4. That Council levy two ordinary rates, being “Residential” and “Business”.
5. That the “Residential” rate be sub-categorised into:
 - Residential
 - Residential–Town Centre
6. That the “Business” rate be sub-categorised into sub-categories, being:
 - Business A
 - Business B
 - Business C
 - Business D
 - Town Centre–Minor Business
7. That Council continues to adhere to the minimum/ad-valorem basis of rating with a reasonable substantial minimum rate set at an amount determined to be the contribution required to cover the provision of the basic activities of the Council.
8. That Council make:
 - (i) An Ordinary Rate (Residential) of 0.00119113 in the dollar on all rateable residential land in the Burwood Council area excluding Residential–Town Centre land, with the minimum amount payable for this rate in respect to each separate parcel of rateable land be the sum of \$909.00.
 - (ii) An Ordinary Rate (Residential–Town Centre) of 0.00078126 in the dollar on all rateable residential land in the Burwood Council area defined and categorised as Residential–Town Centre land, with the minimum amount payable for this rate in respect to each separate parcel of rateable land be the sum of \$1,159.00.
 - (iii) An Ordinary Rate (Business A) of 0.00199119 in the dollar on all rateable business land in the Burwood Council area other than the rateable business land included in sub-categories Business B, Business C, Business D and Town Centre–Minor Business, with the minimum amount payable for this rate in respect to each separate parcel of rateable land be the sum of \$994.00.
 - (iv) An Ordinary Rate (Business B) of 0.00278371 in the dollar on all rateable business land within the centre of activity defined, and categorised Category Business B, with the minimum amount payable for this rate in respect to each separate parcel of rateable land be the sum of \$994.00.

- (v) An Ordinary Rate (Business C) of 0.00509164 in the dollar on all rateable business land within the centre of activity defined and categorised Category Business C, with the minimum amount payable for this rate in respect to each separate parcel of rateable land be the sum of \$994.00.
- (vi) An Ordinary Rate (Business D) of 0.00628240 in the dollar on all rateable business land within the centre of activity defined and categorised Category Business D with the minimum amount payable for this rate in respect to each separate parcel of rateable land be the sum of \$1,272.00.
- (vii) An Ordinary Rate (Town Centre–Minor Business) of 0.00195965 in the dollar on all rateable business land within the defined Town Centre area and categorised as Town Centre–Minor Business, with the minimum amount payable for this rate in respect to each separate parcel of rateable land be the sum of \$1,272.00.
- (viii) A Residential Waste Management Service Availability Charges (Residential Waste Charge or Res Strata Waste Charge) in accordance with s496 of the *Local Government Act 1993*, **as amended** for 2017-2018 of \$372.50 as per Schedule of Fees and Charges.
- (ix) A Stormwater Management Service Charges (Stormwater Management Service Charge) in accordance with s496A of the *Local Government Act 1993* and Regulation 125A and 125AA of *Local Government (General) Regulation 2005* as denoted in the 2017-2018 Schedule of Fees and Charges document.
- (x) Charges pursuant to s611 of the *Local Government Act 1993* as denoted in the 2017-2018 Schedule of Fees and Charges document.

9. That the yield of Rates for 2017-2018 as shown in the following table be noted:

2017/2018 RATING STRUCTURE WITH +7.5% Special Rate Variation & Other Mandatory Adjustments						
RATE TYPE	CATEGORY	TOTAL NUMBER OF ASSESSMENTS	RATE IN THE DOLLAR	NUMBER MIN. RATE ASSESSMENTS	MINIMUM RATE \$	NOTIONAL YIELD \$
Ordinary	Residential	9,608.51*	0.00119113	3,650.36*	\$909.00	\$12,795,787
Ordinary	Business A	458.49*	0.00199119	129.20*	\$994.00	\$1,433,815
Ordinary	Business B	43	0.00278371	3	\$994.00	\$557,100
Ordinary	Business C	31	0.00509164	2	\$994.00	\$385,898
Ordinary	Business D	45	0.00628240	5	\$1,272.00	\$1,844,015
Ordinary	Residential Town Centre	2,718	0.00078126	2,667	\$1,159.00	\$3,314,550
Ordinary	Town Centre - Minor Business	386	0.00195965	219	\$1,272.00	\$1,325,519
Total		13,290		6,675.56		\$21,656,685

- 10. That the yield from the Residential Waste Management Service Availability Charges of \$4,988,170 be noted.
- 11. That the yield from the Stormwater Management Service Charges of \$275,540 be noted.
- 12. That the yield for the s611 Charges (Gas Mains Assessment) will be approximately \$26,000.
- 13. That pursuant to Section 566(3) of the *Local Government Act 1993* the rate of interest payable on overdue rates and charges for the 2017-18 rating year will be the maximum of 7.5% per annum calculated daily.

14. That Council adopt the Section 603 certificate fee for 2017-2018 of \$80.
15. That the General Manager levy the rates and charges for the period 1 July 2017 to 30 June 2018 by service of the rates and charges notices pursuant to the Local Government Act 1993 and the Regulations made there under.
16. That Council adopt the tabled 2017-2018 Statement of Revenue Policy incorporating the Schedule of Fees & Charges for 2017-2018 including amendments.

Attachments

There are no attachments for this report.

(ITEM 35/17) INVESTMENT REPORT AS AT 31 MAY 2017

File No: 17/27633

REPORT BY CHIEF FINANCE OFFICER

Summary

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

Background

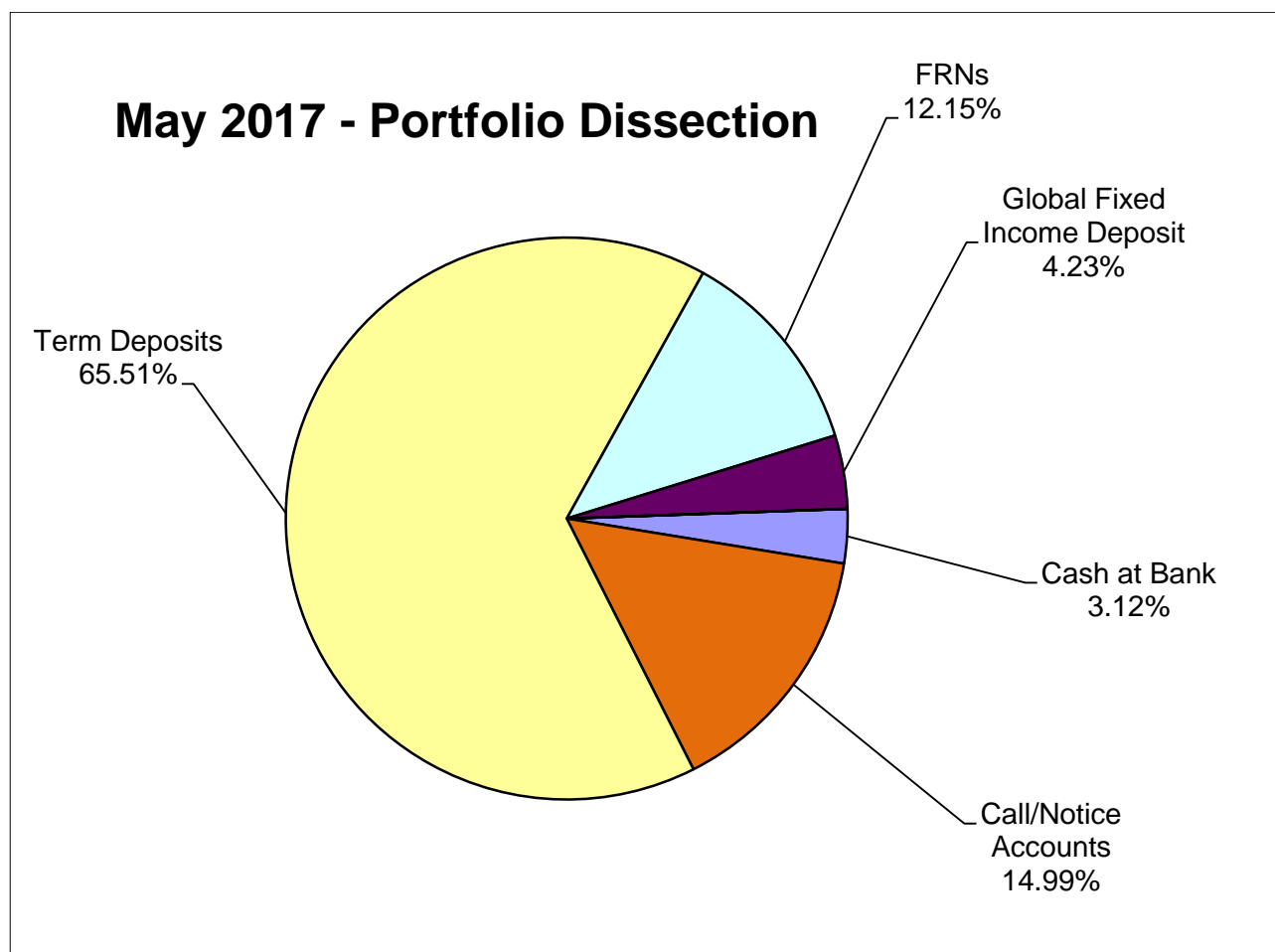
As provided for in Clause 212 of the *Local Government (General) Regulation 2005*, a report listing Council's investments must be presented to Council.

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

In accordance with Council's adopted Investment Policy and in line with Office of Local Government Investment Guidelines the portfolio contains investments which are covered by "grandfather" clauses, i.e. investments in Floating Rate Notes (FRN).

Investment Portfolio

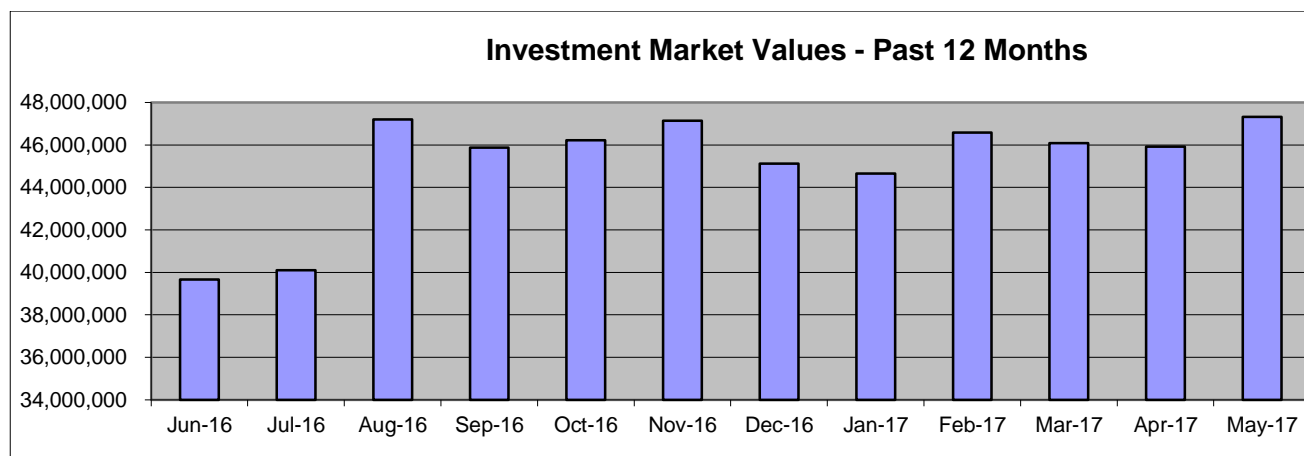
Council has a diversified investment portfolio and has a number of direct investments in term deposits. The investment portfolio as at 31 May 2017 is:



As at 31 May 2017 Council held the following term deposits:

Purchase Date	Financial Institution	Principal Investment Amount	Interest Rate	Investment Days	Maturity Date
11-Apr-17	National Australia Bank	2,000,000	2.57%	90	10-Jul-2017
12-Jan-17	Bank of Queensland	2,000,000	2.80%	180	11-Jul-2017
27-Jan-17	Bank of Queensland	3,000,000	2.75%	180	26-Jul-2017
27-Feb-17	Bankwest	3,000,000	2.60%	182	28-Aug-2017
28-Feb-17	ME Bank (Curve)	2,000,000	2.62%	181	28-Aug-2017
03-Mar-17	ING Bank	2,000,000	2.70%	180	30-Aug-2017
06-Mar-17	AMP Bank (Curve)	3,000,000	2.75%	182	04-Sep-2017
24-Mar-17	Bankwest	3,000,000	2.60%	180	20-Sep-2017
24-Mar-17	AMP Bank (Curve)	2,000,000	2.75%	180	20-Sep-2017
03-Apr-17	Suncorp Bank	4,000,000	2.60%	183	03-Oct-2017
20-Apr-17	Bank of Queensland	2,000,000	2.65%	180	17-Oct-2017
26-Apr-17	ING Bank	3,000,000	2.69%	180	23-Oct-2017
Total		31,000,000			

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



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

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

Downgrading of Australian Financial Institutions

On the 22 May 2017 Standard & Poor's Global Ratings downgraded the long term credit ratings of 23 financial institutions operating in Australia due to the "build-up of economic imbalances". Short term ratings remained the same.

In accordance with Council's current investment policy and due to the unexpected downgrading of the 23 financial institutions Council has breached the guidelines relating to the amount which can be invested in the BBB+ range of investments. These investments relate to the Bank of Queensland, therefore Council will use the provisions of "Grandfathering" until these investments mature in July 2017 which will bring our portfolio in line with the current investment policy.

Considering the circumstances of the downgrading and that the institution is an Australian Bank the risk of default is negligible.

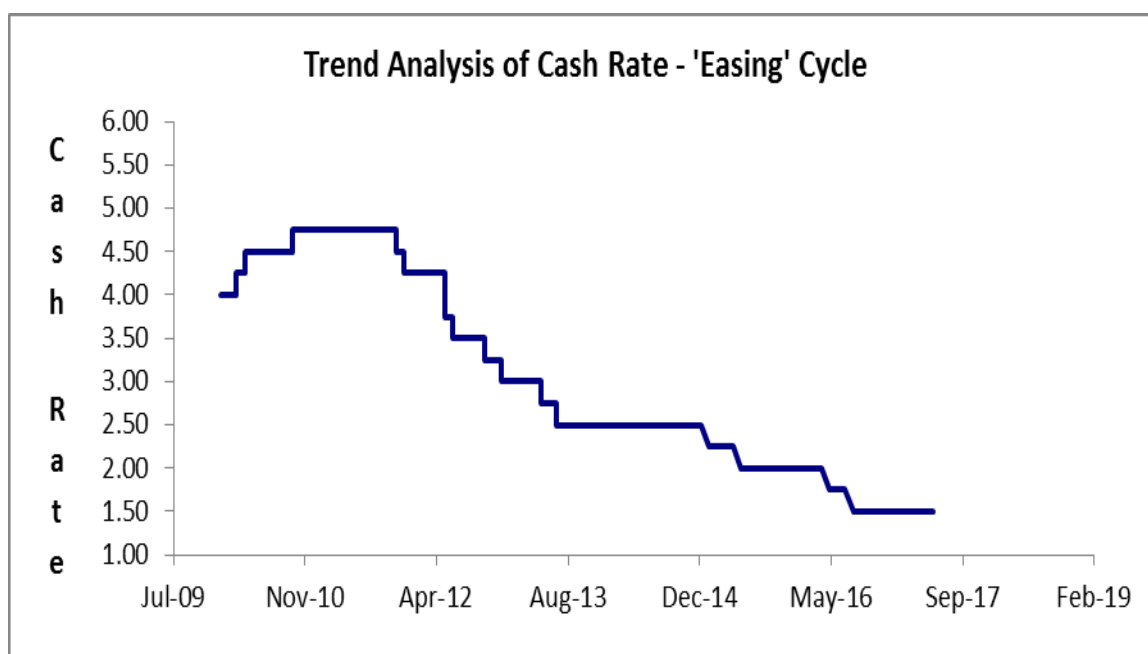
Investment Performance and Market Commentary

The Reserve Bank of Australia (RBA) at its 6 June 2017 Board Meeting kept the official cash rate at 1.50% per annum. "... The broad-based pick-up in the global economy is continuing, Labour markets have tightened further in many countries and forecasts for global growth have been revised up since last year. Above-trend growth is expected in a number of advanced economies although uncertainties remain. The improvement in the global economy has contributed to higher commodity prices, which are providing a significant boost to Australia's national income.

Domestically, the transition to lower levels of mining investment following the mining investment boom is almost complete. Business investment has picked up in those parts of the country not directly affected by the decline in mining investment. Year-ended GDP growth is expected to have slowed in the March quarter, reflecting the quarter-to-quarter variation in growth figures. Looking forward, economic growth is still expected to increase gradually over the next couple of years to a little above 3 per cent.

The Board has judged that holding the stance of monetary policy unchanged at this meeting would be consistent with sustainable growth in the economy and achieving the inflation target over time...." Statement by Philip Lowe, Governor: Monetary Policy Decision – 6 June 2017

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



Recommendation(s)

1. That the Investment Report for 31 May 2017 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

Attachments

- 1 [↓](#) Investment Register - May 2017 1 Page
- 2 [↓](#) Types of Investments - May 2017 1 Page

ITEM 35/17 Investment Report as at 31 May 2017.DOC
Investment Register - May 2017

BURWOOD COUNCIL
INVESTMENT PORTFOLIO
as at 31 May 2017

Investment Adviser	Issuer	Investment Name	Type	Rating S&P	Invested Amount	Market Value as at 31 March	Market Value as at 30 April	Market Value as at 30 April in Reporting Date	% of Total Invested	ADI or N-ADI
Cash & Deposits at Call										
Council	Commonwealth Bank	Operating Account	Cash	AA-	1,476,450	673,787	673,787	1,476,450	3.12	ADI
Council	Commonwealth Bank	Online Saver	AI Call	AA-	7,033,548	1,931,056	1,931,056	7,033,548	14.86	ADI
Council	AMP Bank	AMP Business Saver & Notice Account	AI Call / Notice 30 days	A	57,983	57,883	57,883	57,983	0.12	ADI
Term Deposits - Term (30-180 days)										
Council	AMP Bank (Cune)	AMP Bank	Term Deposit	A	3,000,000	3,000,000	3,000,000	3,000,000	6.34	ADI
Council	AMP Bank (Cune)	AMP Bank	Term Deposit	A	2,000,000	2,000,000	2,000,000	2,000,000	4.23	ADI
Council	Bank of Queensland	Bank of Queensland	Term Deposit	BBB+	2,000,000	2,000,000	2,000,000	2,000,000	4.23	ADI
Council	Bank of Queensland	Bank of Queensland	Term Deposit	BBB+	3,000,000	3,000,000	3,000,000	3,000,000	6.34	ADI
Council	Bank of Queensland	Bank of Queensland	Term Deposit	BBB+	2,000,000	2,000,000	2,000,000	2,000,000	4.23	ADI
Council	BankWest	Bank of Western Australia	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	6.34	ADI
Council	BankWest	Bank of Western Australia	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	6.34	ADI
Council	ING Bank	ING	Term Deposit	A-	2,000,000	2,000,000	2,000,000	2,000,000	4.23	ADI
Council	ING Bank	ING	Term Deposit	A-	3,000,000	3,000,000	3,000,000	3,000,000	6.34	ADI
Council	ME Bank (Cune)	ME Bank	Term Deposit	BBB	2,000,000	2,000,000	2,000,000	2,000,000	4.23	ADI
Council	National Australia Bank	National Australia Bank	Term Deposit	AA-	2,500,000	2,500,000	2,500,000	2,500,000	5.21	ADI
Council	National Australia Bank	National Australia Bank	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	6.34	ADI
Council	National Australia Bank	National Australia Bank	Term Deposit	AA-	2,000,000	2,000,000	2,000,000	2,000,000	4.23	ADI
Council	National Australia Bank	National Australia Bank	Term Deposit	AA-	2,000,000	2,000,000	2,000,000	2,000,000	4.23	ADI
Council	National Australia Bank	National Australia Bank	Term Deposit	AA-	4,000,000	4,000,000	4,000,000	4,000,000	8.45	ADI
Short - Medium Term (1-2 Years)										
Council	Suncorp-Metway Limited	Suncorp	Term Deposit	A+	4,000,000	4,000,000	4,000,000	4,000,000	8.45	ADI
Council	Lehman Brothers	Treasury BV #	CCO Global Property Note	D	-	-	-	-	-	N-ADI
Medium Term (2-5 Years)										
Council	Suncorp-Metway Limited	Suncorp-Metway Limited	Fixed Rate Notes (90 day BESW + 94 bps)	A+	2,000,000	2,000,000	2,000,000	2,000,000	4.23	ADI
Council	Bank of Queensland	Bank of Queensland	Fixed Rate Notes (90 day BESW + 105 bps)	A-	1,000,000	1,000,000	1,000,000	1,000,000	2.11	ADI
Council	Bank of Queensland	Bank of Queensland	Fixed Rate Notes (90 day BESW + 105 bps)	A-	1,000,000	1,000,000	1,000,000	1,000,000	2.11	ADI
Council	Bank of Queensland	Bank of Queensland	Fixed Rate Notes (90 day BESW + 110 bps)	BBB+	1,000,000	1,000,000	1,000,000	1,000,000	2.11	ADI
Council	Bank of Queensland	Bank of Queensland	Fixed Rate Notes (90 day BESW + 110 bps)	BBB+	1,000,000	1,000,000	1,000,000	1,000,000	2.11	ADI
Council	Commonwealth Bank	Commonwealth Bank	Fixed Rate Notes (90 day BESW + 78 bps)	AA-	1,000,000	1,000,000	1,000,000	1,000,000	2.11	ADI
Council	Commonwealth Bank	Commonwealth Bank	Fixed Rate Notes (90 day BESW + 78 bps)	AA-	1,000,000	1,000,000	1,000,000	1,000,000	2.11	ADI
Council	AMP Bank Limited	AMP Bank Limited	Fixed Rate Notes (90 day BESW + 110 bps)	A	750,000	750,000	750,000	750,000	1.59	ADI
Council	Commonwealth Bank	Commonwealth Bank	Global Fixed Income Deposit	AA-	2,000,000	2,000,000	2,000,000	2,000,000	4.23	ADI

47,317,882 46,892,275 45,912,765 47,317,882 100

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

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

W. Amittage
Wayne Amittage
Chief Finance Officer

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 – Online Saver AA-
- AMP Business Saver and Notice – At Call/Notice AA-
- Macquarie Treasury – At Call account A
- UBS Bank – At Call High Yield account 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 36/17) LOCAL GOVERNMENT REMUNERATION TRIBUNAL - FEES FOR MAYOR AND COUNCILLORS

File No: 17/26023

REPORT BY GENERAL MANAGER

Summary

This Report is prepared to enable Council to set its fees payable to the Mayor and Councillors for the year 1 July 2017 to 30 July 2018.

Background

The Annual Fees paid to the Mayor and Councillors are set annually by the Local Government Remuneration Tribunal which determines the fees for the next Financial Year in accordance with the *Local Government Act 1993 (the Act)*. The Tribunal has recently determined the minimum and maximum fees payable to the Mayor and Councillors for the year 1 July 2017 to 30 June 2018 which, in effect, reflects an increase of 2.5% approximately.

The Tribunal sets minimum and maximum fees that may be paid to elected members and Council has the ability to decide the level of fees that will be paid. Should Council not make a decision in this regard, then the minimum fees will be paid for that year. Historically it has been the practice of this Council to fix its Annual Fees at the maximum level.

The level of fees paid to Mayors and Councillors depends on which category Burwood Council is placed in.

Due to the amalgamation process and merger of Councils, the Tribunal examined the existing categories, used a range of statistical and demographic data and considered the views of Council and Local Government NSW. Having regard to that information, the Tribunal has determined a categorisation model which differentiates Councils primarily on the basis of their geographic location. Other factors include population, the sphere of the Council's economic influence and the degree of regional servicing. The category for Burwood Council is now "Metropolitan Small".

The Annual Fee paid to the Mayor and Councillors of class Metropolitan Small as at 1 July 2017, has been determined as follows:

Table One: Total Annual Fees Paid to the Mayor and Councillors Each 12 Month Period from July 2017 to June 2018				
Class	Councillor Annual Fee		Mayor Additional Fee*	
	Minimum	Maximum	Minimum	Maximum
Metropolitan Small	8,750	19,310	18,630	42,120

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

The Annual Fee can be set anywhere between the minimum and the maximum and is paid with effect from 1 July each year on a monthly basis in arrears.

If a Councillor is absent, with or without leave of Council, from ordinary meetings of the Council for any period of more than three months, payment will not be made for the period in excess of three months.

In circumstances where the Annual Fee adversely affects a Councillor's entitlement to a pension, benefit or allowance under any legislation of the Commonwealth, the Councillor may request that the Annual Fee be reduced or not paid. The request shall be made in writing to the General Manager.

It is each Councillor's responsibility to reconcile receipts with the Australian Tax Office for the payment of the allowance.

Financial Implications

Provision has been made in the 2017/2018 Budget for the annual fees payable to the Mayor and Councillors.

Conclusion

Council needs to resolve a position in relation to the level of fees payable to the Mayor and Councillors for the 2017/2018 year.

Recommendation(s)

That Council fix the fees payable to the Mayor and Councillors for the 2017/2018 Financial Year in accordance with the range specified by the Local Government Remuneration Tribunal for the Metropolitan Small Council Category at the maximum.

Attachments

1 [↓](#) Local Government Remuneration Tribunal Report 11 Pages



Industrial Relations

Item 15: Councillor and Mayoral Fees, and the Categorisation of Councils

Councils are advised that councillor and mayoral fees for the 2017/18 financial year need to be adjusted following the Local Government Remuneration Tribunal's review of annual fees.

The Tribunal has awarded an annual fee increase of 2.5 per cent, which is in accordance with the public sector wages policy cap. The increase takes effect from 1 July 2017.

Section 241 of the Local Government Act 1993 (NSW) requires the Tribunal to determine the maximum and minimum amount of fees to be paid to mayors and councillors, as well as chairpersons and members of county councils. In addition, the Tribunal is required to determine the categories of councils under the Act. The level of fees paid to councillors and mayors will depend upon which category the council is placed in.

- The category "Principal City" has been renamed "Principal CBD"
- The category "Major City" has been renamed "Major CBD"
- The category "Metropolitan Major" has been renamed "Metropolitan Large"
- The category "Metropolitan Centre" has been renamed "Metropolitan Medium"
- The category "Metropolitan" has been renamed "Metropolitan Small"
- The two new categories created are called "Regional City" and "Regional Strategic Centre".

Councils should review the Tribunal's determination to find out which category they are in.

Online information
[Remuneration Tribunal Website](#)

Contact
Industrial Officer, LGNSW
Member Services Division
02 9242 4142
member.services@lgnsw.org.au

Ref: R93/0006 BR

ATTACHMENT 1

ITEM 36/17 Local Government Remuneration Tribunal - Fees for Mayor and Councillors.DOC
Local Government Remuneration Tribunal Report

Local
Government
Remuneration
Tribunal

Annual Report
and
Determination

*Annual report and determination under sections 239
and 241 of the Local Government Act 1993*

12 April
2017

[NSW Remuneration Tribunals website](#)

Local Government Remuneration Tribunal

Contents

Contents	1
Executive Summary	2
Categories	2
Fees	3
Section 1 Introduction	4
Section 2 Local Government Reform	4
Update on council amalgamations	4
Amendments to the <i>Local Government Act 1993</i>	5
Section 3 Review of Categories	6
Scope of review	6
Submissions received - categorisation	9
Findings - categorisation	11
Criteria for categories	12
Allocation of council into categories	16
Section 4 Fees	16
Scope of review	16
Submissions received - Fees	17
Findings - Fees	18
Impact of fee increase and new categories	19
Section 5 Other matters	19
Fees for Deputy Mayors	19
Conclusion	20
Section 6 Determinations	21
Determination No. 1- Determination Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2017	21
Table 1: General Purpose Councils - Metropolitan	21
Table 2: General Purpose Councils – Non-Metropolitan	22
Table 3: County Councils	23
Determination No. 2- Determination Pursuant to Section 241 of Fees for Councillors and Mayors	24
Table 4: Fees for General Purpose and County Councils	24

Local Government Remuneration Tribunal

Executive Summary

The Local Government Remuneration Tribunal (the Tribunal) is required to report to the Minister for Local Government by 1 May each year as to its determination of categories and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

Categories

Since the making of the 2016 determination a number of councils have been amalgamated resulting in the creation of 20 new councils. The impact of those structural changes is an overall reduction in the number of councils in NSW from 152 to 128. This significant change has prompted a review of the existing categories and the allocation of councils into each of those categories.

In undertaking the review the Tribunal examined the existing categories, a range of statistical and demographic data and considered the views of councils and Local Government NSW. Having regard to that information the Tribunal has determined a categorisation model which differentiates councils primarily on the basis of their geographic location. Other factors which differentiate councils for the purpose of categorisation include population, the sphere of the council's economic influence and the degree of regional servicing.

In accordance with section 239 of the *Local Government Act 1993* (LG Act) the categories of general purpose councils are determined as follows:

Metropolitan

- Principal CBD
- Major CBD
- Metropolitan Large
- Metropolitan Medium
- Metropolitan Small

Non-metropolitan

- Regional City
- Regional Strategic Area
- Regional Rural
- Rural

Local Government Remuneration Tribunal

The determination provides for the retention of five existing categories (some with new titles) and the creation of two new categories. Each council is allocated into one of the categories based on the criteria outlined on pages 12 to 15 of the report.

Fees

The majority of councils will receive an increase of 2.5 per cent only which is consistent with the government's wages policy. Six existing councils will be eligible for increases of more than 2.5 per cent as those councils have been categorised into a higher or new category on the basis of the revised criteria.

The 20 new councils have been placed in one of the existing or new categories. These 20 councils replaced 44 former councils. The scale of the new councils means that the majority of these new councils will be eligible for fees that are higher than those paid to the former entities. However, the significant reduction in the number of councils from 152 to 128 has resulted in an estimated maximum saving on the overall cost of councillor fees in NSW of approximately \$2.5M.

Local Government Remuneration Tribunal

Section 1 Introduction

1. Section 239 of the LG Act provides for the Tribunal to determine the categories of councils and mayoral offices and to place each council and mayoral office into one of those categories. The categories are to be determined at least once every 3 years.
2. Section 241 of the LG Act provides for the Tribunal to determine, not later than 1 May in each year, for each of the categories determined under section 239, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.
3. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission. The current policy on wages is that public sector wages cannot increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.
4. The Tribunal's determinations take effect from 1 July in each year. The Tribunal's Report and Determination of 2016, made on 29 March 2016, provided a general increase of 2.5 per cent which was consistent with the Government's policy on wages.
5. Since the making of the 2016 determination there has been a reduction in the number of councils in NSW from 152 to 128. In response to this significant change the Tribunal will review the categories and the allocation of each council and mayoral offices into those categories, pursuant to section 239 of the LG Act.

Section 2 Local Government Reform

Update on council amalgamations

6. The NSW Government has been working with local councils since 2011 to create stronger councils and strengthen local communities.
7. On 12 May 2016 the NSW Government announced the formation of 19 new councils. The proclamation of the new Bayside Council occurred on 9 September 2016 following

Local Government Remuneration Tribunal

the conclusion of legal action in the Court of Appeal. This took the total number of new councils created in 2016 to 20.

8. The decision to create new councils follows four years of extensive community and industry consultation and independent research and analysis which found a strong case for reform.
9. Detailed information on the reform process and progress to date can be found on the [Fit for the Future](#) and [Stronger Councils](#) websites.
10. On 14 February 2017, the Government announced that all merged councils in NSW will remain in place and the proposed formation of a further five new councils in Sydney would proceed, subject to the outcome of court proceedings. However, there will be no further regional council mergers.

Amendments to the *Local Government Act 1993*

11. The LG Act was amended in July 2016 to insert sub-clauses (3) and (4) into section 242A to clarify the intent of the impact of the government's wages policy on a determination which may change the category of a council as follows:

242A Tribunal to give effect to declared government policy on remuneration for public sector staff

- (1) *In making a determination, the Remuneration Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 when making or varying awards or orders relating to the conditions of employment of public sector employees.*
- (2) *The policies referred to in subsection (1) do not include any policy that provides for increases in remuneration based on employee-related savings.*
- (3) *This section does not apply to a determination by the Remuneration Tribunal that changes the category of a council or mayoral office (whether or not the effect of the change is to increase the range of amounts payable to the councillors and mayor of a council).*
- (4) *To avoid doubt, this section extends to a determination of the minimum and maximum amounts payable for a category in existence when the determination is made.*

12. The impact of these amendments to the LG Act is outlined in section 4 of this report.

Local Government Remuneration Tribunal

Section 3 Review of Categories

Scope of review

13. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal last reviewed the categories during the 2015 annual review.

14. Since the making of the 2016 determination there has been an overall reduction in the number of councils from 152 to 128. This significant change has prompted a review of the existing categories and the allocation of councils into each of those categories.

15. In determining categories the Tribunal is required to have regard to the following matters that are prescribed in section 240 of the LG Act:

"240 (1)

- the size of areas*
- the physical terrain of areas*
- the population of areas and the distribution of the population*
- the nature and volume of business dealt with by each Council*
- the nature and extent of the development of areas*
- the diversity of communities served*
- the regional, national and international significance of the Council*
- such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government*
- such other matters as may be prescribed by the regulations."*

16. The Tribunal is tasked with determining a categorisation model in which councils with the largest number of features in common can be grouped together for remuneration purposes. This is not straightforward as each council has challenges and issues which are unique.

17. The existing categories group councils primarily on the basis of their geographic location (predominantly metropolitan or rural). Categories are then further differentiated on other factors including population, the sphere of the council's economic influence and the council's degree of regional servicing.

Local Government Remuneration Tribunal

18. The Tribunal reviewed this model having regard to a large amount of statistical material, including population and financial data, demographic indicators and indicators of regional significance. The Tribunal found that while the existing criteria continue to provide an equitable and transparent model by which to differentiate councils for the purposes of determining remuneration, there existed some scope to refine these criteria to address a number of categorisation anomalies and to better reflect the composition of councils post amalgamations.
19. In considering a new model the Tribunal sought to improve consistency and transparency in the determination of categories and the allocation of councils into each of those categories. Having considered the existing and new councils, the Tribunal identified a number of councils that specifically warranted either recategorisation into an existing category or a new category.
20. The current model provides for the councils of Newcastle, Wollongong, Central Coast (former Wyong and Gosford) and Lake Macquarie to be grouped with councils in the Sydney Metropolitan Area. These councils are not located in what is generally defined as the Sydney Metropolitan Area and the categorisation did not adequately reflect their regional status. Having assessed the characteristics of these councils the Tribunal was of the preliminary view that the categories should differentiate metropolitan and non-metropolitan councils. On that basis two new categories were proposed for the regional group to accommodate these councils.
21. In respect of the larger metropolitan councils, amalgamations in the Sydney metropolitan area have resulted in a significant number of councils with populations of greater than 200,000. The 2016 determination provided for the Council of the City of Parramatta to be categorised in the same category (Metropolitan City) as Newcastle and Wollongong City Councils. The proposal to move Newcastle and Wollongong into the non-metropolitan group necessitated a re-think of the categorisation for Parramatta City Council having regard to its status in the metropolitan region. The Tribunal found that Parramatta City Council was significantly differentiated from other large metropolitan councils on the basis of its secondary CBD status as recognised by the State Government. On this basis a new category of Major CBD was proposed for Parramatta City Council.
22. Prior to seeking the views of Local Government NSW (LGNSW) and councils the Tribunal's preliminary view was that most of the existing categories should be retained but there

Local Government Remuneration Tribunal

should also be some new categories to reflect the evolving shape of local government in NSW. The proposed model was as follows:

Metropolitan

- Principal CBD
- Major CBD
- Metropolitan Major
- Metropolitan Centre
- Metropolitan

Regional

- Regional City
- Regional Strategic Centre
- Regional Rural
- Rural

23. To test this model the Tribunal wrote to all mayors in November 2016 advising of the commencement of the 2017 Annual Review. In doing so the Tribunal advised councils of its intention to revise the existing categorisation model following examination of the list of existing and new councils. To assist councils in making their submissions the Tribunal outlined its preliminary thinking on a proposed model for metropolitan and non-metropolitan councils as follows:

“Metropolitan

Five metropolitan categories are proposed. The existing Principal City category is proposed to be retained for Sydney City Council and renamed Principal CBD. Major City is proposed to be abolished and a new category created for Parramatta City Council. The Tribunal’s preliminary thinking is that this category will be titled Major CBD. The existing Metropolitan Major, Metropolitan Centre and Metropolitan categories will be retained for the new and remaining existing councils.....

Non-metropolitan

Four non-metropolitan categories are proposed. A new Regional City category will be created for Newcastle and Wollongong City Councils. A new Regional Strategic Centre category will be created for Central Coast and Lake

Local Government Remuneration Tribunal

Macquarie Councils. The existing Regional Rural and Rural categories will be retained for other new and remaining councils.....

County Councils

The Tribunal does not intend to make any change to the categorisation of county councils and will retain the existing categories of Water and Other.”

24. The Tribunal also outlined its approach to the criteria for categorising councils into the proposed metropolitan and non-metropolitan categories as follows:

“The Tribunal’s 2009 annual determination outlines the characteristics for the existing categories. At this stage the Tribunal intends to adopt a similar approach and will determine descriptors for the proposed categories for the purposes of classifying councils into the categories. Population is likely to remain a determining factor for differentiating categories of councils. The Tribunal will also have regard to the matters prescribed in section 240 of the LG Act.”

25. The Tribunal invited submissions on the proposed categorisation model, criteria for the allocation of councils into the categories, fees for the proposed categories and any other matters.

26. The Tribunal also wrote to the President of LGNSW in similar terms, and subsequently met with the President and Chief Executive of LGNSW. The Tribunal wishes to place on record its appreciation to the President and Chief Executive for meeting with the Tribunal.

Submissions received - categorisation

27. In response to this review the Tribunal received 28 submissions from individual councils and a submission from LGNSW. A summary of the key points is below.

Categorisation

28. Approximately half of the submissions (46 per cent) supported the proposed categories with no variation or supported the proposed categories with variations to titles or the number of categories. The balance of the submissions (54 per cent) did not express a view in respect to the proposed categorisation model.

Local Government Remuneration Tribunal

29. In respect to variations put forward in submissions, the LGNSW requested that the proposed “Major CBD” and “Metropolitan Major” be merged and called “Metropolitan Major” and an additional category be created called “Special/Interim”. The “Metropolitan Major” category would include councils with a population of at least 250,000 and/or that met other specified indicators that set them apart from other metropolitan councils. The “Special/Interim” category would apply on an interim basis to councils that demonstrate special attributes/circumstances that are out of the ordinary, for example high population growth.
30. Council submissions requested additional categories such as a “Metropolitan Growth Centre” or “Metropolitan Major – Growth Centre” for councils dealing with high growth; “Metropolitan Gateway” for councils that connect the regions to metropolitan areas; and “Peri-Urban” for councils that interface between urban and rural areas.

Criteria

31. A number of submissions referred to the criteria provided in section 240 of the LG Act, either noting or stating the criteria remain relevant (18 per cent) or suggesting that additional criteria to those provided in section 240 is required (50 per cent). Other submissions explained how their individual council performed against the section 240 criteria (29 per cent). The balance of the submissions did not express a view in respect to the criteria for categorisation (18 per cent).
32. The LGNSW suggested that the criteria need to be expanded to include a wider range of factors such as the level of disadvantage an area suffers, annual growth rate of an area (relative to population) and expenditure of an area.
33. Council submissions suggested additional criteria such as status as a NSW Evocity; the nature of a council’s business, for example some do not provide water and sewerage services; level of economic activity in a local government area; specific population thresholds; resident/councillor ratio and planning significance in terms of Government targets.
34. Councils were also asked to provide submissions on the matter of fees. Comments relating to fees are outlined in section 4.

Local Government Remuneration Tribunal

Findings - categorisation

35. The Tribunal is appreciative of the number of submissions received and the effort made in those submissions to comment on the proposed categorisation model and to provide further suggestions for consideration. Given the broad support the Tribunal will determine the categories as proposed with a number of minor variations which in part reflect the feedback received.
36. Since seeking the views of councils the Tribunal has reconsidered the titles of the former metropolitan categories being Metropolitan Major, Metropolitan Centre and Metropolitan. The Tribunal found that these titles did not adequately describe the characteristics of the councils in those groups or articulate the difference between them. The Tribunal has determined that the three categories will be retained but that they will be re-titled Metropolitan Large, Metropolitan Medium and Metropolitan Small. The primary determinant for categorisation into these groups will be population.
37. The Tribunal also considers that the title of Regional Strategic Centre is more appropriately titled Regional Strategic Area. The two councils to be categorised into this group are local government areas which represent a large number of townships and communities of varying scale.
38. The revised model which will form the basis of this determination is as follows:

Metropolitan

- Principal CBD
- Major CBD
- Metropolitan Large
- Metropolitan Medium
- Metropolitan Small

Non-metropolitan

- Regional City
- Regional Strategic Area
- Regional Rural
- Rural

39. The criteria for each of the categories are outlined below. As with the previous categories the predominant factor to guide categorisation is population. Other common features of councils within those categories are also broadly described. These criteria

Local Government Remuneration Tribunal

have relevance when population alone does adequately reflect the status of one council compared to others with similar characteristics. In some instances the additional criteria will be significant enough to warrant the categorisation of a council into a group with a higher population threshold.

40. There is no significant change to the categorisation of county councils. A proclamation was published in the NSW Government Gazette No 52 of 22 June 2016 dissolving the Richmond River County Council and Far North Coast and the transferring their functions and operations to Rous County Council with effect 1 July 2016. County councils continue to be categorised on the basis of whether they undertake water and/or sewerage functions or administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Noxious Weeds Act 1993*.

Criteria for categories

The following criteria will apply to each of the categories:

Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

Local Government Remuneration Tribunal

Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As an secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety has been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum population of 200,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

Local Government Remuneration Tribunal

Metropolitan Medium

Councils categorised as Metropolitan Medium will typically have a minimum population of 100,000.

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

Metropolitan Small

Councils categorised as Metropolitan Small will typically have a population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

Regional City

Councils categorised as Regional City will typically have a population above 150,000. These councils are metropolitan in nature with major residential, commercial and industrial areas. These Councils typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development.

These councils provide a full range of higher order services and activities along with arts, culture, recreation and entertainment facilities to service the wider community and broader region. These councils typically also contain ventures which have a broader State and national focus which impact upon the operations of the council.

Newcastle City Council and Wollongong City Councils are categorised as Regional City.

Local Government Remuneration Tribunal

Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Rural category on the basis of their significant population. Councils categorised as Regional Strategic Area will typically have a population above 200,000. These councils contain a mix of urban and rural settlements. They provide a range of services and activities including business, office and retail uses, along with arts, culture, recreation and entertainment facilities to service the wider community. These councils host tertiary education campuses and health facilities.

While councils categorised as Regional Strategic Area may have populations which exceed those of Regional City, they would not typically provide the same range of regional services or have an equivalent sphere of economic influence.

Central Coast Council and Lake Macquarie Council are categorised as Regional Strategic Area.

Regional Rural

Councils categorised as Regional Rural will typically have a minimum population of 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- a major town or towns with the largest commercial component of any location in the surrounding area
- a significant urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages or may be located on or close to the coast with high levels of population and tourist facilities
- provide a full range of higher-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- regional services to the wider community through principal referral hospitals, tertiary education services and major regional airports
- these councils may also attract large visitor numbers to established tourism ventures.

Rural

Councils categorised as Rural will typically have a population below 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

County Councils - Water

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

County Councils - Other

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Noxious Weeds Act 1993*.

Local Government Remuneration Tribunal

41. These criteria will be included in future determinations as an appendix to ensure they are readily accessible.

Allocation of council into categories

42. In accordance with section 239 of the LG Act the Tribunal is required to allocate each of the councils into one of the categories. The allocation of councils is outlined in the determination under section 6.
43. In determining the allocation of councils into these categories the Tribunal found that there were certain councils that could warrant categorisation into another category based on additional criteria. The Tribunal notes that a number of metropolitan and non-metropolitan councils have or are expected to experience significant development and population growth in the future. A number of these local government areas have been identified in the State Government's key planning strategies and include Camden and The Hills councils. The Tribunal acknowledges the additional responsibilities these and other councils may face now and in the future, however for the initial categorisation these councils have been categorised primarily on the basis of their population. The Tribunal will continue to monitor these and other councils to determine the appropriateness of the allocation of councils and the categorisation model for future determinations.

Section 4 Fees

Scope of review

44. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 (IR Act), when making or varying awards or orders relating to the conditions of employment of public sector employees.
45. The current policy on wages pursuant to section 146C(1)(a) of the IR Act is articulated in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2014 (the Regulation). The effect of the Regulation is that public sector wages cannot increase by

Local Government Remuneration Tribunal

more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.

46. The LG Act was amended in July 2016 to insert sub-clauses (3) and (4) into section 242A to clarify the intent of the impact of the government's wages policy on a determination which may change the category of a council as follows:

242A Tribunal to give effect to declared government policy on remuneration for public sector staff

(1) In making a determination, the Remuneration Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 when making or varying awards or orders relating to the conditions of employment of public sector employees.

(2) The policies referred to in subsection (1) do not include any policy that provides for increases in remuneration based on employee-related savings.

(3) This section does not apply to a determination by the Remuneration Tribunal that changes the category of a council or mayoral office (whether or not the effect of the change is to increase the range of amounts payable to the councillors and mayor of a council).

(4) To avoid doubt, this section extends to a determination of the minimum and maximum amounts payable for a category in existence when the determination is made.

47. Those amendments make clear that the minimum and maximum fees applicable to the existing categories cannot be increased by more than 2.5 per cent. The Tribunal is however able to determine that a council can be placed in another existing or a new category with a higher range of fees without breaching the government's wage policy. These changes provided the Tribunal with greater flexibility in reviewing fees for existing and new councils.

Submissions received - Fees

48. A number of submissions supported an increase in fees either by no less than 2.5 per cent or by an unspecified amount (25 per cent of responses). Several submissions suggested an alternative fee model (11 per cent) or made other general comments (29 per cent). The balance of submissions did not express a view in respect to fees (36 per cent).

Local Government Remuneration Tribunal

49. The LGNSW submitted that the Tribunal must increase fees by no less than 2.5 per cent being of the view that fees have already fallen behind comparable roles. Also, that the fee structure fails to recognise the work of councillors and is often inadequate to attract and retain people with the necessary skills and expertise. The LGNSW also made reference to the changes to the LG Act that have expanded the role of the governing body (section 223) and mayors and councillors (sections 226 and 232). These points were also put forward in several council submissions along with requests that fees account for additional duties performed as members of a joint organisation.
50. In respect to alternative fee models several councils requested the Tribunal to consider a fee model similar to those applying to local governments in Victoria or Queensland; that fees are calculated as a percentage of the salary payable to members of the NSW Parliament; or that fees be benchmarked against the remuneration for the Principal CBD category.

Findings - Fees

51. The Tribunal is required to have regard to the Government's wages policy when determining the increase to apply to the maximum and minimum fees that apply to councillors and mayors. The public sector wages policy currently provides for a cap on increases of 2.5 per cent.
52. The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and had regard to budgetary limitations imposed by the Government's policy of rate pegging, and finds that the full increase of 2.5 per cent is warranted. The 2.5 per cent increase will apply to the minimum and the maximum of the ranges for all existing categories.
53. The new categories have their remuneration ranges determined for the first time in this determination. As an initial determination the ranges for the new categories are not subject to the wages policy, however any future increase will be impacted in accordance with section 242A(4) of the LG Act.
54. The minimum and maximum fees for the new categories have been determined having regard to the relativities that exist between the existing groups.
55. For the category of Major CBD the maximum councillor fee is set at approximately 85 per cent of maximum councillor fee for Principal CBD. The maximum mayoral fee is set at

Local Government Remuneration Tribunal

approximately 50 per cent of the maximum mayoral fee for Principal CBD. The minimum fees for both councillors and mayors are set at the same as that determined for the Metropolitan Large.

56. For the category of Regional City the maximum councillor fee is set at approximately 80 per cent of maximum councillor fee for Principal CBD. The maximum mayoral fee is set at approximately 45 per cent of the maximum mayoral fee for Principal CBD. The minimum fees for both councillors and mayors are set at the same as that determined for the Regional Strategic Area.
57. The minimum and maximum fees payable to the category of Regional Strategic Area will be the same as those payable to Metropolitan Large.

Impact of fee increase and new categories

58. The majority of councils will receive an increase of 2.5 per cent only.
59. Six councils will be eligible for increases of more than 2.5 per cent as those councils have been categorised into a higher or new category on the basis of the revised criteria.
60. The twenty new councils have been placed in one of the existing or new categories. These twenty councils replaced forty-four former councils. The scale of the new councils means that the majority of these new councils will be eligible for fees that are higher than those paid to the former entities. However, the significant reduction in the number of councils from 152 to 128 has resulted in an estimated maximum saving on the overall cost of councillor fees in NSW of approximately \$2.5M.

Section 5 Other matters

Fees for Deputy Mayors

61. Several council submissions requested that the Tribunal review the remuneration payable to Deputy Mayors (14 per cent). It was suggested that the remuneration be increased to reflect the additional duties undertaken or that elected deputy mayors receive an allowance based on a percentage of the councillor fee.
62. Councils have raised the matter of separate fees for Deputy Mayors on previous occasions and the Tribunal notes that it has previously determined that there is no provision in the

Local Government Remuneration Tribunal

LG Act to empower the Tribunal to determine a separate fee or fee increase for Deputy Mayors. The method for determining separate fees, if any, for a Deputy Mayor are provided in section 249 of the LG Act as follows:

249 Fixing and payment of annual fees for the mayor

- (1) *A council must pay the mayor an annual fee.*
- (2) *The annual fee must be paid in addition to the fee paid to the mayor as a councillor.*
- (3) *A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- (4) *A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*
- (5) *A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee."*

Conclusion

63. The Tribunal's determinations have been made with the assistance of the two Assessors - Mr Ian Reynolds and Mr Tim Hurst. The allocation of councils into each of the categories, pursuant to section 239 of the LG Act, is outlined in Determination No. 1. The maximum and minimum fees paid to councillors and mayors and members and chairpersons of county councils, pursuant to section 241 of the LG Act, is outlined in Determination No. 2.

64. On 14 February 2017, the Government announced that the proposed formation of a further five new councils in Sydney would proceed, subject to the outcome of court proceedings.

65. The Tribunal may need to consider the categorisation of further new councils following the conclusion of legal action. Should this occur prior to the making of the 2018 determination the Minister may direct the Tribunal to make a special determination(s) in accordance with section 242 of the LG Act.

The Local Government Remuneration Tribunal

Signed

Dr Robert Lang

Dated: 12 April 2017

Local Government Remuneration Tribunal

Section 6 Determinations

**Determination No. 1- Determination Pursuant to Section 239 of
Categories of Councils and County Councils Effective From 1 July 2017****Table 1: General Purpose Councils - Metropolitan**

Principal CBD (1)	Major CBD (1)
Sydney	Parramatta

Metropolitan Large (8)	Metropolitan Medium (9)
Blacktown	Bayside
Canterbury-Bankstown	Campbelltown
Cumberland	Georges River
Fairfield	Hornsby
Liverpool	Ku-ring-gai
Northern Beaches	Inner West
Penrith	Randwick
Sutherland	Ryde
	The Hills

Metropolitan Small (11)
Burwood
Camden
Canada Bay
Hunters Hill
Lane Cove
Mosman
North Sydney
Strathfield
Waverley
Willoughby
Woollahra

ATTACHMENT 1

**ITEM 36/17 Local Government Remuneration Tribunal - Fees for Mayor and Councillors.DOC
Local Government Remuneration Tribunal Report**

Local Government Remuneration Tribunal

Table 2: General Purpose Councils – Non-Metropolitan

Regional City (2)	Regional Strategic Area (2)	
Newcastle	Central Coast	
Wollongong	Lake Macquarie	

Regional Rural (37)	Rural (57)	
Albury	Balranald	Kyogle
Armidale	Bellingen	Lachlan
Ballina	Berrigan	Leeton
Bathurst	Bland	Liverpool Plains
Bega	Blayney	Lockhart
Blue Mountains	Bogan	Moree Plains
Broken Hill	Bourke	Murray River
Byron	Brewarrina	Murrumbidgee
Cessnock	Cabonne	Muswellbrook
Clarence Valley	Carrathool	Nambucca
Coffs Harbour	Central Darling	Narrabri
Dubbo	Cobar	Narrandera
Eurobodalla	Coolamon	Narromine
Goulburn Mulwaree	Coonamble	Oberon
Griffith	Cootamundra-Gundagai	Parkes
Hawkesbury	Cowra	Snowy Valleys
Kempsey	Dungog	Temora
Kiama	Edward River	Tenterfield
Lismore	Federation	Upper Hunter
Lithgow	Forbes	Upper Lachlan
Maitland	Gilgandra	Uralla
Mid-Coast	Glen Innes Severn	Walcha
Mid-Western	Greater Hume	Walgett
Orange	Gunnedah	Warren
Port Macquarie-Hastings	Gwydir	Warrumbungle
Port Stephens	Hay	Weddin
Queanbeyan-Palerang	Hilltops	Wentworth
Richmond Valley	Inverell	Yass
Shellharbour	Junee	
Shoalhaven		
Singleton		
Snowy Monaro		
Tamworth		
Tweed		
Wagga Wagga		
Wingecarribee		
Wollondilly		

ATTACHMENT 1

Local Government Remuneration Tribunal

Table 3: County Councils

Water (5)	Other (7)
Central Tablelands	Castlereagh-Macquarie
Goldenfields Water	Central Murray
Mid-Coast	Hawkesbury River
Riverina Water	New England Tablelands
Rous	Southern Slopes
	Upper Hunter
	Upper Macquarie

ATTACHMENT 1

ITEM 36/17 Local Government Remuneration Tribunal - Fees for Mayor and Councillors.DOC
Local Government Remuneration Tribunal Report

Local Government Remuneration Tribunal

Determination No. 2- Determination Pursuant to Section 241 of Fees for Councillors and Mayors

Pursuant to s.241 of the *Local Government Act 1993*, the annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2017 are determined as follows:

Table 4: Fees for General Purpose and County Councils

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils – Metropolitan	Principal CBD	26,310	38,580	160,960	211,790
	Major CBD	17,540	32,500	37,270	105,000
	Metropolitan Large	17,540	28,950	37,270	84,330
	Metropolitan Medium	13,150	24,550	27,940	65,230
	Metropolitan Small	8,750	19,310	18,630	42,120
General Purpose Councils – Non-metropolitan	Regional City	17,540	30,500	37,270	95,000
	Regional Strategic Area	17,540	28,950	37,270	84,330
	Regional Rural	8,750	19,310	18,630	42,120
	Rural	8,750	11,570	9,310	25,250
County Councils	Water	1,740	9,650	3,730	15,850
	Other	1,740	5,770	3,730	10,530

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

The Local Government Remuneration Tribunal

Signed

Dr Robert Lang

Dated: 12 April 2017

ATTACHMENT 1

ITEM 36/17 Local Government Remuneration Tribunal - Fees for Mayor and Councillors.DOC
Local Government Remuneration Tribunal Report

(ITEM 37/17) ADOPTION - DISABILITY INCLUSION ACTION PLAN 2017 - 2021

File No: 17/27151

REPORT BY DEPUTY GENERAL MANAGER, CORPORATE, GOVERNANCE & COMMUNITY

Summary

Burwood Council is required by the *NSW Disability Inclusion Act 2014 (DIA)* to undertake disability inclusion action planning. This planning plays a critical role in identifying and delivering practical measures to transform intent into action for people with a disability. The Disability Inclusion Action Plan 2017 – 2021 (the Plan) incorporates achievable actions that Council can undertake over the next four years to meet its obligations under the DIA. The Plan supersedes the Disability Access Plan 2014-2017.

Background

The development and adoption of a Disability Inclusion Action Plan is a legislative requirement under the *NSW Disability Inclusion Act 2014*. All Councils are required to develop a plan by 1 July 2017.

Proposal

The aim of the Plan is to provide clear direction to Council on actions required to make the Burwood Local Government Area a more liveable, accessible and inclusive place for people with a disability. This is a broader approach than the previous Disability Access Plan 2014-2017 which focused on providing physical access to public spaces and access to information. The new Plan incorporates these elements and additionally focuses on creating a liveable community, supporting access to meaningful employment, developing positive community attitudes towards people with a disability and assisting people with a disability to integrate into existing activities and public spaces through inclusive policies and procedures.

The Community Development Team will monitor the progress of the Plan and develop an annual progress report to Council.

Consultation

The Plan was developed by CRED Consulting in conjunction with Council's Community Development Team. CRED undertook community and stakeholder consultation, including people with a disability and their carers and local disability services and networks. CRED also undertook background research and consultation with internal stakeholders and the strategies and actions were developed in collaboration with staff.

Just to note, CRED Consulting undertook a similar process in the development of Canada Bay Council's Disability Inclusion Action Plan. Part of the brief given to CRED was to ensure that both plans were aligned in the event of a potential merger under the current State Government reform agenda.

Planning or Policy Implications

The Plan supersedes the Disability Access Plan 2014-2017.

Financial Implications

All actions contained within the Plan are either incorporated into existing Council budgets for 2017-2018, do not require funding, are subject to external funding applications, or may be the subject of a future budget submission.

Options

Council may choose to either:

- a. adopt the *Disability Inclusion Action Plan 2017–2021*
- b. not adopt the *Disability Inclusion Action Plan 2017–2021*
- c. put the *Disability Inclusion Action Plan 2017–2021* out for public comment for a period of time before adoption

Option A is the preferred outcome as this meets the requirements of having in place an adopted plan by 1 July 2017 as per the *NSW Disability Inclusion Act 2014*. The community has been consulted throughout the development of the Plan, thereby reducing the need for public viewing prior to adoption.

Conclusion

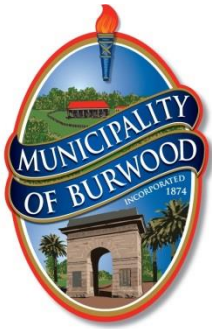
The Plan has been developed in consultation with a wide range of internal and external stakeholders and meets Council requirements under the *NSW Disability Inclusion Act 2014*. The Plan details achievable and measurable outcomes that will assist people with a disability in the Burwood Local Government Area to lead more inclusive and participatory lives.

Recommendation(s)

That Council adopts the *Disability Inclusion Action Plan 2017–2021*.

Attachments

- 1 [↓](#) Disability Inclusion Action Plan 2017 - 2021 Final Draft



Burwood Council

heritage ■ progress ■ pride

DRAFT - DISABILITY INCLUSION ACTION PLAN 2017- 2021

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ITEM 37/17 Adoption - Disability Inclusion Action Plan 2017 - 2021.DOC
Disability Inclusion Action Plan 2017 - 2021 Final Draft

Acknowledgements

Burwood Council thanks all those residents, disability services, community groups and Council staff who committed their time to provide their input into the development of the Burwood Council Disability Inclusion Action Plan 2017 to 2021.

ATTACHMENT 1

ITEM 37/17 Adoption - Disability Inclusion Action Plan 2017 - 2021.DOC Disability Inclusion Action Plan 2017 - 2021 Final Draft

Message from the Mayor

I am pleased to present the Burwood Council Disability Inclusion Action Plan 2017 – 2021. The Plan details the strategies and actions that Council will take to make Burwood a more inclusive place for people with disability. It represents Council's commitment to identifying and breaking down the barriers which prevent those people with disability from enjoying the same opportunities and choices as everyone else in the Burwood Local Government Area (LGA).

It is our aim to make Burwood an inclusive and accessible LGA for everyone. We will work together to make it a place to provide opportunities for people with disability to enable full participation in community life.

The Strategies and actions identified in this Plan will be a part of Council's integrated planning and reporting for all Council services and within all Council business.

Council thanks everyone who contributed to the development of the Plan and we will work with our community to deliver the actions over the next four years.

John Faker
Mayor of Burwood

About this Plan

Background

Local Government is required by the *NSW Disability Inclusion Act 2014* (DIA) to undertake disability inclusion action planning. Disability inclusion action planning plays a critical role in identifying and delivering on practical measures to transform intent into action by Local Government. The *NSW Disability Inclusion Act 2014*:

- requires NSW public authorities to develop Disability Inclusion Action Plans (DIAP). Action plans will outline how NSW public authorities will make mainstream services and community facilities more accessible to people with disability, helping to build more inclusive communities in NSW
- makes it clear that people with disability have the same human rights as other people and promotes the inclusion of people with disability by requiring government departments and local councils to engage in disability inclusion action planning

This is Burwood Council's first DIAP under the Act. However, Council adopted its first Disability Discrimination Action Plan (DDA) in August 2001. The DDA was a founding document, guiding Council in relation to access and inclusion for people with a disability in Burwood. It was subsequently updated in 2007 and 2014.

What's in the Plan?

In this document, we explain the work that we have been doing and what we are planning to do next.

The Plan:

- outlines the policy and legislative context around disability inclusion in Burwood
- describes the Burwood area, its community, people with disability, carers and services in Burwood
- summarises community consultation outcomes completed to inform this Plan
- provides strategies and actions for Council to address barriers and discrimination and to work towards a more inclusive and accessible community in Burwood.

Developing the Plan

Developing the DIAP involved the following steps and activities:

- Community consultation, including:
 - focus group discussions with people with a disability
 - interviews with service providers located in, or servicing, the Burwood LGA
 - online and intercept surveys with residents and services
 - consultation with internal staff to identify opportunities, strategies and actions to address issues identified during the consultation and review processes
- Review of Council's commitments in the Disability Access Plan 2014-2017
- Analysis of disability in the Burwood LGA and the policy and legislative context around disability.

ATTACHMENT 1

ITEM 37/17 Adoption - Disability Inclusion Action Plan 2017 - 2021.DOC Disability Inclusion Action Plan 2017 - 2021 Final Draft

Burwood2030 – Our Plan Our Future

The Strategies and Actions in this DIAP align with Council’s Community Strategic Plan Burwood2030. Burwood2030 outlines a 20 year plan which will provide a blueprint for Council’s activities and set clear directions for the future of Burwood. The Strategic Plan outlines the community’s vision and aspirations for the area into the future. The community’s long term vision for Burwood is:

“A well connected, sustainable and safe community that embraces and celebrates its diversity”

An important part of the Burwood2030 is making sure that people with disability are included in our community. The plan is based in social justice principles of equity, access, participation and rights.¹



The Community Strategic Plan has strategic goals under five key themes:

A Sense of Community	<ul style="list-style-type: none"> 1.1 A safe community for residents, workers and visitors 1.2 High quality activities, facilities and services 1.3 A well informed, supported and engaged community 1.4 A community that celebrates diversity 1.5 A sense of community pride 1.6 Improved interactions between young and older people
Leadership through Innovation	<ul style="list-style-type: none"> 2.1 Community confidence in Council’s decision making 2.2 Strong partnerships to benefit the community 2.3 Responsible employer of choice 2.4 Ensure Burwood Council is financially sustainable 2.5 Efficient, effective customer focused services

¹ (Equity – involving fairness in decision making, prioritising and allocation of resources, particularly for those in need.

Access – having fair access to services, resources and opportunities to improve quality of life.

Participation – maximise opportunities to genuinely participate in decision making

Rights – equal rights established and promoted, with opportunities provided for people from diverse linguistic, cultural and religious backgrounds to participate in community life.)

ATTACHMENT 1

ITEM 37/17 Adoption - Disability Inclusion Action Plan 2017 - 2021.DOC
Disability Inclusion Action Plan 2017 - 2021 Final Draft

A Sustainable Natural Environment	3.1 Maintain and enhance open green spaces and streetscapes 3.2 Improve waste management 3.3 Educate the community on sustainable practices 3.4 Leadership in environmental sustainability
Accessible Services and Facilities	4.1 Effective traffic management and adequate parking provision 4.2 Accessible services and facilities that are well utilised 4.3 Safe facilities and services 4.4 Encourage active and healthy lives 4.5 Vibrant and clean streetscape 4.6 Minimise risk and ensure continuity of critical business functions
A Vibrant Economic Community	5.1 Support and manage Burwood’s major centre status 5.2 Support small business 5.3 Increase employment and training opportunities 5.4 Economic centre growth and preserved residential areas

DIAP Focus Areas

The NSW DIAP identifies four Focus Areas, nominated by people with disability, as being of primary importance in creating an inclusive community. Council’s Disability Inclusion Strategies and Actions are aligned to these Focus Areas.



Definitions

The *NSW Disability Inclusion Act 2014* defines disability as “a long-term physical, psychiatric, intellectual or sensory impairment that, in interaction with various barriers, may hinder the person’s full and effective participation in the community on an equal basis with others”. This is a similar definition of disability as used in the UN Convention. The definition recognises that disability results from barriers in society that prevent or limit inclusion. Disability is not just about the individual or their impairment. The onus to break down barriers rests with the whole community.

It is essential to consider the diversity of people with disability in action planning for inclusion. ‘People with disability’ does not refer to a readily identifiable group, but to a wider community who may need support to fully participate in society, whether temporarily or throughout their lives. This might include, for instance, people with changing abilities due to ageing, people with a temporary illness or injury that affects their ability to participate, children with disability, Aboriginal and Torres Strait Islander people with disability, or people with disability from culturally and linguistically diverse backgrounds.

Discrimination

■ The 2015 Survey of Disability Ageing and Carers introduced a new disability discrimination module designed to estimate the prevalence of discrimination for those with disability and identify the nature of this discrimination. Included in this publication is information about Australians with disability who were living in households, aged 15 years and over, and their experience in the last 12 months with discrimination because of their disability.

In 2015:

- almost one in 12 Australians with disability (281,100 people or 8.6%) reported they had experienced discrimination or unfair treatment because of their disability
- young people with disability (aged 15 to 24 years) were more likely to report the experience of discrimination (20.5%) than those aged 65 years and over (2.1%)
- over one-third (35.1%) of women and over one-quarter (28.1%) of men aged 15 years and over had avoided situations because of their disability

Legislation

Council’s role in planning and supporting people with disability is governed by a range of International, Federal, and State legislation and standards.

International

United Nations Convention on the Rights of Persons with Disabilities (CRPD)

The *United Nations Convention on the Rights of Persons with Disability* is intended to protect the rights and dignity of persons with disabilities. The Convention works from the social model of disability, and has served as the major catalyst in the global transition from viewing people with disability as objects of charity, medical treatment and social protection to respecting people with disability as full and equal members of society, with human rights. It is the only UN human rights instrument with an explicit sustainable development dimension.

National

National Disability Insurance Scheme

The *National Disability Insurance Scheme* (NDIS) is the new way of providing individualised support for people with disability, their families and carers. The NDIS changes Australia's disability sector from a government block funded model to individual funding models based on a person's support needs.

Disability Discrimination Act 1992

The Commonwealth *Disability Discrimination Act 1992* (DDA) provides protection for everyone in Australia against discrimination based on disability. It encourages everyone to be involved in implementing the DDA and to share in the overall benefits to the community and the economy that flow from participation by the widest range of people.

Disability Access to Premises Standards 2010

Access requirements relating to buildings are covered by the Building Code of Australia (BCA) and Australian Standard 1428 (AS1428). In 2001, the Federal Government tasked the Australian Building Codes Board to develop Premises Standards through amendments to the BCA. These standards form one part of the Australian Government's 10-year National Disability Strategy.

The objectives of the Premises Standards are to:

- a. ensure that dignified, equitable, cost-effective and reasonably achievable access to buildings, and facilities and services within buildings, is provided for people with a disability
- b. give certainty to building certifiers, building developers and building managers that, if access to buildings is provided in accordance with these Standards, the provision of that access, to the extent covered by these Standards, will not be unlawful under the Act

The Premises Standards apply to all new buildings, renovation works on existing buildings requiring Council approval or change of use of buildings in specified classes.

State

Disability Inclusion Act 2014

The *NSW Disability Inclusion Act 2014* commits NSW Government departments, local councils and other public authorities to work to make communities more inclusive and accessible for people with disability. The Act requires all local government organisations to produce a *Disability Inclusion Action Plan* (DIAP) by 1 July 2017 setting out measures enabling people with a disability to access general support and services and fully participate in the community. The *NSW Disability Inclusion Plan* has NSW Government objectives of working towards:

- The development of positive community attitudes and behaviours towards people with disability.
- The creation of more liveable communities for people with disability.
- The achievement of a higher rate of meaningful employment participation by people with disability, and through inclusive employment practices.
- More equitable access to mainstream services for people with disability through better systems and processes.

Stronger Together

Stronger Together is the NSW Government's plan to make the specialist disability service system more responsive to the needs of people with a disability and their families and carers. It sets out a 10-year plan to provide more services in more flexible ways to better support people with a disability and their families and carers. Stronger Together established five reform directions:

- making access fairer and more transparent
- helping people to remain in their own home
- linking services to need
- expanding options for people living in specialist support services
- creating a sustainable support system

Local Government Act 1993

This Act provides the legal framework for local government to ensure that it is accountable to the community, for example for engagement and sound decision-making relating to disability inclusion.

Carers (Recognition) Act 2010 NSW

This Act provides recognition of carers and the role that carers play in providing daily care and support to people with a disability, medical conditions or who are frail aged.

Burwood Council

Local Environment Plan (LEP) and Development Control Plan (DCP)

In accordance with Section 79C of the *Environmental Planning and Assessment Act 1979*, Burwood Council as the consent authority is required to take into consideration the relevant provisions of any Development Control Plan (DCP) in determining an application for development that requires consent in the Burwood LGA as established in an applicable environmental planning instrument. In most cases this will be the Burwood Local Environmental Plan 2012 but also may be a State Environmental Planning Policy (SEPP).

The DCP was adopted by Burwood Council on 12 February 2013 and came into effect on 1 March 2013. Within the DCP is a section on Access and Mobility, whose objective is to ensure that development is designed to facilitate access by the whole community.

Both planning instruments have the potential to impact on the well-being of people with a disability, in particular the ability of people to move freely around built environment.

What does this mean?

There is a major shift in policy and planning away from disability specific actions to creating more inclusive places for people with disability. The main change that will impact on service delivery under the NDIS is that service providers will no longer receive block funding from the government.

The individualised funding model gives people with disabilities choice and control over how they will be supported.

This means:

- small not-for-profit disability providers may not survive the transition to NDIS, losing block funding for programs and therefore funds that cover existing administration and overhead operating costs

ATTACHMENT 1

ITEM 37/17 Adoption - Disability Inclusion Action Plan 2017 - 2021.DOC

Disability Inclusion Action Plan 2017 - 2021 Final Draft

- there is likely to be an increasing number of people with disability socialising and recreating in generalist spaces and programs such as parks and libraries
- the disability sector expects to see commercial and private competitors enter the market of disability support services. Overall this is regarded as a benefit to the sector as it will make the market more competitive, and has the potential to improve the quality of services delivered
- the continuation of state government funding towards disability related programs including Council's Volunteer Network is not guaranteed

About Burwood

The Burwood Local Government Area is located about 12 kilometres from the Sydney CBD and is situated in the heart of the Sydney Inner West. Burwood Council area encompasses the suburbs of Burwood, Burwood Heights and Enfield, and parts of Croydon, Croydon Park and Strathfield.

Burwood LGA is 7.26 sq. kms in size. The suburb of Burwood is identified as a Major Centre by the NSW State Government in the Metropolitan Strategy, which highlights its strategic importance within the Sydney metropolitan area. Burwood is a mixed residential and commercial area and plays an important role as a strong economic hub with a range of retail outlets, transport, services and facilities².

Population

Burwood's population has a higher proportion of older people aged over 60 than Greater Sydney (19.1% compared to 18.0%), and a higher proportion of tertiary education age and young workforce age people 18 to 34 (31.6% compared to 24.9%). However, Burwood has a lower proportion of children aged 0 to 17 years than Greater Sydney (18.2% compared to 22.9%).

Burwood's population is culturally diverse with 59% of the population speaking a language other than English at home. The five most commonly spoken languages other than English are Mandarin, Cantonese, Italian, Korean and Arabic. Aboriginal and Torres Strait Islander people make up 0.4% of the Burwood population.

The average household income in the 2011 census for the Burwood LGA was \$1,310 per week which represented an increase of 22.3% since 2006. The majority of people working in Burwood were employed in health care and social assistance (17%), followed by professional services (13.6%), retail (13.3%) and education and training (12.5%). The unemployment rate at the time of the 2011 census was 6.8%.

Burwood at a glance

Area	7.26 square kilometres
Distance from Sydney CBD	12 km
Estimated residential population (2016)	36,505 people
Average household size	2.80
Proportion of families with children	45%
Proportion aged over 65	18%
People speaking a language other than English at home	59%
Aboriginal and Torres Strait Islander people	0.4%
Unemployment rate	6.8%

² Burwood 2030 Community Strategic Plan

ATTACHMENT 1

ITEM 37/17 Adoption - Disability Inclusion Action Plan 2017 - 2021.DOC Disability Inclusion Action Plan 2017 - 2021 Final Draft

Median household income (\$/weekly)	\$1,310
Total businesses	3,789 people
Proportion of population in volunteer work	13%
People with a disability	Around 18.5% or 6,680 people
People needing assistance with core activities	5.2% or 1,683 people
Carers in the community	2,976 people

Future growth

The Department of Environment and Planning forecast population for Burwood LGA in 2036 is 57,500 people, in 20,750 households. This is an increase of 20,995 people on 2016 levels, and 36% growth.

The average household size is forecast to be 2.66 people per household (2.80 currently).

Significant growth is forecast in particularly for the Burwood Town Centre. This has a number of implications for Council including:

- increased pedestrian activity in the Burwood Town Centre, with an increased need for wide footpaths for people with difficulty walking and wheelchair users
- leveraging increased affordable and adaptable housing through increased development
- improving wayfinding and signage so that increasingly diverse populations can find their way around

Disability Snapshot

National

Population

The Australian Bureau of Statistics' Survey of Ageing, Disability and Carers (2015) provides some recent data about disability in Australia. In this survey, a person has disability if they report they have a limitation, restriction or impairment, which has lasted, or is likely to last, for at least six months and restricts everyday activities.

In 2015:

- almost one in five Australians reported living with disability (18.3% or 4.3 million people)
- The majority (78.5%) of people with disability reported a physical condition, such as back problems, as their main long-term health condition. The other 21.5% reported mental and behavioural disorders
- more than half of those with disability aged 15 to 64 years participated in the labour force (53.4%), which is considerably fewer than those without disability (83.2%). These results are consistent with those in the 2012 SDAC
- while the proportion of older Australians has increased, the prevalence of disability amongst them has decreased. In 2015, 50.7% of older people were living with disability, down from 52.7% in 2012

Carers

■ In 2015, almost 2.7 million Australians were carers (11.6%), with 856,100 people (3.7%) aged 15 years and over identified as primary carers. These patterns were similar to those in 2009 and 2012.

In 2015:

- the average age of a primary carer was 55 years
- over one-third of primary carers (37.8%) were living with disability themselves
- females made up the majority of carers, representing 68.1% of primary carers and 55.5% of all carers
- for people aged 15 to 64 years, the labour force participation rate for primary carers (56.3%) and other carers (77.2%) was lower than for non-carers (80.3%)

Disability in culturally diverse communities

The National Ethnic Disability Alliance (NEDA) is the national peak organisation representing the rights and interests of people living with disability, their families and carers, from culturally and linguistically diverse (CaLD) and non-English speaking backgrounds (NESB).

NEDA notes that one in every four people with disability is a person from a first or second generation non-English speaking background, representing approximately 1 million people across Australia. People from NESB with disability are less likely to access support services than people with disability born in English speaking countries.

Disability and caring in Burwood

Many people with disability live in the Burwood LGA. People with disability including those who have a long-term impairment that is:

- Physical
- Mental
- Intellectual
- Sensory

We know that there are around 6,680 people with disability living in the Burwood LGA (using the disability prevalence rate from the SADC 2015) or around 18.3% of the population. The 2011 Census also showed that 5.2% of the Burwood population (1,683 people) needed assistance with core activities, that is, had a severe impairment. This is higher than the Inner West area (4.3%) and Greater Sydney (4.4%). Burwood had a lower proportion of children, young people and adults with disability than the Inner West and Greater Sydney, but a higher proportion of older people aged 60 and over with disability.

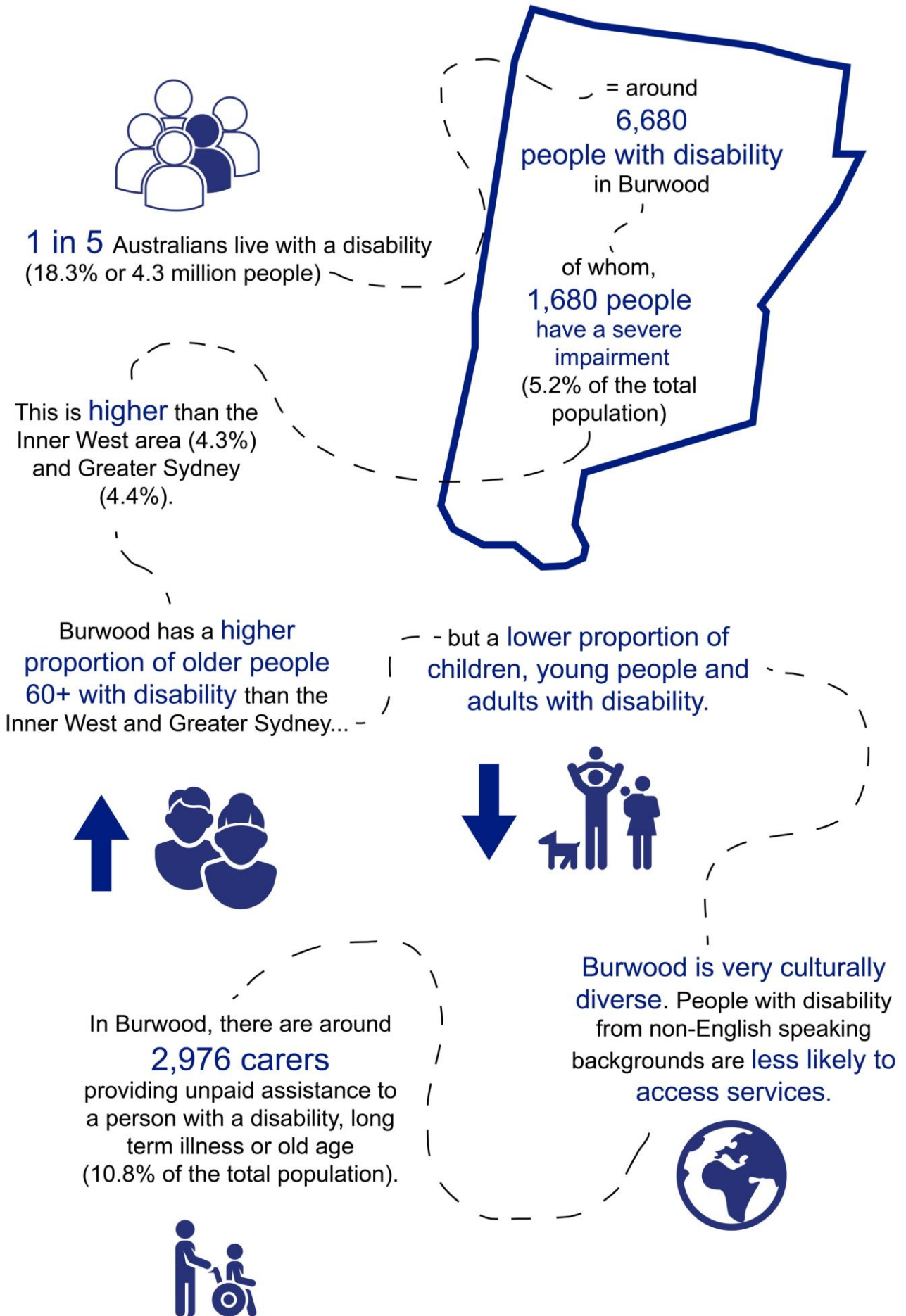
Around 2,976 people or 10.8% of people in Burwood provide unpaid assistance to a person with a disability, long term illness or old age. This is similar to the Inner West (10.3%) and Greater Sydney (10.8%).

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ITEM 37/17 Adoption - Disability Inclusion Action Plan 2017 - 2021.DOC

Disability Inclusion Action Plan 2017 - 2021 Final Draft

Burwood Council area - Persons 2011 (Usual residence)				
Assistance needed by Age Group (Years)	Number	% of Total Age Group	Sydney - Inner West SA4 %	Greater Sydney %
0 to 4	10	0.6	0.6	0.9
5 to 9	17	1.1	1.5	2.3
10 to 19	45	1.3	1.3	1.9
20 to 59	286	1.5	1.4	2.0
60 to 64	99	6.6	5.1	6.2
65 to 69	113	10.1	7.1	7.7
70 to 74	142	13.9	12.6	11.4
75 to 79	220	24.4	22.8	18.1
80 to 84	298	35.8	33.6	27.7
85 and over	453	55.9	55.0	48.4
Total persons needing assistance	1,683	5.2	4.3	4.4



Disability Services and Accessibility in Burwood

Burwood is seen as a traditional service hub for many different groups of people with disability. Transport and other systems work well to allow this to happen. However, as the area becomes more expensive and commercial, not for profit groups and individual providers struggle to maintain their presence in the area. The LGA may therefore lose many services that are valuable to people across the Inner West. Many services are also changing functions in the transition to the NDIS. A number of disability services are located in Burwood LGA, including:

- Eurella Community Services
- Community Living Croydon Park
- Burwood Community Welfare Services
- Wesley Lifeskills Croydon Park
- Burwood Food Services – Meals and Wheels
- Sunnyfield
- Ella Community Centre
- Participate Australia
- Recreation and Peer Support
- Relationships and Private Stuff

Council's Role

Council works towards creating inclusive places, services and facilities for people with disability, and manages some services directly. Accessibility is about making sure people can enter a place or building. It is also about making sure people can use a service, get information or take part in our community. Changes to the NDIS and State funding for Council programs means Council may need to review its future role in disability service provision. Council's service provision includes:

1. Accessible venues and facilities
2. Accessible parks and playgrounds
3. Library services including the home library service
4. Regional Volunteer Network
5. Regional Podiatry service
6. Community development
7. Community grants
8. Coordinating and facilitating partnerships and outcomes
9. Information and referral
10. Forums and committees
11. Planning and controls

1.1 Council's Park and Community Facilities

Council has 20 parks that are accessible to people using a wheelchair. Of these, seven have an accessible toilet (with MLAK key access afterhours). There are 11 playgrounds with some accessible play equipment. New or replacement playgrounds are pending for three parks (four playgrounds in total). These playgrounds will also include some accessible equipment.

All of Council's venues and facilities are physically accessible. However, only Burwood Community Hub and Customer Services have a hearing loop. There are planned upgrades to improve accessibility at Enfield Aquatic Centre, including a new accessible entrance and possible hoist upgrade.

ATTACHMENT 1

ITEM 37/17 Adoption - Disability Inclusion Action Plan 2017 - 2021.DOC
Disability Inclusion Action Plan 2017 - 2021 Final Draft

Park and Reserve Accessibly³				
Park	Suburb	Disability Access to Park (e.g. Wide Footpaths)	Accessible Toilets	Accessible Play Equipment
Blair Park	Croydon	Yes	Yes	Yes
Brown Reserve	Croydon Park	Yes	No	No
Burwood Park	Burwood	Yes	Yes	Yes
Cooינו Reserve	Enfield	Yes	No	No
Coronation Reserve	Croydon Park	No	No	No
Flockhart Park	Croydon Park	Yes	Yes	Yes
Froggatt Crescent Reserve	Croydon	Yes	No	No
Grant Park	Enfield	Yes	No	No
Henley Park	Enfield	Yes	Yes	Yes and N/a (2 areas) Replacement playgrounds pending. Also includes blind cricket wickets.
Jackett Reserve	Burwood	Yes	N/a	Yes
Jackson Park	Croydon Park	Yes	No	n/a
Keith Smith Park	Croydon	Yes	No	Yes
Martin Reserve	Croydon Park	Yes	No	Yes and N/a (2 areas)
Prowse Reserve	Croydon	Yes	No	No
Reed Reserve	Croydon	Yes	No	Yes
Russell Street Reserve	Strathfield	Yes	No	N/a Replacement playground pending.
Sanders Reserve	Burwood	Yo	No	n/a
St Paul's Close Park	Burwood	No	No	Yes
Walsh Avenue Reserve	Croydon Park	Yes	No	Yes
Wangal Park	Croydon	Yes	Yes	No Replacement playground pending.
Whiddon Reserve	Croydon Park	Yes	No	No

³ No= no toilets or playgrounds present. N/a=playground mulch soft fall. No= footpaths not present or provide poor access.

ATTACHMENT 1**ITEM 37/17 Adoption - Disability Inclusion Action Plan 2017 - 2021.DOC**
Disability Inclusion Action Plan 2017 - 2021 Final Draft

Park and Reserve Accessibly³				
Park	Suburb	Disability Access to Park (e.g. Wide Footpaths)	Accessible Toilets	Accessible Play Equipment
Willee Street Reserve	Strathfield	Yes	Yes	n/a
Woodstock Park	Burwood	Yes	Yes	Yes and N/a (3 areas)
Wyatt Avenue Park	Burwood	No	No	n/a

ATTACHMENT 1

ITEM 37/17 Adoption - Disability Inclusion Action Plan 2017 - 2021.DOC
Disability Inclusion Action Plan 2017 - 2021 Final Draft

Council venues/facilities accessibility				
Venue Name	Physically Accessible (eg. Lifts, Ramps)	Accessible Toilets	Hearing Loop	Other?
Burwood Library	Yes	Yes		Zoom Tech on some public access PCs Front desk wheelchair accessible Large Print books, audio books and DVDs available for loan EBooks and Emagazines available to housebound patrons Home Library Service available to housebound local patrons
Burwood Community Hub	Yes	Yes	Yes	
Woodstock Centre	Yes	Yes	No	
Fitzroy Centre	Yes	Yes	No	
George Street Centre	Yes	Yes	No	
Enfield Aquatic Centre	Ramp entry to facility and ramp entry to indoor pool hall. Steps with railing into pool but no ramp.	Yes	No	Chair hoist that is very outdated and requires an upgrade
Burwood Park Community Centre	Yes	Yes	No	
Burwood Park Pavilion	Yes	Yes in park		

Action plan 2017-2021

Key Area 1 Developing positive community attitudes and behaviours
 Key Area 2 Creating more liveable communities
 Key Area 3 Inclusive employment practices
 Key Area 4 Improved systems and processes

1. Developing Positive Community Attitudes and Behaviours

The attitudes and behaviours of the general community towards people with disability have been described by people with disability as the single greatest barrier to full access and inclusion.

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ITEM 37/17 Adoption - Disability Inclusion Action Plan 2017 - 2021.DOC Disability Inclusion Action Plan 2017 - 2021 Final Draft

Developing positive community attitudes and behaviours is central to making people with disability feel more welcome and included in all aspects of community life, and ensuring that people with disability can live and work more comfortably in Burwood.

What the Community Told Council

- People feel like the Burwood community has positive attitudes and behaviours towards people with disability. Burwood is a central hub for many large providers and so there are lots of people with disability coming to the LGA.
- However, participants were aware that when they travelled and participated in the community in groups they stood out and people within the community were more likely to notice them and move away but they like being together. Some people felt that there is a lack of understanding of the needs of people with disability, for example children with autism being labelled as naughty. People with disability use parks in the LGA, often in groups, but not always in a positive environment.

“It’s great when we go to a park as a group because has soon as we turn up they take one look and bugger off and that leaves us with more space.”

- Shops, Westfield and cafes are popular places to visit, but are not always welcoming.

“Depending on the shop to depending to the person in the shop if we feel ok. Everybody knows me at Westfield”

“You get to look at things”

“Most shops are welcoming.”

“I was harassed last week at a shopping centre because I was with someone who screams to get what she wants. That’s what she likes to do. That’s her disability. They said she had to can it or has to leave.”

- People feel like the Council caters for people with disability and is responsive about accessibility issues. However, some people felt that the area mustn’t have positive attitudes as they “hadn’t seen anything about it” from Council.

“When we asked about sand on the Burwood Pavilion stage the Council organised to clean it and redo the lawns”

- Some ideas to improve community attitudes and behaviours include public advertising, booklets, and education for children. The Council could create opportunities for people to mix through events, workshops and activities that cater to people of all abilities, to encourage people to appreciate the diversity of the community.
- Some people with disability identified that they feel intimidated by police and are reluctant to report issues to them. Council could facilitate some sessions between people with intellectual disabilities and police.

What Council is Already Doing

- Providing disability and awareness training to staff involved with customer services. Staff training in disability awareness continues to be conducted to create a greater understanding of needs and improved customer service experience when responding to a person with a disability.
- Promoting and celebrating International Day of People with a Disability in partnership with major disability providers and state agencies by hosting and coordinating the Inner West wide “Groovability Festival” on the first Thursday of December since 2010.

ATTACHMENT 1

ITEM 37/17 Adoption - Disability Inclusion Action Plan 2017 - 2021.DOC Disability Inclusion Action Plan 2017 - 2021 Final Draft

- Convening and coordinating the Inner West Disability Forum.
- Proactively promoting special needs exercise classes with health and wellbeing classes that use or hire Council facilities.
- Celebrating Carers Week by coordinating an event in partnership with several agencies and councils in the Inner West.

Council's Vision

All people will feel welcome and included and are able to fully participate in community life without prejudice.

Strategies

Potential strategies:

1. Celebrate the diversity of the Burwood community.
2. Increase community understanding of the diversity of people with disability and their needs.
3. Support Council staff to work more effectively with people with disability.

Actions 2017 – 2021

Burwood2030 Reference	Strategies	Actions	Timeframe
1.1 A safe community for residents, visitors and workers	Support Council staff to work more effectively with people with disability.	Provide ongoing disability awareness training for all frontline staff, including customer service, community services and Enfield Aquatic Centre staff.	Ongoing
2.2 Strong partnership to benefit the community		Investigate closer links with local services to provide direct support for managing challenging behaviours in community facilities and establishing referral processes.	2017-2018
2.5 Efficient, effective customer focused services		Investigate trialling an outreach worker based in Burwood Library and Community Hub for support and referral for people with challenging behaviours.	2017-2018
4.3 Safe facilities and services			
1.4 A community that celebrates diversity	Increase community understanding of the diversity of people with disability and their needs.	Display positive communication materials from existing peak disability services in Council venues including Burwood Library and Community Hub, including in community languages.	Ongoing
2.2 Strong partnership to benefit the community		Investigate opportunities to work with the local Chambers of Commerce to encourage education for employers and staff around the needs of customers with disability.	2017-2018
5.2. Support small business			

ATTACHMENT 1

ITEM 37/17 Adoption - Disability Inclusion Action Plan 2017 - 2021.DOC
Disability Inclusion Action Plan 2017 - 2021 Final Draft

Burwood2030 Reference	Strategies	Actions	Timeframe
1.4 A community that celebrates diversity	Celebrate the diversity of the Burwood community.	Continue to promote and celebrate the International Day of People with Disability and Carers Week with a focus on inclusion, and explore other opportunities.	Ongoing

2. Creating Liveable Communities

Liveable communities are important for all people in the community and are achieved by applying the principles of universal design. In order to be a liveable place our public spaces and places, streets, parks, homes and community facilities need to be accessible to all people. This includes being able to get around easy, to know where are you going, and to have quality, clean and safe facilities in public spaces to enable you to stay out. Liveable communities also includes having access to social recreation opportunities, transport and accessible and affordable housing.

What the community told Council

While many people said that Burwood is a liveable community for people with disability, a similar number said that it is only “somewhat” liveable.

1. Getting Around

- The area is easy to walk around as it is quite flat and has raised crossings.

“Better than most suburbs”

“Raised crossings are good”

“It’s pretty busy in Burwood but its flat and has good walkability”

- Some roads are uneven, such as around George St/Elsie St, and around road works. There were concerns that footpaths were narrow, especially from Burwood Station to Westfield.

“The footpaths are too narrow. It’s ok once you get to Westfield but getting there from the station is hard”

- Signage near the station and accessible signage pointing to direction of things like Westfield/ Library etc. would help a lot of people.
- Transport in Burwood is good with an accessible and safe station located close to accessible shopping centres and streetscapes.

“Fixing the station itself and around has made a big difference”

- People were also excited that Croydon station was in the process of being upgraded and that this was supported by Burwood council. However, the accessibility of the station was reduced in the meantime.

“It’s taking too long to upgrade though and its less accessible in the interim”.

“It was very confusing to work out how to use it”.

- Community transport has moved from Burwood to Strathfield. Some people felt that the services seems to be uninterested in the transport needs of people with disability.

ATTACHMENT 1

ITEM 37/17 Adoption - Disability Inclusion Action Plan 2017 - 2021.DOC

Disability Inclusion Action Plan 2017 - 2021 Final Draft

- People thought that more suitable and affordable local transport, including community transport after hours, was needed.
- More accessible parking is needed including more than one place at each venue. There is a need for covered pathways for wheelchair users linking accessible parking and building entrances.

2. Shops and Businesses

- People thought that there is great access to shops in Burwood.
- A lot of shops have been around for a long time and have developed relationships with people with disability, however, not all shops and businesses are accessible for wheelchair users. This may be as many are in old buildings. There is only one lift in Westfield.
- Council could create incentives for businesses to be more inclusive including practical things like accessible toilets, elevated bus stops, information in braille and easy English. There could be some education conducted for businesses, especially those that serve food, about better ways to interact with customers with disability.

3. Parks and Community Facilities

- People said that they particularly liked Burwood Park as a place to come and to travel through.
- Post NDIS, people will be accessing general community facilities more. As people access general facilities and spaces for activities, the need for accessible spaces is even more pressing.
- In parks, it is hard to find places that have clean tables to eat at, garbage bins near the tables, are fenced off/secure and have clean toilets to use.

“Who wants to eat off a bench? We need tables. And toilets.”

- Woodstock has been a great community hub, but there has been less buzz since the renovation. The Centre is also seen as less accessible, including as the renovations have made it tricky to use the bathrooms.
- People with chronic illness, non-NDIS eligible disability (mental illness, learning difficulty, etc) will really need the mainstream services to become more inclusive and accessible.
- The Burwood Community Centre is located too far from the station.

4. Social Recreation

- There are lots of affordable and accessible programs in the LGA including festivals and events that people with disability can access. There is an opportunity for more inclusive events in the LGA, especially free ones. Some festivals are too crowded, such as Vivid. At events, there could be a drop-off area for people with disability, older people, families with prams. There could be accessible portaloos. Stalls should not be too high for people who use wheelchairs to be able to speak with servers. Seating with a good view should be available.
- Social recreation can be very expensive.

ATTACHMENT 1

ITEM 37/17 Adoption - Disability Inclusion Action Plan 2017 - 2021.DOC Disability Inclusion Action Plan 2017 - 2021 Final Draft

“\$20 to go to the movies is too much. We can’t afford that much”. Why can’t it be like the pool (Ashfield) where you get in free if you live within 5km and have a disability?”

- There is a need for options to access the community using NDIS funding such as the City of Sydney’s Gig Buddies program, where people without disabilities could volunteer to attend gigs with people with disabilities who wanted to attend music events.
- There is a need for more information about the opportunities available.

5. Other

- There is a need for affordable venues for small practitioners (e.g. counselling) to work out of as more practitioners set up private practice in the transition to NDIS.
- There is a need for affordable and accessible housing.

What Council is Already Doing

- Continuous upgrading of Council owned and/or controlled footpath areas.
- Continuous upgrading of Council owned facilities to be more accessible through provision of ramps, lifts (Woodstock Community Centre), universally accessible toilets.
- Continuous upgrading of Council owned parks, such as the provision of an inclusive stage area in Burwood Park called “The Pavilion” which has benefited the celebration of the International Day of People with a Disability Groovability Festival.
- Considering a Housing Affordability policy that may increase housing options, especially for those on modest incomes.
- Providing automatic accessible toilets in Burwood Park.
- Providing discounts for people with disability using Enfield Aquatic Centre.
- Supporting a family friendly café in Burwood Park that is wheelchair accessible.
- Running a monthly Seniors Social Group that provides health and wellbeing related topics and activities as well as bus trips for seniors.
- Coordinating the annual Carers Week celebration in partnership with various aged and disability services, government agencies and other councils in the Inner West region.
- Developing and implementing policies to make Burwood more liveable for everyone, including:
 - Outdoor Eating Policy and Licence
 - Placement of A-frames, Merchandise and other activities on footpaths
 - Transport Strategy for Burwood
 - Burwood Public Parking Strategy
- Supporting the upgrade of the Croydon train station (near completion). Station Accessibility upgrade near completion (2017). When this happens all three train stations in Burwood Municipality (Burwood, Strathfield and Croydon) will be accessible.

ATTACHMENT 1

ITEM 37/17 Adoption - Disability Inclusion Action Plan 2017 - 2021.DOC Disability Inclusion Action Plan 2017 - 2021 Final Draft

- Using the Infrastructure Management Group (IMG) assessment of asset management data base to prioritise areas within Council that require upgrading and maintenance including roads and footpaths.
- Community Grants to support innovative initiatives of not for profit organisations, and providing administration support for the Clubs NSW Grants Program.
- Running the “Slow Down” campaign for streets identified as having high number of speed related accidents.
- Council’s auditorium in the Library and Community Hub is equipped with an infrared hearing augmentation system.
- Council’s Home Library Service provides audio books, MP3s for loan, has a good collection of large print books plus is able to source out other large print books through its inter-library system as well as that from the State Library.

Council’s Vision

Burwood will be an accessible environment for people with disability with inclusive community events and activities.

Strategies

1. Deliver accessible and inclusive community facilities and spaces.
2. Support accessible and inclusive community events and activities for people with disability.
3. Encourage increased supply of adaptable, affordable and livable housing for people with disability.

Actions 2017 – 2021

Burwood 2030 Links	Strategies	Actions	Timeframe
1.2 High quality activities, facilities and services	Deliver accessible and inclusive community facilities and spaces.	Liaise with Community Transport about services provided in Burwood area including auditing what services may be lacking. Investigate delivering a shuttle service between train stations, Enfield Aquatic Centre, Woodstock and the Burwood Library.	2018-2019
2.2 Strong partnerships to benefit the community			
3.1 Maintain and enhance open green spaces and streetscapes		Continue the program of retrofitting pedestrian crossings as raised crossings and including dropped kerbs in new footpaths.	Ongoing
4.1 Effective traffic management and			

ATTACHMENT 1

ITEM 37/17 Adoption - Disability Inclusion Action Plan 2017 - 2021.DOC

Disability Inclusion Action Plan 2017 - 2021 Final Draft

Burwood 2030 Links	Strategies	Actions	Timeframe
adequate parking provision 4.2 Accessible services and facilities that are well utilised 4.3 Safe facilities and services 4.4. Encourage active and healthy lives 4.5 Vibrant and clean streetscape		Provide new wayfinding and signage in the Burwood Town Centre including eye level signage for people using wheelchairs, Braille signage and directions to major facilities such as the Burwood Library and Community Hub (subject to funding).	2018-2019
		Complete the implementation of the Master Plan relating to accessibility through the rear of the Enfield Aquatic Centre.	2017-2018
		Investigate a new pool hoist at the Enfield Aquatic Centre.	2017-2018
		Review the provision and location of park furniture and toilets in key parks including Burwood Park, to provide accessible tables, garbage bins, seating and parking close together.	2017-2018
		Include accessible play features in new and/or replacement playgrounds at Wangal Park, Russell St Reserve and Henley Park.	Ongoing
		Advocate with major shopping centres to support increased accessibility for people with disability.	2017-2018
1.2 High quality activities, facilities and services 2.2 Strong partnerships to benefit the community 4.2 Accessible services and facilities that are well utilised 4.3 Safe facilities and services 4.4. Encourage active and healthy lives	Support accessible and inclusive community events and activities for people with disability.	Explore avenues to expand the community grants program to include funding for inclusion specific programs.	2017-2018
		Develop guidelines around how Council will partner with for-profit services delivering inclusive programs for people with disability that meet identified needs.	2017-2018
		Develop an Inclusive Events Checklist for Council and community event organisers.	2017-2018
5.1 Support and manage Burwood's	Encourage increased supply of adaptable, affordable and livable	Ensure the Affordable Housing Strategy considers the needs of people with disability	2017-2018

ATTACHMENT 1

ITEM 37/17 Adoption - Disability Inclusion Action Plan 2017 - 2021.DOC
Disability Inclusion Action Plan 2017 - 2021 Final Draft

Burwood 2030 Links	Strategies	Actions	Timeframe
strategic centre status	housing for people with disability.	Ensure that Land Use Planning instruments relating to Affordable Housing provision consider the needs of people with disability, consistent with Department of Planning provisions.	2018-2019
		Enforce adaptable housing through the development assessment and certification process (subject to policy).	Ongoing
		Consider the requirements of the Livable Housing Design guidelines in future iterations of the Control Plan in accordance with the Apartment Design Guide	2017-2018

3. Supporting Access to Meaningful Employment

Employment provides a sense of worth and access to an income that improves our wellbeing.

Employment and economic security for most people are closely related. Employment contributes to independence and feelings of self-worth, social interaction and mental health, and increases opportunities to support individual choice and control. This has not been an area in which local government has played a significant role in the past.

What the Community Told Council

- Most people agreed “somewhat” that the Burwood area has access to meaningful employment for people with disability.
- Some barriers are the high number of small businesses, that people don’t know the services they can use, there are only jobs available in hospitality.
- People thought that there is a need for information about jobs readily available in appropriate formats.
- People thought that there is a need for support for employers to understand how to modify a worksite or position to accommodate the needs of a person with disability.
- There is a need for more understanding from employers and/or local organisations seeking volunteers of the skills and experience of people with disability.
- Council could encourage local businesses to take on people with disability for work experience. This would help people get the experience they need, as well as help businesses be less scared of people with disability.
- Other ideas included helping people to access university, promote working from home, and more flexible working hours.

ATTACHMENT 1

ITEM 37/17 Adoption - Disability Inclusion Action Plan 2017 - 2021.DOC Disability Inclusion Action Plan 2017 - 2021 Final Draft

What Council is Already Doing

- Auspicing the Regional Volunteer Network. This program has enabled a number of job seekers including people with disability to gain work experience either within Council or other agencies/organisations.

Council's Vision

People with disability will have increased opportunities to access employment and Council will be a leading employer.

Strategies

Support increased employment and training opportunities for people with disability.

Actions 2017 – 2021

Burwood 2030 Links	Strategies	Actions	Timeframe
2.3 Responsible employer of choice	Support increased employment and training opportunities for people with disability.	Continue to auspice the Volunteer Network to provide support and placements for volunteers with disability (subject to funding).	Ongoing
5.2 Support small business		Showcase Council's best practice in being an EEO employer.	Ongoing
5.3 Increase employment and training opportunities		Investigate opportunities to work with the local Chambers of Commerce to encourage education for employers around accessibility.	2018-2019

4. Improving Access to Services through Better Systems and Processes

A common issue for people with disability is the difficulty in navigating systems and processes to access the services and supports they need in the community. Some of these difficulties stem from the quality of service and training of front line personnel, the systems and processes required to access services, and the lack of accessible options for communicating, accessing information or providing input or feedback. Being able to have a say about what happens in the Burwood LGA is important.

What you told Council

- People thought that it was not easy, or only somewhat easy, for people with disability to access information and share their ideas, opinions and concerns with Council.

"If I had a relative with disability I don't know where to get help"

- People without a disability felt that they wouldn't know where to get help for a relative if something happened, and that they hadn't seen anything about disability in their interactions with Council.
- People mostly use the internet/Google, Inner West Courier and Council website/newsletter/facebook to access information. Some people use local/regional Chinese and other language newspapers.

ATTACHMENT 1

ITEM 37/17 Adoption - Disability Inclusion Action Plan 2017 - 2021.DOC Disability Inclusion Action Plan 2017 - 2021 Final Draft

- People value free internet access in the libraries.
- The website should have a section for people with disability.
- People felt like Burwood Council may have more things happening than what they knew about. Websites and emails really don't work to get information out to people with a disability, instead there is a need for the personal presence of a project officer to talk to disability agencies and groups of participants with disabilities about things they have coming up. Groups could have a drop-in day where clients could see and learn about multiple disability services on the one day.
- The Council could have lunch meetings e.g. at the library where you can go to a meeting and share ideas on how to improve the area.
- Some people missed the Access Committee.
- Need for training for staff in community venues in disability inclusion, especially as an increase in use post NDIS is expected.

What Council is Already Doing

- Providing free internet access in Railway Square and Burwood Library and Community Hub
- Utilising talk to text for customer services
- Employing an Aged and Disability Worker
- Providing disability and awareness training to staff involved with customer services

Council's Vision

People with disability will have a say in issues that affect them in the Burwood LGA and Council's systems and processes will be accessible and inclusive.

Strategies

1. Provide opportunities for people with disability to have influence on decision making.
2. Ensure that Council's communications are accessible and provide information about accessible and inclusive community facilities and services.

Actions 2017 – 2021

Burwood 2030 Links	Strategies	Actions	Timeframe
1.3 A well-informed, supported and engaged community	Provide opportunities for people with disability to have influence in decision making.	Continue to convene and co-ordinate the Inner West Disability Forum.	Ongoing
2.1 Community confidence in Council's decision making		Establish an Inclusion Advisory Panel.	2017-2018
1.2 High quality activities, facilities	Ensure that Council's communications are	Provide updated information about services and programs	Ongoing

ATTACHMENT 1

ITEM 37/17 Adoption - Disability Inclusion Action Plan 2017 - 2021.DOC
Disability Inclusion Action Plan 2017 - 2021 Final Draft

Burwood 2030 Links	Strategies	Actions	Timeframe
and services 1.3 A well-informed, supported and engaged community	accessible and provide information about accessible and inclusive community facilities and services.	available in the area.	
		Participate in multicultural interagencies to support the inclusion of culturally diverse people with disability in mainstream services.	Ongoing
		Audit the accessibility of Burwood Council's website for disability access. Update the disability page of the website and promote the aged and disability worker. Provide an Easy English version of the website with pictures.	2017-2018

Monitoring and Reporting

Through a range of informal and formal reporting mechanisms, Council will monitor and report on the implementation of the Burwood Disability Inclusion Action Plan 2017-2021 to ensure accountability and transparency. This will include:

- Reporting of progress of implementation of DIAP Actions in annual reports to be made available to the community online, at Council's Administration Centre and libraries.
- Council's Corporate Strategy Team will promote the implementation of the DIAP across the organisation and report on its progress of implementation.
- Establishment of Council Inclusion Advisory Panel to provide advice as required (around four times per year) on major projects or policy decisions.
- Incorporation of Disability inclusion questions in Council's annual Community Satisfaction survey.
- Ensure senior staff members report to Council on the Plan's progress every year.
- Monitor that the Plan is part of the work being done across all areas of the LGA.

(ITEM 38/17) COUNCIL DECISION-MAKING PRIOR TO THE SEPTEMBER 2017 LOCAL GOVERNMENT ELECTIONS

File No: 17/26625

REPORT BY GENERAL MANAGER

Summary

This report has been prepared to inform the Mayor and Councillors of the requirements during a “caretaker period” preceding the date of an ordinary local government election and to confirm the cancellation of the August 2017 Council Meeting.

Background

On 7 April 2017 the Minister for Local Government announced the next Local Government elections will be conducted on Saturday 9 September 2017.

Under the *Local Government (General) Regulation 2005* (the Regulation), during the four weeks preceding the date of an ordinary local government election (known as “caretaker period”) Councils are limited in their exercise of some functions that might have an impact on activities by the incoming elected members.

In particular, clause 393B of the Regulation states that:

1. The following functions of a Council must not be exercised by the Council, or the General Manager or any other delegate of the Council (other than a Joint Regional Planning Panel or the Central Sydney Planning Committee), during a caretaker period:
 - a. entering a contract or undertaking involving the expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the Council’s revenue from rates in the preceding financial year (whichever is the larger)
 - b. determining a controversial development application, except where:
 - i. a failure to make such a determination would give rise to a deemed refusal under section 82 of the *Environmental Planning and Assessment Act 1979*
 - ii. such a deemed refusal arose before the commencement of the caretaker period
 - c. the appointment or reappointment of a person as the Council’s General Manager (or the removal of a person from that position), other than:
 - i. an appointment of a person to act as General Manager under section 336 (1) of the Act, or
 - ii. a temporary appointment of a person as General Manager under section 351 (1) of the Act.
2. Despite subclause (1), such a function may be exercised in a particular case with the consent of the Minister.

3. In this clause:

"caretaker period" means the period of 4 weeks preceding the date of an ordinary election.

"controversial development application" means a development application under the *Environmental Planning and Assessment Act 1979* for which at least 25 persons have made submissions under section 79 (5) of that Act by way of objection.

The caretaker period for the September 2017 local government election commences on Friday 11 August 2017 and ends on Saturday 9 September 2017.

Proposal

In light of clause 393B of the Regulation provisions, it is proposed that the scheduled Ordinary Council Meeting for 22 August 2017 be cancelled.

During this time Council, the General Manager or any other delegate of the Council (other than a Joint Regional Planning Panel or the Central Sydney Planning Committee) must not exercise the following functions:

- a. Entering into any contract or undertaking involving an expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger).
- b. Determining a "controversial development application", except where a failure to make such a determination would give rise to a deemed refusal, or such a deemed refusal arose before the commencement of the caretaker period.

In certain circumstances, these functions may be exercised with the approval of the Minister.

Planning or Policy Implications

The caretaker period for the September 2017 Local Government elections commences on Friday 11 August 2017 and ends on Saturday 9 September 2017. No decisions are to be made that will limit the actions of the new Council.

Financial Implications

No Financial implications.

Conclusion

To ensure compliance with clause 383B of the *Local Government (General) Regulation 2005* it is recommended that the Council Meeting scheduled for 22 August 2017 be cancelled.

Recommendation(s)

1. That Council notes the provision of Clause 383B of the *Local Government (General) Regulation 2005*.
2. That Council resolve to cancel the Council Meeting scheduled for 22 August 2017.

Attachments

1 [↓](#) Circular to Councils

Office of
Local Government

Circular to Councils

Strengthening local government

Circular Details	17-11 / 14 June 2017 / A547255
Previous Circular	16-18
Who should read this	Councillors / General Managers / All council staff for the 46 councils with elections on 9 September 2017
Contact	Council Governance Team - 4428 4100 – olg@olg.nsw.gov.au
Action required	Information / Council to Implement

Council decision-making prior to the September 2017 local government elections

What's new or changing

- Clause 393B of the *Local Government (General) Regulation 2005* limits councils' ability to exercise some of their functions in the four weeks preceding the date of a local government election (the caretaker period).

What this will mean for your council

- Councils are expected to assume a "caretaker" role during election periods to ensure that major decisions are not made which would limit the actions of an incoming council.
- Councils, the general manager or any other delegate of the council (other than a Joint Regional Planning Panel or the Central Sydney Planning Committee) must not exercise the following functions during the caretaker period:
 - Entering into any contract or undertaking involving an expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger);
 - Determining a "controversial development application", except where a failure to make such a determination would give rise to a deemed refusal, or such a deemed refusal arose before the commencement of the caretaker period;
 - Appointing or reappointing the council's general manager (except for temporary appointments).
- In certain circumstances, these functions may be exercised with the approval of the Minister.

Key points

- "Controversial development application" means a development application under the *Environmental Planning and Assessment Act 1979* for which at least 25 persons have made submissions under section 79(5) of that Act by way of objection.
- The caretaker period for the September 2017 local government elections commences on Friday 11 August 2017 and ends on Saturday 9 September 2017.

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2

Where to go for further information

- For further information, contact the Office's Council Governance Team on 4428 4100.



Tim Hurst
Acting Chief Executive

(ITEM IN17/17) ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCIL MEETING OF 23 MAY 2017

File No: 17/26864

REPORT BY GENERAL MANAGER

Summary

At the Council Meeting of 23 May 2017 the following Questions without Notice (QWN) were submitted by Councillors. Council Officers responded to the QWN and Councillors were notified on 6 June 2017 of the outcome of the QWN.

These are now submitted as part of the Council Agenda for Public Notification.

QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 23 May 2017	
Question	Response
<p><u>Councillor Lesley Furneaux-Cook</u></p> <p>Question 1</p> <p>Privatisation of buses in the Inner West (including Burwood):</p> <ol style="list-style-type: none"> 1. What correspondence has Council received from the Government on this matter? 2. What are the possible impacts on residents in regard to bus routes and bus shelters? 	<p><u>Manager Traffic and Transport</u></p> <p>No correspondence has been received in relation to the State Government's intentions to potentially privatise bus services.</p> <p>Bus routes are determined by Transport for NSW and not bus operators, therefore it is not expected that a change of service provider would result in a change to routes. Bus shelters are Council owned/leased assets and would not be affected by any change of service providers.</p>
<p><u>Councillor Lesley Furneaux-Cook</u></p> <p>Question 2</p> <p>Heritage Walks – What was the schedule of advertising for the Heritage Walks during Heritage Week and in what formats?</p>	<p><u>Media & Communications Officer</u></p> <p>Council's Heritage Week Walks were promoted through a digital campaign and the distribution of a media release.</p> <p>The online campaign consisted of information on Council's homepage and on Facebook. Council's Facebook related activities yielded a reach of more than 2,700 users in the inner west region and included targeted advertisements and posts to those who have an interest in walks, history, culture, tours, design and architecture in order to maximise exposure.</p>
<p><u>Councillor Justin Taunton</u></p> <p>Question 1</p> <p>Homeless/Street People – I have noticed an increase in homeless/street people begging in the Burwood Town Centre:</p> <ol style="list-style-type: none"> a) What powers does Council have, if 	<p><u>Senior Manager Community and Library Services</u></p> <p><u>Background</u></p> <p>A street count conducted in the Inner West in 2016 indicated that Burwood had a relatively small number of visible homeless people on the streets. At the time of the count there were three homeless</p>

QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 23 May 2017	
Question	Response
<p>any, to move them on?</p> <p>b) Have there been discussions with the Burwood LAC Police?</p> <p>c) Is there any State legislation that can be used to address this issue?</p>	<p>people in Burwood/Strathfield combined, compared with 15 in Ashfield alone. However, anecdotal evidence suggests that the numbers fluctuate and may be growing overall, which would be consistent with the experience of other areas.</p> <p>In relation to the specific questions, see response below:</p> <p>a) Council has no powers to move on people who are homeless. However, in the case of people begging on footpaths, Council and Police have powers under the Roads Act and Local Government Act to deal with obstructions and move people on.</p> <p>b) Council Officers maintain regular contact with the Police at the Burwood LAC and request assistance if and when required to address concerns about anti-social or criminal behaviour.</p> <p>Council has convened two local Roundtables on homelessness in Burwood in 2016 and 2017 with the Police, Churches and Community Organisations with the goal of developing a more proactive and coordinated response. Strategies and actions arising from the Roundtables are currently being implemented.</p> <p>c) The State Government issued a Protocol in relation to homelessness in 2013, which can be found at the following link http://www.housing.nsw.gov.au/_data/assets/pdf_file/0003/326046/ImplementationGuidelines.pdf</p> <p>The Protocol acknowledges that, like all other members of the public, homeless people have a right to be in public places and to participate in public events, at the same time respecting the right of local communities to live in a safe and peaceful environment. The Protocol advises public agencies to leave homeless people alone unless they are seeking assistance or not respecting the right of the wider community to live in a safe and peaceful manner.</p>
<p><u>Councillor Justin Taunton</u></p> <p>Question 2</p> <p>PLC School Croydon – Pick up/Drop off</p>	<p><u>Manager Traffic and Transport</u></p> <p>Council is unable to direct parents or any motorist on where they should be queuing prior to picking up their child. Parking in local streets cannot be</p>

QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 23 May 2017	
Question	Response
<p>issues. Request for PLC to manage a drop off/pick up parking arrangement in a wider street to the current zone.</p>	<p>reserved as a queuing area for PLC without impacting the amenity of other residents and creating potential for increased traffic congestion.</p> <p>Council's role is to ensure the parking and traffic restrictions are established to minimise potential for conflict and improve safety for road users. As with all schools the afternoon pick up period will see an increase in traffic within the road network around the school however convenience for parents does not allow Road Rules to be ignored or broken. Council's Rangers and NSW Police Highway Patrol will enforce these restrictions for any motorist found to be disobeying Road Rules.</p> <p>Council has worked closely with PLC to investigate options to improve safety and traffic flow around the School, particularly along Boundary Street. To date each of the options investigated have been modelled based upon existing traffic volumes and patterns and shown not to provide any benefit to safety or traffic flow.</p>
<p><u>Councillor Tony Doueih</u></p> <p>Question 1</p> <p>Enfield Aquatic Centre – can the General Manager investigate a complaint that children are getting sick from the water?</p>	<p><u>Senior Manager Community and Library Services</u></p> <p>Council has not received any reports from customers in relation to water quality or health issues at the Enfield Aquatic Centre.</p> <p>A strict water-testing and plant maintenance regime is maintained at the Enfield Aquatic Centre, as per NSW Health guidelines.</p> <p>Water samples are sent out for independent analysis on a monthly basis. The most recent test was conducted on 12 May 2017, which verified that the water was 100% clear of any bacterial matter.</p> <p>It is highly unlikely that the pool water at the Enfield Aquatic Centre is the cause of any children becoming unwell. However, it would be advisable that any customer who is not satisfied with the cleanliness of the water report it immediately to the Centre Management.</p>

No Decision – Information Item Only

Attachments

There are no attachments for this report.

(ITEM IN18/17) PETITIONS

File No: 17/26862

REPORT BY GENERAL MANAGER

Summary

Council has received one petition since the last Council Meeting.

Background

Date Received	Petition Subject	No. of Households and Businesses within the LGA	No. of Households outside the LGA	Responsible Council Division
1/05/2017	DA 43/2017- 59 Woodside Avenue, Burwood	38		Land, Environment and Infrastructure

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.