



Burwood Council

heritage ▪ progress ▪ pride

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, 25 September 2018 at 6.00pm to consider the matters contained in the attached Agenda.

Bruce Macdonnell
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 25 SEPTEMBER 2018 IN THE COUNCIL CHAMBERS, 1-17 ELSIE STREET,
BURWOOD COMMENCING AT 6.00PM.

I DECLARE THE MEETING OPENED AT (READ BY MAYOR)

ACKNOWLEDGEMENT OF COUNTRY (READ BY 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 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 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 (2) months after the date of the recording"

APOLOGIES/LEAVE OF ABSENCES

DECLARATIONS OF INTERESTS BY COUNCILLORS

DECLARATION OF POLITICAL DONATIONS (READ BY 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 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:

A. Council Meeting held on Tuesday 21 August 2018

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 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.

ADDRESS BY THE PUBLIC ON AGENDA ITEMS COMMENCES

MAYORAL MINUTES

NOTICES OF MOTION

(ITEM NM3/18) REQUEST FOR DONATION FOR MULTICULTURAL FILM FESTIVAL 2019..... 7

GENERAL BUSINESS

(ITEM 86/18) ELECTION OF DEPUTY MAYOR - SECTION 231 (3) OF THE LOCAL GOVERNMENT ACT 1993..... 8

(ITEM 87/18) COUNCIL COMMITTEES - DETERMINATION OF COUNCILLOR REPRESENTATION..... 14

(ITEM 88/18) PLANNING PROPOSAL FOR 4 MITCHELL STREET ENFIELD (FORMER VISION AUSTRALIA SITE) 17

(ITEM 89/18) DRAFT VOLUNTARY PLANNING AGREEMENT - 24 BURLEIGH STREET BURWOOD..... 143

(ITEM 90/18) ASSESSMENT OF AND RESPONSE TO STATE GOVERNMENT'S LOW RISE MEDIUM DENSITY HOUSING CODE 162

(ITEM 91/18) ADOPTION - REVISED HARDSHIP RESULTING FROM CERTAIN VALUATION CHANGES - SECTION 601..... 169

(ITEM 92/18) ADOPTION - REVISED BACKDATING OF CLAIMS FOR PENSIONER REBATES POLICY..... 177

(ITEM 93/18) INVESTMENT REPORT AS AT 31 AUGUST 2018..... 180

(ITEM 94/18)	PROPOSED ORGANISATION STRUCTURE - SECTION 333 RE- DETERMINATION AND REVIEW OF STRUCTURE - LOCAL GOVERNMENT ACT 1993.....	185
--------------	--	-----

REPORTS OF COMMITTEES

(ITEM RC8/18)	BURWOOD LOCAL TRAFFIC COMMITTEE - SEPTEMBER 2018.....	191
---------------	---	-----

INFORMATION ITEMS

(ITEM IN31/18)	ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCIL MEETING OF 21 AUGUST 2018.....	204
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CONFIDENTIAL ITEMS

(ITEM IN32/18)	USE OF CONTRACT PANELS	
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That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (c) of the Local Government Act, 1993, as the matter involves information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

(ITEM 95/18)	TENDER FOR PROVISION OF CIVIL WORKS BURWOOD COUNCIL	
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That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (c) of the Local Government Act, 1993, as the matter involves information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

(ITEM 96/18)	DISPOSAL OF LOT 11 HORNSEY STREET BURWOOD	
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That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (c) (d) (e) (g) 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; AND information that would, if disclosed, prejudice the maintenance of law; AND advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

QUESTIONS WITHOUT NOTICE

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

NOTICE OF MOTION**(ITEM NM3/18) REQUEST FOR DONATION FOR MULTICULTURAL FILM FESTIVAL 2019**

File No: 18/35316

Councillor Ernest Chan to move that:Background

The Multicultural Advisory Committee at their inaugural meeting identified a need for the local community to have opportunities to showcase the beautiful and colourful multicultural nature of Burwood.

One of the initiatives the Committee has been investigating is the delivery of a multicultural film event. The aim behind the initiative is to provide residents and frequent visitors access to short films that they wouldn't necessarily see in everyday cinemas, to bring them cultural experiences and insights that might allow them to look at people, communities and the world in perhaps a more interesting educated or enlightened way.

The Multicultural Advisory Committee proposes to hold a Multicultural Short Film Festival in conjunction with Harmony Day on Thursday 21 March 2019, held at Woodstock Park.

I think this is a worthwhile initiative as it encourages younger members of the multicultural community to get involved and foster the sense of coming together, as well as promoting the reactivation of Woodstock.

Operational Plan objective

1.1.4 Provide initiatives and facilities that encourage community participation and promote a healthy and harmonious lifestyle

1.4.3 Coordinate, facilitate and support inclusive cultural events and initiatives to celebrate community, diversity and cultural heritage

Recommendation(s)

That Burwood Council donates \$5000 to support the Multicultural Film Festival to be held on 21 March 2019 at Woodstock Park, from the recently adopted donations budget.

Attachments

There are no attachments for this report.

(ITEM 86/18) ELECTION OF DEPUTY MAYOR - SECTION 231 (3) OF THE LOCAL GOVERNMENT ACT 1993

File No: 18/25928

REPORT BY GENERAL MANAGER

Summary

This report outlines the process and options for the election of a Burwood Council Deputy Mayor.

Background

Under the *Local Government Act 1993* (the Act), following an ordinary local government election and the election of the Mayor, Council may decide to nominate a Deputy Mayor from amongst the councillors.

Historically, Burwood Council has elected a Deputy Mayor on a yearly basis, each September.

The Deputy Mayor may under Section 231(3) of the Act exercise any function of the Mayor for the following reasons:

- at the request of the Mayor
- if the Mayor is prevented by illness, absence or otherwise from exercising the function
- if there is a casual vacancy in the office of the Mayor

Where Council does not elect a Deputy Mayor, in the event that the Mayor is prevented by illness, absence or otherwise from exercising his/her role, the elected body can elect a Deputy Mayor at a later stage. In the event the Deputy Mayor is prevented by illness, absence or otherwise from exercising his/her role the elected body can elect another Councillor to act as the Deputy Mayor.

Nomination Process

The General Manager is the Returning Officer for the election of the Deputy Mayor.

Nominations must be in writing, signed by two or more Councillors (one of whom may be the nominee). The person nominated must indicate his or her consent to the nomination in writing.

Nominations must be given to the General Manager before or at the Council Meeting. The General Manager will announce the names of the nominees at the meeting.

If there is only one nominee, then that nominee will be declared elected. If there is more than one nominee, an election will be necessary and Council will need to resolve the method of voting.

Voting Options

The methods of voting available are:

- Ordinary ballot
- Open ballot
- Preferential ballot

The three methods of voting are described briefly in the attachment to this report.

Recommendation(s)

1. That Council resolve to appoint a Deputy Mayor.
2. That Council elect a Deputy Mayor by open ballot, if more than a single nomination is received, or appoint a single nominee as Deputy Mayor.

Attachments

- | | | |
|---------------------|---|------------|
| 1 ↓ | Election of Deputy Mayor by Councillors - Schedule 7 Local Government (General) Regulations | 3
Pages |
| 2 ↓ | Deputy Mayor Nomination Form | 1 Page |

ITEM NUMBER 86/18 - ATTACHMENT 1

Election of Deputy Mayor by Councillors - Schedule 7 Local Government (General) Regulations

LOCAL GOVERNMENT (GENERAL) REGULATION 2005 - SCHEDULE 7

SCHEDULE 7 – Election of mayor by councillors

(Clause 394)

PART 1 - PRELIMINARY

1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

2 Nomination

1. A councillor may be nominated without notice for election as mayor or deputy mayor.
2. The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
3. The nomination is to be delivered or sent to the returning officer.
4. The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

3 Election

1. If only one councillor is nominated, that councillor is elected.
2. If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
3. The election is to be held at the council meeting at which the council resolves on the method of voting.
4. In this clause:

"**ballot**" has its normal meaning of secret ballot.

"**open voting**" means voting by a show of hands or similar means.

PART 2 - ORDINARY BALLOT OR OPEN VOTING

4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

5 Marking of ballot-papers

1. If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
2. The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.
3. An informal ballot-paper must be rejected at the count.

ITEM NUMBER 86/18 - ATTACHMENT 1

Election of Deputy Mayor by Councillors - Schedule 7 Local Government (General) Regulations

6 Count-2 candidates

1. If there are only 2 candidates, the candidate with the higher number of votes is elected.
2. If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

7 Count-3 or more candidates

1. If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
2. If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
3. If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.
4. A further vote is to be taken of the 2 remaining candidates.
5. Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
6. If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

PART 3 - PREFERENTIAL BALLOT

8 Application of Part

This Part applies if the election proceeds by preferential ballot.

9 Ballot-papers and voting

1. The ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.
2. The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.
3. An informal ballot-paper must be rejected at the count.

10 Count

1. If a candidate has an absolute majority of first preference votes, that candidate is elected.
2. If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
3. A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
4. In this clause, "**absolute majority**", in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

11 Tied candidates

1. If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal-the candidate whose name is first

ITEM NUMBER 86/18 - ATTACHMENT 1

Election of Deputy Mayor by Councillors - Schedule 7 Local Government (General) Regulations

chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.

2. If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes-the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

PART 4 - GENERAL

12 Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

13 Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

- a. to be declared to the councillors at the council meeting at which the election is held by the returning officer, and
- b. to be delivered or sent to the Director-General and to the Secretary of the Local Government and Shires Association of New South Wales.



Burwood Council

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To be delivered to the General Manager

NOMINATION FORM FOR ELECTION OF DEPUTY MAYOR

We the undersigned nominate:

For election to the position of Deputy Mayor

Councillor

Councillor

Dated

Dated

CONSENT BY NOMINEE

I agree to the nomination for the election of Deputy Mayor

Councillor

Dated

(ITEM 87/18) COUNCIL COMMITTEES - DETERMINATION OF COUNCILLOR REPRESENTATION

File No: 18/25929

REPORT BY GENERAL MANAGER

Summary

To determine the formation of Committees to assist Council in their decision making on various community, technical and planning issues as well as determine Council representation on such Committees.

Background

Council has operated with and/or provided representation on various types of Committees/Boards/Organisations as follows:

Advisory Committees

Advisory Committees generally consist of a combination of interested representatives from the community, elected members of Council and expert staff. Usually a Councillor is the Chairperson of the Committee. The role of each Committee is to provide recommendations to Council for their consideration and approval.

Advisory Committees cannot act autonomously and must forward any recommendations to Council for consideration and approval prior to actioning.

Nominations are being sought for the following Advisory Committees:

- Burwood Anzac Commemorative Service Committee
- Multicultural Advisory Committee
- General Manager's Contract Review Panel
- Sandakan Community Educational Committee
- National Servicemen's Association

Technical Advisory Committees

Technical Advisory Committees may consist of Councillors, staff and external experts who provide advice to Council on matters requiring technical expertise. They presently consist of the Local Traffic Committee and the Internal Audit Committee.

Technical Advisory Committees cannot act autonomously and must forward any recommendations to Council for consideration and approval prior to actioning.

Advisory Boards/Organisations

These are external bodies set up under specific formal agreements and presently consist of the Sydney East Joint Regional Planning Panel, Southern Sydney Regional Organisation of Councils (SSROC) Committees, including the Full Committee, Sustainability Standing Committee and the Program Delivery Standing Committee.

Proposal

That Council approves the following Committees and appoints Councillors as Chairpersons, other delegates and alternates for the term September 2017 to September 2018:

Committee/Board		Chairperson	Delegate(s)	Alternate(s)
1.	Burwood Anzac Commemorative Service Committee	1 Councillor	N/A	1 Councillor
2.	Burwood Local Traffic Committee	Mayor	N/A	1 Councillor
3.	General Manager's Contract Review Panel	Mayor	2 Councillors	1 Councillors
4.	Audit, Risk and Improvement Committee		2 Councillors	1 Councillor
5.	Multicultural Advisory Committee	1 Councillor		1 Councillor
8.	National Servicemen's Association	1 Councillor	N/A	1 Councillor
9.	Sandakan Community Educational Committee	1 Councillor	N/A	1 Councillor
10.	Sydney Eastern City Planning Panel	N/A	Mayor 2 Councillors	1 Councillor General Manager Deputy General Manager Corporate, Governance and Community Deputy General Manager Land, Infrastructure and Environment
11.	Southern Sydney Regional Organisation of Councils – Full Committee	N/A	Mayor Deputy Mayor	2 Councillors
12.	Southern Sydney Regional Organisation of Councils – Sustainability Committee	N/A	2 Councillors – separate from the other SSROC Committees	1 Councillor
13.	Southern Sydney Regional Organisation of Councils – Program Delivery	N/A	2 Councillors – separate from the other SSROC Committees	1 Councillor

Financial Implications

No financial implications.

Conclusion

Council approves the Committees and appoints Councillors as Chairpersons, delegates and alternates to the listed committees for the term September 2017 to September 2018.

Recommendation(s)

That Council approves the following Committees and appoints Councillors as Chairpersons, delegates and alternates for the term September 2017 to September 2018:

Committee/Board		Chairperson	Delegate(s)	Alternate(s)
1.	Burwood Anzac Commemorative Service Committee	1 Councillor	N/A	1 Councillor

2.	Burwood Local Traffic Committee	Mayor	N/A	1 Councillor
3.	General Manager's Contract Review Panel	Mayor	2 Councillors	1 Councillors
4.	Audit, Risk and Improvement Committee		2 Councillors	1 Councillor
5.	Multicultural Advisory Committee	1 Councillor		1 Councillor
8.	National Servicemen's Association	1 Councillor	N/A	1 Councillor
9.	Sandakan Community Educational Committee	1 Councillor	N/A	1 Councillor
10.	Sydney Eastern City Planning Panel	N/A	Mayor 2 Councillors	1 Councillor General Manager Deputy General Manager Corporate, Governance and Community Deputy General Manager Land, Infrastructure and Environment
11.	Southern Sydney Regional Organisation of Councils – Full Committee	N/A	Mayor Deputy Mayor	2 Councillors
12.	Southern Sydney Regional Organisation of Councils – Sustainability Committee	N/A	2 Councillors – separate from the other SSROC Committees	1 Councillor
13.	Southern Sydney Regional Organisation of Councils – Program Delivery	N/A	2 Councillors – separate from the other SSROC Committees	1 Councillor

Attachments

There are no attachments for this report.

(ITEM 88/18) PLANNING PROPOSAL FOR 4 MITCHELL STREET ENFIELD (FORMER VISION AUSTRALIA SITE)

File No: 18/33478

REPORT BY ACTING DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

Summary

The Planning Proposal (PP) for 4 Mitchell Street Enfield seeks to increase the maximum permitted building height from 8.5 metres to 18 metres and the maximum permitted floor space ratio (FSR) from 0.85:1 to 1.4:1, to facilitate a residential unit development. Also proposed are food and drink premises as an additional permitted use to assist in activating the edge to Henley Park. Assessment of the PP by Cardno (on Council's behalf) found that the PP could generally be supported. The Burwood Local Planning Panel (BLPP) supported the PP by majority subject to conditions. It is recommended that the PP be submitted to the Department of Planning & Environment (DPE) for a Gateway Determination.

Operational Plan Objective

4.5.3 - Encourage architectural integrity and aesthetically appealing buildings

4.5.4 - Provide assessment of development proposals as per the *Environmental Planning & Assessment Act*

Background

Urbis Pty Ltd, on behalf of Tian An Pty Ltd, lodged the initial PP to Council on 6 July 2017 for the site at 4 Mitchell Street Enfield, being the former Vision Australia site (the site). This PP sought to increase the maximum building height to 18 metres and the maximum residential FSR to 1.4:1.

Cardno was appointed by Council to undertake an independent assessment of the PP. Cardno was involved in a preliminary review of the submitted documentation, as well as requesting further information from the applicant.

Following consultation with Council Officers and Cardno, the proponent engaged a new architect, Bureau of Urban Architecture, to assist with its development concept. An amended PP was submitted to Council on 29 May 2018. The amended PP further proposed a series of three graduating maximum heights, between 200-400 square metres of non-residential floor space (above the maximum residential FSR of 1.4:1) and the introduction of site specific provisions in the *Burwood Local Environmental Plan 2012* (BLEP).

Cardno prepared an assessment report with recommendations on the amended PP. In accordance with a Local Planning Panels Direction, issued by the Minister for Planning in February 2018, the amended PP together with Cardno's report was referred to the BLPP for its consideration and advice on 14 August 2018.

This report outlines the PP that was considered by the BLPP, the BLPP's advice and the applicant's response, and seeks Council's resolution on the PP.

Planning Proposal

Subject Site and Existing Development Standards

The subject land is shown on the maps below. The subject land is approximately 12,619 square metres. Adjoining the land to the west is Henley Park.

The subject land is zoned R1 General Residential under the BLEP with a maximum building height of 8.5 metres and a maximum FSR of 0.85:1. With the exception of Henley Park, the site is in the

vicinity of three Residential Zones of varying type and density. The highest permissible density in the immediate vicinity is an FSR of 1.2:1 upon the former Flower Power site, located to the south of Mitchell Street.

It should be noted that Vision Australia’s previous use of the site operated under existing use rights and, as such, the former use of the site was a non-conforming use in the zone.



Proposed Development Standards

The PP seeks an amendment to the BLEP to increase the maximum permitted building height from 8.5 metres to 18 metres and the maximum permitted floor space ratio (FSR) from 0.85:1 to 1.4:1.

No change to the zoning of the land is proposed. The PP anticipates the construction of a five storey residential flat building with rooftop communal space. The development would be subject to the approval of a future Development Application (DA).

An indicative development concept is shown below.



The development yield anticipated in the PP is approximately 183 apartments, which comprises a mix of one, two and three bedroom units. The development also provides for approximately 300 square metres of non-residential space on the lower ground level fronting the park.

Comparison with Nearby Planning Proposal for Flower Power Site

A PP for the Flower Power site, at 25-29 Mitchell Street, which is located near the subject site across Mitchell Street, was submitted to Council on 26 March 2018. This PP seeks to rezone the site from part R1 General Residential and part R2 Low Density Residential to R1 General Residential, to increase the maximum permitted FSR and building height from 0.55:1 and 1.2:1 to 1.6:1, and from 8.5 metres and 11 metres to 22 metres, and to add restaurants or cafes and shops as additional permitted uses.

The applicant lodged a Rezoning Review request to the DPE on 29 June 2018, as the PP had not received Council’s support within 90 days of its submission. The Rezoning Review for the Flower Power site is scheduled for consideration by the Sydney Eastern City Planning Panel in early October 2018.

Assessment by Cardno

The key findings of Cardno's assessment are summarised below:

- The PP and proposed development satisfies the objectives of the R1 zoning in so far as that zone seeks to provide for a variety of housing types and densities, and provide for other land uses that meet the day to day needs of residents. Residential flat buildings are a permitted use in the zone.
- Neighbourhood shops are the only type of commercial premises permitted in the R1 zone, hence additional permitted uses are being proposed in this PP to facilitate a wider range of commercial activities, including business premises, food and drink premises, and retail premises.
- The submitted PP and its supporting documentation have satisfactorily responded to the urban design and technical issues raised by Cardno.
- The scale of the site has enabled comprehensive master planning to address potential impacts on the surrounding neighbourhood.
- The PP would provide a graduating height, being a maximum of 18 metres and stepping down to 15 metres and 12 metres, providing for a transition of heights toward the site boundaries. The proposed development has been designed with regard to the existing height of the Vision Australia building.
- The design seeks to protect solar access to surrounding residences and the park. The proposed separation into two u-shaped buildings minimises the visual bulk of the proposed development as viewed from Henley Park. A central through site link for pedestrians promotes accessibility to, and permeability of, the site.
- Protection of existing established trees within Henley Park, as well as proposed new plantings and landscaped screening upon the site, seeks to minimise the visual impact of the proposed residential development upon the surrounding low density residential context.
- The site is well located in terms of access to public transport, other services and employment centres.
- Vision Australia vacating the subject site has resulted in a loss of employment on the site. The proposed non-residential uses would partly compensate this jobs loss. In this regard, this area of Enfield is not identified in any strategic plan as an employment area, so a small component of employment land is considered reasonable.
- Non-residential uses are to be provided to activate the ground floor edge with Henley Park. These could take the form of convenience retail or cafés which would work well with the adjacent Henley Park.
- The traffic impact of the proposed future development is assessed to be satisfactory.

Cardno's assessment finds that the proposed building height and FSR increases could be supported and the proposed development has urban design and planning merit.

Consideration by Burwood Local Planning Panel

The BLPP inspected the site prior to its meeting on 14 August 2018 to familiarise itself with the environment. By majority, the BLPP supported the PP subject to:

1. The assessment under the relevant *State Environmental Planning Policy (SEPP)* and BLEP being correct, as the BLPP is not in a position to determine the accuracy of such assessment.
2. The preparation of a site specific Development Control Plan (DCP) that reflects the principal design parameters in the hypothetical design. The BLPP acknowledges that future development may occur, however, any variation would be subject to consideration of the relevant planning controls.
3. The inclusion of a significant proportion of units between 5%-10% for affordable rental housing consistent with Metropolis of Three Cities by the Greater Sydney Commission.

The Panel did not support the inclusion of additional uses that are currently prohibited in the R1 zone, given that sufficient flexibility is provided through permissible uses, such as neighbourhood shops, in the zone.

The Panel did not support the exclusion of the proposed non-residential areas from the calculation of “gross floor area”, given that any floor area adds to the bulk of any development.

The Panel did not fully accept the conclusions of the Traffic Assessment in relation to:

1. The ingress/egress from Baker Street and the impact on the limited available capacity of nearby local streets.
2. The cumulative impact on Mitchell Street from the development of the Flower Power site.

Applicant's Responses

The documents provided by the applicant in response to BLPP's advice are listed and commented on below.

Apartment Design Guide (ADG) Compliance Summary Report

In preparing this Compliance Summary Report (as **Attachment 2**), the applicant assessed the design concept against the ADG under SEPP 65 – Design Quality of Residential Apartment Development.

The Report concludes that the development concept complies, or has the ability to comply with the requirements of Part 3 (Siting the development) and Part 4 (Designing the building) of the ADG.

Council Officer's Comment:

It is stated in Cardno's assessment report that the PP has the potential to be consistent with SEPP 65 and the ADG.

Cardno supported the claim of the applicant that all setbacks more than comply with the ADG and are as follows:

- Mitchell Street boundary setback: 12 metres
- East boundary setback: 12 metres
- North boundary setback: 12 metres
- Henley Park boundary setback: 3 metres
- Building separation: 18 metres

Cardno also supported the claim of the applicant on solar access and natural ventilation that the stepping of building heights achieves ADG compliance and ensures no significant impacts on adjacent properties in Mitchell Street or the communal courtyards proposed on the site.

Draft Site Specific DCP

The applicant has prepared a draft site specific DCP (as **Attachment 3**) which includes provisions for building setbacks, character of Mitchell Street, communal open space, building articulation, landscaping, access and affordable housing.

The draft DCP states that the provision of 5-10% of dwellings for affordable housing relates only to the proportion of the development above the existing maximum permitted FSR of 0.85:1 under the BLEP.

Council Officer's Comment:

The draft DCP as prepared reflects the principal design parameters in the concept design. If the PP proceeds to a Gateway Determination, it is expected that the Gateway Determination will require the DCP to be worked up and exhibited as part of the PP package.

Additional Traffic Report

In preparing this additional Traffic Report (as **Attachment 4**) to address the BLPP's concerns, the applicant undertook additional traffic counts and SIDRA analysis. The Report concludes that:

- Based on the latest survey and expected traffic distribution, the development is unlikely to increase traffic volumes on Baker Street and nearby local streets, nor impact upon their capacity.
- The position following the development of the Flower Power site for residential development is that the future operation of the Burwood Road / Mitchell Street intersection will operate with the following Level of Service (LoS):
 - LoS of 'A' for all scenarios during am/pm on weekdays and Saturdays in 2022
 - LoS of 'A' in the weekday afternoons (pm)
 - LoS 'B' during the weekday mornings and Saturday mornings (am).

This demonstrates that the intersection will be operating appropriately even if the proposed development accounts for the Flower Power site development.

Council Officer's Comment:

Council's Traffic & Transport Team reviewed the applicant's additional Traffic Report, and has made the following comments:

- The applicant's additional Traffic Report has not considered the existing congestion resulting from the nearby primary school, and the fact that the local streets, being narrow, are effectively reduced to a single traffic lane due to high parking demands.
- The applicant's analysis of traffic on Mitchell Street has focused on traffic to and from the proposed development on the subject and the nearby Flower Power sites up to Burwood Road. No analysis has been undertaken for traffic heading west from Burwood Road towards Coronation Parade, or to Georges River Road / Liverpool Road via Portland Street.
- As such, more information is required to fully address the concerns of the BLPP, including a precinct wide traffic study that is bounded by Burwood Road, Mitchell Street, Liverpool Road and Portland Street/Cobden Street. However, it is considered that this deficiency could be resolved at the DA stage, given that:
 - The traffic to be generated via the Baker Street entrance and exit of the proposed development is expected to be modest. The proposed development, which would be the subject of a future DA, could be required to use Baker Street for exit only.

- The traffic generated from the Mitchell Street entrance and exit is not likely to have a significant impact on the road network. The future DA could also be required to implement appropriate restrictions if warranted.

Removal of Additional Uses of Business Premises and Retail Premises

The removal of the additional uses seeks to address the BLPP's non-support of (1) the inclusion of additional uses in the R1 zone, and (2) the FSR of these additional uses would be over and above the proposed maximum FSR of 1.4:1 in the PP.

The PP still seeks to include the introduction of food and drink premises (up to 300 square metres) as an additional permitted use at the site. As advised by the applicant the current R1 zone permits neighbourhood shops, however, neighbourhood shops do not include a café use which is defined as a food and drink premises and would be ideally situated at the lower ground floor of the site to assist in activating the park edge and providing a new local facility for residents.

Council Officer's Comment:

Cardno supported the provision of non-residential uses to activate the ground floor edge with Henley Park. No objection is raised to the applicant's proposed removal of business premises and retail premises as additional permitted uses but as a compromise, keeping food and drink premises as a permitted use. This use is considered necessary to activate the edge to Henley Park notwithstanding the comments from the BLPP.

The applicant has also updated the PP report, which is included as **Attachment 5**.

Consultation

Several meetings were held between the proponent, their consultants, Council Officers and Council's consultant. The PP considered by the BLPP on 14 August 2018 was the outcome of these meetings. The PP has been revised further to address the BLPP's advice and concerns.

The applicant undertook its own community consultation during July 2017, details of which are set out in the applicant's PP report (Section 2.5) and their Summary of Consultation Outcomes Report (submitted to Council in May 2018).

Council Officers notified owners of properties in the vicinity of the subject site in writing of the BLPP meeting. It is understood that the applicant also notified local residents of the BLPP meeting by hand-delivering a community leaflet to 600 properties.

Notwithstanding these notifications, six submissions have been received by Council, objecting to the PP on the grounds of:

- Loss of the local character
- Development should take place in Burwood Town Centre, not in Enfield
- The PP would exacerbate the traffic and parking issues
- Impact on Baker Street
- Impact on privacy of residents in Llangollan Avenue and Burwood Road
- Impact on local schools and public transport
- Impact on environment
- Unacceptable precedent

Eight members of the community spoke at the BLPP meeting on 14 August 2018, objecting to the PP on the same grounds as above.

It is considered that Cardno's assessment has largely addressed the issues raised in the submissions (refer to **Assessment by Cardno** section of this report). The matter of precedent may

be relevant in deciding whether or not the PP should be supported, given Council's approach to development in the Burwood Local Government Area (LGA) (discussed in the section below).

Should Council progress the PP, the PP would be submitted to the **DPE** for a Gateway Determination. Such Determination would set out formal requirements for public exhibition and community consultation.

Planning or Policy Implications

As mentioned previously, the assessment of the PP by Cardno found that the proposed building height and FSR increases could be supported and the PP has urban design and planning merit.

The BLPP supported the PP by majority subject to conditions. The applicant provided further information, which is considered by Council Officers to have generally addressed the BLPP's concerns except for traffic, which however, can be resolved at the DA stage.

It should be noted that:

- Council's approach has always been to focus and encourage growth mainly in the Burwood Town Centre while protecting the lower density residential character and streetscape of properties outside the Burwood Town Centre.
- The Eastern City District Commissioner has acknowledged that the five year (2016-2021) housing targets of 2,600 dwellings for the Burwood LGA under the Eastern City District Plan can easily be achieved. In fact:
 - Approximately 800 dwellings have been proposed to be built within the Burwood Town Centre under current DAs which are being assessed
 - A minimum of 1,500 dwellings have been, or are being built within the Burwood Town Centre alone since the BLEP came into force in 2012
 - The PP for Burwood Place, which has received the Gateway Determination issued by the DPE, has proposed to build a further approximately 1,000 dwellings in the Burwood Town Centre

In view of the above, Council's resolution is sought as to whether or not to support the PP.

Should Council resolve to support the PP it will be submitted to the DPE for a Gateway Determination. Statutory public exhibition and consultation on the PP would be undertaken if a positive Gateway Determination is issued.

Should Council resolve not to support the PP, the applicant may lodge a request for a Rezoning Review to the Sydney Eastern City Planning Panel (SECPP). The SECPP would then determine whether or not the PP should proceed to a Gateway Determination.

Financial Implications

The cost of engaging Cardno to undertake the independent assessment of the PP has been covered by the PP fees paid to Council.

Conclusion

The PP seeks an increase to the current maximum building height and FSR permitted upon the subject land. No change to the current zoning is proposed. The external assessment of the PP found that there is urban design and planning merit in the scale of development proposed. The BLPP supported the PP by majority subject to conditions. The PP has been revised further to address BLPP's concerns. More information on traffic impacts is required to be provided at the DA stage, should the PP result in a BLEP amendment.

Recommendation(s)

1. That the Planning Proposal for 4 Mitchell Street Enfield, being the former Vision Australia site, be submitted to the Department of Planning & Environment for a Gateway Determination.
2. That the applicant be advised of Council's resolution.

Attachments

- 1 [↓](#) Applicant's response cover letter
- 2 [↓](#) Apartment Design Guide Compliance Summary Report
- 3 [↓](#) Draft Site Specific Development Control Plan
- 4 [↓](#) Additional Traffic Report
- 5 [↓](#) Planning Proposal updated after the Burwood Local Planning Panel Meeting



**TOWER 2, LEVEL 23
DARLING PARK, 201 SUSSEX ST
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Pty Ltd
ABN 50 105 256 228

03 September 2018

Ms Diwei Luo
Manager Strategic Planning
Burwood Council
Suite 1, Level 22, 1-17 Elsie Street
Burwood
NSW 2134

Dear Diwei,

4 MITCHELL STREET, ENFIELD - PLANNING PROPOSAL UPDATED ADDENDUM REPORT

I write further to our recent meeting on 27th August 2018 regarding the above Planning Proposal. This followed the publication of the minutes from the Burwood Council Local Planning Panel meeting (LPP) which was held on 14th August 2018.

At the LPP, the Panel Members resolved by majority to support the Planning Proposal subject to the following recommendations:

1. *The assessment under SEPP 65 and LEP 2012 being correct, as the Panel is not in a position to determine the accuracy of such assessment.*
2. *The preparation of a site specific DCP that reflects the principal design parameters in the hypothetical design. The Panel acknowledges that future development may occur, however any variation would be subject to consideration of the relevant planning controls.*
3. *The inclusion of a significant proportion of units between 5%-10% for affordable rental housing consistent with Metropolis of Three Cities by the Greater Sydney Commission.*

The Panel does not support the inclusion of the additional uses in Schedule 1 to LEP 2012 that are prohibited in the R1 zone. The Panel accepts that sufficient flexibility is provided through permissible uses in the R1 zone such as "Neighbourhood Shops".

The Panel does not support the exclusion of the proposed non-residential areas from the calculation of "gross floor area" given that any floor area adds to the bulk of any development.

The Panel does not fully accept the conclusions of the Traffic Assessment in relation to:

1. *The ingress/egress from Baker Street and the impact on the limited available capacity of nearby local streets.*
2. *The cumulative impact on Mitchell Road from the development of the Flower Power Site.*

Updated PP Addendum Cover Letter



Accordingly, the Planning Proposal documentation has been revised to address the matters raised above. This has resulted in the lodgement of this updated suite of information to the Council, which includes the following information:

- An ADG (SEPP65) Compliance Summary Report prepared by Bureau of Urban Architecture.
- A working Draft Site Specific DCP which identifies principal design parameters for the concept design.
- An updated Traffic Report prepared by Bitzios Consulting.
- The removal of the previous request for add 'Additional Local Provisions' under Part 6 of the BLEP, along with the removal of the proposed addition of business premises and retail premises up to 300sqm from Schedule 1 of BLEP.

This information should be read in conjunction with the following information which was lodged with Council previously:

- Environmental Site Investigation Report (prepared by JBS&G, 28 June 2017) – lodged in July 2017.
- Report on Geotechnical Investigation (prepared by Douglas Partners, June) – lodged in July 2017.
- Letter from Vision Australia dated 28th June 2017 – lodged in July 2017.
- Community Benefit Feedback Session Memo (dated 3rd July 2017) – lodged in July 2017.
- Construction Cost Estimate (dated 30th June 2017) – lodged in July 2017.
- Urban Design Report & Architecture Report (prepared by Bureau of Urban Architecture, dated 21st May 2018) – lodged in May 2018.
- Updated Traffic and Parking Impact Assessment Report (prepared by Bitzios Consulting, dated 18th May 2018) – lodged in May 2018.
- Arboricultural Impact Appraisal and Method Statement (prepared by Naturally Trees, dated 29th January 2018) – lodged in May 2018.
- Consultation Outcomes Report (prepared by Urbis, dated November 2017) – lodged in May 2018.
- LEP Mapping (prepared by Bureau of Urban Architecture) – lodged in May 2018.
- Letters from Council dated 5th February 2018 and 30th April 2018.
- Revised Services and Utilities Report (prepared by Northrop Consulting Engineers, dated 5th July 2017) – lodged in May 2018.
- Landscape Concept Report (prepared by Site Image Landscape Architects, dated 7th May 2018) – lodged in May 2018.



SUMMARY OF UPDATES

Apartment Design Guide / SEPP 65 Assessment

An assessment of the indicative design concept scheme against the requirements of the Apartment Design Guide (ADG) has been undertaken by the project architect, Bureau of Urban Architecture.

This Compliance Summary Report concludes that the proposed scheme complies, or has the ability to comply, with the requirements of Part 3 and 4 of the ADG.

Site Specific DCP

To address the Panel recommendations, Urbis have prepared a draft DCP document which seeks to reflect the principal design parameters in the concept design. This includes provisions for building setbacks, character of Mitchell Street, communal open space, building articulation, landscaping, access and affordable housing.

It is proposed that this document will form starting point of discussions with Council for a site specific DCP to cover this site, if the Planning Proposal proceeds to Gateway Determination. It is anticipated that the DCP will be worked up with Council and exhibited concurrently with LEP amendments.

The draft DCP includes a provision relating to the Planning Proposal accommodating a scheme to provide affordable housing consistent with the requirement of the Greater Sydney Region Plan.

Local LEP Provisions and Additional Permitted Uses

The Panel did not support the inclusion of additional uses in the R1 zone and also did not support the exclusion of non-residential areas from the calculation of 'gross floor area'.

To address these points the Proponent has removed the request to amend Part 6 of the Burwood LEP 2012 which sought to introduce an additional local provision relating to non-residential floorspace.

The Proponent has also removed the request to include business premises and retail premises up to 300sqm from the proposed amendments to Schedule 1 of the Burwood LEP. However, the amended Planning Proposal still seeks to retain the request to introduce food and drink premises (up to 300sqm maximum GFA) as an additional permitted use at the site.

This approach has been taken because the current zoning of the site would allow a neighbourhood shop to be developed, however this would not include a café use which would be ideally situated at the lower ground floor of the site adjacent to the edge of Henley Park. This type of use will assist in activating the park edge and provide a new local facility for residents, which will benefit the site and surrounding area.

Traffic Assessment – Additional Information

The Panel did not fully accept the conclusions of the Traffic Assessment in relation to the Baker Street access and the cumulative impact on Mitchell Street from the development of the Flower Power site. To address this Bitzios Consulting provided Additional Supplementary Information to address the queries.



Bitzios has undertaken additional traffic counts and SIDRA analysis. This additional information confirms that:

- Based the latest survey and expected traffic distribution, the development is unlikely to increase traffic volumes on Baker Street and nearby local streets, nor impact upon their capacity.
- The position following the development of the Flower Power site for residential development is that the future operation of Burwood Road/ Mitchell Street intersection will operate with a Level of Service (LoS) of 'A' for all scenarios (AM/PM weekday and Saturday) in 2022, and will have a LoS of 'A' in the weekday PM and 'B' in the Weekday AM and Saturday. This demonstrates that the intersection will be operating appropriately even when the proposed development is considered in light of the Flower Power development.

CONCLUSION

This letter and suite of additional information is provided to address the comments of the Panel following the meeting on 14th August 2018. It is now anticipated that the Planning Proposal can be reported to the Council meeting on 25th September 2018.

The Proponent considers that there is a clear public benefit for proceeding with this Planning Proposal, and an appropriate scheme can be brought forward at this site. The proposed LEP amendments will facilitate a high-quality built form and beneficial outcome for the site and Enfield generally. As such, we believe the Planning Proposal should be favourably considered by the Council.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Nik Wheeler".

Nik Wheeler
Associate Director



IN
COLLABORATION
WITH



BUREAU



4 MITCHELL STREET, ENFIELD
ADG (SEPP65) COMPLIANCE SUMMARY (SUPPORTING INFORMATION)

BURWOOD COUNCIL PLANNING PROPOSAL SUBMISSION (ADDENDUM)



PREPARED BY: BUREAU OF URBAN ARCHITECTURE
ON BEHALF OF: TIAN AN AUSTRALIA

3 SEPTEMBER 2018

BUREAU

BUREAU OF URBAN ARCHITECTURE



DATE -
REFERENCE -
OFFICE -
SYDNEY OFFICE -
AUTHOR -

2018-09-03
Bureau-17121-Hervey Park Apartments, Enfield-ADG (SEPP05) Compliance Summary
Bureau of Urban Architecture Pty Ltd - ACN 120 348 065 ABN 69 120 348 065
(A) 290 Victoria Street, Darlinghurst NSW 2010 Australia (PA) PO Box A2243 Sydney South NSW 1235 (W) www.bureau-ua.com
Richard Huxley, Principal (M) 0431 814 529 (E) richard.huxley@bureau-ua.com (W) www.bureau-ua.com

BUREAU

BUREAU OF URBAN ARCHITECTURE

General Manager
Burwood Council
Suite 1, Level 2,
1-17 Elsie Street,
Burwood NSW 2134

Dear Sir/Madam,

RESIDENTIAL DEVELOPMENT - 4 MITCHELL STREET, ENFIELD
PLANNING PROPOSAL SUPPORTING INFORMATION FOR TIAN AN AUSTRALIA PTY LTD

DESIGN VERIFICATION STATEMENT

In accordance with Clause 50(1A) of the Environmental Planning and Assessment Regulations 2000, I, Richard Huxley, am a qualified architect for the purposes of State Environmental Policy No.65 – Design Quality of Residential Flat Development.

I verify that the proposed residential flat development, as shown in Bureau of Urban Architecture's Planning Proposal Addendum, Urban Design + Architecture report dated 21 May 2018 was designed under my instruction with regard to Part 3 and 4 of the Apartment Design Guide (ADG). The following ADG compliance summary confirms that the proposed scheme complies or has the ability to comply through further design development.

Yours faithfully,



RICHARD HUXLEY
MANAGING DIRECTOR + PRINCIPAL ARCHITECT

B.Arch M.Arch RAlA Chartered Architect NSW Registration No.5711

DATE - 2018-09-03
REFERENCE - Bureau-17121-Hervey Park Apartments, Enfield-ADG (SEPP05) Compliance Summary
OFFICE - Bureau of Urban Architecture Pty Ltd - ACN 120 348 065 ABN 66 120 348 065
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3



DESIGN INTENT

Bureau of Urban Architecture (Bureau) have worked collaboratively with our client, Tian An Australia, Cardno and Burwood Council staff through a series of design workshops and presentations to create an Amended Planning Proposal submission to improve upon the original Planning Proposal submission design by the previous architectural firm. Bureau's scheme creates 2 x U-shaped buildings that allow the largest number of apartments possible to have either frontal or oblique views of Henley Park.

By creating 2 buildings on the site separated by a 18m wide landscape space in the middle each building has a Henley Park address as well as a street address, either Mitchell Street or Baker Street. These 2 buildings are much lower than the previous heights of buildings proposed for the site and they fit comfortably within the new 18m height limit. Each building is also conceived around a communal open space courtyard that is circa 25m x 28m so that non-park facing apartments can enjoy a generous landscape outlook. This design strategy has the added benefit of creating a circa 40m setback to the rear boundaries. Setback distances from the north, south and eastern boundaries are circa 12m and 14m whilst adopting a more typical setback from the western or Henley Park boundary.

We have designed the Mitchell Street frontage in a stepped form to diminish its bulk and scale having the added benefit of not creating new sun-shadows that would affect any Mitchell Street properties. Forming an affinitive relationship between built form and Henley Park was a high priority so we created a curved all the corners of the buildings, created a continuous 1m deep balcony planter detail wrapping around every floor plate and created a completely landscaped roof garden so that each building would take on an organic appearance. Our courtyard apartment design typology increases both amenity and environmental standards for the benefits of the residents. Landscaped courtyard entries are combined with natural light and ventilated lift lobbies. Oversized and fire engineered glazed fire stairs with central light well design and skylight provide the ability to access natural light at each level encourage the use of stairs in the building.

DATE - 2018-09-03
 REFERENCE - Bureau-17121-Henley Park Apartments, Enfield-ADG (SEPP05) Compliance Summary
 OFFICE - Bureau of Urban Architecture Pty Ltd - ACN 120 348 065 ABN 66 120 348 065
 Sydney Office - (A) 290 Victoria Street, Darlinghurst NSW 2010 Australia (PA) PO Box A2243 Sydney South NSW 1235 (W) www.bureau-ua.com
 AUTHOR - Richard Huxley, Principal (M) 0431 814 529 (E) richard.huxley@bureau-ua.com (W) www.bureau-ua.com

4



ADG (SEPP65) DESIGN PRINCIPLES

STATEMENT OF COMPLIANCE WITH SEPP 65 PRINCIPLES

PREPARED BY RICHARD HUXLEY, MANAGING DIRECTOR + PRINCIPAL ARCHITECT
BUREAU OF URBAN ARCHITECTURE

Clause 50 of the NSW Environment Planning and Assessment Regulation (2000) cl 50 (1A) and cl 50 (1AB).

PRINCIPLE 1: CONTEXT AND NEIGHBOURHOOD CHARACTER

"Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character.

Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, street scape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change."

This Planning Proposal is made in relation to the site at 4 Mitchell Street, Enfield. The legal description of the site is Lot 3 DP 585664 and its total area is some 12,620sqm. The site is in a single ownership. The site is located west of Burwood Road, and between the Hume Highway (Liverpool Road) to the north and Georges River Road to the South. It is approximately 2km south of Burwood CBD and 900m west of Croydon Park local shopping centre. The site is within 100m of a high frequency bus stop on Burwood Road, where the Route 400 and Route M41 buses connect the site with destinations including the Burwood Town Centre, Bondi Junction, Sydney Airport, Hurstville and Macquarie Park. The NSW Head Office of Vision Australia was formerly located on the site, in a large-scale building, varying in height from one to three commercial storeys. This is equivalent to approximately two to five residential storeys. The existing building is a concrete monolithic structure that has little or no architectural merit.

The site is located within a predominately residential area, characterised by detached single, two and three storey dwellings. Within this context there is also a two-storey apartment building at 93-95 Burwood Road, which lies beyond the north-east corner of the site, and there is a new terrace house development under construction at 116-118 Burwood Road (opposite Mitchell Street). An extensive area of recreational open space, Henley Park, is located immediately to the west of the site. The proposed building ranges from two to five levels and will only be slightly taller than the local context, is low in scale and therefore responds to the scale of the local built environment. The park incorporates cricket wickets, an amenity building, barbeques and picnic facilities, play equipment, a bicycle and walking track, exercise equipment and large areas of passive open space. Enfield Aquatic Centre is also located at the northern edge of Henley Park. There are two bus stops situated in close proximity to the site on Burwood Road, close to the junction with Mitchell Street. These stops are less than 200m walk from the site, and offer services from Burwood to Bondi Junction, and Hurstville to Macquarie Park. Two primary schools and three early learning centres are located between 800m and 1km of the site.

The site is located prominently on Henley Park with a 200 metres frontage which is heavily screened by a strong existing planting of trees to the Western edge of Henley Park. In acknowledging the local context the building has been designed to fit below the existing canopy of trees on Henley Park and provides generous setbacks to the North, South and West boundaries. The building has been stepped on the Southern boundary to ensure it has an appropriate height to Mitchell Street and minimise overshadowing. The proposed development will contribute to the identity of the area by creating a high quality building and provide much needed amenity / retail to the local area.

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5



PRINCIPLE 2: BUILT FORM AND SCALE

“Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.”

The Burwood's LEP and DCP controls for this site outline a 8.5m height control, and an FSR of 0.85:1. The existing building height already exceeds this control with heights between 6.47m-16.34m. The proposed development is 4 levels in principle with a lower ground level of retail meaning a 5 level building at Henley Park edge, however the buildings ranges from two to five levels with stepping at boundaries and upper levels. The proposed major setbacks and building separation are outlined below:

DESIGN PROPOSAL SETBACKS:

- 12m (to glassline) to principle road, Mitchell Street.
- 12m (to glassline) to back of properties on Burwood Road.
- 12m (to glassline) to back of properties on Llangollan Street.
- 3m (to glassline) along Henley Park frontage.
- 1.1m incursion is allowed for perimeter planting.

ADG BUILDING SEPARATION:

- 18m (glassline to glassline) separation between buildings 1 and 2 (central landscaped corridor).

The site is located prominently on Henley Park with a 200 metres frontage which is heavily screened by a strong existing planting of trees to the Western edge of Henley Park. In acknowledging the local context the building has been designed to fit below the existing canopy of trees on Henley Park and provides generous setbacks to the North, South and West boundaries. The building has been stepped on the Southern boundary to ensure it has an appropriate height to Mitchell Street and minimise overshadowing. The proposed development will contribute to the identity of the area by creating a high quality building and provide much needed amenity / retail to the local area.

Bureau's scheme creates two U-shaped buildings that allow the largest number of apartments possible to have either frontal or oblique views of Henley Park. By creating two buildings on the site separated by a 18m wide landscape space in the centre of the site, each building has a Henley Park address as well as a street address, either Mitchell Street or Baker Street. This design strategy has the added benefit of creating a circa 40m setback to the rear boundaries measured through the courtyards. Setback distances from the north, south and eastern boundaries are circa 12m and 14m whilst adopting a more typical setback from the western or Henley Park boundary.

The building form is an “U” shape in plan, so as to minimise the impact on the Burwood Road properties, and to create a communal open space to the East of the site. The setbacks are generously landscaped to benefit both inhabitants of the building and the streetscape. Perimeter planting has been proposed to the entire perimeter of the building to provide additional and generous amenity for the residents and to provide a green edge to Henley Park.



PRINCIPLE 3: DENSITY

"Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment."

The proximity of the site to Burwood town centre affords the site the opportunity to support high density residential and the increase of housing near this strategic centre, with development at an appropriate scale and that carefully manages the response to the existing built form context.

The site has good links to employment opportunities, public transport and entertainment. The new development does not maximise the density potential of the site but allows a balance for the residents of the proposed development and neighbours, not overcrowding the site and minimising the effect on surrounding traffic conditions while providing a well designed and high quality density living offering that this unique site deserves.

PRINCIPLE 4: SUSTAINABILITY

"Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and livability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation."

The design was established using sustainability first principles with consideration given to site location and orientation. This analysis led to the development of 2 "U" shaped buildings which responds the sites orientation and achieves the maximum number of apartments with North, North-East and North-West orientations as possible. This building form also maximises the amount of apartments that get an outlook to the Henley Park.

The architectural detailing of the building and addition of user operable sliding screens protects the building glazing from overheating on the North and West facades while allowing for generous window operability, and skylights designed with high efficiency glazing to minimise the need for artificial heating/cooling. Double glazing and insulation further mitigates the thermal requirements of the building and minimises need for artificial temperature control. The glazed ground floor atrium is provided with natural lighting to increase amenity. The development utilises roof areas to capture rain water for collection in a rain water tank for use in the landscaped area. These design strategies together with the environmental strategies structured with the development's BASIX proposal will ensure both a high level of innovation in energy use and consumption for the building. There is potential to include photovoltaic panels on the roof to assist in powering common areas of the building. Given the relative low height of the building the design intention is to finish the fire stair to a high quality finish to encourage occupants to use the stairs as an alternative to the lift as part of an attempt to reduce power consumption by lift use and promote health & fitness by using stairs as daily exercise, also creating 'chance meetings' between neighbours which will assist in the creation of true community within the building.

Deep soil on the site exceeds the ADG minimum requirement.

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7



PRINCIPLE 5: LANDSCAPE

"Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management."

There are four principal open space areas and a series of more intimate courtyard and undercroft spaces. The spaces between the building are generous in scale and provide opportunity for a range of amenity from passive seating / gathering and reflection areas, to a playground and allied family seating. The linear open space along the eastern boundary provides opportunity for a range of lawn and seating areas. The central space has switch-back ramps to provide for equitable access to all three courtyards. The undercroft space has feature shaded seating areas, with tree ferns and fern gardens, and up lit shallow water features. The perimeter deep soil area is minimum three metres width and is located to allow effective screen planting and canopy shade trees to the interface with neighbouring properties.

Screened by the adjacent berm and existing park trees, the embankment is to have groundcover and tree planting to present landscape back into the site courtyard areas adjacent. The meandering path adjacent connects all areas. Feature water features are to be very shallow water, but providing high visual impact. Undercroft planting is to be shade tolerant tree ferns and similar lowlight tolerant accent planting.

The central courtyard space connecting the site East-West is more activate in character with a playground, lawn and adjacent family seating areas. The design character is to remain formal and creates a grand avenue of tree planting framing views up and down the space, with feature sculptures at each end. A level change stair and ramp system provides access and a visual feature and outlook across the lower lawns.

The two rooftop amenity areas are each approximately 40 x 15 metres, and being divided up into a series of smaller amenity spaces providing a broad range of uses. Uses will be refined in the detailed design, but can include barbeque areas, community gardens, outdoor exercise equipment and exercise decks, sun lounge and table and chairs / lounges as different types of seating areas. The greening of the rooftops towards the east is to provide attractive outlook, with these areas being generally non-access areas. The rooftop amenity areas are to be designed to complement the amenity provided on the ground floor and sheltered undercroft areas.

The proposal will retain the majority of existing trees that front Mitchell Street in the South and Henley Park to the West. Hard paving areas are used to access the main entry zone and egress paths. The car park entries are integrated into the building form and surrounded by landscaping to minimise the visual impact. Landscaping is used to create privacy barriers between the private and communal spaces.



PRINCIPLE 6: AMENITY

"Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility."

The buildings footprint allows the proposal to achieve the requirement for communal open space solely on the ground plane, this allows the entire roof space to be offered as an additional amenity for the residents. Additionally perimeter planting is proposed around the entire building footprint at all levels, which extends the already generously sized balcony and terrace areas.

The Mitchell Street frontage has been designed in a stepped form to diminish its bulk and scale having the added benefit of not creating new sun-shadows that would affect any Mitchell Street properties. The form of the building contains stepping and building breaks to divide the building and create privacy while allowing for openings. The building breaks and stepping also shape the views so apartments do not face one another, while maximising north facing living and balcony spaces.

For mobility and accessibility entry ramps are provided from Mitchell Street. The central space has switch-back ramps to provide for equitable access to all three courtyards. Each building has 2 lobby entries at ground level, located off the Eastern connection ensuring generous entries and legible wayfinding. Each building core allows for a common entry space on ground and then individual residential lobbies on the upper residential levels which allows for circa. 8 apartments per lift lobby. All apartments have lift access to the basement parking levels.

Wherever possible minimum room dimensions are exceeded and open plan living is prioritised with design enhancements where possible such as storage solutions and study nooks.

All units have natural ventilation, and ADG (SEPP65) cross-ventilation requirements are exceeded. A range of apartment sizes are provided to accommodate for project market demands. Large street setbacks are maintained, and shared boundaries are divided by communal open space and landscaped zones.

Garbage chutes are to be installed for the benefit and amenity of the development as a whole, providing a clean, efficient and convenient means of waste management. The waste compactor rooms are to be designed well in excess of current standards, and other plant rooms will be painted white internally for improved useability and serviceability.

The apartments have been designed in accordance with ADG (SEPP65) design guidelines as follows:

1) Solar and Daylight Access

Performance Criteria: 70% of apartments in a building to receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter.

Proposed Design Performance: The building is compliant as 80% of apartment living rooms or (148 of 183 units) would receive direct sun penetration for a minimum 2 hours per day between 9 am and 3pm. See solar diagrams in urban design report.

Performance Criteria: A maximum of 15% of apartments in a building receive no sunlight between 9am and 3pm at mid-winter.

Proposed Design Performance: The building is compliant as 15% of the units will not receive direct sunlight in winter.

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2018-09-03
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9

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Performance Criteria: A window should be visible from all habitable rooms.

Proposed Design Performance: The building is compliant as a window is visible from all habitable rooms.

2) Natural Ventilation

Performance Criteria: 60% of units should be naturally cross ventilated. The rear of single aspect unit kitchens/open plan layouts to be maximum of 8m from glazing.

Proposed Design Performance: The building is compliant as 70% or (129 of 183 units) are naturally cross ventilated.

Performance Criteria: The area of window openings should be at least 5% of floor area served.

Proposed Design Performance: The building is compliant as area of window openings is greater than 5% of floor area served.

Performance Criteria: The maximum depth of through units should be 18m.

Proposed Design Performance: The building has the ability to comply to 18m glassline to glassline.

3) Ceiling heights

Performance Criteria: The minimum ceiling height for habitable areas is 2700mm.

Proposed Design Performance: The building is compliant as all units have 2700mm ceilings in habitable areas

Performance Criteria: The minimum ceiling height for ground floor retail areas is areas is 3300mm.

Proposed Design Performance: The building is compliant as the retail ceiling is in excess of 3300mm.

4) Apartment Size and Layout

Performance Criteria: Apartments are required to have the following minimum internal areas: Studio 35sqm/1 Bedroom 50sqm/ 2 Bedroom 70sqm / 3 Bedrooms 90sqm.

Proposed Design Performance: The building is compliant as all units have the minimum required internal areas according to ADG (SEPP 65).

5) Apartment Depth

Performance Criteria: Preferred maximum internal building depth should be 18m. Habitable room depths are limited to a maximum of 2.5 X the ceiling height. In open plan layout (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.

Proposed Design Performance: The building has the ability to comply to 18m glassline to glassline, no living dining area exceeds 8m in depth and due to large areas of glazing no habitable room depth exceed 2.5 X the ceiling height.

6) Private Open Space and Balconies

Performance Criteria: All apartments are required to have primary balconies as follows: Studios 4sqm; 1 Bedroom 8sqm; 2 Bedroom 10sqm; 3 Bedroom 12sqm.

Proposed Design Performance: The building is compliant as all apartment balconies have the minimum required size.

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Performance Criteria: The minimum depth of balconies is 2m for studios, 1 bed, 2 bed and 2.4m for 3 bed.

Proposed Design Performance: The building is compliant as all apartment balconies have the minimum required depth.

8) Common Circulation and Spaces

Performance Criteria: The maximum number of apartments off a circulation core on a single level is 8.

Proposed Design Performance: The building is compliant as the maximum number of apartments off a circulation core on a single level is in the order of 8.

9) Storage

Performance Criteria: The minimum requirements for storage are as following: Studio 4sqm/ 1 Bedroom 6sqm/ 2 Bedroom 8sqm/ 3 Bedroom 10sqm. And at least 50% of the required storage is to be located within the apartment.

Proposed Design Performance: All units have a minimum storage size and are compliant as they have the capability of providing the storage requirement with at least 50% of storage within the unit and 50% within the basement.

10) Ground Floor and Lobbies

Performance Criteria: Direct Access should be provided for ground floor apartments.

Proposed Design Performance: Currently there are no planned ground level apartments in the proposal

Performance Criteria: Retail or home office should be located along ground floor frontages.

Proposed Design Performance: Retail is located on lower ground level to activate the Henley Park frontage.

PRINCIPLE 7: SAFETY

"Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose."

The proposal includes a retail strip along the Henley Park frontage. The retail use has a clearly defined security line between the public retail offering and the private courtyards and residential entries. There will be secure access to the residential entries from Mitchell and Baker Street.

The building is set back a minimum of 12 meters from street / back of property boundaries and are elevated and surrounded by planting buffers to achieve privacy. The main building entries are clearly visible and easily accessed from Mitchell Street and Henley Park. All communal open spaces are large and open with clear site lines and connectivity. The design will incorporate sophisticated CCTV and recording system, with cameras located at strategic locations such as entries, viewing letter boxes to deter identity theft, common lobbies, garbage chutes to deter problematic practices, lift, basement car park levels and main car

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park. Intention is to also paint car park soffits white for improved safety and higher level of cost effective illumination.

PRINCIPLE 8: HOUSING DIVERSITY AND SOCIAL INTERACTION

"Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents."

We have designed a large range of 1 bedroom, 2 bedroom and 3 bedroom apartment types to respond to market demand. We have large apartments to compact apartments and a range of sizes to increase affordability. The apartment range and types will ensure social mix and a vibrant occupant outcome for the building.

The proposal responds to the social context and needs of the community, by providing:

- A range of apartment sizes of 1, 2 and 3 bed units which reflects the minimum affordable housing sizes identified by the ADG (SEPP 65);
- Apartment sizes that respond to the social mix and demand in the area;
- Establishing residential housing stock in an area which is suitably situated proximate to travel opportunities (along main road routes and proximate to public transport options).

The development also intends to include a proportion of affordable rental housing consistent with the Metropolis of Three Cities by the Greater Sydney Commission.

PRINCIPLE 9: AESTHETICS

"Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape."

The proposals material palette will be built from glass, natural colours and dark materials. The building is low in scale and has a horizontal proportion which is reinforced by the perimeter planting. The fully landscaped roof area allows the building to present itself as an extension of Henley Park.

The building responds to its unique park fronting location to create a benchmark for high density residential apartment buildings for the area. The material palette responds to the context and aims to minimise the building bulk and create an inviting atmosphere. The "U" shape of the building envelope further minimised building bulk and creates opportunities for landscaping to benefit inhabitants of the building and the streetscape. Design features such as frameless glazed balustrades add to diminish the building bulk and create a clean streamlined aesthetic.

Apartment Design Guide Compliance Summary Report



ADG (SEPP65) COMPLIANCE SUMMARY
Apartment Design Guide - Tools for improving the design of residential apartment development

CLAUSE	OBJECTIVES	COMPLIANCE	COMMENTS
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PART 2 DEVELOPING THE CONTROLS

PRIMARY CONTROLS	2A	The rationale for setting primary controls needs to be explained to the community, applicants and practitioners.	COMPLIES	Refer to Urban Design report for further detail.
BUILDING ENVELOPES	2B	Building envelopes set the appropriate scale of future development in terms of bulk and height relative to the streetscape, public and private open spaces, and block and lot sizes in a particular location. Envelopes are appropriate when determining and controlling the desired urban form in town centres, brownfield sites, precinct plan sites and special sites such as those with heritage, significant views or extreme topography.	COMPLIES	Refer to Urban Design report for further detail.
BUILDING HEIGHT	2C	Building height helps shape the desired future character of a place relative to its setting and topography. It defines the proportion and scale of streets and public spaces and has a relationship to the physical and visual amenity of both the public and private realms. Height controls should be informed by decisions about daylight and solar access, roof design and use, wind protection, residential amenity and in response to landform and heritage.	COMPLIES	The principal justifications for greater height are: 1) Greater height should be permitted where adverse impacts such as overshadowing of existing residences can be minimised. 2) The height is necessary to support a set of public benefits. These include: improved pedestrian access network, catalyst for improvements on surrounding sites, improved public open space and access to Herley Park.
		Ensure that building height controls respond to the desired number of storeys, the minimum floor to floor heights required for future building uses and include generous ground floor heights	COMPLIES	Retail floor to floor height are set at 4.5m. All residential levels are set at 3.1m floor to floor. The above floor-to-floor height allow compliance to required ceiling heights.
FLOOR SPACE RATIO	2D	Ensure that development aligns with the optimum capacity of the site and the desired density of the local area.	COMPLIES	Subject to ratification of Planning Proposal.
		Provide opportunities for building articulation and creativity within a building envelope by carefully setting the allowable floor space.	COMPLIES	Room for building articulation has been taken into account as part of the concept design.
BUILDING DEPTH	2E	Ensure that the bulk of the development relates to the scale of the desired future context.	COMPLIES	Refer to Urban Design report for further detail.
		Ensure building depths support apartment layouts that meet the objectives, design criteria and design guidance within the Apartment Design Guide.	COMPLIES	Primary apartment allocations comply with ADG (SEPP65) objectives of depth and design, and allow for further refinement at design development stage.
		Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls. This will ensure that apartments receive adequate daylight and natural ventilation and optimise natural cross ventilation	ACHIEVABLE	Maximum apartment depths of 18 metres from glass line to glass line are achievable. 70% of apartments are cross-ventilated.
		Test building depths against indicative floor plate and apartment layouts to ensure they can meet natural ventilation and sunlight requirements	COMPLIES	All ceiling heights comply with ADG (SEPP65), applied with indicative apartment allocations will achieve natural ventilation and sunlight requirements.
BUILDING SEPARATION	2F	Test building separation controls in plan and section	COMPLIES	Yes.
		Up to four storeys (approximately 12m) • 12m between habitable rooms/balconies • 8m between habitable and non-habitable rooms • 6m between non-habitable rooms	COMPLIES	The proposal provides adequate building separation in accordance with this standard. Separation between all buildings on site complies with ADG requirements. Separation and privacy is further enhanced by perimeter planting and extensive landscaping which provides a welcome, landscaped separation between the buildings. The proposal satisfies the underlying objectives primarily relating to residential privacy through adequate building separation distances, and provides publicly accessible spaces throughout the development.
		Increase building separation proportionally to the building height to achieve amenity and privacy for building occupants and a desirable urban form.	COMPLIES	Sufficient open space and setbacks are dedicated as space to develop a successful and engaging landscaping masterplan.
STREET SETBACKS	2G	Determine street setback controls relative to the desired streetscape and building forms, for example: • define a future streetscape with the front building line • match existing development. • step back from special buildings. • retain significant trees. • in certain the street setback may need to be consistent to reinforce the street edge. • consider articulation zones accommodating balconies, landscaping etc. within the street setback. • use a setback range where the desired character is for variation within overall consistency, or where subdivision is at an angle to the street. • manage corner sites and secondary road frontages.	COMPLIES COMPLIES COMPLIES COMPLIES COMPLIES COMPLIES COMPLIES	The proposal been designed to provide adequate street and site boundary set-backs.
		Identify the quality, type and use of open spaces and landscaped areas facing the street so setbacks can accommodate landscaping and private open space	COMPLIES	Sufficient setbacks are dedicated as space to develop landscaping

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ADG (SEPP65) COMPLIANCE SUMMARY
 Apartment Design Guide - Tools for improving the design of residential apartment development

CLAUSE	OBJECTIVES	COMPLIANCE	COMMENTS
SIDE AND REAR SETBACKS	2H Test side and rear setbacks with height controls for overshadowing of the site, adjoining properties and open spaces	COMPLIES	Side setbacks have been tested against the existing prevailing setbacks on Mitchell Street, with setbacks established to minimise overshadowing on Mitchell Street properties.

PART 3 SITING THE DEVELOPMENT

SITE ANALYSIS	3A-1 Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context. Each element in the Site Analysis Checklist should be addressed.	COMPLIES	The scheme is sensitive to the constraints and opportunities of the site. Complete compliance to the Site Analysis Checklist would be completed for a DA stage design.
ORIENTATION	3B-1 Building types and layouts respond to the streetscape and site while optimising solar access within the development.	COMPLIES	Lower building forms are located to the Eastern boundaries to provide the solar access in accordance with sections 3D. Communal and public open space and 4A Solar and daylight access. The south facade is stepped to prevent overshadowing to neighbouring Southern properties along Mitchell Street.
	3B-2 Overshadowing of neighbouring properties is minimised during mid winter	COMPLIES	Overshadowing of sites to the south is an important constraint of this site, so the building is stepped in the facade to Mitchell Street to avoid overshadowing. In this way it is achieved that there is no shadowing beyond the property lines from 9 a.m. to 3 p.m. on the winter solstice. The shadow diagrams show the extent of overshadowing on Mitchell Street and that even at Winter Solstice the shadows does not exceed the limit of the opposite properties at any time.
PUBLIC DOMAIN INTERFACE	3C-1 Transition between private and public domain is achieved without compromising safety and security.	COMPLIES	It is provided a separation between communal open spaces and the retail.
	3C-2 Amenity of the public domain is retained and enhanced.	COMPLIES	The scheme enhances public amenity through pedestrian and visual connections to Henley Park.
COMMUNAL AND PUBLIC OPEN SPACE	3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.	COMPLIES	Multiple interstitial spaces are provided throughout the proposed masterplan, allowing differing characters of space and use.
	3D-1 Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)	COMPLIES	Communal open space area is approx. 5,000 m ² - 30% of the site area. This figure excludes roads, footpaths, setbacks etc. This exceeds the minimum range requirement for open space.
	3D-1 Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)	COMPLIES	Principal communal Open Space is located in the two courtyard of buildings, more than 50% of Communal Open Space receives 3 hours direct sunlight during Winter Solstice, getting more than the requirements.
	3D-2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	COMPLIES	Sufficient space provided to make achievable with design development.
	3D-3 Communal open space is designed to maximise safety.	COMPLIES	Yes
	3D-4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.	COMPLIES	Yes
DEEP SOIL ZONES	3 E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality	COMPLIES	Deep soil landscaped area is provided
	3 E-2 Deep soil zones are to meet the following minimum requirements: Area greater than 1,500m ² Minimum dimension 6m 7% of site deep soil	COMPLIES	Deep Soil area is approximately 1,000 m ² - 8% of the site area. This exceeds the minimum requirement for Deep Soil.
VISUAL PRIVACY	3F-1 Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.	COMPLIES	Where site boundaries back onto residential properties the set back is a minimum of 12 metres from the site boundary - this allows shared setbacks to comply with separation distance requirements. Refer to Urban Design report for further detail.

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ADG (SEPP65) COMPLIANCE SUMMARY
 Apartment Design Guide - Tools for improving the design of residential apartment development

CLAUSE	OBJECTIVES	COMPLIANCE	COMMENTS												
3F-1	Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: <table border="1"> <thead> <tr> <th>Building height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>up to 25m (5-8 storeys)</td> <td>6m</td> <td>4.5m</td> </tr> <tr> <td>over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	6m	4.5m	over 25m (9+ storeys)	12m	6m	COMPLIES	The proposal comply with the minimum building separation control.
Building height	Habitable rooms and balconies	Non-habitable rooms													
up to 12m (4 storeys)	6m	3m													
up to 25m (5-8 storeys)	6m	4.5m													
over 25m (9+ storeys)	12m	6m													
3F-2	Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.	COMPLIES	Initial apartment allocations provide open aspect to all apartments, without directly looking onto other apartments.												
PEDESTRIAN ACCESS AND ENTRIES	3G-1	Building entries and pedestrian access connects to and addresses the public domain.	COMPLIES	Links provided through site, street frontage provided, access to public domain provided.											
	3G-2	Access, entries and pathways are accessible and easy to identify.	COMPLIES	Refer to objective 3G-1											
	3G-3	Large sites provide pedestrian links for access to streets and connection to destinations.	COMPLIES	Refer to objective 3G-1											
VEHICLE ACCESS	3H	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	COMPLIES	<ul style="list-style-type: none"> - Driveway widths are set at a maximum of 6m. - The location of pedestrian entrances away from the vehicular driveway has been maximised. - Clearly defined separation of vehicular and pedestrian entries. 											
BICYCLE AND CAR PARKING	3J-1	Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.	ACHIEVABLE	Achievable through further design development.											
	3J-2	Parking and facilities are provided for other modes of transport.	COMPLIES	It is provided.											
	3J-3	Car park design and access is safe and secure.	COMPLIES	The access into common circulation areas is direct and clearly visible.											
	3J-4	Visual and environmental impacts of underground car parking are minimised.	COMPLIES	Yes											
	3J-5	Visual and environmental impacts of on-grade car parking are minimised.	COMPLIES	It is not provided on-grade car parking.											
	3J-6	Visual and environmental impacts of above ground enclosed car parking are minimised.	COMPLIES	The car parking is on the basement, so it does not impact in the facade.											

PART 4 DESIGNING THE BUILDING

SOLAR AND DAYLIGHT ACCESS	4A-1	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.	COMPLIES	Currently 80% of units have a North, East or West orientation and achieve in excess of 2 hours direct sunlight during mid-winter.
		A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	COMPLIES	Just 15% of units do not receive direct sunlight between 9 am and 3 pm at mid-winter. To achieve the 85% skylights will be provide in the highest level.
		To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of 1m ² of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes.	COMPLIES	85% of units receive direct sunlight receive more than 1m ² , measured at 1 m above floor level, at least 15 min.
		Design incorporates shading and glare control, particularly for warmer months.	ACHIEVABLE	Building articulation, shading devices etc not yet developed.
	4A-2	Daylight access is maximised where sunlight is limited.	ACHIEVABLE	Building articulation, shading devices etc not yet developed.
	4A-3	Design incorporates shading and glare control, particularly for warmer months.	ACHIEVABLE	Building articulation, shading devices etc not yet developed.
NATURAL	4B-1	All habitable rooms are naturally ventilated.	COMPLIES	Yes
	4B-2	The layout and design of single aspect apartments maximises natural ventilation.	COMPLIES	The open plan unit layouts have been designed to maximise natural ventilation.
	4B-3	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	COMPLIES	The development achieves 70% natural cross ventilation.
	4B-3	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	ACHIEVABLE	All apartments have the ability not to exceed 18m in depth.

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ADS (SEPP65) COMPLIANCE SUMMARY
 Apartment Design Guide - Tools for improving the design of residential apartment development

CLAUSE	OBJECTIVES	COMPLIANCE	COMMENTS												
CEILING HEIGHTS	4C-1 Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <table border="1" style="margin-left: 20px;"> <thead> <tr> <th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th> </tr> </thead> <tbody> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-habitable</td> <td>2.4m</td> </tr> <tr> <td>For 2 storey apartments</td> <td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td> </tr> <tr> <td>Atic spaces</td> <td>1.8m at edge of room with a 30 degree minimum ceiling slope</td> </tr> <tr> <td>If located in mixed used areas</td> <td>3.3m for ground and first floor to promote future flexibility of use</td> </tr> </tbody> </table>	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Atic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	COMPLIES	All habitable areas have minimum floor to floor of 3.1m, sufficient to provide minimum ceiling heights of 2.7 metres. The proposal complies with the minimum standards for floor to ceiling heights.
Minimum ceiling height for apartment and mixed use buildings															
Habitable rooms	2.7m														
Non-habitable	2.4m														
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area														
Atic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope														
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use														
	4C-2 Ceiling height increases the sense of space in apartments and provides for well proportioned rooms.	COMPLIES	2.7 metres achieved throughout all apartments												
	4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building.	COMPLIES	Yes												
APARTMENT SIZE AND LAYOUT	4D-1 Apartments are required to have the following minimum internal areas: - Studio = 35m ² - 1 bedroom = 50m ² - 2 bedroom = 70m ² - 3 bedroom = 90m ² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m ² each.	COMPLIES	All apartments will comply to minimum sizes												
	4D-1 Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	COMPLIES	Building breaks provide opportunity for all habitable rooms to have direct access to daylight.												
	4D-2 Habitable room depths are limited to a maximum of 2.5 x the ceiling height.	COMPLIES	The maximum depth would be approximately 6.75 m. It is achieved in all rooms.												
	4D-2 In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	COMPLIES	All the units where the living, dining and kitchen are combined do not exceed of 8m.												
	4D-3 Master bedrooms have a minimum area of 10m ² and other bedrooms 8m ² (excluding wardrobe space).	COMPLIES	All master bedrooms have a minimum area of 10m ² .												
	4D-3 Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	ACHIEVABLE	Achievable												
	4D-3 Living rooms or combined living/dining rooms have a minimum width of: - 3.8m for studio and 1 bedroom apartments - 4m for 2 and 3 bedroom apartments.	COMPLIES	It is achieved.												
	4D-3 The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	COMPLIES	It is achieved.												
PRIVATE OPEN SPACE AND BALCONIES	4 E-1 All apartments are required to have primary balconies as follows: - Studio apartments = Area = 4m ² - 1 bedroom apartments = Area = 8m ² , Depth = 2m - 2 bedroom apartments = Area = 10m ² , Depth = 2m - 3+ bedroom apartments = Area = 12m ² , Depth = 2.4m The minimum balcony depth to be counted as contributing to the balcony area is 1m.	COMPLIES	All balconies comply to minimum sizes												
	4 E-1 For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	ACHIEVABLE	Achievable through further design development at later stage.												
	4 E-2 Primary private open space and balconies are appropriately located to enhance livability for residents.	COMPLIES	All balconies are located adjacent to the living room to extend the living space.												
	4 E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.	COMPLIES	They are designed to allow views and passive surveillance of the street.												
	4 E-4 Private open space and balcony design maximises safety.	COMPLIES	Yes												
COMMON CIRCULATION AND SPACES	4F-1 The maximum number of apartments off a circulation core on a single level is eight.	COMPLIES	It is achieved. The maximum number of apartments off a circulation core is in the order of 8.												
	4F-1 For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	COMPLIES	Yes												
	4F-2 Common circulation spaces promote safety and provide for social interaction between residents.	COMPLIES	Yes												

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Apartment Design Guide Compliance Summary Report



ADG (SEPP65) COMPLIANCE SUMMARY
Apartment Design Guide - Tools for improving the design of residential apartment development

CLAUSE	OBJECTIVES	COMPLIANCE	COMMENTS
STORAGE	4G-1 In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: • Studio apartments = 4m ³ • 1 bedroom apartments = 6m ³ • 2 bedroom apartments = 8m ³ • 3+ bedroom apartments = 10m ³ At least 50% of the required storage is to be located within the apartment.	ACHIEVABLE	Achievable through further design development at later stage.
	4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments.	COMPLIES	Yes
ACOUSTIC PRIVACY	4H-1 Noise transfer is minimised through the siting of buildings and building layout.	COMPLIES	As discussed in response to 'Building Separation' (Part 2 Developing the Controls, Objective 2F), the proposal complies with the minimum building separation control being at least 6 m between habitable rooms/balconies for developments. The proposed separation satisfies the underlying objective to ensure acoustic privacy is maintained across the development.
	4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments.	COMPLIES	Internal apartment layouts separates noisy space from quiet spaces, rooms with similar noise are grouped together, doors separate different zones, wardrobes in bedrooms are collocated to act as sound buffers.
NOISE AND POLLUTION	4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.	COMPLIES	It has been follow design solutions to minimise impacts: non-residential buildings at lower level separating the residential component from the noise or pollution source, landscape design in Mitchell street reduces the perception of noise, etc.
	4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	ACHIEVABLE	Achievable through further design development at later stage.
APARTMENT MIX	4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future.	COMPLIES	A range of unit sizes have been used to achieve a well-balanced unit mix including 1 bed, 2 bed and 3 bed apartments.
	4K-2 The apartment mix is distributed to suitable locations within the building.	COMPLIES	Yes
GROUND FLOOR APARTMENTS	4L-1 Street frontage activity is maximised where ground floor apartments are located.	ACHIEVABLE	Achievable through further design development at later stage.
	4L-2 Design of ground floor apartments delivers amenity and safety for residents.	ACHIEVABLE	Achievable through further design development at later stage.
FACADES	4M-1 Building facades provide visual interest along the street while respecting the character of the local area.	COMPLIES	It is achieved.
	4M-2 Building functions are expressed by the facade.	COMPLIES	It is achieved.
ROOF DESIGN	4N Roof treatments are integrated into the building design and positively respond to the street.	COMPLIES	It is achieved.
	4N-2 Opportunities to use roof space for residential accommodation and open space are maximised.	COMPLIES	It is provided communal open space on the roof.
	4N-3 Roof design incorporates sustainability features.	COMPLIES	It is achieved.
LANDSCAPE DESIGN	4O-1 Landscape design is viable and sustainable.	COMPLIES	It is achieved.
	4O-2 Landscape design contributes to the streetscape and amenity.	COMPLIES	It is achieved, it responds to the existing site conditions continuing with the park topography, paths, etc.
PLANTING ON STRUCTURES	4P-1 Appropriate soil profiles are provided.	ACHIEVABLE	Achievable through further design development at later stage.
	4P-2 Plant growth is optimised with appropriate selection and maintenance.	ACHIEVABLE	Achievable through further design development at later stage.
	4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces.	ACHIEVABLE	Achievable through further design development at later stage.
UNIVERSAL DESIGN	4Q-1 Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features.	ACHIEVABLE	Achievable through further design development at later stage.
	4Q-2 A variety of apartments with adaptable designs are provided.	ACHIEVABLE	Achievable through further design development at later stage.
	4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs.	ACHIEVABLE	Achievable through further design development at later stage.
ADAPTIVE REUSE MIXED USE	4R n/a	n/a	n/a
	4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	COMPLIES	The retail is provided in the lower ground level, fronting and activating Hervey Park.
	4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.	COMPLIES	There are different entries to residential and retail. The retail entry is accessible from the street and it is separated from the residential components.
AWNINGS AND SIGNAGE	4T-1 Awnings are well located and complement and integrate with the building design.	ACHIEVABLE	Achievable through further design development at later stage.
	4T-2 Signage responds to the context and desired streetscape character.	ACHIEVABLE	Achievable through further design development at later stage.
ENERGY EFFICIENCY	4U-1 Development incorporates passive environmental design.	COMPLIES	Yes.

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ADG (SEPP65) COMPLIANCE SUMMARY
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CLAUSE	OBJECTIVES	COMPLIANCE	COMMENTS
	4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	ACHIEVABLE	Achievable through further design development at later stage.
	4U-3 Adequate natural ventilation minimises the need for mechanical ventilation.	COMPLIES	Approximately 70% of apartments are naturally cross ventilation. All habitable rooms have natural ventilation.
WATER MANAGEMENT AND CONSERVATION	4W-1 Potable water use is minimised.	ACHIEVABLE	Achievable through further design development at later stage.
	4W-2 Urban stormwater is treated on site before being discharged to receiving waters.	ACHIEVABLE	Achievable through further design development at later stage.
	4W-3 Flood management systems are integrated into site design.	ACHIEVABLE	Achievable through further design development at later stage.
WASTE MANAGEMENT	4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	COMPLIES	There are adequately sized storage areas located discreetly in the lower ground. They are well ventilated.
	4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling.	ACHIEVABLE	Achievable through further design development at later stage.
BUILDING MAINTENANCE	4X-1 Building design detail provides protection from weathering.	ACHIEVABLE	Achievable through further design development at later stage.
	4X-2 Systems and access enable ease of maintenance.	ACHIEVABLE	Achievable through further design development at later stage.
	4X-3 Material selection reduces ongoing maintenance costs.	ACHIEVABLE	Achievable through further design development at later stage.

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SITE SPECIFIC DEVELOPMENT CONTROL PLAN

4 MITCHELL STREET,
ENFIELD

SA6613
DRAFT

URBIS

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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Version	Draft

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TABLE OF CONTENTS

1.	Draft Site Specific DCP – 4 Mitchell Street	5
1.1.	Applies to Land	5
1.2.	Application	5
1.3.	Objectives	5
1.4.	Character Statement	5
1.5.	Site Setbacks	6
1.6.	Character of Mitchell Street	7
1.7.	Communal Open Space	8
1.8.	Landscaping	9
1.9.	Access	10
1.10.	Affordable Housing	11
	Disclaimer	12
Figures:		
	Figure 1 - Building Setbacks Diagram	6
	Figure 2 – Proposed Cross Section	7
	Figure 3 – Mitchell Street Frontage	7
	Figure 4 - Rooftop Open Space	8
	Figure 5 - Total Communal Open Space	8
	Figure 6 – Indicative Landscape Plan	9
	Figure 7 – Public Spaces Diagram	10

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1. DRAFT SITE SPECIFIC DCP – 4 MITCHELL STREET

This Draft Site Specific Development Control Plan (draft DCP) has been prepared by Urbis on behalf of Tian An Enfield Pty Ltd (the Proponent) in support of a Planning Proposal to amend the Burwood Local Environmental Plan 2012 (BLEP 2012) as it applies to 4 Mitchell Street in Enfield (the Site).

At the meeting of the Burwood Local Planning Panel on 14th August 2018, the Panel resolved to support the Planning Proposal subject to a number of suggested actions/ recommendations. One of these recommendations was to require the preparation of a site specific DCP that reflects the principal design parameters in the hypothetical design.

This draft DCP has been prepared to address this requirement and will form the starting point for ongoing discussions with Council, should the Planning Proposal receive a Gateway Determination.

1.1. APPLIES TO LAND

This draft DCP applies to 4 Mitchell Street, Enfield. The legal description of the site is Lot 3 DP 585664.

1.2. APPLICATION

In the event of any inconsistency with other controls in the DCP, the controls in this section take precedence.

1.3. OBJECTIVES

The objective is to guide the future development at 4 Mitchell Street following the amendments to the development standards within the BLEP 2012, stemming from the Proponent's Planning Proposal.

This will include:

- To ensure that new development responds to its context including streetscape, adjoining properties and Henley Park.
- To ensure that new development provides appropriate levels of amenity for the private and public domain.
- To ensure that appropriate setbacks, building separation, landscaping, and solar access are achieved.
- To ensure that future development appropriately addresses Mitchell Street.
- To ensure the appearance of new development enhances the public domain through modulation, articulation, and use of high quality materials and finishes.
- To facilitate ease of access of movement for both pedestrians and vehicles to and within the site.

1.4. CHARACTER STATEMENT

The desired future character of the Site is as follows:

- To provide high quality, contemporary residential accommodation at the site in the form of new apartment buildings with good levels of amenity.
- To create two 'U-Shaped' buildings on site which are separated by a wide landscape buffer which addresses Henley Park.
- For the new buildings to accommodate a communal open space, such that non-park facing apartments can enjoy a landscaped outlook.
- To accommodate a well-designed Mitchell Street frontage, to ensure the appearance of the development is well aligned to the existing street-scene.
- To provide generous landscaped areas at ground level around the perimeter of the site to ensure suitable interfaces with surrounding properties, and to have well-designed communal rooftop spaces.

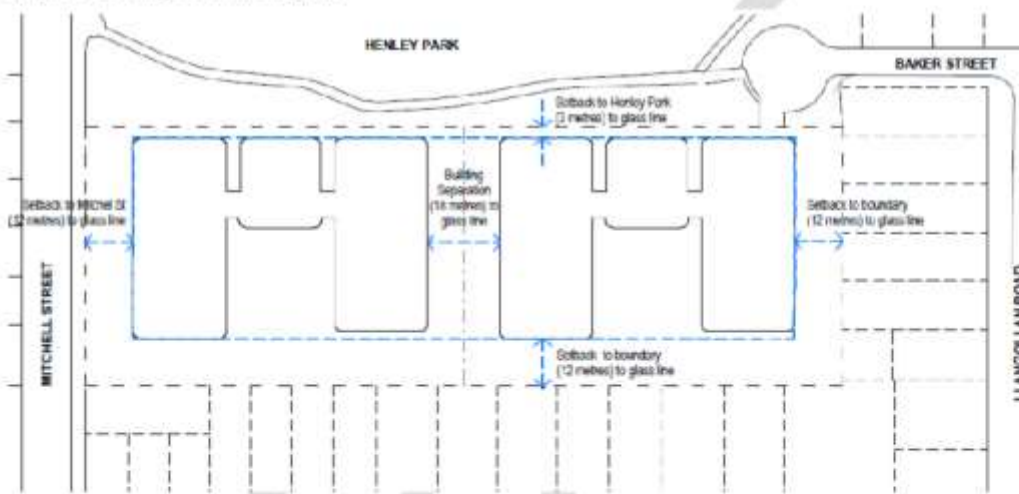
1.5. SITE SETBACKS

The Provisions relating to site setbacks are as follows:

- The Mitchell Street boundary setback to be a minimum of 12m.
- The East boundary setback to be a minimum of 12m.
- The North boundary setback to be a minimum of 12m.
- The Henley Park (West) boundary setback to be a minimum of 3m.
- Building separation on between the two buildings on site to be a minimum of 18m.

The development is to be undertaken generally in accordance with Figure 1 below:

Figure 1 - Building Setbacks Diagram



1.6. CHARACTER OF MITCHELL STREET

The Provisions relating to the Character of Mitchell Street are as follows:

- The Proposed development built form is to be stepped down towards Mitchell Street to appropriately address the character of the street.
- The Mitchell Street frontage is to be no more than a maximum building height of 12m, to respond to the scale of the neighbouring properties along Mitchell Street.
- There should be no additional overshadowing to the properties on the opposite side of Mitchell Street.

The stepping of the Mitchell Street frontage should be developed generally in accordance with Figure 2 and Figure 3 below.

Figure 2 – Proposed Cross Section

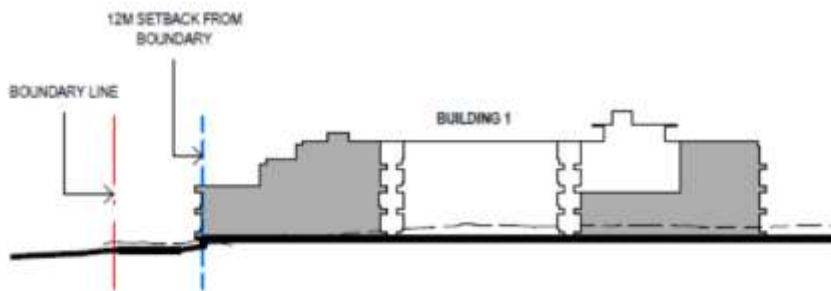
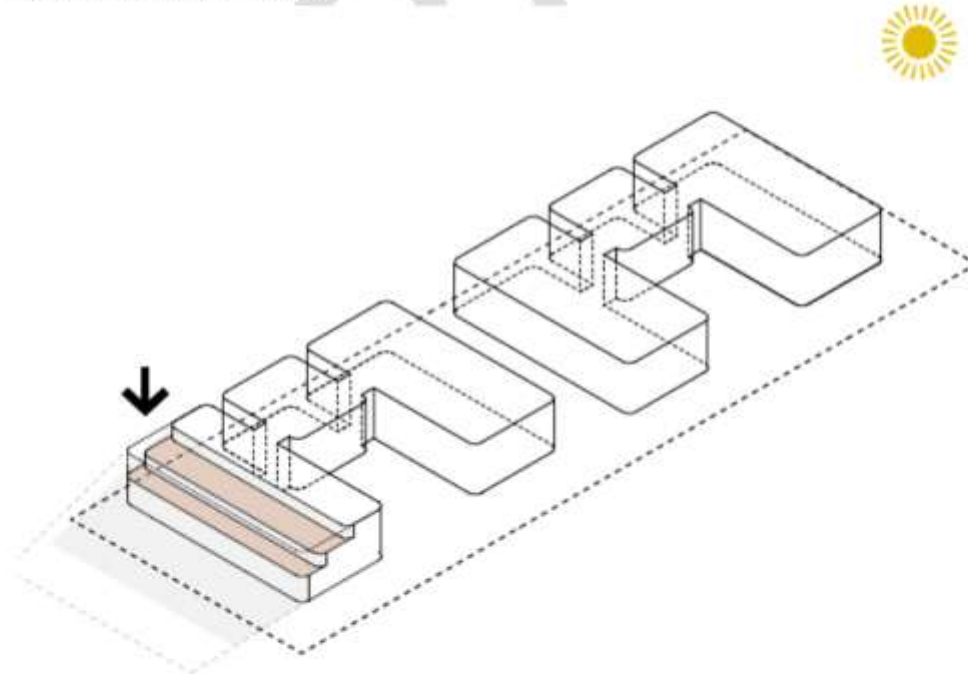


Figure 3 – Mitchell Street Frontage



1.7. COMMUNAL OPEN SPACE

The Provisions relating to communal open space at the site are as follows:

- Sufficient communal open space is to provided which meets the requirements of the Apartment Design Guide.
- The communal open space should receive adequate sunlight to the principle usable part of the open space.
- The rooftop communal open space shall be situated on the western part of the rooftop to maintain privacy and avoid overlooking of the rear of the properties to the east of the site which front Burwood Road.

The rooftop and total communal open space should be provided generally in accordance with the areas shaded green in Figure 4 and Figure 5 below.

Figure 4 - Rooftop Open Space

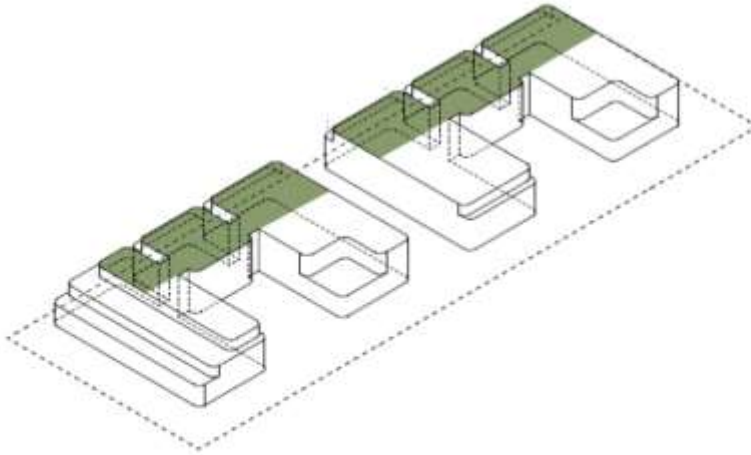
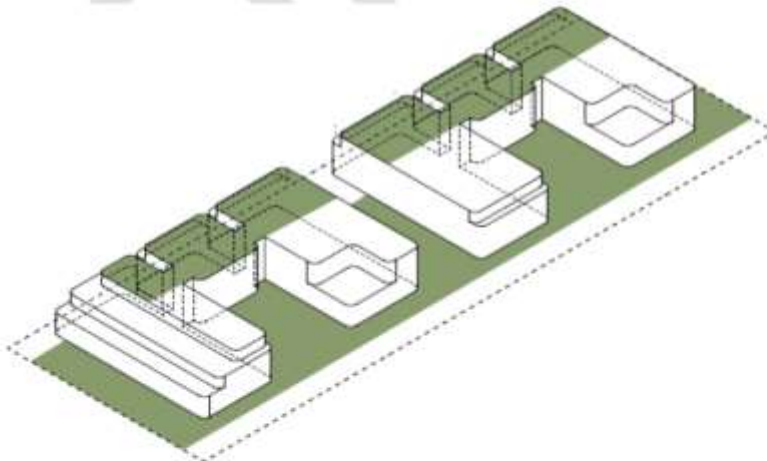


Figure 5 - Total Communal Open Space



1.8. LANDSCAPING

The Provisions relating to landscaping of the site are as follows:

- The site shall be well landscaped and existing trees are to be retained where feasible.
- The proposed residential apartments shall accommodate a rooftop garden.
- A minimum of 8% of the site area shall accommodate deep soil to accommodate landscaping.
- To enhance building amenity and relationship with landscape, the proposed building should accommodate planters.
- Roof to provide accessible garden/landscaped areas facing Henley Park. The Eastern side of the roof to be green but not trafficable.

The landscaping of the site can be progressed in accordance with the indicative Landscape Plan illustrated in Figure 6 below.

Figure 6 – Indicative Landscape Plan



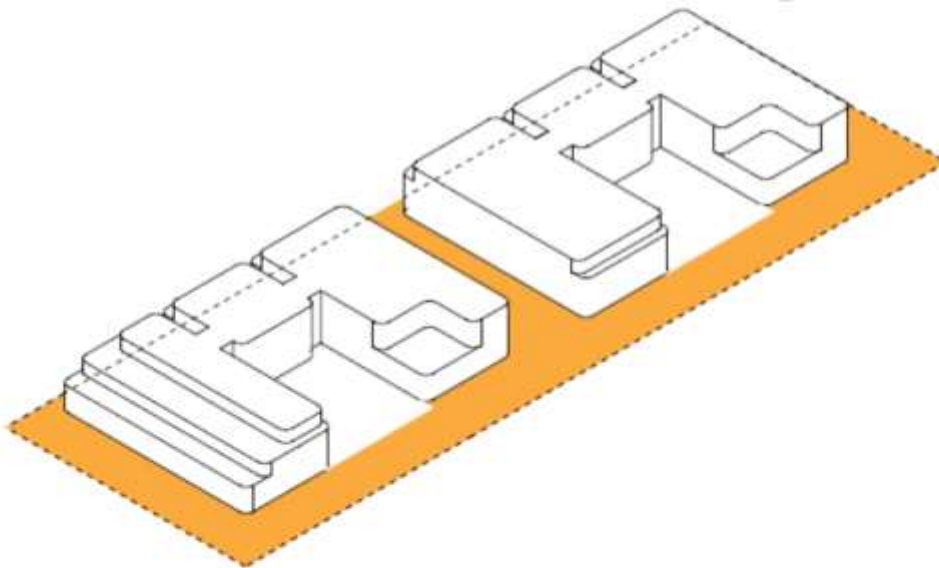
1.9. ACCESS

The Provisions relating to public access are as follows:

- The proposed development shall be easily and safely accessible for pedestrians, bicycles and vehicles.
- The access points to the site shall be legible and clearly identified.
- The potential for public access across the site and a connection with Henley Park shall be investigated, in order to enhance the connectivity and legibility of the site.

The potential public spaces around the proposed development are identified in Figure 7 below.

Figure 7 – Public Spaces Diagram



1.10. AFFORDABLE HOUSING

The Provisions relating to affordable housing are as follows:

- The proposed residential development at the site shall include between 5-10% of units for affordable rental housing consistent with the Metropolis of Three Cities Region Plan, published by the Greater Sydney Commission.
- This provision relates only to the proportion of the development which benefits from the additional FSR achieved through this Planning Proposal, above the existing 0.85:1 FSR in the BLEP.

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Our Reference: P3134.002L

Your Reference:

3 September 2018

Tian An Enfield Pty Ltd

Attention: Paul Georgiades

Sent via email: pgeorgiades@tianan.com.au

Dear Paul,

RE: 4 MITCHELL STREET, ENFIELD TIA – ADDITIONAL SUPPLEMENTARY INFORMATION FOR TRAFFIC

The following information has been provided in response to the statements made at the Burwood Local Planning Panel meeting on 14 August 2018 in relation to our Traffic Impact Assessment (TIA) report dated 18 May 2018 for the above development. Quotes from the panel's minutes are italicised followed by our response to each particular issue raised.

Baker Street ingress/egress and local street capacity

1. *The ingress/egress from Baker Street and the impact in the limited available capacity of nearby local streets*

Bitzios Consulting response:

Historic Journey to Work data was used to estimate that only 19% of development trips would be to the west, generating up to 22 peak trips via Baker Street. The existing Vision Australia traffic on Baker Street from traffic surveys in September 2017 was 9 vehicles per hour in the AM and PM peaks. Therefore, traffic on Baker Street is only expected to increase by 13 peak trips.

Bitzios Consulting undertook spot checks at the Baker Street/Ann Street intersection between 8:00am and 8:30am on Friday 31 August 2018. During that period, around 40-50 vehicles were recorded turning right from Ann Street westbound into Baker Street and the same amount turning left from Baker Street southbound into Ann Street, totalling approximately 200 vehicles per hour.

There was very minor traffic using Baker Street south of Ann Street, which has six low-density dwellings, which would each generate one peak trip.

Table 4.6 of the *RMS Guide to Traffic Generating Developments (2002)* stipulates that a maximum 300 vehicles per hour is considered the standard environmental capacity for 50km/h local streets. Based on the above observations and expected traffic distribution, the development is unlikely to increase traffic volumes on Baker Street and nearby local streets beyond this environmental goal nor impact their capacity, particularly given the Baker Street/Ann Street intersection is where traffic from the development starts to split and distribute into the road network.

Cumulative impact of Flower Power site development on Mitchell Street

2. The cumulative impact on Mitchell [Street] from the development of the Flower Power Site

Bitzios Consulting response:

AM, PM, and Saturday peak traffic surveys were undertaken at the Flower Power driveway on Wednesday 29 August 2018 and on Saturday 1 September 2018. The results below show volumes for Mitchell Street turning left into the driveway and the Flower Power driveway turning right into Mitchell Street for each peak. These volumes were discounted from the existing Mitchell Street traffic at Burwood Road before traffic modelling was undertaken with future development traffic.

Table 4.1: Flower Power Driveway Existing Traffic

Movement	AM Peak	PM Peak	Saturday Peak
Mitchell Street left into driveway	16	43	92
Flower Power driveway right into Mitchell Street	10	39	58

The proposed Flower Power site development is expected to generate 149 trips; these were added to the "with development" for all peak scenarios.

4 Mitchell Street is expected to generate the following traffic:

Land Use	Dwellings/GFA	AM Peak Trip Generation Rate	PM Peak Trip Generation Rate	AM Peak Generated Traffic Volume	PM Peak Generated Traffic Volume	Sat Peak Generated Traffic Volume
EXISTING SITE						
Surveyed Trip Generation Aug 2017	N/A	34 trips to site, 11 trips from site, total 45 trips	27 total	45 trips	27	0
PROPOSED DEVELOPMENT						
One and Two Bedroom Residential Units	156	0.5/dwelling	0.5/dwelling	78 trips	78 trips	78 trips
Three Bedroom Residential Units	27	0.65/dwelling	0.65/dwelling	18 trips	18 trips	18 trips
Retail	400m ²	-	5/100m ²	4 trips	20 trips	20 trips
Total proposed trips				100 trips	116 trips	116 trips
Net trips				55 trips	89 trips	89 trips

As with our previous traffic assessment, the existing Vision Australia traffic was not subtracted from the traffic volumes used in the traffic models, so the modelling outcomes are a conservative assessment of the future traffic operation.

Also, as with our previous assessment, traffic distribution from both proposed residential developments is conservatively skewed for a higher than expected proportion of traffic using the Mitchell Street/ Burwood Road intersection as follows:

- Traffic to and from the east on Mitchell Street is 55% of the development traffic, with the remaining 45% to and from the west.
- Traffic travelling to the site versus traffic travelling from the site is split of 30:70 during the AM peak, 70:30 during the PM peak, and 40:60 during the Saturday peak due to the primarily residential nature of the site.

- For traffic travelling to the proposed site via Mitchell Street from Burwood Road, based on the traffic counts it is assumed that 80% of the trips will be from the north (Hume Highway and Burwood Town Centre), while the remaining 20% will be from the south (Georges River Road and Campsie Town Centre).
- For traffic travelling from the proposed site via Mitchell Street to Burwood Road, based on historic Journey to Work data, it is assumed that 45% of the trips will be to the north (Hume Highway and Burwood Town Centre), while the remaining 55% will be to the south (Georges River Road and Campsie Town Centre).

The table below summarises the 2022 and 2027 AM, PM and Saturday peak SIDRA results with both developments (4 Mitchell Street and Flower Power). All scenarios use an Optimum Cycle Time of 120 seconds with minimum cycle times inputted to optimise results. The movement and phasing summaries for each peak are provided in **Attachment 1** and the SIDRA files are also provided.

Table 4.2: Burwood Road/Mitchell Street SIDRA Results Summary – With Development

Scenario	Level of Service (LoS)	Average Delay (sec/veh)	95 th Percentile Queue (m)	Degree of Saturation (v/c)
AM 2022 With Development	A	14.5	70	0.60
PM 2022 With Development	A	14	69	0.87
Saturday 2022 With Development	A	14	89	0.84
AM 2027 With Development	B	16	96	0.77
PM 2027 With Development	A	10	48	0.83
Saturday 2027 With Development	B	15	102	0.86

The SIDRA outputs for the future operation of the Burwood Road/Mitchell Street signalised intersection show that it is expected to operate within acceptable LoS B and 0.90 practical capacity in all scenarios. The range of average delay of LoS B is 15 to 28 seconds; the two scenarios shown to operate at LoS B are at the lower end of this range.

Again, it is noted that the above results assume conservative assumptions for the future traffic generation and distribution.

Therefore, based on the SIDRA analysis and site observations, it is expected that both developments can be adequately catered for by the Burwood Road/Mitchell Street signalised intersection and the surrounding road network.

I trust that the above supplementary information is suitable to complete Council's review of the traffic impacts of the proposed development.

Yours faithfully



Tom Wheatley
 Manager – Sydney, Principal Traffic Engineer
 BITZIOS CONSULTING

Attachments:

- SIDRA Outputs

ATTACHMENT 1

SIDRA OUTPUTS

Additional Traffic Report

MOVEMENT SUMMARY

Site: 101 [Burwood Road & Mitchell Street_AM Peak 2022 With Development]

0745 - 0845

Signals - Fixed Time Coordinated Cycle Time = 85 seconds (Optimum Cycle Time - Minimum Delay)

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Burwood Road											
9	L2	54	5.6	0.142	13.0	LOS A	1.9	13.6	0.36	0.44	32.7
8	T1	557	3.2	0.600	10.2	LOS A	9.3	66.9	0.48	0.44	31.2
Approach		611	3.4	0.600	10.5	LOS A	9.3	66.9	0.47	0.44	31.4
North: Burwood Road											
2	T1	455	6.2	0.529	6.0	LOS A	9.7	70.4	0.48	0.46	35.5
1	R2	152	1.3	0.529	11.9	LOS A	9.7	70.4	0.56	0.56	29.0
Approach		607	4.9	0.529	7.4	LOS A	9.7	70.4	0.50	0.49	33.9
West: Mitchell Street											
12	L2	279	1.1	0.575	28.4	LOS B	9.2	64.7	0.83	0.79	16.0
10	R2	94	2.1	0.456	44.3	LOS D	3.8	27.3	0.97	0.77	15.9
Approach		373	1.3	0.575	32.4	LOS C	9.2	64.7	0.87	0.79	16.0
All Vehicles		1591	3.5	0.600	14.5	LOS A	9.7	70.4	0.58	0.54	26.4

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Movement Performance - Pedestrians									
Mov ID	Description	Demand Flow ped/h	Average Delay sec	Level of Service	Average Back of Queue Pedestrian ped	Distance m	Prop. Queued	Effective Stop Rate per ped	
P3	North Full Crossing	22	36.7	LOS D	0.0	0.0	0.93	0.93	
P4	West Full Crossing	11	14.1	LOS B	0.0	0.0	0.58	0.58	
All Pedestrians		33	29.2	LOS C			0.81	0.81	

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)

Pedestrian movement LOS values are based on average delay per pedestrian movement.

Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.

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Additional Traffic Report

PHASING SUMMARY

Site: 101 [Burwood Road & Mitchell Street_AM Peak 2022 With Development]

0745 - 0845

Signals - Fixed Time Coordinated Cycle Time = 85 seconds (Optimum Cycle Time - Minimum Delay)

Phase Times determined by the program

Green Split Priority applies

Phase Sequence: Variable Phasing

Reference Phase: Phase A

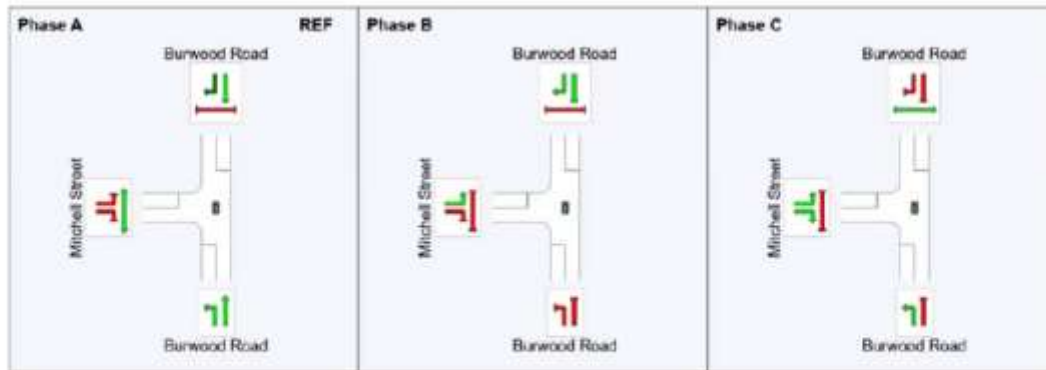
Input Phase Sequence: A, B, C

Output Phase Sequence: A, B, C

Phase Timing Results

Phase	A	B	C
Phase Change Time (sec)	0	50	69
Green Time (sec)	44	13	10
Phase Time (sec)	50	19	16
Phase Split	59%	22%	19%

See the Phase Information section in the Detailed Output report for more detailed information including input values of Yellow Time and All-Red Time, and information on any adjustments to Intergreen Time, Phase Time and Green Time values in cases of Pedestrian Actuation, Phase Actuation and Phase Frequency values (user-specified or implied) less than 100%.



REF: Reference Phase
VAR: Variable Phase



Additional Traffic Report

MOVEMENT SUMMARY

Site: 101 [Burwood Road & Mitchell Street_AM Peak 2027 With Development]

0745 - 0845

Signals - Fixed Time Coordinated Cycle Time = 75 seconds (Optimum Cycle Time - Minimum Delay)

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Burwood Road											
9	L2	56	5.4	0.184	17.0	LOS B	2.5	18.0	0.51	0.52	29.1
8	T1	584	3.3	0.774	17.3	LOS B	13.4	96.1	0.69	0.66	24.9
Approach		640	3.4	0.774	17.3	LOS B	13.4	96.1	0.67	0.65	25.3
North: Burwood Road											
2	T1	476	6.1	0.528	6.1	LOS A	9.9	72.3	0.51	0.48	35.3
1	R2	158	1.3	0.528	12.4	LOS A	9.9	72.3	0.61	0.59	28.4
Approach		634	4.9	0.528	7.7	LOS A	9.9	72.3	0.53	0.50	33.6
West: Mitchell Street											
12	L2	290	1.0	0.507	21.3	LOS B	7.5	53.1	0.75	0.77	19.0
10	R2	97	2.1	0.691	45.2	LOS D	3.9	27.5	1.00	0.86	15.7
Approach		387	1.3	0.691	27.3	LOS B	7.5	53.1	0.81	0.79	17.8
All Vehicles		1661	3.5	0.774	16.0	LOS B	13.4	96.1	0.65	0.63	25.3

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Movement Performance - Pedestrians									
Mov ID	Description	Demand Flow ped/h	Average Delay sec	Level of Service	Average Back of Queue Pedestrian ped	Distance m	Prop. Queued	Effective Stop Rate per ped	
P3	North Full Crossing	22	31.8	LOS D	0.0	0.0	0.92	0.92	
P4	West Full Crossing	11	17.3	LOS B	0.0	0.0	0.68	0.68	
All Pedestrians		33	27.0	LOS C			0.84	0.84	

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)

Pedestrian movement LOS values are based on average delay per pedestrian movement.

Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.

Additional Traffic Report

PHASING SUMMARY

Site: 101 [Burwood Road & Mitchell Street_AM Peak 2027 With Development]

0745 - 0845

Signals - Fixed Time Coordinated Cycle Time = 75 seconds (Optimum Cycle Time - Minimum Delay)

Phase Times determined by the program

Green Split Priority applies

Phase Sequence: Variable Phasing

Reference Phase: Phase A

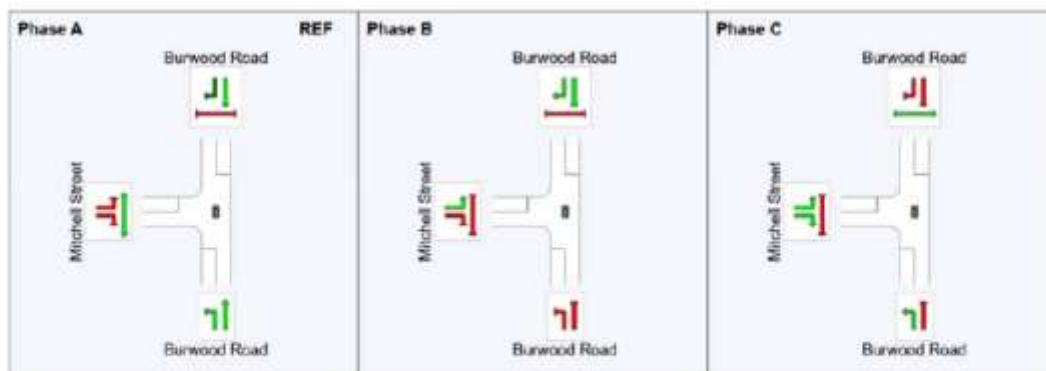
Input Phase Sequence: A, B, C

Output Phase Sequence: A, B, C

Phase Timing Results

Phase	A	B	C
Phase Change Time (sec)	0	38	63
Green Time (sec)	32	19	6
Phase Time (sec)	38	25	12
Phase Split	51%	33%	16%

See the Phase Information section in the Detailed Output report for more detailed information including input values of Yellow Time and All-Red Time, and information on any adjustments to Intergreen Time, Phase Time and Green Time values in cases of Pedestrian Actuation, Phase Actuation and Phase Frequency values (user-specified or implied) less than 100%.



REF: Reference Phase

VAR: Variable Phase



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Additional Traffic Report

MOVEMENT SUMMARY

Site: 101 [Burwood Road & Mitchell Street_PM Peak 2022 With Development]

1700 - 1800

Signals - Fixed Time Coordinated Cycle Time = 70 seconds (Optimum Cycle Time - Minimum Delay)

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Burwood Road											
9	L2	37	0.0	0.206	32.7	LOS C	3.0	21.4	0.98	0.77	20.4
8	T1	379	3.2	0.869	36.5	LOS C	12.3	88.5	1.00	0.95	16.1
Approach		416	2.9	0.869	36.1	LOS C	12.3	88.5	1.00	0.94	16.5
North: Burwood Road											
2	T1	651	2.8	0.702	0.4	LOS A	1.3	9.4	0.06	0.25	45.5
1	R2	290	0.7	0.702	5.1	LOS A	1.3	9.4	0.07	0.35	39.9
Approach		941	2.1	0.702	1.9	LOS A	1.3	9.4	0.06	0.28	43.9
West: Mitchell Street											
12	L2	132	0.0	0.130	12.0	LOS A	2.1	14.5	0.49	0.67	25.4
10	R2	77	3.9	0.519	40.6	LOS C	2.7	19.9	1.00	0.77	16.8
Approach		209	1.4	0.519	22.5	LOS B	2.7	19.9	0.68	0.71	20.5
All Vehicles		1566	2.2	0.869	13.7	LOS A	12.3	88.5	0.39	0.51	27.1

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Movement Performance - Pedestrians									
Mov ID	Description	Demand Flow ped/h	Average Delay sec	Level of Service	Average Back of Queue Pedestrian ped	Distance m	Prop. Queued	Effective Stop Rate per ped	
P3	North Full Crossing	19	29.3	LOS C	0.0	0.0	0.92	0.92	
P4	West Full Crossing	5	25.7	LOS C	0.0	0.0	0.86	0.86	
All Pedestrians		24	28.5	LOS C			0.90	0.90	

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)

Pedestrian movement LOS values are based on average delay per pedestrian movement.

Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.

Additional Traffic Report

PHASING SUMMARY

Site: 101 [Burwood Road & Mitchell Street_PM Peak 2022 With Development]

1700 - 1800

Signals - Fixed Time Coordinated Cycle Time = 70 seconds (Optimum Cycle Time - Minimum Delay)

Phase Times determined by the program

Green Split Priority applies

Phase Sequence: Variable Phasing

Reference Phase: Phase A

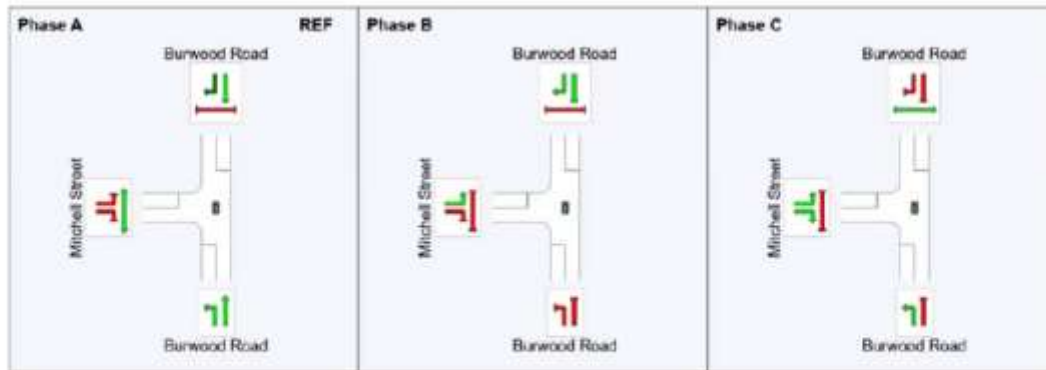
Input Phase Sequence: A, B, C

Output Phase Sequence: A, B, C

Phase Timing Results

Phase	A	B	C
Phase Change Time (sec)	0	24	58
Green Time (sec)	18	28	6
Phase Time (sec)	24	34	12
Phase Split	34%	49%	17%

See the Phase Information section in the Detailed Output report for more detailed information including input values of Yellow Time and All-Red Time, and information on any adjustments to Intergreen Time, Phase Time and Green Time values in cases of Pedestrian Actuation, Phase Actuation and Phase Frequency values (user-specified or implied) less than 100%.



REF: Reference Phase
VAR: Variable Phase



Additional Traffic Report

MOVEMENT SUMMARY

Site: 101 [Burwood Road & Mitchell Street_PM Peak 2027 With Development]

1700 - 1800

Signals - Fixed Time Coordinated Cycle Time = 65 seconds (Optimum Cycle Time - Minimum Delay)

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Burwood Road											
9	L2	37	0.0	0.198	35.5	LOS C	1.6	11.3	1.00	0.75	18.9
8	T1	197	6.6	0.834	36.4	LOS C	6.5	48.0	1.00	0.91	16.1
Approach		234	5.6	0.834	36.3	LOS C	6.5	48.0	1.00	0.89	16.6
North: Burwood Road											
2	T1	682	2.8	0.688	0.4	LOS A	1.2	8.3	0.06	0.25	45.6
1	R2	300	0.7	0.688	5.0	LOS A	1.2	8.3	0.07	0.33	40.2
Approach		982	2.1	0.688	1.8	LOS A	1.2	8.3	0.06	0.27	44.0
West: Mitchell Street											
12	L2	137	0.0	0.116	8.9	LOS A	1.6	11.1	0.39	0.64	28.5
10	R2	79	3.8	0.494	37.5	LOS C	2.6	18.8	0.99	0.76	17.7
Approach		216	1.4	0.494	19.3	LOS B	2.6	18.8	0.61	0.69	22.2
All Vehicles		1432	2.6	0.834	10.1	LOS A	6.5	48.0	0.30	0.44	30.6

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Movement Performance - Pedestrians									
Mov ID	Description	Demand Flow ped/h	Average Delay sec	Level of Service	Average Back of Queue Pedestrian ped	Distance m	Prop. Queued	Effective Stop Rate per ped	
P3	North Full Crossing	19	26.8	LOS C	0.0	0.0	0.91	0.91	
P4	West Full Crossing	5	26.8	LOS C	0.0	0.0	0.91	0.91	
All Pedestrians		24	26.8	LOS C			0.91	0.91	

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)

Pedestrian movement LOS values are based on average delay per pedestrian movement.

Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.

Additional Traffic Report

PHASING SUMMARY

Site: 101 [Burwood Road & Mitchell Street_PM Peak 2027 With Development]

1700 - 1800

Signals - Fixed Time Coordinated Cycle Time = 65 seconds (Optimum Cycle Time - Minimum Delay)

Phase Times determined by the program

Green Split Priority applies

Phase Sequence: Variable Phasing

Reference Phase: Phase A

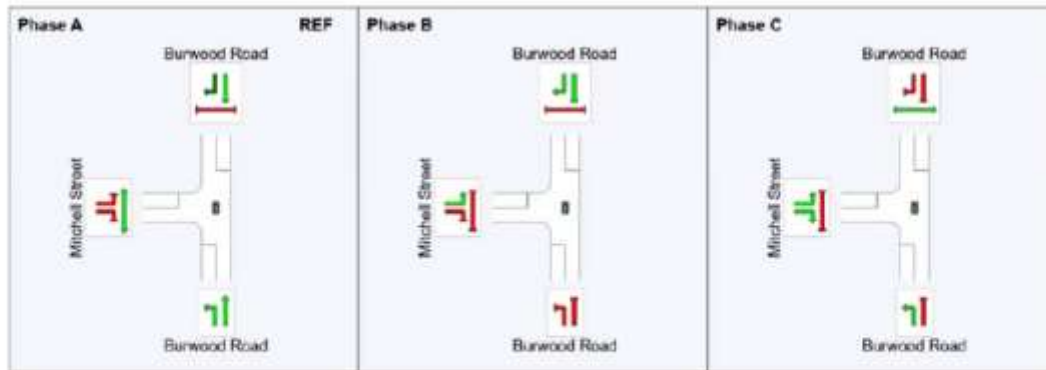
Input Phase Sequence: A, B, C

Output Phase Sequence: A, B, C

Phase Timing Results

Phase	A	B	C
Phase Change Time (sec)	0	16	53
Green Time (sec)	10	31	6
Phase Time (sec)	16	37	12
Phase Split	25%	57%	18%

See the Phase Information section in the Detailed Output report for more detailed information including input values of Yellow Time and All-Red Time, and information on any adjustments to Intergreen Time, Phase Time and Green Time values in cases of Pedestrian Actuation, Phase Actuation and Phase Frequency values (user-specified or implied) less than 100%.



REF: Reference Phase
VAR: Variable Phase



Additional Traffic Report

MOVEMENT SUMMARY

Site: 101 [Burwood Road & Mitchell Street_SAT Peak 2022 With Development]

1115 - 1215

Signals - Fixed Time Coordinated Cycle Time = 60 seconds (Optimum Cycle Time - Minimum Delay)

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Burwood Road											
9	L2	35	0.0	0.200	26.6	LOS B	3.0	21.6	0.96	0.77	23.3
8	T1	463	2.8	0.841	28.9	LOS C	12.4	88.7	0.99	0.93	18.7
Approach		498	2.6	0.841	28.7	LOS C	12.4	88.7	0.99	0.92	19.0
North: Burwood Road											
2	T1	566	2.8	0.624	1.3	LOS A	3.2	22.8	0.16	0.26	43.7
1	R2	191	1.0	0.624	6.4	LOS A	3.2	22.8	0.21	0.35	37.6
Approach		757	2.4	0.624	2.6	LOS A	3.2	22.8	0.17	0.28	42.2
West: Mitchell Street											
12	L2	197	0.0	0.221	13.7	LOS A	3.3	22.8	0.60	0.71	23.9
10	R2	83	2.4	0.474	34.5	LOS C	2.5	17.9	0.98	0.76	18.6
Approach		280	0.7	0.474	19.9	LOS B	3.3	22.8	0.71	0.72	21.5
All Vehicles		1535	2.1	0.841	14.2	LOS A	12.4	88.7	0.54	0.57	26.7

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Movement Performance - Pedestrians									
Mov ID	Description	Demand Flow ped/h	Average Delay sec	Level of Service	Average Back of Queue Pedestrian ped	Distance m	Prop. Queued	Effective Stop Rate per ped	
P3	North Full Crossing	18	24.3	LOS C	0.0	0.0	0.90	0.90	
P4	West Full Crossing	4	20.8	LOS C	0.0	0.0	0.83	0.83	
All Pedestrians		22	23.7	LOS C			0.89	0.89	

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)

Pedestrian movement LOS values are based on average delay per pedestrian movement.

Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.

Additional Traffic Report

PHASING SUMMARY

Site: 101 [Burwood Road & Mitchell Street_SAT Peak 2022 With Development]

1115 - 1215

Signals - Fixed Time Coordinated Cycle Time = 60 seconds (Optimum Cycle Time - Minimum Delay)

Phase Times determined by the program

Green Split Priority applies

Phase Sequence: Variable Phasing

Reference Phase: Phase A

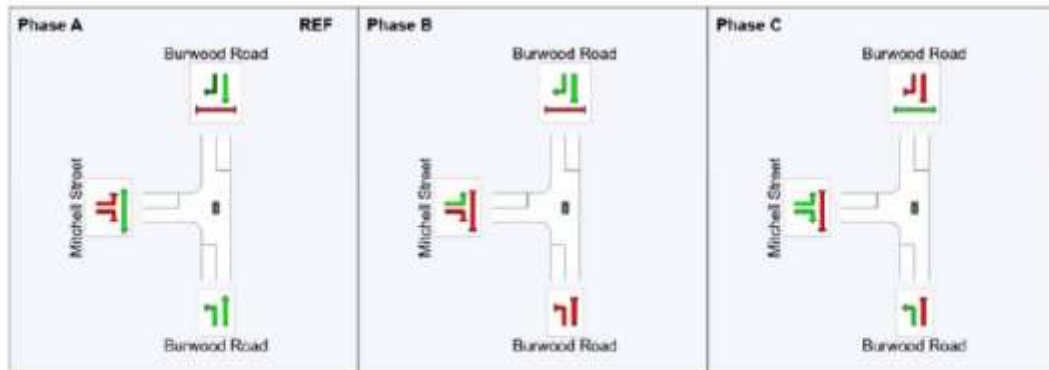
Input Phase Sequence: A, B, C

Output Phase Sequence: A, B, C

Phase Timing Results

Phase	A	B	C
Phase Change Time (sec)	0	24	48
Green Time (sec)	18	18	6
Phase Time (sec)	24	24	12
Phase Split	40%	40%	20%

See the Phase Information section in the Detailed Output report for more detailed information including input values of Yellow Time and All-Red Time, and information on any adjustments to Intergreen Time, Phase Time and Green Time values in cases of Pedestrian Actuation, Phase Actuation and Phase Frequency values (user-specified or implied) less than 100%.



REF: Reference Phase
VAR: Variable Phase



Additional Traffic Report

MOVEMENT SUMMARY

Site: 101 [Burwood Road & Mitchell Street_SAT Peak 2027 With Development]

1115 - 1215

Signals - Fixed Time Coordinated Cycle Time = 65 seconds (Optimum Cycle Time - Minimum Delay)

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Burwood Road											
9	L2	36	0.0	0.205	28.1	LOS B	3.4	24.5	0.96	0.78	22.6
8	T1	485	2.9	0.864	31.9	LOS C	14.2	102.0	0.99	0.95	17.6
Approach		521	2.7	0.864	31.6	LOS C	14.2	102.0	0.99	0.94	17.9
North: Burwood Road											
2	T1	593	2.9	0.630	0.9	LOS A	2.3	16.7	0.11	0.23	44.8
1	R2	197	1.0	0.630	5.7	LOS A	2.3	16.7	0.14	0.32	39.0
Approach		790	2.4	0.630	2.1	LOS A	2.3	16.7	0.11	0.25	43.4
West: Mitchell Street											
12	L2	248	0.0	0.348	14.5	LOS A	4.5	31.6	0.61	0.72	23.3
10	R2	85	2.4	0.526	37.7	LOS C	2.8	20.1	0.99	0.78	17.6
Approach		333	0.6	0.526	20.4	LOS B	4.5	31.6	0.71	0.73	21.0
All Vehicles		1644	2.1	0.864	15.2	LOS B	14.2	102.0	0.51	0.57	25.8

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Movement Performance - Pedestrians									
Mov ID	Description	Demand Flow ped/h	Average Delay sec	Level of Service	Average Back of Queue Pedestrian ped	Distance m	Prop. Queued	Effective Stop Rate per ped	
P3	North Full Crossing	18	26.8	LOS C	0.0	0.0	0.91	0.91	
P4	West Full Crossing	4	21.6	LOS C	0.0	0.0	0.82	0.82	
All Pedestrians		22	25.9	LOS C			0.89	0.89	

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)

Pedestrian movement LOS values are based on average delay per pedestrian movement.

Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.

Additional Traffic Report

PHASING SUMMARY

Site: 101 [Burwood Road & Mitchell Street_SAT Peak 2027 With Development]

1115 - 1215

Signals - Fixed Time Coordinated Cycle Time = 65 seconds (Optimum Cycle Time - Minimum Delay)

Phase Times determined by the program

Green Split Priority applies

Phase Sequence: Variable Phasing

Reference Phase: Phase A

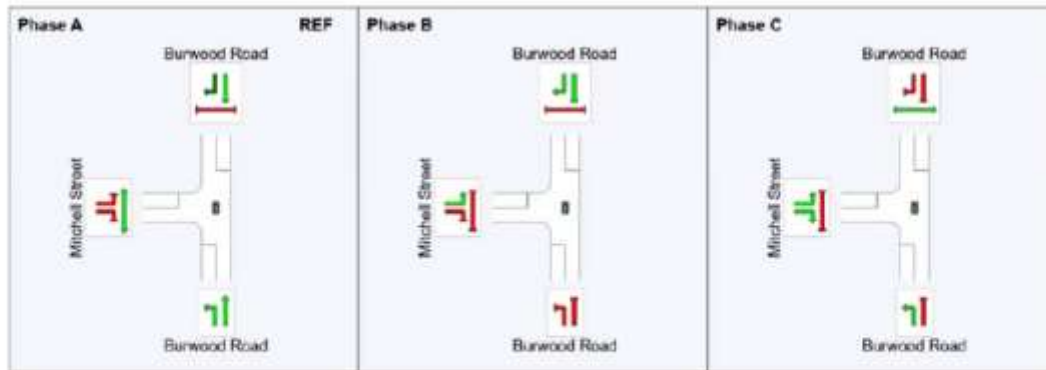
Input Phase Sequence: A, B, C

Output Phase Sequence: A, B, C

Phase Timing Results

Phase	A	B	C
Phase Change Time (sec)	0	26	53
Green Time (sec)	20	21	6
Phase Time (sec)	26	27	12
Phase Split	40%	42%	18%

See the Phase Information section in the Detailed Output report for more detailed information including input values of Yellow Time and All-Red Time, and information on any adjustments to Intergreen Time, Phase Time and Green Time values in cases of Pedestrian Actuation, Phase Actuation and Phase Frequency values (user-specified or implied) less than 100%.



REF: Reference Phase
 VAR: Variable Phase



PLANNING PROPOSAL ADDENDUM REPORT UPDATE

4 MITCHELL STREET, ENFIELD

3 SEPTEMBER 2018
FINAL
PREPARED FOR TIAN AN ENFIELD PTY LTD

URBIS

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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Report Number	Final

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TABLE OF CONTENTS

Executive Summary	5
1. Introduction	7
2. Background and Planning History	9
2.1. Background	9
2.2. Early Engagement with Senior Council Officers	10
2.2.1. Meeting with Council – 28 th April 2017	10
2.3. Concept Refinement	10
2.3.1. Meeting with Council – 17 th May 2017	10
2.3.2. Meeting Three – 30 th June 2017	11
2.4. Lodgement of Planning Proposal	11
2.5. Community Consultation	11
2.6. Engagement with Council and Independent Assessment Expert	12
2.6.1. Meeting with Cardno – 22 nd August 2017	12
2.6.2. Meeting with Cardno - 11 th October 2017	13
2.7. Further Concept Refinement and Meetings with Council	13
2.7.1. Meeting with Cardno - 12 th December 2017	13
2.7.2. Meeting with Cardno - 9 th January 2018	13
2.7.3. Meeting with Council - 31 st January 2018	13
2.7.4. Meeting with Council - 23 rd April 2018	14
2.8. Amended Planning proposal Lodgement	14
2.8.1. Response to Issues Raised by Council	14
2.9. Independent Assessment by Cardno	17
2.10. Burwood Local Planning Panel	18
3. Site Context	19
3.1. The Site	19
3.2. Surrounding Land Uses	20
3.3. Current Planning Framework	22
4. The Design Concept	23
5. Planning Proposal	28
5.1. Overview	28
5.2. Part 1 – Objectives and Intended Outcomes	28
5.3. Part 2 – Explanation of Proposed Provisions	28
5.4. Part 3 – Justification of Proposal	29
5.4.1. Section A – Need for the Planning Proposal	29
5.4.2. Section B – Relationship to Strategic Planning Framework	30
5.4.3. Section C – Environmental, Social and Economic Impact	46
5.4.4. Section D – State and Commonwealth Interests	53
5.5. Part 4 - Mapping	54
5.6. Part 5 – Community and Stakeholder Consultation	55
5.7. Part 6 – Timeline	55
6. Conclusion	56
Disclaimer	59

Appendix A	ADG Compliance Summary
Appendix B	Draft Site Specific DCP
Appendix C	Additional Supplementary Traffic Information

FIGURES:

Figure 1 – Stages of the Planning Proposal Process	9
Figure 2 – Aerial Image of the Subject Site	19
Figure 3 – Context of the Site	20
Figure 4 – Surrounding Land Uses	21
Figure 5 – Education Facilities Surrounding the Site	21
Figure 6 – Zoning and Development Standards Applicable to the Site	22
Figure 7 – Mitchell Street View and Perspective	23
Figure 8 – Henley Park Views and Perspective	25
Figure 9 – Baker Street View and Perspectives	26
Figure 10 – View of Existing and Proposed Buildings	26
Figure 11 – Proposed Landscaping Approach	39
Figure 12 – 18m Height Plane	47
Figure 13 – Communal Open Space	48
Figure 14 – Solar Access to Principal Useable Open Space	49
Figure 15 – Overshadowing Analysis 9am Winter Solstice	50
Figure 16 – Overshadowing Analysis 3pm Winter Solstice	50
Figure 17 – Building Setbacks	51
Figure 18 – Landscaped Rooftop Amenity Area	51
Figure 19 – Proposed Height of Buildings Plan	54
Figure 20 – Proposed Floor Space Ratio Plan	54

TABLES:

Table 1 – Points Raised by the Community and Applicant’s Response	12
Table 2 – Matters Raised by Council and Applicant’s Response	14
Table 3 – Consistency with A Plan for Growing Sydney	30
Table 4 – Consistency with Greater Sydney Region Plan	33
Table 5 – Consistency with Eastern City District Plan	35
Table 6 – Strategic Merit Assessment	40
Table 7 – Site Specific Merit	42
Table 8 – Relevant SEPPs Applicable to the Planning Proposal	43
Table 9 – Consistency with Section 9.1 Directions	45

EXECUTIVE SUMMARY

This Addendum Report supports a Planning Proposal which seeks amendments to Burwood LEP 2012 (BLEP) to amend the building height and FSR development standards applicable to the site, along with an additional permitted use for the site. This will ultimately facilitate housing diversity with a contemporary and elegant residential development, creating a community adjacent to Henley Park.

This Report provides an update to Planning Proposal Report Proposal Addendum Report that was lodged in May 2018, which followed the lodgement of the original Planning Proposal in July 2017. The scheme has been worked up following extensive discussions with Council and their independent advisors, Cardno, as well as consultation with the local community. The local community were consulted again in August 2018, to inform of the latest updates to the scheme and the reporting of the Planning Proposal to the Local Planning Panel.

This latest update to the Planning Proposal follows the presentation of the scheme to the Burwood Local Planning Panel on 14th August 2018. The Panel resolved to support the proposal, but made a number of recommendations, which have now been incorporated into this final Planning Proposal package.

The site is located at 4 Mitchell Street, Enfield and is a strategically significant site located in a highly desirable location directly adjacent to Henley Park. It has a large site area and is within a single ownership, whilst it is also within walking distance of high frequency bus services and surrounded by a range of other local community, residential and open space uses. Few sites in the locality have comparable strategic credentials and attractiveness for higher density residential housing or are available for unique renewal opportunities.

The site is presently occupied by a large commercial/warehouse building which was the former offices of Vision Australia, and the current built form fails to respond positively to the opportunities provided by its location. The site is underdeveloped and lacks an appropriate form of development. It therefore fails to positively contribute to the strategic direction for the local area.

Whilst the zoning of the site permits residential flat buildings, the current development standards applicable to the site (FSR and Height of Buildings) are inconsistent with the current built form on the site. The current FSR and Height of Building controls reflect the surrounding lower scale residential properties. This means that the existing building height already exceeds the control for the site, in circumstances where the development standards were the result of a 'translation' from the previous Burwood Planning Scheme Ordinance to Burwood LEP 2012.

However, since the adoption of Burwood LEP 2012, *A Plan for Growing Sydney*, along with the recent publication of the *Eastern City District Plan* and the *Greater Sydney Region Plan* provides a strong policy emphasis on urban renewal opportunities close to public transport, strengthening and growing local centres, and promoting higher density development in areas where there is strong housing demand.

In response to the strategic site qualities and opportunities with the current form of development on the site, Tian An Enfield Pty Ltd (the Applicant) is proposing the future redevelopment of the site incorporating the following elements:

- A vision of providing a high quality, residential development which offers a variety of new apartments sizes and potential for new local day to day facilities to provide for the local community.
- Creating a residential community with a unique sense of place and new identity for the site; to carefully manage and provide a response to the existing built form context; achieve design excellence; provide a diversity of housing opportunities and affordable housing in the local area; and to provide enhancements and tangible community benefits and a positive response to the setting of Henley Park.
- This vision would enable the direct achievement of a range of both regional and local strategic planning objectives, including job and housing growth and renewal of a prominent part of Enfield that is well connected to community infrastructure.

In response to comments from the community, Council and their independent advisors on the originally lodged Planning Proposal, the Applicant has prepared indicative design options to address the unique, strategic qualities of the site. These options have comprehensively evaluated the site conditions, context, connectivity and views, along with the amenity of surrounding properties.

As such, the Urban Design and Architecture Report, which supports this Planning Proposal, provides an update of the scheme following comments on the previous scheme. Importantly, the proposed design options have carefully considered the local character but also provide the opportunity for a highly resolved architectural and landscape theme for the site.

To facilitate the future redevelopment of the site this Planning Proposal seeks to amend the height and FSR standards under Burwood LEP 2012 as they apply to the site. This will involve amending the height of building control to a maximum allowable Height of Building of 18m, stepping down to 15m and 12m at various parts of the site to accommodate the new building form and the floor space ratio control to 1.4:1.

It is also proposed to amend the BLEP to facilitate additional local food and drink uses on the lower ground floor of the proposal to activate the park frontage and enhance the connection between the park and the development. As such, this proposal seeks a new additional use to be set included within Schedule 1 of the BLEP.

In summary, the proposal will provide a range of substantial local and regional benefits which warrant support, including:

- Urban renewal of a key strategic site within Enfield which seeks to facilitate a high quality residential development outcome;
- Facilitate the provision of new, high quality designed residential dwellings and apartments which supports the subregional housing targets for Burwood LGA;
- Enhancements to the public domain including active street frontages, ground floor uses and coordinated pedestrian linkages between the community precinct; and
- Potential for new local day to day facilities to serve the local community, activate the park frontage and provide a level of replacement employment generation at the site.

1. INTRODUCTION

This updated Planning Proposal has been prepared on behalf of Tian An Enfield Pty Ltd (the Applicant), and seeks to amend the Burwood Local Environmental Plan 2012 (BLEP 2012) in relation to the site at No.4 Mitchell Street in Enfield. The site is currently occupied by an office building formerly used by Vision Australia, who have now relocated to Parramatta.

The original Planning Proposal Report was lodged in July 2017, subsequent to extensive discussions with Burwood Council (the Council) and their independent advisors, Cardno, as well as consultation with the local community. The discussions with Council continued through the assessment process, which led to a substantial redesign of the proposal and an Addendum Planning Proposal being lodged with Council in May 2018.

This latest update to the Planning Proposal follows the presentation of the scheme to the Burwood Local Planning Panel on 14th August 2018. The Panel resolved to support the proposal, but made a number of recommendations, which have now been incorporated into this final Planning Proposal application package.

The objective of the Planning Proposal remains to formally amend BLEP 2012 to alter the building height and Floor Space Ratio (FSR) development standards applicable to the site. This is along with an additional permitted use for the site, which will allow the limited provision of food and drink uses, including a café at the lower ground floor which will assist in activating the park frontage. This will ultimately facilitate a contemporary and elegant residential development and local retail/ cafe provision, whilst creating a well-connected community adjacent to Henley Park.

The Planning Proposal has been prepared having regard to the NSW Department of Planning's 'A Guide to Preparing Planning Proposals' (2016) and 'A Guide to Preparing Local Environmental Plans' (2016). This Planning Proposal includes the following:

- Background that has led to the need for a Planning Proposal.
- Description and analysis of the site and its local context.
- Consideration of the existing planning framework.
- Objectives and intended outcome of the Planning Proposal.
- Explanation of the proposed amendments to the BLEP 2012 and amended maps.
- Justification of the Planning Proposal.
- Consideration of the community consultation likely to be associated with the proposal and potential timeline for the proposal.

It is requested that the Council forward the Planning Proposal to the Minister for Planning for Gateway Determination in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The Gateway Determination by the Minister will decide:

- Whether the matter should proceed (with or without variation).
- Whether the matter should be resubmitted for any reason (including for further studies or other information, or for the revision of the Planning Proposal).
- The community consultation required before consideration is given to making the proposed instrument.
- Whether a public hearing is to be held into the matter by the Independent Planning Commission or other specified person or body.
- The times within which the various stages of the procedure for the making of the proposed instrument are to be completed.

The Planning Proposal is accompanied by a range of plans and reports prepared by specialist consultants to provide a comprehensive analysis of the site opportunities and constraints. These address the key issues and impacts associated with the proposed LEP amendments.

SUPPORTING INFORMATION

This Report is also supplemented by the following documentation, which comprise additional recommendations from the Local Planning Panel (LPP), following the Planning Proposal being reported to the LPP on 14th August 2018:

- An ADG (SEPP65) Compliance Summary Report prepared by Bureau of Urban Architecture
- A working Draft Site Specific DCP which identifies principal design parameters for the concept design.
- An updated Traffic Report prepared by Bitzios Consulting.
- The removal of the previous request for add 'Additional Local Provisions' under Part 6 of the BLEP, along with the removal of the proposed addition of business premises and retail premises up to 300sqm from Schedule 1 of BLEP.

This Update to the Addendum for the Planning Proposal should also be read in conjunction with the information which was originally lodged in July 2017 and the Addendum in May 2018. This comprises:

- Environmental Site Investigation Report (prepared by JBS&G, 28 June 2017) – lodged in July 2017.
- Report on Geotechnical Investigation (prepared by Douglas Partners, June) – lodged in July 2017.
- Letter from Vision Australia dated 28th June 2017 – lodged in July 2017.
- Community Benefit Feedback Session Memo (dated 3rd July 2017) – lodged in July 2017.
- Construction Cost Estimate (dated 30th June 2017) – lodged in July 2017.
- Urban Design Report & Architecture Report (prepared by Bureau of Urban Architecture, dated 21st May 2018) – lodged in May 2018.
- Updated Traffic and Parking Impact Assessment Report (prepared by Bitzios Consulting, dated 18th May 2018) – lodged in May 2018.
- Arboricultural Impact Appraisal and Method Statement (prepared by Naturally Trees, dated 29th January 2018) – lodged in May 2018.
- Consultation Outcomes Report (prepared by Urbis, dated November 2017) – lodged in May 2018.
- LEP Mapping (prepared by Bureau of Urban Architecture) – lodged in May 2018.
- Letters from Council dated 5th February 2018 and 30th April 2018.
- Revised Services and Utilities Report (prepared by Northrop Consulting Engineers, dated 5th July 2017) – lodged in May 2018.
- Landscape Concept Report (prepared by Site Image Landscape Architects, dated 7th May 2018) – lodged in May 2018.

2. BACKGROUND AND PLANNING HISTORY

2.1. BACKGROUND

Prior to the adoption of BLEP 2012 the site was zoned Special Use (Institution) under the Burwood Planning Scheme Ordinance 1979, with no development standards for the site. The zoning of the site changed to R1 General Residential within the BLEP 2012. Within this zoning, commercial premises are prohibited, which includes the former Vision Australia offices on site, who have since relocated their operation to Parramatta.

The site is presently occupied by a large commercial/warehouse building which was the former offices of Vision Australia, and the current built form fails to respond positively to the opportunities provided by its location. The site is underdeveloped and lacks an appropriate form of development. It therefore fails to positively contribute to the strategic direction for the local area.

To address the development opportunity presented at the site, extensive discussions were held with Council and their advisors. The various stages are detailed in the sections below and illustrated in Figure 1 below.

Figure 1 – Stages of the Planning Proposal Process



2.2. EARLY ENGAGEMENT WITH SENIOR COUNCIL OFFICERS

The Applicant engaged with senior officers at Council at the start of this process, some 12 months ago, to explore opportunities to amend the built form controls, to reflect the development opportunity at the site. Options for the site were first presented to Council at a meeting with senior officers April 2017, as detailed below.

2.2.1. Meeting with Council – 28th April 2017

An initial meeting was held with the Manager of Strategic Planning and Manager of Development Assessment to provide the Council with an overview of the applicant's vision for the project, and preliminary design work that had been undertaken by the project team.

At this meeting, there was discussion on what the most appropriate planning approval pathway for the project would be, with Officers suggesting that the building height and floor space ratio standards being proposed would be beyond the extent of variation that they could support as a Development Application, and that a Planning Proposal to formally amend the LEP would be the most appropriate way to facilitate the redevelopment outcome.

Council Officers acknowledged that there was likely to be a strong community response to the redevelopment of the site, following the Planning Proposal for the Flower Power site nearby. It was acknowledged that key assessment matters relevant to that Planning Proposal related to traffic generation, built form and the existing character of Mitchell Street, and the loss of employment land.

The Council recommended that addressing these issues as part of any Planning Proposal would be critical, and suggested that engaging with the local community would be a very important to the success of the project. It was also suggested that a meeting with the Deputy General Manager and a suite of Council Officers would be beneficial, to present to a preliminary design and seek their feedback on the merits of the proposal.

2.3. CONCEPT REFINEMENT

In light of this preliminary feedback from Council during the meeting April 2017, the Applicant engaged an experienced project team to prepare indicative design concepts for the site, along with relevant supporting studies. Following this early refinement, the Applicant arranged further meetings with Council to discuss progress, as outlined below.

2.3.1. Meeting with Council – 17th May 2017

Following the initial meeting, the applicant's project team presented to the Deputy General Manager, and senior Council Officers including planners, traffic, waste, community, assets and heritage teams.

The project architect took each of the officers through the design concept, and had an informal discussion about key elements of the project. The key feedback from Council's planning officers was recommending that the scale along Mitchell Street was more consistent with the surrounding local character, and it was agreed to examine this matter in further detail.

In addition, the Council's traffic officer clarified that the Flower Power proposal attracted a lot of concern from local residents about local traffic generation, and recommended that this matter be dealt with by a reputable traffic consultant as part of the Planning Proposal submission.

The applicant also sought clarification from the Council regarding opportunities to provide local community benefits to ensure that the proposed development has a positive impact on the local community. Specifically, feedback was sought on potential embellishments to Henley Park, which is a key local community asset.

The Council advised that they had Community Strategic Plans and a Public Benefit Policy (which currently only applies to Burwood Town Centre) which provide some commentary on community needs, but clarified that any of these community benefits if provided via a Voluntary Planning Agreement (VPA) would be dealt with through appropriate probity guidelines.

The meeting also was an opportunity for Urbis's Director of Social Planning to seek views from the Council regarding a community engagement strategy to ensure that the applicant proactively seeks to understand the views of the local community. The Council shared some views on the key community issues which were relevant to the Flower Power proposal, and provided comments on the best way to brief the community on the project.

2.3.2. Meeting Three – 30th June 2017

This meeting was held with the Deputy General Manager and the other senior Council Officers who were present at the previous meeting.

The project architect took the officers through the design development and scheme alteration since the last session, including additional concept sketches, rendered images illustrating articulation options for the proposed buildings and the landscaping approach.

The Manager of Development Assessment raised a point in relation to the horizontal form of the residential flat buildings which are proposed to front onto Henley Park. This was noted by the architect, who has subsequently revised the illustrative design to amend the roof design and alter the framing around the façade balconies to address this point.

The second part of the meeting involved a session with a facilitator appointed by the applicant (Nicola Wass of Straight Talk), who sought to explore potential Council and community requirements in the area. This was undertaken to inform the applicants approach to a potential VPA. There was a discussion around a range of potential options, including the ability to assist with the delivery of a new multi-use community facility which would benefit local residents.

It was advised at this meeting that the matters raised would be considered, and the Planning Proposal would be lodged in early July 2017.

2.4. LODGEMENT OF PLANNING PROPOSAL

The Planning Proposal package was lodged with Council on 6th July 2017. The Planning Proposal contained the following documentation:

- Planning Proposal Report
- Urban Design Study Report
- Traffic and Parking Impact Assessment
- Environmental Site Investigation Report
- Geotechnical Report
- LEP Mapping
- Letter from Vision Australia
- Services and Utilities Report
- Notes of Community Benefit Session with Council
- Construction Cost Estimate

2.5. COMMUNITY CONSULTATION

A Stakeholder and Community Consultation Strategy was developed as part of the preparation of the Planning Proposal. Urbis was engaged by the Applicant to undertake community consultation to inform the planning proposal. Further detail of the community consultation is set out in the Summary of Consultation Outcomes Report.

In summary, the community consultation was undertaken over 3 weeks in July 2017. Consultation activities included:

- Distribution of a letter and project fact sheet to 600 households notifying them of the planning proposal, doorknock, community information and feedback sessions and contact details for further information.
- Doorknock of residential properties within an immediate catchment of the site on two consecutive nights.
- Two Community Information and Feedback Sessions (three hours each) attended by approx 24 people.
- One stakeholder briefing meeting as requested by three stakeholders.
- Communications channels including a dedicated project email, 1800 phone number and project website.

The community feedback received during the consultation process generally supported the redevelopment of the site for residential purposes. However, there were a number of points raised by the community which the Applicant has sought to address. These are identified in Table 1 below.

Table 1 – Points Raised by the Community and Applicant's Response

Community Points	Applicant's Response
Concern over the proposed 6-storey height and a change in character from the lower density housing in the surrounding streets.	The Applicant has engaged a new architect to develop an alternative design which reduced the height of the proposal to 4 storeys, increased various setbacks, and enhance the on-site open space.
Uncertainty over the preliminary traffic assessment and a concern over the traffic congestion on local roads.	The Applicant has undertaken additional traffic studies which demonstrate that minimal delays are predicted at the Mitchell St/ Burwood Rd intersection and confirming that the surrounding road network can adequately cater for the proposed development.
Concern over the sewer infrastructure on Barker Street.	The Applicant has confirmed that there would be no requirement for the development to connect to the Sydney Water sewer main on Barker Street.
Confusion over the planning process and how the Planning Proposal process differs from a DA.	The Applicant's Planning Consultant, Urbis, sought to clarify the process for a Planning Proposal with the community, and explained that this stage would be a precursor to an eventual DA at the site.
General support for a café or small convenience store to be brought forward as part of a scheme at the site.	The architect has redesigned the scheme to provide opportunities for future convenience retail and café uses

Overall, there were clear views expressed during community consultation, with support for re-development of the site for residential purposes, but opposition to the proposed height and concern regarding the associated impacts of increased pressure on the local roads and infrastructure.

Accordingly, this community feedback has been carefully considered by the project team and has resulted in the revised design response for the proposal and the provision of updated supporting information. As identified above, further information on the community consultation process is set out in Appendix D to this report.

2.6. ENGAGEMENT WITH COUNCIL AND INDEPENDENT ASSESSMENT EXPERT

Following the lodgement of the Planning Proposal, the Council appointed an Independent Assessment Expert from Cardno to review the proposal.

The Applicant engaged with representatives from Cardno to present the proposal and discuss the scheme concept in August 2017. The key points from the meetings are set out in the below.

2.6.1. Meeting with Cardno – 22nd August 2017

- It was suggested that some convenience retail and café uses would provide a good community facility at the site, given it is not close to other local shops. This would also help to provide some additional local employment at the site.
- It was suggested that the bulk and massing of the scheme should be reviewed to better integrate with the surrounding low density properties, including a reduction in the height of the proposal and greater connectivity to the park.

- Additional traffic analysis was required to reflect the accesses to the site, the SIDRA analysis and how the weekend operation of the park may affect the network.
- An Arborist Report was requested as well as details of the Community Consultation which was undertaken.

Further to this meeting, the Applicant considered it was appropriate to change architect on the project from DEM to the Bureau of Urban Architecture (Bureau) to obtain a new perspective and fresh impetus on the projects. This led to a substantial redesign of the proposal, with various alternatives schemes being prepared for discussions with Cardno at the next meeting.

2.6.2. Meeting with Cardno - 11th October 2017

- The Applicant presented three alternative proposals indicative designs for the site, prepared by the new architect, Bureau of Urban Architecture, which received positive feedback from Cardno. The 'twin U-shaped' buildings scheme was selected as the most favoured design solution.
- It was suggested by Cardno that a site specific DCP could be utilised to control the variance of heights across the site, which could be progressed post Gateway determination.
- The idea of removing the floor space ratio for the site was discussed as part of a Schedule 1 amendment, given that the design of the site could readily accommodate more than the 1.4:1 proposed. However, Cardno indicated that the Department of Planning do not normally favour this approach.
- Cardno directed the Applicant to work up the designs and represent the scheme for further discussion with Cardno.

2.7. FURTHER CONCEPT REFINEMENT AND MEETINGS WITH COUNCIL

As part of the ongoing process of concept refinement several meetings were held with both Cardno and the Council to progress the design of the proposal and agree the most appropriate approach to take for the site. These discussions are detailed below.

2.7.1. Meeting with Cardno - 12th December 2017

- An updated design with two courtyards was presented by Bureau of Urban Architecture, which incorporated employment generating uses at lower ground level. Cardno sought a reduction in the number of live/work units and welcomed the provision of community facilities and small-scale convenience retail.
- Cardno advised that the rooftop communal areas should be confined to the parts of the flat buildings which front onto the park.
- Cardno commented that the new scheme has far better potential for ADG compliance than the previously lodged scheme.
- Cardno suggested that the Applicant should consider a design that better addressed Henley Park, with potential for ground floor uses to activate the park edge.
- The potential to consider the FSR for the community and employment uses as additional floors space above the 1.4:1 for the residential units was discussed.

2.7.2. Meeting with Cardno - 9th January 2018

- The Applicant advised that an LEP clause could be prepared which allows site specific provisions to accommodate additional FSR for employment generating uses.
- Cardno advised that a response would be prepared for Council which summarised views on the design, along with recommendations for ancillary options on site such as child care and community facilities.
- It was agreed that the Applicant and Cardno would meet with Council officers to discuss progress on the proposal.

2.7.3. Meeting with Council - 31st January 2018

- Council was pleased with the concept presented by Bureau for Urban Architecture and advised that a 1.4:1 FSR and generally 4 level height built form with variations was appropriate.

- Council advised that solar access to communal open space, overshadowing of nearby properties and building separations were important considerations.
- Council advised that the ground floor employment uses such as cafes and shops could be considered to recreate employment at the site and activate the park. This could be examined further in consultation with the Department of Planning if the Planning Proposal progressed to the LEP drafting stage.
- Council indicated that they are not interested in entering into a Voluntary Planning Agreement with Tian An for the provision of affordable housing or embellishments to Henley Park, as was offered by the proponent upon initial lodgement of the Planning Proposal.

2.7.4. Meeting with Council - 23rd April 2018

- Council confirmed that they are supportive of small component of non-residential uses to activate the park edge and create a connection with the park. This could include convenience shopping, café or business uses and could be progressed through an additional local provision under Part 6 of the LEP and in Schedule 1. If provided these uses would be restricted to a minimum of 200sqm and a maximum of 400sqm and would not count towards the overall FSR of the proposal.
- Council requested an LEP height map amendment which reflects the distribution of heights across the site based on the concept design presented at the meeting.
- It was suggested that a site specific DCP would be required should the PP progress to a Gateway Determination.
- It was confirmed that additional elements on the rooftop of any proposal which give rise to a minor height breach such as lift overruns could be dealt with at the DA stage through a Clause 4.6 variation, depending on the circumstances.

2.8. AMENDED PLANNING PROPOSAL LODGEMENT

Following the above extensive engagement with both Council and their independent expert, the May 2018 Addendum to the Planning Proposal was prepared, and accompanied by the following updated reports:

- Urban Design Report & Architecture Report prepared by Bureau of Urban Architecture.
- Updated Traffic and Parking Impact Assessment prepared by Bitzios Consulting.
- Arborist Report prepared by Naturally Trees
- Consultation Outcomes Report prepared by Urbis.
- LEP Mapping prepared by Urbis.
- Revised Services and Utilities Report prepared by Northrop Consulting Engineers.
- Landscape Concept Report prepared by Site Image Landscape Architects.

2.8.1. Response to Issues Raised by Council

Following the previous meetings with Council, the Applicant was provided with two response letters detailing the key comments raised by Officers. The Applicant’s response to these matters are summarised in Table 2 below.

Table 2 – Matters Raised by Council and Applicant’s Response

Comment or Issue Raised by Council	Applicant’s Response	Matter Addressed
The original PP sought an increase in FSR from 0.85:1 to 1.4:1, the revised design should not exceed this original FSR request.	The FSR sought as part of the update to the Planning Proposal request is 1.4:1.	Yes

Comment or Issue Raised by Council	Applicant's Response	Matter Addressed
Council Officers are of the view that the design should be of various heights with a maximum of four storey at its frontage to Henley Park and lower towards properties on Burwood Road. It was also suggested that the building segments be treated to increase building articulation.	The building has a maximum of four storeys of residential accommodation fronting onto Henley Park. The top level has also been recessed to further minimise the bulk of the building. The southern building is also stepped along the Mitchell Street frontage.	Yes
The Council is of the view that absolute minimum compliance with the ADG requirement is not sufficient and the design should seek design excellence. The two sunken courtyards should be reconsidered in terms of solar access. The developments should also not cause more shadow impact on Mitchell Street properties.	The building design now incorporates additional building setbacks to enhance solar access to the courtyards which now receive 3 hours' solar access to the principal usable part of the open space in these courtyards. Furthermore, the proposal does not give rise to additional overshadowing on the properties on Mitchell Street.	Yes
The roofs of the buildings should be treated to enhance the overall design, amenity and performance. In order to minimise overlooking and maintain privacy, communal access to the roof should be limited to areas fronting the park.	The proposal delivers some 4,000sqm of communal open space on the ground level, including the communal courtyards. The communal rooftop open space has been pulled away from the properties to the east of the site within the design concept.	Yes
The provision of limited non-residential uses to include cafes, neighbourhood shops, affordable retail and small start-ups was discussed, to recreate employment opportunities and activate the frontage to the park. This matter could be progressed as an additional local provision under Part 6 or in Schedule 1 of the BLEP.	The proposal now includes the ability to accommodate these types of uses at the lower ground floor level, which would not result in an increase in the height of the building. To facilitate a range of uses, this proposal seeks a new local provision in Part 6 of the BLEP and new additional uses to be set out within Schedule 1 of the BLEP.	Yes
The Council is of the view that the building separations appear	The design has been revised to achieve 18m separation between building forms. The building breaks have also been increased from 2.2m to 3.5m	Yes

Comment or Issue Raised by Council	Applicant's Response	Matter Addressed
to be minimal and raise concern.	creating definable breaks and relief within the building façade.	
The Council are seeking additional justification for the PP, which should not solely rely on published dwelling targets, as they can be easily met in Burwood LGA.	The strategic merit of the proposal is fully justified in Section 5.4 of this Report, along with the site-specific merit for the proposal.	Yes
Council planners are supportive of a small component of non-residential uses along the park edge to activate and create a connection between the development and the park. Such uses should be a maximum of 400sqm and a minimum of 200sqm, and uses can form part of an additional local provision under Part 6 of the of the LEP or in Schedule 1.	<p>The updated scheme facilitates the development of non-residential uses at the lower ground floor level to activate the park edge and provide valuable local shops and services for the local community.</p> <p>As advised by Council, this Planning Proposal now seeks to amend both Part 6 and Schedule 1 of the LEP, to facilitate shop, café and business uses, as well as permitting this limited additional floor space to not contribute to the FSR of the site.</p>	Yes
The design is required to confirm the actual feasible RLs and the comparison height sections are to be refined to reflect actual levels in relation to existing buildings and adjacent streets.	This has been addressed in this report within the 'Site Levels' Section on Page 47 and within Section 7 of the updated Urban Design and Architecture Report at Appendix A.	Yes
The 3D images are to be corrected to illustrate the correct final ground levels, along with a further perspective illustrating the experience of the public walking along the park edge.	The 3D perspectives have been updated and a further 3D image is provided for the park edge. These are contained within the Urban Design Report.	Yes
A draft LEP height map is required reflecting the distribution of heights across the site based on the design presented. A blanket height limited would not be accepted by Council.	The draft LEP height map has been agreed with Council and are appended to the Planning Proposal.	Yes
A site specific DCP may be required should the PP	This is noted and can be provided at an appropriate point.	Noted

Comment or Issue Raised by Council	Applicant's Response	Matter Addressed
progress to Gateway Determination.		
Confirmation is required that the concept scheme can deliver the required deep soil zones to sustain landscaping of a size to provide adequate screening adjacent to residential properties and comply with the ADG.	It has been confirmed by the landscape architect that the deep soil zones are suitable to accommodate the landscaping which will be required.	Yes
The Council confirmed that there is an ability to utilise a Clause 4.6 variation to the maximum building height at the DA stage, depending on circumstances. Council would not object to a minor breach in the height limit for lift overruns.	This is noted.	Noted

2.9. INDEPENDENT ASSESSMENT BY CARDNO

In July 2018, Cardno undertook an independent urban design and traffic assessment of the Planning Proposal on behalf of the Council.

This Report concluded that the reuse of the site for residential apartments as demonstrated in the PP Concept Plan has both urban design and planning merit for various reasons, including:

- The existing buildings are monolithic structures in the Brutalist architectural style with tenuous connections to the surrounding residential area and park.
- The Site is a large 12,619sqm parcel in one ownership which has enabled comprehensive master planning to address potential impacts on the surrounding neighbourhood.
- The current use is a nonconforming use in the R1 – General Residential under the Burwood LEP. That it is a prohibited use and does not support the objectives of the current residential zoning.
- The proposed residential flat buildings are permissible in the R1 zone and as such, the proposed land use will not require a zoning amendment.
- The Site is well located in terms of access to public transport, other services and employment centres.
- All essential utilities are available to accommodate the proposed apartment development.
- The site does not contain any fauna or flora that constitute "threatened or endangered species".
- The Site is surrounded by residential uses and fronts a major public park.
- The Site presents the opportunity to provide greater housing choice and supply in Enfield.
- The PP is supported by a comprehensive Urban Design Report and final Concept Plan which has responded to all urban design and technical issues raised in numerous meetings with Cardno and Council planners and engineers.

- The final Concept Plan and proposed building heights and footprints have in our view been designed to have careful regard for the height of the existing structures on the site, the protection of solar access to surrounding residences and the park and the presentation of the development in the streetscapes and park interface. The building form ensures the future development should fit well in its context.
- The Concept Plan and proposed LEP amendments also include provision for new local day to day facilities to serve the future residents of the Site as well as the broader community, and will also serve to activate the park frontage and provide a level of replacement employment generation at the site.
- The PP Urban Design Report has demonstrated that the future development facilitated by the proposed LEP amendments and Concept Plan can readily achieve the Apartment Design Guide objectives, principles and guidelines.
- The Traffic Impact of the future development facilitated by the PP is assessed to be acceptable.

This report formed the basis of the Officer's Report which was presented to the Burwood Local Planning Panel for consideration.

2.10. BURWOOD LOCAL PLANNING PANEL

The Planning Proposal was reported to the Burwood Local Planning Panel on 14th August 2018. Following consideration, the Panel resolved to support the Planning Proposal subject to the following:

1. *The assessment under SEPP 65 and LEP 2012 being correct, as the Panel is not in a position to determine the accuracy of such assessment.*
2. *The preparation of a site specific DCP that reflects the principal design parameters in the hypothetical design. The Panel acknowledges that future development may occur, however any variation would be subject to consideration of the relevant planning controls.*
3. *The inclusion of a significant proportion of units between 5%-10% for affordable rental housing consistent with Metropolis of Three Cities by the Greater Sydney Commission.*

The Panel does not support the inclusion of the additional uses in Schedule 1 to LEP 2012 that are prohibited in the R1 zone. The Panel accepts that sufficient flexibility is provided through permissible uses in the R1 zone such as "Neighbourhood Shops".

The Panel does not support the exclusion of the proposed non-residential areas from the calculation of "gross floor area" given that any floor area adds to the bulk of any development.

The Panel does not fully accept the conclusions of the Traffic Assessment in relation to:

1. *The ingress/egress from Baker Street and the impact on the limited available capacity of nearby local streets.*
2. *The cumulative impact on Mitchell Road from the development of the Flower Power Site.*

Accordingly, the Planning Proposal documentation has been revised to address the matters raised above. This has resulted in the lodgement of an updated suite of information to the Council, including this Updated Addendum Report and the following supporting information:

- An ADG (SEPP65) Compliance Summary Report prepared by Bureau of Urban Architecture attached at Appendix A.
- A working Draft Site Specific DCP which identifies principal design parameters for the concept design attached at Appendix B.
- An updated Traffic Report prepared by Bitzios Consulting attached at Appendix C.
- The removal of the previous request for add 'Additional Local Provisions' under Part 6 of the BLEP, along with the removal of the proposed addition of business premises and retail premises up to 300sqm from Schedule 1 of BLEP.

The Applicant considers that following this extensive process, an appropriate scheme can be brought forward at this site, with the proposed LEP amendments facilitating a high-quality built form and beneficial outcome for the site and Enfield generally.

3. SITE CONTEXT

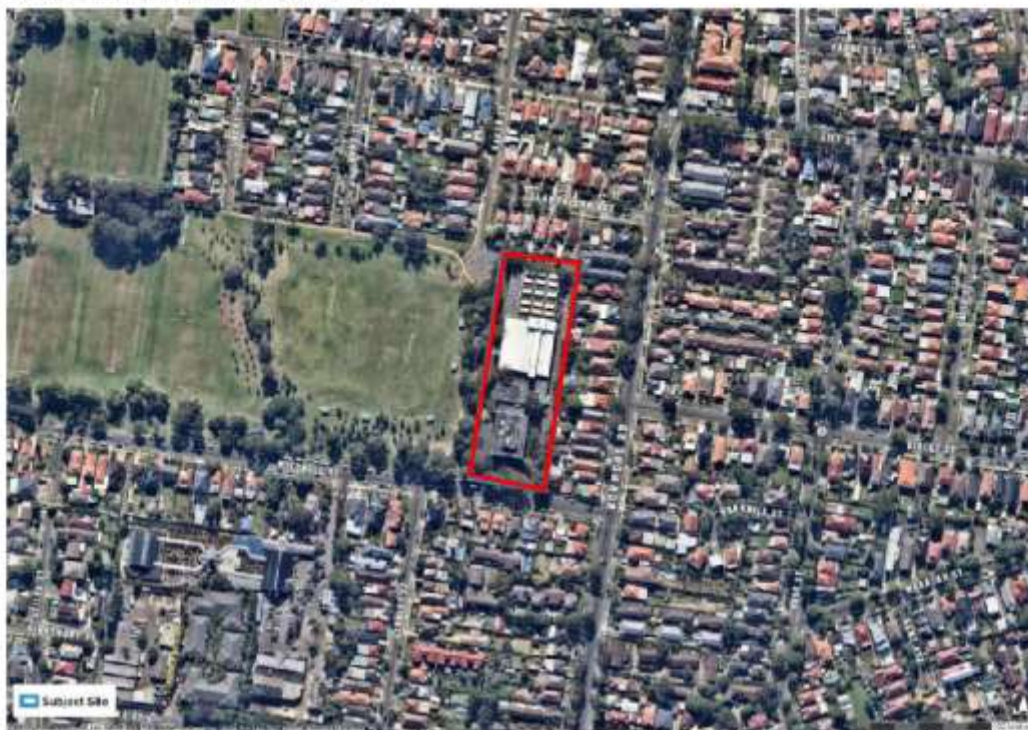
3.1. THE SITE

This Planning Proposal is made in relation to the site at 4 Mitchell Street, Enfield. The legal description of the site is Lot 3 DP 585664 and its total area is some 12,619.9sqm. The site is in a single ownership.

The site is located west of Burwood Road, and between the Hume Highway (Liverpool Road) to the north and Georges River Road to the South. It is approximately 2km south of Burwood CBD and 900m west of Croydon Park local shopping centre. The site is within 100m of a high frequency bus stop on Burwood Road, where the Route 400 and Route M41 buses connect the site with destinations including the Burwood Town Centre, Bondi Junction, Sydney Airport, Hurstville and Macquarie Park.

The NSW Head Office of Vision Australia was formerly located on the site, in a large-scale building, varying in height from one to three commercial storeys. This is equivalent to approximately 2-5 residential storeys. The existing building is a concrete monolithic structure in the Brutalist architectural style.

Figure 2 – Aerial Image of the Subject Site



Source: Urbis (site outlined in red)

Figure 3 – Context of the Site



Source: Real Commercial (site outlined in white)

3.2. SURROUNDING LAND USES

The site is located within a predominately residential area, characterised by detached one to two storey dwellings. Within this context there is also a two-storey apartment building at 93-95 Burwood Road, which lies beyond the north-east corner of the site, and there is a new terrace house development under construction at 116-118 Burwood Road (opposite Mitchell Street). This is illustrated in Figure 4 overleaf.

An extensive area of recreational open space, Henley Park, is located immediately to the west of the site. The park incorporates cricket wickets, an amenity building, barbeques and picnic facilities, play equipment, a bicycle and walking track, exercise equipment and large areas of passive open space. Enfield Aquatic Centre is also located at the northern edge of Henley Park.

There are two bus stops situated in close proximity to the site on Burwood Road, close to the junction with Mitchell Street. These stops are less than 200m walk from the site, and offer services from Burwood to Bondi Junction, and Hurstville to Macquarie Park. The location of the bus stops is identified on Figure 3 above.

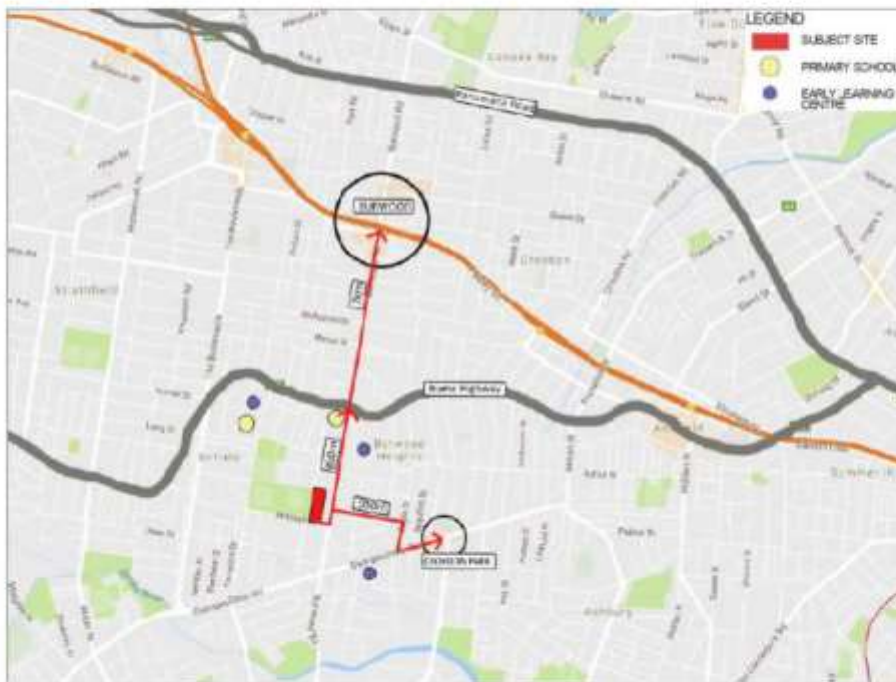
Two primary schools and three early learning centres are located between 800m and 1km of the site, as illustrated in Figure 5 below.

Figure 4 – Surrounding Land Uses



Source: DEM Architects

Figure 5 – Education Facilities Surrounding the Site



Source: DEM Architects

3.3. CURRENT PLANNING FRAMEWORK

The site is located within the Burwood Council Local Government Area. The principal environmental planning instrument affecting the site is the Burwood Local Environmental Plan 2012 (BLEP). The key development standards in the BLEP are explained below.

Zoning

The site is currently zoned R1 – General Residential. Residential flat buildings are permissible in this zone and as such, the zoning will not require amendment. Within the Local Government Area (LGA) other residential flats of a similar and larger scale are developed within the R1 zone.

Height

The site has a maximum building height of 8.5m. The existing building height already exceeds this control with heights between 6.47m-16.34m.

FSR

The site has a maximum FSR of 0.85:1, whilst the current FSR is 0.79:1.

Figure 6 – Zoning and Development Standards Applicable to the Site



ZONING



BUILDING HEIGHT



FSR

4. THE DESIGN CONCEPT

The urban design approach has been updated since the original lodgement of the Planning Proposal in July 2017, and the subsequent receipt of feedback from both Council and Cardno following an initial assessment of the proposal.

The Applicant appointed a new architect for the project, Bureau of Urban Architecture (Bureau), following a review by Cardno of the DEM scheme.

Bureau worked collaboratively with the Applicant, Cardno and Council staff through a series of design workshops and presentations, to create an amended proposal in response to Cardno's comments and to improve upon the original Planning Proposal submission design by the previous architectural firm DEM.

Bureau's scheme creates two U-shaped buildings that allow the largest number of apartments possible to have either frontal or oblique views of Henley Park.

By creating two buildings on the site separated by a 18m wide landscape space in the centre of the site, each building has a Henley Park address as well as a street address, either Mitchell Street or Baker Street.

These two buildings are much lower than the previous heights of buildings proposed for the site and they fit comfortably within the new proposed 18m upper height limit.

Each building is also conceived around a communal open space courtyard that is approximately 25m x 28m in size. This means that non-park facing apartments can also enjoy a generous landscape outlook.

This design strategy has the added benefit of creating a circa 40m setback to the rear boundaries measured through the courtyards. Setback distances from the north, south and eastern boundaries are circa 12m and 14m whilst adopting a more typical setback from the western or Henley Park boundary.

The Mitchell Street frontage has been designed with a stepped form to diminish its bulk and scale, and also having the added benefit of not creating new sun-shadows that would affect any Mitchell Street properties.

Improving the relationship between built form and Henley Park was a high priority, so curved corners of the buildings create a continuous 1m deep balcony planter detail wrapping around every floor plate. In addition, a landscaped roof garden has also been introduced, such that each building is softened and can take on an organic appearance.

The courtyard apartment design typology increases both amenity and environmental standards for the benefits of the residents. Landscaped courtyard entries are combined with natural light and ventilated lift lobbies. Oversized and fire engineered glazed fire stairs with central light-well design and skylight provide the ability to access natural light at each level encourage the use of stairs in the building.

The indicative design concept seeks to accommodate 183 residential dwellings, consisting of 1, 2 and 3-bedroom apartments.

It is also anticipated that provision is made for a potential shop, café and business use on site which would potentially meet day to day needs of the future residents at the development and within the local area. It is proposed that this will be provided at the lower ground floor level adjacent to Henley Park which will serve to activate the park edge and provide a pleasant outlook for these uses.

This vision for the site is illustrated within the computer-generated images (CGIs) contained in Figure 7, 8, 9 & 10 below. These views are from the opposite side of Mitchell Street, from Henley Park looking back towards the site, from Baker Street and a close-up of the building design. On Figures 8 and 9, some of the trees have been removed on the CGI images to provide greater clarity, this does not infer that these trees will be removed as part of the proposal.

Figure 7 – Mitchell Street View and Perspective



Picture 1 – Existing View

Source: Bureau of Urban Architecture



Picture 2 – CGI View

Source: Bureau of Urban Architecture

Figure 8 – Henley Park Views and Perspective



Picture 3 – Existing View

Source: Bureau of Urban Architecture



Picture 4 – CGI View with Trees

Source: Bureau of Urban Architecture



Picture 5 – CGI View with Trees Removed for Clarity

Source: Bureau of Urban Architecture

Figure 9 – Baker Street View and Perspectives



Picture 6 – Existing View

Source: Bureau of Urban Architecture



Picture 7 – CGI View

Source: Bureau of Urban Architecture



Picture 8 – CGI View with Trees Removed for Clarity

Source: Bureau of Urban Architecture

Figure 10 – View of Existing and Proposed Buildings



Picture 9 – Existing Building Photograph

Source: Bureau of Urban Architecture



Picture 10 – Proposed Building CGI

Source: Bureau of Urban Architecture

5. PLANNING PROPOSAL

5.1. OVERVIEW

This update to the Planning Proposal has been prepared in accordance with Sections 3.33 (1) and (2) of the *Environmental Planning and Assessment Act 1979* with consideration of the relevant guidelines, namely "A guide to preparing planning proposals" issued by the Department of Planning and Environment (August 2016).

Accordingly, the proposal is discussed in the following six parts:

- Part 1: A statement of the objectives or intended outcomes of the proposed amendment;
- Part 2: An explanation of the provisions that are to be included in the proposed amendment;
- Part 3: The justification for those objectives, outcomes and the process for their implementation;
- Part 4: The supporting maps which identify the aspects of the Planning Proposal;
- Part 5: Details of community consultation that is to be undertaken for the Planning Proposal; and
- Part 6: The prospective timeline.

Each of the above are addressed in the following sections of this Report.

5.2. PART 1 – OBJECTIVES AND INTENDED OUTCOMES

To amend the Burwood Local Environmental Plan 2012 to amend the 'Height of Buildings' and 'Floor Space Ratio' provisions, in order to facilitate the future development of high quality medium density housing to complement the existing infrastructure and facilities in proximity to the site.

Furthermore, as part of this updated Planning Proposal request, it is proposed to introduce a small component of retail and food & drink uses on the site along the park edge to activate and create a connection with the park, and to provide some additional local convenience shopping and café style facilities. To permit the food and drink uses it is proposed to introduce an additional permitted use under Schedule 1 of the BLEP.

Ultimately, this will enable the achievement of a range of both regional and local strategic planning objectives including housing growth at an accessible and connected location. The outcome would be the renewal of the site to provide new residential dwellings and apartments. The development would be at an appropriate scale to respond to the adjacent residential and recreation uses, whilst also enhancing the public domain, street frontages, pedestrian linkages and local shopping provision.

5.3. PART 2 – EXPLANATION OF PROPOSED PROVISIONS

The purpose of the Planning Proposal is to amend the Burwood Local Environmental Plan 2012 in the following manner:

- Amend the BLEP 'Height of Buildings Map – Sheet HOB_002'

It is proposed that the existing 'Height of Buildings Map' be amended to provide a variable building height across the site with a maximum **18m**, stepping down to **15m** and **12m** at various points within the site, as shown on the updated LPE Maps at Appendix E.

- Amend the BLEP 'Floor Space Ratio Map – Sheet FSR_002'

It is proposed that the existing 'Floor Space Ratio Map' be amended to provide a maximum FSR of **1.4:1**.

- Amend Schedule 1 of the BLEP to include the following:

Schedule 1

3 – Use of certain land at 4 Mitchell Street, Enfield

- (1) This clause applies to land at 4 Mitchell Street, Enfield, being Lot 3 DP585664.
- (2) Development for the purposes of the following uses on the lower ground level of a proposed development is permitted with development consent,
 - a) Food and drink premises (up to a maximum of 300sqm GFA per premises)

The proposed amendments to the BLEP will therefore facilitate the comprehensive redevelopment of the site for residential purposes and also facilitate the delivery of new local day-to-day food & drink facilities at the site, including a café which would assist in activating the park edge.

It is not proposed to amend the zoning for the site within this Planning Proposal. This is because the site is currently zoned as R1 General Residential. The objectives of the zone are to:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Within this zone residential flat buildings are permitted with consent and the proposal is consistent with the objectives for the zone set out above.

Amended LEP mapping to illustrate these changes are provided in Appendix E of this Report.

5.4. PART 3 – JUSTIFICATION OF PROPOSAL

5.4.1. Section A – Need for the Planning Proposal

Q1. Is the planning proposal a result of any strategic study of report?

The Planning Proposal is not directly the result of any local or state government strategic study or report.

However, a comprehensive evaluation of the site's physical and strategic attributes has been undertaken to inform the potential redevelopment. This analysis includes the preparation of indicative design concepts and an urban design analysis to arrive at an appropriate massing, bulk and height scenario which is responsive to the surrounding context.

The analysis undertaken demonstrates that the site's characteristics make it a unique, highly strategic and appropriate site for renewal. The technical reports accompanying this Planning Proposal support the intensification of use at the site, through the proposed height and FSR controls, along with the amended local provisions and permitted uses. The Planning Proposal also responds positively to the Burwood Community Strategic Plan, *Burwood 2030*.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best means to achieve the objectives and intended outcomes described in Section 5.2 of this report for the following reasons:

- In order to achieve the future built form outcome, the underlying development standards applicable to the site require amending. The present controls would only permit the development of low rise residential development similar to the properties surrounding the site. This would not assist in providing a greater diversity, density and affordability of future housing, which forms a strategic objective in this area.
- The extent in numeric variation from the current built form controls in comparison to the proposed could not reasonably be achieved through use of Clause 4.6 – Exceptions to Development Standards. This was confirmed by Officers during the early engagement with Council.

- Burwood LEP 2012 came into effect on 9th November 2012 there is no current Council initiated proposal to amend the controls for this site. There is no alternative option available to progress this scheme, other than to progress a Planning Proposal.
- The BLEP is over five years old and the present controls have significantly limited the potential for this unique site to contribute positively to both the local and regional aspirations for the site and surrounding area.
- The indicative built form for the site will be most appropriately achieved through amendments to LEP FSR and Height controls.
- The addition of new local facilities as part of the proposal will be most appropriately achieved through an additional permitted use within BLEP for the site.
- Without an amendment to the planning controls, the opportunity to redevelop this site and maximise its potential to positively contribute to future growth will be lost.

5.4.2. Section B – Relationship to Strategic Planning Framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including any exhibited draft strategies)?

DPE’s Planning Circular (PS 16-004) notes that a key factor in determining whether a proposal should proceed to Gateway determination is its strategic and site-specific merit. It is considered that the planning proposal meets these tests as outlined in the following sections.

A Plan for Growing Sydney – Metropolitan Plan

Although *A Plan for Growing Sydney* has effectively been superseded by the recently published *Greater Sydney Region Plan*, it remains a relevant consideration under the EP&A Act for Planning Proposals, as such the Plan is addressed in the following section of this Report.

Burwood is identified as a ‘Strategic Centre’. As the site is in proximity to Burwood Town Centre, it is appropriate to analyse the site in this context. The Plan identifies various priorities for the metropolitan area, as well as specific priorities for Burwood. The consistency of the proposal with *A Plan for Growing Sydney* is assessed in Table 3 below.

Table 3 – Consistency with A Plan for Growing Sydney

Metropolitan Direction	Planning Proposal
Direction 1.7: Grow strategic centres – providing more jobs closer to home	<p>This Planning Proposal will facilitate the increase of housing in proximity to the strategic centre of Burwood and the Enfield Intermodal Terminal.</p> <p>The provision will complement the increase in economic activity within this area, and will support the provision of housing close to employment opportunities.</p>
Direction 1.9: Support Priority Economic Sectors	<p>This Planning Proposal will facilitate the increase of housing in proximity to services and employment without compromising the nearby industrial zoned land.</p> <p>This medium density infill development will support the protection of this land from conversion to residential uses, and will help to strengthen the centre at Burwood.</p>

Metropolitan Direction	Planning Proposal
<p>Direction 2.1: Accelerate housing supply across Sydney</p>	<p>As the area is characterised by single detached dwellings and a few medium density developments, in a location where there is strong housing demand. This proposal is required to support further provision of housing supply and to provide alternative housing options for different needs.</p> <p>This location is appropriate as it is serviced by frequent public transport and is in proximity to Burwood Town Centre and other local centres, as well as recreational land uses.</p>
<p>Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs</p>	<p>The Plan states that new housing will be supported by social infrastructure such as parks, and this proposal will seek to benefit from the proximity to and amenity of the adjacent Henley Park, which is a significant positive from the scheme.</p> <p>This Planning Proposal will also facilitate urban infill and an increase in the net total of housing within the area. The Plan states that <i>a significant proportion of Sydney’s additional housing supply needs to come from urban infill across Sydney.</i></p> <p>The site is in proximity to employment opportunities (Burwood Town Centre and Intermodal Terminal) and high frequency transport networks connecting to other employment areas.</p>
<p>Direction 2.3: Improve housing choice to suit different needs and lifestyles</p>	<p>The Plan states that <i>the fastest growing households in Sydney are single person households and as the population ages, many people will choose to downsize their homes. Most people will prefer to remain in their communities.</i></p> <p>This Planning Proposal will facilitate the delivery of a range of housing typologies, including smaller housing options in response to this increasing need. The site is in a prominent location in proximity to Burwood Town Centre and recreational land uses, and is connected via high frequency public transport networks.</p> <p>The provision of this housing will also allow residents to downsize and remain within their community.</p>
<p>Direction 3.1: Revitalising existing suburbs</p>	<p>The Plan states that <i>research has found that focusing new housing within Sydney’s established</i></p>

Metropolitan Direction	Planning Proposal
	<p><i>suburbs brings real benefits to communities and makes good social and economic sense.</i></p> <p>This Planning Proposal will contribute to the net increase in housing provision within the existing suburb of Enfield. This site is in a prominent location in proximity to Burwood Town Centre and connected via high frequency public transport networks.</p> <p>The Plan identifies that revitalising suburbs can provide the opportunity to improve public parks. The concept design displays how the redevelopment of the site can be used to provide improved connectivity through the site to the adjacent Henley Park, whilst there are opportunities for enhancements to the park which will stem from this proposal.</p>
<p>Direction 3.3: Create Healthy Built Environments</p>	<p>The location of the site, directly adjacent to the Henley Park and near Enfield Aquatic Centre, will support active lifestyles. This Planning Proposal will maximise the amount of housing with access to these facilities and provide a positive built form response to the park.</p>
<p>CENTRAL SUBREGION</p>	
<p>Accelerate housing supply, choice and affordability and build great places to live</p> <p><i>Work with Councils to identify suitable locations for housing intensification and urban renewal</i></p>	<p>This Planning Proposal will facilitate infill residential development and increase housing choice with the provision of smaller housing options. There is also potential within the scheme to bring forward a level of affordable housing.</p> <p>This location is in proximity to recreational facilities including the adjacent Henley Park and Enfield Aquatic Centre. The site is serviced by a nearby high frequency bus stop, linking the site with the Burwood Town Centre and other centres. It is therefore important to maximise the housing provision on this site.</p>
<p><i>Improve the accessibility of cultural and recreational facilities outside the Sydney CBD, such as the Moore Park sporting and entertainment precinct.</i></p>	<p>This Planning Proposal will facilitate the delivery of increased housing adjacent to Henley Park. Council are investing in this important public recreational space, and the concept design will complement this in providing through site connectivity and views through the site to the park.</p>

Metropolitan Direction	Planning Proposal
STRATEGIC CENTRE - BURWOOD	
A strategic centre is defined as having <i>higher density housing</i> .	This Planning Proposal supports the increase of housing near this strategic centre, with development at an appropriate scale and that carefully manages the response to the existing built form context.

Greater Sydney Region Plan

The Greater Sydney Region Plan 'A Metropolis of Three Cities' was published by the Greater Sydney Commission (GSC) in March 2018. The Region Plan outlines how Greater Sydney will manage growth and change and guide infrastructure delivery.

It sets the vision and strategy for Greater Sydney, to be implemented at a local level through District Plans. For the first time, the Plan has been prepared in conjunction with the *NSW Government's Future Transport 2056 Strategy* and informs Infrastructure NSW's State Infrastructure Strategy providing full integration of land use, transport and infrastructure planning.

An assessment of the Planning Proposal against the objectives of the Region Plan is set out in Table 4 below.

Table 4 – Consistency with Greater Sydney Region Plan

GREATER SYDNEY REGION PLAN		
Planning Objective	Description	Comment
Infrastructure and collaboration:		
<i>A city supported by infrastructure</i>		
Objective 4	Infrastructure use is optimised	The site is well-situated approximately 2km from Burwood Town Centre, Burwood Railway Station and proximate to Croydon Station. The site is also serviced by several local bus routes which access Bondi Junction, Eastgardens, Concord Hospital, Strathfield and Ashfield. The provision of medium density housing in this location will encourage the use of these accessible transport options.
Liveability:		
<i>A city for people</i>		
Objective 6	Services and infrastructure meet communities' changing needs	The proposal will provide local shops and food & drink uses at ground level, which will benefit future residents and the wider community.

		There are currently few local shops and services located within a 500-metre radius of the site. Given the surrounding community is predominately residential, the provision of local facilities will meet increasing demand as the population of the LGA continues to grow.
Objective 7	Communities are healthy, resilient and socially connected	The site is adjacent to Henley Park, and future residents will be provided with enhanced access to sporting and community facilities.
<i>Housing the city</i>		
Objective 10	Greater housing supply	<p>The proposal will provide in the order of 183 additional dwellings in Enfield, which will contribute to Burwood Council meeting its minimum targets of 2,600 dwellings and provide an attractive option for future residents.</p> <p>The Region Plan provides 20-year housing targets; the longer-term target means that the 5-year targets are not ceiling figures. It is noted that Burwood Council believe that they can already meet their 5-year target, however rolling provision is required to ensure sufficient capacity in the future, along with delivering housing affordability and choice.</p>
Objective 11	Housing is more diverse and affordable	The proposal will contribute to a diversity of housing stock in a location predominately occupied by detached dwelling houses by providing opportunities for apartment living. The variety of dwelling types in residential flat buildings offer different price points for different needs, including those wishing to downsize, single person households and families.
<i>Liveability:</i>		
Objective 12	Great places that bring people together	The proposal provides for ample communal open space, landscaping, ground floor activation and accessible links to Henley Park. The site will offer great amenity for future residents, and contribute to the liveliness of the community through the provision of local shops and services.
<i>Productivity:</i>		
<i>A well-connected city</i>		
Objective 14	A metropolis of three cities - integrated land use and transport creates walkable and 30-minute cities	Refer to Objective 4.
<i>Jobs and skills for the city</i>		

Sustainability:		
<i>A city in its landscape</i>		
Objective 30	Urban tree canopy cover is increased	The proposal will provide significant landscaping for future residents, including tree plantings. This will positively contribute to urban tree canopy cover in the LGA.
Objective 31	Public open space is accessible, protected and enhanced	The proposal will create a new link between the site and neighbouring Henley Park, which will enhance the accessibility of the park to future residents.
<i>An efficient city</i>		
Objective 34	Energy and water flows are captured, used and re-used	Future development on the site is capable of achieving this objective.
Objective 35	More waste is re-used and recycled to support the development of a circular economy	Future development on the site is capable of achieving this objective.

Eastern City District Plan

The site is situated within the area covered by the Eastern City District Plan, released in March 2018. This District Plan has been developed by the Greater Sydney Commission and outlines the priorities and actions for the District which includes the Burwood Council Local Government Area.

Burwood is identified as a 'Strategic Centre', which is indicated as having a relatively high level of economic activity, proving a range of retail and commercial activities, health care and community services. As the site is in proximity to Burwood Town Centre, it means that future residents will benefit from these services and facilities which can be readily accessed along Burwood Road. The District Plan identifies various priorities for the district area, as well as specific priorities for Burwood. The consistency of the proposal with the District Plan is assessed in Table 5 overleaf.

Table 5 – Consistency with Eastern City District Plan

EASTERN CITY DISTRICT		
Planning Priority	Description	Comment
<i>Infrastructure and collaboration:</i>		
E1	Planning for a city supported by infrastructure	<p>The proposal will leverage local transport options including several high-frequency bus services and Burwood Train Station.</p> <p>The travel time of the M41 bus service opposite Mitchell Street on Burwood Road to Burwood Station is approximately 5 minutes. The approximate travel time to Central Station from Burwood Station is between 14 minutes (express train), locating the site well within the desired 30-minute travel model.</p>

		The site is also proximate to existing social infrastructure, including Henley Park, Enfield Aquatic Centre and local shops in Burwood Town Centre.
<i>Liveability:</i>		
E3	Providing services and social infrastructure to meet people's changing needs	<p>The proposal meets this objective by providing medium-high density housing in a walkable neighbourhood in close proximity to public transport, which appeals to a wide demographic.</p> <p>The proposal will also provide lower ground floor local shops and/or services, which will benefit future residents and nearby existing residents.</p>
E4	Fostering healthy, creative, culturally rich and socially connected communities	<p>The site is adjacent to Henley Park and Henley Aquatic Centre and will provide views and vistas to the Park, as well as a direct pedestrian link for the use of future residents. This will maximise opportunities for future residents to use the park facilities.</p> <p>The site will also provide ample open space and landscaping for the use of future residents, which will encourage social interaction.</p>
E5	Providing housing supply, choice and affordability with access to jobs and services	<p>This Planning Proposal will facilitate the redevelopment of the site for a range of dwelling types, including a significant number of smaller dwellings that can meet these needs, including the potential to offer affordable housing on site.</p> <p>Advice has been received from local residential agents that smaller size and more affordable housing is needed in the local area. At present the existing controls do not facilitate a viable scheme containing smaller footplate units to be brought forward. As such the height and FSR controls need to be amended to enable this form of development to be achieved.</p> <p>Additionally, the proposal will provide local employment opportunities through the proposed local shops and services at ground level.</p> <p>As identified in connection with the Region Plan, Burwood Council consider they have sufficient supply to meet 5-year housing targets, however the GSC is to work with individual Councils to develop 6-10-year housing targets. It is unlikely that these targets will solely be constrained to Burwood Centre, and therefore this site should be considered to have strategic merit to contribute to the ongoing supply in the LGA.</p>
E6	Creating and renewing great places and local centres, and respecting the District's heritage	The existing commercial buildings on site do not provide a strong relationship with the streetscape or residential character of the locality.

		The proposal will provide a positive contribution to improving the public realm through enhancing the interface with the streetscape and residential character of the local area. This will be achieved by providing ground floor commercial uses and activation, generous communal open space and landscaping.
<i>Productivity:</i>		
E10	Delivering integrated land use and transport planning and a 30-minute city	<p>With the nearby Burwood Town Centre to the north, and Enfield Intermodal Logistics Centre to the west, this site is in a prominent location for future residents to access nearby employment. The nearby high frequency transport, including a bus stop located within 100m of the site and the Burwood Railway Station, provides further options for residents in other centres of employment. The proposal will also potentially accommodate lower ground floor commercial uses, which can provide local employment opportunities.</p> <p>The proposal for mixed-use development on the site is therefore consistent with the objective of delivering a 30-minute city through integrated land use and transport planning.</p>
E12	Protecting industrial and urban services land	<p>Whilst the proposal will reduce the current employment figures on the site, some employment uses will be retained through potential lower ground floor commercial uses. The site is also in close proximity to the Enfield Intermodal Terminal and Burwood Town Centre, which both provide a significant number of jobs in the local area.</p> <p>The current commercial use of the site is an anomaly in the locality, which is predominately characterised by low-density residential uses. It is therefore unlikely commercial office uses will co-locate in the future. The site is currently zoned to accommodate residential uses, and given the less favourable commercial outlook for the site, it is proposed that the site offers better potential for residential development with ground floor commercial uses in the form of local shops and/or services.</p> <p>The proposal is consistent with objective E12.</p>
<i>Sustainability:</i>		
E16	Protecting and enhancing scenic and cultural landscapes	The indicative landscaping concept for the site enhances views and vistas to Henley Park and proposes landscaping to sensitive site edges that is consistent with the character of the locality.

E18	Delivering high quality open space	<p>The proposal provides large communal open spaces for the benefit of future residents. These spaces will include paving, seating, lawns and tree plantings that encourage multi-faceted use for families and children.</p> <p>The proposal also provides a pedestrian link for residents to access Henley Park, contributing to the network of accessible pedestrian links in the locality.</p>
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Q4 Is the planning proposal consistent with a Council's local strategy or other local strategic plan?

Burwood 2030 – Community Strategic Plan

After extensive community and stakeholder engagement activities, the Burwood 2030 Plan was developed in 2010 and reassessed in 2013. The vision for Burwood includes:

- A Sense of Community
- Leadership Through Innovation
- A Sustainable Natural Environment
- Accessible Services and Facilities
- A Vibrant Economic Community

Within this plan are actions to be initiated by the Council, Community, and State bodies. The role of development is therefore to support these actions where appropriate. Consistency with the relevant aspects of this Plan are explored below.

A Sense of Community

The relevant issue noted is *the need to find a balance between increasing density (residential and commercial) and maintaining our lifestyle*. The design concept built form is based upon design principles to meet the following objectives:

- Create a contemporary and elegant residential community to complement and enhance the existing streetscape and the surrounding residential neighbourhood.
- Maintenance of the low density residential character of Mitchell Street.
- Minimal visual and physical impact on Henley Park.
- Providing a transition of building massing between lower and medium densities, by locating the larger building massing towards the centre of the site to minimise impacts on adjacent residential properties.

With these design principles, it is considered that the proposed development will contribute to the local supply and diversity of residential dwellings, without compromising the community's sense of place.

A Sustainable Natural Environment

The relevant issue noted is *"finding a balance between the built and natural environments as the population increases."* The concept design has been developed in conjunction with consideration for existing mature trees on the site, and the established landscaping.

The site is effectively framed by the existing mature tree planting, particularly on the northern and southern boundaries. The concept design seeks to retain this planting where possible to ensure a that future proposals will benefit from the amenity provided, along with the future landscaping which is intended to be provided as part of the proposal, as illustrated in Figure 11 below.

Figure 11 – Proposed Landscaping Approach



Source: Site Image Landscape Architects

In terms of future landscaping of the site, there is proposed to be extensive planting on the site boundaries, as well as planting within the communal courtyards of each block. The lineal break between the two buildings will also be planted and allow for user friendly common open space

Additional screen planting has been provided to the eastern and northern boundaries where there is an interface with neighbouring residential properties, which will supplement the existing trees that already give screening to the site

Accessible Services and Facilities

The relevant issues noted are *"finding a balance between growth in residential development and appropriate space for community services, preventing overdevelopment and improve the visual amenity of the area, and to activate streetscapes and make them more inviting."*

This Planning Proposal will facilitate increased residential development on a site in proximity to recreational facilities including the adjacent Henley Park and Enfield Aquatic Centre. These will be highly accessible to future residents of this site. The indicative concept design displays how the site can increase residential capacity, without overdeveloping and compromising the visual amenity of the area, including the park.

In addition, the proposal has the potential to provide additional local facilities at the park frontage, which can accommodate new convenience retail and café uses, to activate the park edge and contribute to creating a community.

The concept design considers the land uses surrounding the site and proposes an appropriate massing to complement them.

A Vibrant Economic Community

The relevant issue noted is *"finding a balance between demands for residential areas and demands for commercial space."* The Planning Proposal responds to this issue in facilitating increased residential development on an appropriate site.

The site is also located close to Burwood Town Centre and is highly accessible with nearby high frequency transport links. The provision of increased housing along with the potential for day-to-day facilities on this site will assist in alleviating the pressures of balancing commercial and residential space in the Burwood Town Centre core, whilst also providing a new resident population to support the services which are present in the centre.

Strategic Merit

The strengthened strategic merit test criteria contained in 'A Guide to Preparing Planning Proposals' require that a planning proposal demonstrate strategic merit against (at least one of) the following three criteria set out in Table 6 below:

Table 6 – Strategic Merit Assessment

Assessment Criteria	Response
<p>Consistent with:</p> <ul style="list-style-type: none"> • Regional Plan outside of Greater Sydney • Relevant District Plan in Greater Sydney • Corridor or Precinct Plan applying to the site • Draft Regional, District or Corridor Plan released for public comment. <p>(or)</p>	<p>The site is located within Greater Sydney</p> <p>There is no corridor or precinct plan relating to the site.</p> <p>The proposal is consistent with the aims of the Eastern City District Plan in terms of promoting urban renewal across Sydney, including around major centres to provide jobs closer to homes and minimise commuting times.</p> <p>The proposal will maximise the provision of new residential accommodation at this site to assist in meeting housing targets, as well as providing a greater diversity of housing stock in the locality. The Greater Sydney Region Plan identifies both 5-year and 20-year targets for new residential accommodation.</p> <p>Although the Council consider that they can meet their 5-year housing targets, there is a requirement to have a rolling provision of new accommodation to meet the needs of a growing population and this site provides an ideal opportunity for urban renewal to provide high quality residential accommodation.</p> <p>The potential provision of new local shopping facilities at the site will help to meet local demand, given the current limited provision locally and the changing needs of the community as the population grows.</p> <p>The proposal is well connected to the park, which will offer great amenity and accessibility for future residents, and the new local facilities will contribute to the liveliness of the community in this location.</p>
<p>Consistent with a relevant local council strategy that has been endorsed by the Department (or)</p>	<p>The proposal is consistent with the Burwood 2030 Community Strategic Plan</p>
<p>Responding to a change in circumstances, such as investment in new infrastructure or changing demographic trends not recognised by existing planning controls.</p>	<p>The site was rezoned in 2012 when the standard instrument LEP was introduced, however the development standards relating to height and</p>

Assessment Criteria	Response
	<p>FSR were not altered to address the site and its potential.</p> <p>This proposal now responds to the opportunity presented by this strategically significant site becoming available for redevelopment, whilst also promoting a higher density of development in an area where there is strong housing demand.</p>

It should also be considered that there are a range of other factors which contribute to the strategic justification for the proposal, which are as follows:

- Burwood is a 'Strategic Centre' and 'Planned Precinct' within the 'Eastern City District Plan' and will accommodate a significant quantum of housing growth. Burwood Town Centre has and will continue to provide high density residential housing, directly adjacent to Burwood Railway Station.
- However, outside of Burwood Town Centre, the area contains a number of dormitory suburbs (such as Burwood Heights, Croydon Park, and Enfield) which also accommodate pockets of medium to higher density housing in selected locations. While these areas are not directly adjacent to rail infrastructure, they are served by regular bus services with connection to Burwood Railways Station, Sydney CBD and other surrounding centres.
- In close proximity to the site, there are nearby examples of 6 storey residential flat buildings with floor space ratios of 2.5:1 on the corner of Liverpool Road and Burwood Road. A number of these properties are in locations which have reduced residential amenity comparative to the subject site, as they are co-located directly adjacent to very busy and noisy main arterial roads. These buildings often contain ground floor retail spaces which are compromised by this poor amenity.
- Conversely, the subject site currently contains an unused and unsightly, dated commercial office building, with the existing long-term tenant, Vision Australia, having vacated the site and moved to a more appropriate location in Parramatta CBD. Given that the site is located within a residential zone (which specifically permits residential flat buildings) and already contains a built form which is significantly exceeding the current height permitted on the site, it represents a unique, site specific opportunity to renew the site and provide a high-quality outcome.
- Although Burwood Town Centre is earmarked to accommodate most of the new dwellings required as part of the Greater Sydney Commission housing targets, it is noted that the centre has traffic congestion issues, with many intersections rated 'F', thereby providing a very poor level of service. However, the immediate locality around the subject site can readily accommodate the traffic generation from the proposal, with the level of service rated as 'A' for the Burwood Road/Mitchell Street intersection following implementation of the scheme. It is clear that this location will provide a suitable alternative location to accommodate new housing, and therefore relieving the pressure on the town centre.
- Few sites within the local context are appropriate for additional height and floor space uplift. Also, few sites have comparable strategic credentials such as a significant site area, expansive frontage to Henley Park, dual street frontages and large east-west orientation (to maximise northern orientation and minimise south-facing apartments).
- The 'locational criteria' for urban renewal investigation opportunities in the District Plan includes areas with "high-frequency transport services" which can create efficient connections to local transport services and expand the catchment area of people who can access regional transport. In response, the site is located directly adjacent, and with a significantly large frontage to, Henley Park and right next to a regular, high frequency regional 'M' bus service on Burwood Road which takes approximately 5 mins to Burwood Railway Station (leaving approximately every 10 mins). Within this context, the site is very well located from a public transport perspective.
- The NSW Apartment Design Guide (Section 1B) has guidance in relation to 'local character and context' within suburban neighbourhoods. A number of these considerations have been directly relevant to the careful urban design work undertaken on the site to arrive at the proposed 'concept' for the Planning

Proposal. Specifically, the proposal has sought to respond to the relationship and interface with existing lower scale dwellings, provide an alternative to dwelling houses and/or townhouses which are at a much higher price-point, and provision of a very high quality, landscape and public domain response.

- From a strategic context, the Planning Proposal demonstrates that the additional building height and density can easily be accommodated within the surrounding context. Firstly, the proposal seeks to limit building height directly adjacent to Mitchell Street (mandated through the LEP height map), provides generous setbacks to surrounding sites, and provides for a reasonably prescriptive built form arrangement which creates a very high degree of residential amenity and design quality.
- As shown in the amended Planning Proposal documentation, the proposal provides for a unique, site-specific opportunity to provide a very high-quality design and amenity response to the surrounding properties, including:
 - o A reduced height and form from the original Planning Proposal in response to community feedback.
 - o Provide a better level of solar access (and minimised overshadowing) compared to the existing built form on the site.
 - o Provides 'over-compliance' in relation to provision of communal open space and deep soil landscaping.
 - o Increased building separation and setbacks from the existing built form arrangement, and a more 'tapered' and 'stepped' form to properties adjacent to Burwood Road.
 - o Provision for a future level of retail activation directly adjacent to Henley Park to create new local jobs, and a level of provision of local services to the Enfield community.

It is considered that the Planning Proposal meets the relevant criteria of the Strategic Plan test as it is entirely consistent with the existing Metropolitan Strategy and associated Eastern City District Plan. It also accords with the Council's Strategic Plan and responds to a change in circumstances at the site, which offers an opportunity for urban renewal.

Site-Specific Merit

In addition to meeting at least one of the strategic merit criteria, 'A Guide to Preparing Planning Proposals' requires that Planning Proposals demonstrate site-specific merit against the following criteria set out in Table 7 below.

Table 7 – Site Specific Merit

Assessment Criteria	Response
Does the planning proposal have site specific merit with regard to:	
The natural environment (including any known significant environmental values, resources or hazards); and	<p>The site is not environmentally sensitive land or land with significant biodiversity value.</p> <p>Henley Park is located adjacent to the site and the proposal is designed to minimise any adverse impact upon the park, whilst promoting enhanced connectivity including through site links and new view corridors.</p> <p>There is also potential as part of this proposal to provide a contribution to new or upgraded facilities within the park, or to enhance the setting.</p> <p>Furthermore, there are no environmental constraints or hazards of such significance that would preclude the redevelopment of the site for residential purposes.</p>

Assessment Criteria	Response
The existing uses, approved uses and likely future uses of land in the vicinity of the proposal; and	<p>The site is presently occupied by the now vacant former offices of Vision Australia who have relocated to Paramatta into more modern and suitable premises for their operation.</p> <p>Consequently, this will facilitate the redevelopment of the site to provide new residential accommodation within an area that is zoned R1 general Residential. The proposed use therefore has site specific merit in terms of the future use of the site.</p>
The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.	<p>A Services and Utilities Report was attached as part of the previous lodgement package. This confirms that the proposed development can be adequately serviced.</p> <p>It is also confirmed in the Traffic Report that the traffic generated by the proposed development is expected to be less than the existing site, thereby the scheme will not give rise to any adverse impacts upon the surrounding road network.</p>

It is therefore evident from the above that the Planning Proposal meets the relevant criteria of the site-specific merit test.

Q5 Is the planning proposal consistent with applicable State Environmental Planning Policies?

The proposal is consistent with the relevant State Environmental Planning Policies (SEPPs). The relevant SEPPs are identified in Table 8 overleaf.

Table 8 – Relevant SEPPs Applicable to the Planning Proposal

Policy	Details
SEPP (State and Regional Development) 2011	<p>The aims of this policy are to identify development that is State Significant Development, State Significant Infrastructure and Critical State Significant Infrastructure. It confers functions on Sydney Planning Panels and Joint Regional Planning Panels to determine development applications.</p> <p>The proposal is not currently identified within any of the relevant schedules of the SEPP nor is it identified as State or Regional Development.</p>
SEPP 65 – Residential Flat Design Quality	<p>SEPP 65 raises the design quality of residential apartment development across the state through the application of a series of design principles.</p> <p>The future form of any residential flat buildings contained within the scheme has the potential to achieve a high amenity and design quality.</p>

Policy	Details
	<p>Compliance with the provisions of SEPP65 and the Apartment Design Guide has been confirmed following an independent review by Cardno, the Councils Urban Design consultants.</p> <p>In addition, attached at Appendix A is a ADG Compliance Summary prepared by Bureau which also confirms compliance with the relevant requirements.</p> <p>Ultimately, a further detailed assessment of SEPP 65 compliance would be undertaken at the DA stage.</p>
SEPP (Infrastructure) 2007	<p>This SEPP provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process.</p> <p>While not specifically relevant to this Planning Proposal, future infrastructure works may require development consent in accordance with the SEPP.</p>
SEPP 55 Remediation of Land	<p>SEPP 55 introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.</p> <p>The Preliminary Site Investigation (at Appendix C) indicates that initial sampling has found:</p> <ul style="list-style-type: none"> • A lead exceedance at one location on site within the shallow soil sampling location; and • Groundwater investigation have found copper, nickel and zinc above the criteria for fresh water systems, but are representative of the regional groundwater and are not related to contamination of the site. <p>Given these findings, it is evident that a suitable remediation strategy can be developed prior to the submission of a future development application at the site</p>

Policy	Details
SEPP (Buildings Sustainability Index: BASIX) 2004	<p>The BASIX SEPP requires residential development to achieve mandated levels of energy and water efficiency.</p> <p>The proposed development concept has been designed with building massing and orientation to facilitate future BASIX compliance, which will be documented at the DA stage.</p>

In view of the above, it is demonstrated that the Planning Proposal is consistent with applicable State Environmental Planning Policies.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Table 9 – Consistency with Section 9.1 Directions

Direction	Planning Proposal
3.1 Residential Zones	
<p>A planning proposal must include provisions that encourage the provision of housing that will; broaden the choice of building types and locations available in the housing market; makes more efficient use of existing infrastructure and services; and reduce the consumption of land for housing and associated urban development, and be of good design.</p>	<p>The Proposal supports the efficient use of land in facilitating a higher density in an established suburb. The site currently has a R1 zoning and is adequately serviceable for residential development. The Proposal seeks to provide a higher density in response to the prominent and location of the site the strategic planning policy direction for the location.</p> <p>The concept design displays how the proposed controls can broaden the housing choice available in the local housing market in the provision of numerous smaller dwellings. Smaller dwellings are identified within the metropolitan plan as a housing type that the market requires to meet different people's needs.</p>
3.4 Integrating Land Use and Transport	
<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p>	<p>The proposal is consistent with the direction for the following reasons:</p> <ul style="list-style-type: none"> • The site supports the principle of integrating land use and transport. • The site exhibits good access to public and private transportation use. • The site's proximity to public transport will provide opportunities for residents to access the site. There are bus stops

Direction	Planning Proposal
(b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	positioned close to the site on Burwood Road, which are readily accessible from the site.
6.3 Site Specific Provisions	
A planning proposal must not contain or refer to drawings that show details of the development proposal.	This Planning Proposal refers to an indicative design concept only. The design concept has the role of displaying what is potentially achievable with the proposed changes to BLEP 2012. Detailed design will be subject of a future development application.
7.1 Implementation of A Plan for Growing Sydney	
The objective of this direction is to give legal effect to the policies contained in <i>A Plan for Growing Sydney</i> .	The Planning Proposal is consistent with the aims of <i>A Plan for Growing Sydney</i> as detailed previously within this Report.

5.4.3. Section C – Environmental, Social and Economic Impact

Q7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is fully developed and comprises relatively limited vegetation, except for mature trees lining the boundaries of the site, many of which are proposed to be retained. There are no known critical habitats or threatened species, populations or ecological communities located on the site and therefore the likelihood of any negative impacts will be minimal.

Q8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Given the proposed uplift in building height and density, the potential environmental effects that are relevant to the Planning Proposal include the indicative building design, residential amenity and traffic impacts.

Bulk, Scale and Massing of Indicative Design Concept

Through the discussions with Council and the consultation with the community, it became evident that the key issues with the original concept were as follows:

- The extent of the height with a 6-storey building proposed on the site;
- The character of the scheme on Mitchell Street relative to the scale of surrounding properties; and
- The impact of the additional height and floor space on the surrounding area.

Given the above, these were the key matters which Bureau considered as the new architects on the project, along with a comprehensive Urban Design Analysis to help deliver an improved built form outcome for the site.

This analysis reviewed the constraints and opportunities provided by this unique site, but also explored what would be the design principles which would guide a high quality residential development outcome. It was also clear that there were a range of matters to be addressed as part of the updated scheme to respond to comments made by the Council and Cardno.

Bureau explored a number of potential designs and through discussions with Cardno settled on the proposal for two 'U-shaped' buildings on the site, which allows for a large number of the apartments to have views of Henley Park. Furthermore, the top level of the building has been heavily recessed and stepped, which will create a varied silhouette and built form from pedestrian eye level and breaking up the uniform height plane.

The revised scheme achieves an 18m separation between the two buildings on site, whilst the building breaks within the individual buildings extend to 3.5m, which creates definable breaks and relief within the building façade, which adds further to the segmentation of the building form.

As part of this process, the overall height of the proposal was reduced from 21m to 18m, where a 4-storey residential development above a lower ground level of retail can readily be accommodated, with a few pop-ups above for lift overruns, which the Council have advised are likely to be acceptable and can be dealt with through a C14.6 variation at the DA stage. This is illustrated in Figure 12 below.

Figure 12 – 18m Height Plane



Source: Bureau of Urban Architecture

The outcome is that the design is now of an appropriate scale that enables the provision of housing without compromising the amenity of surrounding residents, and improving the overshadowing impact on neighbouring properties from the current position.

The Applicant has indicated that they are willing work with Council to prepare a site specific DCP pre-Gateway determination, to ensure an appropriate built form is brought forward. This could potentially stipulate the numbers of storeys of development, setbacks, landscaping and the park frontage.

Site Levels

As part of the Council's response letter dated 30th April 2018, the existing and proposed ground Reduced Levels (RLs) were queried by officers. In order to address this point, the plan below in Figure 13 has been prepared. This illustrates the Existing Ground RLs in 'Red' and the Proposed Landscape RLs in 'Black' to provide an easy comparison of the levels across the site.

Furthermore, the height plane plan at Figure 12 above, along with the other Height Blanket diagrams at Section 7 of the Urban Design Report (Appendix A to this Report), clearly illustrate the relative scale of the concept proposal in the context of the local surrounding properties.

Figure 13 – Existing and Proposed RLs Plan



Source: Bureau of Urban Architecture

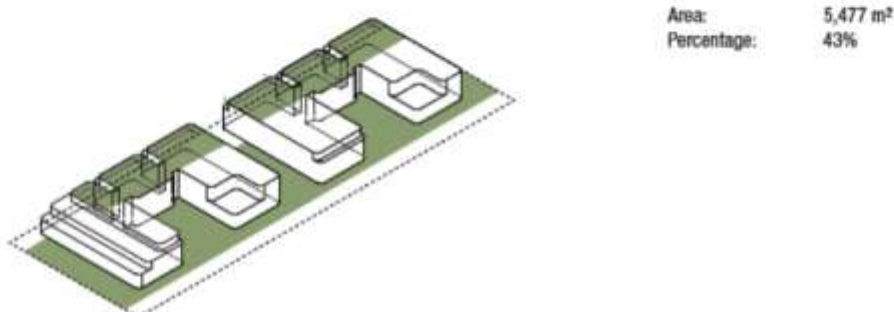
Communal Open Space

The concept design delivers an area of communal open space of some 4,000sqm on the ground floor which is equal to more than 30% of the site, plus additional rooftop open space. This is delivered around the two buildings along with a communal courtyard in each.

The area of rooftop communal open space, takes the total area to be provided up to 5,477sqm or 43% of the overall site. Further to concerns expressed by Council, the rooftop open space has been concentrated on the rooftop towards the park frontage, and away from the rear gardens of the properties to the east fronting Burwood Road. This is to protect the privacy and amenity of the neighbours to the east.

The communal open space is illustrated in as the green area of the building in Figure 14 below.

Figure 14 – Communal Open Space

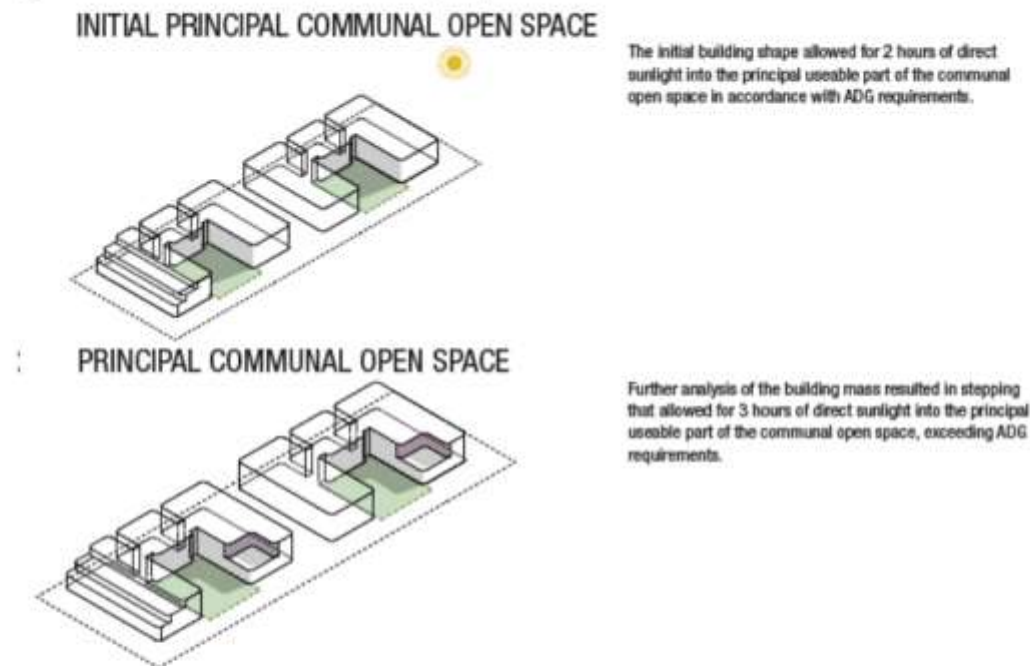


Source: Bureau of Urban Architecture

During discussions with Council Officers, there was a query in relation to the open space regarding the level of solar access which would be achieved in the courtyards of each building, as this was considered to be the 'principal useable' part of the communal open space. It was also considered by Officers that the minimum achievement of the basic *Apartment Design Guide* (ADG) requirement of 2 hours to 50% of the principle useable part of the open space would not be sufficient, given the desire for high quality design at the site.

In response to this, the Applicant amended the scheme to accommodate further stepping within the concept building design. This facilitated the achievement of 3 hours of solar access into the principal useable open spaces in the courtyards of the building at winter solstice, which exceeds the requirements of the ADG. This point is illustrated in Figure 15 below.

Figure 15 – Solar Access to Principal Useable Open Space



Source: Bureau of Urban Architecture

Impacts on surrounding properties

Ultimately the final design of the proposal will be brought forward through the DA process, and will carefully manage and provide a response to the existing built form context. The concept plans demonstrate that an appropriate building design can be achieved which will have negligible impacts on the amenity of existing residents, including overshadowing or privacy.

Overshadowing – Given the orientation of the site in a north-south axis, most the of the off-site overshadowing effects will be experienced either on Mitchell Street in the morning, or upon the rear gardens of the properties to the east fronting Burwood Road in the afternoons.

The building has been designed that at the winter solstice there will be no additional overshadowing of the gardens of the properties on the opposite side of Mitchell Street, as illustrated in Figure 16 below. This represents an improvement over the current position from the existing building, where the existing shadows penetrate the front garden of the properties as illustrated by the blue line on the plan.

In the afternoon on the winter solstice at 3pm there will be some shadows that fall on the rear gardens of the properties to the east fronting Burwood Road. However, the extent of these shadows is reduced following the implement of the concept scheme as illustrated in Figure 17 below. It is evident that the dark shadows do not extend as far as the blue line into the gardens of the properties (to the bottom of the image which is east), which represents the position with the current office building on the site.

Given this, the concept proposal will serve to improve the overshadowing position in regard to the properties to the south and east, which can be considered a further positive benefit of the proposal.

Figure 16 – Overshadowing Analysis 9am Winter Solstice

SHADOW ANALYSIS JUNE 9AM



Source: Bureau of Urban Architecture

Figure 17 – Overshadowing Analysis 3pm Winter Solstice

SHADOW ANALYSIS JUNE 3PM



Source: Bureau of Urban Architecture

SEPP 65 & Apartment Design Guide

One of the matters raised by the Local Planning Panel at the meeting on 14th August 2018 related to the likely compliance of the proposal with SEPP65 and the Apartment Design Guide. It should be noted that the Council's independent urban design advisors reviewed the Planning Proposal concept scheme and confirmed that the scheme complies with the relevant provisions within the Cardno "Independent Urban Design and Traffic Assessment Report" dated July 2018.

Furthermore, as part of this updated package of information, the Proponent has provided an ADG Compliance Summary which is attached at Appendix A.

Trees and Landscaping

The Council's advisor requested that the Applicant provide an Arbonist Report as part of the update package of documentation to be submitted to Council. This is provided at Appendix C and in summary it concludes that although the scheme will involve tree removal, a comprehensive landscaping scheme to mitigate the losses is proposed that will include significant new planting.

A Landscape Concept Report prepared by Site Image has been prepared to accompany the Planning Proposal. This sets out that there are four principal open space areas and a series of more intimate courtyard and under-croft spaces. The three spaces between the building are generous in scale and provide opportunity for a range of amenity from passive seating / gathering and reflection areas, to a playground and allied family seating.

The linear open space along the eastern boundary provides opportunity for a range of lawn and seating areas. The central space has switch-back ramps to provide for equitable access to all three courtyards. The undercroft space has feature shaded seating areas, with tree ferns and fern gardens, and up lit shallow water features.

The perimeter deep soil area is minimum three metres width and is located to allow effective screen planting and canopy shade trees to the interface with neighbouring properties, to reduce any the impact of the proposal.

Sculptural elements have been contemplated as feature elements of the landscape, located at focal locations on visual axis' or within gardens. They are not essential to the design, but are contemplated as a key part of the vision for the project as providing contemplative gardens as well as active areas, and creating a premium level of residential outcome.

Flooding

The updated building concept design ensures that the proposed development will not be adversely affected by future flooding issues. The Revised Services and Utilities Report which identifies report the 1 in 100year flood levels which affect the northern and north-eastern edges of the site. It is not proposed to bring forward development within these areas of the site.

In addition, the report also identifies the Probable Maximum Flood Level (PMF) for the site and the scheme has been designed such that the residential element of the building sits above this level, whilst any future lower ground floor uses will be sited further towards the centre of the building and park edge away from these potential flooding locations.

Furthermore, the existing site currently contains significant hard paved areas with its bitumen driveway and car park. As such, the management of storm-water will be improved as part of the proposal given the extensive new soft-landscaping throughout the site which is proposed.

Traffic Impacts

Bitzios Consulting prepared a Traffic and Parking Impact Assessment for the Planning Proposal which was lodged in May 2018. This report confirms that:

- There are significant traffic volumes along Burwood Road during the AM and PM peaks. However, only minimal delays are predicted at the Mitchell Street/Burwood Road intersection and on the egress to the subject site;
- Traffic generated by the proposed development is expected to be slightly less than the existing site based upon trip generation. The proposed development is not expected to impose any significant impacts on the surrounding road network.

- The SIDRA analysis and site observations conclude that the difference in future performance of the Mitchell Street/ Burwood Road intersection between the with and without development scenarios in 2022 and 2027 are negligible, whilst any impacts to the surrounding road network can be satisfactorily catered for by the existing intersection's configuration, assuming the cycle can be increased.
- Although private vehicle trips may be utilised by residents, given the site's proximity to local facilities, the site's easy pedestrian access to frequent bus services should encourage public transport as a good alternative option for transport to and from the proposed development.

As part of this updated package of information Bitzios Consulting have provided Additional Supplementary Information for Traffic which is attached at Appendix C (letter dated 3rd September 2018). This has been prepared to address the comments of the Local Planning Panel which queried the Baker Street ingress/egress against the local street capacity, and the cumulative impact on Mitchell Street from the proposed residential development of the nearby Flower Power site.

Within this letter, it is identified that Bitzios has undertaken additional traffic counts and SIDRA analysis. This additional information confirms that:

- Based the latest survey and expected traffic distribution, the development is unlikely to increase traffic volumes on Baker Street and nearby local streets, nor impact upon their capacity
- The position following the development of the Flower Power site for residential development is that the future operation of Burwood Road/ Mitchell Street intersection will operate with a Level of Service (LoS) of 'A' for all scenarios (AM/PM weekday and Saturday) in 2022, and will have a LoS of 'A' in the weekday PM and 'B' in the Weekday AM and Saturday. This demonstrates that the intersection will be operating appropriately even when the proposed development is considered in light of the Flower Power development.

Q9 Has the planning proposal adequately addressed any social and economic impacts?

The outcomes of this Planning Proposal will be overwhelmingly positive impacts on the community. The concept design displays how the site can increase its density without compromising the surrounding land uses and community. The concept design presents a high quality residential development that is a significant improvement from the existing structure, and contributes to the improvement of the streetscape.

The provision of apartments will broaden housing options for residents and provide downsizing options for those who want to stay in the community. This is a positive contribution, as it will maintain cohesion.

The applicant also offered to enter into a Voluntary Planning Agreement with Council to provide affordable housing in line with policy targets, along with the enhancement of local community facilities. However, the Council confirmed during the meeting on 31st January 2018 that they did not wish to enter into negotiations with the Applicant regarding a VPA.

The location of this site adjacent to recreational land uses will also encourage healthy lifestyles. Furthermore, there may be the potential for enhancements to the adjoining community facilities stemming from this proposal.

5.4.4. Section D – State and Commonwealth Interests

Q10 Is there adequate public infrastructure for the planning proposal?

The Planning Proposal does not alter the public infrastructure requirements that would be required when compared to the planning controls. The site is within walking distance of public transport, and recreational facilities within Enfield. Upgrades to infrastructure arising from the development of the site (such as utilities and traffic) would be assessed during the development application process.

The expected load from the proposed development will not have any effect on the existing high-pressure water tunnel, which is at a depth of between 57 m and 61 m beneath the surface, nor does the tunnel represent a constraint to the proposed development. This is confirmed in the Geotechnical Report which was attached to the original lodgement package.

Q11 What are the views of the State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

The Planning Proposal is still in a preliminary stage. Appropriate consultation with relevant government agencies would be undertaken by Council following a gateway determination.

5.5. PART 4 - MAPPING

The BLEP incorporates the FSR and Height of Building Maps which will need to be altered through the Planning Proposal process. Figure 20 and Figure 21 below illustrate the proposed LEP Map amendments. The below maps were also attached separately in the May 2018 Addendum package.

Figure 20 – Proposed Height of Buildings Plan



Source: Bureau of Urban Architecture

Figure 21 – Proposed Floor Space Ratio Plan



Source: Bureau of Urban Architecture

5.6. PART 5 – COMMUNITY AND STAKEHOLDER CONSULTATION

A Stakeholder and Community Consultation Strategy was developed as part of the preparation of the Planning Proposal. Urbis was engaged by the Applicant to undertake community consultation to inform the planning proposal. Further detail of the community consultation is set out in Section 2.4 of this Report and within the Summary of Consultation Outcomes Report.

Furthermore, in advance of the Planning Panel meeting on 14th August 2018, a community leaflet was hand delivered to 600 properties within the catchment area, which were the same recipients as in Stage One of consultation, as outlined in the Consultation Outcomes Report. This updated the local community on the amendments made to the scheme in advance of the Panel meeting, as well as the stage of the process which the Planning Proposal has reached.

5.7. PART 6 – TIMELINE

The 'Guide to Preparing Planning Proposals' published in August 2016 indicates that the following details should be provided. As such, the timeline has been updated as part of this Addendum Report, with our estimated dates for each stage in *italics*:

- Anticipated commencement date (date of Gateway determination) – *Q3 2018*
- Anticipated timeframe for the completion of required technical information – *Q3 2018*
- Timeframe for government agency consultation (pre-and post-exhibition as required by Gateway determination) – *Q4 2018*
- Commencement and completion dates for public exhibition period – *Q4 2018*
- Dates for public hearing (if required) – *Not proposed to be required*
- Timeframe for consideration of submissions – *Q1 2019*
- Timeframe for the consideration of a proposal post exhibition – *Q1 2019*
- Date of submission to the Department to finalise the LEP – *Q2 2019*
- Anticipated date RPA will make the plan (if delegated) – *Q3 2019*
- Anticipated date RPA will forward to the Department for notification. – *Q3 2019*

The above information will be crystallised by the RPA following the issue of the Gateway determination and through the production of the formal Planning Proposal. However, it is considered that this would be a straightforward Planning Proposal, and based upon other similar proposals which are compliant with strategic policy, it is expected that the process can be finalised within 12 months and the consequential LEP amendments gazetted within this timeframe.

6. CONCLUSION

This Addendum Report supports a Planning Proposal which seeks amendments to Burwood LEP 2012 to amend the building height and FSR development standards applicable to the site, along with an additional permitted use. This will ultimately facilitate the development of a contemporary and elegant residential community adjacent to Henley Park.

This Report provides an update to Planning Proposal Report Proposal Addendum Report that was lodged in May 2018, which followed the lodgement of the original Planning Proposal in July 2017. The scheme has been worked up following extensive discussions with Council and their independent advisors, Cardno, as well as consultation with the local community. The local community were consulted again in August 2018, to inform of the latest updates to the scheme and the reporting of the Planning Proposal to the Local Planning Panel.

This latest update to the Planning Proposal follows the presentation of the scheme to the Burwood Local Planning Panel on 14th August 2018. The Panel resolved to support the proposal, but made a number of recommendations, which have now been incorporated into this final Planning Proposal package.

The Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning and Infrastructure including "A Guide to Preparing Local Environmental Plans" and "A Guide to Preparing Planning Proposals."

The Planning Proposal seeks to introduce a variable building height across the site with maximum allowable Height of Building of 18m, stepping down to 15m and 12m at various parts of the site to accommodate the new building form, along with a new maximum allowable FSR of 1.4:1 at the site.

The Planning Proposal provides a comprehensive justification of the proposed amendment to the BLEP 2012. The proposal is consistent with the objectives and actions contained within 'A Plan for Growing Sydney', the Region Plan, the Eastern City District Plan and Council's Strategic Plan. It is also consistent with applicable State Environmental Planning Policies and Section 117 Directions.

The site is located at 4 Mitchell Street, Enfield and is a strategically significant site located in a highly desirable location directly adjacent to Henley Park. It has a large site area and is within a single ownership, whilst it is also within walking distance of high frequency bus services and surrounded by a range of other local community, residential and open space uses. Few sites in the locality have comparable strategic credentials and attractiveness for higher density residential housing, or are available for unique renewal opportunities.

The proposal provides for an intended outcome that will contribute to meeting future housing targets in the LGA and Eastern City District more broadly. It will also promote a high quality residential development which offers a variety of housing typologies, along with the potential provision of small scale retailing, café and business uses, which will benefit the local community.

The proposed bulk and massing of development has been re-considered by a new architect. They have developed a much-improved response considering the local context, including the established, low-density community surrounding the site. The new proposal incorporates a highly resolved architectural and landscaped theme for the site, which will enhance the existing Mitchell Street streetscape, surrounding residential neighbourhood and Henley Park.

It has been demonstrated that the proposed amendment to the BLEP 2012 has strategic merit because:

- The scheme would be consistent with the aims of the Eastern City District Plan which means that the proposal accords with the policy; and
- The proposal also responds to a change in circumstances locally, with the opportunity for redevelopment and renewal of this strategically important site, to provide much needed new residential accommodation.

It has been demonstrated that the proposed amendment to the BLEP 2012 has site specific merit because:

- The proposal will facilitate the redevelopment of the site to provide new residential accommodation within an area that is zoned R1 general Residential. The proposed use therefore has site specific merit in terms of the future use of the site;

- The concept proposal incorporates a diversity of housing opportunities within the local area. It provides a positive response to the setting of Henley Park and creates potential for further activation of the park edge with additional uses;
- The proposal is entirely appropriate for the site given that it will augment the existing residential neighbourhood, it is situated in a highly accessible location and it responds to the growth in population locally by providing higher density of development; and
- There is sufficient infrastructure to accommodate the proposal and the development will not result in an increased demand within the local road network.

As such, there is a clear public benefit for proceeding with this Planning Proposal and it should be favourably considered by the Council. We further seek that the Council resolve to forward it to the Department of Planning and Environment, to allow the Department to consider the Planning Proposal for Gateway Determination, under Section 56 of the *Environmental Planning and Assessment Act 1979*.

DISCLAIMER

This report is dated 3 September 2018 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Tian An Enfield Pty Ltd (**Instructing Party**) for the purpose of Planning Proposal (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A ADG COMPLIANCE SUMMARY

APPENDIX B DRAFT SITE SPECIFIC DCP

APPENDIX C ADDITIONAL SUPPLEMENTARY TRAFFIC INFORMATION



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(ITEM 89/18) DRAFT VOLUNTARY PLANNING AGREEMENT - 24 BURLEIGH STREET BURWOOD

File No: 18/32745

REPORT BY ACTING DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

Summary

Applicant: O.T.A.R Investments Pty Ltd.
Owner: O.T.A.R Investments Pty Ltd.
Company Director(s): Valery Musman and Osman Ordukava

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) prepared in connection with a Development Application (DA) for 24 Burleigh Street Burwood have been publicly notified in accordance with the relevant legislation. The draft VPA will provide the developer to pay a monetary contribution to Council in lieu of a shortfall in parking. Council's endorsement is now sought to enter into the VPA after the granting of development consent by the Land and Environment Court.

Operational Plan Objective

2.1.3 Ensure transparency and accountability in decision making.

Background

Development Application History

The subject site at 24 Burleigh Street Burwood contains the former Burwood Police Station and Courthouse, both of which are heritage listed. BD.2017.056 proposes to construct a three storey addition above the former Police Station and use the whole site for a boarding house.

The Applicant lodged an appeal with the Land and Environment Court of NSW (the Court) in response to a "deemed refusal" whereby Council had not determined the DA within 40 days of lodgement.

The matter was heard in the Court in May 2018. During the appeal proceedings the Applicant presented a VPA offer to Council with respect to a shortfall of six off-street car parking spaces.

A draft VPA was then submitted to Council providing for the developer to pay a contribution of \$297,000 to Council in exchange for the six on-site car parking spaces.

The DA was approved by the Court on 7 June 2018 subject to conditions including:

*This consent is subject to a Voluntary Planning Agreement (VPA) with Council. The VPA shall be executed following the granting of this development consent and a monetary contribution in lieu of six car parking spaces [based upon (24 boarding rooms x 0.2) + one (manager space) x \$49,500 = \$297,000], paid to Council on or before the date of execution of the VPA and **prior to issue of the Construction Certificate.***

The draft VPA and Explanatory Note (EN) were referred to Council's solicitors for their advice and vetting. The documents have been modified in negotiation with the Applicant to resolve discrepancies and anomalies identified by Council's solicitors.

Further minor revision of the draft VPA may be necessary prior to execution, e.g. updating footer or insertion of dates. Any changes will not alter the purpose or intention of the VPA.

Council Meeting on 21 August 2018

Council considered the draft VPA at its meeting on 21 August 2018. Council resolved:

1. *That the matter be deferred until the 25 September 2018 Council Meeting.*
2. *That Council seek advice from its lawyers who represented Council at the Land & Environment Court hearing by asking:*
 - a. *How significant the VPA for monetary contribution in lieu of six deficient on-site parking spaces was in reaching the Court's decision to grant consent for the Development Application?*
 - b. *What would be Council's position if it does not endorse the VPA? If consent for the Development Application has been granted by the Court, will Council lose the monetary contribution of \$303,840?*
 - c. *That the legal representative be invited to attend the 25 September 2018 Council Meeting.*

Legal advice has been sought in respect to the above matters. In summary, the advice provides that:

- The parking issue was not a matter of focus before the Court. Instead, the Court proceedings were largely focused on the heritage implications of the proposal.
- The matter of parking was resolved at the Section 34 Conference stage on the basis that Council expressed a preference for a monetary contribution toward deficient parking instead of the applicant's proposal for the use of car stackers.
- Council's Development Control Plan (DCP) supports the provision of a monetary contribution for parking on a constrained site, while the DCP discourages the use of mechanical car stackers.
- The DCP provided a legal basis for requiring the entering into of a VPA for deficient parking as a condition of consent.
- Should Council determine not to enter into the VPA, the development could not proceed under its current consent. However, it is expected that the proponent would make an application to the Court to have the parking matter determined. Council may be liable for the applicant's costs in this circumstance and the monetary contribution would be lost to the Burwood community.
- The monetary contribution rate should be applied at \$49,500 (as specified in the consent) rather than applying the higher rate for the current Financial Year.

Council's legal representative is expected to be available before and during the Council Meeting to answer any questions and provide advice to the Councillors on this matter.

Consultation

Following the modification and negotiation of the document contents, the draft VPA and EN were publicly notified for a period of 28 days from 26 June 2018 to 25 July 2018.

The public notice was placed in the local newspaper and on Council's website. Hard copies were also made available to view at Council's Customer Service Centre. No submissions have been received in response to the public exhibition.

Planning or Policy Implications

Council has in place a *Planning Agreement Policy*. The Policy contains an acceptability test which stipulates the matters that Council should consider when determining whether or not to enter into a VPA. Consideration of these matters against the draft VPA are outlined below:

1. The VPA is directed towards a proper or legitimate planning purpose. The planning purpose of the VPA is to provide funds to Council to provide additional car parking to redress the parking shortfall within the development. The VPA is generally consistent with Council's DCP in allowing monetary contributions in lieu of the on-site parking provision for the Burwood / Strathfield Town Centres.
2. The VPA would result in a public benefit. The VPA would seek to provide car parking, being made available to the general public, in place of parking within a private development.
3. The VPA provides a reasonable means of achieving the relevant purpose. The VPA provides for the monetary contribution in exchange for the parking shortfall within the development. Council will utilise the funds provided for public car parking that will ultimately be more beneficial to the community.
4. The VPA was taken into consideration in assessing and determining the DA. The DA was approved by the Court on 7 June 2018. If the VPA is not entered into, the Applicant would be expected to amend the DA or the consent will be breached.
5. The VPA would produce outcomes that meet the general values and expectations of the community, and protect the overall public interest. The provision of safe and practical public parking by Council is an expectation of the community. The VPA provides Council with the financial resources to assist in this provision.
6. The VPA promotes Council's strategic objectives as outlined in Clause 2.1 of Council's *Planning Agreements Policy*, particularly:
 - Objective 'a' – *to provide an enhanced and more flexible development contributions system for Council*. The VPA encourages flexibility by enabling a monetary contribution towards public amenities, as opposed to strict compliance with on-site parking requirements to the mutual benefit of the developer and the community.
 - Objective 'b' – *to supplement or replace, as appropriate, the application of s94 and s94A of the Act to development*. The use of the VPA in this instance supplements Council's Section 94A Plan because the existing plan cannot be used to obtain contributions in the case of parking shortfall.
 - Objective 'e' – *to lever planning benefits from development wherever possible*. The VPA would facilitate the provision of public car parking in place of private parking, which represents a public benefit.
7. The VPA conforms to the fundamental principles governing the Council's use of planning agreements as set out in Clause 2.2 of the *Planning Agreements Policy*, particularly:
 - Principle 'a' – *planning decisions may not be bought or sold through planning agreements*. In this case, the DA has been approved by the Court.
 - Principle 'd' – *Council will not use planning agreements for any purpose other than a proper planning purpose*. The manner in which the VPA is proposed to be used is generally in accordance with Council's DCP.
8. There are not considered to be any circumstances that may preclude the Council from entering into the VPA should it determine to do so.

Financial Implications

The VPA would provide for a monetary contribution of \$297,000 to Council towards the provision of public car parking within the Burwood/Strathfield Town Centres. This amount is based on the contribution rate of \$49,500 per space for the 2017-2018 Financial Year, as the Court appeal was determined during this time period.

Council would be obliged under legislation to allocate the contributions and any return on its investment to the provision of, or the recoupment of the cost of providing public car parking.

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

Conclusion

Council's endorsement is now sought to enter into the VPA for 24 Burleigh Street Burwood. The VPA would provide Council with a monetary contribution of \$297,000 for public car parking. It is recommended that arrangement be made for the execution of the VPA by Council authorising the signing of the agreement, after the granting of consent, which includes a condition requiring that the VPA be entered into. If Council does not endorse the entering into the VPA, it is expected that the applicant would make a further application to the Court for the parking issue to be determined accordingly.

Recommendation(s)

1. That Council enter into the VPA for 24 Burleigh Street Burwood for the provision of a monetary contribution of \$297,000 towards public facilities in accordance with the condition of consent for DA BD.2017.056, which requires that the monetary contribution be paid to Council on or before the date of execution of the VPA and prior to issue of the Construction Certificate.
2. That Council authorise the General Manager to sign the VPA and any related documentation under his Power of Attorney.
3. That Council authorise the General Manager to endorse the minor revisions of the VPA documents prior to execution.

Attachments

- 1 [↓](#) Draft Voluntary Planning Agreement
- 2 [↓](#) Explanatory Note

PLANNING AGREEMENT

BURWOOD COUNCIL

O.T.A.R. INVESTMENTS PTY LTD ACN 139 899 482

Draft

CONTENTS

PARTIES.....	3
BACKGROUND.....	3
OPERATIVE PROVISIONS.....	3
1. PLANNING AGREEMENT UNDER THE ACT.....	3
2. APPLICATION OF THIS AGREEMENT.....	3
3. OPERATION OF THIS AGREEMENT.....	3
4. DEFINITIONS AND INTERPRETATION.....	3
5. DEVELOPMENT CONTRIBUTIONS TO BE MADE UNDER THIS AGREEMENT.....	5
6. APPLICATION OF THE DEVELOPMENT CONTRIBUTIONS.....	5
7. APPLICATION OF AND SECTIONS 7.11, 7.12 OR 7.24 OF THE ACT TO THE DEVELOPMENT.....	6
8. REGISTRATION OF THIS AGREEMENT.....	6
9. ACKNOWLEDGEMENTS.....	6
10. DISPUTE RESOLUTION.....	7
11. ENFORCEMENT.....	7
12. NOTICES.....	7
13. APPROVALS AND CONSENT.....	8
14. ASSIGNMENT AND DEALINGS.....	9
15. COSTS.....	9
16. ENTIRE AGREEMENT.....	9
17. FURTHER ACTS.....	9
18. GOVERNING LAW AND JURISDICTION.....	9
19. JOINT AND INDIVIDUAL LIABILITY AND BENEFITS.....	9
20. NO FETTER.....	9
21. REPRESENTATIONS AND WARRANTIES.....	9
22. SEVERABILITY.....	9
23. MODIFICATION.....	10
24. WAIVER.....	10
25. EXPLANATORY NOTE.....	10
26. GST.....	10
27. CONFIDENTIALITY.....	10
28. RELEASE.....	10

PLANNING AGREEMENT

PARTIES

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

and

O.T.A.R. Investments Pty Ltd ACN 135899482 of Unit 36, 2 Railway Parade, Lidcombe, in the State of New South Wales (Developer).

Background

- A. The Developer is the registered proprietor of the Land.
- B. On 3 May 2017, the Developer submitted a Development Application, DA 2017/56, to the Council for Development Consent to carry out the Development on the Land.
- C. The Development Application was accompanied by an offer by the Developer to enter into this Agreement to make a monetary contribution in lieu of deficient parking for the proposed boarding house at 24 Burleigh Street, Burwood, if the Development Consent was granted.

Operative Provisions

1. Planning Agreement under the Act

The Parties agree that this Agreement is a planning agreement governed by Subdivision 2 of Part 7 of the Act.

2. Application of this Agreement

This Agreement applies to both the Land and the Development.

3. Operation of this Agreement

This Agreement shall operate from the date of the approval by the Court of the Development Application DA2017/56

Any approval given by the Court for Development Consent for DA2017/56 shall not come into effect until this Agreement is executed.

4. Definitions and interpretation

4.1 In this Agreement the following definitions apply:

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

Construction Certificate has the same meaning as in the Act.

Developer: Initial Here Attorney: Initial Here

Court is the Land and Environment Court

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

Development means the development of the Land in accordance with the Development Consent issued for Development Application DA2017/56 lodged by the Developer with the Council.

Development Application has the same meaning as in the Act.

Development Consent has the same meaning as in the Act.

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

GST has the same meaning as in the GST Law.

GST Law has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

Land means Lot 11 in Deposited Plan 1168986, known as 24 Burleigh Street, Burwood, NSW.

Monetary Contribution means \$297,000.00

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

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

Public Facility means car parking within the Burwood Town Centre for use by the public.

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

4.2 In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- (a) Headings are inserted for convenience only and do not affect the interpretation of this Agreement.
- (b) A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
- (c) If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day.
- (d) A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.
- (e) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.

Developer: Initial Here _____ Attorney: Initial Here _____

4

Version Control: 14 June 2018

- (f) A reference in this Agreement to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
- (g) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.
- (h) An expression importing a natural person including any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- (i) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- (j) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and reference to any gender denotes the other genders.
- (k) References to the word 'include' or 'including' are to be construed without limitation.
- (l) A reference to this Agreement includes the agreement recorded in this Agreement.
- (m) A reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns.
- (n) Any schedules and attachments form part of this Agreement.

5. Development Contributions to be made under this Agreement

- 5.1 The Developer will pay to the Council a monetary contribution at the sum of one hundred and forty eight thousand five hundred dollars (\$297,000.00) on the date of the execution of this Agreement.
- 5.2 The Developer must deliver to Council a bank cheque in a form acceptable to the Council for the amount of the monetary contribution on the date of the execution of this Agreement, which shall occur prior to the issue of any Construction Certificate with respect to the Development.
- 5.3 The Developer covenants and agrees with the Council not to make an application for the issue of any Construction Certificate until the payments required to be made to the Council hereunder have been paid.

6. Application of the Development Contributions

- 6.1 The monetary contributions paid by the Developer under this Agreement will be used by Council to develop Public Facilities.
- 6.2 The Public Facilities will:
 - (a) not be provided to coincide with the conduct or completion of the Development;
 - (b) be constructed at a time determined by Council at its absolute discretion;
 - (c) be available for use by the general public and will not be restricted for use by patrons, visitors and occupiers of the Development.

Developer: Initial Here _____ Attorney: Initial Here _____

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

This Agreement does not exclude the application of or Sections 7.11, 7.12 or 7.24 of the Act to the Development. Benefits under the Planning Agreement are not to be taken into account in determining a development contribution under Sections 7.11, 7.12 or 7.24 of the Act.

8. Registration of this Agreement

8.1 The Developer further covenants with the Council:

- (a) that prior to the issue of any Construction Certificate for the Development, or within such further time as the parties hereto agree, they shall do all things reasonably necessary to obtain the consent to the registration of this Agreement over the title to the Land pursuant to Section 7.6 of the Act from all persons who have an interest in the Land;
- (b) that forthwith after receiving the consents specified in subclause (a) hereof it shall cause this Agreement to be registered on the title of the Land;
- (c) that if this Agreement is not registered on the title to the Land, and if the Proprietor should propose to sell the Land or any part thereof then it shall:
 - (i) within seven (7) days of listing the Land or any part thereof for sale, either through an agent or privately, notify the Council of such intention;
 - (ii) as a condition of any sale, require that the incoming purchaser enter into with Council a like agreement to this present Agreement in which substantially the same covenants as set out herein shall apply;
 - (iii) within seven (7) days of exchange of contracts, notify the Council of the sale and provide the Council with a copy of the contract;
 - (iv) within twenty one (21) days of receipt from the Council of a replacement agreement between the Council and the purchaser substantially in the form of this Agreement, have it executed by the purchaser and return it to the Council;
 - (v) that if this Agreement is not registered on the title to the Land, and if the Proprietor should propose otherwise than by sale to transfer or assign its interest in the Land or any part thereof to a transferee or assignee, then it shall before effecting such assignment or transfer have the incoming transferee or assignee enter into an agreement with the Council substantially in the form of this Agreement insofar as concerns the interest assigned or transferred and shall provide same to the Council.

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

9. Acknowledgements

9.1 The Developer and the Proprietor acknowledge that Council may include a notation on Planning Certificates in relation to this Agreement.

Developer: Initial Here _____ Attorney: Initial Here _____

6

Version Control: 14 June 2018

9.2 The parties acknowledge that Council is a consent authority with statutory rights and obligations pursuant to the terms of the Act and other legislation.

10. Dispute resolution

10.1 If a party believes that there is a dispute in respect of this Agreement then:

- (a) the party must give notice in writing to the other party stating that there is a dispute (the Dispute Notice); and
- (b) the Dispute Notice must outline:
 - (i) what the party believes the dispute to be;
 - (ii) what the party wants to achieve;
 - (iii) what the party believes will settle the dispute; and
 - (iv) who will be the party's representative to negotiate the dispute.

10.2 Within fifteen (15) business days of a Dispute Notice served, the representatives of each of the parties must meet in order to resolve the dispute.

10.3 Both parties must adhere to the dispute resolution procedure set out in this Agreement. The only time that either party may depart from the dispute resolution procedure set out in this clause is when urgent interlocutory relief is required to restrain a breach or threatened breach of this Agreement.

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

11. Enforcement

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

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

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

11.3 The rights of the Council expressly provided for herein are cumulative and in addition to and not exclusive of the rights of the Council existing at law or which the Council would otherwise have available to it.

12. Notices

12.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:

Developer: Initial Here Attorney: Initial Here

- (a) Delivered or posted to that Party at its address set out below.
- (b) Faxed to that Party at its fax number set out below.
- (c) Email to that Party at its email address set out below.

Council

Attention: The General Manager
Address: Suite 1, Level 2, 1-17 Elsie Street Burwood 2134
Post: PO Box 240, Burwood NSW 1805
Fax Number: 9911 9900
Email: council@burwood.nsw.gov.au

Developer

Attention: Valery Muzman
Address: Unit 36, 2 Railway Parade, Lidcombe, NSW, 2141
Email: vmuzman@bigpond.com

- 12.2 If a party gives the other Party three (3) business days notice of a change of its address or fax number or email, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address, fax number or email address.
- 12.3 Any notice, consent, information, application or request is to be treated as given or made at the following time:
 - (a) If it is delivered, when it is left at the relevant address.
 - (b) If it is sent by post, two (2) business days after it is posted.
 - (c) If it is sent by fax or email, at the time it is sent.
- 12.4 If any notice, consent, information, application or request is delivered, or an error-free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5.00pm on that day on the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

13. Approvals and consent

Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obligated to give its reasons for giving or withholding consent or for giving consent subject to conditions.

Developer: Initial Here _____ Attorney: Initial Here _____

14. Assignment and dealings

The Developer agrees that this Agreement shall be binding upon the Developer and upon its respective transferees, assignees or successors.

15. Costs

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

16. Entire Agreement

This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

17. Further acts

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

18. Governing law and jurisdiction

This Agreement is governed by the law of New South Wales. The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

19. Joint and individual liability and benefits

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by two (2) or more persons binds them jointly and each of them individually, and any benefit in favour of two (2) or more persons is for the benefit of them jointly and each of them individually.

20. No fetter

Nothing in this Agreement shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be constructed as limiting or fettering in any way the exercise of any statutory discretion or duty.

21. Representations and warranties

The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

22. Severability

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal,

Developer: Initial Here Attorney: Initial Here

9

Version Control: 14 June 2018

unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

23. Modification

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

24. Waiver

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligations of, or breach of obligations by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

25. Explanatory Note

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

26. GST

26.1 All words in this clause which are also defined in the A New Tax System (Goods and Services Tax) Act 1999 (Cth) ("the GST Act") have a corresponding meaning to that in the GST Act.

26.2 The consideration for any supply under this Planning Agreement excludes GST;

26.3 Where a party to this Planning Agreement is taken to have made a supply to another party, the recipient of that supply must, in addition to the consideration payable for the supply and when paying the consideration for the supply, also pay to the maker of the supply an amount equal to the GST payable in respect of that supply. The recipient of a supply must also pay the GST payable in respect of a supply for which no monetary consideration is payable when the maker of the supply demands payment;

26.4 The maker of a supply must give the recipient a tax invoice in the form required by the GST Act at the same time it receives payment from the recipient of the GST payable for that supply.

26.5 Despite any other provision of this Agreement, any amount payable under this Agreement, which is calculated by reference to an amount paid or incurred by a party to this Planning Agreement, is reduced by the amount of any input tax credit to which that party or a member of its GST Group is entitled in respect of that amount.

27. Confidentiality

The terms of this Agreement are not confidential and this agreement may be treated as a public document and exhibited or reported without restriction by any party.

28. Release

Once the Council is satisfied that the Developer have fully complied with all of their obligations under this Planning Agreement, the Council agrees to provide a full release

Developer: Initial Here Attorney: Initial Here

and discharge of this Planning Agreement with respect of the whole of the Land. In such circumstances Council will do all things reasonably necessary, including the execution of any documents to enable the Developer to remove any caveat and the notation of this Planning Agreement on the title to the Land.

DRAFT

Developer: Initial Here Attorney: Initial Here

Version Control: 14 June 2018

Draft Voluntary Planning Agreement

EXECUTED AS AN AGREEMENT

Date:

Signed for and on behalf of Burwood Council by its attorney, Bruce Gordon Macdonnell under Power of Attorney dated 29 November 2017 registered book 4736 number 451, in the presence of:

)
)
)
)
)
)

.....
Signature of Witness

.....
Signature of Attorney

.....
(Print) Name of Witness

Bruce Gordon Macdonnell
.....
(Print) Full Name of Attorney

Level 2, 1 - 17 Elsie Street, Burwood, New South Wales, 2134

.....
(Print) Address

By executing this document, the attorney certifies that he has not received notification of revocation of the power of attorney.

On behalf of O.T.A.R Investments Pty Ltd:

(ACN 135899482 executed this agreement pursuant to section 127 of the Corporations Act in the presence of:

.....
Signature of Director

.....
Signature of Director

Valery Musman

Osman Ordukava

.....
(Print) Full Name of Director

.....
(Print) Full Name of Director

Explanatory Note

Planning Agreement for the provision of monetary contribution in lieu of parking spaces at 24 Burleigh Street, Burwood, NSW

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

1. Parties

The parties to the Planning Agreement are:

- (1) Burwood Council (**Council**)
- (2)
- (3) O.T.A.R. Investments Pty Ltd (**Developer and Proprietor**)

2. Description of Subject Land

The land to which the Planning Agreement relates is as follows:

Folio Identifiers: Lot 11, DP1168986
 Location: 24 Burleigh Street, Burwood

3. Description of Proposed Change to Development

The Developer has lodged a Development Application (being DA 2017/56) which provides a shortfall of six (6) parking spaces.

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

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

The offer made by the **Proprietor** and **Developer** as set out in the Planning Agreement is based on the parking provision of Burwood Council's Development Control Plan and is consistent with that provision.

The intent of the Planning Agreement is to ensure that the parking needs of the incoming population into the Burwood local government area are met.

The monetary contributions to be provided by the **Proprietor** and **Developer** under the Planning Agreement is an amount of \$297,000, payable on the date of execution of the agreement and before issue of any Construction Certificate.

5. Assessment of the Merits of the Planning Agreement

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

5.1 The planning purposes served by the Planning Agreement

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

The Planning Agreement serves the following planning purpose:

The monetary contributions paid by the **Proprietor** and **Developer** under this Planning Agreement will be used by **Council** to develop public carparking facilities within the Burwood Town Centre.

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

The planning provision enabling monetary contributions in lieu of parking on-site is contained within Burwood Development Control Plan, a publically exhibited document which was initially adopted by Council on 12 February 2013. The mechanism allows the aggregation of funds by Council for the provision of efficient and sensitively located public carparking facilities.

5.2 Promotion of the public interest

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

The Planning Agreement promotes the public interest by:

Ensuring the orderly use and development of land by ensuring that the location and design of public carparking facilities function effectively and safely. The Planning Agreement provides for the provision of public carparking in lieu of private-use parking.

The Planning Agreement promotes one or more of the objects of the EP&A Act as follows:

- i. The proper management and development of land for the purpose of promoting the social and economic welfare of the community and a better environment;
- ii. The provision and co-ordination of community services and facilities; and
- iii. Opportunities for public involvement and participation in environmental planning and assessment.

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

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

The Planning Agreement promotes one or more of the elements of Council's charter (now Principles) under Sections 8, 8B and 8C of the Local Government Act 1993 by

- identifying and prioritising community needs and aspirations;
- carrying out Council functions in a way that provides the best possible value for residents and ratepayers;

- providing an opportunity for the community and stakeholders to be involved and interested people are invited to make comment during the exhibition period of the Planning Agreement. The public exhibition and the consideration of this matter at Council meetings are intended to *keep the local community informed*,
- ensuring that it *acts consistently and without bias*, which is why Council's provisions for Planning Agreements which allow for contributions in lieu of parking is set out in its Development Control Plan.

5.4 Capital Works Program

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

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

Council has in place a capital works program, but the program does not, to date, identify additional public carparking facilities within the Burwood Town Centre. The capital works program is subject to annual review and any proposal for additional public carparking would be initiated where sufficient funds are available.

5.5 Compliance matters

Clause 25E(2)(g) of the EP&A Regulation

Whether the Planning Agreement requires certain matters to be complied with before a construction certificate, occupation certificate or subdivision certificate is issued:

The Planning Agreement requires payment of the monetary contribution before the issue of the construction certificate for the Development.

(ITEM 90/18) ASSESSMENT OF AND RESPONSE TO STATE GOVERNMENT'S LOW RISE MEDIUM DENSITY HOUSING CODE

File No: 18/26086

REPORT BY ACTING DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

Summary

The NSW State Government has introduced a planning reform package for the Low Rise Medium Density Housing Code (the Code). The reforms include allowing the approval of a number of development types via Complying Development Certificate (CDC) applications.

Operational Plan Objective

4.4 - Participate in regional planning and infrastructure projects to ensure the best outcomes for the community

Background

The NSW State Government's stated aims for the package are to encourage low rise medium density housing and to increase housing supply, improve affordability, and meet changing population needs.

The reform package is implemented mainly through amendments to the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2009* (the Codes SEPP). A new *Part 3B Low Rise Medium Density Housing Code* is included and additions have been made to *Part 6 Subdivisions Code*.

The main provisions in Part 3B and the additions to Part 6 will:

- Permit terrace houses, a type of multi dwelling housing, by Complying Development Certificates (CDCs) in the R1 General Residential and R3 Medium Density Residential zones of the *Burwood Local Environmental Plan 2012* (BLEP)
- Permit manor houses, a type of residential flat building in the R1 and R3 zones via CDCs and also permit manor houses via development application in the R1 and R3 zones
- Permit certain dual occupancies to be approved via CDC applications, in the R2 Low Density Residential zone as well as in the R1 and R3 zones
- Permit certain terrace houses, manor houses and dual occupancies to receive CDC approvals for Strata or Torrens title subdivisions in all three residential zones.

It should be noted that the Codes SEPP excludes specific development from being complying development. Part 3B is encompassed by these exclusions. The directly relevant one is:

- land within a heritage conservation area or a draft heritage conservation area, unless the development is a detached outbuilding, detached development (other than a detached studio) or swimming pool

It is considered unlikely that there will be substantial or rapid take-up of these reforms in Burwood, or that there will be significant adverse impacts. It is recommended that the reforms should be accepted and the BDCP should be reviewed in respect to dual occupancy subdivisions and the introduction of manor houses generally, on account of the reforms.

The amendments to the Codes SEPP to include the reforms to the Code and amend the Subdivisions Code were made on 18 April 2018 with an official commencement on 6 July 2018. Prior to that, on 12 June 2018, Council wrote to the Minister for Planning requesting the suspension of the Code to allow Council time to assess the impacts and respond accordingly.

In response to widespread concerns about the Code, the NSW State Government issued an Order on 5 July 2018 amending the Codes SEPP to exempt many Local Government Areas (LGAs), including the Burwood LGA, from application of the amendments Part 3B only until 1 July 2019. There were no exemptions to the amendments to Part 6 Subdivisions Code.

The abovementioned exemption period for the commencement of Part 3B of the Code provides councils with the opportunity to respond to the package. This report provides an assessment of its operation in the Burwood LGA, its likely impacts and recommends further actions, as requested in Council's resolution of 22 May 2018.

Planning or Policy Implications

How Each Form of Development Would Apply in Burwood

Terrace Houses

These are defined in the Low Rise Medium Density Code as a form of multi dwelling housing which must have the following characteristics:

- Comprise three or more dwellings
- All dwellings must be attached
- No more than two storeys in height
- Each dwelling has access at ground level
- No part of a dwelling is above another dwelling
- All must face and have frontage to and are generally aligned along a public road
- The latter two features distinguish terraces from general multi dwelling housing

Terrace houses and the Strata and Torrens subdivision of terrace houses will be able to be approved via CDC applications in the R1 and R3 residential zones.

In addition to the reform package, the NSW State Government has published the *Low Rise Medium Density Design Guide*. It aims to ensure good design and a consistent approach to medium density housing. A terrace house proposal must be consistent with this guide.

Manor Houses

These are defined in the Codes SEPP as a form of residential flat building that has the following characteristics:

- It is a building containing three or four dwellings
- Each dwelling is attached to another dwelling by a common wall or floor
- At least one dwelling is partially or wholly located above another dwelling
- No more than two storeys (excluding any basement)

Under the Code manor houses will be able to be approved via CDC applications in the R1 zone and in the R3 zone. The Strata (but not Torrens) title subdivision of manor houses will also be able to be approved via CDC applications under the amended Subdivisions Code.

The Code (Clause 3B.1A) also permits manor houses in the R1 General Residential and R3 Medium Density zones of all Local Environment Plans (LEPs) including the BLEP. The changes will allow manor houses to be approved via a DA. It should be noted that manor houses will not be permitted in the R2 Low Density Residential zone.

In addition to the reform package, the NSW State Government has also published *A Low Rise Medium Density Design Guide for Development Applications*. It aims to assist councils when assessing DAs arising from the Code until local DCPs are amended to address this form of development. At this stage, it will be relevant to manor houses only.

Dual Occupancies

The BLEP already permits (with consent) the development of dual occupancies in the R1, R2 and R3 residential zones.

The major change introduced to the Code is to allow, for the first time, the approval of dual occupancies via CDC applications. Strata or Torrens title subdivision of certain dual occupancies will also be able to be approved via CDC applications for the first time under the amended Subdivisions Code.

The Code addresses two types of dual occupancies:

- Those involving a part of a dwelling being located above any part of another dwelling (these are attached dwellings)
- Those that do not have this arrangement (these may be attached or detached dwellings)

Dual occupancies covered by the Code may be developments involving the construction of two new dwellings, or the addition of another dwelling to an existing dwelling house to create a dual occupancy.

In addition, the amended Subdivisions Code allows Strata or Torrens subdivision of dual occupancies to be approved via CDC applications in specific circumstances:

- The dual occupancy must have been approved under the Low Rise Medium Density Code and it must comply with all the applicable requirements
- Or a combined CDC application is made for a dual occupancy and its Strata subdivision
- The opportunity exists for five years after the CDC has been issued

Strata title subdivisions of all other dual occupancies by CDC are excluded specifically. This includes existing ones approved through the DA process. Also excluded from strata title subdivisions by CDC are secondary dwellings, boarding houses and group homes.

Torrens subdivisions of all other dual occupancies by CDC are not excluded specifically by the relevant clause but in any case cannot be approved by CDC unless points one and three above are met.

There are a range of other requirements for dual occupancy subdivisions including:

- Each dwelling must have lawful frontage to a public road (other than a lane)
- No dwelling may be located behind another dwelling on the same lot except for a corner lot or a lot with frontage to two parallel roads
- A Torrens title subdivision is not permitted where one dwelling is located above another in any way
- Each resulting lot must have a minimum width at the building line of six metres

It should be noted that the BLEP does not prohibit subdivision of dual occupancies, although it does set a minimum size for lots on which attached or detached dual occupancies may be granted consent. This is not changed by the Codes SEPP. The BDCP presently includes a restriction on subdivision of dual occupancies via the DA process.

Impacts and Responses in Burwood LGA

Notification and Determination

CDC applications under the Code are subject to the same 20 day time limit for determination as other forms of Complying Development under the relevant regulations.

Notification requirements for CDC applications are also the same as for other forms of Complying Development, being that a CDC application cannot be determined until 14 days after notification of adjoining dwelling occupiers. There is no requirement to receive, consider or act on any responses to the notification. Following approval of a CDC there are further notification requirements.

The time required to determine DAs, including for dual occupancies, made under the BLEP provisions is usually longer. Under the BDCP, notification of a DA generally is for a 14 day period and responses are taken into account in the determination of the application.

Potential for Additional Development in Burwood

The following comments are based on the Low Rise Medium Density Code and amended Subdivisions Code being implemented.

Terrace Houses

It is considered that there is unlikely to be a significant or rapid increase in this form of development. Some of the implications of this form of development are as follows:

- No new development areas are added as multi dwelling housing is already permitted in the same BLEP zones (R1 and R3). Terrace houses are prohibited in the R2 zone.
- In the R1 zone, residential flat buildings will likely be preferred by developers generally, due to the greater densities and scales that can be achieved, and because of the more restrictive requirements for a terrace house
- The impacts of terrace house development is more likely to occur in the R3 zone, as residential flat buildings are currently not permitted in this zone
- A basic comparison of multi dwelling housing and terrace house controls indicate there are advantages for constructing terrace houses in some respects, e.g. maximum building height, Floor Space Ratios (FSRs), front and side setbacks, private open space and car parking
- The CDC process for terrace houses is likely to offer a significantly shorter approval turn-around time than through a DA
- Developers will have to balance these advantages against the more rigid and detailed development standards and guidelines applying to terrace houses through the CDC process
- Overall, it is considered that the use of CDC approvals for terrace houses will mainly displace residential flat buildings that would be already viable in the R1 zone, or multi dwelling housing development that would already be viable in the R3 zone. This is likely to result in some, but not substantial, increase in the amount of development
- The use of CDCs may grow over time as experience of the approval process and the design of complying terrace houses increases. Similarly, over time more CDCs for Strata or Torrens subdivision of terrace house developments are likely to occur.

Manor Houses

It is considered that it is unlikely that there will be a substantial or rapid increase in this form of development. Some of the implications of this form of development are as follows:

- The changes will result in a new form of development in the R3 zone and R1 zone
- A basic comparison of the guidelines for residential flat buildings, compared to Codes SEPP standards for manor houses, indicates some but no great advantages for manor house development in terms of scale and design flexibility
- The restrictions on manor houses (i.e. maximum four dwellings, two storeys) in the R1 zone are unlikely to make them competitive with residential flat buildings on larger sites and in locations where greater heights are permitted and more dwellings can be developed
- In the R3 zone, manor houses are unlikely to be competitive on sites where more dwellings can be developed as multi dwelling housing
- On this basis there is unlikely to be a substantial increase in the development capacity of the R1 and R3 zones as a result of the changes

- The significantly shorter approval turn-around for a CDC than for a DA may make manor houses attractive to developers on small sites, and manor houses may displace already-viable small residential flat buildings or multi dwelling housing in these cases
- Overall, there is unlikely to be a surge in this form of development. Use of CDCs for Strata or Torrens subdivision of manor house developments is likely to be subject to the same constraints.

With regard to manor houses being permitted via DAs in the R1 and R3 zones a similar assessment to the above applies.

Dual Occupancies

It is considered that this form of development has the greatest potential to impact upon existing low density residential areas due to the availability of subdivision through the CDC process. Historically, this has been the case with dual occupancies where subdivision was permitted. In the case of duplex developments subdivision may be allowed on a 12m wide site so that each site may only be 6m in width. This will impact upon streetscape of areas as well as loss of on street parking because of an increase in double driveways to service each development. It should be noted that:

- No new areas of development are provided. Dual occupancies are already permitted in all the residential zones of the BLEP
- Dual occupancies pursued through the CDC process will be subject to detailed and mandatory development standards, as well as having to be consistent with the *Design Guide*. Dual occupancies through the DA process have a more flexible regulatory assessment
- A basic comparison of the BLEP/BDCP and Codes SEPP standards for dual occupancies indicates there are few advantages in pursuing approval of a dual occupancy under the Codes SEPP in terms of development scale or flexibility of design
- The availability of sites suitable for subdividable dual occupancies is likely to be limited. The SEPP standards favour two new dual occupancies that have been built at the same time, rather than extensions of existing dwellings.
- The subdivision of dual occupancies is only possible where the dual occupancy has also been approved via a CDC, or it is a joint CDC application for the building and the subdivision. There is no retrospectivity. Dual occupancies granted consent through the DA process prior to commencement of the Code will not be able to be subdivided by way of a CDC
- It is the shorter and more reliable approval time that may make a CDC approval attractive and may lead to increases in the number of dual occupancy buildings approved via CDCs over time.

NSW State Government research indicates that the percentage of all development in NSW that is dealt with by way of CDCs has grown steadily each year since the Codes SEPP was introduced in 2009, and had reached 33.2% of all development approvals in 2015-16. This may point to growth in the medium to longer term, in the number of CDC approvals under the Code and their subdivision.

However, it is important to note that few dual occupancies are approved in Burwood. From 2013 to 2017, the average number of dual occupancies approved by Council was three annually. This indicates that the underlying demand for dual occupancies is low. The number of new dual occupancies (construction and subdivision) under the Code may increase over time due to the allowable subdivision. It is worth noting that a much larger number of secondary dwellings ("granny flats") are approved by CDCs under the *SEPP (Affordable Rental Housing) 2009* (the AHSEPP). Under that SEPP, the secondary dwellings cannot be subdivided from the main dwelling, and the Codes SEPP also does not enable that to occur.

Adequacy of BLEP and BDCP

Because of the way the reforms have been legally made, the only options to prevent terrace houses, manor houses, or the subdivision of these forms of development being permitted in the BLEP's residential zones via the CDC process, would be as a result of the following actions:

- A request to the NSW State Government to amend the Codes SEPP so that the Burwood LGA is permanently excluded from these provisions
- To prepare a Planning Proposal (PP) to amend the BLEP's Clause 1.9 to state that the specific provisions of the Codes SEPP do not apply to land to which the BLEP applies.

Similarly, one of these actions could be pursued to prevent manor houses being available for DAs in the BLEP's residential zones.

To have any prospect of success with either of the abovementioned courses of action, either option would need to be supported by detailed evidence and reasons demonstrating that the Burwood area would experience substantial adverse impacts, or that the objectives of the reforms are already being met.

At the present time substantial adverse impacts cannot be demonstrated as there is little evidence in Burwood LGA to support such a proposal. Considering the detailed controls in the reforms and the expected limited impacts, CDC approval of dual occupancies and their subdivision should be subject to continued monitoring over time to identify any emerging adverse impacts on the character of R2 Low Density Residential areas that may warrant remedial action.

The BDCP will not be relevant to any of the developments that use the CDC application process.

For DAs for manor houses as allowed by the Code, the *Low Rise Medium Density Design Guide for Development Applications* published by the State Government can be used in the assessment process in absence of BDCP provisions. Consideration should be given to a review of the BDCP to deal with manor houses and terrace houses specifically in Burwood, using this Guide as a basis.

The BDCP presently includes a "restriction" on subdivision of dual occupancies via the DA process. When such subdivisions are permitted via CDCs when the reforms commence, community expectations may increase for subdivision of dual occupancies via DAs. If this occurred in sufficient numbers the character of R2 Low Density Residential areas may change adversely. In this context Council may want to consider pursuing a Planning Proposal to control or prevent DA subdivision of dual occupancies through the BLEP. In any case, the BDCP should be reviewed to incorporate similar controls for dual occupancy subdivision to those in the Code and the *Low Rise Medium Density Design Guide*.

Conclusion

It is considered unlikely that there will be a substantial or rapid increase in terrace house and manor house developments. However CDC approval of dual occupancies and their subdivision may result in an increase in this type of development. The Code reforms do not provide for any significant gains in development scale or design flexibility, or in expanding the areas available for development.

The CDC process is likely to be used if it is perceived as facilitating shorter and more reliable approvals, however, developers will have to balance this with the more detailed and rigid requirements of the Code. Its use may grow in the longer term as experience with the process increases. CDC approvals for dual occupancies and their subdivision should be monitored to check for any adverse impacts over time as there is significant potential for adverse impacts in the R2 zone.

Recommendation(s)

1. That Council accept the introduction of the reforms in the Low Rise Medium Density Code reform package when the suspension expires.
2. That the BDCP be reviewed in respect to the subdivision of dual occupancies to incorporate

detailed controls on such subdivisions based on the development standards in the Low Rise Medium Density Code and in the amendments to the Subdivisions Code.

3. That the BDCP be reviewed to provide guidelines for DAs for manor houses based on the NSW State Government's *Low Rise Medium Density Design Guide for Development Applications*.

Attachments

There are no attachments for this report.

(ITEM 91/18) ADOPTION - REVISED HARDSHIP RESULTING FROM CERTAIN VALUATION CHANGES - SECTION 601

File No: 18/25976

REPORT BY CHIEF FINANCE OFFICER

Summary

Council's Revised Hardship Resulting from Certain Valuation Changes – Section 601 Policy has been reviewed and updated in accordance with Council's Policy Review Corporate Practice.

Operational Plan Objective

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

Background

In March 2013 Council's current Hardship Resulting from Certain Valuation Changes – Section 601 Policy was introduced to assist Residential Ratepayers who have suffered substantial financial hardship from a revaluation or a valuation change in their land value. Now, in accordance with Council's policy review Corporate Practice, a review of the current Policy has been undertaken.

Comment

The current Policy adopted on 26 March 2013 has been reviewed and updated. The following amendments have been made in line with Council's Review Corporate Practice:

AMENDMENT	COMMENT
Definitions	Mixed Development – a valuation where the NSW Valuer General has assigned a mixed development apportionment factor percentage Deferral – does not mean a write-off of an amount, eventual future payment is required and interest will be applied
Division of Local Government	Change to reflect current name – NSW Office of Local Government
Contact	Updated Position Title

Consultation

The Policy has been endorsed by the General Manager and the Policy, Corporate Practice and Procedures Panel.

Financial Implications

No financial implications as the deferment of rates for one year will incur the current interest rate applicable.

Conclusion

The Revised Hardship Resulting from Certain Valuation Changes – Section 601 Policy once adopted by Council, will be forwarded to the Financial Operations Accountant for implementation and will be published on Council's website along with the application form.

Recommendation(s)

That Council adopts the Revised – Hardship Resulting from Certain Valuation Changes – Section 601 Policy.

Attachments

1 [↓](#) Revised - Hardship Resulting from Certain Valuation Changes - Section 601 - Policy 6 Pages



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**REVISED - HARDSHIP RESULTING FROM
CERTAIN VALUATION CHANGES – SECTION 601
POLICY**

PO Box 240, BURWOOD NSW 1805
Suite 1, Level 2, 1-17 Elsie Street, BURWOOD NSW 2134
Phone: 9911-9911 Fax: 9911-9900
Email: council@burwood.nsw.gov.au
Website: www.burwood.nsw.gov.au

Public Document
Adopted by Council:
Trim No:
Version No. 2
Ownership: Finance

Purpose

To provide a framework for determining assistance for residential ratepayers who have suffered substantial financial hardship from a revaluation or a valuation change under Section 601 of the *Local Government Act 1993* (the Act).

Scope

Owner occupiers of residential property within the Burwood Council Local Government Area who wish to apply for rate relief due to valuation changes in residential land values. The rate relief is for a period of one year only.

Definitions

Interest – a charge raised in relation to unpaid or deferred rates and charges in accordance with Section 566 of the Act

Principal place of residency – the property is the applicant's primary or sole place of habitation

Relief – for the purposes of this policy, relief refers to the deferral of rates payable for the first year only on which the new valuation is applied

Residential – land rated as such pursuant to Section 516 of the Act

Substantial hardship – excessive rates payment burden determined on the basis of the information returned in the Hardship Rates Relief form

Mixed Development – a valuation where the NSW Valuer General has assigned a mixed development apportionment factor percentage

Deferral – does not mean a write-off of an amount, eventual future payment is required and interest will be applied

Eligibility

Burwood Council recognises that properties may be subject to significant variations in land rates, compared to the previous year's land rates, due to the NSW Valuer General's revaluation of land.

If a ratepayer believes they would suffer substantial hardship as a result of paying rates, based on the new land value, as they would normally fall due and payable, they may make an application (refer appendix A) to Council. The following selection criteria/conditions apply:

- Application must be in respect to land that is the principal place of residency
- The applicant(s) must have owned the applicable property for five years or more
- Properties that are subject to mixed development apportionment factor will not be considered
- An application for an assessment with carried-forward arrears, with no appropriate arrangement in place to repay current arrears, will not be considered

Assessment

Rate relief in the form of deferral will only be applicable to the rates payable for the first year on which the new valuation is applied.

Deferral will be in the form of the difference between the rates applicable on the new valuation and the rates applicable for the previous valuation. The ratepayer will be required to pay the previous year rates plus the current rate pegging in the rating year of the new valuation. The difference

Hardship Resulting from Valuation Changes – Section 601 Policy

between the new rates and previous years rates as a result of the valuation will be carried forward to the next rating year and accrue interest changes in accordance with Section 566 of the Act.

Ratepayers who apply for the deferral of rates under Section 601 of the Act will be notified of the determination within 10 working days of receipt of the completed application.

Related Information

Local Government Act 1993

Burwood Council Statement of Revenue Policy

Council Rating & Revenue Raising Manual – NSW **Division Office** of Local Government

Privacy and Personal Information Protection Act 1998

Rates and Charges Hardship Assistance Policy

Review

This policy will be reviewed every four years.

Contact

Revenue Team Leader Financial Operations Accountant - 9911 9836

Appendix A



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APPLICATION FORM - HARDSHIP RATE RELIEF UNDER SECTION 601 OF THE LOCAL GOVERNMENT ACT 1993

Note: Pensioners are to complete the Hardship Rate Relief Application Form

APPLICATION FOR HARDSHIP RATE RELIEF FOR THE WHOLE OR PART OF THE YEAR COMMENCING 1 JULY 20__

*please answer all questions relevant to you using block letters and ticking appropriate boxes.

Applicant Details

I, _____
(Full name in block letters)

of _____
(Residential address)

Telephone number _____ apply for concession on the basis of financial hardship.

Property Rates Assessment Number _____

For the purposes of this application, I give the following information, and that contained in the attached Statement of Position, which I believe to be correct.

PRIVACY

The information in your application and any information the Council obtains confirming your eligibility for hardship rate relief is private and confidential. Council employees and any other people dealing with this document are instructed to keep it confidential. If they do not, they may be guilty of an offence under the *Privacy and Personal Information Protection Act 1998*.

1. Do you receive any pensions or benefits? Yes No

If Yes, please provide type of pension and amount received per fortnight.

Pension: _____ Amount: \$ _____

2. Do you have a current Pensioner Concession Card issued by the Commonwealth Government?

PCC No. _____ Date Granted: _____

IF NOT, PLEASE CONTINUE

3. Is this property your sole or principal place of residency? Yes No

The property for which I am claiming has been my sole/principal place of residency since _____

4. I am liable for the payment of rates and charges on this property, together with others as listed below. (If no others, write "SOLE OWNER") _____

Please provide details of all "other" persons indicated in Question 4. (ALL OWNERS other than the applicant should be listed, including your spouse):

Evidence of joint ownership is attached/has been provided to council previously (circle whichever is applicable).

5. Is the property owned as shares in a company title? Yes No
If you do not own or rent the property, please explain why you are liable to pay the rates

6. Are there people living at the property other than those listed at Question 4? Yes No

7. Please indicate who these people are?
 Self
 Spouse
 Children (State ages _____)
 Boarders
 Relatives
 Other (please specify) _____

8. Do you own (either fully or partially) any other land or buildings? Yes No
If yes, list addresses.

9. How many children do you support? _____ State ages _____

Hardship Resulting from Valuation Changes – Section 601 Policy

10. What is the cause of financial hardship?

11. How long have you been experiencing hardship? _____

12. Please state gross weekly amount received in dollars and cents from the following sources of income:

- a) Pensions and benefits \$ _____
- b) Compensation, superannuation insurance or retirement benefits \$ _____
- c) Spouse's income \$ _____
- d) Income of other residents of the property \$ _____
- e) Casual/part-time employment \$ _____
- f) Family allowance \$ _____
- g) Interest from banks/credit unions/building societies \$ _____

13. Please provide name and current balance of all bank, credit union or building society accounts held by you.

14. Please state details of fortnightly outgoings.

Outgoings Owed to Amount	
Rent/Home Loan	\$ _____
Other mortgages	\$ _____
Personal loans/Hire purchases	\$ _____
Health Costs	\$ _____
Council rates and other service charges	\$ _____

Please attach a separate page with any other relevant information you feel may assist your application.

I hereby declare that the information provided is true and correct. **If you make a false statement in an application you may be guilty of an offence and fined up to \$2,200.**

Signature: _____ Date: _____

(ITEM 92/18) ADOPTION - REVISED BACKDATING OF CLAIMS FOR PENSIONER REBATES POLICY

File No: 18/25998

REPORT BY CHIEF FINANCE OFFICER

Summary

To seek Council's adoption of the revised Backdating of Claims for Pensioner Rebates.

Operational Plan Objective

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

Background

The current Policy was adopted by Council in December 2014, and it has now been reviewed in accordance with Council's Policy Review Corporate Practice.

Comment

In 2014 the current policy was extensively updated to reflect current legislation and adopt a fixed number of years Council will back date pensioner rebates. This policy has now been reviewed and minor changes have been made as legislation has not changed since the policy was previously adopted.

The Policy states that Pensioner claims may be backdated up to three years in accordance with Section 579 of the Act. The Policy meets the requirements of all relevant legislation.

Consultation

The Revised Backdating of Claims for Pensioner Rebates has been endorsed by the General Manager and the Policy, Corporate Practice and Procedures Panel.

Financial Implications

Financial implications resulting from granting previous year's pension rebates will be a proportion of the actual rebate afforded to the resident after Council receives the Government Pensioner Rebate Subsidy.

Conclusion

That the Revised Backdating of Claims for Pensioner Rebates as the document meets the requirement of Section 579 of the *Local Government Act 1993*. Once approved, the document will be forwarded to the Financial Operations Accountant for implementation and will be published on Council's website.

Recommendation(s)

That Council adopt the Revised – Backdating of Claims for Pensioner Rebates.

Attachments

1 [↓](#) Revised - Backdating of Claims for Pensioner Rebates 2 Pages



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**REVISED - BACKDATING OF CLAIMS FOR
PENSIONER REBATES POLICY**

Suite 1, Level 2, 1-17 Elsie Street, BURWOOD NSW 2134
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Email: council@burwood.nsw.gov.au
Website: www.burwood.nsw.gov.au

Corporate Document
Adopted by Council:
Version No. 4
Trim No: 18/22542
Ownership: Finance - Revenue

Backdating of Pensioner Claims for Pensioner Rebates Policy**Purpose**

The objective of this policy is to fix the number of previous year's pensioner rebates which can be retrospectively to-be granted.

Scope

The policy applies to the granting of reduction of Rates and Charges for eligible pensioners where a claim for a previous year(s) has been made.

Policy wording

That the backdating of pensioner rebate claims pursuant to Section 579 of the *Local Government Act 1993* be limited to up to three previous rating years only, or part thereof and only where adequate substantiation can be provided to satisfy the essential criteria of the granting of a rates and charges pensioner concession.

Further to that, claims made beyond three previous rating years are to be referred to Council for determination.

That applications be dealt with administratively in accordance with this policy.

Related Information/Glossary

The Office of Local Government (OLG) gives the following direction:

Backdating of claims

Section 579 of the Act prescribes that the rebate for pensioner concessions can be limited by regulation. As there is no regulation that puts a time limit on the backdating of the pensioner concession, the time limit is required to be set by way of council resolution. It is open to a council to adopt a policy of allowing pensioner rates reductions in respect of previous year's rates.

The OLG considers that discretion in regard to the backdating of claims should only be exercised where there are substantive reasons provided for the pensioner not submitting a proper application at the time each previous year's rates were levied. Furthermore, the council should take all reasonable steps to ensure that the application is a bona-fide one (eg insist upon conclusive proof that the person did in fact permanently reside in the subject premises at the relevant time).

Reference: DLG Circular to Councils 07-50 Pensioner Concession Rebates Procedural Changes – 5 October 2007

For the purpose of this policy *conclusive proof* may include:

- a notice or bill from a utility bearing the applicants name and mailing address consistent with the property address for which the pensioner concession is applied and the relevant time period

Contact

The Financial Operations Accountant or Financial Operations Officer can be contacted for further information.

Review

This policy will be reviewed every four years or as legislation changes.

(ITEM 93/18) INVESTMENT REPORT AS AT 31 AUGUST 2018

File No: 18/33553

REPORT BY CHIEF FINANCE OFFICER

Summary

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

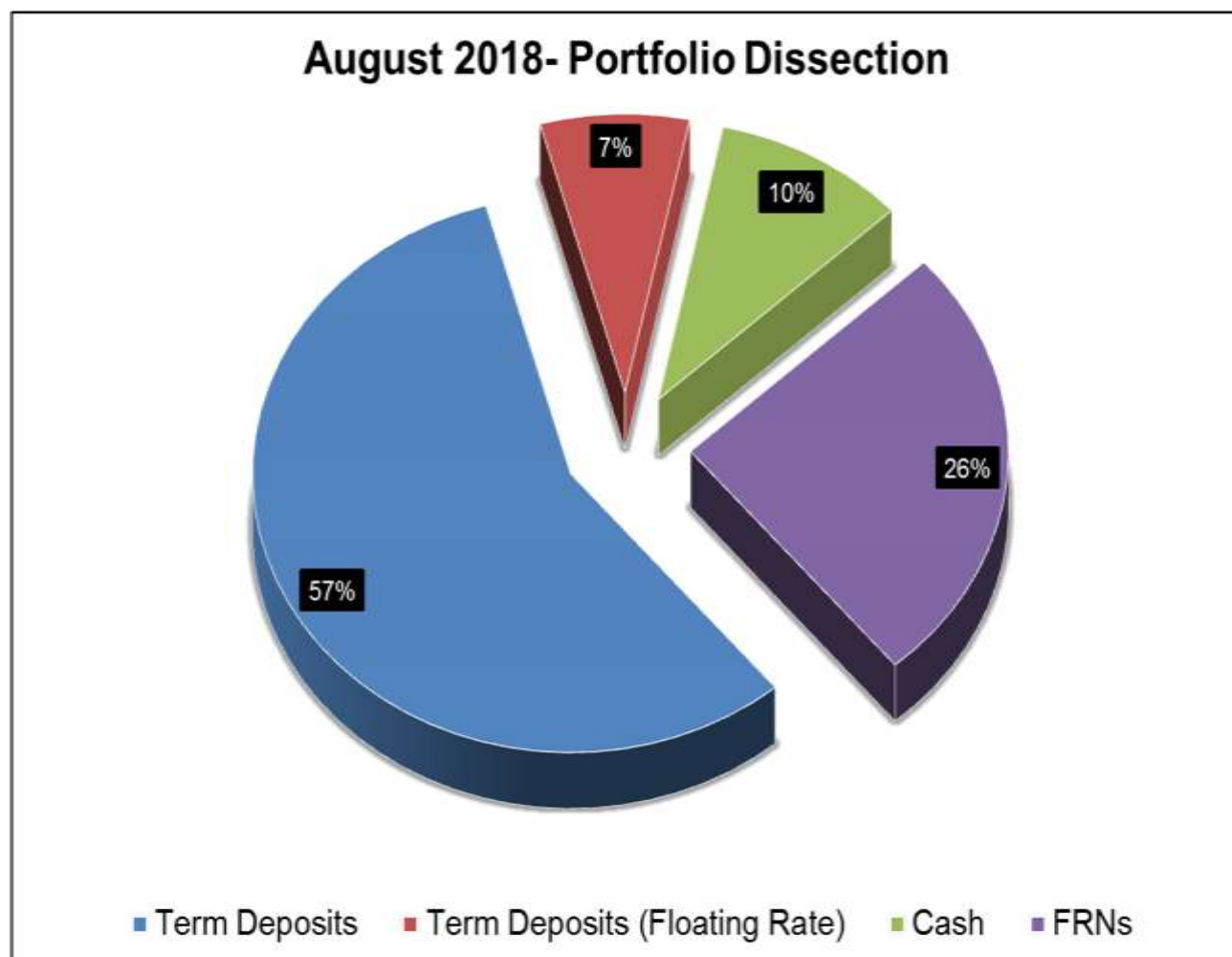
Background

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

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

Investment Portfolio

Council has a diversified investment portfolio and has a number of direct investments in term deposits. Its investment portfolio as at 31 August 2018 is:



As at 31 August 2018 Council held the following term deposits:

Purchase Date	Financial Institution	Principal Amount	Interest Rate	Investment Days	Maturity Date
23 May 18	Bankwest	3,000,000	2.60%	120	20 Sep 18
23 Feb 18	Commonwealth Bank	2,500,000	2.57%	270	20 Nov 18
16 Jan 18	Commonwealth Bank	2,000,000	2.64%	365	16 Jan 19
21 Mar 18	Westpac - Quarterly Interest	3,000,000	2.70%	365	21 Mar 19
01 Jun 18	AMP Bank (Imperium)	3,000,000	2.75%	368	04 Jun 19
14 Jun 18	National Australia Bank	3,000,000	2.80%	365	14 Jun 19
11 Jul 18	National Australia Bank	3,000,000	2.80%	365	11 Jul 19
24 Jul 18	Westpac - Quarterly Interest	2,000,000	2.79%	365	24 Jul 19
31 Aug 18	Westpac	3,000,000	2.70%	365	31 Aug 19
23 Oct 17	ING Bank (Curve)	3,000,000	2.96%	730	23 Oct 19
30 Oct 17	ING Bank (Imperium)	2,000,000	2.91%	730	30 Oct 19
07 Nov 17	ING Bank (Imperium)	2,000,000	2.90%	730	07 Nov 19
07 Dec 17	ING Bank (Imperium)	3,000,000	2.83%	732	09 Dec 19
31 Aug 18	National Australia Bank	3,000,000	2.80%	731	31 Aug 20
Total		37,500,000			

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



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

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

Investment Performance and Market Commentary

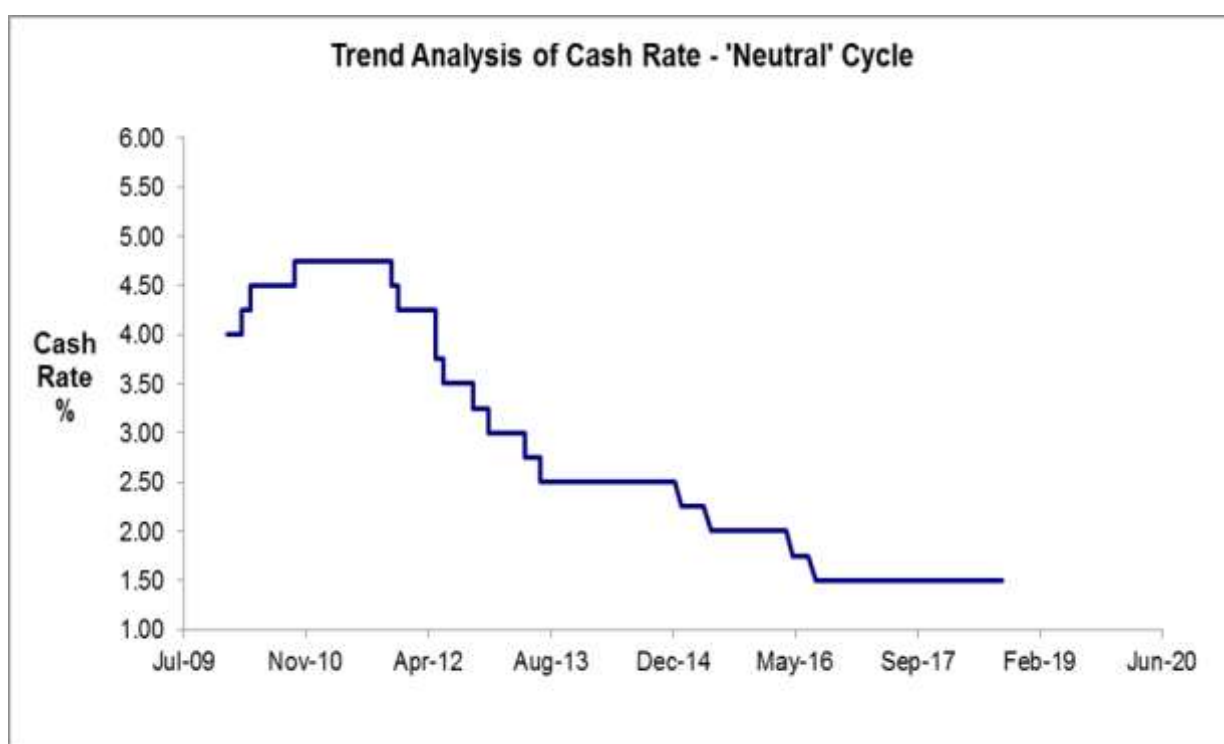
The Reserve Bank of Australia (RBA) at its 4 September 2018 Board Meeting kept the official cash rate unchanged at 1.50% per annum. According to the RBA Governor "...The global economy is continuing to expand with a number of advanced economies growing at an above-trend rate and unemployment rates are low. Growth in the Chinese economy has slowed a little with authorities easing policy while continuing to pay attention to risks in the financial sector.

Domestically, the recent data on the Australian economy has been consistent with the RBA forecast for GDP growth to pick up to average a bit above 3 per cent in 2018 and 2019 as business conditions are looking positive and non-mining business investment has improved with increased public infrastructure investment also supporting the economy. One continuing source of uncertainty is the outlook for household consumption, household income is growing slowly while debt levels remain high. The drought has led to difficult conditions in parts of the farm sector.

The outlook for the labour market remains positive. The strong growth in employment has been accompanied by a significant rise in labour force participation, particularly by women and older Australians. Notwithstanding the improving labour market, wage growth remains low which is likely to continue for a while yet, although the stronger conditions in the labour market should see some lift in wage growth over time. Inflation remains low and is expected to pick up gradually as the economy strengthens.

The low level of interest rates is continuing to support the Australian economy, progress in reducing unemployment and having inflation return to target is expected, although this progress is likely to be gradual. 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 – 4 September 2018.

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



Recommendations(s)

1. That the investment report for 31 August 2018 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

Attachments

- 1 [↓](#) Investment Register August 2018 1 Page
- 2 [↓](#) Investment Types 1 Page

Investment Types

Types of Investments

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

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

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

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

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

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

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

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

(ITEM 94/18) PROPOSED ORGANISATION STRUCTURE - SECTION 333 RE-DETERMINATION AND REVIEW OF STRUCTURE - LOCAL GOVERNMENT ACT 1993

File No: 18/26418

REPORT BY GENERAL MANAGER

Summary

Council is required under Section 333 of the *Local Government Act 1993* (the Act) to review, and may redetermine, the organisation structure within 12 months after any ordinary election of the council. There are further requirements under Sections 332 and 338 of the Act.

This report promotes a three divisional organisation structure being the Office of the General Manager, Corporate, Governance and Community, and Land, Infrastructure and Environment and provides the Elected Body with legislative requirements and rationale behind this structure.

Operational Plan Objective

2.3.2 Ensure the organisation is well led; staff can carry out their roles efficiently and effectively in line with the community's vision.

Legislative Provisions

Section 333 of the Act - Re-determination and review of structure

The organisation structure may be re-determined under this Part from time to time. The council must review, and may re-determine, the organisation structure within 12 months after any ordinary election of the council.

Section 332 of the Act – Determination of structure

1. A council must, after consulting the general manager, determine the following:
 - a. the senior staff positions within the organisation structure of the council
 - b. the roles and reporting lines (for other senior staff) of holders of senior staff positions
 - c. the resources to be allocated towards the employment of staff
- 1A. The general manager must, after consulting the council, determine the positions (other than the senior staff positions) within the organisation structure of the council.
- 1B. The positions within the organisation structure of the council are to be determined so as to give effect to the priorities set out in the strategic plans (including the community strategic plan) and delivery program of the council.
2. A council may not determine a position to be a senior staff position unless:
 - a. the responsibilities, skills and accountabilities of the position are generally equivalent to those applicable to the Executive Band of the Local Government (State) Award, and
 - b. the total remuneration package payable with respect to the position is equal to or greater than the minimum remuneration package (within the meaning of Part 3B of the *Statutory and Other Offices Remuneration Act 1975*) payable with respect to senior executives whose positions are graded Band 1 under the *Government Sector Employment Act 2013*.

3. For the purposes of subsection (2) (b), the total remuneration package payable with respect to a position within a council's organisation structure includes:
 - a. the total value of the salary component of the package
 - b. the total amount payable by the council by way of the employer's contribution to any superannuation scheme to which the holder of the position may be a contributor
 - c. the total value of any non-cash benefits for which the holder of the position may elect under the package
 - d. the total amount payable by the council by way of fringe benefits tax for any such non-cash benefits

Section 338 of the Act – Nature of contracts for senior staff

1. The general manager and other senior staff of a council are to be employed under contracts that are performance-based.
2. The term of a contract must not be less than 12 months or more than 5 years (including any option for renewal). A term that is less than 12 months is taken to be for 12 months and a term for more than 5 years is taken to be limited to 5 years.
3. Contracts may be renewed from time to time.
4. The Departmental Chief Executive may, by order in writing, approve one or more standard forms of contract for the employment of the general manager or other senior staff of a council.
5. A standard form of contract approved by the Departmental Chief Executive is not to include provisions relating to the level of remuneration or salary (including employment benefits) of the general manager or other senior staff of a council, performance-based requirements or the duration of the contract.
6. A council is not to employ a person to a position to which one or more standard forms of contract approved for the time being under this section applies or apply except under such a standard form of contract.
7. The council may include in an employment contract for the general manager or another member of the senior staff additional provisions to those contained in the standard form of contract but only if those provisions relate to any of the following:
 - a. the level of remuneration or salary (including employment benefits) of the person employed under the contract,
 - b. subject to subsections (1) and (2), performance-based requirements or the duration of the contract.
8. Despite subsection (6), the approval, amendment or substitution of a standard form of contract under this section does not affect any employment contract between a council and the general manager of the council or another member of the senior staff of the council if the employment contract was entered into before the approval, amendment or substitution of the standard form of contract.
9. However, subsection (6) does apply to the renewal of any such employment contract occurring after the standard form of contract is approved, amended or substituted and to all new contracts entered into after the standard form of contract is approved, amended or substituted.

Proposal

The *Local Government Act* requires the Council to:

1. adopt an organisation structure
2. determine position (additional to the General Manager) that will be classified as senior staff who be appointed to fixed term performance bases contracts
3. determine the resources to be allocated to the appointment of staff

The organisation structure review was undertaken by the Executive Team with guidance and assistance by the consulting firm In Corporate Organisational Strategy. Broadly the review reflected on the current substantive structure and any shortcomings and explored any adjustments to Levels 2 and 3 that can better deliver on Council's agenda and new Community Strategic Plan whilst not adding higher costs.

The review also looked at two other possible organisational structures that have been deployed by neighbouring Councils since the mergers. It should also be noted that one of these Councils has subsequently reverted back to a more traditional local government model of General Manager, Directors and Managers.

The review identified the following strengths:

- The current substantive structure of two Deputy General Managers (DGM) is "not broken" and has consistently delivered results as measured against the IP&R Reporting Framework (fourth quarter result saw only one action out of 256 on hold), CRM's results consistently high, Trim Actions achieved, Capital Works delivery (greater than 95% delivered over the past four years even considering the addition of a SRV and two rounds of LIRS funding), effective budget and resource management
- The current substantive structure is quite flat (six levels from General Manager to Council Officer) with clear roles and functional areas of responsibility

However the review also found opportunities for improvement:

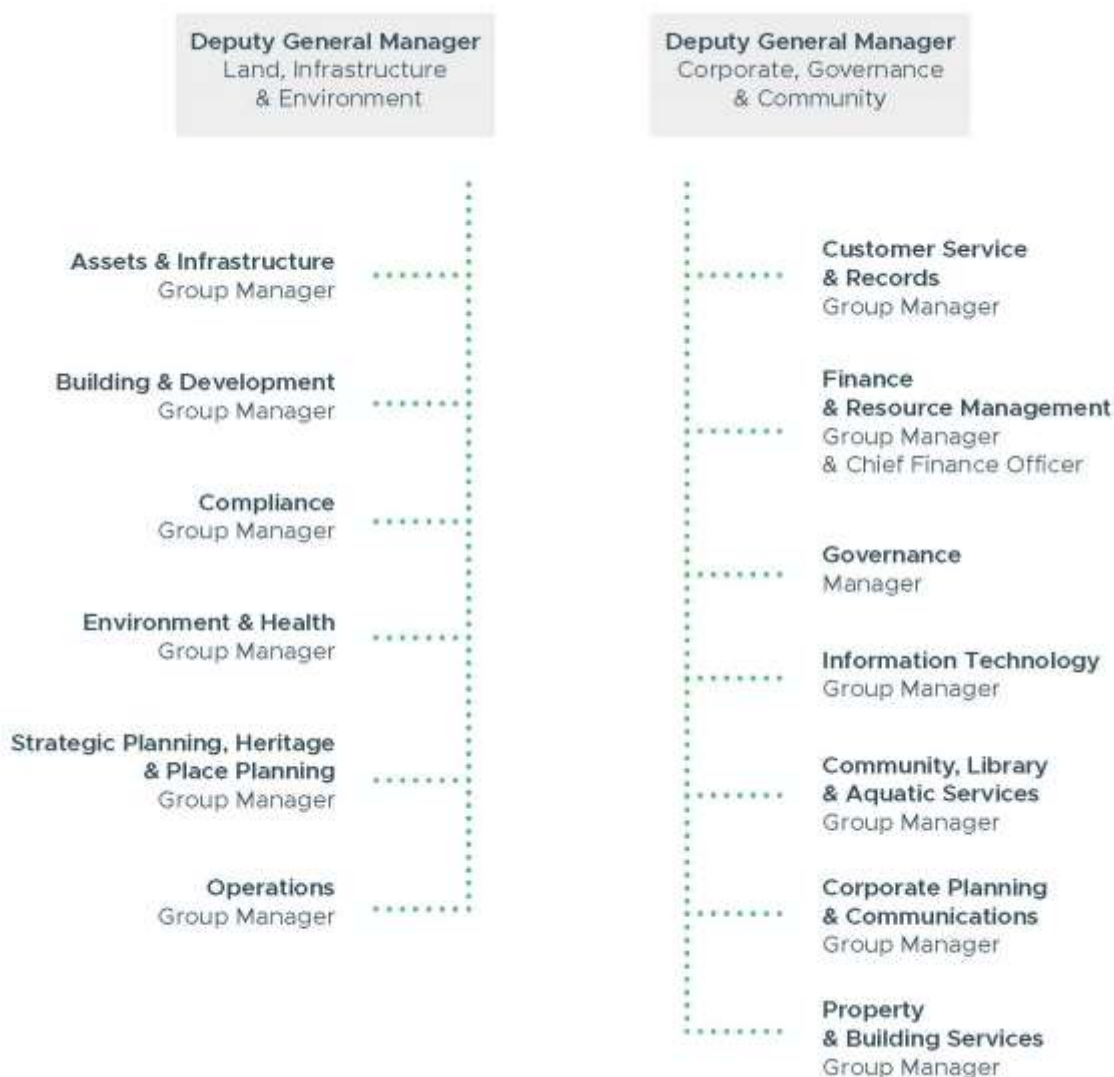
- No business excellence/improvement focus/function
- Lack of project management focus/function
- Inconsistency in management titles and names of roles
- Reverting from the existing substantive structure would add significant costs to funding either of the other two models reviewed and were not considered further
- The normal Council election cycle of four year terms is not applicable for this current Council due to the merger issues (that are now resolved), nonetheless the next Council election cycle is due in September 2020 and as per the legislation a new organisational review will need to be done then and implemented over a full four year term

The proposed organisation review involves:

1. Keeping the existing organisational structure of two main Divisions lead by DGMs (Corporate, Governance & Community (CGC)) and Land, Infrastructure & Environment (LIE)) with a small Division lead by the General Manager
2. Adopting a consistent Manager convention as follows:
 - General Manager
 - Deputy General Manager
 - Group Manager (as defined by having responsibility for budget and staff supervision across two or more service units of Council, currently defined as a Senior Manager and or Manager and report to a DGM in the existing substantive structure)
 - Manager (as defined as having responsibility for budget and staff supervision primarily of one service unit of Council)
 - Coordinator

- Team Leader
 - Council Officer
3. Deleting the current Executive Manager role and replacing it with a Group Manager Corporate Planning and Communications reporting to the DGM CGC. Further, the Internal Ombudsman function that was carried out by the Executive Manager be converted to a part time role (three days per week)
 4. The creation of a centrally based Project Management Office (PMO) reporting to the General Manager. The PMO would provide centralised project management expertise to all projects of a capital and operating nature that Council manage. This would include the traditional works functions (capital and maintenance), technology upgrades, building (replacement and refurbishment), rollout of the beautification projects across the LGA and other identified projects
 5. The creation of a part time (three day per week) position of Business Excellence Coordinator that would report to the Executive Manager Organisation Development. Note this role would be initially required to train staff and help conduct the first Council organisational wide Guided Self-Assessment (GSA) which is the first step in adopting and using the Australian Business Excellence Framework as Council's main business improvement tool/approach. The role after the GSA is completed and improvement projects identified would then transition over to the PMO to implement
 6. Where existing managerial staff that lead the various service units of Council to be transferred into the newly named Group Manager roles (with the exception of c above) at their current salary structure grade and current conditions of employment
 7. The organisation structure below Group Manager (Levels 4, 5 and 6) to be further explored and refined if need be after transition to the new Group Manager title is completed using the current salary system and current employment conditions
 8. The Executive Team support positions be retitled as (with no increase in salary or change to employment conditions):
 - Executive Assistant Mayor and Councillors
 - Executive Assistant General Manager
 - Executive Project Support Officer - Corporate, Governance & Community
 - Executive Project Support Officer - Land, Infrastructure & Environment
 9. The structure will ensure the delivery of the following leading up to the next Council election cycle which will be in September 2020:
 - The new CSP and aligned budget requirements
 - The Six Pillars of Customer Service, Cleanliness, Beautification, Development Applications, Capital Works and Organisational Effectiveness
 10. It is envisioned that the operational effectiveness of the organisation structure proposed in this report be assessed and tested in 12 months, with the assistance of an independent specialist consultant.

Organisational Structure September 2018



Consultation

Following initial assessment and review of the substantive structure, the Executive concluded that no major changes were required to the set-up of the organisation.

As a result, staff were notified of the organisational review by email through a staff newsletter on 18 July 2018 and I subsequently met with the Senior Leaders Group on 16 July 2018 to inform them that no major changes would be performed on the structure, besides the investigation of the introduction of additional functions being the project management and the business excellence functions.

Further, the Consultative Committee was briefed along similar lines on 18 July 2018 and 12 September 2018. Also, the final proposed structure chart was presented to the Managers on 12 September, and subsequently the managers briefed their staff on the same day.

The proposed organisation structure was presented to the Elected Body in a briefing session on 25 September 2018.

Financial Implications

Section 332 of the Act requires that Council provides the resources to be allocated towards the employment of staff. The 2018-2019 Budget includes \$20,651,120 for all employee costs, which includes wages, salaries, superannuation, workers' compensation insurance and training.

Conclusion

Council is required under Section 333 of the *Local Government Act 1993* (the Act) to review, and may re-determine, the organisation structure within 12 months after any ordinary election of the council. There are further requirements under Sections 332 and 338 of the Act.

This report endorses the current three divisional organisation structure being the Office of the General Manager, Corporate, Governance and Community, and Land, Infrastructure and Environment and provides the Elected Body with legislative requirements and rationale behind this structure.

It also proposes improvements that will ensure the delivery of the new CSP and Six Pillar initiative in this current Council election cycle.

Recommendation(s)

1. That Council adopt the three division structure of the Office of the General Manager, Land, Infrastructure and Environment and Corporate, Governance and Community in accordance with Sections 333 and 332 of the *Local Government Act 1993*.
2. That Council determine the Deputy General Manager positions of Land, Infrastructure and Environment, and Corporate, Governance and Community classified as Senior Staff under Section 332 of the *Local Government Act 1993*.
3. That Council provides the resources towards the employment of staff including wages, salaries, superannuation, workers' compensation insurance and training.

Attachments

There are no attachments for this report.

(ITEM RC8/18) BURWOOD LOCAL TRAFFIC COMMITTEE - SEPTEMBER 2018

File No: 18/34890

REPORT BY ACTING DIRECTOR ENGINEERING AND OPERATIONAL SERVICES

Summary

Attached are the Minutes of the Burwood Local Traffic Committee from its meeting of September 2018. The Minutes are hereby submitted to the Ordinary Council Meeting for consideration and adoption by Council.

Operational Plan Objective

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

Recommendations

That the minutes of the Burwood Local Traffic Committee of September 2018 be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

(ITEM LTC18/18) ARTHUR STREET, CROYDON - NEW PEDESTRIAN CROSSING AND TRAFFIC CALMING DEVICES

Recommendations

1. That Council approve the installation of a raised pedestrian crossing in Arthur Street Croydon including a kerb extension on the southern side and all relevant signs and linemarking per the plan in the report.
2. That Council approve the installation of two raised thresholds in Arthur Street along with all relevant signs, linemarking and plantings per the plan in the report.

(ITEM LTC19/18) STANLEY STREET, BURWOOD - CHANGES TO PARKING RESTRICTION ALONG THE CUL-DE-SAC

Recommendation

That Council approves the installation of 'No Parking' restrictions along the cul-de-sac in Stanley Street Burwood as per the plan in the report.

Attachments

- 1 [↓](#) BLTC Agenda - September 2018
- 2 [↓](#) BLTC Minutes - September 2018



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NOTICE OF BURWOOD LOCAL TRAFFIC COMMITTEE MEETING

The September 2018 meeting of the Burwood Local Traffic Committee will be held electronically with the Agenda emailed to Members for review. The minutes from the previous meeting have also been emailed to members for confirmation. All comments are requested to be returned to Council by 9.30 am Friday 7 September 2018.

Bruce Macdonnell
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**

Suite 1, Level 2, 1-17 Elsie Street, Burwood NSW 2134, PO Box 240 Burwood NSW 1805
phone: 9911 9911 facsimile: 9911 9900
email: council@burwood.nsw.gov.au
website: www.burwood.nsw.gov.au

AGENDA

APOLOGIES/LEAVE OF ABSENCES

CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the August 2018 Meeting of Burwood Local Traffic Committee as typed and circulated, be confirmed and signed as a true record of the proceedings of that meeting.

GENERAL BUSINESS

(ITEM LTC18/18)	ARTHUR STREET, CROYDON - NEW PEDESTRIAN CROSSING AND TRAFFIC CALMING DEVICES.....	3
(ITEM LTC19/18)	STANLEY STREET, BURWOOD - CHANGES TO PARKING RESTRICTION ALONG THE CUL-DE-SAC.....	9

(ITEM LTC18/18) ARTHUR STREET, CROYDON - NEW PEDESTRIAN CROSSING AND TRAFFIC CALMING DEVICES

File No: 18/31785

REPORT BY MANAGER TRAFFIC & TRANSPORT

Summary

Council has received representations from residents of Croydon for the installation of a new pedestrian crossing in Arthur Street to help facilitate a direct route for students to Croydon Park Public School which has frontages along Beresford Avenue and Seymour Street Croydon Park.

Background

Council has received multiple enquiries from residents of Croydon requesting a pedestrian crossing to assist school children and parents crossing Arthur Street during the morning and afternoon peak period.

Arthur Street has a carriageway width of 11.5 metres and has a 50kph speed limit with unrestricted parking along both sides excluding sign-posted statutory 'No Stopping' restrictions on intersections.

There are currently no facilities to assist pedestrians crossing Arthur Street including no kerb ramps to assist mobility impaired pedestrians or parents with prams.



Proposal

The warrants for a pedestrian crossing require the measured flows to be greater than 500 vehicles per hour and greater than 30 pedestrians per hour. The total of vehicles (V) multiplied by pedestrians (P) must also be greater than 60,000.

A reduced pedestrian crossing warrant is permissible, where the proposed crossing is to be used by a high proportion of children or elderly pedestrians, such as the proposed subject crossing. The reduced warrant requires volumes greater than 200 vehicles and 30 pedestrians per hour for two one-hour periods on a typical day.

Pedestrian and vehicle counts were undertaken along Arthur Street which showed that the reduced warrant for a pedestrian crossing was met, noting that a large number of pedestrians were school children.

Traffic Count – Arthur Street between Beresford Avenue and Seymour Street		
Time	Total Vehicles	Total Pedestrian
8.30AM – 9.30AM	745	40
2.45PM – 3.45PM	698	31

The majority of pedestrians observed utilised the path on the eastern side of Seymour Street when walking to and from the school, though there was a small component that walked along the western side of Beresford Avenue. North of Arthur Street pedestrians were observed to be walking along the eastern side of Badminton Road and both sides of Austin Avenue.

It is therefore proposed to install a raised marked foot crossing in Arthur Street as shown in the attached plans. The addition of the raised crossing will assist in controlling vehicle speeds within the street. To help further reduce vehicle speeds and improve safety for road users it is also proposed to install two raised thresholds approximately 90m either side of the crossing within Arthur Street. Landscaping is proposed to be incorporated into the grass verges on either side of the thresholds as per RMS Technical Direction 2001/04b to deter the use of these thresholds as a crossing by pedestrians.

These proposed devices, along with the existing roundabouts at the intersections with Brighton Street and Croydon Avenue, will form part of a series of traffic calming devices for Arthur Street which carries in excess of 6,000 vehicles per day. Further traffic calming devices will also be explored for the western end of Arthur Street between Waratah Street and Claremont Road.

The relevant Australian Standard (AS1742.10) states that the minimum 'No Stopping' requirements for pedestrian crossings are 20m on approach to the crossing and 10m on the departure. The RMS have also released a Technical Direction (TDT 2002/12b), regarding stopping and parking restrictions at crossings, in line with the Australian Standards.

The 'No Stopping' restrictions are required to ensure that pedestrian safety is maintained by providing satisfactory sight distance for pedestrians to oncoming motorists and vice versa.

Under the RMS TDT 2002/12b, the 'No Stopping' requirement on approach to a marked foot crossing can be reduced with the use of a kerb extension. With a kerb extension width of 2.0 metres or greater, the 'No Stopping' restrictions on the approach and departure to a pedestrian crossing can be reduced to 10 metres.

The inclusion of a kerb extension on the southern side of Arthur Street and the associated reduction in the required 'No Stopping' restrictions will ensure that the loss of on-street parking is minimised. The total loss of on-street parking associated with the proposed marked foot crossing will be one space on the southern side and four spaces on the northern side of Arthur Street. Parking occupancy audits within this area shows that there is ample on-street parking availability throughout the day and that the loss of five parking spaces will not significantly impact on parking availability.

Consultation

Consultation has been undertaken with affected residents of Arthur Street and with Croydon Park Public School. Of the 28 surveys sent out 10 responses were received, with 80% of responses strongly in favour of the proposal and 20% in objection.

The comments received against the proposal were in relation to noise associated with the raised devices, impact on property values and placement of the crossing in relation to the intersection with Seymour Street.

The increased safety for pedestrians provided by a raised marked foot crossing is considered to outweigh the impacts of additional noise generated by the raised threshold. Similarly there is no historical evidence available that a raised device would impact upon a property sale price.

The placement of the crossing just east of Seymour Street provides sufficient queuing area for a vehicle exiting Seymour Street to enter Arthur Street without blocking west bound traffic or encroaching onto the raised threshold. There are also clear lines of sight for vehicles exiting Seymour Street for any pedestrians approaching or using the pedestrian crossing.

Financial Implications

The cost of installing a new raised pedestrian crossing, with a kerb extension on the southern side of Arthur Street and all associated signs and linemarking is estimated to cost \$20,000. The raised thresholds including all associated signs, linemarking and plantings are estimated to cost \$30,000. These facilities would be funded from the Traffic Facilities Budget – 2018/2019.

Recommendations

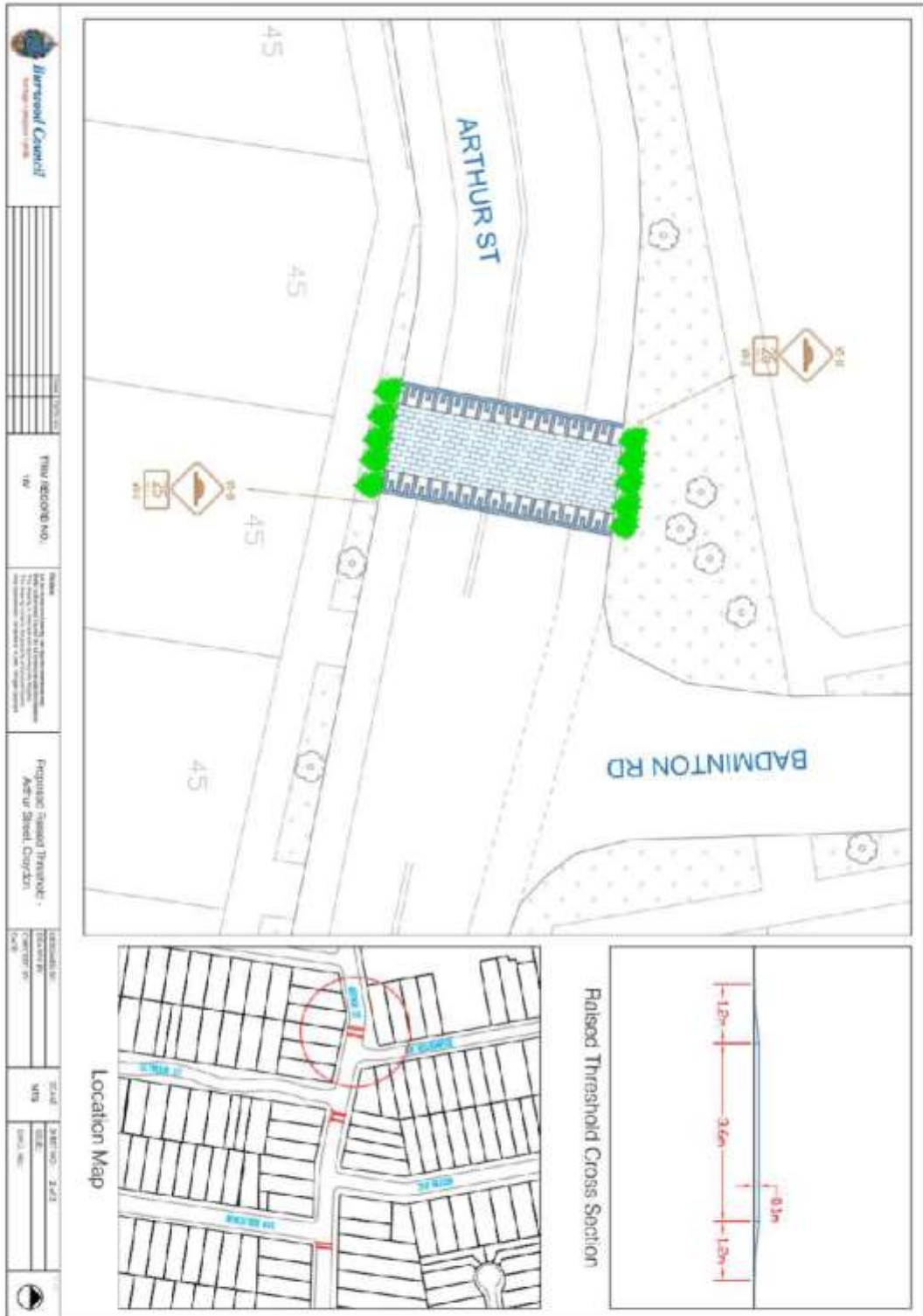
1. That Council approve the installation of a raised pedestrian crossing in Arthur Street Croydon including a kerb extension on the southern side and all relevant signs and linemarking per the plan in the report.
2. That Council approve the installation of two raised thresholds in Arthur Street along with all relevant signs, linemarking and plantings per the plan in the report.

Attachments

- 1 Arthur Street - Pedestrian Crossing
- 2 Arthur Street - Threshold West
- 3 Arthur Street - Threshold East

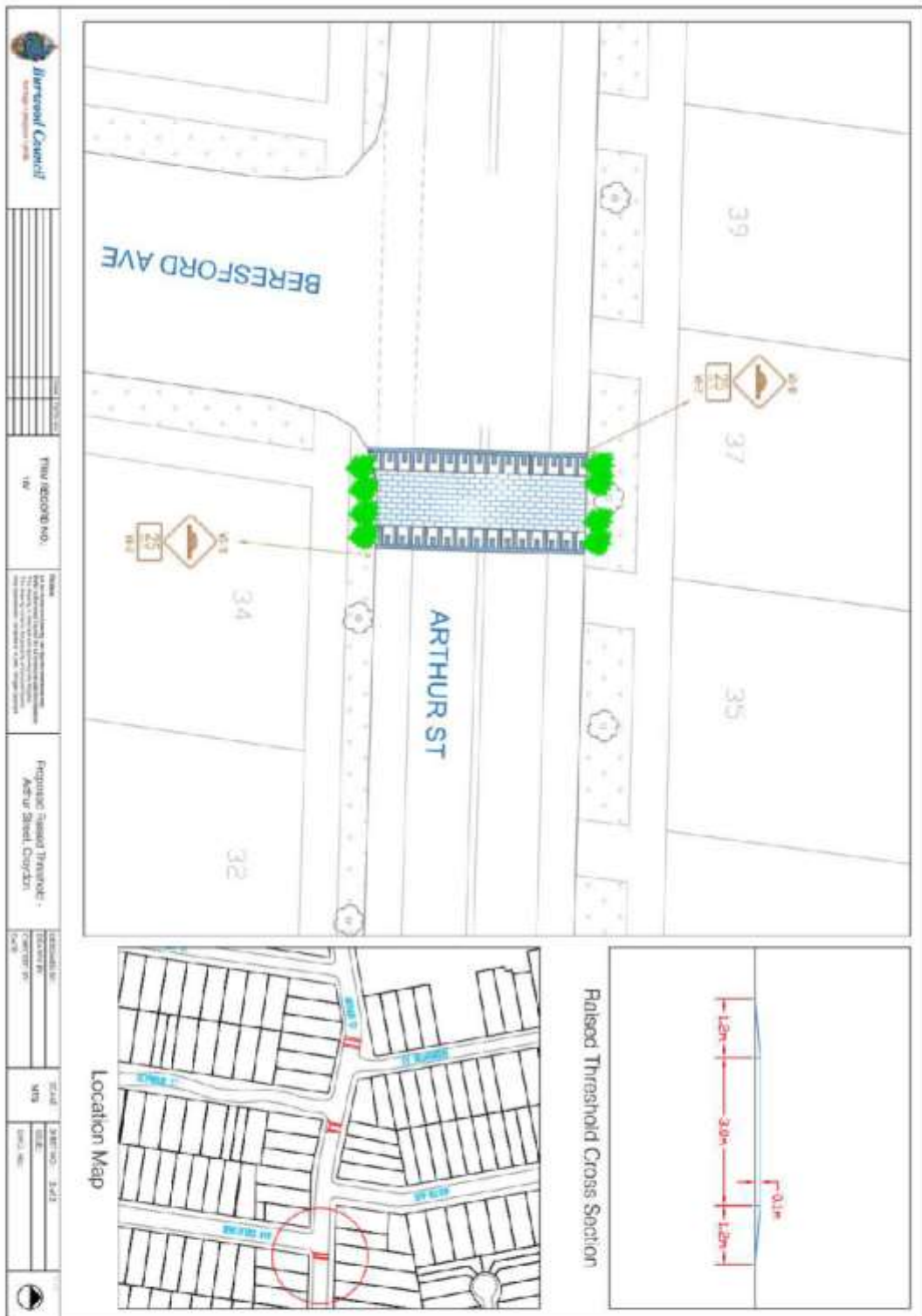
ITEM NUMBER LTC18/18 - ATTACHMENT 2

Arthur Street - Threshold West



ITEM NUMBER LTC18/18 - ATTACHMENT 3

Arthur Street - Threshold East



(ITEM LTC19/18) STANLEY STREET, BURWOOD - CHANGES TO PARKING RESTRICTION ALONG THE CUL-DE-SAC

File No: 18/31558

REPORT BY TRAFFIC ENGINEERING OFFICER

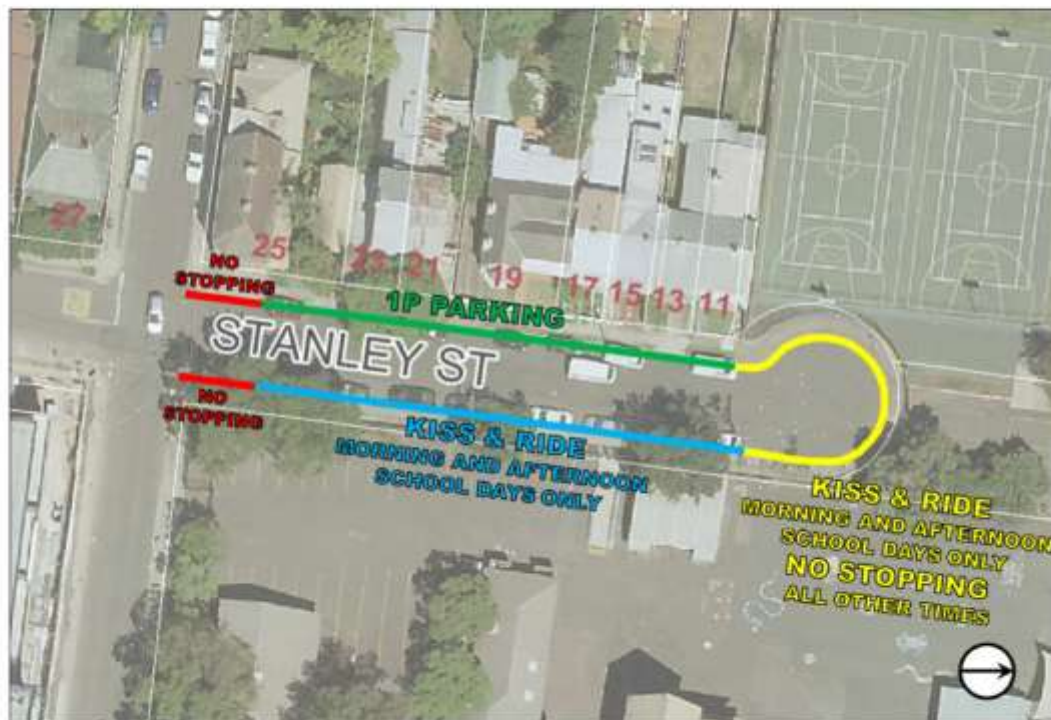
Summary

Council received a request from Saint Nectarios Church to extend the current 'No Parking – School days only' restrictions along Stanley Street Burwood to include Saturdays so as to assist with the drop off and pick up of students to the Greek language school held within Burwood Primary School.

Background

Stanley Street Burwood is a local residential street with a cul-de-sac at its northern end. Parking restrictions within the street currently consists of '1P parking' restrictions along the western side of the street and 'No Parking' restrictions during school peak period on the eastern side to act as a Kiss & Ride area. The current parking restrictions along the cul-de-sac consist of 'No Parking' restrictions during school peak period with 'No Stopping - All Other Times'. This section of Stanley Street has a road carriageway width of 10.1 metres kerb to kerb.

A site inspection by Council Officers found that this section of Stanley Street is highly trafficable during school peak periods, and low residential use of the street outside of school times. The close proximity of the school to the Burwood Town Centre, the unrestricted parking on the eastern side of Stanley Street outside of Kiss & Ride hours being fully occupied between the morning and afternoon school hours. Residential properties along the western side of Stanley Street each having one off-street parking space.



Existing Parking Restrictions in Stanley Street

Proposal

It is proposed to remove the 'No Stopping – All Other times' restrictions along the cul-de-sac in Stanley Street and replace it with 'No Parking' restriction. The change in parking restrictions may be used to momentarily park a vehicle provided it is for less than 2 minutes and the driver remains within 3.0 metres of the vehicle. This will provide sufficient opportunity for the public to drop off and pick up their child at all times of the day while helping to ensure that the cul-de-sac does not become congested and prevent vehicles from being able to turn around.



Proposed Parking Restrictions in Stanley Street

It is noted that the parking restrictions along the eastern side of Stanley Street will not be changed and will allow unrestricted parking outside of school hours and days.

Consultation

The introduction of 'No Parking – All Other times' restrictions will not impact upon parking availability for residents. For this reason, no consultation has been conducted.

Financial Implications

The removal and installation of new parking signage is estimated to cost \$200 and will be funded from the 2018/19 Traffic Facilities Budget.

Recommendation

That Council approves the installation of 'No Parking' restrictions along the cul-de-sac in Stanley Street Burwood as per the plan in the report.

Attachments

There are no attachments for this report.



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BURWOOD LOCAL TRAFFIC COMMITTEE MEETING

MINUTES OF THE MEETING OF THE BURWOOD LOCAL TRAFFIC COMMITTEE held electronically with all comments provided by 9.30am Friday 7 September 2018.

ATTENDANCE

Cr John Faker (Mayor) Chairperson
Sgt Trudy Crowther, NSW Police Service
Mr Kristian Calcagno, Roads and Maritime Services
Ms Jodi McKay, State Member for Strathfield
Mr Rabih Bekdache, Transit Systems
Mr Doug Sutherland AM, JP, Burwood Chamber of Commerce

Mr Bruce Macdonnell, General Manager
Mr John Inglese, Acting Director Engineering & Operational Services
Mr Roberto Di Federico, Manager Traffic and Transport
Mr Robert Ristevski, Engineer – Traffic and Design
Mr Henry Huynh, Traffic Engineering Officer
Ms Megan Pigram, Road Safety Officer

CONFIRMATION OF MINUTES

That the minutes of the Burwood Local Traffic Committee of Burwood held on Thursday 2 August 2018, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

GENERAL BUSINESS

(ITEM LTC18/18) ARTHUR STREET, CROYDON - NEW PEDESTRIAN CROSSING AND TRAFFIC CALMING DEVICES

Summary

Council has received representations from residents of Croydon for the installation of a new pedestrian crossing in Arthur Street to help facilitate a direct route for students to Croydon Park Public School which has frontages along Beresford Avenue and Seymour Street Croydon Park.

Comments Received

Transit Systems advised that they have no objections for the raised crossing but would require the height of the speed cushion be no higher than 75mm due to the School Special buses in that part of Arthur Street.

Recommendations

1. That Council approve the installation of a raised pedestrian crossing in Arthur Street Croydon

MINUTES OF BURWOOD LOCAL TRAFFIC COMMITTEE MEETING 6 SEPTEMBER 2018

including a kerb extension on the southern side and all relevant signs and linemarking per the plan in the report.

2. That Council approve the installation of two raised thresholds in Arthur Street along with all relevant signs, linemarking and plantings per the plan in the report.

**(ITEM LTC19/18) STANLEY STREET, BURWOOD - CHANGES TO PARKING RESTRICTION
ALONG THE CUL-DE-SAC**

Summary

Council received a request from Saint Nectarios Church to extend the current 'No Parking – School days only' restrictions along Stanley Street Burwood to include Saturdays so as to assist with the drop off and pick up of students to the Greek language school held within Burwood Primary School.

Recommendation

That Council approves the installation of 'No Parking' restrictions along the cul-de-sac in Stanley Street Burwood as per the plan in the report.

This concluded the business of the meeting.

(ITEM IN31/18) ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCIL MEETING OF 21 AUGUST 2018

File No: 18/32167

REPORT BY GENERAL MANAGER

Summary

At the Council Meeting of 21 August 2018 the following Questions without Notice (QWN) were submitted by Councillors. Council Officers responded to the QWN and Councillors were notified on 6 September 2018 of the outcome of the QWN.

Operational Plan Objective

2.1.3 Ensure transparency and accountability in decision making.

These are now submitted as part of the Council Agenda for Public Notification:

QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 21 AUGUST 2018	
Question	Response
<p><u>Cr Lesley Furneaux-Cook</u></p> <p>Question 1</p> <p>Will Council seek funding for community projects under the Federal Government’s “Stronger Communities” funding, and what grants under “Sports Australia” for sport related projects up to \$150,000 (which ends 14 September 2018)?</p>	<p><u>Senior Landscape Architect & Senior Manager Community and Library Services</u></p> <p>Council has already applied for and received funding under the NSW Government Stronger Communities Fund for upgrading of Henley Park facilities to include the following projects:</p> <ul style="list-style-type: none"> ▪ Upgrading of sports field lighting to 100 Lux for Fields 1,2,3,4 and additional lighting for mini fields and a proposed synthetic Futsal field ▪ Improvements to the drainage and turf of playing fields 3&4 ▪ Design and installation of one synthetic Futsal field including fencing and drainage (subject to hydraulic investigation) ▪ Upgrade to the existing amenities building including refurbishment of the canteen and additional storage area <p>Council has applied for NSW Government Community Building Partnership Grants for the following projects also in Henley Park:</p> <ul style="list-style-type: none"> ▪ 3 x upgraded Cricket practice nets ▪ 8 x upgraded fitness equipment stations <p>Staff are currently investigating projects that might fit under the Sports Australia program.</p>
<p><u>Cr Lesley Furneaux-Cook</u></p> <p>Question 2</p>	<p><u>Senior Manager Property and Building Services</u></p> <p>The Russell street property is community land which is zoned as 1 (a) Open Space Recreation Zone/Reserve.</p>

QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 21 AUGUST 2018	
<p>What is the current zoning of the Council owned property in Russell Street? Has Council developed a timeline to add it into the park space as was intended by its purchase by a previous Council?</p>	<p>The property is currently being rented out with comparable rental income of \$ 745 per week (\$38,740p.a). Council is in the stage of reviewing its Property Strategy in 2018/19. All considerations will be addressed which will to add the land into park space as was intended.</p>
<p><u>Cr Lesley Furneaux-Cook</u></p> <p>Question 3</p> <p>Has Council investigated the combination of green waste and food scraps as per other Councils such as Woollahra Council and is provided by Suez/Vello</p>	<p><u>Manager Environmental and Health</u></p> <p>Council did investigate and consider the implementation of a food and garden organics (FOGO) collection service dating back to 2005. Council, together with other Inner West Councils called for tenders for a service provider to accept FOGO material. Tenders were evaluated and the contract was awarded to Remondis who were to establish a receival facility at Camellia. The contract was not commenced as Remondis was unable to gain approval from the Department of Planning to establish the facility at that time.</p> <p>Following on from that, Council resolved to join SSROC in a joint contract for waste disposal which included the recovery of organic material from the waste stream.</p> <p>After much development and deliberation Council, together with five other SSROC Councils, entered into a ten year contract with Veolia which commenced in July 2017. Council waste is delivered to the Veolia Woodlawn (near Goulburn) Mechanical Biological Treatment Plant (MBT) where it is treated through a series of processes to remove the organic part of the waste.</p> <p>The organic material is then able to be spread on land at the site as part of a mine rehabilitation process.</p> <p>Council through this process is diverting the organic material away from landfill as well recovering and diverting other recyclables through the treatment process from the red lidded bin.</p>
<p><u>Cr Heather Crichton</u></p> <p>Question 1</p> <p>Can the General Manager ensure Council's Customer Service Officers and Community Services staff are well informed of the new "On Demand" bus service and that, where appropriate, details are included on Council's social media feeds and websites.</p>	<p><u>Manager Customer Service and Records</u></p> <p>On Demand Bus service information is circulated to Customer Service, information has been placed on knowledge management system and website.</p>

QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 21 AUGUST 2018

<p><u>Cr Joseph Del Duca</u></p> <p>Question 1</p> <p>What facility and spaces does Council provide to local dog and pet owners?</p>	<p><u>Senior Landscape Architect</u></p> <p>There are dog off - leash areas and facilities in the following locations around the Burwood Local Government Area.</p> <ol style="list-style-type: none"> 1. Blair Park has a sign posted and marked out unfenced dog off- leash area with a dog watering facility, dog waste collection bins and seating 2. Burwood Park has an unfenced dog off-leash area with dog waste collection bins 3. Henley Park has a sign posted and marked out unfenced dog-off leash area with dog waste collection bins and watering facility 4. Grant Park has two separate fenced dog off-leash areas with dog waste collection bins, tree plantings, lighting, seating, a covered shelter and a dog watering facility <p>There are dog waste collection bins in Monash Reserve, Jackson Reserve, Jackett Reserve, Flockhart Park and Reed Reserve.</p>
<p><u>Cr Joseph Del Duca</u></p> <p>Question 2</p> <p>How many instances have there been over the past year of shop owners breaching our shop sign/awnings guidelines? How many fines (if any) were issued?</p>	<p><u>Senior Manager Compliance</u></p> <p>This issue involves ongoing inspections and investigations due to the number of shops fronts along Burwood Road and the constant turnover of businesses. At present, 18 shops have complied with Councils written request for compliance and 4 shops have closed and changed ownership. However, there are still 22 shops not in compliance with the provisions and Council will now commence the Order process against these shops for compliance.</p>

No Decision – Information Item Only

Attachments

There are no attachments for this report.