

ORDINARY MEETING

Notice is hereby given that a meeting of the Council of Burwood will be held in the Conference Room, 2 Conder Street, Burwood on Tuesday 28 October 2025 at 6:00 PM to consider the matters contained in the attached Agenda.

The public gallery will be open for those wishing to observe the meeting. In addition, an opportunity to observe the meeting via audio visual link will also be made available.

Public Forum

A public forum will be held at 6:00pm, prior to the commencement of the meeting, to allow members of the public to make oral submissions about an item on the Agenda for the meeting. The opportunity will also be provided to speak via audio visual link.

Anyone wishing to address Council during the public forum will need to register by 2:00pm on the day of the meeting. A person wishing to speak must indicate the item of business on the Agenda they wish to speak on and whether they wish to speak 'for' or 'against' the item. Registrations to speak can be lodged on [Council's website](#).

The Council Meeting will commence immediately after the conclusion of the Public Forum.

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General Manager

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Council meeting room

General
Manager

Mayor

Cr
Mannah

Cr Bhatta

Cr Yang

Cr Esber

Cr Wu-
Coshott

Cr Hull

Public gallery

Agenda

For an Ordinary Meeting of Burwood Council to be held in the Conference Room, Level 1, 2 Conder Street, Burwood on Tuesday 28 October 2025 immediately after the Public Forum commencing at 6.00pm.

1. Prayer

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

2. Acknowledgement of Country

3. Statement of Ethical Obligations

4. Recording of Meeting

5. Apologies

6. Declarations of Interest

7. Declaration of Political Donations

8. Confirmation of Minutes

Minutes of the Council Meeting held on Tuesday, 23 September 2025, copies of which were previously circulated to all councillors be hereby confirmed as a true and correct record.

9. Mayoral Minutes

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10. Reports to Council

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11. Conclusion of the Meeting

Mayoral Minutes

(Item MM14/25) Celebrating Burwood's Recognition as Australia's Coolest Neighbourhood and #16 in the World

File No: 25/53334

Mayoral Minute by Cr John Faker (Mayor)

Summary

Every so often, a story comes along that perfectly captures what makes a city special. Right now, that story is ours.

Burwood has officially been named Australia's coolest neighbourhood, and 16th in the world by *Time Out* magazine.

In a global ranking that celebrates creativity, culture, and community, Burwood stood out as the only Sydney suburb to make the list, beating out inner-city icons and putting our diverse, dynamic heart firmly on the world stage.

See link: <https://www.timeout.com/sydney/news/this-surprising-up-and-coming-sydney-suburb-has-been-named-australias-coolest-neighbourhood-092425>

According to *Time Out*, Burwood earned its place thanks to its vibrant food scene, authentic community feel, buzzing public spaces, thriving night-time economy and the sense that "something exciting is always happening." From the energy of Burwood Road to the hidden gems of our laneways and the warm welcome of our multicultural community, it's a recognition that reflects who we are, and where we're heading.

I want to acknowledge and sincerely thank everyone who has contributed to making Burwood the vibrant, welcoming, and globally recognised city it is today:

- Our residents, who bring warmth, diversity, and pride to every corner of our city.
- Our local businesses, cafés, restaurateurs, and creative entrepreneurs whose talent and diverse offering define our unique character.
- Our General Manager and staff, whose commitment to innovation and service excellence continues to set Burwood apart.
- Our State and Federal partners, whose collaboration and investment have helped unlock Burwood's potential as a connected, creative, and liveable centre.
- And our community groups, volunteers, and schools, who keep our city's spirit strong and inclusive.

This recognition speaks directly to Council's long-term vision to make Burwood a place that celebrates people, culture, and creativity. It reinforces the transformative impact of our efforts in shaping Burwood into a city that truly comes alive, day and night.

More than just a great place to live, this acknowledgment reflects what our community has always known: Burwood is a place to visit, invest, work, connect, experience and thrive.

We are proud to be Sydney's Cultural Playground.

I therefore move that:

1. Council notes and formally acknowledges Burwood's recognition by Time Out Magazine as Australia's coolest neighbourhood and #16 in the world, celebrating the collective effort of residents, local businesses, community groups, and Council staff in achieving this milestone.

2. The General Manager incorporate this recognition across appropriate Council communications, marketing, and promotional activities.
3. The Mayor writes to local businesses, and State and Federal partners to share this recognition, express Council's appreciation for their ongoing contribution, and invite continued collaboration in promoting Burwood as a leading destination for culture, creativity, and connection.

Attachments

There are no attachments for this report.

Reports to Council

(Item 72/25) DCP Amendment - Update to Tree Permit Provisions - Adoption - Post Exhibition

File No: 25/49438

Report by Director City Strategy

Summary

On 26 August 2025, Council resolved to publicly exhibit proposed amendments to Clause 6.1 – Preservation of Trees and Vegetation of the Burwood Development Control Plan 2013 (BDCP) to ensure alignment with Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (SEPP) and Council's Sustainable Burwood Plan.

The proposed amendments aim to clarify provisions, reflect current legislation, and improve consistency with community expectations regarding tree removal and pruning. They also strengthen character assessment criteria and introduce replacement ratios of two or three trees for every one removed, depending on canopy loss.

The draft amendments were publicly exhibited for 28 days in accordance with Council's resolution. No submissions were received during the exhibition period.

It is therefore recommended that Council adopt and implement the proposed amendments to Clause 6.1 – Preservation of Trees and Vegetation of the BDCP.

Operational Plan Objective

- C.7.2 Develop strong planning controls to protect and support a green and sustainable environment.
- C.6 The urban forest and natural environment are maintained, enhanced and connected.
- C.6.1 Maintain and increase green spaces, the urban tree canopy, natural shade and enhance biodiversity corridors.
- P.11 Deliver an urban environment that maintains and enhances our sense of identity and place.
- P.24 Maintain and manage existing street trees and seek initiatives and opportunities to enhance the urban canopy.
- P.27 Provide land use planning framework and policies which enhance and protect open and green space.
- A.27 Provide efficient, timely development assessment services, including pre-DA support.
- A.33 Undertake a heritage assessment of all development applications relating to heritage items or conservation areas.

Background

Trees are highly valued by the Burwood community for their aesthetic, social, and environmental contributions. They play a vital role in creating a healthy and attractive urban environment, providing a sense of place, reducing the effects of the urban heat island, and supporting local biodiversity.

The Burwood Development Control Plan (BDCP), which came into effect on 1 March 2013, includes objectives and controls for the preservation, removal, and pruning of trees within the LGA. Clause 6.1 – Preservation of Trees and Vegetation operates alongside Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (*the SEPP*), which establishes the legislative framework for regulating the clearing of trees and vegetation in non-rural areas, including Burwood.

The SEPP aims to:

- (a) *to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and;*
- (b) *to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

Under the SEPP, councils are authorised to identify protected trees and vegetation, determine approval requirements, and specify conditions for works such as pruning or removal. It also outlines when exemptions may apply and sets approval requirements for heritage conservation areas and heritage-listed properties. Councils may also impose conditions on approvals for example, requiring replacement planting when trees are removed.

It is considered that the proposed changes, identified in Attachment 1, to the BDCP are necessary to ensure alignment with Chapter 2 of the SEPP, reflect Council's Sustainable Burwood Strategy, and provide greater clarity for customers regarding requirements for tree removal and pruning within the LGA.

The amendments sought to Clause 6.1 seek to:

- Revise and clarify the aims and objectives of the clause to align with the *Sustainable Burwood Strategy*, including the goal of increasing the urban tree canopy to 25% by 2030.
- Update references to reflect current SEPP provisions.
- Introduce clearer guidance on permit and application pathways, including lodgement through the NSW Planning Portal.
- Expand merit assessment criteria, addressing factors such as proximity to dwellings (within three metres), landscape and visual character, and potential impacts on public infrastructure.
- Strengthen requirements for replacement planting, introducing a ratio of two or three new trees for every one removed, depending on canopy loss.

On 26 August 2025, Council resolved to place the draft amendments on public exhibition for a period of 28 days and to receive a further report following the exhibition. This report outlines the exhibition process undertaken and recommends the next steps for the adoption of the proposed DCP amendments.

Exhibition

The proposed amendment to Clause 6.1 of the Burwood Development Control Plan (BDCP) was publicly exhibited on Council's Participate Burwood engagement platform for a period of 28 days, from 3 September to 1 October 2025, in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2021* and Council's Community Participation Plan.

In the absence of a printed local newspaper, Participate Burwood serves as Council's primary platform for exhibiting proposed policy changes and engaging with the community. The exhibition was also promoted through the Mayoral Newsletter.

During the exhibition period, submissions could be submitted by email or in writing. Council staff were also available to respond to community enquiries.

Submissions

No submissions were received during the exhibition period.

Planning or Policy Implications

The proposed amendments to the Burwood DCP are intended to strengthen Council's policy provisions for tree removal and pruning applications, while also improving the customer experience

by ensuring the process aligns with SEPP requirements and provides greater clarity. The amendments update provisions to reference current legislative requirements, incorporate additional merit assessment considerations (including visual character assessment and the appropriateness of trees located within three metres of residential dwellings in line with complying development provisions), and introduce replacement ratios of two or three trees for every one removed, based on the extent of canopy cover loss.

Financial Implications

There are no financial implications for Council.

Conclusion

The proposed amendment to Clause 6.1 of the BDCP provides necessary updates to align with State planning policy, strengthen tree protection and replacement provisions, and improve clarity for customers. As no submissions were received during the public exhibition, it is recommended that the amendment proceed to adoption without change.

Recommendation(s)

1. That Council, pursuant to Section 3.43 of the *Environmental Planning & Assessment Act 1979* and in accordance with clause 14 of the *Environmental Planning & Assessment Regulation 2021*, adopt the amendments to Clause 6.1 Preservation of Trees and Vegetation of the Burwood Development Control Plan 2013 (BDCP) as detailed in attachment 1 of this report.
2. That the General Manager be endorsed to make minor modifications to any numerical, typographical, interpretation and formatting errors, if required, prior to the finalisation of the amendment to the abovementioned sections of the Burwood DCP.
3. That Council give public notice of the decision to approve the amendments to Burwood DCP, on its website within 28 days in accordance with Clause 14(2) of the *Environmental Planning and Assessment Regulation 2021*.
4. That Council publish the updates on the NSW Planning Portal in accordance with the *Environmental Planning and Assessment Regulation 2021*.

Attachments

- 1 [1](#) Attachment 1 - Proposed Amendment to Clause 6.1 Preservation of Tree and Vegetation of Burwood Development control Plan (BDCP)

PROPOSED AMENDMENT TO SECTION 6.1 PRESERVATION OF TREES AND VEGETATION OF THE BURWOOD DEVELOPMENT CONTROL PLAN 2013

Blue – new content

Black – content to be removed

Black – unchanged content

6.1 Preservation of Trees and Vegetation

Introduction

~~Council's tree management and landscaping provisions aim to protect the ecological and landscape values of trees and vegetation on private land within the Burwood Local Government Area.~~

~~Most species of trees and vegetation on private property are protected and an application for the pruning or removal of private trees may be made to Council in the form of a permit granted by Council or development consent. Tree Permit application or a Development Application.~~

~~Part 2.3 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* and Part 4 of the *Environmental Planning and Assessment Act 1979* applies to the protection of trees across the Burwood Local Government Area.~~

~~This section also:~~

- ~~▪ Explains and facilitates the procedures for applying to a permit,~~
- ~~▪ Indicates the information that must accompany an application for a permit, or an application for a Development Application relating to a tree or vegetation, and~~
- ~~▪ Informs people of the consequences of breaching the tree preservation provisions of this DCP.~~

~~Note: Trees and vegetation not exempt by this section are declared to be vegetation to which Part 2.3 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* applies. This includes trees and vegetation identified as a heritage item or within the curtilage of a heritage item, as identified under Schedule 5 Environmental Heritage of *Burwood Local Environmental Plan 2012*.~~

Aims

~~This Section of the DCP is made in accordance with Chapter 2 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* and aims to:~~

- Define what trees are protected within the Burwood LGA;
- Explain when Council approval is required prior to undertaking tree works or activities, and how to apply for a Tree Permit application or Development Application for tree works or activities;
- Outline the criteria Council will use to assess Tree Permit applications or Development Applications involving tree works or activities;
- Explain the requirements for providing replacement trees;

Attachment 1 - Proposed Amendment to Clause 6.1 Preservation of Tree and Vegetation of Burwood Development control Plan (BDCP)

- Provide information regarding conditions of approval, review and appeal rights, and the penalties for breaching the provisions of this DCP.

Objectives

The objectives of this section of the DCP for tree and vegetation preservation in Burwood LGA are to ~~are~~ **are**:

- Secure and maintain **protected** trees and the amenity of the urban forest.
- Preserve and protect existing trees from injury or destruction.
- Promote trees for 'carbon sequestration', solar access and shade.
- ~~Provide no net loss, over time, of tree cover in the Burwood LGA.~~
- **Increase urban tree canopy cover in the Burwood LGA to 25% by 2030, in accordance with Council's Sustainable Burwood Strategy.**
- **Allow for the orderly removal of trees from inappropriate locations.**
- ~~Promote and encourage~~ Require the planting of replacement trees **with consideration of** ~~that are appropriate for the~~ available site conditions.
- Require landscaping and new tree planting (~~where appropriate~~) as part of new developments ~~and garden renovations.~~
- Provide appropriate assessment criteria for Tree Permit applications and Development Applications for tree removal and/or pruning.

Scope

~~This DCP section applies to all species and kinds of trees in the Burwood LGA on privately owned land, publicly owned land or within any road reserve.~~

~~In addition, this section provides that:~~

- ~~A person must not wilfully or deliberately fail to plant, protect or care for a tree, which is required to be planted, protected or cared for as a condition of a permit or development consent, or fail to carry out any other activities required as a condition of a permit or a consent.~~
- ~~Despite any other clause in this DCP section, no tree in a park, reserve or street regardless of its species or size, may be pruned, removed or damaged in any way without Council's written consent.~~

6.1.1 Protected Trees

Protected trees are trees protected by this DCP, and include:

- any tree with a height equal to or greater than 4 metres above ground level (existing) or
- any tree with a trunk diameter of 150mm, measured at a distance of 1.4 metres above ground or
- any tree with a tree crown spread equal to or greater than 2 metres

Ringbarking, cutting down, topping, lopping, removing, injuring or wilfully destroying any protected tree without a valid Tree Permit or Development Application approval is strictly

Attachment 1 - Proposed Amendment to Clause 6.1 Preservation of Tree and Vegetation of Burwood Development control Plan (BDCP)

prohibited, unless this DCP explicitly provides otherwise. Failure to comply is a breach of section 9.56 of the *Environmental Planning and Assessment Act 1979* and will incur penalties.

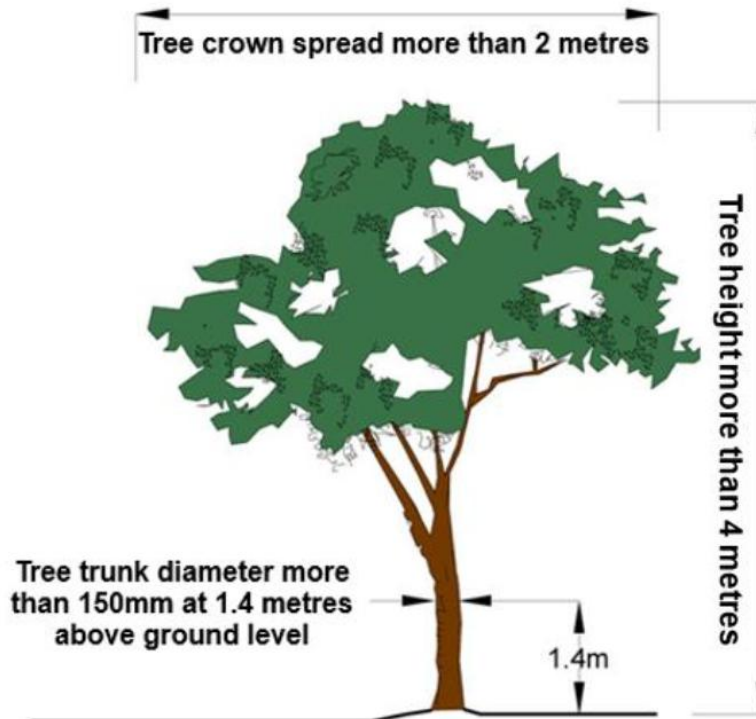


Figure 1. Tree Dimensions of Protected Trees

6.1.1 Exemptions

Exempt Species of Trees

The following species of trees located on private property are exempt species prescribed in this DCP:

- — Bamboo (all species).
- — Privet (*Ligustrum* species).
- — Rubber (*Ficus elastica*).
- — Loquat (*Eriobotrya japonica*).
- — Rhus (*Toxicodendron succedaneum*).
- — Umbrella (*Schefflera* species).
- — Willow (*Salix* species).
- — Populus (all species).
- — Robinia (all species).
- — Cocos Palm (*Syagrus romanzoffianum*).
- — Mulberry (*Morus* species).
- — Banana (*Musa* species).
- — Citrus (all species).

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- ~~Fruit trees or a tree that is grown for the purposes of fruit, or is harbouring fruit fly, except Australian native trees i.e. Syzygium species, Elaeocarpus species, etc.~~
- ~~Any tree that has been declared a priority weed under the Biosecurity Act 2015.~~

~~These species of trees may be pruned or removed without the need for a permit or development consent from Council, except where the site is identified as containing a heritage item or the site is within a Heritage Conservation Area. For such sites please refer to Section 6.1.4 below.~~

~~All other species of trees in the Burwood LGA on privately owned land, publicly owned land or within any road reserve are subject to Part 2 and 3 of the SEPP.~~

Allowable Tree Activities (no application required)

~~Where a tree of any species does not exceed the following dimensions (as illustrated in **Figure 2**), the tree may be pruned or removed without the need for a permit or development consent from Council. The dimensions are:~~

- ~~A height less than four metres and~~
- ~~A crown spread less than two metres and~~
- ~~A trunk diameter less than 150mm, measured at a distance of 1.4 metres above ground~~
- ~~In the case of multi-trunked trees, the diameters of each trunk, measured at a distance of 1.4 metres above ground, are added together to be less than 150mm in total.~~

~~[Previous Figure 81 deleted]
Figure 2. Tree Dimensions for Allowable Tree Activities~~

~~In addition, Council does not require an application nor is any written permit or consent required to be issued by Council for the following works or activities in relation to trees or other vegetation, on the condition that pruning is carried out by an arborist with a minimum Australian Qualifications Framework (AQF) Level 3 in Arboriculture:~~

- ~~Pruning of dead branches and/or torn storm-damaged branches~~
- ~~Routine pruning of shrubs and trees to a predetermined height, width or shape, that are of the same age, height and species, and grown as a hedge~~
- ~~Removal of any species of mistletoe or parasitic plant from a tree~~
- ~~Minor pruning of crowns (i.e. by not more than 10% of the crown or branches with a diameter of not more than 100mm) to reduce interference with roofs, gutters and walls of buildings only~~
- ~~Up to 5% pruning of root systems to reduce interference with footings of buildings.~~

Tree Activities by Public Authorities

~~An application or a written permit or consent is not required to be issued by Council for Tree works or activities by Council, the NSW State Emergency Service or other public authority in response to an emergency. Legislation also provides certain exemptions for public authorities under the Biodiversity Conservation Act 2016, the Forestry Act 1916, the Electricity Supply Act 1995, the Roads Act 1993, the Surveying and Spatial Information Act 2002, and the Biosecurity Act 2015.~~

6.1.2 Allowable Tree Works or Activities (no approval required)

A permit or approval is not required for:

- (a) the removal of vegetation that the council is satisfied is a risk to human life or property, or
- (b) clearing for a traditional Aboriginal cultural activity, other than a commercial cultural activity.

A permit is not required for the removal of vegetation that the council is satisfied:

- (a) is dying or dead, and
- (b) is not required as the habitat of native animals.

Where a tree of any species does not exceed the dimensions illustrated in **Figure 1**, the tree is not considered to be a protected tree and may be pruned or removed without a Tree Permit or Development Application approval from Council.

Additionally, a Tree Permit or Development Application is not required for the following works or activities, provided they are carried out in accordance with AS 4373-2007 *Pruning of amenity trees* and Safe Work Australia's *Guide to managing the risks of tree work 2023*:

- Pruning of dead branches and/or torn storm-damaged branches that do not have hollows or provide habitat for native fauna.
- Pruning of a shrub or hedge (hedge being defined as a group of two or more trees whether planted in the ground or otherwise, so as to form a hedge and rise to a height of at least 2.5 metres above existing ground level) by no more than 20 per cent of its height and width in a 12-month period.
- Removal of any species of mistletoe or parasitic plant from a tree.
- Pruning of less than 10 per cent of the crown of a tree in a 12-month period to reduce interference with roofs, gutters and walls of buildings only.
- Up to 5% pruning of root systems in a 12-month period to reduce interference with footings of buildings.
- Tree works or activities carried out under the *Fire Brigade Act 1989*, *State Emergency Service Act 1989* or *State Emergency & Resource Management Act 1989* or works or activities carried out by Council, the State Emergency Services, or a person authorised by either of them for safety reasons in response to an emergency.
- Tree works or activities carried out under the *Electricity Supply Act 1995*, the *Electrical Supply (General) Regulation 2001*.
- Tree works or activities if permitted under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
- Tree works or activities carried out under the *Rural Fires Act 1997*.

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- Tree works or activities carried out under the *Roads Act 1993*.
- Tree removal, pruning, maintenance and replacement by Council, on land owned by, or under the care, control and management of Council.

Advisory Note:

The owner of the tree must provide consent before any Allowable Tree Works or Activities are undertaken. Council does not mediate Allowable Tree Works to neighbouring trees. For more information regarding the process of applying to prune trees located on a neighbouring property please refer below to *Making an Application – Trees on Neighbouring Property*.

6.1.3 Exempt Species of Trees

Unless such trees are on land within a heritage conservation area, or on land that is or forms part of a heritage item, or where the tree forms part of an Aboriginal object, or is located within an Aboriginal place of heritage significance, the tree species listed in Table 6 may be removed or pruned without a Tree Permit or Development Application approval. If you are unsure whether the tree is an Exempt Species please contact Council.

Table 6. Exempt Species of Trees

Common Name	Species Name
Bamboo	(all species)
Privet	(Ligustrum species)
Rubber Tree	<i>Ficus elastica</i>
Loquat	<i>Eriobotrya japonica</i>
Rhus Tree	<i>Toxicodendron succedaneum</i>
Umbrella Tree	(Schefflera species)
Willow	(Salix species)
Populus	(all species)
Robinia	(all species)
Cocos Palm	<i>Syagrus romanzoffianum</i>
Mulberry	(Morus species)
Banana	(Musa species)
Citrus	(all species)
Fruit trees or a tree that is grown for the purposes of fruit, or is harbouring fruit fly, except Australian native trees	
Any tree that has been declared a priority weed on the NSW Department of Primary	Refer to the NSW Weedwise website for list

Attachment 1 - Proposed Amendment to Clause 6.1 Preservation of Tree and Vegetation of Burwood Development control Plan (BDCP)

Industry's Priority Weeds List of the Greater Sydney (Burwood)	
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6.1.4 Trees that are considered an imminent risk to human life or property

In accordance with Clause 2.7 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, a Tree Permit application or Development Application is not required for the removal of a tree, provided that Council is satisfied the tree is a risk to human life or property before any tree works or activities are undertaken.

Before any tree works or activities are undertaken Council will contact the owner of the tree in writing to confirm if the tree is a risk to human life or property and that tree works or activities may be undertaken. If Council is not satisfied that the tree is a risk to human life or property Council will advise that a Tree Permit application or Development Application approval is required.

6.1.5 Approval Pathways – Tree Permit Application or Development Application

Unless otherwise explicitly specified in this DCP, any works or activities involving a protected tree must be approved by Council through a Tree Permit application, a Development Application or an approval issued to Council or Public Authority for public or infrastructure works under Part 5 Infrastructure and environmental impact assessment of the Environmental Planning and Assessment Act 1979 before the works or activities are undertaken. Tree Permit applications and Development Applications are to be submitted to Council via the NSW Planning Portal.

Table 7. Type of Application Required

Location	Proposed Works	Type of Application
Land within a heritage conservation area, on land identified as or forming part of a heritage item, forms part of an Aboriginal object, or is situated within an Aboriginal place of heritage significance	Any tree works or activities involving a protected tree (including those involving Exempt Species of Trees) that are not classified as Allowable Tree Works or Activities under this DCP	Development Application
All other land	Tree works or activities ancillary to or associated with new construction or development	Development Application
	Tree works or activities involving a protected tree that are not classified as Allowable Tree Works or Activities under this DCP, and are not ancillary to or associated with new construction or development	Tree Permit Application
Land owned by Council or Public Authority where works are permitted to be undertaken via Part 5 Infrastructure and environmental impact	Any tree works or activities involving a protected tree (including those involving Exempt Species of Trees) that are associated with	Public or infrastructure works undertaken by Council or Public Authority and authorised under Part 5 Infrastructure and environmental impact

Attachment 1 - Proposed Amendment to Clause 6.1 Preservation of Tree and Vegetation of Burwood Development control Plan (BDCP)

assessment of the Environmental Planning and Assessment Act 1979	public or infrastructure works undertaken by Council	assessment of the Environmental Planning and Assessment Act 1979
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6.1.2 ~~Tree Permit Application Required~~

~~An application is required where proposed tree activities involve trees that are not exempt species listed in 6.1.1 or are not allowable pursuant to the tree dimensions described in 6.1.1.2 and in **Figure 2** above.~~

~~Council will consider the tree activity application in one of two ways:~~

- ~~▪ Activities requiring Council's approval — Tree Permit application required.~~
- ~~▪ Activities requiring Council's approval — Development Application required (see Section 6.1.3 and Section 6.1.4).~~

~~An application for a Tree Permit must be made where the tree works or tree activities are not ancillary to or associated with any new construction or development on the land. In these cases the tree works or activities are a "stand alone" matter and do not involve any other development activity on the site.~~

Tree Permit Application required

A Tree Permit application is required for any works or activities involving a protected tree, unless the works are classified as Allowable Tree Works or Activities under this DCP or the tree is an Exempt Species.

A Tree Permit application must also be submitted where the proposed tree works or activities are not related to, or part of, new construction or development on the site. In such cases, the tree works or activities are considered a stand-alone matter and are not associated with any other form of development.

However, if the tree is located within a heritage conservation area, on land identified as or forming part of a heritage item, associated with an Aboriginal object, or within an Aboriginal place of heritage significance, a Development Application is required instead of a Tree Permit.

6.1.3 ~~Development Application Required~~

~~Any proposed tree works which are ancillary to or associated with any new construction or development on the land will be considered through the Development Application process under Part 4 of the Environmental Planning and Assessment Act 1979.~~

~~In these cases, the proposed tree works must be specified in a landscape plan and submitted to Council with the Development Application for the construction/development works on the site. The landscape plan must be prepared in accordance with Council's Landscaping Code and must include the details specified in section 6.5 of the Code. The Landscaping Code is available on Council's website at the following location:~~

~~http://www.burwood.nsw.gov.au/verve/_resources/Landscaping_Code.pdf~~

~~Council will assess the proposed tree works as part of the Development Application process and where so determined, issue consent including any conditions, as part of the development consent. Where justified by the circumstances, Council may decline consent for the proposed tree works.~~

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Tree works or activities in accordance with a valid and current development consent issued by Council where the tree works are ancillary to proposed building works or other development do not require any other kind of approval or permit from Council.

6.1.4 Trees and Heritage

Clause 10(3) of the SEPP (Vegetation in Non-Rural Areas), prevents Council from issuing a permit that allows any pruning or removal of any tree or other vegetation that:

- a) Is or forms part of a heritage item or that is within a heritage conservation area (see Schedule 5 of the BLEP 2012), or
- b) Is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance.

Clause 10(3) provides exceptions that allow Council to issue a permit where it is satisfied that the proposed activity:

- a) Is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
- c) Would not affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

The BLEP 2012 Schedule 5 does not include any heritage items or heritage conservation areas that comprise a tree or other vegetation alone, or any matters of Aboriginal heritage. Most tree works or activities involving a Schedule 5 heritage item or within a heritage conservation area are expected to form part of a Development Application for other development or construction activities. In these cases the tree works will be dealt with as part of the broader Development Application. The provisions of Clause 5.10 Heritage Conservation of the BLEP 2012 may be applicable in the determination of the Development Application.

In cases where a proposed tree removal is located on a property identified as containing a Schedule 5 heritage item or is within a Heritage Conservation Area and not associated with any other development or construction activity, a Development Application is required. Where the proposed tree works or activities are minor, Council will determine the application for a Tree Permit in accordance with Section 6.1.2 and Section 6.1.5 of this DCP.

If after consideration of the Tree Permit application Council determines that the proposed tree works or activities are not minor etc, that is falling outside the terms of (c) and (d) above, Council will advise the applicant that a Development Application must be lodged in place of the Tree Permit application.

In these cases the normal Development Application processes will apply. As well as meeting the information requirements for Development Applications, a landscape plan must be prepared and submitted in accordance with Council's Landscaping Code and must include the details specified in section 6.5 of the Code.

Development Application required

Tree works or activities that are ancillary to or associated with new construction or development on the site will be considered through the Development Application process under Part 4 of the *Environmental Planning and Assessment Act 1979*.

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Tree works or activities involving any protected tree, including to Exempt Species of Trees, situated on land within a heritage conservation area, on land identified as a heritage item, where the tree is part of an Aboriginal object, or where it is located within an Aboriginal place of heritage significance, require a Development Application unless classified as Allowable Tree Works or Activities under this DCP.

The standard Development Application process will apply. In addition to satisfying the information requirements for Development Applications, a landscape plan must be prepared and submitted in accordance with Council's Landscaping Code, including the details outlined in section 6.5 of the Code.

Advisory Note: Tree works or activities in accordance with a valid and current development consent issued by Council where the tree works or activities are ancillary to proposed building works or activities or other development do not require any other kind of approval or permit from Council.

Making a Tree Permit Application — Property Owner

~~Applications must be made by the owner or owners of the property where the tree stands, or alternatively bear the owner's consent on the application.~~

~~Applications must be submitted to Council using the Tree Permit application form which is available from Council's Customer Service Counter or is available on Council's website.~~

~~The application is to be accompanied by the nominated fee as determined by Council and set out in the Schedule of Fees and Charges and included in the Tree Permit application form.~~

~~The application is to describe in sufficient detail the following information:~~

- ~~▪ The name/s and contact details of the tree owner or applicant, to permit access to the trees for inspection purposes~~
- ~~▪ The location of the tree~~
- ~~▪ The species (if known)~~
- ~~▪ The condition of the tree~~
- ~~▪ The size of the tree~~
- ~~▪ The reason for the proposed works to be carried out to the tree.~~

~~Council may require the applicant to obtain a report from a qualified Consulting Arborist, Practising Structural Engineer, Licensed Plumber or other consultant or expert to assist Council in assessing and determining the permit application.~~

~~Applications may be brought to the Burwood Council Customer Service Centre, or sent via post (including a cheque or money order for the required fee).~~

Permit Application — Neighbouring Property

~~The owner of a property affected by overhang from a tree or trees on an adjoining property may apply for a permit to prune that part of the tree or trees overhanging the boundary of his or her property.~~

Advisory Note:
~~For the purpose of this section, the owner of a property where the tree stands is referred to as the "Tree Owner".~~

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~~An application for the removal or pruning of branches from a tree on an adjoining property must include written evidence, including the Tree Owner's signature, of the Tree Owner's consent to the proposed pruning or removal of branches as part of the application.~~

~~If it is not possible to provide the Tree Owner's consent, Council will consider an application for pruning (only) where it is satisfied that the applicant has written to the Tree Owner requesting the Tree Owner's written consent to the application (Notification) and the following conditions have been met:~~

- ~~▪ The applicant has not received a reply from the Tree Owner to the Notification within a reasonable time of providing the Notification to the Tree Owner or~~
- ~~▪ The applicant satisfies Council that the Tree Owner has refused to provide his or her written consent to the proposed pruning of branches.~~

~~In the majority of circumstances a reasonable time will be not less than 28 days, however Council also retains discretion to consider what is a "reasonable time" on a case by case basis.~~

~~Any consent granted by Council under this section does not authorise the applicant (or someone engaged by the applicant) to enter any neighbouring property in order to carry out the approved works.~~

~~Council cannot order a neighbouring resident to remove a tree located on their property. Provisions for seeking a court order for a neighbour's tree to be removed are set out below. However, in certain circumstances Council may consider applications made by a neighbour on an adjoining property, to where the tree stands, for the pruning of branches back to the boundary.~~

~~For such applications to be considered, Council requires that the applicant obtain the written consent of the owner of the property where the tree stands (Tree Owner) to the pruning of the tree (a space for the Tree Owner's signature has been provided on the Tree Permit Application Form).~~

~~Alternatively, pursuant to section 7 of *Trees (Disputes Between Neighbours) Act 2006* (the Trees Act) a person may apply to have their matter heard by the Land and Environment Court where they seek to remove or prune a neighbour's tree and cannot resolve the issue.~~

~~The Trees Act does not apply to trees on land owned or managed by a Council.~~

~~The purpose of the Trees Act is to enable the Court to make orders to remedy, restrain or prevent damage to property or to prevent injury to any person when a tree that is situated on adjoining land might cause that damage or injury. The Trees Act also permits the Court to order compensation for or rectification of damage caused by a tree.~~

~~An application must be made to the Land & Environment Court in writing and the required application fees paid. An application form must be completed as well as one or more of the Tree Dispute Claim Details forms.~~

~~The relevant forms can be downloaded from www.lawlink.nsw.gov.au/lec~~

- ~~▪ Application Form — Tree Dispute Application Form~~
- ~~▪ Tree Dispute Claim Details — Damage to Property or Injury to Person~~
- ~~▪ Tree Dispute Claim Details — High Hedges~~

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Application forms can be lodged at Burwood Local Court or the Land and Environment Court at Level 4, 225 Macquarie Street (Windeyer Chambers), Sydney.

There are a number of matters the Court will consider under Section 12 of The Tree Act, before making a decision on an application. Please refer to Section 12 of the Tree Act for further details of such matters.

The Land and Environment Court has published Dispute Principles, Interpretation Guidance and Jurisdictional Findings made under the Trees Act. These include:

- ~~The tree was there first~~ (Dispute Principle)
- ~~Urban trees and ordinary maintenance issues~~ The dropping of leaves, flowers, fruit, seeds or small elements of deadwood by urban trees ordinarily will not provide the basis for ordering removal of or intervention with a tree (Dispute Principle)
- ~~“in the near future”~~ constitutes within 12 months [s10(2)(a) Interpretation Guidance]
- ~~Damage caused by animals, birds or insects~~ is not caused by the tree which attracts them or provides habitat for them [s 10(2) Jurisdictional finding]

6.1.6 Making an Application - Property Owner

The written consent of the owner(s) of the property where the tree stands is to be provided with all applications.

Applications must be submitted to Council using the NSW Planning Portal. The application is to be accompanied by the nominated fee set out in Council's Schedule of Fees and Charges.

The application is to provide supporting information in regard to the following:

- The name/s and contact details of the tree owner or applicant, to permit access to the trees for inspection purposes
- The location of the tree
- The species (if known)
- The condition of the tree
- The size of the tree
- The reason for the proposed works or activities to be carried out to the tree.

Council may require the applicant to obtain a report from a qualified arborist, practising Structural Engineer, Licensed Plumber or other consultant or expert to assist Council in assessing and determining the application.

6.1.7 Making an Application – Trees on Neighbouring Property

The owner of a property affected by overhang from a tree or trees on an adjoining property may also apply to Council to prune that part of the tree or trees overhanging the boundary their property. The same supporting information as outlined in section 6.1.6 is to be provided, including but not limited to written owners consent.

Any consent granted by Council under this section does not authorise the applicant (or someone engaged by the applicant) to enter any neighbouring property in order to carry out the approved works or activities. Council cannot order a neighbouring resident to remove a tree located on their property.

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Alternatively, pursuant to section 7 of *Trees (Disputes Between Neighbours) Act 2006* (the Trees Act) a person may apply to have their matter heard by the Land and Environment Court where they seek to remove or prune a neighbour's tree and cannot resolve the issue.

Further information including the relevant forms can be found on the Land & Environment Court website. There are a number of matters the Court will consider under Section 12 of The Trees Act, before making a decision on an application. Please refer to Section 12 of the Trees Act for further details of such matters.

6.1.5 — Assessment Process for a Tree Permit Application

Criteria for a Tree Permit Application

Applications for a Tree Permit will be considered by Council in accordance with the following criteria:

- Whether the tree is causing or is likely to cause structural damage to a building in the near future or damage to Council infrastructure. Council may require that such an application be accompanied by a report from a practicing structural engineer.
- A Doctor's certificate (from a registered medical specialist practitioner) is produced to the effect that the tree in question is injurious to the health of the resident or residents.
- The trunk of the tree is located within three metres of a building or five metres in the case of the following species:
 - i) Camphor Laurel (*Cinnamomum camphora*).
 - ii) Liquidambar (*Liquidambar styraciflua*).
 - iii) Broad-leaf Paper Bark (*Melaleuca quinquenervia*).
 - iv) River She-Oak (*Casuarina cunninghamiana*).
 - v) Chinese Tallow Tree (*Triadica sebifera* syn. *Sapium sebiferum*).
- Whether the tree is a Camphor Laurel (*Cinnamomum camphora*) under 15m in height.
- The tree has caused extensive damage to fences, kerb and guttering, sewer or stormwater drains, where there are no permanent repair alternatives. Council may require that applications relating to sewer or stormwater pipe damage be accompanied by a licensed plumber's report.
- Pruning is necessary as the tree crown:
 - i) overhangs and is likely to damage a roof of a building or a swimming pool.
 - ii) interferes with overhead electricity service wires.
 - iii) impedes safe access for pedestrians.

It should be noted that applications based on loss of view or loss of sunlight will not generally form a basis for Council to issue a permit for the pruning or removal of a tree. Additionally, the dropping of leaves, flowers, fruit, seeds or small elements of deadwood by urban trees ordinarily will not provide the basis for Council to issue a permit to prune or remove a tree.

Clause 8 of the SEPP allows consideration of whether:

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- ~~Trees are dying or dead and are not required as the habitat of native fauna, or~~
- ~~Trees are a risk to human life or property.~~

Advisory Note:

~~Council must be satisfied that these circumstances apply. It will be necessary to make an application under Sections 8, 9 or 10 for this determination to be made by Council. These circumstances cannot be assumed and are not an excuse for taking action outside the application process.~~

6.1.8 Assessment Criteria for a Tree Permit Application or Development Application

The applicant must provide a justification for undertaking the tree works or activities.

In determining an application for tree activities, pruning, works or removal, the consent authority must have regard to the following assessment criteria:

1) Risk Assessment

Evaluation of the risk to human life or potential for injury is determined by several factors, including:

- The potential or likelihood of whole tree or limb failure
- Any history of previous branch or structural failure
- The size and extent of the defective part of the tree
- The level of use and occupancy of the area potentially affected by failure

A high safety risk in regard to human life or possibility of injury will be given substantial consideration during the assessment of an application. It is important to note that evaluations of dangerous trees are conducted with reference to the risk posed under normal weather conditions;

2) Health and Condition of the Tree

The structural condition and overall health of the tree will be evaluated for visible indicators of decline or deterioration. Such indicators may include reduced foliage density, the presence of deadwood within the canopy, fungal fruiting bodies, excessive sap exudation from the trunk, and signs of insect infestation—particularly borer activity;

3) Damage to Property

The potential for the tree to cause damage to property is considered. This includes species known for extensive root systems that may compromise building footings or contribute to blockages in domestic sewer and drainage infrastructure;

4) Tree Location in Proximity to Existing Lawful Residential Buildings

Consideration will be given to the appropriateness of retaining a tree or vegetation, where the trunk base at ground level is located within 3 metres of any existing lawful residential accommodation building with a floor area greater than 25m²;

5) Contribution to Landscape, Precinct and Streetscape Character

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Consideration will be given to the tree's contribution to the surrounding landscape precinct and streetscape character, its role in shaping the existing and desired future character of the area, and its relationship to the surrounding natural, built or social environment, including any historical, aesthetic or cultural value or significance;

6) Heritage Impact

Consideration will be given to any potential impact on a heritage item or heritage conservation area, where applicable.

7) Tree Species and Tree Longevity

Consideration will be given to the species' propensity for branch or limb failure, as well as its sensitivity to environmental changes that may impact on its long-term viability in the existing location. Relevant factors include alterations to soil levels, significant root disturbance from construction activities, changes in water availability, competition from surrounding vegetation (particularly invasive climbers), and soil compaction—especially in high-traffic areas such as car parks. The expected lifespan of the tree will also be considered;

8) Threatened Species, Ecological Communities or their habitats

Consideration and determination will be given to whether the proposed tree removal, tree works, development or activity is likely to significantly affect threatened species, ecological communities or their habitats, in accordance with the requirements of Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994*. Such considerations are to include whether the tree is an endangered or rare species, or whether it contributes to ecological connectivity by linking bushland and reserve areas, thereby supporting native habitat.

9) Termite Infestation

Each instance of termite activity will be assessed on a case-by-case basis, taking into account the specific circumstances and severity of the infestation;

10) Proximity to power lines and other essential infrastructure

Consideration will be given to the proximity of the tree to power lines and other essential infrastructure, where applicable;

11) Impact on public infrastructure

Consideration will be given to the removal of a tree if it can be demonstrated that the tree is causing, or is likely to cause, substantial damage to public infrastructure, or if it creates a safety risk to the public including trip hazards on raised footpaths. Removal will only be supported where feasible and cost-effective alternatives to address the issue while retaining the tree have been explored and found not to be practicable.

12) Human Health Impact

Consideration will be given to the effect that the tree in question is injurious to the health of the resident or residents. A Doctor's certificate (from a registered medical specialist practitioner) is produced.

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Advisory Note:

In the case of a Development Application, the assessment will be conducted in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979*. Section 4.15 of the Act specifies the considerations to be taken into account when determining a development application. These considerations include, but are not limited to, the factors outlined in points 1 to 8 above.

The following reasons are not considered valid reasons for removing or pruning a tree:

- To improve or enhance views;
- Natural occurrences such as the shedding of leaves, flowers, fruit, resin, sap, seeds, or small pieces of deadwood;
- Damage to buildings, structures, or underground services where feasible alternatives exist to address the issue while retaining the tree;
- Root-related damage to water, drainage, or sewer systems that are aging, deteriorating or in poor condition;
- Nuisance caused by insects or animals associated with the tree;
- To reduce minor shading caused by the tree;
- Any tree works or activities that are contrary to AS 4373—2007 Pruning of Amenity Trees, including to reduce height;
- Minor lifting of driveways, walkways, or paving, or minor damage to outbuildings, garden features, walls, or landscaping structures;
- To allow for construction of structures (e.g. fences, driveways, swimming pools, or dwellings) where alternative suitable locations are available;
- To improve sunlight access to solar energy systems;
- Damage to unauthorised building works.

Council Determination of Tree Permit Applications

~~On receipt of the application for a Tree Permit, or as part of a Development Application, a Council Officer will inspect the tree to assess the application.~~

~~If the Council officer requires further information to assess the application, for example, in the form of a report from a consulting arborist (refer 6.1.9 for requirements of arborist reports), structural engineer, and/or licensed plumber, then the applicant will be advised and will be required to commission the required report or reports at the applicant's expense.~~

~~For Tree Permit applications that Council considers involve significant tree works or activities, or for any other application for which Council considers community consultation is appropriate, Council may conduct community consultation in accordance with Council's "Community Consultation Protocol". Development applications that involve tree works will be subject only to the notification requirements of Part 7.2 of this DCP.~~

~~All applications will be determined by either approving the application without conditions approving the application subject to conditions or refusing the application.~~

6.1.9 Determination of Tree Permit Applications and Development Applications

Upon lodgement of a Tree Permit application or Development Application, Council may require the applicant to provide a report from a practising AQF Level 5 Arborist, Landscape Architect, Structural Engineer, Licensed Plumber or other consultant or expert to assist Council in assessing and determining the application.

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For applications that Council considers involve significant tree works or activities, or for any other application for which Council considers community consultation is appropriate, Council may conduct community consultation in accordance with Council's "Community Consultation Protocol". Development Applications that involve tree works or activities will be subject only to the notification requirements of the Burwood Community Engagement Strategy.

All applications will be determined by approving the application subject to conditions, or by refusing the application.

Conditions of Approval

~~It is a condition of all approvals granted by Council for a Tree Permit or for tree works as part of development consent that all tree works are carried out in compliance with the Australian Standard – Pruning of Amenity Trees (AS4373-2007) and the WorkCover Code of Practice for the Amenity Tree Industry (1998).~~

~~A Tree Permit or development consent granted by Council must be made available for inspection on request by any Council staff member during the carrying out of any work permitted under such permit or consent.~~

~~A Tree Permit granted by Council remains valid for one year from the date of issue. Where replanting is a condition of consent, replacement plants are to be protected and cared for until maturity so they remain in good condition and attain their natural size and form.~~

~~A development consent that includes an approval for tree works is valid for up to five years.~~

~~Where a Tree Permit is granted, Council will impose conditions, including that the work is carried out by an arborist with a minimum Australian Qualifications Framework (AQF) Level 3 in Arboriculture.~~

Conditions of Approval

Tree works or activities must be carried out in compliance with the AS 4373-2007 *Pruning of amenity trees* and SafeWork NSW's *Amenity tree industry code of practice*.

Council will impose conditions, including that replacement trees be provided, and the work is carried out by an arborist with a minimum Australian Qualifications Framework (AQF) Level 5 in Arboriculture.

Where replanting is a condition of consent, replacement plants are to be protected and cared for until maturity so they remain in good condition and attain their natural size and form.

A Tree Permit granted by Council remains valid for one (1) year from the date of issue. A development consent that includes an approval for tree works or activities is valid for up to five (5) years.

A Tree Permit or development consent granted by Council must be made available for inspection on request by any Council staff member during the carrying out of any work permitted under such permit or consent.

Replacement Trees

On merit, conditions of approval may require replacement trees to be planted on private land at a ratio of two (2) or three (3) replacement trees for every tree approved for removal. The required ratio will be determined by Council having regard to the significance of the tree

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removed, the extent of canopy loss, and the site's capacity to accommodate replacement planting. This control assists Council in achieving the Burwood LGA's urban tree canopy cover target of 25% by 2030.

Replacement trees must be planted on the same site in an appropriate location, as directed by Council, and must be maintained by the applicant in a healthy and vigorous condition until they reach the definition of a "protected tree" under this section of the DCP.

The container size and mature height of replacement trees will be determined by Council, taking into account available land area and the urban forest canopy target, with a preference for advanced container sizes. Replacement trees must be planted in appropriate locations and should not be planted within 3 metres of any existing or proposed building, 1.5 metres swimming pool or spa (or result in a breach the Swimming Pool Act 1992 fencing requirements), or 1 metre property boundary.

6.1.6 Right of Appeal

6.1.10 Reviews and Appeals

Internal Appeal Process

~~If an application for a Tree Permit is refused, the applicant may seek a review by an internal panel. The panel will consist of two members of the Burwood Council Executive and an independent expert. The internal panel will only consider applications where the refusal has been based on the assessment of subjective criteria or there has been a request to consider extenuating factors that are not accommodated within the set criteria.~~

Internal Review

If an application for a Tree Permit is refused, the applicant may seek a review of Council's decision if they believe:

- a. Council has erred in its judgement; or
- b. Council's decision is harsh or unreasonable; or
- c. Additional information has become available subsequent to the inspection by Council.

A review must be lodged with Council within three (3) months of the date of the application's determination. Council may require the appellant to provide reports or other suitable documentation from appropriately qualified consultants or experts relevant to the basis of the appeal.

If an application for a Tree Development Application is refused, the applicant may seek a review of Council's decision pursuant to s8.2 of the Environmental Planning and Assessment Act 1979.

External Appeal Process

~~Clause 12 of the SEPP provides that an applicant may appeal to the Land and Environment Court against the refusal by Council to grant a Tree Permit. An appeal is to be made within 3 months of the refusal.~~

~~Where tree works are determined by way of a Development Application, the same legal right of appeal applies, as applies for Development Applications.~~

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External Appeals

If an application for a Tree Permit is refused by Council, an applicant may appeal to the Land and Environment Court. The appeal must be made within three (3) months of the date on the determination.

Any such appeal is to be made within three (3) months after the date on which the applicant is notified of the decision or within 3 months after the council is taken to have refused the application (whichever is the later).

In the case of Development Applications, Section 8.7 of the *Environmental Planning and Assessment Act 1979* (the Act) gives you the right to appeal to the Land and Environment Court in accordance with the timeframes set out in Section 8.10 of the Act.

~~6.1.7~~ **6.1.11 Reported Breaches**

On receiving a report of a breach of the SEPP the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* and of this section Part of the DCP, a Council Officer may attend the site and order that any contravening works or activities cease immediately.

The Council Officer may gather any necessary information including:

- The name, address and contact details of the person or organisation carrying out the work.
- The name, address and contact details of the person or organisation that authorised the work.
- Descriptions, diagrams and photographs of the illegal works or activities, plant, equipment, machinery and persons.
- The person carrying out the contravening work and/or the Tree Owner (or the person who authorised the work) may be asked to show cause in writing as to why they should not be prosecuted in relation to the breach.
- ~~The Deputy General Manager – Land, Infrastructure and Environment~~ **Council delegate with the responsibility for compliance matters** will determine whether the matter will proceed to prosecution.

~~6.1.8~~ **6.1.12 Penalties for Breaches**

Breaches of the provisions of the SEPP are subject to penalties in Section 9.56 of the *Environmental Planning and Assessment Act 1979*.

This Section also provides that where a person is guilty of an offence involving the destruction of or damage to a tree or vegetation, the court dealing with the offence may, in addition to or in substitution for any pecuniary penalty imposed or liable to be imposed, direct that person:

- (a) To plant new trees and vegetation and maintain those trees and vegetation to a mature growth, and
- (b) To provide security for the performance of any obligation imposed under paragraph (a).

~~6.1.9~~ **6.1.13 Arborist's Reports that are Submitted to Council**

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To assist assessment and determination of applications, Council requires that an Arborist's report in relation to an application **When an Arborist's report is required to be provided with an application, the report** is to be prepared by a consulting Arborist who holds a minimum qualification of a Diploma (AQF Level 5) in Arboriculture. Arborist's reports submitted to Council in relation to an application must contain the following information:

- the name, address and telephone number of the qualified consulting arborist who prepared the report (and the company, where applicable)
- the qualifications of the Arborist
- who commissioned the report and why the report was commissioned
- what the report examines
- the address of the site containing the tree or trees
- the date the Arborist conducted the inspection
- the methods or techniques used by the Arborist to inspect the tree or trees
- an abstract or synopsis of the findings from the Arborist's inspection
- a map or diagram of the site showing the location of the tree or trees, with the tree or trees numbered to correspond with the text in the Arborist's report
- the botanical and common name, height, crown spread, trunk diameter at 1.4m above ground level, and form of each tree inspected
- a discussion of the data collected – this may include, for example, detailed information regarding wounds, cavities, cracks, splits, forking, root-zone, pests and diseases
- supporting evidence where appropriate, such as photographs
- testing results should be submitted with clear and legible copies
- references used must be those referred to in the report
- data included in the report should be relevant to the application
- a discussion of all the options available – why they are recommended or why they are not recommended, e.g., can the built structure be relocated or repaired and the tree retained
- a recommendation as to the preferred option and the reasons for this recommendation
- the information in the report should be presented as objectively as possible without attempting to support specific outcomes.

The above list is not exhaustive. The Arborist may choose to include further information or Council may require further information to properly assess and determine the application.

Advisory Note:

A list of qualified Arborists can be obtained from the Institute of Australian Consulting Arboriculturalists (IACA) website at www.iaca.org.au. Arboriculture Australia is also be able to supply the details of a suitably qualified Arborist. For more information call 1300 664 374 or visit www.arboriculture.org.au.

6.1.10 6.1.14 Definitions

Arborist - A person with minimum training to AQF Level 3 5 in Arboriculture that enables the person to competently perform tree work.

Australian Qualifications Framework (AQF) - The national framework for all educational and training purposes in Australia.

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~~*Building* – For the purpose of section 6.1.5 a building is a permanent Council approved, or principal certifying authority approved, single storey roofed and enclosed structure with a floor space greater than thirty (30) square metres, constructed at natural ground level.~~

Building is as defined in the Environmental Planning and Assessment Act 1979.

Development is as defined in the Environmental Planning and Assessment Act 1979.

Carbon sequestration - The process of trees removing carbon from the atmosphere and storing it in their wood as they grow.

~~*Clear vegetation*, includes:~~

- ~~(a) cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or
(b) lop or otherwise remove a substantial part of the vegetation.~~

Clear vegetation is as defined in State Environmental Planning Policy (Biodiversity and Conservation) 2021.

Dead tree - A tree with no living vascular tissue.

Destroy - Any immediate or ongoing process or activity leading to the death of a tree.

Height - The distance measured vertically between the horizontal plane at the lowest point at the base of a tree which is immediately above ground and the horizontal plane immediately above the uppermost point of a tree.

Injure - To inflict damage to a tree by an immediate or ongoing process or activity and includes:

- Lopping and topping.
- Poisoning, including applying herbicides and other plant toxic chemicals to a tree or spilling (including washing off or directing water contaminated by) oil, petroleum, paint, cement, mortar and the like onto the root zone cutting, tearing, snapping and breaking off branches and roots that is not carried out in accordance with accepted arboricultural practices, does not qualify as "pruning" or is done for invalid reasons such as vandalism.
- Ringbarking, scarring the bark when operating machinery, fixing objects (e.g. signs) by nails, staples or wire, using tree climbing spikes in healthy trees marked for retention (except for access to an injured tree worker) or fastening materials that circle and significantly restrict the normal vascular function of the trunk or branches or inflicting a blaze on a tree as a marker point.
- Damaging a tree's root zone by compaction or excavation, stripping of topsoils, asphyxiation by burial (including unauthorised filling or stockpiling of materials) or the alteration of ground level or water table which causes damage to the tree or any part of the tree.
- "Underscrubbing", unless carried out by hand tools, such as brushcutters and the like.

Lopping - Indiscriminate cutting of branches or stems between branch unions, with the final cut leaving a stub.

Pruning - The cutting of any stem dead or alive, back to the intersection of another live stem to a swollen area at the intersection called a branch collar, with a final cut at the outer edge of the collar leaving no stub. This also means any act or acts severing any part of a tree so as to cause a reduction of the air space occupied by the branches and foliage of a tree.

Attachment 1 - Proposed Amendment to Clause 6.1 Preservation of Tree and Vegetation of Burwood Development control Plan (BDCP)

Remove - To dismantle a tree or to separate the tree from the ground where it is growing or dislodging it with earth moving equipment in order to kill the tree so that the tree, including its branches, foliage, trunk, stump and root system will not regrow. This includes the poisoning of the stump and/or roots and/or taking away, or grinding or burning out its remains to prevent regrowth.

Risk to human life or property – is where a tree presents an unacceptable level of risk to life or property as per an industry risk assessment methodologies -TRAQ or QTRA. Evidence must be provided to Council in writing by photographic evidence and written evidence by a Qualified Arborist (AQF5).

Top - Cutting away part, or all, of a tree's crown leaving a trunk and stubbed main branches to reduce its height and spread. This is an antiquated practice which damages a tree, reducing strength and vigour and predisposing it to premature decline.

Tree - A woody perennial plant equal to or exceeding four (4) metres in height with a trunk diameter equal to or exceeding 150mm measured at a distance of 1.4m above ground.

Tree Owner - The owner of a property where the majority of a tree's trunk meets the ground.

Vegetation – means a tree or other vegetation whether or not it is native vegetation.

Urban Forest – means all trees and vegetation (both naturally occurring and planted) that occur within or near urban areas.

6.1.11 6.1.15 Related Information

- Street Tree Management Strategy
- Compliance and Enforcement Corporate Practice
- *Trees (Disputes Between Neighbours) Act 2006*
- [Sustainable Burwood Strategy](#)

(Item 73/25) DCP Amendment - Update Acoustic Requirements for Active Centres - Adoption - Post Exhibition

File No: 25/49437

Report by Director City Strategy

Summary

On 26 August 2025, Council resolved to publicly exhibit proposed amendments to the acoustic amenity provisions in Parts 3 and 4 of the Burwood Development Control Plan (BDCP).

The proposed amendments aim to strengthen acoustic standards to support housing delivery in mixed-use and entertainment precincts, while ensuring a high level of protection for residents in the Burwood Town Centre, higher-density neighbourhoods and other active areas.

The draft amendments were publicly exhibited for 28 days in accordance with Council's resolution. No submissions were received during the exhibition period.

It is therefore recommended that Council adopt and implement the proposed amendments to the acoustic amenity provisions in Parts 3 and 4 of the BDCP.

Operational Plan Objective

- A.80 Implement activities or initiatives that enhance Burwood's night time economy
- C.3 An urban environment that maintains and enhances our sense of identity and place
- C.3.1 Facilitate well designed, high quality and sustainable land use and development that is appropriately scaled to complement its surrounds
- C3.2 Protect our unique built heritage and maintain or enhance local character
- C.4 Sustainable, integrated transport, infrastructure and networks to support population growth and improve liveability and productivity.
- C.4.2 Plan for a city that is safe, accessible and easy to get to and move around in.
- C.11.2 Provide opportunity for engagement with the community to inform Council's decision-making.

Background

Sydney's urban landscape is undergoing significant change, with an increasing number of residents now living in apartment buildings. As the city continues to expand its housing supply to meet growing demand, it is essential that new developments and refurbishments in Burwood incorporate adequate design measures to meet the needs of families, residents, service users and visitors.

To ensure that new developments—including apartment buildings, visitor accommodation and other sensitive land uses—are fit for purpose in an evolving and increasingly active setting, local planning controls must be modernised. Developments and substantial refurbishments should be required to incorporate essential acoustic measures to maintain amenity, functionality and comfort. This approach aligns with Council's broader housing and development strategy, which seeks to deliver long-term liveability benefits.

The Burwood DCP, which came into effect on 1 March 2013, includes objectives and controls relating to residential amenity in the town centre and residential precincts. At present, separate provisions apply to different land uses, including residential apartments, child care centres, boarding houses and co-living housing, backpackers' accommodation, and serviced apartments.

In addition, the amendments will in part implement the Mayoral Minute (MM2/25), adopted by Council at its meeting on 25 March 2025, which directed a review of local planning controls to improve the liveability of new apartment developments. The amendments will ensure apartment-

style housing incorporates a high standard of acoustic measures, particularly within high-density and active precincts.

The amendments update the acoustic provisions in Parts 3 and 4 of the BDCP. They are intended to:

- Ensure residential and sensitive uses in mixed-use and entertainment precincts are protected from noise impacts.
- Introduce outcome-based acoustic criteria, including minimum internal dBA performance levels.
- Support housing delivery in high-density locations while safeguarding liveability.
- Implement Mayoral Minute MM2/25, which directed a review of planning controls to improve apartment liveability.

The provisions will require noise impact assessments and outcome-focused design responses, verified through conditions at DA, Construction Certificate and Occupation Certificate stages.

On 26 August 2025, Council resolved to place the draft amendments on public exhibition for a period of 28 days and to receive a further report following the exhibition. This report outlines the exhibition process undertaken and recommends the next steps for the adoption of the proposed DCP amendments.

Exhibition

The proposed amendments to the acoustic amenity provisions in Parts 3 and 4 of the Burwood Development Control Plan (BDCP) was publicly exhibited on Council's Participate Burwood engagement platform for a period of 28 days, from 3 September to 1 October 2025, in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2021* and Council's Community Participation Plan.

In the absence of a printed local newspaper, Participate Burwood serves as Council's primary platform for exhibiting proposed policy changes and engaging with the community. The exhibition was also promoted through the Mayoral Newsletter.

During the exhibition period, submissions were invited by email or in writing, and Council staff were available to respond to community enquiries.

Submissions

No submissions were received during the exhibition period.

Planning or Policy Implications

The proposed amendments to the Burwood DCP aim to reinforce Council's policy framework by enhancing acoustic standards that balance new housing delivery in mixed-use and entertainment precincts with strong protection for residential amenity in the Burwood Town Centre, higher-density neighbourhoods and other active areas. With the ongoing shift towards higher-density living across the Burwood LGA, it is increasingly important that planning controls require both new developments and major alterations to integrate effective acoustic treatments that minimise noise impacts from lively urban environments, ensuring comfort and liveability for current and future residents and visitors.

Financial Implications

There are no financial implications for Council.

Conclusion

The proposed amendments to Parts 3 and 4 of the BDCP provide necessary updates to align with best practice acoustic standards, strengthen residential amenity protections in mixed-use and entertainment precincts, and improve clarity for applicants and assessment processes. As no submissions were received during the public exhibition, it is recommended that the amendments proceed to adoption without change.

Recommendation(s)

That Council:

1. That Council, pursuant to Section 3.43 of the *Environmental Planning & Assessment Act 1979* and in accordance with clause 14 of the *Environmental Planning & Assessment Regulation 2021*, adopt the acoustic amenity provision amendments to Parts 3 and 4 of the Burwood Development Control Plan 2013 (BDCP) as detailed in attachment 1 of this report.
2. That the General Manager be endorsed to make minor modifications to any numerical, typographical, interpretation and formatting errors, if required, prior to the finalisation of the amendment to the abovementioned sections of the Burwood DCP.
3. That Council give public notice of the decision to approve the amendments to Burwood DCP, on its website within 28 days in accordance with Clause 14(2) of the *Environmental Planning and Assessment Regulation 2021*.
4. That Council publish the updates on the NSW Planning Portal in accordance with the *Environmental Planning and Assessment Regulation 2021*.

Attachments

- 1 [↓](#) Attachment 1 - Amendments to DCP Acoustic Provisions

PROPOSED AMENDMENTS TO THE BURWOOD DEVELOPMENT CONTROL PLAN 2013

Blue – new content

Black ~~striketrough~~ – content to be removed

Black – unchanged content

3 Development in Centres and Corridors

3.1 Application of this Section

To deliver a high standard of acoustic measures for residents within the Burwood Town Centre, High and Medium Density Areas, and Active Precincts to enable the delivery of housing in mixed-use areas that include entertainment and other noise-generating activities.

3.2 General Building Design Controls in Centres and Corridors

3.2.14 Visual and Acoustic Privacy

Objectives

- O2 To deliver a high standard of acoustic measures for residents within the Burwood Town Centre, High and Medium Density Areas, and Active Precincts – Zones R1. R3. E1 and MU1.
- O2 To enable the delivery of housing in mixed use areas that include entertainment and other noise generating activities

Provisions

P3. Application of this Clause

This clause also applies to all new development, and substantial alterations or additions to existing development, on land in Zone R1 General Residential, Zone R3 Medium Density Residential, Zone E1 Local Centre, Zone MU1 Mixed Use and Any zone containing a Special Entertainment Precinct for any of the following purposes:

- Residential accommodation
- Tourist and visitor accommodation
- A place of public worship
- A hospital
- A medical centre
- Respite day care centres
- An educational establishment or centre-based child care facility

P4 Assessment Requirements

Before determining a development application to which this clause applies, the consent authority must consider any relevant guidelines or policies relating to noise and vibration impacts.

P5 Acoustic Performance Criteria

The consent authority must not grant development consent unless it is satisfied that appropriate measures will be implemented to ensure that the following internal noise levels as a result of noise ingress from entertainment or licensed premises are not exceeded:

Bedrooms of residential accommodation or tourist and visitor accommodation

- LAeq35dB(A)_{Leq(1hr)} at any time between 7.00am and midnight
- LAeq 30dB(A)_{Leq(1hr)} at any time between midnight and 7.00am

Other habitable rooms of residential accommodation or tourist and visitor accommodation (excluding garages, kitchens, bathrooms and hallways):

- LAeq 35dB(A)_{Leq(1hr)} at any time between 7.00am and midnight
- LAeq30dB(A)_{Leq(1hr)} at any time between midnight and 7.00am

Any area of a place of public worship, hospital, medical centre, respite day care centre, educational establishment or centre-based child care facility (excluding garages, kitchens, bathrooms and hallways):

- LAeq35dB(A)_{Leq(1hr)} at any time

The noise levels referred to in this section are to be achieved with the windows closed and air condition equipment turned off.

P6 Noise Impact Assessment

A noise impact assessment prepared by a suitably qualified acoustic consultant must be submitted with a development application to which this policy applies. The assessment must demonstrate how the proposed development will achieve compliance with the specified noise attenuation criteria.

P7 Noise Emission Standards

Any new building, or existing building subject to substantial alterations or additions for the purpose of changing its use to a child care facility, must be designed as not to emit noise exceeding the requirements of the AAC Child Care Centre Guidelines.

3.3 Area Based Controls - Burwood town Centre and Burwood Road North

Aims

- To deliver a high standard of acoustic measures for residents within the Burwood Town Centre, High and Medium Density Areas, and Active Precincts – Zones R1. R3. E1 and MU1.
- To enable the delivery of housing in mixed use areas that include entertainment and other noise generating activities

4 Development in Residential Areas

Acoustic Amenity

- P23 ~~A Noise Impact Assessment prepared by a suitably qualified acoustic consultant may be required to accompany a Development Application.~~**

The provisions of 3.2.14 Visual and Acoustic Privacy P3 to P7 are to apply to Residential flat buildings in the R1 zone.

4.2 Shop Top Housing in Residential Zones

4.2.3 Acoustic Provisions

The provisions of 3.2.14 Visual and Acoustic Privacy P3 to P7 are to apply to Residential flat buildings and shop top housing.

5. Other Development Provisions

The provisions of 3.2.14 Visual and Acoustic Privacy P3 to P7 are to apply to residential flat buildings, shop top housing, child care centres, boarding houses, co living housing, backpackers' accommodation and serviced apartments.

(Item 74/25) DCP Amendment – Liveability Improvements to Apartment Developments

File No: 25/50193

Report by Director City Strategy

Summary

At its meeting on 25 March 2025, Council endorsed a Mayoral Minute to review local planning controls with the intent of introducing new requirements for apartment developments, including residential flat buildings and shop-top housing. These requirements will focus on integrating design elements that enhance residential liveability and amenity.

This initiative responds to the continuing shift toward high-density living in and around the Burwood Town Centre and other high-density areas across the LGA, where apartments are increasingly becoming the predominant form of residential development. Council must therefore plan proactively for this future by ensuring that residential amenity is enhanced through high-quality design across both the public and private realms.

To support this outcome, it is proposed to amend the Burwood Development Control Plan (BDCP) to introduce new development controls applying to apartment developments assessed under Part 3 and Part 4 of the BDCP. The proposed amendments aim to achieve higher standards of liveability for current and future residents through improved provisions for communal spaces such as active roof areas and end-of-trip facilities along with wider corridors to enhance internal circulation, measures to improve climate resilience and resource efficiency, electric vehicle (EV) readiness, and building design requirements that strengthen streetscape amenity. Collectively, these measures will contribute to a more sustainable, liveable, and well-designed urban environment for residents and visitors alike.

Operational Plan Objective

- A.33 Undertake a comprehensive review of the Development Control Plan (DCP) 2012 and prepare a user friendly and interactive DCP
- C.3 An urban environment that maintains and enhances our sense of identity and place.
- C.3.1 Facilitate well designed, high quality and sustainable land use and development that is appropriately scaled to complement its surroundings.
- C3.2 Protect our unique built heritage and maintain or enhance local character.
- C.4 Sustainable, integrated transport, infrastructure and networks support population growth and improve liveability and productivity.
- C.4.2 Plan for a city that is safe, accessible and easy to get to and move around in.
- C.11.2 Provide opportunity for engagement with the community to inform Council's decision-making
- P.49 Ensure transparency and accountability in decision making

Background

In the Burwood Local Government Area (LGA), apartments are increasingly becoming the predominant form of residential development. According to the 2021 ABS Census, approximately 50% of occupied private dwellings in Burwood are flats or apartments.

Recent NSW Government planning reforms aimed at increasing housing supply such as the State-led rezonings of the Burwood North Metro Precinct and Croydon Transit-Oriented Development (TOD) area, the Low and Mid Rise Housing Reforms, and the establishment of the Housing Delivery Authority pathway for State Significant Developments indicate that the rate of apartment development in Burwood is set to further increase. This trend makes enhanced liveability standards essential to maintaining resident amenity and satisfaction, supporting community retention, and ensuring Burwood's continued competitiveness in the housing market.

It is therefore critical that projected residential growth occurs in parallel with high-quality urban design outcomes to ensure Burwood remains a desirable, sustainable, and competitive place for residents, workers, and visitors alike.

The Burwood Development Control Plan (BDCP), which came into effect on 1 March 2013, provides objectives and controls for residential flat buildings in centres (Part 3.2: *General Building Design Controls in Centres and Corridors*) and in residential precincts (Part 4.1: *Residential Flat Buildings in Zone R1*).

Contemporary urban and health research increasingly underscores the importance of the built environment in supporting physical and mental wellbeing. Studies highlight the role of design in fostering social connectedness and community interaction. Recent publications—such as *Life in Sydney* (Committee for Sydney), *Healthy Higher Density Living for Families with Children* (Western Sydney Local Health District), the *NSW Health Liveability Scorecard* (Sydney Local Health District), and *Planning for the Inclusion of Families with Children in Apartments* (James Martin Institute for Public Policy)—emphasise the need to improve liveability outcomes through better amenity, accessibility, and design. These factors contribute to improved health and wellbeing, reduced loneliness, and stronger social cohesion. Conversely, poorly designed communal spaces and inadequate private open spaces are linked to increased resident dissatisfaction, poorer mental health outcomes, and higher turnover rates.

The proposed updates to the BDCP align with Council's broader housing and development strategy, which seeks to secure long-term liveability benefits and promote a resilient, inclusive, and well-designed urban environment.

Proposal

It is proposed to introduce new development controls for apartment developments under Parts 3 and 4 of the Burwood Development Control Plan (BDCP) to enhance residential amenity and liveability through improved design outcomes. The proposed controls would not be inconsistent with the state level Apartment Design Guide and would strengthen the provision of:

- **Communal spaces**, including dedicated acoustically treated music rooms for children, multipurpose breakout areas for students and professionals, communal gyms, and active communal roof spaces.
- **Streetscape**, including requiring hydrant facilities and substations to be integrated into building designs with architectural treatments, landscaping or artwork whilst not compromising on compliance with building code and technical requirements
- **End-of-trip facilities** to support sustainable transport options.
- **Wider corridor widths** to improve internal circulation, amenity and accessibility.
- **Car share parking facilities** to encourage reduced car ownership and support sustainable mobility.
- **Measures to improve climate resilience and resource efficiency**, ensuring buildings are adaptable and environmentally responsible; and
- **Electric vehicle (EV) readiness** across the LGA, facilitating the transition to low-emission transport options.

An explanation for inclusion of the proposed amendments is detailed as follows:

Communal Spaces and Social Amenity

Communal spaces are not merely 'nice to have' areas; their spatial configuration, accessibility, safety and diversity of uses are critical to building social capital in apartment buildings. Strategic provision of flexible indoor (co-working, residents' rooms) and outdoor (activated rooftop spaces including rooftop gardens, children-friendly courtyards) communal spaces increases neighbour interaction and supports families, older people and culturally diverse communities to sustain social networks. Design detail such as lines of sight, passive surveillance, acoustics, universal access,

etc. will determine the success of these spaces. Inclusive communal spaces can also better respond to Burwood's culturally diverse population, supporting intergenerational living and cross-cultural exchanges.

Public open space is limited across the Burwood LGA and with increasing urbanisation, opportunities for new parks to meet the future open space needs are constrained. As such recommendations are made for future developments to optimise podium and rooftop areas to provide high-quality communal open spaces. Where ground-level communal open space provision is not feasible, these elevated spaces will play a critical role in meeting residents' recreational, social and amenity needs.

To ensure adaptability of apartment living in response to 'work-from-home' trends, it is proposed that a multipurpose 'breakout area' with natural ventilation and access to daylight be provided for students and professionals. Additionally, exercise facilities are to be provided for apartment developments comprising more than 60 dwellings to enhance residents' quality of life.

End-of-Trip Facilities

End-of-trip facilities, such as secure bicycle parking, showers, lockers, and change rooms, are becoming necessary in medium-to-large developments near centres and transport nodes to support sustainable transport use which is becoming increasingly popular. Such facilities are to be provided in accordance with the National Construction Code.

Corridor Design and Internal Circulation

To facilitate easy circulation within an apartment complex, it is proposed that internal corridors achieve a minimum clear width of 1.5m. Where practicable, corridors are to be designed to incorporate natural light and ventilation through windows, atriums, or light wells to avoid a sense of confinement. Finishes, lighting, and colour treatments of the corridor should create a welcoming environment that supports wayfinding and amenity.

Car Share Parking Spaces

The introduction of this control aims to facilitate sustainable transport choices by requiring the provision of well-located and accessible car share parking spaces within new developments. This initiative is intended to reduce reliance on private car ownership, encourage the use of active and public transport, and optimise the efficiency of limited parking and road space. By ensuring that developments containing ten or more dwellings include a dedicated and clearly marked car share parking space retained as common property, the policy supports more sustainable urban mobility and improved environmental outcomes.

Environmental Sustainability

To enhance resilience to climate change and improve resource efficiency, residential flat buildings are required to incorporate environmentally sustainable design (ESD) features including Water Sensitive Urban Design (WSUD) features, use of appropriate materials to prevent urban heat loss, increase groundwater absorption within the LGA.

Electric Vehicle (EV) Readiness

Future developments are required to incorporate safe, efficient and cost-effective EV charging for residents, visitors and building services. The amendments require all future residential car parking spaces to be 'EV Ready' with provision of a backbone cable tray and a dedicated space circuit with an EV Distribution Board enabling future installation of a smart EV charger and cabling. A minimum of one EV-ready connection must be provided to each private residential car space consistent with National Construction Code (NCC) requirements. Where scooter and bicycle charging is provided, it must be located in a dedicated room or enclosure (not within residential areas) satisfying NCC requirements.

Lighting and Night-Time Activation

Neon, LED neon and façade illumination is encouraged within the Burwood CBD and Special Entertainment Precinct to support the 24-hour economy and enhance its night-time character. The intent is to promote architecturally integrated, energy-efficient lighting that contributes to public safety, activation, and design excellence while managing glare, light spill, and amenity impacts. Dynamic lighting and artistic installations are encouraged in entertainment areas, with restrictions on flashing or intrusive effects. Lighting on heritage buildings must be sympathetic and reversible. All proposals require a Lighting Strategy and Luminance Report to demonstrate compliance with AS 4282 and DCP objectives.

Legislative and Editorial Updates

To improve pedestrian experience, streetscape presentation, and enhance environmental benefits, amendments to BDCP are proposed to ensure 50% of the 6m front setback is landscaped. It is proposed that the front setback include a minimum of 1.5m deep soil zone, landscaped with suitable species to accommodate mature tree growth. Controls are proposed to ensure hydrant facilities and substations are integrated into the overall building design and screened or enclosed so as not to adversely impact the streetscape amenity.

Additionally, some minor wording changes are also proposed to various parts of the BDCP to strengthen its intent and to keep it up to date with relevant legislative requirements, including removal of references to SEPP 65 throughout the DCP as this has been replaced with Chapter 4 of the State Environment Planning Policy (Housing) 2021, and other matters as indicated in Attachment 1.

Consultation

The exhibition of the draft amendments to the BDCP 2012 will be placed on Council's Participate Burwood engagement platform for a minimum of 28 days in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2021* and Council's *Community Participation Plan*.

Any submissions received during the exhibition period will be considered as part of the post exhibition report, which will be presented to Council following the completion of the exhibition period.

Planning or Policy Implications

The proposed amendments to the BDCP are intended to strengthen Council's policy provisions for new and existing residential apartment development within Burwood LGA. The amendments ensure that residential apartment living delivers high-quality communal and building facilities, creates safe internal circulation spaces to contribute positively to residential amenity, preparedness towards EV infrastructure and climate resilience, and aligns with current legislative requirements.

Financial Implications

There are no financial implications for Council resulting from the proposed BDCP amendments.

Conclusion

The proposed amendments to Part 3 and 4 of BDCP seeks to introduce additional controls for residential apartment buildings in Zone R1 General Residential, Zone MU1 Mixed Use and Zone E1 Local Centre within the Burwood LGA. To ensure future density growth in Burwood does not outpace quality of life for residents and visitors, it is essential that existing development controls applying to residential apartment buildings are updated in a timely manner.

It is recommended that Council endorse the draft amendments to BDCP as discussed in this report and Attachment 1 for the purposes of public exhibition.

Recommendation(s)

1. That the proposed amendments to the Burwood Development Control Plan 2013 (BDCP), as outlined in **Attachment 1**, be endorsed for the purposes of public exhibition and be exhibited in accordance with relevant Legislation and Council's *Community Engagement Strategy*.
2. That following the exhibition of the DCP amendment, a report be brought to Council advising of any submissions and making recommendations on the finalisation of the draft amendment.

Attachments

- 1 [↓](#) Liveability Improvements - Amendments to Burwood DCP

DCP Amendment – Liveability Improvements to Apartment Developments

The following controls are recommended to be inserted in Parts 3 and 4 of the Burwood Development Control Plan (BDCP).

A) Communal Facilities

ACTIVATED ROOFTOP AND PODIUM COMMUNAL OPEN SPACE

Burwood Council is embracing bold and forward-thinking approaches to enhance liveability in high-density apartment living by encouraging the inclusion of activated communal open spaces, preferably on rooftops and podium levels. These areas may incorporate a range of activities such as music and creative spaces for children, breakout or study areas for students and professionals, exercise and wellness facilities, sports activities such as basketball court or even rooftop swimming pools.

As the demand for apartment living continues to rise across the Burwood LGA, these spaces are essential to support recreation, social connection, and wellbeing where access to ground-level open space is limited.

Developments are encouraged to adopt innovative communal space designs that respond to the unique needs and lifestyles of their residents. Council places particular emphasis on providing music and creative rooms for children, breakout or study areas for students and professionals, and exercise/wellness facilities as part of these activated spaces. Alternative forms of communal activation that align with the intent of enhancing liveability and social interaction will also be considered on their individual merit, having regard to their design quality, functionality, and overall contribution to community life and wellbeing.

Objectives

- O1** To ensure rooftop and podium communal open spaces or Residential Accommodation are high-quality, accessible, and actively used recreational and social areas that enhance community interaction and provide meaningful outdoor opportunities in a high-density environment where ground-level open space is limited.
- O2** To respond to the growing demand for open space from increasing apartment development by requiring the activation of rooftop and podium communal areas through design that promotes liveability, urban greening, and climate resilience, while fostering a vibrant sense of community and wellbeing for all residents.
- O3** To encourage the inclusion of diverse activities within activated rooftop and podium spaces, such as, breakout areas for students/professionals, and exercise or wellness facilities, music or creative studios etc that support social connection, creative expression, and healthy living in high-density residential environments.

Controls

- P1** Building rooftops including podiums that are designated communal open space must be designed to meet the performance requirements of the National Construction Code (Building Code of Australia) NCC.

- P2** Any proposed communal open space for Residential Accommodation located on the building podium and/or rooftop is to:
- a) Be consolidated into a useable area with a minimum width of 6m and a minimum area of 36sqm.
 - b) Be located so that solar access is provided for users of the open space between 10.00 am and 2.00 pm on 21 June.
 - c) Be designed to a high quality with universal access and allow for landscaping, seating and safety to the users.
 - d) Be structurally sound and have the capacity of supporting planting and adequately draining growing medium.
 - e) Have no direct sightlines to the habitable room windows and private open space of the adjoining and residences onsite.
 - f) Not result in unreasonable noise impacts on the adjoining residences, justified in the Management Plan.
 - g) Any shading devices, privacy screens and planters should not adversely increase the visual bulk of the building.
 - h) Any stairway and associated roof should not detract from the architectural character of the building, and be positioned to minimise direct and oblique views from the street.
 - i) The provision of landscape planting on the roof (green roof) must be designed by a qualified landscape architect or designer with details shown on a landscape plan.
 - j) An Acoustic Report and Management Plan is required to be submitted with a Development Application to detail planting schedule, maintenance plan and usage hours to address potential noise concerns.
- P3** Council encourages activation of roof space via creative uses including but not limited to the following:
- a) Social and recreational areas – seating, BBQs, dining, and relaxation zones including rooftop swimming pools;
 - b) Health and wellbeing spaces – outdoor fitness, yoga, gym and walking loops;
 Note: Outdoor fitness facilities provided for the use of building occupants, such as basketball or tennis courts etc, must be appropriately fenced or mesh-enclosed to prevent sports equipment from leaving the designated play area and to ensure safety and amenity for all residents and neighbouring properties.
 - c) Family-friendly play areas – safe, shaded spaces for children and families.
 - d) Productive and community gardens – shared planting beds and composting zones;
 - e) Flexible communal spaces – adaptable areas for co-working, study, or small gatherings.

- f) Creative and cultural uses within the areas mapped as the Burwood Town Centre under the BLEP 2012, including spaces with separate access from residential uses, such as for art displays, small performances, community events, and small-scale outdoor cinema or projection walls.

ACTIVE COMMUNAL OPEN SPACES - Music/Creative Space

Controls

- P1** To ensure when provided, music/creative space is designed to minimise noise, maximise amenity, and cater to diverse household needs taking into consideration the following requirements:
- a) Development comprising more than 60 dwellings is to provide at least one dedicated multipurpose communal room suitable for children's music lessons and creative activities.
 - b) Music practice rooms are to be easily accessible to all residents within the development, preferably at the ground floor level or other common area; and of a size that can support their intended function.
 - c) Where a dedicated children's music room cannot be accommodated at ground level, it may be provided within the rooftop communal area, provided the space is appropriately designed and acoustically treated to prevent noise transfer and maintain residential amenity.
 - d) Music practice rooms are to be appropriately sound proofed so as not to disturb adjoining building occupants when in use.
 - e) An Acoustic Report and Management Plan is required to be submitted with a Development Application to detail usage hours to address potential noise concerns.

ACTIVE COMMUNAL OPEN SPACES - Breakout Areas for Students and Professionals

Controls

- P1** Development within Residential Accommodation comprising more than 60 dwellings is to provide at least one communal co-working or study area, designed to accommodate students and residents working from home.
- P2** Breakout areas must:
- Be accessible to all residents;
 - Incorporate natural light and ventilation;
 - Provide appropriate furnishings, power outlets, and digital connectivity; and
 - Be located to minimise noise conflicts with adjoining dwellings.

ACTIVE COMMUNAL OPEN SPACES - Exercise Facilities

Controls

- P1** Developments within Residential Accommodation comprising more than 60 dwellings are encouraged to provide on-site exercise facilities such as gyms, fitness studios, or active recreation spaces.
- P2** Exercise facilities must:
- Be designed with appropriate acoustic treatment to prevent noise transfer;
 - Provide adequate ventilation and natural light; and
 - Be accessible to all residents.
- P3** An Acoustic Report and Management Plan is required to be submitted with a Development Application to detail usage hours to address potential noise concerns.

END OF TRIP AMENITIES

Objectives

- O1** To encourage alternatives to private motor vehicle use and support sustainable transport, such as public transport, walking or cycling.
- O2** To encourage active and healthy lifestyles, sustainable transport choices, and opportunities for social connection within apartment developments.

Controls

- P1** Mixed use and Commercial development must provide end-of-trip amenities on site, including:
- a) Secure, accessible bicycle parking;
 - b) Lockers; and
 - c) Shower and change facilities, must be accessible, secure, unisex and ventilated consistent with the requirements of National Construction Code (NCC).
- P2** The end of trip amenities must be safe, well-lit, signposted, weather protected and secure for the users of the development to meet the requirement of NCC.
- P3** End-of-trip amenities are to be conveniently located near building entries or communal circulation areas, and not to be located on through-site link land and footpath widening areas.
- P4** Bicycle storage must be located with good passive surveillance and direct, level or ramped access to the primary pedestrian entry or street. Basement bike parking should be on the uppermost basement level adjacent to pedestrian exits. Visitor bicycle parking must be provided on grade close to the main entrance. The path from bike parking to the entry must be a minimum clear width of 1.5 m.

B) Building Design

CORRIDORS AND INTERNAL CIRCULATION

Objectives

- O1** To create safe and pleasant spaces for circulation of residents and visitors and their possessions.
- O2** To facilitate good apartment layout with optimal environmental performance.

To contribute positively to the built form and façade articulation.

Controls

- P1** Internal corridors must provide a clear width of 1.5 m for single-direction circulation and 1.8 m where two-way passing is expected (or where corridors serve 8 or more units). Where bicycle circulation or furniture movement is likely, allow 1.5 m clear width. Internal residential corridors must comply with the BCA and AS 1428 (accessibility) requirements.
- P2** Corridors must incorporate natural light and ventilation through windows, atriums, or light wells to reduce confinement and improve amenity. Developments must demonstrate the following to improve internal circulation:
- a) Provide natural lighting and ventilation.
 - b) Provide generous corridor widths at lobbies, foyers, lift doors and apartment entry doors.
 - c) Allow adequate space for the movement of furniture.
 - d) Minimise corridor lengths to give short, clear sightlines.
 - e) Articulate long corridors with a series of foyer areas, and/or providing windows along or at the end of the corridor.
 - f) Avoid tight corners.
- P3** Apartment layout has a significant impact on the length of internal corridors. Development must consider the following to maximise opportunities for natural lighting and ventilation and the overall design of internal corridors:
- a) maximise the number of pedestrian entries along a street for sites with wide frontages or corner sites.
 - b) The number of dwelling units accessible off a circulation core must be in accordance with ADG requirements.
 - c) Articulate the building façade accordingly to minimise corridor lengths and to maximize natural lighting and ventilation.
- P4** Finishes, lighting, and colour treatments of internal corridors/lobby should create a welcoming environment that supports wayfinding and amenity.

HYDRANT FACILITIES AND SUBSTATIONS - INTEGRATION INTO FACADES

Objectives

- O1** To ensure hydrant facilities, substations, and essential service infrastructure are designed and located to meet operational and emergency access requirements.
- O2** To integrate essential services into the overall building design in a way that minimises visual and acoustic impacts and maintains streetscape quality and residential amenity.

Controls

- P1** Services that require direct street access, including fire hydrant boosters, substations, and similar infrastructure, must be integrated into the overall building design or boundary fence and screened or enclosed.
- P2** These facilities must not detract from the streetscape and must be presented within an architectural treatment, art work, landscaping or screening that complements the building's design, materials, and colours.
- P3** Substations must provide safe and adequate ventilation.
- P4** Development Applications must show the location, dimensions, and design of hydrant boosters and substations on plans and elevations (minimum 1:50 scale) and perspectives, to demonstrate architectural integration.
- P5** Must be designed to meet the requirements of the National Construction Code (Building Code of Australia) NCC and Technical Design Requirements of the relevant infrastructure provider.

EV READINESS AND EV CHARGING

Objectives

- O1** To ensure new development is designed and constructed to enable safe, efficient and cost-effective electric vehicle (EV) charging for residents, visitors and building services.
- O2** To reduce emissions associated with transport and support Council's sustainability objectives by enabling uptake of electric vehicles.
- O3** To future-proof parking infrastructure so on-site charging can be provided with minimal retrofit cost and minimal disruption to occupants.
- O4** To ensure EV charging infrastructure is safe, accessible, equitable and integrated with building electrical services and strata management arrangements.

Controls

- P1** EV charging infrastructure (provision of a backbone cable tray and a dedicated space15A circuit with an EV Distribution Board) in private car spaces must be safely integrated into the car parking design and must not obstruct vehicle manoeuvring or pedestrian access, satisfying the NCC requirements.

- P2** All car parking spaces in residential accommodation must be 'EV Ready'. A minimum of one EV-ready connection must be provided to each private residential car space consistent with National Construction Code NCC requirements.
- P3** Where scooter and bicycle charging is provided, it must be located in a dedicated room or enclosure (not within residential areas) satisfying the NCC requirements.
- P4** All EV charging areas must provide adequate ventilation, fire detection and suppression appropriate for lithium-ion battery risks
- P5** Development Applications must demonstrate how EV charging facilities are to be provided, including:
- a) The number and location of EV-ready and EV-installed car spaces (private, visitor and common).
 - b) The location of distribution boards, conduits and enabling infrastructure.
 - c) The location of scooter and bicycle charging rooms, showing separation from lifts and evacuation paths.
 - d) Drawings must clearly identify charging areas and associated infrastructure.
 - e) An Electrical Services Report prepared by a qualified electrical engineer demonstrating compliance with the NCC and relevant Australian Standards including load capacity, EV-ready infrastructure and control systems.
 - f) A Fire Safety Statement prepared by a fire safety engineer or suitably qualified consultant (where required), addressing fire separation, detection, suppression and ventilation, particularly for scooter and bicycle charging rooms.
 - g) A summary of EV charging facilities and compliance with the NCC must be provided in the Statement of Environmental Effects (SEE).
- P6** A development application is to be accompanied by a Load Management Plan. Any new substation required on the site must have the electrical/local capacity to facilitate an appropriate volume of EV chargers.
- P7** Must be designed to meet the requirements of the National Construction Code (Building Code of Australia) NCC and Technical Design Requirements of the relevant infrastructure provider.

EXTERNAL NEON, LED NEON AND FAÇADE ILLUMINATION WITHIN THE CBD

Objectives

- O1** To support the 24-hour economy by encouraging creative, safe, and well-designed building illumination.
- O2** To enhance the night-time identity, character, and legibility of the CBD through high-quality external lighting.
- O3** To ensure lighting design is integrated with building architecture and public domain improvements.

- O4** To minimise glare, light spill, energy waste, and adverse amenity impacts on adjoining properties.
- O5** To ensure lighting respects the heritage significance and character of existing buildings and streetscapes.

Controls

- P1** External neon, LED Neon and Illumination for buildings must be designed as part of the building façade and coordinated with materials, fenestration, and structural lines. Surface-mounted conduits or visible cabling are not permitted. Illumination Must be limited to the main front street elevation.
- P2** Energy-efficient systems such as LED neon or programmable LED lighting are preferred. Traditional gas neon may only be used for heritage restoration or artistic installations.
- P3** Lighting should highlight architectural features or public art, not overwhelm or obscure them. Overly dominant or visually cluttered installations are discouraged.
- P4** Colour-changing or dynamic lighting may be permitted within entertainment precincts if effects are subtle, rhythmic, and do not cause discomfort or confusion with traffic signals. Flashing or strobe effects are prohibited.
- P5** Lighting must be appropriately scaled to the building and street context. Roofline or parapet illumination are supported where forming part of a coordinated architectural or skyline feature.
- P6** Illumination must comply with AS 4282: Control of the Obtrusive Effects of Outdoor Lighting. Glare, light trespass, and sky glow must be minimised through shielding, direction, and dimming controls. Illumination shall be designed to be contained within site to which the lighting is installed and shall not to cause a nuisance to other residences in the area, to motorists on nearby roads or aircraft.
- P7** On heritage items or within heritage conservation areas:
 - a) Lighting must be non-invasive, reversible, and compatible with architectural detailing.
 - b) Warm, low-intensity lighting ($\leq 3000\text{K}$) is preferred.
 - c) Significant original neon signage (if present) should be retained and conserved where safe and feasible.
- P8** Lighting facing public streets, laneways, or open spaces must contribute positively to pedestrian safety and visual interest without causing distraction or discomfort.
- P9** All installations must demonstrate energy efficiency, use of smart controls (timers, dimmers, or sensors), and minimal maintenance requirements.
- P10** Council may approve short-term or event-based lighting activations for up to 12 months, provided they meet safety, amenity, and design standards.
- P11** Where multiple illuminated features occur within a single block or precinct, proposals must demonstrate a coordinated approach that avoids excessive brightness or visual competition.

P12 The following Operating Hours will apply:

- a) Lighting may operate until 2:00am in designated special entertainment precincts.
- b) Lighting must be dimmed or switched off by 12:00am/midnight in all other commercial areas.
- c) Lighting may remain at reduced brightness ($\leq 30\%$) overnight for safety or wayfinding purposes.

P13 The following are not permitted:

- a) Flashing, pulsating, or rapidly changing lights (except for approved events);
- b) Laser projections or sky beams;
- c) Lighting that mimics traffic or emergency signals.

P14 Development applications must include a Lighting Strategy and Luminance Report prepared by a suitably qualified lighting designer, detailing the following:

- a) Lighting objectives, design intent, and technology;
- b) Night-time visualisations or photomontages showing proposed illumination in context;
- c) Luminance levels, maximum brightness (cd/m^2), light colour (Kelvin rating), and light spill analysis;
- d) Compliance with AS 4282 and relevant DCP provisions.

P15 For heritage sites, a Heritage Impact Statement addressing reversibility and visual compatibility.

P16 Council may consider variations to these provisions where proposals demonstrate:

- a) Exceptional design merit or public benefit;
- b) Contribution to the night-time character and safety of the precinct; and
- c) Effective mitigation of environmental and amenity impacts.

C) Climate Resilience and Sustainability improvements

SUSTAINABILITY AND URBAN HEAT LOSS

Objectives

- O1** To ensure the efficient use of resources in building design, construction and operation and reduce over-all environmental impact.
- O2** To ensure that development is resilient against the effects of climate change.
- O3** To reduce urban heat load and increase canopy coverage and ground absorption of water.
- O4** To minimise the impact of new development on the existing stormwater system.
- O5** To minimise discharge of stormwater from site.

Controls

- P1** Development is to use hard-wearing materials that can withstand climatic extremes, including, wind, rain and temperature extremes (each of which may cause warping, bending, blistering, fading or melting) through:
- (a) Minimising applied finishes where possible.
 - (b) Specifying durable materials, to ensure longevity and withstand the extremes of weather and climate.
 - (c) Specify materials and finishes which patina, weather or age favourably overtime, rather than deteriorate.
 - (d) Selection of materials with longer design life.
 - (e) Selection of materials with better performance in hot temperatures.
- P2** Minimise western glazing, use roof overhangs (eaves) and incorporate additional shading to balconies/verandas, where possible.
- P3** Green roofs are encouraged, wherever practical incorporating a range of low maintenance vegetation and native plants including a variety of plant sizes, layers of planting inclusive of fruit and vegetable gardens.
- P4** Stormwater from roofs, streets, pavements and lawns are to be captured and re-used, wherever possible.
- P5** The roof materials of new buildings shall incorporate light colours to prevent the urban heat island effect.
- P6** Stormwater drainage and on-site detention is to be designed in accordance with Council's Stormwater Management Code
- P7** Drainage systems must be sized to consider increases in rainfall intensity, frequency and duration under future climate change.

WATER SENSITIVE URBAN DESIGN (WSUD)

It is proposed that specific controls relating to Water Sensitive Urban Design (WSUD) be applied to new residential accommodation buildings. This provision will protect and improve the quality of stormwater runoff from the development and will integrate sustainable water management practices into the building and landscape design.

Objectives

- O1** Implement effective Water Sensitive Urban Design (WSUD) and stormwater quality improvements for both private developments and public areas to manages stormwater where practicable .
- O2** Manage the overall discharge of stormwater across the site to mitigate potential negative effects existing downstream waterways, such as erosion, pollution, sedimentation and local area flooding.
- O3** Ensure that on-site stormwater management measures can be operated and maintained according to design specifications

Controls

- P1** All developments must implement a rainwater retention and WSUD approach. Specific calculation guidelines for the extent of Rainwater Collection and WSUD provision are to be in accordance with Council's Stormwater Management Plan and in proportion to the scale of development.
- P2** Unless otherwise advised by Council, WSUD systems must generally be designed to treat storm events up to the 1-1.5 year flooding event. Low flows of this frequency must be separated from higher flows, which will be diverted into on-site detention (OSD) and other stormwater quantitative management systems.
- P3** Developments must maximise the capture and reuse of rainwater from roofs where possible.
- P4** Where practicable, WSUD treatments must be used in as many instances as possible and mechanical treatment technology should only be used if necessary.
- P5** WSUD principles must be integrated into the development through the design of stormwater drainage, on-site detention, and landscaping, as well as in the orientation of the development and should avoid reliance on 'end of pipe' treatment devices prior to discharge.
- P6** Impervious surfaces are to be avoided where practicable
- P7** Rainwater storage and tanks are encouraged for all developments, with a provision for greater capacity than the minimum BASIX requirement for residential developments.
- P8** Developments should be sited and built to minimise disturbances on natural drainage systems
- P9** Adequate provisions must be made for the control and discharge of stormwater runoff from the site to ensure that it does not adversely impact Council's stormwater drainage systems, waterways, the development itself, or adjoining properties.
- P10** The construction of stormwater drainage lines through public reserves or land that may be dedicated to Council is not permitted
- P11** Stormwater drainage is to be designed in accordance with Council's Stormwater Management Code.
- P12** Stormwater runoff must not adversely impact surrounding properties or Council infrastructure and assets through the diversion and concentration of flows.
- P13** For developments connecting to the existing site stormwater drainage system, a plan indicating the layout and details of the existing system, along with a certificate from a qualified and practicing plumber certifying the functionality and condition of the system, must be submitted with the Development Application.
- P14** All developments involving site disturbance must include details of Erosion and Sedimentation Control measures designed in accordance with the Soil and Water Management for Urban Development – NSW Department of Housing and Stormwater Management Code.

- P15** Connection of any stormwater or drainage systems to Council's systems must be undertaken in accordance with Council's Stormwater Management Code.
- P16** Charged drainage is permitted within the development. However, the final discharge of stormwater to Council infrastructure must be by gravity.
- P17** Private drainage easements must be designed and located on the lower side of a property, be free of building encroachments and must comply with Council's Stormwater Management Code.

CAR SHARE PARKING SPACE

Objectives

To facilitate sustainable transport choices by providing well-located and accessible car share parking spaces within new developments and public areas, thereby reducing private car ownership, supporting active and public transport use, and optimising the efficiency of limited parking and road space.

Controls

- P1** In any form of Residential Accommodation which exceeds ten or more self-contained dwellings one car parking space within the development is to be allocated as Car Share Parking Space, with clear signage for the exclusive use of a car share scheme.
- P2** The car share parking space must be accessible and clearly identified on the plan and is to be retained as common property of the Owners Corporation of the site.

D) Minor Amendments to Section 4.1.2 of Burwood DCP to apply to RFBs across Burwood LGA

Existing Clause	Proposed Clause
<i>Setbacks</i> P2 The front setback of a building is to be a minimum of 6m.	P2 The front setback of a building is to be a minimum of 6m, 50% of which must be landscaped. Retain and protect existing trees above 10m tall within the 10m of property boundaries. Adjust building façade alignments accordingly. AS 4970:2025 Protection of trees on development sites, requirements would apply. No basement is permitted under the front setback to allow growth of mature trees. A minimum of 1.2m and preferably 1.5m depth of two horizons growing medium and drainage from top of slab to finished surface where basement parking under the front setback cannot be avoided. Private landscape areas at the property boundary must be designed to match the adjoining street levels.

	Retaining walls along the street frontage must not exceed 800mm in height. On sloping streets, the front setbacks may be terraced down along the street frontage, provided that no individual wall exceeds 800mm in height. The contiguous landscape area must not be divided by retaining walls running parallel to the property boundary.
<i>Landscaping</i> P10 A minimum of 10% of the site area is to be deep soil and have a minimum dimension of 4 metres.	P10 A minimum of 10% of the site area is to be deep soil and have a minimum dimension of 4 metres. For sites larger than 1500sqm, a deep soil zone shall consist 15% of the site. Where a basement carpark protrudes to deep soil areas, provide suitable two horizon topsoil growing medium, including a drainage layer to allow for mature tree growth.
<i>Length of Building Facades</i> P5 The maximum frontage length of a building facing a street is 45 metres.	P5 The maximum frontage length of a building facing a street is 45 metres. The front facades of buildings are to include articulation elements at least every 5 metres.
<i>Building Design</i> P4 Uninterrupted blank wall is to be avoided in all visible parts of the façade from the public domain or adjacent neighbourhood. Blank wall should demonstrate visual interest through articulation and material integrated with the overall façade design.	P4 Uninterrupted blank wall is to be avoided in all visible parts of the façade from the public domain or adjacent neighbourhood. Blank wall should demonstrate visual interest through articulation of material and incorporation of temporary or permanent public art installations created by local artists, integrated with the overall façade design. This shall be in accordance with the requirements of the <i>Burwood Public Art Guideline for Developers</i>.
<i>Private Open Space</i> P1 Private open space may be in the form of courtyards, decks or balconies and is to be provided for every dwelling in a development.	P1 Private open space may be in the form of courtyards, decks, balconies or on podium levels and is to be provided for every dwelling in a development to cater for the immediate needs of the new residents.

E) Minor Amendments to Chapter 1 of Burwood DCP

Insert the paragraph below at the end of **Part 1.6 Relationship to Other Plans and Policies**

Development Applications are required to demonstrate alignment with Council's adopted strategic plans, policies, guidelines, and technical manuals relevant to the site or development type. Where variations are proposed, applicants must provide a justification demonstrating that the intent and objectives of the relevant policy or guideline are achieved to Council's satisfaction. In assessing proposals, Council will consider merit-based compliance with its adopted strategic plans, policies, and guidelines.

(Item 75/25) Draft Voluntary Planning Agreement Policy for Exhibition

File No: 25/31593

Report by Director City Strategy

Summary

Planning agreements, commonly referred to as Voluntary Planning Agreements (VPAs), are legal contracts between a planning authority and a developer. Introduced in NSW in 2005 under the *Environmental Planning and Assessment Act 1979* (EP&A Act), VPAs apply to planning proposals and development applications, allowing developers to voluntarily negotiate contributions to public infrastructure and services. VPA contributions may include land, monetary payments, public works or other public benefits. VPAs help fund infrastructure needed to support growth. They operate alongside Section 7.11 (formerly Section 94) and Section 7.12 (formerly Section 94A) contributions to secure additional infrastructure funding transparently.

Council currently operates under two Planning Agreement Policies, which sought to align with the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act) and Clauses 4.3A and 4.4A of the Burwood Local Environmental Plan 2012 (BLEP 2012). These BLEP provisions allow, in certain circumstances, an additional 10% to the base BLEP Floor Space Ratio (FSR) on specific sites within and around the Burwood Town Centre where community infrastructure is provided or where contributions address car parking deficiencies. They also apply to other planning agreements associated with planning proposals and development applications involving variations to development standards under Clause 4.6 of the BLEP.

In response to updated Department of Planning, Housing and Infrastructure (DPHI) guidelines, and following advice from the Independent Commission Against Corruption (ICAC), a review of the existing framework has been undertaken. As a result, a new draft Planning Agreement (VPA) Policy has been prepared looking to enhance clarity, transparency, and consistency and replace the existing Council framework.

This report seeks Council's endorsement to publicly exhibit the Draft Planning Agreement Policy 2025 and to prepare a Planning Proposal to amend the BLEP so Clauses 4.3A and 4.4A can apply more broadly to higher density zones (R1, R3, MU1 and E1). This would support the provision of more community infrastructure, where a shortfall exists in existing contributions plans and look to provide better building design through mandatory design excellence, character tests and improved environmental sustainability standards.

Operational Plan Objective

- A.98 Undertake comprehensive community engagement programs to seek community input on Council projects, operations, initiatives and major decisions.
- C.3 An urban environment that maintains and enhances our sense of identity and place.
- C.3.1 Facilitate well designed, high quality and sustainable land use and development that is appropriately scaled to complement its surroundings.
- C.4 Sustainable, integrated transport, infrastructure and networks support population growth and improve liveability and productivity.
- C.4.2 Plan for a city that is safe, accessible and easy to get to and move around in.
- C.10 A well informed community active in civic life, local planning and decision making
- C.11.1 Conduct Council business with transparency, accountability, compliance and probity that ensures community confidence in decision making
- A.70 Work with developers to promote sustainable development
- C.9 Safe, clean and activated streets, centres and public places are enjoyed by people day and night
- P.38 Deliver attractive, healthy streetscapes and centres that are inviting and foster community pride

Background

Voluntary Planning Agreements and Legal Framework

Planning agreements, commonly referred to as Voluntary Planning Agreements (VPAs), are legal contracts entered into between a planning authority, such as a Council, and a developer. In New South Wales, VPAs were introduced in 2005 under EP&A Act. They may apply to any planning proposal or development application made under the EP&A Act and enable developers to contribute towards public infrastructure and services associated with rezonings or development approvals. Contributions can take the form of land dedication, monetary payments, the delivery of public amenities or services, or any other material public benefit.

The primary purpose of VPAs is to assist in funding infrastructure necessary to support new development. Unlike mandatory development contributions, VPAs are voluntary and negotiated by agreement. However, any contribution must serve a public purpose, mitigate impacts arising from the development, or otherwise deliver a benefit to the community.

VPAs operate alongside other contribution mechanisms established under the EP&A Act, including:

- Section 7.11 contributions (formerly Section 94), which are imposed to fund infrastructure with a broad nexus to development and can be variable on the land use and scale of development.
- Section 7.12 contributions (formerly Section 94A), which are fixed percentage levies on development costs that can be applied across all land use and development types.

Together, these mechanisms enable Councils to secure funding for essential infrastructure in a transparent and accountable way.

Many Councils, including Burwood Council, have specific policies governing planning agreements. For example, Clauses 4.3A and 4.4A of the BLEP allow an additional 10% Floor Space Ratio for particular sites within and around the Burwood Town Centre, subject to the delivery of community infrastructure or payment toward community infrastructure through a VPA.

The legal basis for VPAs is primarily set out in:

- Part 7 Infrastructure Contributions & Finance, Subdivision 2 Planning Agreements of the EP&A Act 1979, which establishes the statutory framework.
- Part 9, Division 1 Planning Agreements of the Environmental Planning and Assessment Regulation 2021, which provides procedural requirements.

Section 7.4 of the EP&A Act defines planning agreements and the scope of public purposes they may serve. Under this provision, a “public purpose” (without limitation) may include:

- (a) The provision of (or the recoupment of the cost of providing) public amenities or public services.*
- (b) The provision of (or the recoupment of the cost of providing) affordable housing.*
- (c) The provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land.*
- (d) The funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing, or transport or other infrastructure.*
- (e) The monitoring of the planning impacts of development.*
- (f) The conservation or enhancement of the natural environment.*

Key provisions for preparing a VPA include:

- A VPA must be based on the developer's voluntary offer to provide or contribute towards a public purpose. A Council cannot require a VPA as a pre-condition to determining a planning proposal or development application.
- The obligations under a VPA do not have to be directly related to the development but must deliver a public purpose.
- A VPA may be prepared in addition to, or instead of, contributions under Section 7.11 or Section 7.12.
- A VPA must be publicly exhibited for at least 28 days prior to execution.
- Once executed, a VPA may be registered on the title of the land to which it relates.
- Agreement or execution can be completed via a Council resolution or under delegations issued to the General Manager (and as sub-delegated).

Principles for Councils Entering into Planning Agreements

The Department of Planning, Housing and Infrastructure (DPHI) has advised that Councils should apply several guiding principles when considering planning agreements:

- Planning Agreements must be negotiated
- Assessment on merit: Development proposals must be assessed on their planning merits, not based on any planning agreement offered.
- Public benefits linked to development: The public benefits should have a relationship to the development, even though a strict nexus is not required.
- No use for general revenue raising: VPAs must not be used to address Council revenue shortfalls.
- Value capture limitations: Value capture should not be the primary purpose of the agreement.

Additional principles relevant to local circumstances can be outlined in a Council's planning agreements policy.

Objectives of Planning Agreements

While objectives may vary between Councils, planning agreements generally aim to:

- Meet demands created by development for new or upgraded public infrastructure, amenities or services.
- Secure off-site benefits so that development delivers a net community benefit.
- Compensate for the loss of, or damage to, public amenities, services, resources or assets by providing replacement, repair or regeneration.

Councils may define additional objectives within their policies.

Acceptability Test for Planning Agreements

Before entering into a planning agreement, Councils should assess whether it meets the following acceptability criteria:

- The agreement is directed towards legitimate planning purposes identifiable in planning controls and strategies applying to the development.
- The agreement delivers infrastructure or public benefits not wholly unrelated to the development.
- The outcomes align with public expectations and protect the broader public interest.
- The agreement provides reasonable and achievable means to deliver the intended benefits.
- The agreement protects the community against adverse planning outcomes.

Councils can adopt further criteria as relevant to their local circumstances.

Appropriate Use of Planning Agreements

Planning agreements can be particularly valuable where:

- Infrastructure delivery requires tailored governance or coordination, such as in new release areas or urban renewal precincts.
- Flexible funding arrangements are needed.
- Innovative infrastructure solutions are necessary and would not be feasible through standard contributions plans.

Councils should ensure planning agreements:

- Complement rather than replace comprehensive infrastructure planning.
- Do not prioritise site-specific proposals merely because of the opportunity for public benefits.
- Integrate with broader planning and funding strategies.

Nexus Requirements and Recurrent Contributions

Unlike Section 7.11 contributions, VPAs are not required to demonstrate a direct nexus between the development and the public benefits provided. However, benefits must not be entirely unrelated to the development.

VPAs may include recurrent funding obligations, for example:

- Covering the operating costs of infrastructure primarily serving the development or surrounding developments.
- Interim funding for infrastructure that will eventually serve the wider community until an alternative revenue stream is established.

Value Capture Considerations

Under the NSW planning framework, value capture within Planning Agreements refers to the mechanism by which a portion of the increase in land value (uplift) resulting from a change in planning controls such as rezoning, increased building height, or floor space ratio is shared between the developer and the community.

The purpose of value capture in the context of NSW VPA legislation is to promote public benefit by ensuring that part of the private value created by planning decisions contributes to public infrastructure, facilities, and services that support both the development and the wider community. It also seeks to align development with infrastructure delivery by linking planning outcomes with the timely provision of strategic and local infrastructure, including transport upgrades, open space, community facilities, and affordable housing. In addition, value capture ensures fairness and equity by balancing the benefits between landowners and the broader community, ensuring that developers contribute proportionately to the impacts and benefits of their projects.

Value capture has been incorporated into the Draft Planning Agreement Policy. The use of planning agreements for value capture is not prohibited, nor does it prevent Council from establishing a transparent formula as an initial basis for negotiations to determine contribution amounts for consistency.

Accordingly, as a basis for negotiation Council proposes to retain the current monetary contribution rate for bonus floor space associated with development applications and to apply a formula-based approach for planning proposals. This formula would look to identify base contribution amounts equivalent to 50% of value uplift for sites within the Burwood and Strathfield Town Centres, and 30% of value uplift for sites within the remainder of the Local Government Area (LGA).

Relationship to Planning Proposals and Development Applications

When considering planning agreements:

- **Planning proposals:** The objectives and outcomes of a planning proposal must be clearly stated and justified. The role of any planning agreement in achieving these outcomes should be described in the proposal documentation.
- **Variations to development standards:** Benefits under a VPA cannot be used as the basis for varying development standards under Clause 4.6 of the Standard Instrument LEP. Variations must be justified independently on planning grounds. It is noted that, historically, some planning agreement policies linked agreements to the public benefit considerations under Clause 4.6 variation requests. However, this approach can no longer be used, as the public benefit consideration under Clause 4.6 of the BLEP has been removed by the NSW Government.
- **Development applications:** Councils must consider any planning agreement (or draft agreement) and any public submissions relating to it.
- **Conditions of consent:** VPAs should not duplicate or restate obligations imposed by development consent conditions.

Affordable Housing Contributions

Where a planning agreement provides for affordable housing, Councils must consider the Environmental Planning and Assessment (Planning Agreements) Direction 2019, which sets out specific requirements. Alternatively, Councils can collect affordable housing contributions through schemes established under their Local Environmental Plans.

The Establishment of Planning Agreement Policies

The legislation does not require Councils to prepare policies and procedures governing the use of planning agreements. However, the DPHI and ICAC strongly encourage Councils to develop such policies to ensure planning agreements are used transparently and with certainty. This is essential to protect the public interest, uphold the integrity of the planning system, and promote the efficient use of planning agreements. To this end, DPHI has prepared practice notes to assist Councils in preparing planning agreements policy, the first one published in February 2021 and more recent updates by DPHI in 2025 via the following website link:

<https://www.planningportal.nsw.gov.au/local-infrastructure-contributions/using-planning-agreements>

Planning agreements should be implemented within a robust policy framework so that all parties have clarity about how they will operate and to avoid any perception that planning decisions are for sale.

Councils should develop a planning agreement policy that sets out how planning agreements will be used in their specific circumstances. Such a policy safeguards against misuse of agreements in planning processes, which could seriously undermine good planning outcomes and public confidence in the system. Councils should ensure that planning decisions are made openly, honestly and independently in each case, and that they are fair and consistent over time.

A planning agreement policy does not need to reproduce the legislative requirements or the content of this practice note. Rather, it should describe the approach the Council will take to planning agreements in its local context.

Where possible, Councils and developers should negotiate the planning agreement before the determination of the development application or before the local environmental plan implementing the planning proposal is made. This enables the planning agreement to respond appropriately to

the proposal and ensures that both the plan and the draft agreement can be publicly exhibited together.

Review of Burwood's Planning Agreement Provisions & Policies

Council's Planning Agreements Policy 2018 currently facilitates the receipt of monetary and non-monetary contributions through:

1. Bonus floor space in the Burwood Town Centre pursuant to Clauses 4.4A(5) and (6) of the BLEP 2012.
2. Bonus floor space in certain identified commercial centre areas of the Burwood Local Government Area pursuant to Part A of the Policy on Carrying Out Bonus Development in the Public Interest.
3. Planning proposals.
4. Payments for car parking shortfalls pursuant to Part 3.4 of the Burwood Development Control Plan (DCP).

In line with Council's Operational Plan and updated guidelines issued by the Department of Planning, Housing and Infrastructure, a review of Council's VPA framework and policies was undertaken, informed by advice from the Independent Commission Against Corruption (ICAC) and specialist consultants.

Many councils, including Burwood, have specific policies governing planning agreements. For example, Clauses 4.3A and 4.4A of the BLEP 2012 permit an additional 10% Floor Space Ratio on certain sites within the Burwood Town Centre, subject to the delivery of community infrastructure through a VPA. These provisions operate alongside Burwood's Planning Agreements Policy and the Policy on Carrying Out Bonus Development in the Public Interest.

As a result of the review, a new Planning Agreement Policy has been prepared to improve clarity, probity and consistency, and to reflect recent legislative changes.

Proposal

This report seeks Council's endorsement to publicly exhibit the Draft Planning Agreement Policy 2025 and to prepare a Planning Proposal to amend the BLEP 2012 so that Clauses 4.3A and 4.4A can apply more broadly to higher-density zones (R1, R3, MU1 and E1). This amendment would support the delivery of additional community infrastructure and encourage improved building design through mandatory design excellence provisions, character assessments, and enhanced environmental sustainability standards.

Overview of the Draft LEP Clause Amendments

Specifically, the proposed LEP amendments seek to:

- **Expand the objectives of the clause** to clearly state that its purpose is to increase the provision of community infrastructure across the entire local government area, not only the town centre, through application in Zone R1 General Residential, Zone R3 Medium Density Residential, Zone E1 Local Centre, and Zone MU1 Mixed Use.
- **Update the clause** to reflect legislative changes, adopting the broader definition of "public purpose" consistent with the Voluntary Planning Agreement provisions of the EP&A Act, rather than referencing only community infrastructure.
- **Limit the clause's application in Zones E1 Local Centre and MU1 Mixed Use** to development comprising residential flat buildings, boarding houses, seniors housing, shop top housing, serviced apartments or commercial premises.
- **Limit the clause's application in Zones R1 General Residential and R3 Medium Density Residential** to development comprising multi dwelling housing, boarding houses, residential flat buildings, seniors housing or shop top housing.

- **Introduce a merit test requirement** to ensure high-quality built form outcomes and improved environmental performance, while protecting the amenity of surrounding areas. Development must demonstrate that:
 - It achieves Design Excellence under Clause 6.5.
 - The design is compatible with the desirable elements of the existing local character or, for precincts undergoing transition, aligns with the desired future character of the precinct.
 - For BASIX-affected development, the project exceeds the BASIX water commitment by at least 10% of the water target score and exceeds the BASIX energy commitment by at least 10% of the energy target score.

A copy of the proposed clause amendments is provided in Attachment 2. Once lodged with the Department of Planning, Housing and Infrastructure for Gateway Review, the provisions will be reviewed and refined by the Parliamentary Counsel's Office prior to gazettal.

The proposed LEP amendments will work alongside the new Draft Planning Agreement Policy.

Overview of the Draft Planning Agreement Policy

The Draft Planning Agreement Policy 2025 has been prepared as a new policy to replace both of Council's existing policies: the Planning Agreements Policy and the Policy on Carrying Out Bonus Development in the Public Interest. The draft Policy aligns with current best practice, legislative requirements, and relevant guidelines.

Following specialist advice, the new policy has been designed to:

- Reflect recent legislative changes.
- Be easier to read and administer.
- Apply consistently across the entire Local Government Area, rather than being limited to specific areas as the current policies are.

The key policy changes include:

- Extending the application of the provisions across the whole LGA.
- Incorporating a suite of supporting documents to provide clarity and consistency for proponents which will be finalised once the policy has been adopted and implemented.
- Incorporating a method for consistency in identifying a base contribution for negotiation in terms of value capture
- Emphasising the mandatory use of template documents to streamline processes and improve transparency.

Although planning agreements were introduced into the NSW planning system almost two decades ago, they remain poorly understood. They are typically prepared in contractual legal language to accurately record the agreement between planning authorities and proponents. However, this often makes them difficult for the general public and other stakeholders to interpret, despite their role in delivering valuable community benefits.

The draft Policy is not a legally binding document. Rather, it is intended to serve as a practical guide for both Council and developers to achieve consistent agreements in a transparent and accountable manner. It also aims to help the community understand the considerations and steps involved in developing Voluntary Planning Agreements.

The draft Policy aims to:

- Provide clear explanations of the steps involved in preparing a planning agreement.
- Set out the obligations of key individuals participating in the process.

- Specify the mandatory use of template letters of offer and template planning agreements within the Burwood LGA.

The content has been prepared in plain English to ensure it is accessible and easy to understand for all stakeholders, including proponents and the broader community. It places an emphasis on clarity and consistency, maintaining a framework to ensure agreements meet Council and community expectations.

Once the exhibition period and any necessary amendments are completed, the new Policy is intended to replace the existing Planning Agreements Policy and the Policy on Carrying Out Bonus Development in the Public Interest.

The draft Policy package comprises:

1. Draft Burwood Planning Agreement Policy – July 2025
2. Draft Planning Agreement Template
3. Draft Council Letter of Offer Template – July 2025
4. Draft Explanations Template
5. Draft BLEP Clause Amendments

Consultation

The Draft Planning Agreement Policy 2025 will be publicly exhibited for a minimum of 28 days, in accordance with Council's Community Engagement Plan. The consultation will include:

- Advertisement on Council's Participate Burwood website page, which will be promoted via Council's website, e-newsletter and social media platforms.
- Advertisement in Council's community e-newsletter.
- Display of materials at the Burwood Library and Council Customer Service desk.

The documents proposed for public consultation are attached to this report and referenced as follows:

1. Draft Burwood Planning Agreement Policy – July 2025
2. Draft Planning Agreement Template
3. Draft Council Letter of Offer Template – July 2025
4. Draft Explanations Template
5. Draft BLEP Clause Amendments

ICAC Feedback and Peer Review

The draft Policy will be sent to the Independent Commission Against Corruption (ICAC) corruption prevention team for feedback concurrently with the public exhibition period. Outcomes of the peer review and feedback from ICAC will be reported back to Council following public exhibition.

Planning or Policy Implications

The Draft Planning Agreement Policy 2025 aligns with current legislation and guidelines relating to planning agreements.

If adopted, the Draft Burwood Planning Agreement Policy 2025 would replace both the Planning Agreements Policy 2018 and the Policy – Carrying out Bonus Development in the Public Interest, providing a holistic framework for the preparation, negotiation and execution of planning agreements associated with future development applications and planning proposals.

The replacement of Council's existing policies, which currently facilitate the consideration and delivery of public infrastructure, will require an amendment to the BLEP. These amendments to the BLEP will ensure alignment with the principles and objectives of the Draft Burwood Planning

Agreement Policy 2025, which reflects current legislation, guidelines and best practice relating to planning agreements.

The proposed amendments to the BLEP are provided at Attachment 2.

It should be noted that the development of this policy is another step in the overall review of Council's infrastructure contributions framework. In the 2025/26 financial year, work will commence to review and refine Council's infrastructure strategies, which underpin Council's Section 7.11 and 7.12 contributions plans.

Financial Implications

The new Planning Agreement Policy, in conjunction with the proposed LEP amendments, is envisaged to increase infrastructure funding across the LGA.

Conclusion

Planning agreements provide more flexibility as their benefits can extend beyond the traditional scope of s7.11 and s7.12 local infrastructure contributions, however they need to be negotiated in a transparent and consistent manner to avoid perceptions of planning/development rights being bought or sold. With flexibility however comes a responsibility to act fairly and consistently, and this draft Planning Agreement Policy looks to update Council's approach to provide a framework for Council to negotiate these agreements with developers, looking to ensure it is done in a transparent and consistent manner to avoid perceptions of planning rights being bought or sold.

Recommendation(s)

That Council:

1. Endorse the Draft Burwood Planning Agreement Policy 2025 for public exhibition for a period of at least 28 days.
2. Endorse the preparation of a Planning Proposal to amend Clauses 4.3A and 4.4A of the Burwood Local Environmental Plan 2012, for the reasons outlined in this report and as detailed in Attachment 2.
3. Require that, following the consultation process, the General Manager prepare a report to Council summarising community feedback on the Draft Planning Agreement Policy and the proposed BLEP amendments for Council's consideration and determination.

Attachments

- 1 [↗](#) Draft Burwood Planning Agreement Policy - October 2025
- 2 [↗](#) Draft BLEP Clause Amendments



Burwood ^{Inc.1874}

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

DRAFT PLANNING AGREEMENT POLICY 2025

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1. Purpose of Policy

The purposes of this Policy are:

- (a) to set out Burwood Council's (the Council) policy and procedures relating to the use of planning agreements under section 7.4 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, and
- (b) to meet the requirement of the NSW Department of Planning, Housing and Infrastructure 2025 Practice Note for the Council in relation to such a policy.

2. Summary of Policy

This document contains Burwood Council's policy relating to planning agreements which are legally established under the Environmental Planning and Assessment Act 1979 (EP&A Act) and the Environmental Planning and Assessment Regulation 2021 (the Regulation). The policy only applies to those planning agreements to which the Council is or will be a party.

This policy provides an overview of the planning agreement process for Burwood Council Local Government Area (LGA).

It aims to:

- (a) set out when and why the Council would consider entering into a planning agreement;
- (b) provide clear explanations of the various steps involved;
- (c) set out obligations of the key individuals participating in the process; and
- (d) provide specific details regarding the use of template letters of offer and template planning agreements in Burwood LGA.

By outlining the process, roles, and requirements, the policy aims to promote transparency, consistency, and effective communication throughout the planning agreement journey.

This policy emphasises the importance of using template documents when developers initiate the planning agreement process in Burwood LGA. The templates serve as standard forms, ensuring agreements meet the Council's and the community's expectations. Using template documents will streamline the process, improve efficiency, and maintain a clear framework. Any changes sought by a developer to Council's position as stated in this policy, or the associated planning agreement templates, must be properly justified and consistent with the principles set out in this policy.

The policy has been prepared with consideration to the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and Planning Agreements Practice Note 2025 issued by the DPHI Planning Secretary.

3. Name of Policy

This policy is called Burwood Planning Agreement Policy 2025.

4. Land to which this policy applies

This policy applies to all land within the Burwood LGA. This policy also applies to land outside the Burwood LGA in the case of a joint planning agreement between the Council and another council or planning authority that deals with land not within the Burwood LGA.

5. When will this policy be used?

This policy will be used in association with planning agreements, within their meaning under the EP&A Act and the Regulation, to which the Council is a party.

6. Why has Council prepared this Policy?

Planning agreements can provide valuable community benefits, and this policy explains Council's approach for requests to negotiate such agreements.

Council has prepared this policy to:

- (a) inform and educate developers, councillors, council staff and the community about planning agreements,
- (b) establish a probity framework for the negotiation, preparation and implementation of planning agreements
- (c) establish robust practice procedures for planning agreements that are clear and that the Council will consistently apply,
- (d) describe the process that will be followed in preparing, publicly exhibiting, signing, implementing and finalising planning agreements,
- (e) set out the Council's expectations of individuals involved in the planning agreement process,
- (f) set out the kinds of public benefits that may be sought by Council in a planning agreement on behalf of the Burwood community, and
- (g) implement the NSW Government's policies on the use of planning agreements.

7. What is a Planning Agreement?

The following is a summary of the essential features of planning agreements. Refer to the following for the legal basis for planning agreements:

- *Environmental Planning and Assessment Act 1979*, Part 7, Division 7.1, Subdivision 2
- *Environmental Planning and Assessment Regulation 2021*, Part 9, Division 1

A planning agreement is a voluntary agreement (or contract) between a planning authority (such as a council) and a developer that commits the developer to make a contribution(s) towards public purposes and public facilities.

The contribution can be a monetary amount, the dedication of land free of cost, any other material public benefit, or any combination of these. The types of public benefits that Council will consider are included in Appendix A.

A planning agreement can be made in connection with the following types of development:

- (a) a planning proposal to change the planning controls applying to land
- (b) a development application for consent to carry out development (excluding a complying development certificate)
- (c) the modification of a development consent.

A planning agreement must include, as a minimum:

- (a) a description of the land, the planning proposal (if applicable), and the development to which it applies
- (b) details of the nature, manner and timing of the provision to be made by the developer under the agreement
- (c) whether the agreement excludes (wholly or in part) or does not exclude the application of section 7.11, section 7.12, and Division 7.1 Subdivision 4 of the EP&A Act to the development (see section 12 in this regard)
- (d) if the application of section 7.11 is not excluded, whether public benefits under the agreement are or are not to be taken into consideration in determining a development contribution
- (e) a dispute resolution mechanism
- (f) a suitable means of enforcing the agreement in the event of a breach of the agreement by the developer.

8. Principles for Planning Agreements

Planning agreements will be managed in accordance with the following principles:

- (a) Planning decisions will not be bought or sold through agreements. Each development proposal and development application will be considered on its merit, not on the basis of the agreement.
- (b) Development that is unacceptable on planning grounds will not be permitted due to the public benefits offered by developers.
- (c) Agreements must be supported by proper strategic land use and infrastructure planning carried out on a regular basis and should address expected growth and the associated infrastructure demand.
- (d) Council cannot refuse to grant development consent on the grounds that an agreement has not been entered into in relation to the proposed development or that the developer has not offered to enter into such an agreement.
- (e) Agreements should not be used as a means of general revenue raising or to overcome revenue shortfalls.
- (f) Council will not seek public benefits under a planning agreement that are wholly unrelated to the development.
- (g) Value capture should not be the primary purpose of a planning agreement.
- (h) Contributions in planning agreements should be additional to the section 7.11 or section 7.12 local infrastructure contributions ordinarily required under Council's contributions plans
- (i) The Council will not allow planning agreements to improperly fetter the exercise of its functions under the EP&A Act, Regulation or any other Act or law, or be consistent with any provisions of the EP&A Act or the Regulation.
- (j) Any variation to development standards under clause 4.6 of the Burwood LEP 2012, as part

of a development application sought in connection with a planning agreement, will not be permitted by the Council unless the Council is of the opinion that the dispensation sought under clause 4.6 meets the relevant test on its own planning merits.

- (k) Ensure that the framework for planning agreements is, consistent, efficient, fair, and accountable.
- (l) The consideration, negotiation and assessment of a proposed planning agreement will be separate from the consideration of the planning merits of a development application or a planning proposal.
- (m) VPA funds will be used for the purposes in which they were collected.
- (n) The Council will not allow the interests of developers, individuals or interest groups to outweigh the public interest when considering a proposed planning agreement.
- (o) The Council will not improperly rely on its position to extract unreasonable public benefits from developers under planning agreements.
- (p) The Council will not generally agree to a planning agreement that would result in a Works in Kind arrangement
- (q) The Council will not agree to a planning agreement that would result in the contributions under a planning agreement being refunded to the developer or offset against development contributions required to be made by the developer in respect of other development in the Council's area.
- (r) Monetary contributions will be subject to regular adjustment against increases or decreases in CPI. The final amount due will be calculated immediately prior to the time of payment.

Council will ensure that this policy is applied and the decisions about planning agreements are made openly, fairly and consistently.

9. Acceptability test applied to all Planning Agreements

Council will apply the acceptability test below to determine if it will enter into a planning agreement. Where Council determines that the answer to any of the questions below is 'no', it will not enter into a planning agreement.

- (a) Does the planning agreement satisfy the statutory requirements for planning agreements contained in the EP&A Act and the Regulation?
- (b) Is the agreement for a legitimate planning purpose, which can be identified in the statutory planning controls and other adopted planning strategies and policies within Burwood LGA?
- (c) Is the infrastructure and public benefits proposed agreement related to the development on some level?
- (d) Does the planning agreement comply with the principles set out in this policy?
- (e) Does the planning agreement protect the communities reasonable planning expectations?
- (f) Does the proposed agreement result in outcomes that meet the general values and expectations of the Burwood community and protect the overall public interest?

- (g) Does the proposed agreement provide for a reasonable way to achieve the relevant purposes, outcomes and security of the public benefits?
- (h) Does the proposed agreement protect the community against poor planning decisions?
- (i) Does the planning agreement ensure the quantum of the public benefit offered is commensurate with the value of the development contributions which the Council considers are reasonably due in the circumstances?
- (j) Are there any relevant circumstances that may operate to preclude the Council from entering into the proposed planning agreement?

10. Land use planning context

The EP&A Act authorises the Minister to review and make the regional strategic plan and district strategic plan prepared by the Department as the relevant strategic planning authority for the Greater Sydney Region to which the Burwood LGA belongs.

The Council's use of planning agreements can align with the regional and district strategic plans, the local strategic planning statement and their supporting documents when planning agreements are used by the Council to implement and achieve the planning priorities and directions outlined in these plans and policy documents. Such alignments are achieved when planning agreements are negotiated between the Council and developer to secure the funding or delivery of local infrastructure and public facilities that are contemplated by these plans and policy documents.

The regional and district strategic plans and the local strategic planning statement that are applicable to the Burwood LGA have identified a range of local infrastructure and funding opportunities as relevant to the identified planning priorities and directions.

11. Why does Council use Planning Agreements?

Councils are limited in how they can direct a developer to provide facilities and services to meet the extra infrastructure demands caused by their development.

Councils as consent authorities can require developers to mitigate the infrastructure impacts created by, or meet the additional demands on infrastructure created by, their developments by:

- imposing conditions of development consent requiring the developer to carry out infrastructure works, and
- requiring the payment of local infrastructure (i.e. section 7.11 or section 7.12) monetary contributions that allow the Council to upgrade infrastructure.

However, the extent of works and the contribution amounts are restricted by legislation, government directions and case law.

Planning agreements are voluntarily offered by a developer. This aspect provides flexibility and opportunities, which are key reasons why the Council supports the use of these agreements. The agreements:

- (a) are a tool the Council uses to achieve better planning outcomes or public benefits from development projects.
- (b) allow the council to transparently accept money, works, land or services that benefit the public from a developer.

- (c) free up Councils and developers to negotiate the type, extent, value, timing and means of providing public facilities and services as part of development.

12. What types of public benefits will Council seek through Planning Agreements?

Contributions provided under a planning agreement may be a monetary amount, the dedication of land free of cost, any other material public benefit, or a combination of contribution types directed towards public benefits such as those set out in Annexure A.

Examples of the public benefits the Council will seek through planning agreements include the following:

- (a) Monetary contributions, land or works provided for infrastructure identified in the strategic planning documents for the Burwood LGA.
- (b) Where the developer wants to provide local infrastructure in addition to, or at a higher standard than, what has been specified under the Council's contributions plan.
- (c) Recurrent/operational costs of infrastructure provided by a developer under a planning agreement.
- (d) Dedication of land to the Council for roads, public reserves or other public purposes identified in a development application to subdivide land.
- (e) Where the Council and the developer negotiate a different, better, or more innovative outcome than can be achieved through s7.11 or s7.12 contributions.
- (f) Where a proposed development has not been anticipated in the Council's contributions plan and therefore works and facilities to meet the demands generated by that development have not yet been identified.
- (g) Where the developer offers to provide monetary contributions for the provision of car parking spaces that are required by a development but are not provided on the development site.

A list of the types of public benefits that Council will consider is included in Appendix A.

'Value capture' contributions

For the purposes of this policy, land value capture is a public financing mechanism implemented through planning agreements by which the Council captures for the community's benefit a share of the unearned increment to developers in land value increases arising from:

- (a) an amendment to the Burwood LEP 2012 by way of a planning proposal which facilitates a change to the environmental planning instruments applying to the development site to facilitate development, and any associated or consequential changes to applicable development control plans (**Instrument Change**), or
- (b) the granting of a development consent or the approval of a modification of a development consent which allows development to exceed the otherwise permissible development controls under Burwood LEP 2012 or another environmental planning instrument.

In respect of (b) it is noted that:

1. Council may seek value capture only where the exceedance of a numerical standard is more than 10% and the development is not for the purposes of low-density residential

development, including dwelling houses, dual occupancies, secondary dwellings, attached dwellings, and semi-detached dwellings. Any exceedance of applicable development controls will only be permitted in accordance with clause 4.6 of the Burwood LEP 2012, and only if the exceedance is properly justified on planning grounds in accordance with cl4.6: see section 13(i) below, and / or

2. An exceedance of applicable development controls will only be permitted in accordance with clauses 4.3A and 4.4A of the Burwood LEP 2012, and / or In any other circumstances,

Land value capture is distinguishable from development contribution mechanisms under section 7.11 and section 7.12 of the EP&A Act. Land value capture focusses on value sharing between the Council on behalf of the community and developers in order to provide public benefits rather than on financing the costs to the Council of addressing particular impacts of development on public facilities.

Where a developer seeks to enter into a planning agreement with Council in respect of development described in paragraphs (a) and (b) above of this section, Council expects that any offer to enter into a planning agreement will consider the formulas set out below (and would not be less than the amount in (b) of this section) as a starting point in calculating any contributions to be provided.

In negotiating a planning agreement which includes a land value capture component, the Council may agree to accept a different contribution having regard to the circumstances and the justification provided by the developer.

Value capture contributions will be directed towards infrastructure identified in strategic planning documents and/or the priority infrastructure list (see Annexure A), which may include:

- provision of community infrastructure, including parks, roads, and public spaces.
- delivery of community facilities, such as recreation facilities or public amenities.
- enhancement of public domain and open spaces, such as landscaping, pedestrian pathways, and public art.

a. Instrument changes

The formula for calculating a monetary contribution associated with planning proposals and value capture has regard to a residual land valuation process and is provided below.

$$C = [RLV (2) - RLV (1)] \times M\%$$

C = Monetary contribution

RLV (2) = Residual land value of a site following:

- (a) a change to a statutory planning control in Burwood LEP 2012 plus associated or consequential changes to Burwood DCP, or
- (b) a non-compliance with planning controls which is acceptable to the consent authority,

which in both cases allow intensified development.

RLV (1) = Residual land value of a site under the existing Burwood LEP 2012 and Burwood DCP provisions.

M (%) 50% in Burwood North, Burwood Town Centre and Strathfield Town Centre
30% elsewhere in the Burwood LGA

The developer will be required to provide the Council with sufficient details, costs and valuations to determine a realistic figure for the residual land values before and after the Instrument Change. Documentation provided to the Council is to be verified by a certified practicing valuer or a qualified and experienced land economist or both if necessary.

The VPA Officer may engage an independent land economist and other specialists to review information provided by the developer. Costs incurred by the Council will be met by the developer.

Proposed changes to Burwood LEP 2012 contained in the planning proposal may be amended following the public consultation stage. In that case, further negotiations regarding the land value capture component of the planning agreement may occur having regard to changes in development potential and viability. Consequential amendments to the planning agreement may occur.

b. Development which exceeds development standards

For development applications which exceed development standards, the formula for value capture contributions is:

$$C = AGFA \times \text{Rate}$$

C = Monetary contribution

AGFA = Additional Gross Floor Area (as defined in the Burwood LEP 2012) achieved in the development as a result of the exceedance of the development standards.

Rate = \$1,795/m² in Burwood North, Burwood Town Centre and Strathfield Town Centre

\$1,023.20/m² elsewhere in the Burwood LGA

See Area Applicability Map in Appendix C.

The per square metre rates outlined in this section are to be indexed annually by the Consumer Price Index (CPI), effective from the next financial year of the policy's commencement. Indexation will be based on the latest "*Consumer Price Index: All Groups, Index Number 6401.0*" for Sydney, as published by the Australian Bureau of Statistics (ABS),

13. What Council will not accept in Planning Agreements ---

i. Variation of development standards

Clause 4.6 of the Burwood LEP 2012 allows a consent authority to approve a development that contravenes a development standard.

A contravention of a development standard can only be approved if there are sufficient environmental planning grounds to justify the contravention, and in accordance with the terms of clause 4.6.

The benefits provided under a planning agreement are not environmental planning grounds, and under no circumstances will such benefits be exchanged for an approval to contravene a development standard.

ii. No offset of contributions

Money, land or other public benefits provided or to be provided by a developer under a planning agreement will not be taken into consideration in determining any s7.11 or s7.12 contribution for a development consent, and Council will generally not accept a planning agreement that seeks to exclude the application of s7.11 and/or s7.12 to the associated development.

14. Pooling of monetary contributions

Where a proposed planning agreement provides for a monetary contribution by the developer, the Council will usually seek to include a provision permitting money paid under the agreement to be pooled with money paid under other planning agreements and applied progressively where those other contributions have been made for the same public purposes, subject to the specific requirements of the relevant agreements. Pooling may be appropriate to allow public benefits, particularly essential infrastructure such as that listed in Appendix A, to be provided in a fair and equitable way.

15. Methodology for valuing public benefits under a planning agreement

- (a) Unless otherwise agreed, where the public benefit under a planning agreement is the provision of land for a public purpose, Council will generally seek to value the benefit on the basis of the estimated amount of compensation to which the developer would be entitled under the Land Acquisition (Just Terms Compensation) Act 1991 upon the compulsory acquisition of the land. Regard may also be given to whether the developer is likely to be affected by the loss of development potential.
- (b) Where land required to be dedicated under a planning agreement is required to be valued, the Council will engage, at the developer's cost, a suitably qualified and experienced valuer independent of the parties to provide a written opinion on the estimated value of the relevant land to the Council.
- (c) Where a planning agreement provides for the carrying out of works, the value for the purposes of the agreement will be the estimated design and construction costs of the works agreed to by Council.
- (d) Where works to be provided under a planning agreement are required to be valued, the Council will engage, at the developer's cost, a suitably qualified and experienced quantity surveyor independent of the parties to provide a written opinion on the estimated value of the works.
- (e) Notwithstanding the above, if the land or works to be valued for the purposes of a planning agreement are included in the works schedule in the Council's contributions plan, the value for the purposes of the agreement will be the dollar value stated in the plan, unless the Council otherwise agrees.

16. Application of recurrent funds

Planning agreements may require developers to make contributions towards the recurrent costs of infrastructure. This could be the recurrent costs of items that primarily serve the development to which the planning agreement applies or neighbouring development.

This could also include interim funding of the recurrent costs for infrastructure that will ultimately serve the wider community. The planning agreement would only require the developer to make such contributions until a public revenue stream is established to support the ongoing costs of the facility.

When it is to serve the wider community, the planning agreement will only require the developer to make recurrent contributions until a public revenue stream is established to support the ongoing costs.

When it is to primarily serve the development covered by the planning agreement (or neighbouring development) this can be for a longer agreed time.

17. What is Council's process for planning agreements?

The process the Council will follow in planning agreements to which it intends to be a party is shown in the chart below.

The process has the following four main phases:

1. Pre-lodgement (Steps 1 and 2)
2. Negotiations and formal offer (Steps 3 to 5)
3. Application with draft agreement preparation, exhibition and execution (Steps 6 to 10)
4. Implementation and discharge of obligations (11 to 14)

The parties to a planning agreement should agree on which party is to draft the agreement to avoid duplication of resources and costs.

PLANNING AGREEMENT PROCESS

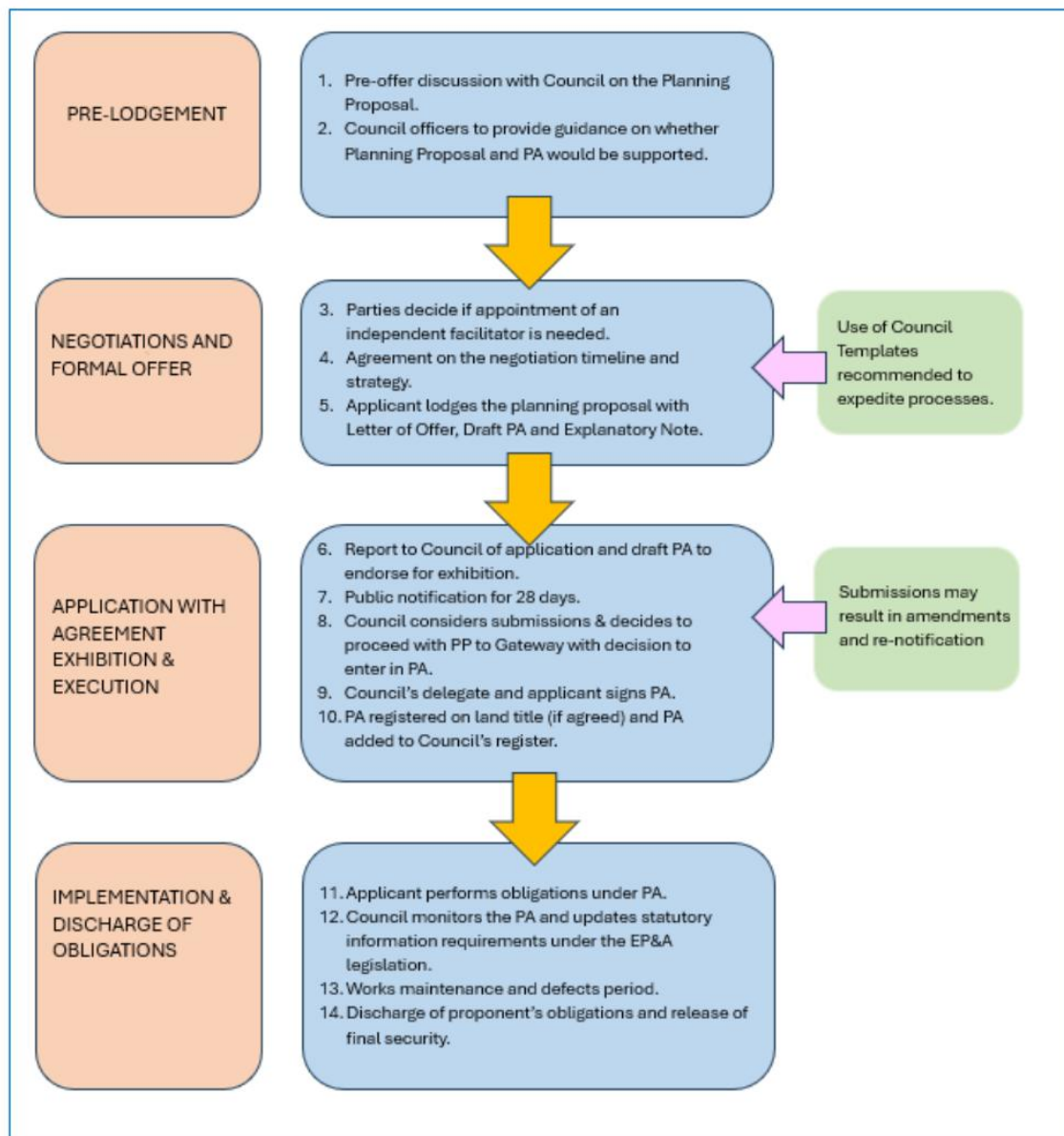


Figure 1: Planning Agreement Process for Planning Proposals/Rezoning

PA = planning agreement
PP = planning proposal

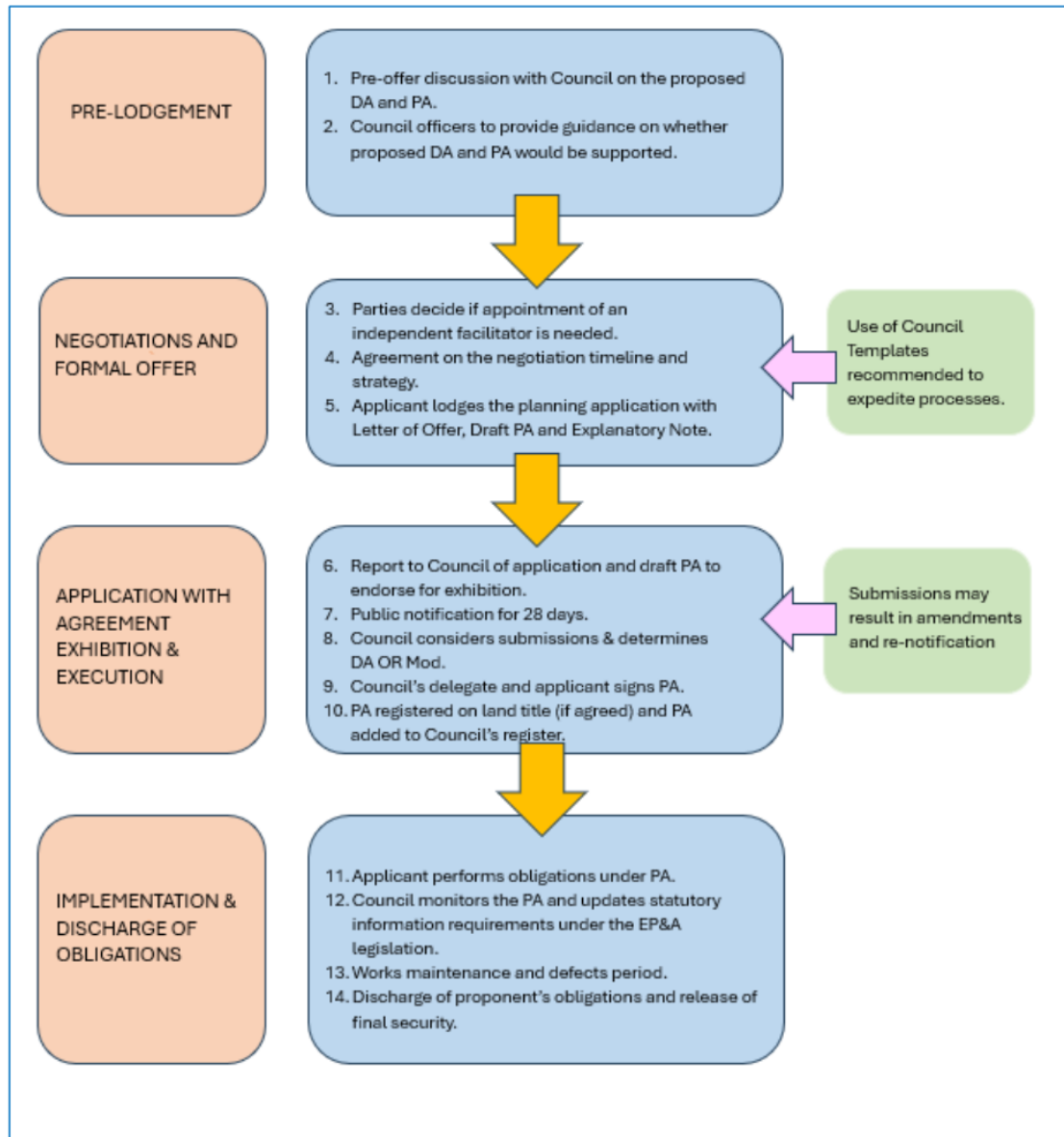


Figure 2: Planning Agreement Process for Development Applications and Modifications

PA = planning agreement

DA = development application

Mod = development application modification

18. What is the template letter of offer and template agreement?

The template letter of offer and template agreement are standard forms that accompany this policy. Templates are available on Council's website:

[Insert web link](#)

The documents are written simply to ensure easy understanding by developers, the Council, and members of the public. This helps with clear communication and transparency in the planning process. A 'template clauses explanations' document is provided to explain the meaning of the

clauses contained in the template agreement. The clauses in the template agreement are mandatory for all planning agreements.

If the developer chooses not to use the template, they must provide a proposed planning agreement draft that clearly shows in "tracking" what has been included or deleted from the template, as well as any new text proposed by the developer. This ensures transparency and consistency in the agreement's content. The document will then be reviewed by Council's legal representative.

Justification for any changes made to Council's template must be provided at the time the changes are sought.

19. Who is responsible for Council's costs in preparing the planning agreement?

The developer will meet the Council's costs in preparing a planning agreement, including any review and consideration of adjustments in line with the template. Council's costs are addressed in the template letter of offer.

Supervision Costs

In accordance with Council's fees and charges policy, the Council will include in a planning agreement a supervision and administration fee to cover the ongoing costs to the Council of administering the planning agreement. A standard clause is included in Council's template to this effect.

20. Expectations during the planning agreement process

i. Negotiation

The negotiation of planning agreements should be reasonable, transparent and accountable. Council will ensure that all negotiations with a developer, landowner and their consultants are documented.

The Council officers involved in the direct negotiation of the planning agreement will not be involved in the assessment of the development application or planning proposal.

The elected representatives of the Council will not be involved in negotiation of a planning agreement. Councillor participation is limited to:

- a. resolving to progress a draft planning agreement to public exhibition and delegating the authority to relevant Council officers to execute a planning agreement, and
- b. the consideration of the planning proposal.

The negotiation process should run parallel with the planning proposals and development applications. The negotiations should be co-operative, provide full disclosure and agreed working practices and timetables.

ii. Probity

The following measures will be implemented to ensure negotiations are fair and that different developers are treated equally:

- (a) all relevant documents relating to a proposed planning agreement will be available on Council's website
- (b) appropriate delegations and separation of responsibilities are in place when assessing

planning agreements.

- (c) Councillors and Council staff understand their roles, responsibilities and obligations in the negotiation assessment of an agreement (refer below)
- (d) modifications to adopted planning agreements will be subject to the same process as the original application.
- (e) engagement of independent third parties, including advisors or experts may be necessary to assist with parts of the agreement (including, but not limited to, Cost Quantity Surveyors, legal practitioners, and economic feasibility analysts).

Where Council has a commercial interest in the land to be included in a proposed planning agreement, it will take steps to avoid any perceived conflict of interest between the Council's role of planning authority and its commercial interest by engaging:

- an independent probity officer to oversee the process, act as an observer in negotiations, etc.
- an external consultant to assess the proposed planning agreement offer and the relevant planning proposal / development application / request for modification.

iii. Transparency and public involvement

Council will keep a written record of all communications between the developer and Council representatives at every stage of the planning agreement process.

The Burwood community will be able to view and make written submissions on draft planning agreements and supporting material for a period of at least 28 days.

Draft planning agreement and associated documents, including Council business papers relating to the agreement will be available during the exhibition period.

Council will consider any public submissions received in response to the exhibition. Where the submissions result in significant changes, the draft agreement will need to be exhibited again.

The final executed version of a planning agreement will also be made available on Council's website.

iv. Re-notification

- (a) A draft planning agreement may be amended by the parties to address any issues arising from submissions that are received or for any other reason
- (b) Council will consider renotification of a draft planning agreement where changes are made to the draft planning agreement that materially affect:
 - 1. how any of the matters specified in section 7.4 of the EPA Act are dealt with by the planning agreement,
 - 2. other key terms and conditions of the planning agreement,
 - 3. the planning authority's interests or the public interest under the planning agreement, or
 - 4. whether a non-involved member of the community would have made a submission objecting to the change if it had been publicly notified.
- (c) The Council will publicly re-notify a draft planning agreement and the associated development application, modification application or planning proposal to which it relates if,

in the Council's opinion, a material change as described above has been made to the terms of the agreement.

- (d) The amended draft planning agreement may need to be reported to the Council and if so, the VPA Officer will again assess the merits of the amended draft planning agreement before it is reported to the Council and before any re-notification.

21. What is expected of landowners and developers?

Additional to the requirements set out elsewhere in this Policy, landowners and developers that are a party to a proposed planning agreement are expected to:

- (a) Avoid direct communication with any councillors concerning a planning agreement. Any communication must go through the client manager/relevant Council officer for the agreement.
- (b) Not discuss negotiation matters with councillors or Council staff (other than staff involved in the negotiation process) or seek to involve any councillor in the negotiation process.
- (c) Conduct themselves in a professional manner in all meetings and communications with the Council.

22. What is expected of Councillors and Council staff?

Council officers are expected to:

- (a) Comply with the Code of Conduct for Council Staff 2022.
- (b) Make this Policy available on the Council's website.
- (c) Not permit unacceptable development because of public benefits offered.
- (d) Not seek public benefits wholly unrelated to the development.
- (e) Ensure that the consideration, negotiation and assessment of planning agreements are separate from the evaluation of a development application, modification application, complying development certificate or planning proposal.
- (f) Ensure agreements are consistent with the Council's strategic land use and infrastructure planning documents.
- (g) Ensure Council staff and councillors know their roles and responsibilities in the planning agreement process.
- (h) Ensure a record of any meeting with the planning agreement developer is documented and meeting minutes distributed to attendees within one week following the meeting.
- (i) Work with developers to establish timeframes to progress agreements efficiently.
- (j) Make copies of executed planning agreements and other information about the planning agreements the Council has executed, in accordance with section 206 of the Regulation.
- (k) Update this policy from time to time to ensure the policy is consistent with relevant legislation, practice notes and guidelines.

Elected Councillors are expected to:

- (a) Comply with the Code of Conduct for Councillors 2022.
- (b) Not be involved in the negotiation or assessment process of proposed agreements,
- (c) In considering planning agreement offers, not allow interests of developers, individuals or interest groups to outweigh public interest.
- (d) Not discuss with the developer any matter relating to a draft planning agreement before a meeting of the full Council that considers public submissions and whether to enter into the proposed agreement.
- (e) Provide reasons for the approval or rejection of a planning agreement.

23. Where an agreement includes works by the developer

In the circumstances where a developer offers to undertake works the following matters will also be addressed in the agreement as a schedule(s):

- (a) Design and specification of works to be agreed by Council.
- (b) Details on the commencement and completion of works.
- (c) Details of any security that may be required by Council.
- (d) Inspection of the works by Council.
- (e) Insurances required by the developer to deliver works including:
 - Contract works insurance noting Council as an interested party
 - Public liability insurance
 - Workers compensation insurance
- (f) Rectification of defects – agreement to a defects liability period and defects rectification of works to be completed under the agreement.
- (g) Conditions under which the Council will accept the handover of the completed works.

i. Hand-over of works

The Council will generally not accept the hand-over of a public work carried out under a planning agreement unless the developer furnishes to the Council a certificate to the effect that the work has been carried out and completed in accordance with the planning agreement and any applicable development consent.

The Council will also require the planning agreement to provide for a defects liability period during which any defects must be rectified at the developer's expense.

If a planning agreement provides for the developer, at the developer's cost, to manage or maintain land that has been dedicated to the Council or works that have been handed over to the Council, the Council will generally require the parties to enter into a separate implementation agreement in that regard. The failure of the parties to reach agreement in relation to management and maintenance of

the land or works may be dealt with under the dispute resolution provisions of the planning agreement.

24. Enforcement and management of planning agreements

i. Provision of security

The Council will generally require a planning agreement to make provision for security by the developer for the developer's obligations under the planning agreement.

The form of security will generally be an unconditional bank guarantee from an Australian Bank in favour of the Council to the full value of the developer's provision under the planning agreement and on terms otherwise acceptable to the Council.

ii. Registration of planning agreements

Planning agreements (including where an agreement is amended) can be registered on the title to land, provided each person with an estate or interest in the land agrees to its registration.

A planning agreement that has been registered on the title to land is binding on, and enforceable against, the owner of the land from time-to-time as if each owner for the time being had entered into the agreement.

The Council will generally require a planning agreement to contain a provision requiring the developer to agree to registration of the planning agreement, pursuant to s 7.6 of the EP&A Act, if the requirements of that section are satisfied.

iii. Time when the developer's obligations arise under a planning agreement

A planning agreement will specify the time at which a development contribution must be paid or provided.

Where the planning agreement is associated with a development application, a monetary contribution should be provided prior to a construction certificate being issued.

Where a planning agreement is associated with a planning proposal / rezoning, a monetary contribution should be provided when the relevant Instrument change is gazetted.

In other cases, the timing for the payment of a monetary contribution will be negotiated. The delivery of a development contribution other than a monetary contribution will be negotiated with regard to its nature and purpose.

A planning agreement may contain a provision allowing the deferral, periodic payment or staging of a development contribution. In such cases, a provision allowing the adjustment of the contribution value may be included in the agreement.

iv. Adjustment of development contributions

A planning agreement which includes the payment to the Council of a monetary contribution may include a provision which adopts the indexation of that contribution or levy using the method contained in the relevant Burwood contributions plan.

A planning agreement which requires a development contribution associated with land value capture will contain a provision which enables the Council to review the value of the contribution at the time it is required to be paid, adjusted for indexation.

25. Reporting and monitoring of agreements

Council will monitor the performance of the developer in meeting obligations in planning agreements the Council is a party to.

Council will report the progress of these agreements in its annual report to the community as required by the Regulation. The annual report will be published on both Council's website and on the NSW Planning Portal.

Council will maintain a register of all planning agreements that affect land in its area. The register will be published on both Council's website and on the NSW Planning Portal.

i. Annual report and register

The EP&A Act requires that where the Council has entered into a planning agreement, while the planning agreement is in force, that Council must include in its annual report particulars of compliance with and the effect of the planning agreement during the year to which the annual report relates

Council is to keep a register of all planning agreements that apply to land within the Council's area, whether or not the Council is a party to a planning agreement. The Council is required to record in the register the date an agreement was entered into and a short description of the agreement (including any amendment).

The Council will make the following available for public inspection (free of charge) during ordinary office hours:

- (a) the planning agreement register kept by the Council
- (b) copies of all planning agreements (including amendments) that apply to the area of the Council
- (c) copies of the explanatory notes relating to those agreements or amendments.

26. Monitoring the planning agreement

Depending on the nature of the agreement and the type of public benefits, Council will monitor the agreement to ensure it is operating effectively and that the developer's obligations are being met.

This may require the developer to report at specified times to the Council.

Where the Council needs to engage experts or other personnel to assist with the monitoring, the costs will be borne by the developer.

27. Discharge of developer's or developers' obligations

Upon completion of all the developer's obligations in the planning agreement to the Council's satisfaction, Council will upon request provide a letter of discharge to the developer.

Appendix A – Types of Public Benefits

The table below outlines the types of public benefits that may be considered in a planning agreement. The list is indicative only and does not prevent other public benefits from being negotiated.

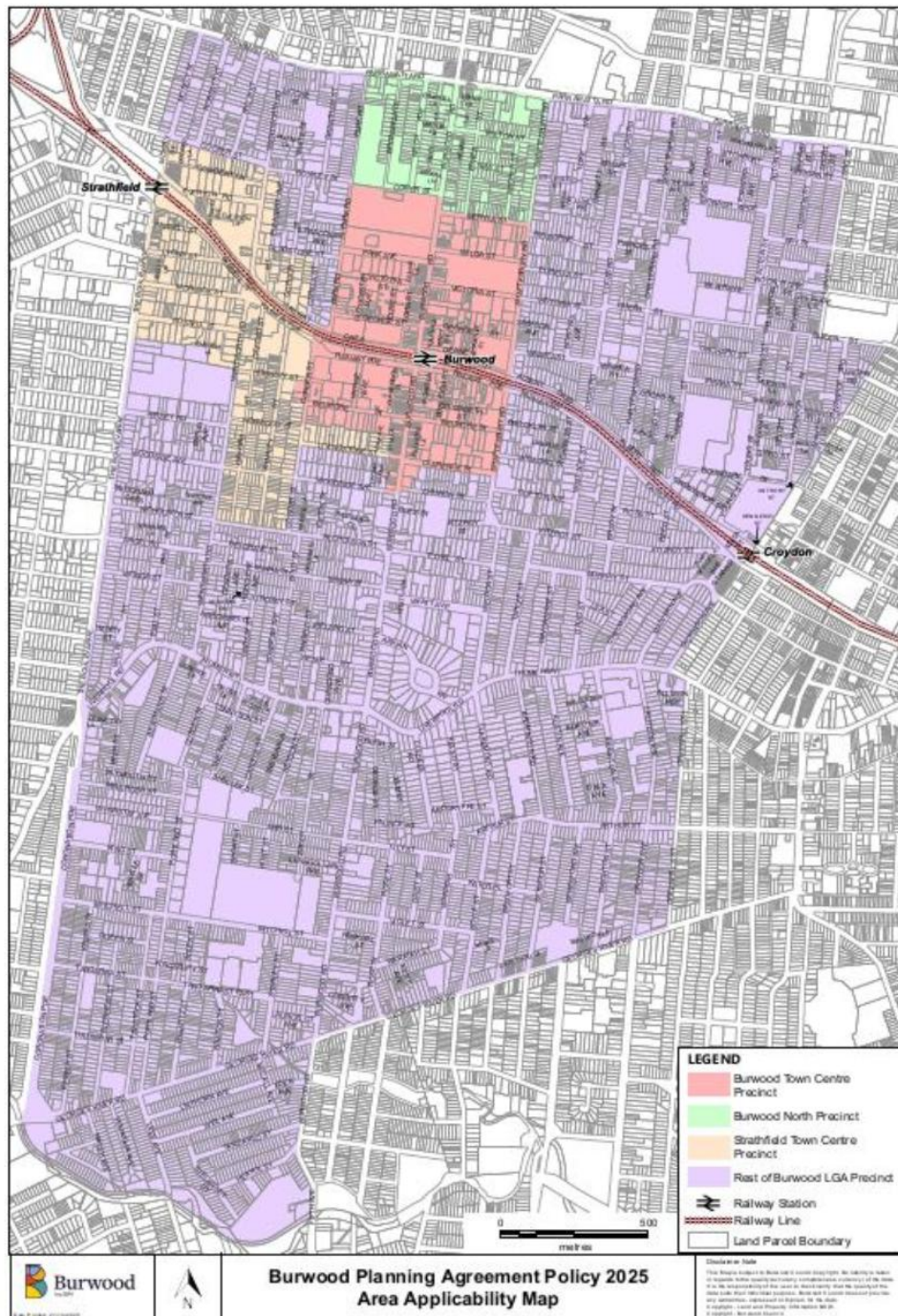
Type	Examples
Infrastructure	Roads Accessibility improvements Drainage and stormwater assets – drainage, integrated water treatment facilities, detention basins, over land flow paths and stormwater channel improvement, sediment control measures Pedestrian and cycleway connections Bridges (pedestrian and vehicle)
Public community facilities	Community buildings Strata floorspace for community services Public toilets Public carparking areas Bus shelters or interchanges Sport, recreation and activity assets (e.g. fields, courts, skateparks)
Public open space and public domain improvements	Embellishment of open space, including new playgrounds, lighting, furniture, landscaping, shelters, BBQs Tree and undergrowth plantings in streets and open spaces Street furniture Public art in the public domain Environmental management Signage
Other contributions	Cash for maintenance of dedicated land, reserves, drainage Land dedication Affordable housing Any infrastructure item included in a contributions plan adopted by the Council Planning and infrastructure strategy reviews

Appendix B – Definitions

Burwood LEP 2012	means the <i>Burwood Local Environmental Plan 2012</i>
Contributions Plan	means a development contributions plan adopted by Burwood Council for the purpose of levying contributions under section 7.11 or 7.12 of the EP&A Act
Council	means Burwood Council
Department	means the NSW Department of Planning, Housing and Infrastructure
Developer(s)	has the same meaning as Section 7.4(1) of the EP&A Act
Development application	means an application for consent under Part 4 of the EP&A Act to carry out development
Development consent	means consent under Part 4 of the EP&A Act to carry out development and includes complying development
Development	means (a) the use of land, (b) subdivision of land, (c) erection of a building, (d) carrying out of a work, (e) the demolition of a building work, or (f) any other act that is controlled by an environmental planning instrument.
Development contribution	means a contribution made by a developer that may include a monetary contribution, the dedication of land (free of cost) or the provision of a material public benefit
EP&A Act	means the <i>Environmental Planning and Assessment Act 1979</i>
Instrument change	means a change to the planning controls contained in an environmental planning instrument
LGA	means local government area
Parties	means a planning authority like Council or State Government and a Developer or Developers
Planning agreement	means a voluntary agreement between a consent authority and a developer(s) where the developer agrees to contribute to public purposes and public facilities.
Planning proposal	is an application made by a developer to make changes to the planning controls contained in the local environmental planning instrument
Practice Note	means the Planning Agreements Practice Note - May 2025, published by the Department of Planning and Environment and available on the NSW Department of Planning and Environment website at www.planningportal.nsw.gov.au/local-infrastructure-contributions/planning-agreements-practice-note
Public benefit	is the benefit enjoyed by the public because of a development contribution
Public facilities	means public infrastructure, facilities, amenities and services
Public purpose	includes (without limitation) any of the following:

	(a) the provision of (or the recoupment of the cost of providing) public amenities or public services, (b) the provision of (or the recoupment of the cost of providing) affordable housing, (c) the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land, (d) the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure, (e) the monitoring of the planning impacts of development, (f) the conservation or enhancement of the natural environment.
Regulation	means the <i>Environmental Planning and Assessment Regulation 2021</i>

Appendix C – Area Applicability Map (ref. Section 12 of this Policy)



4.3A Exceptions to height of buildings

- (1) The objectives of this clause are as follows—
- (a) to focus greater building height in the inner part of the Burwood Town Centre and to provide a transition in heights towards the edge of the Burwood Town Centre,
 - (b) to mitigate any adverse effects on the amenity of existing and future residents living adjacent to the Burwood Town Centre, **Zone R1 General Residential, Zone R3 Medium Density Residential, Zone E1 Local Centre and Zone MU1 Mixed Uses**
 - (c) to limit building heights to facilitate adequate solar access to land adjoining the Burwood Town Centre, **Zone R1 General Residential, Zone R3 Medium Density Residential, Zone E1 Local Centre and Zone MU1 Mixed Uses.**
 - (d) **Increase the provision of community infrastructure across the local government area**
- (2) Despite clause 4.3, the height of a building on land marked “Area A” on the [Height of Buildings Map](#) is not to exceed the building height plane for that land.
- (3) In this clause—
- building height plane* or *BHP* means a plane—
- (a) commencing at a building height plane line shown on the [Building Height Plane Map](#) and referred to in Column 1 of the Table to this clause and at the height above ground level (existing) as shown opposite in Column 2 of that Table, and
 - (b) projected at the angle measured above the horizontal as shown opposite in Column 3 of that Table, and
 - (c) having the general orientation as shown opposite in Column 4 of that Table.

Column 1	Column 2	Column 3	Column 4
BHP line symbol	BHP line height	BHP projected angle	BHP general orientation
A	1.0 metre	54°	East of BHP line
B	7.2m	54°	East of BHP line
C	1.0 metre	36°	West of BHP line
D	1.0 metre	33°	North of BHP line
E	1.8 metres	33°	North of BHP line

- (4) Despite clause 4.3, the building height for a building on land in **Zone R1 General Residential, Zone R3 Medium Density Residential, Zone E1 Local Centre and Zone MU1 Mixed Uses** where subclause (2) does not apply may exceed the building height shown for the land on the [Height of Buildings Map](#) for the building if it does not exceed **10%**.
- (6) Subclause (4) applies in relation to proposed development only if **the requirements in Clause 4.4A(6) and 4.4A(9) are met.**

4.4A Exceptions to floor space ratio

- (1) The objectives of this clause are as follows—
 - (a) to limit the density of residential development in certain employment zones to ensure that it does not dominate non-residential development in those zones,
 - (b) to limit the floor space of serviced apartments in certain employment zones to ensure that they do not dominate service-providing and employment-generating commercial premises in those zones.
 - (c) **Increase the provision of community infrastructure across the local government area**
- (2) Despite clause 4.4, the floor space ratio for a dwelling house on land in Zone R2 Low Density Residential with a site area of more than 500 square metres is not to exceed 0.52:1.
- (3) Despite clause 4.4, the ratio of the gross floor area of any part of a building used for the purpose of residential accommodation to the site area must not exceed—
 - (a) 2.0:1—if the building is on land in Area 1,
 - (b) 3.0:1—if the building is on land in Area 2,
 - (c) 2.7:1—if the building is on land in Area 3,
 - (d) 2.3:1—if the building is on land in Area 4,
 - (e) 2.2:1—if the building is on land in Area 5,
 - (f) 1.4:1—if the building is on land in Area 6,
 - (g) 0.2:1—if the building is on land in Area 7,
 - (h) 1.8:1—if the building is on land in Area 8,
 - (i) 7.16:1—if the building is on land in Area 9.
- (4) Despite clause 4.4, the ratio of the gross floor area of any part of a building used for the purpose of serviced apartments to the site area must not exceed—
 - (a) 0.6:1—if the building is on land in Area 1,
 - (b) 0.45:1—if the building is on land in Area 2,

- (c) 0.3:1—if the building is on land in Area 3,
 - (d) 0.3:1—if the building is on land in Area 4,
 - (e) 0.25:1—if the building is on land in Area 5,
 - (f) 0.18:1—if the building is on land in Area 6,
 - (g) 0.18:1—if the building is on land in Area 7,
 - (h) 0.2:1—if the building is on land in Area 8,
 - (i) 1.054:1—if the building is on land in Area 9.
- (5) Despite clause 4.4, the floor space ratio for a building on land in Area 1 or Area 2 may exceed the floor space ratio shown for the land on the Floor Space Ratio Map if—
- (a) the floor space ratio for the building does not exceed—
 - (i) 6.6:1—if the building is in Area 1, or
 - (ii) 4.95:1—if the building is in Area 2, and
 - (b) the gross floor area of the part of the building used for the purpose of residential accommodation does not exceed the following percentage of the gross floor area of the building—
 - (i) 40 percent—if the building is in Area 1, or
 - (ii) 70 percent—if the building is in Area 2.
- (5A) Despite clause 4.4, the floor space ratio for a building on land in Zone R1 General Residential, Zone R3 Medium Density Residential, Zone E1 Local Centre and Zone MU1 Mixed Uses where subclause (5) does not apply may exceed the floor space ratio shown for the land on the Floor Space Ratio Map is the floor space ratio for the building if it does not exceed 10%.
- (6) Subclause (5) and (5A) applies in relation to proposed development only if—
- (a) the proposed development on the land includes development for a public purpose or development resulting in community infrastructure or the use of land as community infrastructure, and
 - (b) the consent authority is satisfied that the development for a public purpose or community infrastructure is appropriate for the ~~Burwood Town Centre~~ area, taking into account the nature of the public purpose or community infrastructure and its value to the community working or residing in the Burwood ~~Town Centre~~ Local Government Area,
 - (c) the building is to be used for residential flat buildings, boarding houses, seniors housing, shop top housing, serviced apartments or commercial premises for the development in Zone E1 Local Centre and Zone MU1 Mixed Uses,
 - (d) the building is to be used for multi dwelling housing, boarding houses, residential flat buildings, seniors housing or shop top housing for the development in Zone Zone R1 General Residential, Zone R3 Medium Density Residential,

- (e) the development achieves Design Excellence under Clause 6.5,
- (f) the design development is compatible with the desirable elements of the character of the local area, or for precincts undergoing transition the desired future character of the precinct, and
- (g) in the case of development that is BASIX affected development—the development—
 - (i) exceeds the BASIX commitment for water for the development by not less than 10% of the water target score, and
 - (ii) exceeds the BASIX commitment for energy for the development by not less than 10% of the energy target score.
- (7) Subclause (3) does not apply in relation to a building in Area 1 or Area 2 if subclauses (5) or (5A) is applied to the building.
- (8) For the purposes of this clause, land is in **Area 1, Area 2, Area 3, Area 4, Area 5, Area 6, Area 7, Area 8 or Area 9** if the land is identified as “Area 1”, “Area 2”, “Area 3”, “Area 4”, “Area 5”, “Area 6”, “Area 7”, “Area 8” or “Area 9”, respectively, on the [Floor Space Ratio Map](#).
- (9) In this clause:
 - (a) **public purpose** includes (without limitation) any of the following but does not include anything provided as part of the development because of a requirement under another provision of this instrument or another environmental planning instrument—
 - (i) the provision of (or the recoupment of the cost of providing) public amenities or public services,
 - (ii) the provision of (or the recoupment of the cost of providing) affordable housing,
 - (iii) the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land,
 - (iv) the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure,
 - (v) the monitoring of the planning impacts of development,
 - (vi) the conservation or enhancement of the natural environment.
 - (b) **community infrastructure** means any of the following—
 - (i) a recreation area,
 - (ii) a community facility,
 - (iii) an information and education facility.
- (10) For the purposes of applying a floor space ratio to development on land in Area 9, including development for a purpose mentioned in subclause (3) or (4)—

- (a) Lot 1, DP 588368 and Lot 16, DP 832440 are, despite clause 4.5(3)(b), taken to be a single site area, and
- (b) the site area is taken to include land that—
 - (i) is dedicated to the Council for a public purpose or otherwise set aside as publicly accessible open space, and
 - (ii) would have been part of the site area if it had not been dedicated or set aside.

(Item 76/25) LEP Amendment - Design Excellence Competitions

File No: 25/52050

Report by Director City Strategy

Summary

This report seeks Council's endorsement to prepare a Planning Proposal to amend the *Burwood Local Environmental Plan 2012* (BLEP) by updating Clause 6.5 relating to Design Excellence. The amendment would require significant developments, such as mixed-use and apartment buildings over 55 metres (or approximately 17 storeys), to undergo a competitive design process in accordance with the *Design Competition Guidelines* (September 2023) prepared by the NSW Government Architect. This process aims to improve design outcomes across Burwood's higher-density areas and must occur prior to any approval being issued.

This report supersedes the earlier version presented to Council on 26 August 2025, following Council's decision to defer the matter pending further investigation. A review of height triggers for design competitions across other metropolitan councils has since been undertaken, resulting in an adjustment to the proposed height threshold from 28 metres to 55 metres.

The proposal complements the existing Burwood Design Review Panel process and supports Council's broader goal of ensuring high-quality architecture and public spaces – particularly within the Burwood Town Centre and Burwood North – where growth will involve complex residential developments. Design competitions are a proven method for achieving excellence and innovation in built form, whilst also delivering wider benefits to community identity, liveability, and the public domain.

Operational Plan Objective

- C.3 An urban environment that maintains and enhances our sense of identity and place.
- C.3.1 Facilitate well designed, high quality and sustainable land use and development that is appropriately scaled to complement its surroundings.
- C3.2 Protect our unique built heritage and maintain or enhance local character.
- C.4 Sustainable, integrated transport, infrastructure and networks support population growth and improve liveability and productivity.
- C.4.2 Plan for a city that is safe, accessible and easy to get to and move around in.
- C.1.1 Support and deliver initiatives that encourage high-quality design, sustainable development and enhanced urban amenity.
- C.10 A well informed community active in civic life, local planning and decision making
- C.11.1 Conduct Council business with transparency, accountability, compliance and probity that ensures community confidence in decision making
- A.70 Work with developers to promote sustainable development
- C.9 Safe, clean and activated streets, centres and public places are enjoyed by people day and night
- P.38 Deliver attractive, healthy streetscapes and centres that are inviting and foster community pride

Background

Burwood Council has long maintained a strong focus on achieving high-quality development outcomes and embedding design excellence as a core principle across all scales of planning – from individual proposals to precinct-wide strategies. High-quality design is essential for creating functional, attractive, and inclusive places that foster community wellbeing and identity.

As Burwood's role as a Strategic Centre continues to expand, supported by integrated land-use and transport planning, it is critical that future high-density environments – particularly in Burwood North – deliver outstanding built-form and public-domain outcomes. Initiatives such as the *Burwood*

North Precinct Masterplan aim to provide housing, jobs, and public spaces around key transport nodes. A competitive design process will be essential to ensuring these future communities benefit from urban environments that are liveable, inclusive, and of enduring quality.

The benefits of a competitive design process are well established. It is a proven mechanism for raising design quality and aligning architectural and urban design outcomes with the public interest. Competitive processes elevate design standards, foster innovation, attract high-calibre design talent, deliver multidisciplinary outcomes, and promote transparency and public confidence.

Design competitions are widely used across metropolitan Sydney – including the City of Sydney, Parramatta, Canada Bay and Penrith – to secure high-quality architectural outcomes. The NSW Government Architect's *Design Competition Guidelines* (September 2023) provide a consistent and transparent framework for the delivery of these processes (Attachment A).

Clause 6.5 of BLEP currently mandates design excellence in Zone E1 Local Centre and Zone MU1 Mixed Use. In accordance with Council's resolution of 29 January 2025, the requirement for design excellence is proposed to be extended to Zone R1 General Residential and Zone R3 Medium Density Residential through a BLEP amendment to be progressed alongside the gazettal of the Croydon SEPP.

Council's request at the time for the Department of Planning, Housing and Infrastructure to also amend Clause 6.5 to enable design competitions for significant developments as part of the Croydon SEPP is unlikely to proceed, as the higher-density development controls in Burwood Town Centre and Burwood North are not proposed under the Croydon Masterplan. Consequently, a separate, Council-led planning proposal is required to achieve this outcome.

Benchmarking and Amendment Rationale

The report tabled on 26 August 2025 proposed a design competition trigger at 28 metres in height. Council resolved not to proceed at that time and requested further investigation into the appropriateness of this threshold, particularly in relation to comparable clauses in other Local Environmental Plans (LEPs).

Following this direction, a benchmarking review was undertaken of design excellence and competitive design process clauses in the City of Sydney, City of Parramatta, City of Canada Bay, and Penrith City Council. The review found that whilst height triggers vary among councils (ranging from 24m to 55m), higher thresholds are generally applied in locations that accommodate larger-scale, high-density development.

Based on this review, a 55-metre height threshold is considered a more appropriate and proportionate standard for Burwood's strategic precincts. This threshold:

- Reflects the scale and intensity of development expected in Burwood Town Centre and Burwood North;
- Targets significant and complex projects where the potential design outcomes justify a formal design competition;
- Balances design quality expectations with economic feasibility and development viability; and
- Retains flexibility for Council to require a design competition for strategic or site-specific proposals when warranted.

Accordingly, this report puts forward a revised design competition trigger of 55 metres, replacing the previously tabled 28-metre threshold.

Proposal

It is proposed to amend Clause 6.5 of BLEP to introduce a requirement for certain developments exceeding 55 metres in height (generally 17 storeys or more) to be subject to a competitive design process.

Development consent would not be granted unless a design competition has been undertaken and the Council has considered its outcomes.

This requirement would not apply to:

- Buildings of 55 metres or less in height (generally up to 17 storeys);
- Alterations or additions to existing buildings; or
- Applications seeking only modifications to an existing consent, unless the modification results in a taller building.

Council would have discretion to certify in writing that a design competition is not necessary. Where a competition is not required, proposals would instead be referred to the Burwood Design Review Panel, and its findings must be considered by Council before determination.

Full details of the proposed amending provisions are contained in Attachment 1 to this report.

Consultation

If endorsed, the draft provision will be referred to the Burwood Local Planning Panel for comment in accordance with legislative requirements. A Planning Proposal will then be submitted to the Department of Planning, Housing and Infrastructure for Gateway determination. Following the issue of a Gateway determination, the clause will be placed on public exhibition for 28 days and referred to relevant agencies for consultation in accordance with the *Environmental Planning and Assessment Act 1979*.

Any submissions received during the exhibition period will be reviewed and addressed in a post-exhibition report, which will be presented to Council for consideration at the conclusion of the exhibition process.

Planning or Policy Implications

The proposal introduces a new subclause to BLEP to strengthen the delivery of design excellence using competitive design processes. This amendment will require major developments to undergo a competitive design process, embedding best-practice design principles within the statutory planning framework.

The proposed amendment is consistent with the objectives of the *Environmental Planning and Assessment Act 1979*.

Burwood Design Competition Guidelines would be prepared following gateway to assist in the implementation of the program.

Financial Implications

There are no financial implications to amending the BLEP as proposed. If amended, Council's schedule of fees and charges will be updated accordingly to administer a competitive design process.

Conclusion

The proposed amendment to Clause 6.5 of BLEP requiring design competitions for certain developments will ensure that Burwood continues to uphold high architectural and urban design standards for significant projects. It will also attract high-quality design expertise and professional talent to the LGA, reinforcing Burwood as a desirable place to live, work, visit, and invest. In addition, the amendment is consistent with State planning policy and recognised best practice in delivering design excellence.

Recommendation(s)

That Council:

1. Endorse the preparation of a Planning Proposal to amend the Burwood Local Environmental Plan 2012, as outlined in Attachment 1.
2. Delegate authority to the General Manager to finalise the Planning Proposal for submission to the Department of Planning, Housing and Infrastructure for Gateway determination.
3. Receive a further report following the public exhibition of the draft amendment, outlining any submissions received and providing recommendations on the finalisation of the amendment.

Attachments

- 1 [↓](#) Attachment 1 - Draft Design Competition BLEP amendments 2025
- 2 [↓](#) Attachment 2 - NSW Government Architect Design Competition Guidelines 2023

PROPOSED AMENDMENTS TO THE BURWOOD LOCAL ENVIRONMENT PLAN 2012

Black Text = Existing LEP

Red Text = Anticipated Croydon SEPP Amendments

Blue Text = new additional wording for planning proposal

6.5 Design excellence in Zones R1, R3 E1 and MU1

- (1) The objective of this clause is to deliver the highest standard of architectural, landscape and urban design.
- ~~(2) This clause applies to development involving the erection of a new building of 3 or more storeys on land in Zone E1 Local Centre or Zone MU1 Mixed Use.~~
- (2) This clause applies to development involving the erection of a new building of at least 3 storeys or with a height of at least 12m on land in the following zones—
 - (a) Zone R1 General Residential,
 - (b) Zone R3 Medium Density Residential
 - (c) Zone E1 Local Centre
 - (d) Zone MU1 Mixed Use
- (3) Development consent must not be granted for development to which this clause applies unless the consent authority is satisfied that the development exhibits design excellence.
- (4) In deciding whether the development exhibits design excellence, the consent authority must have regard to the following matters—
 - (a) whether a high standard of architectural, landscape and urban design has been achieved (including in the materials used and in detailing appropriate to the location, building type and surrounding buildings),

- (b) whether the form and external appearance of the proposed building, and ground level detailing, will significantly improve the quality and amenity of the public domain,
 - (c) how any streetscape and heritage issues have been addressed,
 - (d) whether the amenity of the surrounding area, including any view corridors, vistas or landmark locations, will be adversely affected,
 - (e) how traffic circulation and vehicular access will be addressed and whether the proposed development supports the provision of high-quality pedestrian, cycle and service access,
 - (f) whether any adverse effect on pedestrian movement and experience will be avoided (and whether the public transport interchange as the focal point for pedestrian movement in the surrounding area will be reinforced and the ease of pedestrian access to and from that interchange will be facilitated),
 - ~~(g) whether the development supports an integrated land use mix in Zones E1 and MU1, including a diversity of public open spaces at the ground level, as well as the roof and other levels of buildings,~~
 - (h) how the bulk, mass, modulation, separation, setback and height of buildings have been addressed and whether they are appropriate in the context of existing and proposed buildings,
 - (i) whether a high standard of ecologically sustainable design (including low-energy or passive design) will be achieved and overshadowing, wind effects and reflectivity will be minimised; ~~for development in Zones E1 and MU1—whether the development supports an integrated land use mix, including a diversity of public open spaces on each level of the building~~
- (5) Development consent must not be granted to the following development to which this clause applies unless a **competitive design process** has been held—
- (a) development relating to a new building that is proposed to have a building height of more than 55 metres,
 - (b) development relating to a new building that is proposed to have more than 17 storeys.
- (6) Subclause (5) does not apply if—

- (a) the consent authority certifies in writing that a competitive design process is not required, and
 - (b) a design review panel reviews the development, and
 - (c) the consent authority takes into account the advice of the design review panel.
- (7) In deciding whether to grant development consent to development referred to in subclause (5), the consent authority must take into account the results of the competitive design process.
- (8) In this clause **competitive design process** means a design competition held in accordance with the Design Competition Guidelines published by the NSW Department of Planning, Housing and Infrastructure in September 2023.

Design Competition Guidelines

Government Architect NSW

September 2023
planning.nsw.gov.au



Acknowledgement of Country

The Department of Planning and Environment acknowledges the Traditional Custodians of the land and pays respect to Elders past, present and future. We honour Australian Aboriginal and Torres Strait Islander peoples' primary cultural and spiritual relationships to place and their rich contribution to our society. To that end, all our work seeks to uphold the idea that if we care for Country, it will care for us.

The Rock Nature Reserve – Kengal
Aboriginal Place. Photo: Destination NSW.



Cover image: Phive – Parramatta Civic Hub by Manuelle Gautrand Architecture in partnership with Lacoste + Stevenson and Design Inc. Photo: Brett Boardman	About these guidelines	4	
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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (September 2023) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.	1.4 Who are the participants in a design competition?	5	4.4 When a competition is not required
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			ESD environmentally sustainable design
			GANSW Government Architect NSW
			LEP local environmental plan
			SDRP State Design Review Panel
			SEPP State environmental planning policy
			SSDA State significant development application
			GOVERNMENT ARCHITECT NEW SOUTH WALES
			This document was prepared by GANSW for the Department of Planning and Environment.

About these guidelines

These guidelines give practical advice on how to plan and deliver a fair and successful design competition that meets the requirements contained within an environmental planning instrument (EPI).

It is intended that these guidelines be applied and adapted to particular situations subject to the endorsement of the relevant decision maker (see Table 2).

Good design is NSW Government policy.

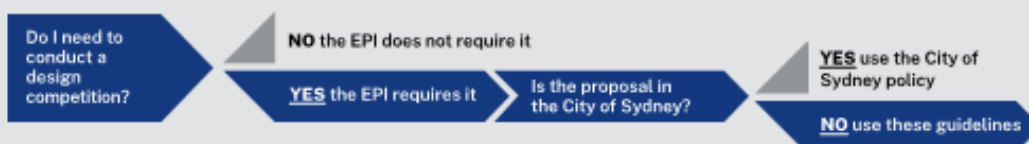
These Design Competition Guidelines are part of a suite of documents produced by the Department of Planning and Environment and Government Architect NSW (GANSW) to support good design.

Who should use these guidelines

The guidelines are for:

- all participants in a design competition
- consent authorities determining a development application (DA) where a design competition is required by an EPI
- competition managers seeking guidance on the design competition process
- councils guiding the design competition processes required by their local environmental plan (LEP).

Figure 1: How to determine if these guidelines should be used in running a design competition



How to use these guidelines

- **Part 1** explains design competitions and the benefits of conducting them.
- **Part 2** gives guidance on how to establish a design competition.
- **Part 3** provides detail on how a design competition is run.
- **Part 4** outlines the relationship between competitions and the NSW planning system.
- **Part 5** advises on governance and commercial considerations.

When to use these guidelines

These guidelines apply when an EPI relevant to the development requires a competitive design process to be carried out in accordance with the DPE Design Competition Guidelines 2023.

These guidelines do not apply to development in the City of Sydney where the city's Competitive Design Policy continues to apply.

Legislative context

The NSW planning system is guided by the *NSW Environmental Planning and Assessment Act 1979* (EP&A Act), the *Environmental Planning and Assessment Regulation*, and various SEPPs and LEPs.

Environmental Planning and Assessment Act 1979

Design quality is integrated within this legislative framework through the objects of the EP&A Act which include 'to promote good design and amenity of the built environment'.

State environmental planning policies

Some SEPPs require developments that meet certain criteria to undergo a design competition as part of the design excellence process.

Local environmental plans

Many LEPs include what is commonly called a 'design excellence clause'. Usually, this clause will refer to design competitions, design review, or both, as ways of improving the quality of the built environment for certain developments.

Part one

Understanding design competitions

1.1 What is a design competition?

Design competitions are a well-established process used nationally and internationally to improve the design quality of our built environment. A design competition is a competitive process involving the submission of design responses by a minimum of 3 design teams for a proposed development. The best design response is selected by a jury on the basis of design-related criteria. Design competitions can be run by a public or private organisation and for any size or type of development including buildings, master plans of larger areas, landscaped areas and the public domain. They can also be conducted for projects that do not intend to have a built outcome for a specific site, such as an ideas competition for a new housing type.

For the purposes of these guidelines, a design competition is one that is required by an EPI and contains the following 5 steps:

1. design excellence strategy
2. competition brief
3. design response and jury presentation
4. competition report
5. design integrity process.

These are described in more detail in 'Part 3 – Five steps of a design competition'.

1.2 Benefits of design competitions

Design competitions are a well-tested and successful model for delivering a high quality of design thinking and innovation. Competitions generate a range of responses to each design challenge, allowing the comparative evaluation of different approaches. This enables participants to analyse the relative merits of different design responses to a brief and builds confidence in the selected design as the best response.

1.3 What is design excellence?

In NSW the definition of design excellence is broadly consistent across planning legislation, where it is often summarised as 'the highest standard of architectural, urban and landscape design.' It also describes a variety of requirements and processes that are intended to support this. Design excellence clauses in EPIs vary in their detail, but often include mandatory considerations such as context, accessibility, public domain, streetscape, massing and sustainability.

1.4 Who are the participants in a design competition?

A design competition process has many participants, including:

- the council
- the consent authority (where this is not the council)
- the applicant
- design teams
- competition jurors and chair
- competition manager
- probity adviser
- technical advisers
- observers.

For more information about participants see '2.2 Roles and responsibilities'.

Part two

Establishing a design competition

2.1 Competition settings

A design competition required by an EPI should complete each of the 5 steps described in [Part 3](#), however, some of the settings within each step may be varied to fit the scale, complexity and significance of the development. Details such as the number of design teams invited to participate and how they are selected, the period of time allowed for the design response to be submitted, and the size of the jury may be adapted to suit each project.

Generally, the more significant a project, the more open to participants the competition process should be. Table 1 provides an example of how settings may be adjusted to suit different development types. Context is also a consideration, for example, a relatively small public project may be highly significant to a local community.

Table 1: Examples of how a competition can be customised to respond to the scale, complexity and significance of a project

Scale and complexity	Number of design teams	Method for selecting design teams	Design team	Jury size	Design response time
Small-scale, simple, common building type	3	By invitation	Architects	3	4 weeks
Public building of local significance	3–5	Open expression of interest (EOI)	Architects, landscape architects	3–5	4–6 weeks
Medium-scale common building type	3–5	Invited EOI to 8–10 design teams or direct invitation	Architects, landscape architects	3–5	4–6 weeks
Large-scale and/or complex building or precinct	5	Open EOI or invited EOI to 10–12 design teams	Architects, landscape architects, other specialists	5	8 weeks
Large-scale and significant public building or precinct	6	Open EOI	Architects, landscape architects, urban designers, structural and environmental engineers, specialist consultants	5 +	12 weeks +

2.2 Roles and responsibilities

All participants have an important role to play in a successful design competition process.

Applicant

The applicant in this context refers to the owner, developer or agency seeking consent to a development application and initiating and funding the design competition.

The applicant generally leads the competition process and is responsible for ensuring it proceeds in accordance with these guidelines and any relevant EPI clauses. The applicant may provide overall direction for the competition through the:

- design excellence strategy
- competition brief, including nominating the design teams to compete in the competition and some members of the jury.

The applicant chooses and engages a competition manager and technical advisers.

The applicant usually funds the competition including costs associated with the competition manager, the design teams, technical advisers and jury, and expenses related to the jury presentation day.

Competition manager

The competition manager coordinates the competition process, guides the applicant, and provides advice and services in relation to each stage.

The competition manager balances the interests and requirements of the applicant with those of the design teams and any statutory requirements.

To avoid conflicts of interest, the competition manager should not be:

- an owner, staff member or shareholder associated with any of the participating design teams
- an owner, staff member or shareholder associated with the applicant or the applicant's companies
- a staff member or councillor with a role in the development assessment process for the project.

The competition manager's role should include:

- preparing the design excellence strategy and competition brief
- preparing a list of professional appointments including jurors and technical advisers appropriate for the competition

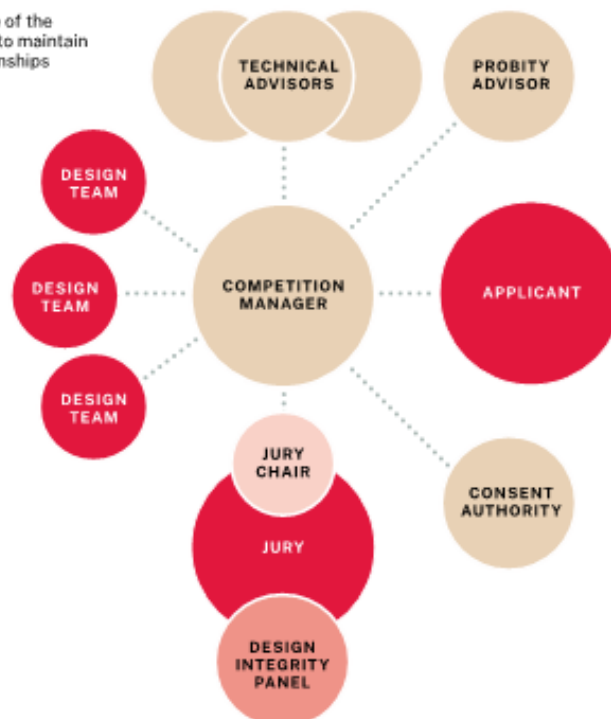
- ensuring all design teams have agreed fee arrangements in place for work to complete the project should they be nominated as the winners
- engaging with the consent authority and council (where different) and GANSW (where necessary)
- managing responses to questions from design teams during the competition process
- preparing the competition report and design integrity reports for the jury members to endorse and sign
- provide confidentiality agreements and a copy of the code of conduct to all relevant parties.

Design teams

A design team is a group of professional designers who collaborate to create a design response to the competition brief. A design team is usually led by an architect, and may include architects, landscape architects, First Nations design consultants, urban designers, heritage architects, structural or environmental engineers and other design experts.

Each design team presents its design response following the submission requirements set out in the competition brief.

Figure 2: Part of the role of the competition manager is to maintain and facilitate the relationships between all participants



Competition jury

The competition jury is a panel of qualified design experts selected to evaluate design competition submissions and choose the winning design response.

A jury is impartial, expert and knowledgeable, and able to commit sufficient time to the deliberation process. It is recommended that a majority of the jurors have industry-recognised design qualifications and be registered in their profession. See [‘2.3 Jury composition’](#) and [‘3.3 Choosing the winner’](#).

All jurors:

- represent the public interest
- have relevant design expertise and are recognised advocates for design excellence
- complete a confidentiality agreement and maintain the confidentiality of the competition process.

The jury:

- chooses a winning design response through the comparative evaluation of all submissions against the evaluation criteria
- reviews and endorses the competition report
- in some cases, participates in the design integrity process (see [‘3.5 Step 5: Design integrity’](#)).

Jury chair

The jury chair is a member of the competition jury nominated to facilitate and lead the jury discussions. See [‘3.3 Choosing the winner’](#).

The jury chair usually performs the following functions and:

- is nominated by the council for a local DA and by the department for an SSDA
- formally convenes the jury
- is responsible for ensuring discussions are relevant to the competition brief and project
- approves the attendance of observers during jury presentations and design integrity panel sessions
- is responsible for the final endorsement of the competition report.

It is recommended that the jury chair be available to clarify and explain the jury’s advice to the consent authority’s development assessment officers during the DA assessment process and until the application has been determined. This may include providing advice to planning panels if invited. See [‘4.2 Role of competition reports and design integrity panels’](#) for more information.

Probity adviser

A probity adviser is a consultant independent of all competition processes who will monitor that all participants are acting ethically, appropriately and in line with applicable codes of conduct.

A probity adviser is recommended for large, complex, or high-value projects, especially those involving public funds, or developments that are unusual or contentious.

Technical advisers

Technical advisers are suitably qualified professionals who provide specialist, independent advice during the competition process to the design teams, the applicant or the jury. They may include structural and environmental engineers, quantity surveyors and other subject-matter experts.

Technical advisers can provide:

- input to the brief
- capital investment value information and fee bands for ongoing work
- feedback to design teams at the mid-point review
- a summary report on design responses, to be issued to the jury
- briefings to the jury on the presentation day
- answers to questions during the jury deliberations.

Technical advisers are chosen and paid for by the applicant. They are required to maintain the confidentiality of the competitive design process and not discuss the design teams’ work with other staff within their own organisation or any other person before a decision on the winning scheme is made public. It is recommended that all technical advisers be provided with an agreed code of conduct and that they complete a confidentiality agreement provided by the competition manager.

Heritage advice

If the proposed development includes a heritage item, or is within a heritage conservation area, it is recommended that a heritage adviser approved by the consent authority be one of the technical advisers engaged by the applicant.

Observers

Observers are individuals attending a jury session only to observe the process. An observer is not involved with the judging of the submissions and is excluded from private deliberations of the jury. Observers can be present during the mid-point reviews, jury presentation day and design integrity process.

Observers may be part of the applicant's team, stakeholders, representatives of the consent authority or relevant council, researchers or other relevant parties. They may have an ongoing role in the project or be observing for their own professional development.

All observers should have their attendance approved by the jury chair.

The jury chair may ask an observer specific questions, but otherwise observers do not make any comment or participate in any way in the judging of the submissions.

Council

The council provides expertise including advice on planning, heritage and other locality-specific matters relevant to the development.

When these guidelines apply, and the council is not the consent authority, it is recommended that the council be invited to provide feedback on the design excellence strategy and the competition brief before its endorsement. When these guidelines apply, and the council is the consent authority, it is recommended that the council should both review and endorse the design excellence strategy and competition brief.

In all cases, representatives from the council should attend the jury presentation as observers.

Consent authority

The consent authority is the entity responsible for determining the DA. This may be the council, Minister, the Independent Planning Commission, or a local, Sydney district or regional planning panel. The consent authority may change during the development application process, particularly if an application is referred to a planning panel after an application is submitted.

For State significant developments, representatives from the department and the relevant council should attend the jury presentation and design integrity panel sessions as observers. This is to provide advice to the jury (where asked to do so by the chair) and to facilitate a smoother development assessment process by ensuring all parties are well-informed. Similarly, for local projects, a council planner should attend the jury presentation and design integrity panel sessions.

GANSW

For State significant developments

For State significant developments, GANSW supports the department in administering the competition processes set out in these guidelines by:

- reviewing and endorsing the design excellence strategy and competition brief
- consulting with the council to obtain its feedback on the design excellence strategy and competition brief
- nominating the competition jury chair
- after the competition, endorsing the overall competition process has met the requirements for a competitive design process, including any nominated design integrity processes (see [3.4 Competition Report](#)).

In competition processes for State significant development where a council competition policy applies, GANSW will administer the competition process in accordance with that policy.

For developments

In council areas where these guidelines apply, GANSW may:

- provide comment on the design excellence strategy and competition brief where requested
- provide assistance as agreed with the consent authority.

2.3 Jury composition

The composition of the jury is critical. It must engender the respect of the design and development community and—in the case of an open EOI—it plays a significant role in generating interest in the project and participation from design teams. In establishing a jury, the applicant and other bodies nominating jury members should work together to ensure gender equity (wherever possible) and the inclusion of a range of design expertise, such as urban design and landscape architecture relevant to the project. For some developments, inclusion of jurors with cultural expertise and Indigenous knowledge appropriate for the project type or site should be considered.

The jury should have 3 members or 5 members, as appropriate for the scale and complexity of the project.

3-person jury

For a 3-person jury, one juror is usually nominated by each of the following:

- GANSW – as the jury chair
- the applicant
- the council

To avoid conflicts of interest, members of a 3-person jury may not be:

- an owner, staff member or shareholder associated with the applicant or the applicant's companies, or any of the participating design teams
- a staff member or councillor with an approval role in the development assessment process.

5-person jury

A 5-person jury has the same composition as a 3-person jury, and may also include:

- one juror nominated by the applicant (i.e. the applicant nominates 2 jurors overall)
- one juror nominated by the consent authority.

In a 5-person jury, one of the jurors nominated by the applicant may be an owner, shareholder or senior employee with the applicant or the applicant's companies, and if so, should be a design professional, or have demonstrated experience in the delivery of high-quality design projects.

Larger jury sizes may be appropriate for projects where additional expertise is necessary. The total number of jurors should be an odd number to avoid a stalemate.

2.4 Selecting design teams

Selection of design teams to prepare a design response for the competition is critical to the success of any competition. Design teams are endorsed by the consent authority (see [Table 2](#)). When shortlisting design teams, the applicant should consider the following:

- Diversity of experience and approach across teams will facilitate a range of responses to the competition brief and ensure the best value from the competition process.
- Emerging architects or design teams that have not worked in the relevant building type extensively can bring value through introducing new ways of thinking.
- Competitions provide opportunities for local design teams to expand their skills and capacity. While a proportion of international design teams may be considered, the consent authority must be confident their inclusion will bring value to the competition and the project outcome.
- The applicant must be confident they can work with any of the selected design teams through to the completion of the development, should they win.
- Prior experience of the relevant project type should not be the only selection criteria. Experience in projects of equivalent complexity will ensure a more diverse selection.
- Design teams should demonstrate the capacity to deliver the project, within their own organisation or by partnering with other practices.

EOI process

Where design teams are being selected using an open EOI process, it is recommended the competition jury be engaged in the selection process. This is particularly valuable for high-profile projects where the selection of teams may be guided by those with an in-depth knowledge of the design industries.

Open 2-stage design competitions

Open 2-stage competitions are often considered for projects seeking to attract broad public interest and promote high levels of design innovation. Competitions of this type may provide opportunities for lesser-known and emerging design teams to compete against more established design teams based on design response alone.

Stage 1: design team selection (or short-listing)

- Open to all (some limitations such as the requirement for local professional registration may apply)
- Submission requirements: capability statement and task appreciation
- Competition jury selects the shortlist

Stage 2: concept design development

—Short-listed design teams are paid to develop a design response for presentation to the jury.

Lead and supporting designers

The design team will often include various disciplines such as architecture, landscape architecture, urban design and others, with a nominated lead designer, usually an architect. It is recommended that the applicant state in the design excellence strategy which disciplines are needed as part of the design team. Unless stated otherwise in the competition brief, all disciplines should continue with the project if their team is selected as the winner of the competition.

Emerging practices

The term 'emerging practice' refers to a practice in the early stages of establishment, generally within ten years, or one that –while well-established and with a reputation for design excellence in different, smaller or less complex project types –is yet to undertake or is just beginning to undertake work of a larger, different or more complex type. Emerging practices can bring fresh thinking and new perspectives to design challenges.

2.5 Cultural safety

Where there are First Nations jurors or design team participants, or other participants who are providing First Nations knowledge and understanding, it is important to follow cultural protocols and address any cultural safety issues raised by First Nations participants.

2.6 Reference designs

A reference design is a preliminary design that tests the capacity of a site to accommodate permissible uses, floor space and height, taking into consideration amenity and environmental impacts. A reference design can also provide useful information on yield targets and performance aspects of a brief.

The reference design can be used to test and develop the brief and can provide confidence for the applicant that access, circulation and amenity requirements can be achieved within planning controls. It is recommended a reference design be developed for every competition. A reference design is not the same as a concept plan or stage 1 envelope.

A detailed reference design generally should not be included in the competition brief as it can hinder innovation and create the impression there is a preferred solution. It is recommended that key elements of the reference design be described in the brief using diagrams or text, as appropriate, where these are critical to the functional operation of the development. The consent authority may allow inclusion of a basic reference design as an appendix to the competition brief if it is considered essential to the understanding of the brief.

A design team that has developed a reference design may be included in the later competition stage. If the design team is to be excluded, they must be notified by the applicant before undertaking reference design work.

2.7 Exhibiting the design responses

After the winning design response is announced, public exhibition of all competition entries is recommended, particularly for public-funded and prominent projects. Public exhibition supports transparency of the competition process and is an important way to acknowledge the effort and output of participating design teams. It also builds capacity across the design and development industries through the sharing of design responses. Entries may be physically exhibited in a public space or online via a public-facing website alongside the names of their authors.

Part three

Five steps of a design competition

This part outlines 5 recommended steps to be followed for a design competition under these guidelines.

They are:

1. design excellence strategy
2. competition brief
3. design responses and jury presentation
4. competition report
5. design integrity process.

The time required to complete each step of the competition process varies, depending on the complexity and scale of the development.

Table 2: Endorsement of Process and Jury Chair Nomination

Local DA or SSDA	Consent authority	DES / brief / design teams endorsement	Chair nomination
Local Development	Council or Local Planning Panel	Council	Council
Regionally Significant Development	Sydney District and Regional Planning Panel	Council	Council
State Significant Development	Minister or IPC	GANSW	GANSW

3.1 Step 1: Design excellence strategy

A design excellence strategy outlines how a proposal will achieve design excellence and sets out the details of the competition process. It usually includes:

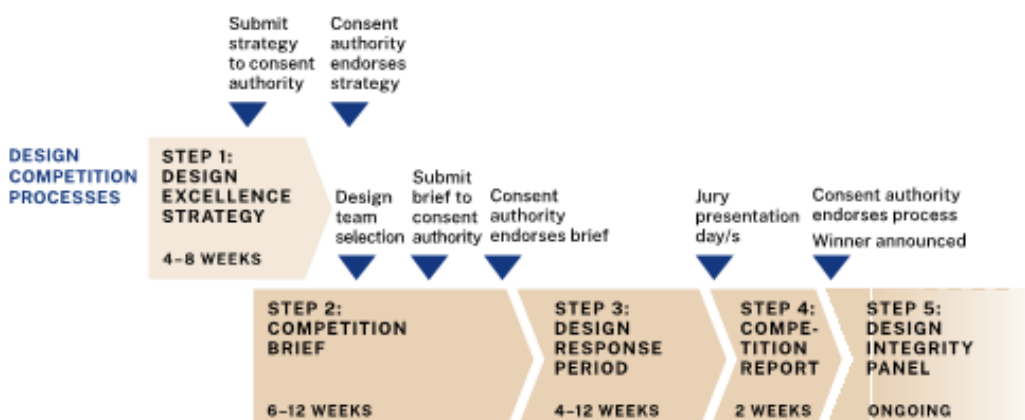
- the aims of the competition
- a short description of the site and program
- the capital investment value of the development
- the planning framework
- an outline of the competition process including key dates
- how the process will meet the relevant planning controls and align with these guidelines
- the number of design teams required to participate
- the disciplines to be included within design teams
- how design teams will be selected
- the number of jurors
- an outline of the design integrity process.

The design excellence strategy is procured by the applicant and typically prepared by the competition manager. It is reviewed and then endorsed by the council or GANSW as set out in Table 2 to ensure that the strategy appropriately explains the design excellence process for the development.

Where a 2-stage DA is to be prepared, the design excellence strategy should be included as part of the first stage (stage 1 or concept DA).

During the development of the design excellence strategy, the applicant will also usually be developing the reference design, gathering technical information to support the brief, and preparing the stage 1 DA (where relevant).

Figure 3: Time frames and milestones of a design competition



3.2 Step 2: Competition brief

The competition brief describes the competition process in full and contains all the information the design teams will need to complete their design responses. The competition brief is usually produced by the competition manager and then reviewed and endorsed by the council or GANSW as set out in Table 2. This ensures that the brief is suitable for the project and addresses all necessary considerations before its distribution to the design teams. In compiling the competition brief, the following items are generally addressed:

Competition details

- Description of the competition process
- The names of the design teams, including all collaborators
- Key dates, including:
 - design response period start date and submission deadline
 - site visits and briefings
 - mid-point reviews (where relevant)
 - jury presentation days
 - issuing of the competition report
 - announcement of the competition winner
- Names and qualifications of all jurors and the jury chair
- Detailed description of the design integrity process; see '3.5 Design integrity'
- Relevant Design Excellence considerations in any applicable EPIs and alignment with the competition design brief
- Fees to be paid to each of the design teams and, as appropriate, the awarding of any prizes, commissions, or bonuses to winning design teams
- Identity of the applicant
- Name and contact details of the competition manager.

Competition design brief

- Vision and principles for the development
- Capital investment value
- Planning framework and relevant controls, including draft or pending EPIs that may influence the project
- Proposed uses, gross floor areas and floor space ratios
- Functional and technical brief
- Details of environmentally sustainable design (ESD) targets and other benchmarks or standards that are to be achieved
- Site information including a detailed site survey, flood and bushfire studies where relevant, details of sun access planes, information about existing buildings, heritage information and any relevant supporting reports or policies
- Options for distributing any bonus floor space area or building height which may be granted by the consent authority for demonstrating design excellence through a

design competition

- Summary reports of any stakeholder or community consultation which has been undertaken
- The endorsed design excellence strategy.

Submission requirements

Provide a clear list of the submission requirements for the design response, defined by a maximum page and word count. It is recommended that submission requirements for the design response be limited to matters that are necessary to explain the design response to the jury at a concept design stage.

The extent and level of detail of the submission requirements will influence the fees paid to design teams, the length of the design response period, the fees paid to jurors to review the design responses, and the amount of time required for jury presentations.

Governance

The competition brief describes the governance framework for the competition, such as:

- the process for the submission of fees by the design teams to complete the project following the competition; see '5.2 Design fees for ongoing work'
- the scope of services that will be required of the winning design team
- the process for clarifications and questions during the competition period, including those questions arising from a mid-point review
- a statement that all design teams' names be clearly visible on entries, or that submissions are anonymous, and no identification of design teams is allowed
- a statement that the copyright and intellectual property rights of any entry to the competition remains with the originator of the work, and the originator is free to publish or exhibit the work after a stated date or milestone
- a statement that the jury's decision will not fetter the consent authority in the assessment and determination of any subsequent development application
- a conflict-of-interest declaration signed by each member of the jury and a confidentiality agreement.

3.3 Step 3: Design competition – responses and presentation

The design competition response is the scheme developed and submitted by each design team in accordance with the requirements outlined in the competition brief. It is generally presented by representatives of the design team to the jury on the jury presentation day.

Design competition response period

Design teams have a set period to prepare

their design responses. During this time the competition manager may field questions from any of the design teams. Answers to these questions are generally made available to all design teams so that all teams have access to the same information.

Mid-point review

The applicant may elect to hold a mid-point review to monitor the progress of the designs against technical and financial aspects of the competition brief. It is recommended that the technical advisers and the applicant's quantity surveyor be available for a short session where design teams may request feedback on the developing design responses. It is also recommended that the competition manager and probity adviser (where relevant) be present during mid-point reviews as observers. Jurors do not attend mid-point reviews. Any information given to one design team must be distributed to all design teams so that all have access to the same information.

Jury presentation day

The jury presentation day is when each competing team presents its design competition response to the jury. Time is usually allowed for briefings from technical advisers, questions and clarifications from the jury, and for the jury to discuss each proposal in private after all presentations have concluded. The jury chair will usually ask all observers, except those representing the council and consent authority, to leave the room while these discussions are taking place. For larger competitions the jury presentations may run over consecutive days.

It is recommended that the jury presentation day be convened by the competition manager within 2 weeks of the close of the competition response period. The jurors should receive a copy of submissions and technical reports at least one week before the jury presentation day and be allowed enough time to review all the submissions during that period. The competition manager should exclude materials that are additional to the requested submission documents, such as extra renders or models, to ensure equity for the design teams and clarity for the jury.

The jury should seek to complete its deliberations on the final jury presentation day.

Choosing the winner

The jury chair will generally try to negotiate a consensus decision on the winner, however, a majority vote may be used to decide a final outcome. In the unusual case of an even-numbered jury, the chair will have a deciding

vote. Judging will generally be against the evaluation criteria outlined in the brief.

The jury may, in exceptional circumstances, decline to declare a winner of the design competition if, in its opinion, none of the submissions have the potential to achieve design excellence. As this would require a new competition to be held this outcome is discouraged.

When deciding the winner is delayed

There are 2 scenarios where a jury may take longer to reach a conclusion:

- the jury has not reached a decision on the winner and the jury chair believes further discussion is necessary; the jury should try to reconvene within a week of the jury presentation day and make a decision during this meeting
- the jury cannot decide between 2 of the schemes and requires more information to make a decision. The jury should try to avoid this scenario wherever possible.

Where the jury cannot make a decision, and asks for additional material, the same questions should be issued to both design teams and a period of no less than 2 weeks allowed for responses. It is expected that both design teams be paid for this extra work. It is recommended that any design teams that have not been asked to provide additional information be informed that they have not been successful in the competition.

3.4 Step 4: Competition report

The competition report contains a summary of the competition process and documents the jury's decision including determination of the winner and the jury's recommendations. The competition report is usually prepared by the competition manager and reviewed and endorsed by all jury members.

The competition report usually includes:

- a summary of the competition process and a copy of the competition brief
- feedback on each of the design responses, outlining the merits and the weaknesses
- nomination of one design response as the winner of the competition and the winning design team for the purposes of design integrity
- a statement that the winning design response has the potential to achieve design excellence
- the rationale for the choice of the winning design and the qualities and attributes that must be retained to achieve design excellence
- areas that require further design development to achieve design excellence
- any ongoing requirements of the design integrity process; see '3.5 Design integrity' and '4.2 Role of competition reports and design integrity panels'

—a statement confirming the competition process has been carried out in accordance with requirements of the relevant EPI.

Competition feedback sessions

Unsuccessful design teams may request further feedback on their design response in addition to the competition report. This may take the form of a meeting with the jury chair and competition manager. Applicants and juries are encouraged to provide feedback to unsuccessful teams. It is recommended that feedback acknowledges the time and effort expended by design teams in participating in the competition and gives constructive advice for future opportunities.

3.5 Step 5: Design integrity

Design integrity is a process that ensures the design intent and design quality of the winning scheme is maintained or improved through subsequent design and development stages and through to construction. An overview of the various design integrity processes is provided below. The processes for ensuring design integrity are set out in the design excellence strategy and confirmed in the competition brief and report.

Engagement of the winning design team through to completion

The design team of the winning design response is to be appointed for the duration of the project, through to completion. The scope of design services provided by the winning team should be agreed and should include:

- preparation of drawings for a development application
- preparation of drawings for a construction certificate
- preparation of drawings/material for contract documentation
- continuity of design leadership through construction to occupation certificate.

The engagement of the winning design team is generally not affected if the site is sold. Some EPIs state that development consent must not be granted until a design competition has been held. A design competition is considered to have been held at the point when the winning design team has been engaged by the applicant.

After the competition, in the further design development and construction of the project, the consent authority may ask the lead designers at any time to confirm they have maintained a significant role in the process of developing the design.

In exceptional circumstances, the applicant and the nominated lead designers may agree the lead designers cannot continue with the project. In this case the applicant will most

likely need to reconvene the jury to establish a suitable solution to support delivery of design excellence and maintain the design integrity of the winning scheme. This may include convening a new design competition.

Design integrity panel

A design integrity panel (DIP) is a quorum of the competition jury engaged to review whether the project retains design integrity. A DIP should be formed from a minimum of 3 of the competition jury, using the same composition as a 3-person jury and including the chair. The DIP may then be convened by the applicant with assistance from the competition manager, with membership approved by the chair.

The DIP may then review the design to ensure the key design excellence attributes noted in the competition report are retained or improved upon through the development of the design, and that areas noted as requiring further design refinement are appropriately addressed.

It is recommended that DIP reviews occur before:

- lodgement of the DA
- lodgement of Response to Submissions
- lodgement of any significant design modification application.

In some cases, assessment officers or the consent authority may request further review of the project by the DIP. For further guidance on post-lodgement processes see [‘4.2 Role of competition reports and design integrity panels’](#).

The cost of running a DIP is usually borne by the applicant.

Design integrity reports

Each meeting of the DIP should be documented in a design integrity report. The report should include a statement confirming that the design retains or improves upon the design qualities exhibited in the competition-winning submission, and retains the potential to achieve design excellence. The report should specify whether further DIP sessions are recommended. Specific reference to advice and recommendations from the competition report and earlier DIP meetings should be made in each subsequent design integrity report to ensure all matters are addressed.

Design integrity reports are usually prepared by the competition manager and reviewed and endorsed by the DIP.

The competition report and design integrity reports are submitted to the consent authority with the DA and may inform the assessment of the planning application. For further guidance on post-lodgement processes see [‘4.2 Role of competition reports and design integrity panels’](#).

Part four

Relationship of competitions to planning assessment

4.1 Integration with planning application

The 5 steps of a design competition generally take place during the different stages of the preparation and assessment of a development application.

The following section describes how the steps outlined for the design competition relate to different types of planning applications.

It is recommended that the competition brief and subsequent steps not take place before the approval of a planning proposal or concept DA for the relevant site (where this is required). Design competitions should not be used as a way of promoting development envelopes outside existing controls.

Further, it is recommended that throughout the development assessment process, the considerations and requirements of the specific design excellence clause in the EPI that applies to the site be addressed and responded to. In some cases, this may involve negotiations with the consent authority to ensure the proposed timing of the competition is supported.

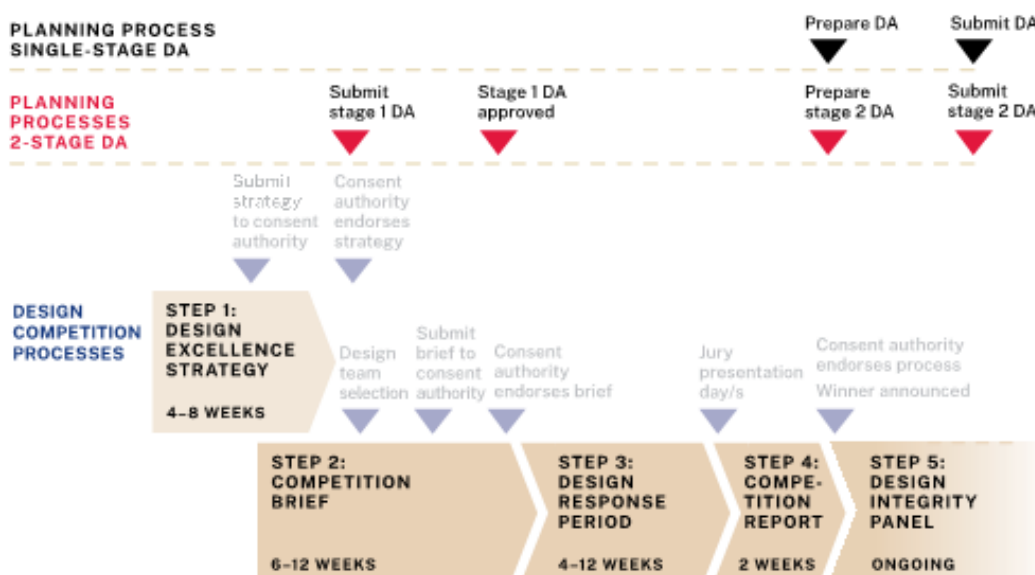
DA or State significant DA

For a DA or State significant DA (SSDA), the first 4 steps of the design competition are usually completed before lodgement of the DA.

Staged DA or concept DA

It is recommended that where there is a staged DA or concept DA, the design excellence strategy be submitted with the initial application. The remaining steps in the design competition should generally proceed after the approval of the initial stage or concept plan though this will depend on the requirements of any relevant EPI. The competition report and DIP reports will usually be submitted with any further staged DAs subject to the requirements of the relevant EPI. It is recommended the applicant discuss and agree the timing of the competition with the consent authority before commencing the 5 step competition process.

Figure 4: How the design competition process aligns with typical single-stage and 2-stage DA process



Planning envelopes

A concept DA or staged DA usually describes a planning envelope including controls such as heights, floor space ratios and setbacks the proposed development will be constructed within; this is often required for large and complex development. Where a concept DA or staged DA exists, the concept approval should be provided to design teams in the competition brief.

Planning proposals

Where a planning proposal is prepared with a DA, the design excellence strategy should be submitted with the planning proposal. It is recommended the remaining steps in the design competition process be held after the planning proposal has been approved in line with the steps outlined above.

4.2 Role of competition reports and design integrity panels

In assessing a development application, assessment officers and consent authorities are to consider the competition and DIP reports, which will assist when:

- assessing requests to vary development standards where an application does not strictly comply with the planning controls and the applicant has submitted that, for design reasons, such variations may achieve better outcomes
- establishing whether the recommendations of the jury and the DIP have been addressed
- the advice of the jury and DIP has not been adopted by the applicant, to establish whether this is an appropriate ground for refusal of the DA because the proposed development is not capable of achieving design excellence.

In some instances, assessment officers and consent authorities may require additional design quality advice to finalise their recommendations or to make a determination. They may refer the project back to the DIP if the application requires significant modification to achieve design excellence and the extent and nature of the changes require additional advice from the DIP.

The project is usually not referred back to the DIP during assessment if:

- the application does not reflect the DIP's advice and design excellence has not been achieved; the application is refused
- the application achieves design excellence but requires minor modifications which can be managed via the conditions imposed on the development consent.

Conditions of consent may require further review by the DIP to resolve outstanding design excellence matters, for example review of external materials, facade prototypes, or other design-related features.

4.3 Community involvement in the competition process

While the competition process (Steps 1 to 5) is not open to the public, the community may comment on the winning scheme following lodgement of the DA or SSDA. The competition report (which includes the competition brief) and DIP report form part of the DA or SSDA submission. These may be viewed during the public exhibition stage of the assessment process which is managed by the consent authority.

4.4 When a competition is not required

Some EPIs contain a clause noting that in specific circumstances a design competition may not be required.

If the applicant's development application is subject to such a clause and the applicant wishes to take advantage of it, they will generally need to ensure the development complies with any requirements in the particular EPI clause and submit a written request to the decision maker in the clause seeking confirmation that a design competition is not required. Any such correspondence should set out all criteria contained within the relevant EPI and show how these criteria have been satisfied.

Part five

Governance and commercial considerations

5.1 Setting fees for the design response

Design teams must be paid reasonably for the work involved in preparing a design response.

The design competition fee is influenced by the:

- extent and detail of submission requirements
- design response period
- complexity of the project
- number of specialist consultants and collaborators that are required as part of the design team
- the value of the design work provided to the applicant.

Design teams may decline to enter the competition if they consider the design response fee is inadequate to cover the work required.

5.2 Design fees for ongoing work

The winning design team is to be appointed on an ongoing basis to complete the design through to construction and project completion.

It is recommended that design teams be given a sample of the terms of engagement or contract and an indicative fee band that states the acceptable minimum and maximum amounts for ongoing fees. This fee band is usually provided by the applicant's cost consultant with consideration given to industry benchmarks, the scope of work and the quality of architectural services required.

Design teams may decline to enter the competition if they consider the fee band is inadequate to cover the work required.

To ensure the fees for ongoing work are competitive, fee proposals for completing the project are recommended to be submitted by each design team before the commencement of step 3 (see [3.3 Step 3: Design competition: responses and presentation](#)). To ensure fees play no role in selecting the winning scheme, appropriate probity measures should be adopted to ensure that fee proposals are not opened or shown to the applicant until after the winning scheme has been chosen.

5.3 Budgets and commercial outcomes

Design teams should try to provide a design response that has the potential to be delivered within the stated construction budget and that satisfies the commercial requirements of the brief. To help design teams meet budgets, the applicant may make the services of a cost consultant available during the preparation of submissions. Project budgets must try to be realistic and consider development complexity and the need to deliver design excellence.

Competition submissions represent a very early design stage, and design development may need to allow for significant refinement of the design to meet budgets. The jury will generally consider cost estimates when evaluating the design responses and may provide advice on how the design responses could be developed to address budget risks, where identified.

Cost consultants are technical advisers that are usually engaged and paid by the applicant.

5.4 Disqualification

Disqualification should be avoided wherever possible. It is recommended that design teams should only be disqualified if:

- an entry is received after the nominated closing time and date
- a design team discloses their identity in an anonymous competition
- a design team attempts to unethically influence the jury's decision
- the design is found not to be the original work of the declared design team.

In other circumstances, for example where design teams do not meet other submission requirements, disqualification may be considered but is not encouraged. Recommendations for disqualification come from the competition manager or the probity adviser. The jury should review any recommendation for disqualification but may choose not to support it. The decision should rest with the jury.

Credits

GANSW acknowledges and thanks the many councils, industry groups and agencies who have supported the development of this document through stakeholder workshops, working groups and other forums as well as consultants who have assisted in the development of this document.

Photography

All imagery by Government Architect New South Wales and Department of Planning and Environment unless stated.

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(Item 77/25) Proposed Fee Reduction Category: Road Closures for Transformative Precinct-Scale Development Delivering Significant Community Benefit - Endorsement for Public Exhibition

File No: 25/52400

Report by Director Corporate Services

Summary

This report proposes a new category of fee reduction for temporary road closure permits associated with transformative precinct-scale developments that deliver significant community benefit. The proposal responds to emerging trends in urban development within the Burwood local government area and establishes a framework to support exceptional projects while maintaining accountability and community outcomes.

Resolution is sought from Council to endorse the proposed fee reduction category for public exhibition in accordance with section 610E of the *Local Government Act 1993* (the Act).

Operational Plan Objective

- A.98 Comply with financial management responsibilities to promote transparency and accountability
- A.71 Undertake initiatives that support new economic growth in the Burwood North Precinct and Burwood Town Centre
- P.21 Deliver projects that activate streets, public and open spaces and enhance amenity, accessibility and safety

Background

Under the *Local Government Act 1993* (the Act), Council may charge and recover approved fees for services it provides, including granting approvals. Section 610E allows Council to waive or reduce fees for particular cases that fall within a category determined by Council through a transparent public process.

Council currently charges fees for temporary road closure permits, which are required when temporarily closing any part of a road, car park, footpath or nature strip. These permits are commonly sought to facilitate construction activities such as driveway construction and property access works, coordination of large plant and equipment delivery, building construction requiring temporary staging areas, and utility infrastructure works.

The primary purposes of these permits are to enhance road safety and traffic control during construction, manage impacts on the surrounding community, and discourage unnecessarily prolonged closures. Fees are structured based on the extent of closure, whether full or partial road closure, the number of lanes affected, or parking bays impacted, and are charged on a daily basis. Most temporary road closures approved by Council last no more than a few days. To date, Council records indicate the longest period for which a temporary full road closure permit has been issued by Burwood Council is one day.

Burwood is entering a period of significant urban transformation. The local government area is beginning to see transformative precinct-scale developments that represent a fundamental departure from the typical construction projects for which our current temporary road closure fee structure was designed. These developments are characterised by:

- Precinct-wide impact: They fundamentally change entire areas rather than individual sites
- Public benefit delivery: They provide substantial community infrastructure through Voluntary Planning Agreements (VPAs) and other contributions

- Technical complexity: They often involve innovative construction techniques, such as building beneath public roads to create subterranean retail and parking while maintaining activated streetscapes
- Extended construction timeframes: The scale and technical demands necessitate longer construction periods than standard developments

Under the current fee structure, extended temporary road closures required for these complex precinct-scale projects can result in significant permit fees substantially beyond anything Council has previously charged. For context, with our longest previous closure being just 1 day, the fees were manageable and appropriate. However, projects requiring closures of several months to facilitate sophisticated underground construction can generate significant fees.

While such fees are appropriate and necessary for standard developments where minimising disruption is paramount, they create unintended consequences for transformative projects that seek to deliver exceptional community benefit. These consequences may actually work against Council's broader strategic objectives and the community's interests.

High daily fees may incentivise developers to rush complex technical works that require careful execution, potentially compromising construction quality and long-term outcomes. Developers may also seek to schedule numerous shorter closures to reduce fees, potentially causing greater cumulative disruption to the community than a single continuous closure would create. Additionally, high closure costs may discourage proposals for sophisticated below-ground infrastructure that creates better urban outcomes at street level—the very type of innovative design that supports our urban renewal objectives.

These types of developments are not typical in Council's experience to date. However, given forecast growth and urban design trends emphasising pedestrian priority, integrated public spaces, and multi-level urban environments, Council should anticipate more proposals of this nature in coming years. This presents an opportunity to establish a clear, transparent framework that can guide future decision-making while ensuring we support developments that deliver genuine and lasting community benefit.

These developments warrant a differentiated approach that balances community benefit, construction quality, fiscal responsibility, and minimising disruption.

Proposal

Road closures for transformative precinct scale development

It is recommended that the following fee reduction category be established under section 610E of the Act:

Category

Transformative precinct-scale development delivering significant community benefit.

Eligibility criteria (all to be met)

- a) The project demonstrably changes and improves a precinct and requires extended temporary road closures greater than 8 weeks.
- b) A Voluntary Planning Agreement is in place (or approved in principle) that materially funds public infrastructure (for example, a major community or civic asset, a significant cultural or recreation destination, or a landmark community space).
- c) The project delivers additional community benefits beyond any Voluntary Planning Agreement contributions (for example, expanded employment outcomes, early delivery of public domain, enhanced public domain amenity).

- d) The applicant agrees to comply with all Construction Traffic Management Plans, minimises disruption, and provides communications to affected traders and/or residents.
- e) The fee reduction applies only to Council-levied Road Closure line items in Council's Fees and Charges.

Relief Offered

50% reduction to the relevant Road Closures line items in Council's Fees and Charges for the period or extent of closures approved in Construction Traffic Management Plans.

Rationale for 50% Reduction

The proposed 50% reduction represents a balanced approach that recognises the exceptional community benefit these developments deliver while maintaining cost discipline. The retained 50% fee still provides incentive to minimise closure duration where possible and appropriately shares the cost burden between private benefit to developers and public benefit to the community. This approach remains fiscally responsible by retaining substantial revenue while supporting strategic development objectives.

Burwood Place development and the temporary closure of Wynne Avenue

The Burwood Place development exemplifies a transformative project that would qualify for the proposed fee reduction category. This development includes a major commercial and retail destination creating substantial local employment, eight underground levels inclusive of retail and car parking constructed beneath Wynne Avenue, an innovative design that enables an activated streetscape and enhanced public space at ground level, and a Voluntary Planning Agreement that materially funds the Burwood Culture House, a landmark cultural, recreation and community facility.

The excavation, structural and construction works beneath Wynne Avenue are technically complex, requiring extensive structural support systems to maintain road integrity, careful sequencing to ensure safety and minimise settlement, coordination with utility services and other underground infrastructure, and quality construction time to achieve appropriate technical and safety standards.

The developer, Holdmark, estimates approximately 8 months for the Wynne Avenue construction stage. Under the current fee structure, the road closure permit fee would be \$1,063,235.50 plus GST.

On 27 June 2025, the General Manager received a letter from Holdmark requesting Council waive road closure fees and charges for the temporary closure of Wynne Avenue. The request cited significant community benefits delivered through the VPA, the need for quality construction time for complex works, the substantial costs associated with the development and road embellishment works, and the creation of enhanced public infrastructure and community spaces.

The Burwood Place development clearly satisfies all criteria of the proposed category:

- ✓ Transforms the entire Wynne Avenue precinct
- ✓ Has a VPA funding the landmark Burwood Culture House
- ✓ Delivers additional benefits including employment, enhanced streetscape, and innovative urban design
- ✓ Includes comprehensive traffic management and communication plans
- ✓ Requires extended closure (8 months) for complex construction

If the proposed category is determined following public consultation, applying the 50% reduction to Burwood Place would result in a road closure fee of approximately \$531,617.75 plus GST—representing substantial fee revenue while supporting a strategically important project.

Consultation

Section 610E of the Local Government Act 1993 requires that before determining a category for fee reduction, Council must give public notice of the proposed category for a minimum of 28 days and consider any submissions made during the public exhibition period.

Following Council endorsement, staff will prepare a public notice for placement on Council's website and other appropriate channels, invite community submissions during the 28-day exhibition period, collate and analyse submissions received, and report back to Council on the outcomes.

Planning or Policy Implications

The proposed category aligns with strategic objectives for economic growth in Burwood Town Centre and Burwood North. It supports Council's urban design and public space activation objectives. It establishes clear, transparent and reasonable eligibility criteria and maintains consistency with the Act. The category creates a framework that can be applied equitably to future exceptional developments while not creating an expectation that all large developments will receive fee waivers. The strict criteria ensure only truly transformative projects with substantial community benefit qualify.

Financial Implications

The proposal will reduce potential road closure fees for a very small number of large-scale projects that meet the strict eligibility criteria. Given the exceptional nature of qualifying developments, this category is expected to apply infrequently—perhaps once every few years or less.

For standard developments and routine road closures, full fees will continue to apply, preserving the vast majority of Council's road closure permit revenue.

While the proposal reduces revenue from qualifying projects, it must be considered in the broader context of value delivered to the community. Projects like Burwood Place fund major community assets worth millions of dollars through substantial public infrastructure delivered via VPAs. Better construction outcomes create lasting community value through improved urban design and public spaces. These developments generate employment, business activity, and increased rateable land values that benefit the local economy. Supporting transformative developments also enhances Council's reputation and attractiveness for quality urban renewal.

The 50% fee reduction for qualifying projects represents a strategic investment in achieving superior urban outcomes that serve long-term community interests.

Conclusion

Burwood is entering a period of significant urban transformation and Council will increasingly encounter developments that differ fundamentally from routine construction projects.

The proposed fee reduction category establishes criteria to identify genuinely exceptional developments while maintaining fiscal responsibility through a 50% fee reduction. The category supports Council's strategic objectives for economic growth, urban renewal, and public space activation. The Burwood Place development exemplifies a project that would qualify for this category.

Subject to public consultation and Council determination, this new category will provide a transparent framework for supporting transformative developments that create lasting community value.

Recommendation(s)

That Council:

1. Endorse for public exhibition for a period of 28 days the proposed fee reduction category under section 610E of the *Local Government Act 1993*:

Category

Transformative precinct-scale development delivering significant community benefit.

Eligibility criteria (all to be met)

- a) The project demonstrably changes and improves an entire precinct and requires extended temporary road closures greater than 8 weeks.
- b) A Voluntary Planning Agreement is in place (or approved in principle) that materially funds significant public infrastructure (for example, a major community or civic asset, a significant cultural or recreation destination, or a landmark community space).
- c) The project delivers additional community benefits beyond any Voluntary Planning Agreement contributions (for example, expanded employment outcomes, early delivery of public domain, enhanced public domain amenity).
- d) The applicant agrees to comply with all Construction Traffic Management Plans, minimises disruption, and provides communications to affected traders and/or residents.
- e) The fee reduction applies only to Council levied Road Closure line items in Council's Fees and Charges.

Relief offered

50% reduction to the relevant Road Closures line items in Council's Fees and Charges for the period or extent of closures approved in Construction Traffic Management Plans.

2. Unless the public exhibition period results in submissions opposing or proposing changes to the category, determine and adopt the new category referred to in item 1, with effect from the date immediately following the closure of public submissions.
3. Should the public exhibition result in public submissions that may require re-consideration of the proposal, the General Manager is required to report back to Council on the outcome of the public exhibition so Council can consider formally whether to determine the new category referred to in item 1.
4. Approve the application of the proposed category to the road closures required in Wynne Avenue as part of the Burwood Place project, subject to public consultation and determination by Council as referred to in items 1–3.

Attachments

There are no attachments for this report.

(Item 78/25) Adoption of Audited Financial Reports for the Year Ended 30 June 2025

File No: 25/51173

Report by Director Corporate Services

Summary

In accordance with Section 418 (1)(a) of the Local Government Act 1993 (the Act), Council must fix a date for the meeting at which it proposes to present its Audited Financial Report, together with the Auditor's Report. The presentation of this Report to this Council Meeting fulfils this requirement.

In all material respects, the financial statements are presented fairly in accordance with Australian Accounting Standards and other mandatory professional reporting requirements and statutory requirements so as to present a view which is consistent with Council's understanding of the financial position, the operating result and cash flows.

Operational Plan Objective

2.3 Ensure financial sustainability and organisational effectiveness

Background

As per the resolution of the 23 September 2025 Council Meeting, the Financial Reports for year ending 30 June 2025 were presented to Council's Auditor for audit.

There have been no major changes to the 2024-25 figures between presentation and finalisation of audit.

The auditors concluded the final audit of the 2024-2025 Financial Statements in October 2025.

Council have received their Independent Audit Report and Report on the Conduct of the Audit for inclusion in the Financial Reports for submission to the Office of Local Government following Council's adoption of the Financial Reports.

Council's Auditor presented the audited Annual Financial Statements to the Audit, Risk and Improvement Committee at the meeting held on 24 September 2025, where the auditors gave a presentation and answered questions on the presented statements. The Committee members present at the meeting accepted the Financial Statements with no alterations.

Consultation

In accordance with Section 418(1) (b) of the Act, Council has given public notice of this meeting by advertising on Council's website. Copies of the Audited Financial Reports and Auditor's Report were placed on Public Exhibition at Burwood Council and Library, 2 Conder Street Burwood and on Council's website for members of the public to view. Any written submissions received from the public will be deliberated and considered by the General Manager and copies forwarded to Council's Auditors.

Planning or Policy Implications

In accordance with the Local Government Act 1993 and Local Government (General) Regulation 2005, the following have been complied with:

- A copy of the Audited Financial Reports and Auditor's Report will be forwarded to the Office of Local Government.

- Public notice has been given for the presentation of the 2024-2025 Financial Reports.
- The date of this meeting was advised to the public after the date of public notices given and not more than five weeks after the Auditors Report was received.

Financial Implications

There are no direct Financial Implications from the presentation of the Audited Financial Reports to Council

Conclusion

The 2024-2025 Annual Financial Reports relate to the General Fund of Council. During the course of the audit no material adjustments to the financial statements were identified. The audited financial reports will be forwarded to the Office of Local Government in accordance with legislative requirements.

Copy of the Annual Financial Statements are attached to this report.

Recommendation(s)

1. That in accordance with Section 413(2)(c) of the Local Government Act 1993 and Clause 215 of the Local Government (General) Regulation 2005, the Council make the following declaration:
 - a. That Councils Financial Reports have been drawn up in accordance with the Local Government Act 1993 and associated Regulations; the Statement of Accounting Concept; the local Government Code of Accounting Practice and Financial Reporting update April 2025; and the Australian Accounting Standards.
 - b. The Audited financial reports present fairly the Council's financial position and performance for the year
 - c. These reports accord with Council's accounting and other records
2. That the Council note that the 2024-2025 Audited Financial Reports and Auditor's Report will be forwarded to the Office of Local Government.

Attachments

1. [Annual Financial Statements 2025](#)



Burwood Council

Annual Financial Statements

for the year ended 30 June 2025

Burwood Council

GENERAL PURPOSE FINANCIAL STATEMENTS for the year ended 30 June 2025

*Global spirit. Local heart. Burwood is a welcoming
community – proud of its past, shaped by its diverse people,
and connected to the world.*



Burwood Council**General Purpose Financial Statements**

for the year ended 30 June 2025

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Overview

Burwood Council is constituted under the Local Government Act 1993 (NSW) and has its principal place of business at:
2 Conder Street
BURWOOD NSW 2134

Council's guiding principles are detailed in Chapter 3 of the LGA and includes:

- principles applying to the exercise of functions generally by council,
- principles to be applied when making decisions,
- principles of community participation,
- principles of sound financial management, and
- principles for strategic planning relating to the development of an integrated planning and reporting framework.

A description of the nature of Council's operations and its principal activities are provided in Note B1-2.

Through the use of the internet, we have ensured that our reporting is timely, complete and available at minimum cost. All press releases, financial statements and other information are publicly available on our website: www.burwood.nsw.gov.au.

Burwood Council**General Purpose Financial Statements**

for the year ended 30 June 2025

Statement by Councillors and Management

Statement by Councillors and Management made pursuant to Section 413 (2c) of the *Local Government Act 1993*

The attached general purpose financial statements have been prepared in accordance with:

- the *Local Government Act 1993* and the regulations made thereunder,
- the Australian Accounting Standards issued by the Australian Accounting Standards Board
- the Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these statements:

- present fairly the Council's operating result and financial position for the year
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 23 September 2025.


John Faker
Mayor
23 September 2025
Geroqe Mannah
Deputy Mayor
23 September 2025
Tommaso Briscese
General Manager
23 September 2025
Sarah Seaman
Responsible Accounting Officer
23 September 2025

Burwood Council

Income Statement

for the year ended 30 June 2025

Original unaudited budget 2025 \$ '000		Notes	Actual 2025 \$ '000	Actual 2024 \$ '000
Income from continuing operations				
40,841	Rates and annual charges	B2-1	40,942	38,892
9,176	User charges and fees	B2-2	11,128	10,764
6,452	Other revenues	B2-3	7,170	6,737
2,674	Grants and contributions provided for operating purposes	B2-4	3,143	3,233
31,841	Grants and contributions provided for capital purposes	B2-4	10,310	12,547
2,282	Interest and investment income	B2-5	3,156	2,961
2,196	Other income	B2-6	3,006	1,974
360	Net gain from the disposal of assets	B4-1	–	–
95,822	Total income from continuing operations		78,855	77,108
Expenses from continuing operations				
25,259	Employee benefits and on-costs	B3-1	24,021	24,141
27,470	Materials and services	B3-2	28,686	26,945
295	Borrowing costs	B3-3	290	314
1,389	Other expenses	B3-5	1,164	1,228
–	Net loss from the disposal of assets	B4-1	1,008	1,345
54,413	Total expenses from continuing operations excluding depreciation, amortisation and impairment of non-financial assets		55,169	53,973
41,409	Operating result from continuing operations excluding depreciation, amortisation and impairment of non-financial assets		23,686	23,135
11,090	Depreciation and amortisation of intangible assets and IPP&E	B3-4	10,067	10,013
30,319	Operating result from continuing operations		13,619	13,122
30,319	Net operating result for the year attributable to Council		13,619	13,122
1,522	Net operating result for the year before grants and contributions provided for capital purposes		3,309	575

The above Income Statement should be read in conjunction with the accompanying notes.

Burwood Council

Statement of Comprehensive Income

for the year ended 30 June 2025

		2025 \$ '000	2024 \$ '000
	Notes		
Net operating result for the year – from Income Statement		13,619	13,122
Other comprehensive income:			
Amounts which will not be reclassified subsequent to operating result			
Gain/(Loss) on revaluation of infrastructure, property, plant and equipment	C1-6	33,084	(24,448)
Total items which will not be reclassified subsequent to operating result		33,084	(24,448)
Total other comprehensive income/loss for the year		33,084	(24,448)
Total comprehensive income/loss for the year attributable to Council		46,703	(11,326)

The above Statement of Comprehensive Income should be read in conjunction with the accompanying notes.

Burwood Council

Statement of Financial Position

as at 30 June 2025

	Notes	2025 \$ '000	2024 \$ '000
ASSETS			
Current assets			
Cash and cash equivalents	C1-1	9,161	5,217
Investments	C1-2	36,350	23,500
Receivables	C1-4	8,061	7,704
Contract assets	C1-5	485	68
Other	C1-9	1,943	928
Total current assets		56,000	37,417
Non-current assets			
Investments	C1-2	11,800	25,050
Infrastructure, property, plant and equipment (IPPE)	C1-6	554,882	520,538
Investment property	C1-7	31,970	23,570
Intangible assets	C1-8	115	224
Right of use assets	C2-1	248	495
Total non-current assets		599,015	569,877
Total assets		655,015	607,294
LIABILITIES			
Current liabilities			
Payables	C3-1	11,092	12,014
Contract liabilities	C3-2	6,746	4,159
Lease liabilities	C2-1	267	260
Borrowings	C3-3	416	525
Employee benefit provisions	C3-4	5,104	4,970
Total current liabilities		23,625	21,928
Non-current liabilities			
Lease liabilities	C2-1	–	267
Borrowings	C3-3	3,444	3,860
Employee benefit provisions	C3-4	118	114
Total non-current liabilities		3,562	4,241
Total liabilities		27,187	26,169
Net assets		627,828	581,125
EQUITY			
Accumulated surplus	C4-1	283,164	269,545
IPPE revaluation surplus	C4-1	344,664	311,580
Total equity		627,828	581,125

The above Statement of Financial Position should be read in conjunction with the accompanying notes.

Burwood Council

Statement of Changes in Equity

for the year ended 30 June 2025

	Notes	2025			2024		
		Accumulated surplus \$ '000	IPPE revaluation surplus \$ '000	Total equity \$ '000	Accumulated surplus \$ '000	IPPE revaluation surplus \$ '000	Total equity \$ '000
Opening balance at 1 July		269,545	311,580	581,125	256,423	336,028	592,451
Restated opening balance		269,545	311,580	581,125	256,423	336,028	592,451
Net operating result for the year		13,619	–	13,619	13,122	–	13,122
Restated net operating result for the period		13,619	–	13,619	13,122	–	13,122
Other comprehensive income							
Restated gain (loss) on revaluation of infrastructure, property, plant and equipment	C1-6	–	33,084	33,084	–	(24,448)	(24,448)
Other comprehensive income		–	33,084	33,084	–	(24,448)	(24,448)
Restated total comprehensive income/(Loss)		13,619	33,084	46,703	13,122	(24,448)	(11,326)
Closing balance at 30 June		283,164	344,664	627,828	269,545	311,580	581,125

The above Statement of Changes in Equity should be read in conjunction with the accompanying notes.

Burwood Council

Statement of Cash Flows

for the year ended 30 June 2025

Original unaudited budget 2025 \$ '000		Notes	Actual 2025 \$ '000	Actual 2024 \$ '000
Cash flows from operating activities				
<i>Receipts:</i>				
40,841	Rates and annual charges		41,032	38,305
9,176	User charges and fees		11,608	11,458
2,200	Interest received		3,078	2,530
34,515	Grants and contributions		16,522	13,600
–	Bonds, deposits and retentions received		428	1,357
10,396	Other		8,122	12,418
<i>Payments:</i>				
(25,259)	Payments to employees		(24,343)	(24,381)
(2,770)	Payments for materials and services		(29,816)	(30,033)
(298)	Borrowing costs		(292)	(316)
–	Bonds, deposits and retentions refunded		–	(960)
(26,238)	Other		(2,281)	(2,057)
42,563	Net cash flows from operating activities	F1-1	24,058	21,921
Cash flows from investing activities				
<i>Receipts:</i>				
–	Sale of investments		2,500	6,000
–	Proceeds from sale of IPPE		430	694
<i>Payments:</i>				
(5,000)	Acquisition of term deposits		(2,000)	(12,000)
–	Purchase of investment property		(7,850)	–
(33,922)	Payments for IPPE		(12,408)	(20,369)
–	Purchase of intangible assets		–	(141)
(38,922)	Net cash flows from investing activities		(19,328)	(25,816)
Cash flows from financing activities				
<i>Payments:</i>				
(812)	Repayment of borrowings		(525)	(691)
(268)	Principal component of lease payments		(261)	(253)
(1,080)	Net cash flows from financing activities		(786)	(944)
2,561	Net change in cash and cash equivalents		3,944	(4,839)
12,917	Cash and cash equivalents at beginning of year		5,217	10,056
15,478	Cash and cash equivalents at end of year	C1-1	9,161	5,217
47,550	plus: Investments on hand at end of year	C1-2	48,150	48,550
63,028	Total cash, cash equivalents and investments		57,311	53,767

The above Statement of Cash Flows should be read in conjunction with the accompanying notes.

Burwood Council

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Burwood Council

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A About Council and these financial statements

A1-1 Basis of preparation

These financial statements were authorised for issue by Council on 23 September 2025. Council has the power to amend and reissue these financial statements in cases where critical information is received from public submissions or where the OLG directs Council to amend the financial statements.

The material accounting policy information related to these financial statements are set out below.

These policies have been consistently applied to all the years presented, unless otherwise stated.

These general purpose financial statements have been prepared in accordance with Australian Accounting Standards and Australian Accounting Interpretations, the *Local Government Act 1993* (Act) and *Local Government (General) Regulation 2021* (Regulation), and the Local Government Code of Accounting Practice and Financial Reporting. Council is a not-for-profit entity. The financial statements are presented in Australian dollars and are rounded to the nearest thousand dollars.

Historical cost convention

These financial statements have been prepared under the historical cost convention, as modified by the revaluation of certain infrastructure, property, plant and equipment and investment property.

Significant accounting estimates and judgements

The preparation of financial statements requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the Council's accounting policies. Estimates and judgements are continually evaluated and are based on historical experience and other factors, including expectations of future events that may have a financial impact on the Council and that are believed to be reasonable under the circumstances.

Critical accounting estimates and assumptions

Council makes estimates and assumptions concerning the future.

The resulting accounting estimates will, by definition, seldom equal the related actual results.

The estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year include:

- (i) fair values of investment properties – refer Note C1-7
- (ii) fair values of infrastructure, property, plant and equipment – refer Note C1-6
- (iii) employee benefit provisions – refer Note C3-4

Significant judgements in applying the Council's accounting policies

- i. Impairment of receivables – refer Note C1-4.
- ii. Determination of whether performance obligations are sufficiently specific and whether the contract is within the scope of AASB 15 *Revenue from Contracts with Customers* and / or AASB 1058 *Income of Not-for-Profit Entities* – refer to Notes B2-2 – B2-4.
- iii. Determination of the lease term, discount rate (when not implicit in the lease) and whether an arrangement contains a lease – refer to Note C2-1.

Monies and other assets received by Council

The Consolidated Fund

In accordance with the provisions of Section 409(1) of the *Local Government Act 1993*, all money and property received by Council is held in the Council's Consolidated Fund unless it is required to be held in the Council's Trust Fund.

The Consolidated Fund has been included in the financial statements of the Council.

Cash and other assets of the following activities have been included as part of the Consolidated Fund:

- general purpose operations

A1-1 Basis of preparation (continued)

Volunteer services

Council does not have a material dependence on volunteer services, however the use of volunteer services is to provide opportunities for residents to experience different areas of the workforce, gain recognisable work experience, and allow them to identify and work towards future career goals. This also benefits Council as we are able to harness the skill sets of our local community without any expectation of paid employment. Volunteer services will not be purchased if it is not donated.

New accounting standards and interpretations issued but not yet effective

New accounting standards and interpretations issued but not yet effective

Certain new accounting standards and interpretations have been published that are not mandatory for the 30 June 2025 reporting period. Council has not applied any pronouncements before its operative date in the annual reporting period beginning 1 July 2024.

As at the date of authorisation of these financial statements Council does not consider that any of these new (and still to be applied) standards and interpretations are likely to have a material impact on the Council's future financial statements, financial position, financial performance or cash flows.

New accounting standards adopted during the year

During the year Council adopted all accounting standards and interpretations (as issued by the Australian Accounting Standards Board) which were mandatorily effective from the first time at 30 June 2025.

The following new standard is effective for the first time at 30 June 2025:

- **AASB 2022-10 Amendments to Australian Accounting Standards – Fair Value Measurement of Non-Financial Assets of Not-for-Profit Public Sector Entities.**

There is no significant impact on the Councils' reported financial position.

B Financial Performance**B1 Functions or activities****B1-1 Functions or activities – income, expenses and assets**

Income, expenses and assets have been directly attributed to the following functions or activities. Details of those functions or activities are provided in Note B1-2.

	Income		Expenses		Operating result		Grants and contributions		Carrying amount of assets	
	2025 \$ '000	2024 \$ '000	2025 \$ '000	2024 \$ '000	2025 \$ '000	2024 \$ '000	2025 \$ '000	2024 \$ '000	2025 \$ '000	2024 \$ '000
Functions or activities										
Inclusive community and culture	2,596	2,651	12,016	10,019	(9,420)	(7,368)	395	305	63,295	59,454
Open and collaborative leadership	12,679	11,934	11,425	12,611	1,254	(677)	7,133	8,352	180,843	149,083
Sustainable and protected environment	10,776	15,784	18,446	20,942	(7,670)	(5,158)	493	1,982	165,133	159,710
Places for people	16,673	12,484	22,176	19,595	(5,503)	(7,111)	4,499	4,119	243,731	237,325
Vibrant city and villages	426	82	1,173	819	(747)	(737)	155	–	2,013	1,722
General purpose income	35,705	34,173	–	–	35,705	34,173	778	1,022	–	–
Total functions and activities	78,855	77,108	65,236	63,986	13,619	13,122	13,453	15,780	655,015	607,294

B1-2 Components of functions or activities

Details relating to the Council's functions or activities as reported in B1-1 are as follows:

Inclusive community and culture

The theme 'community and lifestyle' relates to supporting the community to create a feeling of belonging, inclusiveness and wellbeing amongst Burwood's diverse population. Community and lifestyle is about people being proud of where they live, feeling safe and engaged in the community and having access to facilities and services that ensure they can lead a healthy and satisfying lifestyle.

Open and collaborative leadership

This theme relates to the leadership not only of our elected representatives but also leaders in our business, volunteer, spiritual and environmental community. It is about encouraging greater participation and engagement in decision making processes and involving people in local activities and programs. Leadership through innovation is also about thinking outside the square to resolve some of the challenges facing our community as we strive to be a leading community in economic prosperity, environmental sustainability and social responsibility. We strive for community leadership that fosters our community values and celebrates our culture, diversity and heritage.

Sustainable and protected environment

This theme is focused on maintaining and ensuring we live in a healthy, safe and sustainable natural environment. This theme aims to protect our natural resources and assets including parks, trees, open green spaces and also ensure that our impact on the environment is reduced so that we continue to live in a clean and sustainable environment. The community, Council and other governments all have a role to play in protecting our environment and taking responsibility for preserving our natural resources for future generations.

Places for people

This theme relates to the services and infrastructure that supports our community including roads, public transport, health facilities and education providers. It also encompasses our strategic planning to ensure we can accommodate our growing population. This theme aims to improve the quality and equitable access to services in our community and also to enhance the visual appearance of our neighbourhoods, streetscapes and town centre. Transport plays a major role in keeping our community physically connected to work, recreational spaces and services. Being able to move around easily plays a key role in the liveability and sustainability of our area.

Vibrant city and villages

This theme relates to harnessing Burwood's strategic status and supporting the businesses and services that contribute to the wider Burwood economy. Burwood is characterised by a vibrant CBD and several business and shopping precincts. This theme aims to ensure an economically sustainable and prosperous future in Burwood with a strong network of services that support existing businesses and institutions, and attract new and diverse organisations. It also aims to stimulate the local economy and activate our surrounding villages to foster a sense of pride and enhance our local identity.

General purpose income

General purpose income is that income not attributed to directly to Council's Activities or Functions. Income includes Rates & Annual Charges, Untied General Purpose Grants and Interest on Investments.

B2 Sources of income**B2-1 Rates and annual charges**

	2025 \$ '000	2024 \$ '000
Ordinary rates		
Residential	24,101	22,742
Business	7,621	7,272
Less: pensioner rebates (mandatory)	(295)	(129)
Less: pensioner rebates (Council policy)	(250)	(177)
Rates levied to ratepayers	31,177	29,708
Pensioner rate subsidies received	145	145
Total ordinary rates	31,322	29,853
Annual charges (pursuant to s496, 496A, 496B, 501 & 611)		
Domestic waste management services	9,310	8,729
Stormwater management services	301	300
Section 611 charges	57	56
Less: pensioner rebates (mandatory)	(96)	(42)
Less: pensioner rebates (Council policy)	–	(52)
Annual charges levied	9,572	8,991
Pensioner annual charges subsidies received:		
– Domestic waste management	48	48
Total annual charges	9,620	9,039
Total rates and annual charges	40,942	38,892

Council has used 2022 year valuations provided by the NSW Valuer General in calculating its rates.

Material accounting policy information

Rates and annual charges are recognised as revenue at the beginning of the rating period to which they relate. Prepaid rates are recognised as a financial liability until the beginning of the rating period.

Pensioner rebates relate to reductions in rates and certain annual charges for eligible pensioners' place of residence in the local government council area that are not subsidised by the NSW Government.

Pensioner rate subsidies are received from the NSW Government to provide a contribution towards the pensioner rebates and are recognised within the underlying revenue item based on their substance.

B2-2 User charges and fees

	Timing	2025 \$ '000	2024 \$ '000
Other user charges and fees			
(i) Fees and charges – statutory and regulatory functions (per s608)			
Private works – section 67	2	379	630
Section 10.7 certificates (EP&A Act)	2	118	123
Section 603 certificates	2	73	75
Developer fees	2	1,517	1,150
Engineering and administration	2	193	315
Licence and inspection fees	2	625	519
Licence fees – outdoor eating	2	92	82
Total fees and charges – statutory/regulatory		2,997	2,894
(ii) Fees and charges – other (incl. general user charges (per s608))			
Community centres	2	397	310
Leaseback fees – Council vehicles	2	187	209
Park rents	2	174	165
Car parking meters	2	2,258	2,258
Car parking station	2	1,858	1,709
Street furniture advertising income	2	1,185	1,152
Swimming centre and gym fees	2	1,978	2,009
Other	2	94	58
Total fees and charges – other		8,131	7,870
Total other user charges and fees		11,128	10,764
Total user charges and fees		11,128	10,764
Timing of revenue recognition for user charges and fees			
User charges and fees recognised at a point in time (2)		11,128	10,764
Total user charges and fees		11,128	10,764

Material accounting policy information

Revenue arising from user charges and fees is recognised when or as the performance obligation is completed and the customer receives the benefit of the goods / services being provided.

The performance obligation relates to the specific services which are provided to the customers and generally the payment terms are within 30 days of the provision of the service or in some cases such as caravan parks, the customer is required to pay on arrival. There is no material obligation for Council in relation to refunds or returns.

Licences granted by Council are all either short-term or low value and all revenue from licences is recognised at the time that the licence is granted rather than the term of the licence.

B2-3 Other revenues

		2025	2024
	Timing	\$ '000	\$ '000
Fines	2	235	156
Fines – parking	2	5,534	4,926
Legal fees recovery – other	2	123	691
Diesel rebate	2	11	12
Sale of abandoned vehicles	2	8	17
Sales – general	2	35	39
Animal control fees	2	26	69
OHS incentive rebate	2	70	70
Other	2	177	636
Insurance recoveries	2	951	121
Total other revenue		7,170	6,737
Timing of revenue recognition for other revenue			
Other revenue recognised at a point in time (2)		7,170	6,737
Total other revenue		7,170	6,737

Material accounting policy information for other revenue

Where the revenue is earned for the provision of specified goods / services under an enforceable contract, revenue is recognised when or as the obligations are satisfied.

Statutory fees and fines are recognised as revenue when the service has been provided, the payment is received or when the penalty has been applied, whichever occurs first.

Other revenue is recorded when the payment is due, the value of the payment is notified, or the payment is received, whichever occurs first.

B2-4 Grants and contributions

	Operating 2025 \$ '000	Operating 2024 \$ '000	Capital 2025 \$ '000	Capital 2024 \$ '000
General purpose grants and non-developer contributions (untied)				
General purpose (untied)				
Current year allocation				
Financial assistance – general component	181	61	–	–
Financial assistance – local roads component	56	16	–	–
Payment in advance - future year allocation				
Financial assistance – general component	597	961	–	–
Financial assistance – local roads component	190	307	–	–
Amount recognised as income during current year	1,024	1,345	–	–
Special purpose grants and non-developer contributions (tied)				
Cash contributions				
Environmental programs	97	19	–	–
Floodplain management	–	40	–	–
Library – per capita	121	116	–	–
Library – special projects	–	–	103	13
Recreation and culture	149	90	5,222	2,959
Community services	–	127	–	–
Family leave subsidy	142	64	–	–
Street lighting	80	80	–	–
Traffic route subsidy	23	22	–	–
Transport (roads to recovery)	–	–	359	169
Transport (other roads and bridges funding)	682	–	2,182	441
Other specific grants	464	742	–	70
Previously contributions:				
Kerb and gutter	–	389	513	653
Transport for NSW contributions (regional roads, block grant)	361	199	155	1,220
Total special purpose grants and non-developer contributions – cash	2,119	1,888	8,534	5,525
Total special purpose grants and non-developer contributions (tied)	2,119	1,888	8,534	5,525
Total grants and non-developer contributions	3,143	3,233	8,534	5,525
Comprising:				
– Commonwealth funding	86	83	359	523
– State funding	2,367	2,674	5,710	4,350
– Other funding	690	476	2,465	652
	3,143	3,233	8,534	5,525

B2-4 Grants and contributions (continued)

Developer contributions

	Notes	Operating 2025 \$ '000	Operating 2024 \$ '000	Capital 2025 \$ '000	Capital 2024 \$ '000
Developer contributions:					
(s7.4 & s7.11 - EP&A Act, s64 of the LGA):	F4				
Cash contributions					
S 7.4 – contributions using planning agreements		–	–	–	5,187
S 7.12 – fixed development consent levies		–	–	1,776	1,835
Total developer contributions – cash		–	–	1,776	7,022
Total developer contributions		–	–	1,776	7,022
Total contributions		–	–	1,776	7,022
Total grants and contributions		3,143	3,233	10,310	12,547
Timing of revenue recognition					
Grants and contributions recognised at a point in time (2)		3,143	3,233	10,310	11,361
Total grants and contributions		3,143	3,233	10,310	12,547

B2-4 Grants and contributions (continued)

Unspent grants and contributions

Certain grants and contributions are obtained by Council on the condition they be spent in a specified manner or in a future period but which are not yet spent in accordance with those conditions are as follows:

	Operating 2025 \$ '000	Operating 2024 \$ '000	Capital 2025 \$ '000	Capital 2024 \$ '000
Unspent grants and contributions				
Unspent funds at 1 July	27	69	—	—
Add: Funds recognised as revenue in the reporting year but not yet spent in accordance with the conditions	49	11	—	—
Less: Funds received in prior year but revenue recognised and funds spent in current year	(11)	(53)	—	—
Unspent funds at 30 June	65	27	—	—
Contributions				
Unspent funds at 1 July	—	—	19,938	15,296
Add: contributions recognised as revenue in the reporting year but not yet spent in accordance with the conditions	—	—	2,551	7,757
Less: contributions recognised as revenue in previous years that have been spent during the reporting year	—	—	(6,054)	(3,115)
Unspent contributions at 30 June	—	—	16,435	19,938

Material accounting policy information

Grant income under AASB 15

Where grant income arises from an agreement which is enforceable and contains sufficiently specific performance obligations then the revenue are recognised when control of each performance obligations are satisfied.

Payment terms vary depending on the terms of the grant, cash is received upfront for some grants and on the achievement of certain payment milestones for others.

Each performance obligation is considered to ensure that the revenue recognition reflects the transfer of control and within grant agreements there may be some performance obligations where control transfers at a point in time and others which have continuous transfer of control over the life of the contract.

Where control is transferred over time, generally the input methods being either costs or time incurred are deemed to be the most appropriate methods to reflect the transfer of benefit.

Grant income Under AASB 1058

Assets arising from grants in the scope of AASB 1058 is recognised at the assets fair value when the asset is received. Council considers whether there are any related liability or equity items associated with the asset which are recognised in accordance with the relevant accounting standard.

Income should be recognised immediately in profit or loss for the excess of the initial carrying amount of an asset over the related amounts recognised in accordance with the other relevant accounting standards.

B2-4 Grants and contributions (continued)

Capital grants

Capital grants received by Council under an enforceable contract for the acquisition or construction of infrastructure, property, plant and equipment to identified specifications which will be under Council's control on completion are recognised as revenue as and when the obligation to construct or purchase is completed.

For construction projects, this is generally as the construction progresses in accordance with costs incurred since this is deemed to be the most appropriate measure of the completeness of the construction project.

For acquisitions of assets, the revenue is recognised when the asset is acquired and controlled by the Council.

Developer contributions

Council has obligations to provide facilities from contribution revenues levied on developers under the provisions of sections 7.4, 7.11 and 7.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

While Council generally incorporates these amounts as part of a Development Consents Order, such developer contributions are only recognised as income upon receipt by Council, due to the possibility that individual development consents may not be acted upon by the applicant and, accordingly, would not be payable to Council.

Developer contributions may only be expended for the purposes for which the contributions were required, but Council may apply contributions according to the priorities established in work schedules for the contribution plan.

Other grants and contributions

Assets, including cash, received from other grants and contributions are recognised at fair value when the asset is received. Council considers whether there are any related liability or equity items associated with the asset which are recognised in accordance with the relevant accounting standard.

B2-5 Interest and investment income

	2025 \$ '000	2024 \$ '000
Interest on financial assets measured at amortised cost		
– Overdue rates and annual charges (incl. special purpose rates)	287	184
– Cash and investments	2,869	2,777
Total interest and investment income (losses)	3,156	2,961

B2-6 Other income

	Notes	2025 \$ '000	2024 \$ '000
Reversal of impairment losses on receivables			
User charges and fees		180	—
Total reversal of impairment losses on receivables	C1-4	180	—
Fair value increment on investments			
Fair value increment on investments through profit and loss		100	—
Total fair value increment on investments		100	—
Fair value increment on investment properties			
Fair value increment on investment properties		550	45
Total fair value increment on investment properties	C1-7	550	45
Rental income			
Investment properties			
Lease income relating to variable lease payments not dependent on an index or a rate		870	603
Total investment properties		870	603
Other lease income			
Other		1,306	1,326
Total other lease income		1,306	1,326
Total rental income	C2-2	2,176	1,929
Total other income		3,006	1,974

B3 Costs of providing services**B3-1 Employee benefits and on-costs**

	2025 \$ '000	2024 \$ '000
Salaries and wages	18,954	18,128
Employee termination costs (where material – other than vested leave paid)	111	372
Employee leave entitlements (ELE)	2,765	2,573
Superannuation	2,118	2,339
Workers' compensation insurance	791	1,087
Fringe benefit tax (FBT)	160	99
Total employee costs	24,899	24,598
Less: capitalised costs	(878)	(457)
Total employee costs expensed	24,021	24,141

Material accounting policy information

Employee benefit expenses are recorded when the service has been provided by the employee.

B3-2 Materials and services

		2025	2024
	Notes	\$ '000	\$ '000
Raw materials and consumables		1,596	1,473
Contractor and consultancy costs			
– Agency staff		1,558	1,269
– Domestic waste		6,986	6,505
– General		8,121	7,209
– SDR processing		966	842
– Other contractor and consultancy costs		1,370	1,564
Audit Fees	E2-1	170	228
Councillor and Mayoral fees and associated expenses	E1-2	259	253
Advertising		126	144
Bank charges		235	438
Electricity and heating		413	496
Insurance		568	556
Postage, printing and stationery		338	417
Street lighting		486	590
Subscriptions and publications		437	454
Telephone and communications		129	119
IT Expenses		2,137	2,038
Other expenses		1,187	629
Strata levy		388	370
Training Costs		234	273
Water and sewerage charges		168	199
Legal expenses:			
– Legal expenses: planning and development		92	274
– Legal expenses: other		695	545
Expenses from short-term leases		27	60
Total materials and services		28,686	26,945
Total materials and services		28,686	26,945

Material accounting policy information

Expenses are recorded on an accruals basis as the Council receives the goods or services.

B3-3 Borrowing costs

	2025	2024
	\$ '000	\$ '000
(i) Interest bearing liability costs		
Interest on leases	11	18
Interest on loans	279	296
Total interest bearing liability costs	290	314
Total borrowing costs expensed	290	314

B3-4 Depreciation and amortisation of intangible assets and IPP&E

	Notes	2025 \$ '000	2024 \$ '000
Depreciation and amortisation			
Plant and equipment		1,277	998
Office equipment		407	418
Furniture and fittings		955	969
Infrastructure:			
	C1-6		
– Buildings – non-specialised		1,357	1,270
– Other structures		104	96
– Roads		2,027	2,684
– Footpaths		1,237	1,142
– Other road assets		497	448
– Stormwater drainage		554	479
– Swimming pools		110	102
– Other open space/recreational assets		870	730
Right of use assets	C2-1	248	248
Other assets:			
– Library books		150	166
– Other		165	135
Intangible assets	C1-8	109	128
Total gross depreciation and amortisation costs		10,067	10,013
Total depreciation and amortisation costs		10,067	10,013
TOTAL DEPRECIATION AND AMORTISATION FOR INTANGIBLES AND IPP&E		10,067	10,013

Material accounting policy information**Depreciation and amortisation**

Depreciation and amortisation are calculated using the straight line method to allocate their cost, net of their residual values, over their estimated useful lives. Useful lives are included in Note C1-6 for IPPE assets.

Impairment of non-financial assets

Council did not recognise any impairment of non-financial assets.

B3-5 Other expenses

	2025 \$ '000	2024 \$ '000
Other		
– Department of planning levy	87	84
– Emergency services levy (includes FRNSW, SES, and RFS levies)	1,012	1,087
Donations, contributions and assistance to other organisations (Section 356)	65	57
Total other	1,164	1,228
Total other expenses	1,164	1,228

B4 Gains or losses

B4-1 Gain or loss from the disposal, replacement and de-recognition of assets

	Notes	2025 \$ '000	2024 \$ '000
Gain (or loss) on disposal of plant and equipment	C1-6		
Proceeds from disposal – plant and equipment		430	694
Less: carrying amount of plant and equipment assets sold/written off		(81)	(99)
Gain on disposal		349	595
Gain (or loss) on disposal of infrastructure	C1-6		
Less: carrying amount of infrastructure assets sold/written off		(1,357)	(1,940)
Loss on disposal		(1,357)	(1,940)
Net loss from disposal of assets		(1,008)	(1,345)

Material accounting policy information

Gains and losses on disposals are determined by comparing proceeds with carrying amount. These are included in the Income Statement.

The gain or loss on sale of an asset is determined when control of the asset has irrevocably passed to the buyer and the asset is de-recognised.

B5 Performance against budget

B5-1 Material budget variations

Council's original budget was adopted by the Council on 25 June 2024 and is not required to be audited. The original projections on which the budget was based have been affected by a number of factors. These include state and federal government decisions, including new grant programs, changing economic activity, environmental factors, and by decisions made by Council.

While these General Purpose Financial Statements include the original budget adopted by Council, the Act requires Council to review its financial budget on a quarterly basis, so it is able to manage the variation between actuals and budget that invariably occur during the year.

Material variations of more than 10% between original budget and actual results or where the variance is considered material by nature are explained below.

Variation Key: **F** = Favourable budget variation, **U** = Unfavourable budget variation.

\$ '000	2025 Budget	2025 Actual	2025 ----- Variance -----		
Revenues					
Rates and annual charges	40,841	40,942	101	0%	F
User charges and fees	9,176	11,128	1,952	21%	F
Favourable due to higher than expected permit applications, fines and parking operation.					
Other revenues	6,452	7,170	718	11%	F
Operating grants and contributions	2,674	3,143	469	18%	F
Favourable due to securing more grant funding than expected.					
Capital grants and contributions	31,841	10,310	(21,531)	(68)%	U
The unfavourable outcome is due to the delay in the commencement of the Western Sydney Infrastructure Grants Program. Council has commenced construction on the majority of the projects during 2025/26.					
Interest and investment revenue	2,282	3,156	874	38%	F
Favourable due to higher interest rates received on investments.					
Net gains from disposal of assets	360	–	(360)	(100)%	U
Other income	2,196	3,006	810	37%	F
Favourable due to a higher increase in value on investment properties than expected, and new investment properties acquired during the year.					
Expenses					
Employee benefits and on-costs	25,259	24,021	1,238	5%	F
Materials and services	27,470	28,686	(1,216)	(4)%	U
Borrowing costs	295	290	5	2%	F
Depreciation, amortisation and impairment of non-financial assets	11,090	10,067	1,023	9%	F
Other expenses	1,389	1,164	225	16%	F
Favourable due to the Emergency Services Levy coming in lower than expected.					
Net losses from disposal of assets	–	1,008	(1,008)	∞	U
Cash flows from operating activities	42,563	24,058	(18,505)	(43)%	U
Due to the delay in the commencement of the WSIG projects.					

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B5-1 Material budget variations (continued)

\$ '000	2025 Budget	2025 Actual	2025 ----- Variance -----	
Cash flows from investing activities	(38,922)	(19,328)	19,594	(50)% F
Due to the delay in the commencement of the WSIG projects.				
Cash flows from financing activities	(1,080)	(786)	294	(27)% F
Due to lower borrowings repayments.				

C Financial position**C1 Assets we manage****C1-1 Cash and cash equivalents**

	2025 \$ '000	2024 \$ '000
Cash assets		
Cash on hand and at bank	631	1,618
Cash equivalent assets		
– Deposits at call	8,530	3,599
Total cash and cash equivalents	9,161	5,217

Reconciliation of cash and cash equivalents

	Notes	2025 \$ '000	2024 \$ '000
Total cash and cash equivalents per Statement of Financial Position		9,161	5,217
Less bank overdraft	C3-3	–	–
Balance as per the Statement of Cash Flows		9,161	5,217

C1-2 Financial investments

	2025 Current \$ '000	2025 Non-current \$ '000	2024 Current \$ '000	2024 Non-current \$ '000
Financial assets at fair value through the profit and loss				
CivicRisk Mutual	–	400	–	300
Total	–	400	–	300
Debt securities at amortised cost				
Long term deposits	24,000	–	21,000	1,000
Floating Rate Note's (with maturities > 3 months)	12,350	11,400	2,500	23,750
Total	36,350	11,400	23,500	24,750
Total financial investments	36,350	11,800	23,500	25,050
Total cash assets, cash equivalents and investments	45,511	11,800	28,717	25,050

Material accounting policy information

Financial instruments are recognised initially on the date that the Council becomes party to the contractual provisions of the instrument.

On initial recognition, all financial instruments are measured at fair value plus transaction costs (except for instruments measured at fair value through profit or loss where transaction costs are expensed as incurred).

Financial assets

All recognised financial assets are subsequently measured in their entirety at either amortised cost or fair value, depending on the classification of the financial assets.

Classification

On initial recognition, Council classifies its financial assets into the following categories – those measured at:

- amortised cost
- fair value through profit and loss (FVTPL)

Financial assets are not reclassified subsequent to their initial recognition.

Amortised cost

Council's financial assets measured at amortised cost comprise trade and other receivables, term deposits and cash and cash equivalents in the Statement of Financial Position. Term deposits with an initial term of more than 3 months are classified as investments rather than cash and cash equivalents.

Subsequent to initial recognition, these assets are carried at amortised cost using the effective interest rate method less provision for impairment.

Interest income, impairment and gains or loss on de-recognition are recognised in profit or loss.

Financial assets through profit or loss

All financial assets not classified as measured at amortised cost or fair value through other comprehensive income as described above are measured at fair value through profit or loss.

Net gains or losses, including any interest or dividend income, are recognised in profit or loss.

Council's financial assets measured at fair value through profit or loss comprise investments of interest in an insurance mutual "CivicRisk Mutual" (CRM) in the Statement of Financial Position.

Council's interest in its share of the surplus is calculated by CivicRisk Mutual Ltd's Actuary, and changes in fair value recognized, as an increase or decrease through its income statement at each reporting period. Fair value is calculated using the income approach whereby expected future cash flows are discounted to present value. Expected cash flows include investment income.

C1-3 Restricted and allocated cash, cash equivalents and investments

	2025	2024
	\$ '000	\$ '000

(a) Externally restricted cash, cash equivalents and investments

External restrictions

External restrictions included in cash, cash equivalents and investments above comprise:

Developer contributions – general	16,435	19,938
Specific purpose unexpended grants (recognised as revenue) – general fund	65	27
Stormwater management	272	–
Domestic waste management	3,252	2,943
Total external restrictions	20,024	22,908

Cash, cash equivalents and investments subject to external restrictions are those which are only available for specific use by Council due to a restriction placed by legislation or third-party contractual agreement.

	2025	2024
	\$ '000	\$ '000

Internal allocations

At 30 June, Council has internally allocated funds to the following:

Plant and vehicle replacement	1,704	1,961
Employees leave entitlement	1,171	1,171
Carry over works	1,082	996
Deposits, retentions and bonds	6,077	5,649
Park upgrade	165	165
Election	144	401
Enfield aquatic centre maintenance/upgrade	263	263
Financial assistance grant (in advance)	787	1,268
Future property investment	27	1,157
Information technology	–	900
Insurances	150	100
Local area traffic management	294	294
Parking meter replacement	102	39
Property maintenance	1,271	1,271
Property reserve	221	466
Local environmental plan	519	556
Work health and safety	246	401
Business continuity (operational reimbursement)	600	600
Woodstock community building upgrade	287	287
Contract Liabilities (AASB 15 / AASB 1058)	6,831	4,245
Infrastructure - SRV	188	677
Other	60	60
Total internal allocations	22,189	22,927

Cash, cash equivalents and investments not subject to external restrictions may be internally allocated by resolution or policy of the elected Council.

C1-4 Receivables

	2025 Current \$ '000	2025 Non-current \$ '000	2024 Current \$ '000	2024 Non-current \$ '000
Rates and annual charges	3,039	–	2,785	–
Interest and extra charges	341	–	226	–
User charges and fees	1,102	–	1,780	–
Accrued revenues				
– Interest on investments	654	–	691	–
– Parking fine income	489	–	423	–
– Other income accruals	1,328	–	368	–
Government grants and subsidies	125	–	1,055	–
Net GST receivable	1,014	–	816	–
Total	8,092	–	8,144	–
Less: provision for impairment				
User charges and fees	(31)	–	(440)	–
Total provision for impairment – receivables	(31)	–	(440)	–
Total net receivables	8,061	–	7,704	–

	2025 \$ '000	2024 \$ '000
Movement in provision for impairment of receivables		
Balance at the beginning of the year	440	440
– amounts already provided for and written off this year	(229)	–
– previous impairment losses reversed	(180)	–
Balance at the end of the year	31	440

Material accounting policy information

Impairment

Impairment of financial assets measured at amortised cost is recognised on an expected credit loss (ECL) basis.

When determining whether the credit risk of a financial asset has increased significantly since initial recognition, and when estimating ECL, the Council considers reasonable and supportable information that is relevant and available without undue cost or effort. This includes both quantitative and qualitative information and analysis based on Council's historical experience and informed credit assessment, and including forward-looking information.

When considering the ECL for rates debtors, Council takes into account that unpaid rates represent a charge against the rateable property that will be recovered when the property is next sold. For non-rates debtors, Council uses the presumption that an asset which is more than 30 days past due has seen a significant increase in credit risk.

The Council uses the presentation that a financial asset is in default when:

- the other party is unlikely to pay its credit obligations to the Council in full, without recourse by the Council to actions such as realising security (if any is held)

Credit losses are measured as the present value of the difference between the cash flows due to the entity in accordance with the contract, and the cash flows expected to be received. This is applied using a probability weighted approach.

On initial recognition of the asset, an estimate of the expected credit losses for the next 12 months is recognised. Where the asset has experienced significant increase in credit risk then the lifetime losses are estimated and recognised.

C1-4 Receivables (continued)

Council uses the simplified approach for trade receivables where the expected lifetime credit losses are recognised on day 1.

There has been no change in the estimation techniques or significant assumptions made during the current reporting period.

The Council writes off a trade receivable when there is information indicating that the debtor is in severe financial difficulty and there is no realistic prospect of recovery, e.g. when the debtor has been placed under liquidation or has entered into bankruptcy proceedings.

None of the receivables that have been written off are subject to enforcement activity.

Rates and annual charges outstanding are secured against the property.

C1-5 Contract assets

	2025 Current \$ '000	2025 Non-current \$ '000	2024 Current \$ '000	2024 Non-current \$ '000
Contract assets	485	—	68	—
Total contract assets	485	—	68	—

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C1-6 Infrastructure, property, plant and equipment

By aggregated asset class	At 1 July 2024			Asset movements during the reporting period								At 30 June 2025		
	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount	Additions renewals ¹	Additions new assets	Carrying value of disposals	Depreciation expense	WIP transfers	Adjustments and transfers	Revaluation decrements to equity (ARR)	Revaluation increments to equity (ARR)	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount
	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000
Capital work in progress	4,319	–	4,319	3,621	1,266	(3)	–	(356)	–	–	–	8,847	–	8,847
Plant and equipment	13,283	(6,240)	7,043	1,161	–	(82)	(1,277)	–	–	–	–	13,372	(6,527)	6,845
Office equipment	3,675	(2,601)	1,074	318	–	(9)	(407)	–	–	–	–	3,975	(2,999)	976
Furniture and fittings	16,748	(6,440)	10,308	100	–	(7)	(955)	–	–	–	–	16,755	(7,309)	9,446
Land:														
– Operational land	133,717	–	133,717	–	–	–	–	–	–	–	10,296	144,013	–	144,013
– Community land	53,295	–	53,295	–	–	–	–	–	–	–	1,327	54,622	–	54,622
Land improvements – non-depreciable	208	–	208	–	–	–	–	–	–	–	51	259	–	259
Land improvements – depreciable	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Infrastructure:														
– Buildings	112,980	(30,409)	82,571	–	–	(84)	(1,357)	–	–	–	7,901	122,727	(33,696)	89,031
– Other structures	3,734	(961)	2,773	13	–	(7)	(104)	–	(2,675)	–	–	–	–	–
– Roads	132,956	(46,795)	86,161	1,679	–	(625)	(2,027)	9	–	–	5,530	141,571	(50,844)	90,727
– Footpaths	101,341	(48,929)	52,412	1,224	–	(415)	(1,237)	–	–	–	3,774	108,834	(53,076)	55,758
– Other road assets (including bulk earthworks)	16,891	(4,434)	12,457	–	94	(24)	(497)	238	1,094	(46)	–	19,811	(6,495)	13,316
– Stormwater drainage	82,024	(37,432)	44,592	1,222	–	(13)	(554)	–	–	–	4,124	90,690	(41,319)	49,371
– Swimming pools	6,609	(2,471)	4,138	–	–	–	(110)	–	–	–	806	7,931	(3,097)	4,834
– Other open space/recreational assets	27,433	(3,886)	23,547	418	1,019	(170)	(870)	108	1,581	(679)	–	32,452	(7,498)	24,954
Other assets:														
– Library books	2,464	(2,067)	397	121	–	–	(150)	–	–	–	–	2,586	(2,218)	368
– Other	2,038	(512)	1,526	39	115	–	(165)	–	–	–	–	2,191	(676)	1,515
Total infrastructure, property, plant and equipment ²	713,715	(193,177)	520,538	9,916	2,494	(1,439)	(9,710)	(1)	–	(725)	33,809	770,636	(215,754)	554,882

(1) Renewals are defined as the replacement of existing assets (as opposed to the acquisition of new assets).

(2) Infrastructure Assets (Roads, Footpaths and Drainage) includes disposal costs as part of the costs when valuing the assets.

C1-6 Infrastructure, property, plant and equipment (continued)

	At 1 July 2023			Asset movements during the reporting period								At 30 June 2024		
	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount	Additions renewals ¹	Additions new assets	Carrying value of disposals	Depreciation expense	WIP transfers	Adjustments and transfers	Revaluation decrements to equity (ARR)	Revaluation increments to equity (ARR)	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount
By aggregated asset class	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000
Capital work in progress	5,396	–	5,396	482	2,069	–	–	(3,628)	–	–	–	4,319	–	4,319
Plant and equipment	11,961	(6,635)	5,326	2,813	–	(98)	(998)	–	–	–	–	13,283	(6,240)	7,043
Office equipment	3,415	(2,183)	1,232	260	–	–	(418)	–	–	–	–	3,675	(2,601)	1,074
Furniture and fittings	16,730	(5,471)	11,259	18	–	–	(969)	–	–	–	–	16,748	(6,440)	10,308
Land:														
– Operational land	132,781	–	132,781	–	936	–	–	–	–	–	–	133,717	–	133,717
– Community land	53,295	–	53,295	–	–	–	–	–	–	–	–	53,295	–	53,295
Land improvements – non-depreciable	208	–	208	–	–	–	–	–	–	–	–	208	–	208
Land improvements – depreciable	5,299	(1,494)	3,805	–	–	–	–	–	(3,805)	–	–	–	–	–
Infrastructure:														
– Buildings	100,924	(26,429)	74,495	2,119	–	(59)	(1,270)	94	1,875	–	5,317	112,980	(30,409)	82,571
– Other structures	4,087	(914)	3,173	525	–	–	(96)	–	(1,043)	–	214	3,734	(961)	2,773
– Roads	256,447	(124,109)	132,338	4,018	–	(1,351)	(2,684)	141	(833)	(45,468)	–	132,956	(46,795)	86,161
– Footpaths	87,182	(44,891)	42,291	1,779	–	(384)	(1,142)	–	1,725	–	8,143	101,341	(48,929)	52,412
– Other road assets (including bulk earthworks)	15,406	(3,647)	11,759	–	228	(42)	(448)	–	–	–	960	16,891	(4,434)	12,457
– Stormwater drainage	70,088	(32,772)	37,316	2,249	–	(37)	(479)	504	–	–	5,039	82,024	(37,432)	44,592
– Swimming pools	6,100	(2,178)	3,922	–	–	–	(102)	–	–	–	318	6,609	(2,471)	4,138
– Other open space/recreational assets	19,322	(2,765)	16,557	283	2,185	(66)	(730)	2,208	2,081	–	1,029	27,433	(3,886)	23,547
Other assets:														
– Library books	2,304	(1,901)	403	160	–	–	(166)	–	–	–	–	2,464	(2,067)	397
– Other	1,114	(377)	737	243	–	–	(135)	681	–	–	–	2,038	(512)	1,526
Total infrastructure, property, plant and equipment	792,059	(255,766)	536,293	14,949	5,418	(2,037)	(9,637)	–	–	(45,468)	21,020	713,715	(193,177)	520,538

(1) Renewals are defined as the replacement of existing assets (as opposed to the acquisition of new assets).

C1-6 Infrastructure, property, plant and equipment (continued)

Material accounting policy information

IPPE is measured initially at cost. Cost includes the fair value of the consideration given to acquire the asset.

Useful lives of IPPE

Land is not depreciated. Depreciation on other assets is calculated using the straight-line method to allocate their cost, net of their residual values, over their estimated useful lives as follows:

	Useful lives
Plant, equipment, furniture and fittings	5-50
Land	Infinite
Land improvements - non depreciable	Infinite
Land improvements - depreciable	15-100
Infrastructure:	
– Buildings	20-90
– Other structures	10-60
– Roads renewed greater than 5 years	30-240
– Roads renewed less than 5 years	30-300
– Footpaths	20-90
– Other road assets	5-80
– Bulk earthworks	Infinite
– Stormwater drainage	100-200
– Swimming pools	60
– Open space / recreational assets	5-250
Other assets	
– Library Books	5-6
– Other	5-50

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at each reporting date.

Roads renewed in the last 5 years have had a higher quality construction method used. Therefore the subbase for the renewed roads would be unlikely or extremely low to ever require replacement therefore extending the useful lives for these roads.

C1-6 Infrastructure, property, plant and equipment (continued)

Revaluation model

Infrastructure and property are held at fair value. Comprehensive valuations are performed at least every 4 years, however the carrying amount of assets is assessed by Council at each reporting date to confirm that it is not materially different from current fair value.

Increases in the carrying amounts arising on revaluation are credited to the IPPE revaluation reserve. To the extent that the increase reverses a decrease previously recognising profit or loss relating to that asset class, the increase is first recognised as profit or loss. Decreases that reverse previous increases of assets in the same class are first charged against IPPE revaluation reserve to the extent of the remaining reserve attributable to the class; all other decreases are charged to the Income Statement.

Land under roads

Land under roads is land under roadways and road reserves including land under footpaths, nature strips and median strips.

Council has elected not to recognise land under roads acquired before 1 July 2008. Land under roads acquired after 1 July 2008 is recognised in accordance with the IPPE accounting policy.

Crown reserves

Crown reserves under Council's care and control are recognised as assets of the council. While ownership of the reserves remains with the Crown, Council retains operational control of the reserves and is responsible for their maintenance and use in accordance with the specific purposes to which the reserves are dedicated.

Improvements on Crown reserves are also recorded as assets, while maintenance costs incurred by Council and revenues relating to the reserves are recognised within Council's Income Statement.

C1-7 Investment properties

	2025 \$ '000	2024 \$ '000
Owned investment property		
Investment property on hand at fair value	31,970	23,570
Total owned investment property	31,970	23,570
Owned investment property		
At fair value		
Opening balance at 1 July	23,570	23,525
Net gain/(loss) from fair value adjustments	550	45
Other movements	7,850	—
Closing balance at 30 June	31,970	23,570

Material accounting policy information

Investment property, principally comprising freehold office buildings, is held for long-term rental yields and is not occupied by the Council. Changes in fair values are recorded in the Income Statement as part of other income.

C1-8 Intangible assets

Intangible assets are as follows:

	2025 \$ '000	2024 \$ '000
Software		
Opening values at 1 July		
Gross book value	2,793	2,652
Accumulated amortisation	(2,569)	(2,441)
Net book value – opening balance	224	211
Movements for the year		
Purchases	–	141
Amortisation charges	(109)	(128)
Closing values at 30 June		
Gross book value	2,793	2,793
Accumulated amortisation	(2,678)	(2,569)
Total software – net book value	115	224
Total intangible assets – net book value	115	224

Material accounting policy information

IT development and software

Amortisation is calculated on a straight-line basis over periods generally ranging from three to five years.

C1-9 Other

Other assets

	2025 Current \$ '000	2025 Non-current \$ '000	2024 Current \$ '000	2024 Non-current \$ '000
Prepayments	1,943	–	928	–
Total other assets	1,943	–	928	–

C2 Leasing activities

C2-1 Council as a lessee

Council has a lease for vehicles. Information relating to the lease in place and associated balances and transactions is provided below.

Terms and conditions of leases

Vehicles

Council has entered into a Domestic Waste contract for the service of the collection of Residential waste throughout the Burwood Local Government area. As part of the Domestic Waste collection service, four (4) vehicles are leased with lease terms of seven (7) years; the lease payments are fixed during the lease term and there is generally no renewal option.

(a) Right of use assets

	Plant & Equipment \$ '000	Total \$ '000
2025		
Opening balance at 1 July	495	495
Depreciation charge	(248)	(248)
Other movement	1	1
Balance at 30 June	248	248
2024		
Opening balance at 1 July	743	743
Depreciation charge	(248)	(248)
Balance at 30 June	495	495

(b) Lease liabilities

	2025 Current \$ '000	2025 Non-current \$ '000	2024 Current \$ '000	2024 Non-current \$ '000
Lease liabilities	267	—	260	267
Total lease liabilities	267	—	260	267

C2-1 Council as a lessee (continued)

(c) (i) The maturity analysis

The maturity analysis of lease liabilities based on contractual undiscounted cash flows is shown in the table below:

	< 1 year \$ '000	1 – 5 years \$ '000	> 5 years \$ '000	Total \$ '000	Total per Statement of Financial Position \$ '000
2025					
Cash flows	267	–	–	267	267
2024					
Cash flows	260	267	–	527	527

(d) Income Statement

The amounts recognised in the Income Statement relating to leases where Council is a lessee are shown below:

	2025 \$ '000	2024 \$ '000
Interest on lease liabilities	11	18
Depreciation of right of use assets	248	248
Expenses relating to short-term leases	27	60
	286	326

(e) Statement of Cash Flows

Total cash outflow for leases	271	271
	271	271

Material accounting policy information

Council has elected not to separate non-lease components from lease components for any class of asset and has accounted for payments as a single component.

The right-of-use asset is measured using the cost model where cost on initial recognition comprises: the lease liability, initial direct costs, prepaid lease payments, estimated cost of removal and restoration, less any lease incentives received. The right-of-use asset is depreciated over the lease term on a straight-line basis and assessed for impairment in accordance with the impairment of asset accounting policy.

Exceptions to lease accounting

Council has applied the exceptions to lease accounting for both short-term leases (i.e. leases with a term of less than or equal to 12 months) and leases of low-value assets. Council recognises the payments associated with these leases as an expense on a straight-line basis over the lease term.

Leases at significantly below market value / Concessionary leases

Council has elected to measure the right of use asset arising from the concessionary leases at cost which is based on the associated lease liability at initial recognition.

C2-2 Council as a lessor

Operating leases

Council leases out a number of properties to tenants under long-term leases with rentals payable monthly; these leases have been classified as operating leases for financial reporting purposes and the assets are included as investment property (refer note C1-7).

The amounts recognised in the Income Statement relating to operating leases where Council is a lessor are shown below:

	2025	2024
	\$ '000	\$ '000

(i) Assets held as investment property

The amounts recognised in the Income Statement relating to operating leases where Council is a lessor are shown below

Lease income relating to variable lease payments not dependent on an index or a rate	870	603
Total income relating to operating leases for investment property assets	870	603

Operating lease expenses

Investment properties

Direct operating expenses that generated rental income	375	225
Total expenses relating to operating leases	375	225

(ii) Assets held as property, plant and equipment

Lease income (excluding variable lease payments not dependent on an index or rate)	1,306	1,326
Total income relating to operating leases for Council assets	1,306	1,326

(iii) Maturity analysis of undiscounted lease payments to be received after reporting date for all operating leases:

Maturity analysis of future lease income receivable showing the undiscounted lease payments to be received after reporting date for operating leases:

< 1 year	2,555	2,092
1–2 years	2,643	2,008
2–3 years	2,722	2,022
3–4 years	2,804	1,798
4–5 years	2,888	1,744
> 5 years	2,976	1,798
Total undiscounted lease payments to be received	16,588	11,462

C3 Liabilities of Council

C3-1 Payables

	2025 Current \$ '000	2025 Non-current \$ '000	2024 Current \$ '000	2024 Non-current \$ '000
Goods and services	3,499	—	4,629	—
Prepaid rates	754	—	410	—
Accrued expenses:				
– Borrowings	16	—	18	—
– Salaries and wages	365	—	825	—
– Other expenditure accruals	252	—	374	—
Security bonds, deposits and retentions	6,077	—	5,649	—
Other	129	—	109	—
Total payables	11,092	—	12,014	—

Current payables not anticipated to be settled within the next twelve months

	2025 \$ '000	2024 \$ '000
The following liabilities, even though classified as current, are not expected to be settled in the next 12 months.		
Payables – security bonds, deposits and retentions	5,009	4,525
Total payables	5,009	4,525

C3-2 Contract Liabilities

		2025 Current \$ '000	2025 Non-current \$ '000	2024 Current \$ '000	2024 Non-current \$ '000
	Notes				
Grants and contributions received in advance:					
Unexpended capital grants (to construct Council controlled assets)	(i)	5,240	—	2,462	—
Unexpended operating grants (received prior to performance obligation being satisfied)	(ii)	445	—	667	—
Total grants received in advance		5,685	—	3,129	—
User fees and charges received in advance:					
Other		1,061	—	1,030	—
Total user fees and charges received in advance		1,061	—	1,030	—
Total contract liabilities		6,746	—	4,159	—

Notes

(i) Council has received funding to construct and improve assets including sporting facilities and road infrastructure. The funds received are under an enforceable contract which require Council to construct an identified asset which will be under Council's control on completion. The revenue is recognised as Council constructs the asset and the contract liability reflects the funding received which cannot yet be recognised as revenue. The revenue is expected to be recognised in the next 12 months.

(ii) The contract liability relates to grants received prior to the revenue recognition criteria in AASB 15 being satisfied since the performance obligations are ongoing.

Revenue recognised that was included in the contract liability balance at the beginning of the period

	2025 \$ '000	2024 \$ '000
Grants and contributions received in advance:		
Capital grants (to construct Council controlled assets)	1,216	3,306
Operating grants (received prior to performance obligation being satisfied)	445	166
Total revenue recognised that was included in the contract liability balance at the beginning of the period	1,661	3,472

Significant changes in contract liabilities

The significant movements in contract liabilities related to several Capital Grants received in prior years which were brought to account through the performance obligations of meeting the required milestones of the individual contracts.

Material accounting policy information

Contract liabilities are recorded when consideration is received from a customer / fund provider prior to Council transferring a good or service to the customer, Council presents the funds which exceed revenue recognised as a contract liability.

C3-3 Borrowings

	2025 Current \$ '000	2025 Non-current \$ '000	2024 Current \$ '000	2024 Non-current \$ '000
Loans – secured ¹	416	3,444	525	3,860
Total borrowings	416	3,444	525	3,860

⁽¹⁾ Loans are secured over the general rating income of Council.

Disclosures on liability interest rate risk exposures, fair value disclosures and security can be found in Note E1-1.

(a) Changes in liabilities arising from financing activities

	2024 Opening Balance \$ '000	Cash flows \$ '000	2025 Closing balance \$ '000
Loans – secured	4,385	(525)	3,860
Lease liability (Note C2-1)	527	(260)	267
Total liabilities from financing activities	4,912	(785)	4,127

	2023 Opening Balance \$ '000	Cash flows \$ '000	2024 Closing balance \$ '000
Loans – secured	5,076	(691)	4,385
Lease liability (Note C2-1)	780	(253)	527
Total liabilities from financing activities	5,856	(944)	4,912

(b) Financing arrangements

	2025 \$ '000	2024 \$ '000
--	-----------------	-----------------

Total facilities

Total financing facilities available to Council at the reporting date are:

Credit cards/purchase cards	120	120
Total financing arrangements	120	120

Drawn facilities

Financing facilities drawn down at the reporting date are:

– Credit cards/purchase cards	28	13
Total drawn financing arrangements	28	13

Undrawn facilities

Undrawn financing facilities available to Council at the reporting date are:

– Credit cards/purchase cards	92	107
Total undrawn financing arrangements	92	107

C3-4 Employee benefit provisions

	2025 Current \$ '000	2025 Non-current \$ '000	2024 Current \$ '000	2024 Non-current \$ '000
Annual leave	1,547	–	1,511	–
Long service leave	3,014	110	2,870	104
Time in lieu/Rostered Day Off	111	–	94	–
Employee Leave Entitlement on-costs	432	8	495	10
Total employee benefit provisions	5,104	118	4,970	114

Current employee benefit provisions not anticipated to be settled within the next twelve months

	2025 \$ '000	2024 \$ '000
The following provisions, even though classified as current, are not expected to be settled in the next 12 months.		
Provisions – employees benefits	2,915	2,814
	2,915	2,814

Material accounting policy information

Other long-term employee benefit obligations

The liability for long-service leave and annual leave that is not expected to be wholly settled within 12 months after the end of the period in which the employees render the related service is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the end of the reporting period using the projected unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures, and periods of service. Expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity and currency that match, as closely as possible, the estimated future cash outflows.

C4 Reserves

C4-1 Nature and purpose of reserves

IPPE Revaluation Surplus

The infrastructure, property, plant and equipment (IPPE) revaluation surplus is used to record increments and decrements in the revaluation of infrastructure, property, plant and equipment.

D Risks and accounting uncertainties

D1-1 Risks relating to financial instruments held

Council's overall risk management program focuses on the unpredictability of financial markets and seeks to minimise potential adverse effects on the financial performance of the Council.

Council's objective is to maximise its return on cash and investments whilst maintaining an adequate level of liquidity and preserving capital. The finance team manages the cash and Investments portfolio with the assistance of independent advisors. Council has an investment policy which complies with the s 625 of the Act and the Ministerial Investment Order. The policy is regularly reviewed by Council and a monthly investment report is provided to Council setting out the make-up performance of the portfolio as required by local government regulations.

Council does not engage in transactions expressed in foreign currencies and is therefore not subject to foreign currency risk.

Financial risk management is carried out by the finance team under policies approved by the Councillors.

A comparison by category of the carrying amounts and fair values of Council's financial assets and financial liabilities recognised in the financial statements is presented below.

	Carrying value 2025 \$ '000	Carrying value 2024 \$ '000	Fair value 2025 \$ '000	Fair value 2024 \$ '000
Financial assets				
Measured at amortised cost				
Cash and cash equivalents	9,161	5,217	9,161	5,217
Receivables	8,061	6,888	8,061	6,888
Investments				
– Debt securities at amortised cost	47,750	48,250	48,538	48,758
Fair value through profit and loss				
Investments	400	300	400	300
Total financial assets	65,372	60,655	66,160	61,163
Financial liabilities				
Payables	11,092	11,604	11,092	11,604
Loans/advances	3,860	4,385	3,860	4,385
Leases	267	527	–	527
Total financial liabilities	15,219	16,516	14,952	16,516

Council's objective is to maximise its return on cash and investments whilst maintaining an adequate level of liquidity and preserving capital.

Council's finance area manages the cash and Investments portfolio with the assistance of independent advisors (Imperium Markets).

Council has an investment policy which complies with the Local Government Act 1993 and Minister's investment order 625. This policy is regularly reviewed by Council and staff and an investment report is tabled before Council on a monthly basis setting out the portfolio breakup and its performance as required by Local Government regulations.

The risks associated with the instruments held are:

- **Price risk** – the risk that the capital value of Investments may fluctuate due to changes in market prices, whether the changes are caused by factors specific to individual financial instruments or their issuers or are caused by factors affecting similar instruments traded in a market.
- **Interest rate risk** – the risk that movements in interest rates could affect returns and income.
- **Liquidity risk** – the risk that Council will not be able to pay its debts as and when they fall due.
- **Credit risk** – the risk that the investment counterparty will not complete their obligations particular to a financial instrument, resulting in a financial loss to Council – be it of a capital or income nature.

D1-1 Risks relating to financial instruments held (continued)

Council manages these risks (amongst other measures) by diversifying its portfolio and only purchasing investments with high credit ratings or capital guarantees.

Council also seeks advice from independent advisers before placing any funds in cash equivalents and investments.

(a) Market risk – interest rate and price risk

	2025 \$ '000	2024 \$ '000
The impact on the result for the year and equity of a reasonably possible movement in the price of investments held and interest rates is shown below. The reasonably possible movements were determined based on historical movements and economic conditions in place at the reporting date.		
Impact of a 1% movement in interest rates		
– Equity / Income Statement	573	538

(b) Credit risk

Council's major receivables comprise (i) rates and annual charges and (ii) user charges and fees.

Council manages the credit risk associated with these receivables by monitoring outstanding debt and employing stringent debt recovery procedures. Council also encourages ratepayers to pay their rates by the due date through incentives.

The credit risk for liquid funds and other short-term financial assets is considered negligible, since the counterparties are reputable banks with high quality external credit ratings.

There are no significant concentrations of credit risk, whether through exposure to individual customers, specific industry sectors and/or regions.

Council makes suitable provision for doubtful receivables as required and carries out credit checks on most non-rate debtors.

There are no material receivables that have been subjected to a re-negotiation of repayment terms.

Credit risk profile

Receivables – rates and annual charges

Credit risk on rates and annual charges is minimised by the ability of Council to secure a charge over the land relating to the debts – that is, the land can be sold to recover the debt. Council is also able to charge interest on overdue rates and annual charges at higher than market rates which further encourages the payment of debt.

	Not yet overdue \$ '000	overdue rates and annual charges < 5 years \$ '000	≥ 5 years \$ '000	Total \$ '000
2025				
Gross carrying amount	–	2,823	216	3,039
2024				
Gross carrying amount	–	2,209	576	2,785

D1-1 Risks relating to financial instruments held (continued)

Receivables - non-rates and annual charges and contract assets

Council applies the simplified approach for non-rates and annual charges debtors and contract assets to provide for expected credit losses, which permits the use of the lifetime expected loss provision at inception. To measure the expected credit losses, non-rates and annual charges debtors and contract assets have been grouped based on shared credit risk characteristics and the days past due.

The loss allowance provision is determined as follows. The expected credit losses incorporate forward-looking information.

	Not yet overdue \$ '000	0 - 30 days \$ '000	Overdue debts			Total \$ '000
			31 - 60 days \$ '000	61 - 90 days \$ '000	> 91 days \$ '000	
2025						
Gross carrying amount	–	4,705	35	392	406	5,538
Expected loss rate (%)	0.00%	0.00%	0.00%	0.00%	35.70%	2.62%
ECL provision	–	–	–	–	145	145
2024						
Gross carrying amount	–	4,095	28	71	1,233	5,427
Expected loss rate (%)	0.00%	0.00%	0.00%	0.00%	35.70%	8.11%
ECL provision	–	–	–	–	440	440

(c) Liquidity risk

Payables, lease liabilities and borrowings are both subject to liquidity risk; that is, the risk that insufficient funds may be on hand to meet payment obligations as and when they fall due.

Council manages this risk by monitoring its cash flow requirements and liquidity levels, and by maintaining an adequate cash buffer. Payment terms can be extended, and overdraft facilities drawn upon in extenuating circumstances.

Borrowings are also subject to interest rate risk: the risk that movements in interest rates could adversely affect funding costs. Council manages this risk through diversification of borrowing types, maturities and interest rate structures.

The finance team regularly reviews interest rate movements to determine if it would be advantageous to refinance or renegotiate part or all of the loan portfolio.

The timing of cash flows presented in the table below to settle financial liabilities reflects the earliest contractual settlement dates. The timing of expected outflows is not expected to be materially different from contracted cashflows.

The amounts disclosed in the table are the undiscounted contracted cash flows for non-lease liabilities (refer to Note C2-1(b) for lease liabilities) and therefore the balances in the table may not equal the balances in the Statement of Financial Position due to the effect of discounting.

	Weighted average interest rate %	Subject to no maturity \$ '000	payable in:			Total cash outflows \$ '000	Actual carrying values \$ '000
			≤ 1 Year \$ '000	1 - 5 Years \$ '000	> 5 Years \$ '000		
2025							
Payables	0.00%	6,077	5,015	–	–	11,092	11,092
Borrowings	3.81%	–	416	1,674	1,770	3,860	3,860
Total financial liabilities		6,077	5,431	1,674	1,770	14,952	14,952
2024							
Payables	0.00%	5,649	6,365	–	–	12,014	12,014
Borrowings	3.80%	–	525	1,845	2,015	4,385	4,385
Total financial liabilities		5,649	6,890	1,845	2,015	16,399	16,399

D2-1 Fair value measurement

The Council measures the following asset and liability classes at fair value on a recurring basis:

- Infrastructure, property, plant and equipment
- Investment property

The fair value of assets and liabilities must be estimated in accordance with various accounting standards for either recognition and measurement requirements or for disclosure purposes.

AASB 13 Fair Value Measurement requires all assets and liabilities measured at fair value to be assigned to a 'level' in the fair value hierarchy as follows:

Level 1: Unadjusted quoted prices in active markets for identical assets or liabilities that the entity can access at the measurement date.

Level 2: Inputs other than quoted prices included within level 1 that are observable for the asset or liability, either directly or indirectly.

Level 3: Inputs for the asset or liability that are not based on observable market data (unobservable inputs).

Fair value measurement hierarchy								
Notes	Date of latest valuation		Level 2 Significant observable inputs		Level 3 Significant unobservable inputs		Total	
	2025	2024	2025	2024	2025	2024	2025	2024
	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000
Recurring fair value measurements								
Investment property C1-7								
Investment Property	30/06/25	30/06/24	31,970	23,750	–	–	31,970	23,750
Total investment property			31,970	23,750	–	–	31,970	23,750
Infrastructure, property, plant and equipment C1-6								
Operational land	30/06/23	30/06/23	144,013	133,717	–	–	144,013	133,717
Community land	30/06/25	30/06/23	–	–	54,622	53,295	54,622	53,295
Land Improvements								
Non-depreciable	30/06/23	30/06/23	–	–	259	208	259	208
Buildings	30/06/23	30/06/23	–	–	89,031	82,571	89,031	82,571
Other structures	30/06/22	30/06/22	–	–	–	2,773	–	2,773
Roads	30/06/24	30/06/24	–	–	90,727	86,161	90,727	86,161
Footpaths and kerb and gutter	30/06/24	30/06/24	–	–	55,578	52,412	55,578	52,412
Drainage infrastructure	30/06/25	30/06/24	–	–	49,371	44,592	49,371	44,592
Swimming pools	30/06/23	30/06/23	–	–	4,834	4,138	4,834	4,138
Other assets	30/06/23	30/06/23	–	–	1,515	1,526	1,515	1,526
Open space/Recreational	30/06/25	30/06/21	–	–	24,954	23,547	24,954	23,547
Other Road Assets	30/06/25	30/06/21	–	–	13,316	12,547	13,316	12,547
Total infrastructure, property, plant and equipment			144,013	133,717	384,207	363,770	528,220	497,487

D2-1 Fair value measurement (continued)

Valuation techniques

Where Council is unable to derive fair valuations using quoted market prices of identical assets (ie. level 1 inputs) Council instead utilises a spread of both observable inputs (level 2 inputs) and unobservable inputs (level 3 inputs).

The fair valuation techniques Council has employed while utilising level 2 and level 3 inputs are as follows:

Investment property

Council obtains independent valuations of its investment property on an annual basis and at the end of each reporting period to ensure the financial statements reflect the most up-to-date valuation. The best evidence of fair value is the current price in an active market for similar assets. The investment property valuation is included in level 2 of the hierarchy. The key unobservable input to the valuation is the price per square metre.

The fair value of the investment property is determined by an independent, qualified valuer on an annual basis who has experience in the location of the property. The Council reviews the valuation report and discusses significant movements with the valuer. As at 30 June 2025 the valuation of the investment property was performed by Scott Fullarton Valuations Pty Ltd, Director, Scott Fullarton FAPI CPP, Certified Practising Valuer (API Membership No. 67557).

Infrastructure, property, plant and equipment (IPPE)

Operational Land

This asset class comprises all of Council's land classified as Operational Land under the NSW Local Government Act 1993. The key unobservable input to the valuation is the price per square metre. A comprehensive valuation was undertaken as at 30 June 2023 by Scott Fullarton Valuations Pty Ltd, Director, Scott Fullarton FAPI CPP, Certified Practising Valuer (API Membership No. 67557).

Generally, fair value is the most advantageous price reasonably obtainable by the seller and the most advantageous price reasonably obtained by the buyer. This is not necessarily the market selling price of the asset, rather, it is regarded as the maximum value that Council would rationally pay to acquire the asset if it did not hold it, taking into account quoted market price in an active and liquid market, the current market price of the same or similar asset, if management intend to replace the asset, the remaining useful life and condition of the asset; and cash flows from the future use and disposal.

A desktop revaluation was performed as at 30 June 2025 based on Rawlison Indexation since the previous revaluation.

Buildings

A comprehensive valuation was undertaken as at 30 June 2023 by Scott Fullarton Valuations Pty Ltd, Director, Scott Fullarton FAPI CPP, Certified Practising Valuer (API Membership No. 67557).

A revaluation was undertaken for 2 Conder St along with componentisation of Council owned carparks as at 30 June 2023 by Assetic Pty Ltd, Val #1102199.

The approach estimated the replacement cost for each building by componentising the buildings into significant parts with different useful lives and taking into account a range of factors. While all buildings were physically inspected inputs such as estimates of residual value and pattern of consumption required extensive professional judgement and impacted significantly on the final determination of fair value. Buildings were classified as having been valued using Level 3 valuation inputs.

A desktop revaluation was performed as at 30 June 2025 based on Rawlison Indexation since the previous revaluation.

Plant & Equipment, Office Equipment and Furniture & Fittings

Plant & Equipment, Office Equipment and Furniture & Fittings are valued at cost but disclosed at fair value in the notes. The carrying amount of these assets is assumed to approximate fair value due to the nature of the items. Examples of assets within these classes are as follows:

- Plant and Equipment – trucks, tractors, ride-on mowers, street sweepers, earthmoving equipment, mini vans and motor vehicles
- Office Equipment – computer equipment, flat screen monitors, whiteboards, refrigerators etc
- Furniture & Fittings – chairs, desks and display systems

The key unobservable inputs to the valuation are the remaining useful life and the residual value.

D2-1 Fair value measurement (continued)

Community Land

Valuations of all Council's Community Land and Council managed land were based on either the land values provided by the Valuer-General or an average unit rate based on the land values for similar properties where the Valuer-General did not provide a land value having regard to the highest and best use for this land. As these rates were not considered to be observable market evidence they have been classified as Level 3.

Land Improvements – Depreciable and non-depreciable

This asset class comprises land improvements such as gardens, mulched areas, wetlands, streetscaping and landscaping. These assets may be located on parks, reserves and also within road reserves. These assets were valued by Assetic Pty Ltd during 2021-22 using the cost approach method utilising inputs such as estimated asset condition and useful life requiring extensive professional judgement.

The cost approach has been utilised whereby the replacement cost was estimated for each asset by taking into account a range of factors. Inputs such as estimates of pattern of consumption, residual value, asset condition and useful life required extensive professional judgement and impacted significantly on the final determination of fair value. As such these assets were all classified as having been valued using Level 3 valuation inputs.

A desktop revaluation was performed as at 30 June 2025 based on Rawlison Indexation since the previous revaluation.

Other Structures

This asset class comprises retaining walls, shade structures and filtration system and shed. These assets were valued by Assetic Pty Ltd during 2022 using the cost approach method utilising inputs such as estimated asset condition and useful life requiring extensive professional judgement which impacted significantly on the final determination of fair value.

The cost approach has been utilised whereby the replacement cost was estimated for each asset by taking into account a range of factors. Inputs such as estimates of pattern of consumption, residual value, asset condition and useful life required extensive professional judgement and impacted significantly on the final determination of fair value. As such these assets were all classified as having been valued using Level 3 valuation inputs.

A desktop revaluation was performed as at 30 June 2025 based on Rawlison Indexation since the previous revaluation.

Roads

Council's roads were valued utilising the cost approach by Brightly Australia.

This asset class comprises the Road Carriageway and Suburb Markers. The road carriageway is defined as the trafficable portion of a road, between but not including the kerb and gutter. The 'Cost Approach' using Level 3 inputs was used to value the road carriageway and other road infrastructure. Condition assessments were determined by Infrastructure Management Group Pty Ltd.

The cost approach was utilised with inputs such as estimates pattern of consumption, asset condition and useful life requiring extensive professional judgement which impacted significantly on the final determination of fair value. Additionally due to limitations in the historical records of very long lived assets there some uncertainty regarding the actual design, specifications and dimensions of some assets.

A desktop revaluation was performed as at 30 June 2025 based on Rawlison Indexation since the previous revaluation.

Footpaths and Kerb & Gutter

Council's footpaths and kerb and gutter were valued utilising the cost approach by Brightly Australia.

Footpaths and Kerb & Gutter were segmented to match the adjacent road segment where possible and no further componentisation was undertaken. Footpaths and Kerb & Gutter were originally mapped and condition assessed using a combination of video condition assessment and physical inspection. Condition assessments were determined by Infrastructure Management Group Pty Ltd,

The cost approach was utilised with inputs such as estimates pattern of consumption, asset condition and useful life requiring extensive professional judgement which impacted significantly on the final determination of fair value. Additionally due to limitations in the historical records of very long lived assets there some uncertainty regarding the actual design, specifications and dimensions of some assets.

A desktop revaluation was performed as at 30 June 2025 based on Rawlison Indexation since the previous revaluation.

D2-1 Fair value measurement (continued)

Other Road assets

This asset class comprises Roundabouts, Speed humps, Traffic calming devices, Street Furniture, Bus Shelters and Fencing.

A revaluation was performed as at 30 June 2025 by Modelve.

Drainage Infrastructure

Council's footpaths and kerb and gutter were valued utilising the cost approach by Brightly Australia (IMM). Inputs such as estimates of the pattern of consumption, asset condition and useful life required extensive professional judgement and impacted significantly on the final determination of fair value. Additionally due to limitations in the historical records of very long lived assets there is uncertainty regarding the actual design, specifications and dimensions of some assets.

A revaluation was performed as at 30 June 2025 by Modelve.

Swimming Pools

Assets within this class comprise Council's Enfield Aquatic Centre. A comprehensive valuation was undertaken as at 30 June 2023 by Scott Fullarton Valuations Pty Ltd, Director, Scott Fullarton FAPI CPP, Certified Practising Valuer (API Membership No. 67557). The approach estimated the replacement cost for each pool by componentising its significant parts.

Inputs such as estimates of the pattern of consumption, asset condition and useful life required extensive professional judgement which impacted significantly on the final determination of fair value.

A desktop revaluation was performed as at 30 June 2025 based on Rawlison Indexation since the previous revaluation.

Other Open Space/Recreational Assets

Assets within this class comprise tennis courts and fencing, synthetic turf surfaces, barbeques, playground equipment, shade structures and soft fall, park furniture, park lighting, fitness equipment, bocce courts, gazebos, and signage, which were valued by Modelve during 2025 using the cost approach method.

Inputs such as estimates of the pattern of consumption, asset condition, and useful life required extensive professional judgement which impacted significantly on the final determination of fair value.

Other Assets

This asset class comprises all other assets which do not fall into the above asset classes ie, planter boxes, hanging baskets, public art and are valued at cost but are disclosed at fair value in the notes. The carrying amount of these assets is assumed to approximate fair value due to the nature of the items.

D2-1 Fair value measurement (continued)

Fair value measurements using significant unobservable inputs (level 3)

The valuation process for level 3 fair value measurements

Valuation process has been incorporated within 3 above.

Significant unobservable valuation inputs used (for level 3 asset classes) and their relationship to fair value.

The following table summarises the quantitative information relating to the significant unobservable inputs used in deriving the various level 3 asset class fair values.

	Fair value (30/6/25) 2025 \$ '000	Valuation technique/s	Unobservable inputs
Investment properties			
Commercial Office and Retail	31,970	Qualified Valuer	• Estimated rental value (rate per square metre) • Rental Yield
Infrastructure, property, plant and equipment			
Operational Land	144,013	Qualified Valuer	• Price per square metre
Buildings	89,031	Current Replacement Cost	• Gross Replacement Cost • Asset Condition • Remaining useful life • Residual value
Plant & Equipment, Office Equipment and Furniture & Fittings	17,267	Cost approach	• Gross Replacement Cost • Remaining useful life • Residual value
Community Land	54,622	Land values obtained from the NSW Valuer General	• Unimproved Capital Value (price per square metre)
Land Improvements – non-depreciable and depreciable	259	Current Replacement Cost	• Gross Replacement Cost • Asset Condition • Remaining useful life • Residual value
Other Structures	–	Current Replacement Cost	• Gross Replacement Cost • Asset Condition • Remaining useful life
Roads	90,727	Current Replacement Cost	• Gross Replacement Cost • Asset Condition • Remaining useful life
Footpaths	55,758	Current Replacement Cost	• Gross Replacement Cost • Asset Condition • Remaining useful life
Other Road Assets	13,316	Current Replacement Cost	• Gross Replacement Cost • Asset Condition • Remaining useful life
Drainage Infrastructure	49,371	Current Replacement Cost	• Gross Replacement Cost • Asset Condition • Remaining useful life
Swimming Pools	4,834	Current Replacement Cost	• Gross Replacement Cost • Asset Condition • Remaining useful life
Library Books	368	Cost approach	• Gross Replacement Cost • Asset Condition • Remaining useful life
Other - Open Space / Recreational	24,954	Current Replacement Cost	• Gross Replacement Cost • Asset Condition • Remaining useful life
Other Assets	1,515	Cost approach	• Gross Replacement Cost • Asset Condition • Remaining useful life • Residual value

continued on next page

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D2-1 Fair value measurement (continued)

A reconciliation of the movements in recurring fair value measurements allocated to Level 3 of the hierarchy by class of assets is provided below:

	Community Land		Land Improvement – depreciable and non-depreciable		Buildings		Other structures	
	2025	2024	2025	2024	2025	2024	2025	2024
	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000
Opening balance	53,295	53,295	208	4,013	82,571	74,495	2,773	3,173
Total gains or losses for the period								
Other movements								
Transfers from/(to) another asset class	–	–	–	(3,805)	–	1,969	(2,675)	(1,043)
Purchases (GBV)	–	–	–	–	–	2,119	13	525
Disposals (WDV)	–	–	–	–	(84)	(59)	(7)	–
Depreciation and impairment	–	–	–	–	(1,357)	(1,270)	(104)	(96)
Fair value adjustment	1,327	–	51	–	7,901	5,317	–	214
Closing balance	54,622	53,295	259	208	89,031	82,571	–	2,773

	Other road assets		Open Space / Recreational		Roads		Footpaths	
	2025	2024	2025	2024	2025	2024	2025	2024
	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000
Opening balance	12,457	11,759	23,547	16,557	86,161	132,338	52,412	42,291
Total gains or losses for the period								
Other movements								
Transfers from/(to) another asset class	1,332	–	1,689	4,289	9	(692)	–	1,725
Purchases (GBV)	94	228	1,437	2,468	1,679	4,018	1,224	1,779
Disposals (WDV)	(24)	(42)	(170)	(66)	(625)	(1,351)	(415)	(384)
Depreciation and impairment	(497)	(448)	(870)	(730)	(2,027)	(2,684)	(1,237)	(1,142)
Fair value adjustment	(46)	960	(679)	1,029	5,530	(45,468)	3,774	8,143
Closing balance	13,316	12,457	24,954	23,547	90,727	86,161	55,758	52,412

D2-1 Fair value measurement (continued)

	Drainage		Swimming pool		Other Assets		Total	
	2025 \$ '000	2024 \$ '000	2025 \$ '000	2024 \$ '000	2025 \$ '000	2024 \$ '000	2025 \$ '000	2024 \$ '000
Opening balance	44,592	37,316	4,138	3,922	1,526	737	520,031	536,202
Transfers from/(to) another asset class	–	504	–	–	–	681	355	3,628
Purchases (GBV)	1,222	2,249	–	–	154	243	5,823	13,629
Disposals (WDV)	(13)	(37)	–	–	–	–	(1,338)	(1,939)
Depreciation and impairment	(554)	(479)	(110)	(102)	(165)	(135)	(6,921)	(7,086)
Fair value adjustment	4,124	5,039	806	318	–	–	22,788	(24,403)
Closing balance	49,371	44,592	4,834	4,138	1,515	1,526	540,738	520,031

Information relating to the transfers into and out of the level 3 fair valuation hierarchy includes:

There are no transfers identified in the above table.

Highest and best use

All of Council's non-financial assets are considered as being utilised for their highest and best use.

D3-1 Contingencies

CONTINGENT LIABILITIES

(i) StateCover Limited

Council is a member of StateCover Mutual Limited and holds a partly paid share in the entity.

StateCover is a company providing workers compensation insurance cover to the NSW local government industry and specifically Council.

Council has a contingent liability to contribute further equity in the event of the erosion of the company's capital base as a result of the company's past performance and/or claims experience or as a result of any increased prudential requirements from APRA.

These future equity contributions would be required to maintain the company's minimum level of net assets in accordance with its licence requirements.

(ii) Third party claims

The Council is involved from time to time in various claims incidental to the ordinary course of business including claims for damages relating to its services.

Council believes that it is appropriately covered for all claims through its insurance coverage and does not expect any material liabilities to eventuate.

(iii) Potential land acquisitions due to planning restrictions imposed by Council

Council has classified a number of privately owned land parcels as local open space or bushland.

As a result, where notified in writing by the various owners, Council will be required to purchase these land parcels.

At reporting date, reliable estimates as to the value of any potential liability (and subsequent land asset) from such potential acquisitions has not been possible.

CONTINGENT ASSETS

(i) Infringement notices/fines

Fines and penalty income, the result of Council issuing infringement notices is followed up and collected by the Infringement Processing Bureau.

Council's revenue recognition policy for such income is to account for it as revenue on receipt.

Accordingly, at year end, there is a potential asset due to Council representing issued but unpaid infringement notices.

Due to the limited information available on the status, value and duration of outstanding notices, Council is unable to determine the value of outstanding income.

E People and relationships

E1 Related party disclosures

E1-1 Key management personnel (KMP)

Key management personnel (KMP) of the council are those persons having the authority and responsibility for planning, directing and controlling the activities of the council, directly or indirectly.

The aggregate amount of KMP compensation included in the Income Statement is:

	2025 \$ '000	2024 \$ '000
Compensation:		
Short-term benefits	1,791	1,635
Post-employment benefits	191	160
Other long-term benefits	65	73
Total	2,047	1,868

Other transactions with KMP and their related parties

Council has determined that transactions at arm's length between KMP and Council as part of Council delivering a public service objective (e.g. access to library or Council swimming pool by KMP) will not be disclosed.

There have been no transactions identified through the related party disclosure process indicating to be any significant disclosures from Key Management Persons during the year ended 30 June 2025.

E1-2 Councillor and Mayoral fees and associated expenses

	2025 \$ '000	2024 \$ '000
The aggregate amount of Councillor and Mayoral fees and associated expenses included in materials and services expenses in the Income Statement are:		
Mayoral fee	49	47
Councillors' fees	152	153
Other Councillors' expenses (including Mayor)	58	53
Total	259	253

E2 Other relationships

E2-1 Audit fees

	2025	2024
	\$ '000	\$ '000

During the year, the following fees were incurred for services provided by the auditor of Council, related practices and non-related audit firms

Auditors of the Council - NSW Auditor-General:**(i) Audit and other assurance services**

Audit and review of financial statements

	129	179
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Remuneration for audit and other assurance services	129	179
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Total Auditor-General remuneration	129	179
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Non NSW Auditor-General audit firms**(ii) Non-assurance services**

Other audit and assurance services

	41	49
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Remuneration for non-assurance services	41	49
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Total remuneration of non NSW Auditor-General audit firms	41	49
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Total audit fees	170	228
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F Other matters

F1-1 Statement of Cash Flows information

Reconciliation of Operating Result

	2025	2024
	\$ '000	\$ '000
Net operating result from Income Statement	13,619	13,122
Add / (less) non-cash items:		
Depreciation and amortisation	10,067	10,013
(Gain) / loss on disposal of assets	1,008	1,345
Losses/(gains) recognised on fair value re-measurements through the P&L:		
– Investments	(100)	–
– Investment property	(550)	(45)
Movements in operating assets and liabilities and other cash items:		
(Increase) / decrease of receivables	52	(2,164)
Increase / (decrease) in provision for impairment of receivables	(409)	–
(Increase) / decrease of other current assets	(1,015)	(276)
(Increase) / decrease of contract asset	(417)	13
Increase / (decrease) in payables	(1,130)	1,243
Increase / (decrease) in accrued interest payable	(2)	(2)
Increase / (decrease) in other accrued expenses payable	(582)	15
Increase / (decrease) in other liabilities	792	349
Increase / (decrease) in contract liabilities	2,587	(1,060)
Increase / (decrease) in employee benefit provision	138	(632)
Net cash flows from operating activities	24,058	21,921

F2-1 Commitments

Capital commitments (exclusive of GST)

	2025	2024
	\$ '000	\$ '000

Capital expenditure committed for at the reporting date but not recognised in the financial statements as liabilities:

Property, plant and equipment

Buildings	1,590	1,552
Plant and equipment	362	423
Recreational	3,991	–
Swimming pools	2,652	–
Other	142	848
Road infrastructure	828	517
Total commitments	9,565	3,340

These expenditures are payable as follows:

Within the next year	9,565	3,340
Total payable	9,565	3,340

Sources for funding of capital commitments:

Unrestricted general funds	527	601
Future grants and contributions	8,379	1,940
Internally restricted reserves	659	799
Total sources of funding	9,565	3,340

Details of capital commitments

Buildings - community and cultural centre
 Plant and equipment - compactor truck
 Recreational - Burwood Park Inclusive Play Space, Henley Park Sports Field Upgrade and Woodstock Park Sensory Garden
 Swimming pools - Enfield Aquatic Centre redevelopment
 Other - public art
 Road infrastructure - drainage, roads, kerb and gutter and footpath works

F3-1 Events occurring after the reporting date

Council is aware of the following 'non-adjusting events' that merit disclosure:

– Council purchased an investment property in Burwood, which is not expected to settle until November 2025.

F4 Statement of developer contributions

F4-1 Summary of developer contributions

	Opening balance at 1 July 2024 \$ '000	Contributions received during the year			Interest and investment income earned \$ '000	Amounts expended \$ '000	Internal borrowings \$ '000	Held as restricted asset at 30 June 2025 \$ '000	Cumulative balance of internal borrowings (to)/from \$ '000
		Cash \$ '000	Non-cash Land \$ '000	Non-cash Other \$ '000					
Burwood Local Infrastructure Contribution Plan	5,181	1,776	–	–	225	(6,685)	–	497	–
Total S7.12 revenue under plans	5,181	1,776	–	–	225	(6,685)	–	497	–
S7.4 planning agreements	14,757	–	–	–	550	631	–	15,938	–
Total contributions	19,938	1,776	–	–	775	(6,054)	–	16,435	–

Under the *Environmental Planning and Assessment Act 1979*, local infrastructure contributions, also known as developer contributions, are charged by councils when new development occurs. They help fund infrastructure like parks, community facilities, local roads, footpaths, stormwater drainage and traffic management. It is possible that the funds contributed may be less than the cost of this infrastructure, requiring Council to borrow or use general revenue to fund the difference.

F4-2 Developer contributions by plan

	Opening balance at 1 July 2024 \$ '000	Contributions received during the year			Interest and investment income earned \$ '000	Amounts expended \$ '000	Internal borrowings \$ '000	Held as restricted asset at 30 June 2025 \$ '000	Cumulative balance of internal borrowings (to)/from \$ '000
		Cash \$ '000	Non-cash Land \$ '000	Non-cash Other \$ '000					
CONTRIBUTION PLAN									
Burwood Local Infrastructure Contribution Plan	5,181	1,776	–	–	225	(6,685)	–	497	–
Total	5,181	1,776	–	–	225	(6,685)	–	497	–

S7.11 contributions – under a plan

CONTRIBUTION PLAN

Burwood Local Infrastructure Contribution Plan	5,181	1,776	–	–	225	(6,685)	–	497	–
Total	5,181	1,776	–	–	225	(6,685)	–	497	–

End of the audited financial statements

G1 Statement of performance measures (unaudited)

G1-1 Statement of performance measures – consolidated results

	Amounts 2025 \$ '000	Indicator 2025	2024	Indicators 2023	2022	Benchmark
1. Operating performance ratio						
Total continuing operating revenue excluding capital grants and contributions less operating expenses ^{1,2}	3,487	5.15%	2.91%	(2.56)%	(7.22)%	> 0.00%
Total continuing operating revenue excluding capital grants and contributions ¹	67,715					
2. Own source operating revenue ratio						
Total continuing operating revenue excluding all grants and contributions ¹	64,572	82.76%	79.52%	73.02%	85.12%	> 60.00%
Total continuing operating revenue	78,025					
3. Unrestricted current ratio						
Current assets less all external restrictions	47,776	3.04x	2.56x	1.91x	2.29x	> 1.50x
Current liabilities less specific purpose liabilities	15,701					
4. Debt service cover ratio						
Operating result before capital excluding interest and depreciation/impairment/amortisation ¹	13,844	12.87x	9.70x	6.51x	5.89x	> 2.00x
Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement)	1,076					
5. Rates and annual charges outstanding percentage						
Rates and annual charges outstanding	3,380	7.64%	7.27%	6.19%	5.64%	< 5.00%
Rates and annual charges collectable	44,240					
6. Cash expense cover ratio						
Current year's cash and cash equivalents plus all term deposits	33,161	6.92 months	5.56 months	4.01 months	6.09 months	> 3.00 months
Monthly payments from cash flow of operating and financing activities	4,793					

(1) Excludes fair value increments on investment properties, reversal of revaluation decrements, reversal of impairment losses on receivables, net gain on sale of assets and net share of interests in joint ventures and associates using the equity method and includes pensioner rate subsidies

(2) Excludes impairment/revaluation decrements of IPPE, fair value decrements on investment properties, net loss on disposal of assets and net loss on share of interests in joint ventures and associates using the equity method

G Additional Council disclosures (unaudited)

G1-2 Council information and contact details

Principal place of business:

2 Conder Street
Burwood NSW 2134

Mailing address:

PO Box 240
Burwood NSW 1805

Telephone: 02 9911 9911

Facsimile: 02 9911 9900

Opening hours:

8:30am to 4:45pm
Monday to Friday

Internet: www.burwood.nsw.gov.au

Email: council@burwood.nsw.gov.au

Officers

Tommaso Briscese
General Manager

Sarah Seaman

Responsible Accounting Officer

Michelle Butler

Public Officer

Auditors

Audit Office of New South Wales
Darling Park, Level 19,
Tower 2/201 Sussex Street
Sydney NSW 2000

Elected members
Mayor

John Faker

Deputy Mayor

George Mannah

Councillors

Alex Yang
David Hull
Deyi Wu-Coshott
Pascale Esber
Sukirti Bhatta

Other information

ABN: 84 362 114 428



Cr John Faker
Mayor
Burwood Council
PO Box 240
BURWOOD NSW 1805

Contact: Mary Yuen
Phone no: 02 9275 7215
Our ref: R008-1981756498-4049

2 October 2025

Dear Mayor

**Report on the Conduct of the Audit
for the year ended 30 June 2025
Burwood Council**

I have audited the general purpose financial statements (GPFS) of the Burwood Council (the Council) for the year ended 30 June 2025 as required by section 415 of the *Local Government Act 1993* (the Act).

I expressed an unmodified opinion on the Council's GPFS.

My audit procedures did not identify any instances of material non-compliance with the financial reporting requirements in Chapter 13, Part 3, Division 2 of the LG Act and the associated regulation or a material deficiency in the Council's accounting records or financial statements. The Council's:

- accounting records were maintained in a manner and form to allow the GPFS to be prepared and effectively audited
- staff provided all accounting records and information relevant to the audit.

This Report on the Conduct of the Audit (the Report) for the Council for the year ended 30 June 2025 is issued in accordance with section 417 of the Act. The Report:

- must address the specific matters outlined in the Local Government Code of Accounting Practice and Financial Reporting 2024-25
- may include statements, comments and recommendations that I consider to be appropriate based on the conduct of the audit of the GPFS.

This Report should be read in conjunction with my audit opinion on the GPFS issued under section 417(2) of the Act.

INCOME STATEMENT

Financial performance

	2025	2024	Variance
	\$m	\$m	%
Rates and annual charges revenue	40.9	38.9	5.1
Grants and contributions provided for operating purposes revenue	3.1	3.2	3.1
Grants and contributions provided for capital purposes revenue	10.3	12.5	17.6
Operating result from continuing operations	13.6	13.1	3.8
Net Operating result for the year before grants and contributions provided for capital purposes	3.3	0.6	450.0

Operating result from continuing operations

This graph shows the operating result from continuing operations for the current and prior two financial years.

Council's operating result from continuing operations for the year was \$0.5 million higher than the 2023-24 result.

In 2024-25:

- Total income from continuing operations (\$78.9 million) increased by \$1.7 million (2.3 per cent). Refer to 'Council revenue' below for details
- Total expenses from continuing operations (\$65.2 million) increased by \$1.3 million (2.0% increase). This is mainly due to \$1.6 million increase in contractor and consultancy costs.

The net operating result for the year before grants and contributions provided for capital purposes was \$3.3 million. Refer to 'Grants and contributions revenue' below for details.



Annual Financial Statements 2025

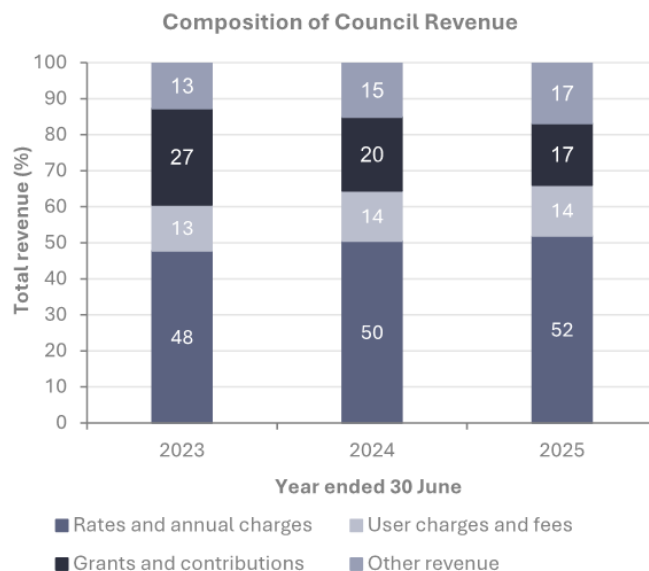
Income

Council revenue

This graph shows the composition of Council's revenue recognised for the current and prior two financial years.

Council revenue (\$78.9 million) increased by \$1.7 million (2.3 per cent) in 2024–25 due to:

- rates and annual charges revenue (\$40.9 million) which increased by \$2.0 million (5.1 per cent) due to rate peg increase of 4.8 per cent and increase in total rateable properties from 15,151 in 2023-24 to 15,540 in 2024-25 (2.6 per cent)
- user charges and fees revenue (\$11.1 million) which increased by \$0.4 million (3.4 per cent) mainly due to \$0.4 million increase in developer fees resulting from increase in the development application fees and charges (ranging from 3.0 to 4.0 per cent)
- grants and contributions revenue (\$13.4 million) which decreased by \$2.3 million (14.6 per cent) – see additional details below.

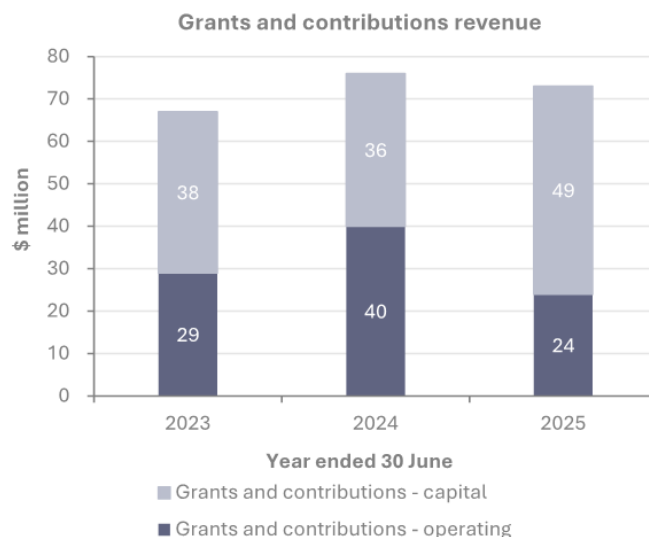


Grants and contributions revenue

This graph shows the amount of grants and contributions revenue recognised for the current and prior two financial years.

Grants and contributions revenue (\$13.4 million) decreased by \$2.3 million (14.6 per cent) in 2024–25 due to:

- decrease of \$5.2 million of developer contributions recognised during the year
- increase of \$2.3 million of recreation and culture capital grants and \$0.9 million of transport (roads to recovery, roads and bridges funding, regional roads and block grant) capital grants.



CASH FLOWS

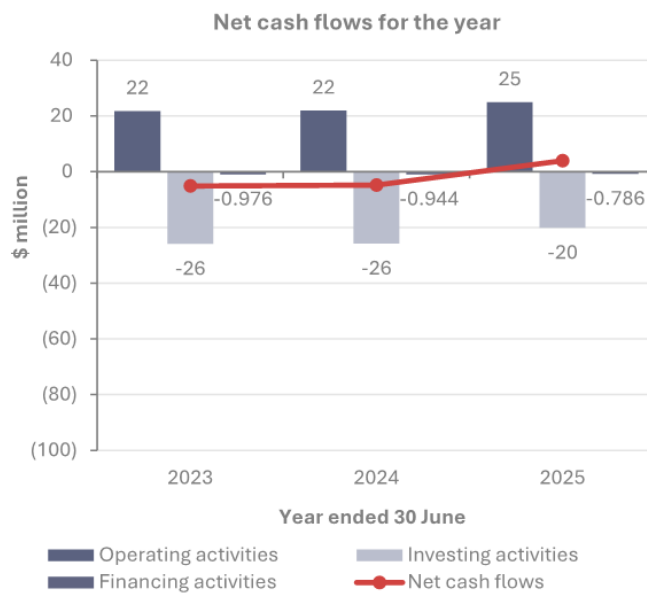
Statement of cash flows

The Statement of Cash Flows details the Council's inflows and outflows of cash over a specific period. It helps in assessing the Council's ability to generate cash to fund its operations, pay off debts, and support future projects. It also aids in identifying any pressures or issues in the Council operating in a financially sustainable manner.

The net cash flows for the year were positive \$3.9 million (negative \$4.8 million in 2023-24).

In 2024-25 the net cashflows:

- from operating activities increased by \$3.0 million, mainly due to \$2.7 million increase in receipts of rates and annual charges
- used in investing activities decreased by \$5.6 million, mainly due to the decrease of \$6.5 million in the net acquisition of term deposits offset, decrease of \$8.0 million in the net purchase of property, plant and equipment and offset by the increase of \$8.7 million in the purchase of investment property
- used in financing activities decreased by \$0.2 million, mainly due to \$0.2 million decrease in the repayment of borrowings during the year.



FINANCIAL POSITION

Cash, cash equivalents and investments

This section of the Report provides details of the amount of cash, cash equivalents and investments recorded by the Council at 30 June 2025.

Externally restricted funds are the cash, cash equivalents and investments that can only be used for specific purposes due to legal or contractual restrictions.

Cash, cash equivalents, and investments without external restrictions can be allocated internally by the elected Council's resolution or policy. These allocations are matters of Council policy and can be changed or removed by a Council resolution.

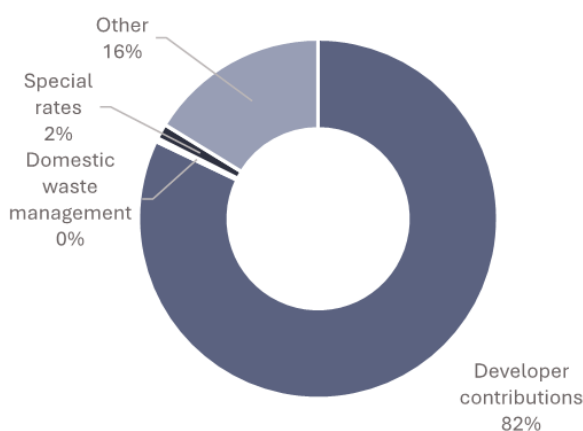
Cash, cash equivalents and investments	2025	2024	Percentage of total cash and investments 2025	Commentary
	\$m	\$m	%	
Total cash, cash equivalents and investments	57.3	53.8		Externally restricted balances are those which are only available for specific use due to a restriction placed by legislation or third-party contract. A breakdown of the sources of externally restricted balances is included in the graph below.
Restricted and allocated cash, cash equivalents and investments:				Internal allocations are determined by council policies or decisions, which are subject to change.
• External restrictions	20.0	22.9	34.9	The decrease in the Council's externally restricted cash and investments were mainly due to \$2.9 million decrease in the developer contributions cash holdings.
• Internal allocations	22.2	22.9	38.7	There is minimal movement in the Council's internally restricted cash and investments.

This graph shows the sources of externally restricted cash, cash equivalents and investments.

In 2024-25 the Council's main sources of externally restricted cash, cash equivalents and investments include:

- developer contributions of \$16.4 million which decreased by \$3.5 million, mainly due to \$4.0 million increase in section 7.4 and 7.12 developer contributions cash receipts and \$7.5 million had been used for local infrastructure projects during the year
- domestic waste management charges of \$3.3 million which has \$0.4 million increase of the domestic waste reserve during the year.

Source of externally restricted cash, cash equivalents and investments



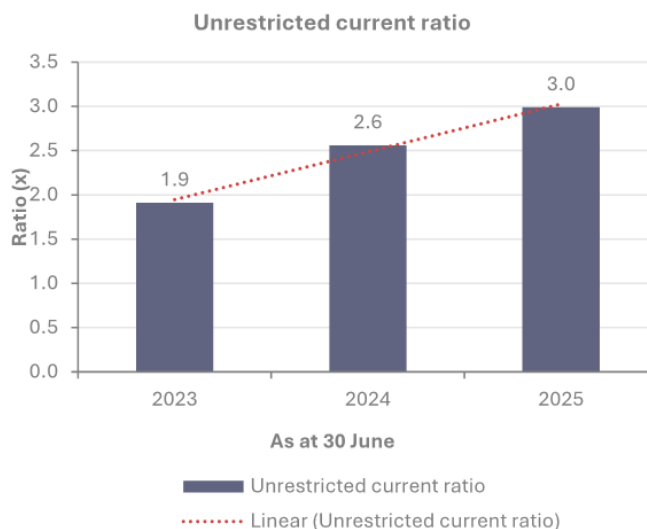
Council liquidity

This graph shows the Council's unrestricted current ratio for the current and prior two financial years.

The unrestricted current ratio is specific to local government and represents council's ability to meet its short-term obligations as they fall due. The ratio measures the ratio of unrestricted current assets to specific purpose liabilities.

In 2023-24, the average unrestricted current ratio was an average of 3.7 for metropolitan councils.

The Council's unrestricted current ratio has improved compared with the prior year due to the increase in current assets.

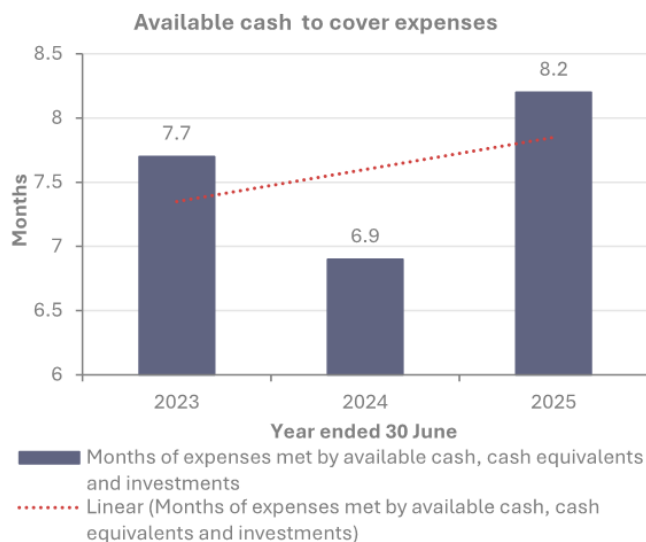


This graph shows the number of months of general fund expenses (excluding depreciation and borrowing costs), Council can fund from its available cash, cash equivalents and investments (not subject to external restrictions).

Further details on cash, cash equivalents and investments including the sources of external restrictions are included in the section above.

In 2023-24, the available cash to cover expenses was an average of 8 months for metropolitan councils.

The increase in the ratio compared with the prior year was mainly due to the increase in total non-externally restricted cash, cash equivalents and investments.

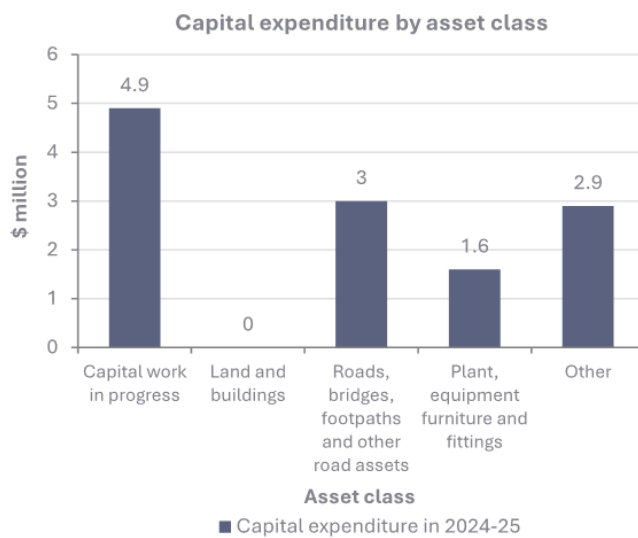


Infrastructure, property, plant and equipment

This graph shows how much the Council spent on renewing and purchasing assets in 2024-25.

Council renewed \$9.9 million of infrastructure, property, plant and equipment during the 2024-25 financial year. This was mainly spent on capital work in progress, roads, footpaths and stormwater drainage assets.

A further \$2.5 million was spent on new assets including capital work in progress and other open space / recreational assets.



Debt

The table below provides an overview of the Council's loans and committed borrowing facilities. Committed borrowing facilities are an element of liquidity management and include bank overdrafts, and credit cards.

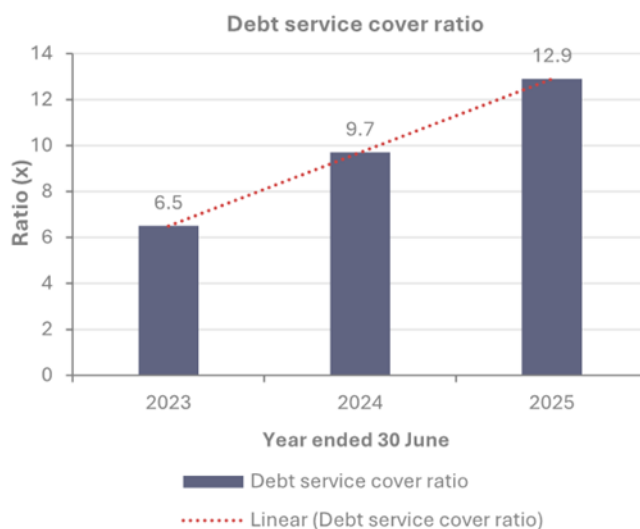
Debt	2025	2024	Commentary
	\$m	\$m	
Loans	3.9	4.4	Council has secured loans with NSW Treasury Corporation (TCorp) of \$1.5 million and Bank of New York (BNY) Mellon Australia of \$2.4 million. The loans balance has decreased due to repayments made during the year.

Debt service cover

This graph shows the Council's debt service cover ratio for the current and prior two financial years.

The debt service cover ratio measures the operating cash to service debt including interest, principal and lease payments.

The increase in the ratio compared with the prior year was mainly due to the increase in operating result and decrease in the principal repayments and borrowing costs during the year.



Mary Yuen
Director, Financial Audit

Delegate of the Auditor-General

cc: Mr Tomasso Briscese, General Manager
Ms Simone Schwarz, Chair of the Audit, Risk and Improvement Committee



INDEPENDENT AUDITOR'S REPORT

Report on the general purpose financial statements

Burwood Council

To the Councillors of Burwood Council

Opinion

I have audited the accompanying financial statements of Burwood Council (the Council), which comprise the Statement by Councillors and Management, the Income Statement and Statement of Comprehensive Income for the year ended 30 June 2025, the Statement of Financial Position as at 30 June 2025, the Statement of Changes in Equity and Statement of Cash Flows for the year then ended, and notes to the financial statements, including material accounting policy information and other explanatory information.

In my opinion:

- the Council's accounting records have been kept in accordance with the requirements of the *Local Government Act 1993*, Chapter 13, Part 3, Division 2 (the Division)
- the financial statements:
 - have been prepared, in all material respects, in accordance with the requirements of the Division
 - are, in all material respects, consistent with the Council's accounting records
 - present fairly, in all material respects, the financial position of the Council as at 30 June 2025, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards
- all information relevant to the conduct of the audit has been obtained
- no material deficiencies in the accounting records or financial statements have come to light during the audit.

My opinion should be read in conjunction with the rest of this report.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Statements' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants (including Independence Standards)' (APES 110).

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of councils
- precluding the Auditor-General from providing non-audit services.

I have fulfilled my other ethical responsibilities in accordance with APES 110.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Other Information

The Council's annual report for the year ended 30 June 2025 includes other information in addition to the financial statements and my Independent Auditor's Report thereon. The Councillors are responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise:

- G1 Statement of performance measures (unaudited)
- the special purpose financial statements
- Special Schedules (the Schedules).

My opinion on the financial statements does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information. However, as required by the *Local Government Act 1993*, I have separately expressed an opinion on the special purpose financial statements and Special Schedule - Permissible income for general rates.

In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

The Councillors' Responsibilities for the Financial Statements

The Councillors are responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the *Local Government Act 1993*, and for such internal control as the Councillors determine is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Councillors are responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting.

Auditor's Responsibilities for the Audit of the Financial Statements

My objectives are to:

- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar4.pdf. The description forms part of my auditor's report.

The scope of my audit does not include, nor provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- on the Original Budget information included in the Income Statement, Statement of Cash Flows, and Note B5-1 'Material budget variations'
- on the Special Schedules. A separate opinion has been provided on Special Schedule - Permissible income for general rates
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about any other information which may have been hyperlinked to/from the financial statements.



Mary Yuen
Delegate of the Auditor-General for New South Wales

2 October 2025
SYDNEY

Burwood Council

SPECIAL SCHEDULES
for the year ended 30 June 2025

*Global spirit. Local heart. Burwood is a welcoming
community – proud of its past, shaped by its diverse people,
and connected to the world.*



Burwood Council

Special Schedules

for the year ended 30 June 2025

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Special Schedules:

Permissible income for general rates	3
Report on infrastructure assets as at 30 June 2025	7

Burwood Council

Permissible income for general rates

	Notes	Calculation 2024/25 \$ '000	Calculation 2025/26 \$ '000
Notional general income calculation ¹			
Last year notional general income yield	a	29,996	31,699
Plus or minus adjustments ²	b	249	115
Notional general income	c = a + b	30,245	31,814
Permissible income calculation			
Percentage increase	d	4.80%	7.60%
Plus percentage increase amount ³	f = d x (c + e)	1,452	2,418
Sub-total	g = (c + e + f)	31,697	34,232
Plus (or minus) last year's carry forward total	h	25	23
Sub-total	j = (h + i)	25	23
Total permissible income	k = g + j	31,722	34,255
Less notional general income yield	l	31,699	34,232
Catch-up or (excess) result	m = k - l	23	23
Carry forward to next year ⁶	p = m + n + o	23	23

Notes

- (1) The notional general income will not reconcile with rate income in the financial statements in the corresponding year. The statements are reported on an accrual accounting basis which include amounts that relate to prior years' rates income.
- (2) Adjustments account for changes in the number of assessments and any increase or decrease in land value occurring during the year. The adjustments are called 'supplementary valuations' as defined in the *Valuation of Land Act 1916 (NSW)*.
- (3) The 'percentage increase' is inclusive of the rate-peg percentage, and/or special variation and/or Crown land adjustment (where applicable).
- (6) Carry-forward amounts which are in excess (an amount that exceeds the permissible income) require Ministerial approval by order published in the *NSW Government Gazette* in accordance with section 512 of the Act. The OLG will extract these amounts from Council's Permissible income for general rates Statement in the financial data return (FDR) to administer this process.



INDEPENDENT AUDITOR'S REPORT

Special Schedule – Permissible income for general rates

Burwood Council

To the Councillors of Burwood Council

Opinion

I have audited the accompanying Special Schedule – Permissible income for general rates (the Schedule) of Burwood Council (the Council) for the year ending 30 June 2026.

In my opinion, the Schedule is prepared, in all material respects in accordance with the requirements of the Local Government Code of Accounting Practice and Financial Reporting 2024–25 (LG Code) and is in accordance with the books and records of the Council.

My opinion should be read in conjunction with the rest of this report.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Schedule' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants (including Independence Standards)' (APES 110).

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of councils
- precluding the Auditor-General from providing non-audit services.

I have fulfilled my other ethical responsibilities in accordance with APES 110.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Emphasis of Matter - Basis of Accounting

Without modifying my opinion, I draw attention to the special purpose framework used to prepare the Schedule. The Schedule has been prepared for the purpose of fulfilling the Council's reporting obligations under the LG Code. As a result, the Schedule may not be suitable for another purpose.

Other Information

The Council's annual report for the year ended 30 June 2025 includes other information in addition to the Schedule and my Independent Auditor's Report thereon. The Councillors are responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the general purpose financial statements, G1 Statement of performance measures (unaudited), special purpose financial statements and Special Schedule 'Report on infrastructure assets as at 30 June 2025.

My opinion on the Schedule does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information. However, as required by the *Local Government Act 1993*, I have separately expressed an opinion on the general purpose financial statements and the special purpose financial statements.

In connection with my audit of the Schedule, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the Schedule or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

The Councillors' Responsibilities for the Schedule

The Councillors are responsible for the preparation of the Schedule in accordance with the LG Code. The Councillors' responsibility also includes such internal control as the Councillors determine is necessary to enable the preparation of the Schedule that is free from material misstatement, whether due to fraud or error.

In preparing the Schedule, the Councillors are responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting.

Auditor's Responsibilities for the Audit of the Schedule

My objectives are to:

- obtain reasonable assurance whether the Schedule as a whole is free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the Schedule.

A description of my responsibilities for the audit of the Schedule is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar8.pdf. The description forms part of my auditor's report.

The scope of my audit does not include, nor provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- about the security and controls over the electronic publication of the audited Schedule on any website where it may be presented
- about any other information which may have been hyperlinked to/from the Schedule.



Mary Yuen
Delegate of the Auditor-General for New South Wales

2 October 2025
SYDNEY

Burwood Council

Report on infrastructure assets as at 30 June 2025

Asset Class	Asset Category	Estimated cost to bring assets to satisfactory standard	Estimated cost to bring to the agreed level of service set by Council	2024/25 Required maintenance ^a	2024/25 Actual maintenance	Net carrying amount	Gross replacement cost (GRC)	Assets in condition as a percentage of gross replacement cost				
		\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	1	2	3	4	5
Buildings	Buildings	600	600	1,180	2,879	89,031	122,728	68.0%	7.0%	14.0%	8.0%	3.0%
	Sub-total	600	600	1,180	2,879	89,031	122,728	68.0%	7.0%	14.0%	8.0%	3.0%
Other structures	Other structures	–	–	–	–	–	–	0.0%	0.0%	0.0%	0.0%	0.0%
	Sub-total	–	–	–	–	–	–	0.0%	0.0%	0.0%	0.0%	0.0%
Roads	Roads	3,840	3,840	2,790	1,209	90,727	141,571	16.0%	27.0%	35.0%	18.0%	4.0%
	Other road assets	235	235	99	183	13,316	19,811	24.0%	59.0%	14.0%	2.0%	1.0%
	Footpaths	958	958	1,650	367	55,758	108,834	7.0%	26.0%	62.0%	5.0%	0.0%
	Sub-total	5,033	5,033	4,539	1,759	159,801	270,216	13.0%	28.9%	44.3%	11.6%	2.2%
Stormwater drainage	Stormwater drainage	2,535	2,535	1,214	174	49,371	90,690	17.0%	49.0%	12.0%	22.0%	0.0%
	Sub-total	2,535	2,535	1,214	174	49,371	90,690	17.0%	49.0%	12.0%	22.0%	0.0%
Open space / recreational assets	Swimming pools	11,650	11,650	286	392	4,834	7,931	38.0%	26.0%	0.0%	0.0%	36.0%
	Open space / Recreational	2,000	2,000	56	4,063	24,954	32,452	52.0%	40.0%	8.0%	0.0%	0.0%
	Sub-total	13,650	13,650	342	4,455	29,788	40,383	49.3%	37.3%	6.4%	0.0%	7.0%
Total – all assets		21,818	21,818	7,275	9,267	327,991	524,017	29.3%	27.9%	28.7%	11.7%	2.4%

(a) Required maintenance is the amount identified in Council's asset management plans.

Infrastructure asset condition assessment 'key'

#	Condition	Integrated planning and reporting (IP&R) description
1	Excellent/very good	No work required (normal maintenance)
2	Good	Only minor maintenance work required
3	Satisfactory	Maintenance work required
4	Poor	Renewal required
5	Very poor	Urgent renewal/upgrading required

Burwood Council

Report on infrastructure assets as at 30 June 2025

Infrastructure asset performance indicators (consolidated) *

	Amounts 2025 \$ '000	Indicator 2025	2024	Indicators 2023	2022	Benchmark
Buildings and infrastructure renewals ratio						
Asset renewals ¹	8,177					
Depreciation, amortisation and impairment	6,756	121.03%	164.80%	116.28%	81.12%	> 100.00%
Infrastructure backlog ratio						
Estimated cost to bring assets to a satisfactory standard	21,818					
Net carrying amount of infrastructure assets	336,838	6.48%	5.14%	4.58%	6.15%	< 2.00%
Asset maintenance ratio						
Actual asset maintenance	9,267					
Required asset maintenance	7,275	127.38%	133.31%	125.55%	96.33%	> 100.00%
Cost to bring assets to agreed service level						
Estimated cost to bring assets to an agreed service level set by Council	21,818	4.16%	3.33%	2.40%	3.58%	
Gross replacement cost	524,017					

(*) All asset performance indicators are calculated using classes identified in the previous table.

(1) Asset renewals represent the replacement and/or refurbishment of existing assets to an equivalent capacity/performance as opposed to the acquisition of new assets (or the refurbishment of old assets) that increases capacity/performance.

(Item 79/25) Investment Report as at 30 September 2025

File No: 25/51148

Report by Acting Director Corporate Services

Summary

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

Operational Plan Objective

A.103 Implement and monitor appropriate investment strategies and prepare monthly investment reports.

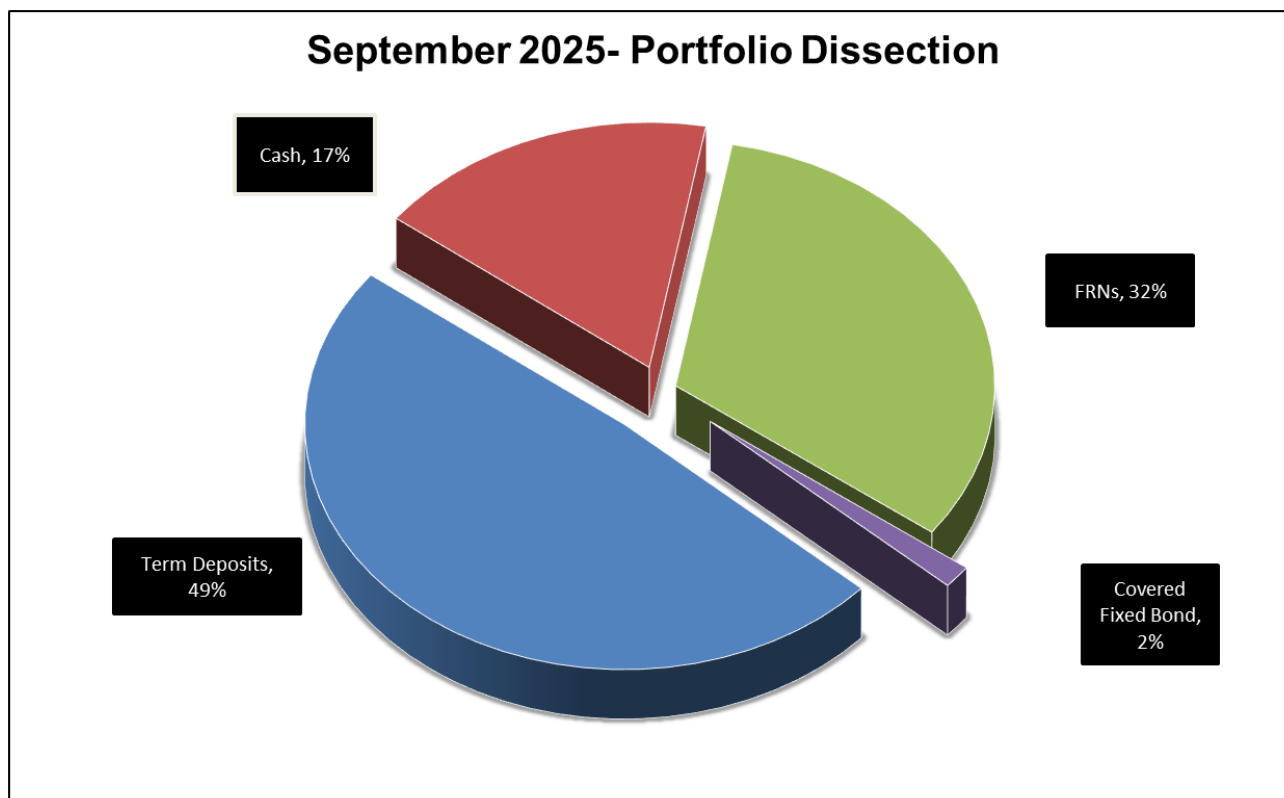
Background

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 30 September 2025 is:



As at 30 September 2025 Council held the following term deposits:

Purchase Date	Financial Institution	Principal Amount	Interest Rate	Investment Days	Maturity Date
21 Feb 25	Westpace	4,000,000	4.81%	367	23 Feb 26
18 Mar 25	SunCorp	4,000,000	4.80%	272	15 Dec 25
27 Mar 25	SunCorp	4,000,000	4.80%	242	24 Nov 25
27 Mar 25	SunCorp	4,000,000	4.80%	257	09 Dec 25
31 Jul 25	NAB	8,000,000	4.25%	92	31 Oct 25
12 Aug 25	CBA	5,000,000	4.11%	70	21 Oct 25
22 Aug 25	NAB	4,000,000	4.14%	182	20 Feb 26
	Total	33,000,000			

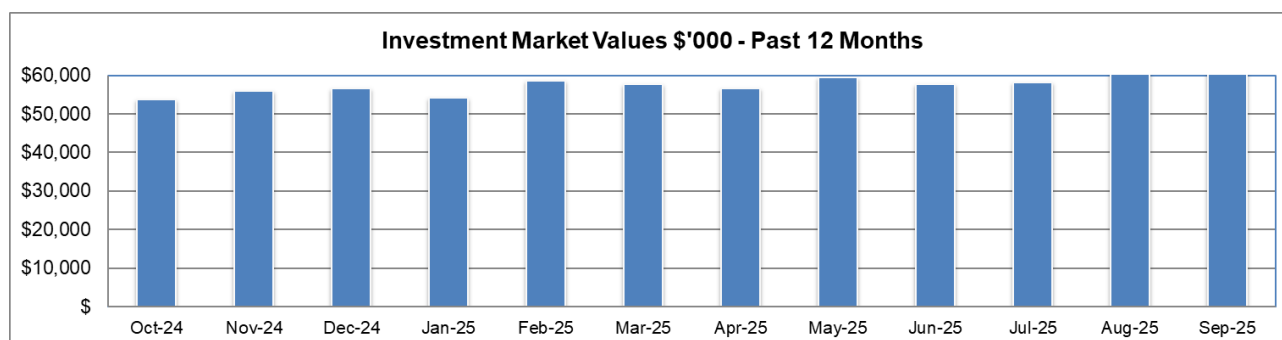
As at 30 September 2025 Council held the following covered fixed bonds:

Purchase Date	Financial Institution	Principal Amount	Interest Rate	Investment Days	Maturity Date
17 Oct 22	SunCorp	1,000,000	4.85%	1,096	17 Oct 25
	Total	1,000,000			

As at 30 September 2025 Council held the following Floating Rate Notes:

Purchase Date	Financial Institution	Principal Amount	Current Coupon Rate	Investment Days	Maturity Date
24 Aug 21	National Australia Bank	1,500,000	3.9647%	1,826	24 Aug 26
18 Aug 22	Commonwealth Bank of Australia	2,400,000	4.6100%	1,826	18 Aug 27
13 Oct 22	MyState Bank Ltd	1,500,000	5.0168%	1,096	13 Oct 25
17 Oct 22	Suncorp-Metway Limited	800,000	4.5900%	1,096	17 Oct 25
07 Nov 22	Sumitomo Mitsui Banking Sydney	2,000,000	4.7906%	1,096	07 Nov 25
13 Jan 23	Commonwealth Bank of Australia	3,000,000	4.8668%	1,826	13 Jan 28
19 Jan 23	Rabobank U.A Australia Branch	1,500,000	4.8617%	1,826	19 Jan 28
10 Feb 23	Newcastle Permanent Building Society	1,000,000	4.6577%	1,461	10 Feb 27
03 Mar 23	HSBC Sydney Branch	2,000,000	4.6175%	1,827	03 Mar 28
16 Mar 23	United Overseas Bank Sydney	2,000,000	4.2900%	1,096	16 Mar 26
18 May 23	Suncorp-Metway Limited	1,500,000	4.6400%	1,096	18 May 26
16 Jun 23	QPCU Limited T/A QBANK	2,750,000	5.2600%	1,096	16 Jun 26
	Total	21,950,000			

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 are detailed in Attachment 1. Definitions on the types of investments are detailed in Attachment 2.

Investment Performance and Market Commentary

At the Reserve Bank of Australia (RBA) meeting on the 30 September 2025, the Board decided to leave the official cash rate on hold at 3.6 per cent. According to the Statement by the Reserve Bank board "...Inflation has fallen substantially since the peak in 2022, as higher interest rates have been working to bring aggregate demand and potential supply closer towards balance. Both headline and trimmed mean inflation were within the 2–3 per cent range in the June quarter. Recent data, while partial and volatile, suggest that inflation in the September quarter may be higher than expected at the time of the August Statement on Monetary Policy.

Data for the June quarter show that private demand is recovering a little more rapidly than expected, taking over from public demand as the driver of growth. In particular, private consumption is picking up as real household incomes rise and measures of financial conditions ease. The housing market is strengthening, a sign that recent interest rate decreases are having an effect. Credit is readily available to both households and businesses.

Various indicators suggest that labour market conditions have been broadly steady in recent months and remain a little tight. Growth in employment has slowed by slightly more than expected, but the unemployment rate was unchanged at 4.2 per cent in August. Measures of labour underutilisation remain at low rates and business surveys and liaison suggest that availability of labour has been little changed of late. Looking through quarterly volatility, wages growth has eased from its peak, but productivity growth has been weak and growth in unit labour costs remains high.

There are uncertainties about the outlook for domestic economic activity and inflation stemming from both domestic and international developments. On the domestic side, stronger-than-expected data on growth and inflation may indicate that households have become more comfortable consuming as real incomes and wealth rise. If this continues, it may make it easier for businesses to pass on cost increases and lead to more demand for labour. Alternatively, the recent growth in consumption might not persist, particularly if households become more concerned about overseas developments.

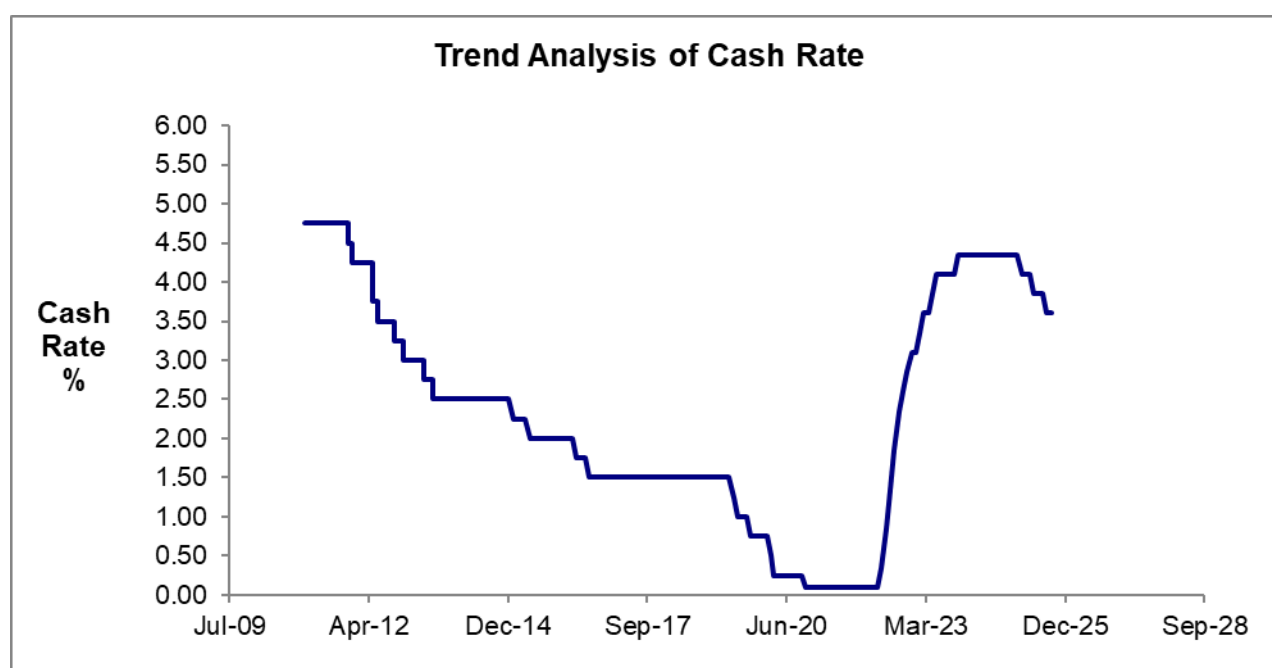
Uncertainty in the global economy remains elevated. There is a little more clarity on the scope and scale of US tariffs and policy responses in other countries, suggesting that more extreme outcomes are likely to be avoided. Trade policy developments are nevertheless still expected to have an adverse effect on global economic growth over time. Beyond tariffs, a broader range of geopolitical risks remain a threat to the global economy. This could all weigh on growth in aggregate demand and lead to weaker labour market conditions in the domestic economy.

There are also uncertainties regarding the lags in the effect of recent monetary policy easing, the balance between aggregate demand and potential supply for goods and services, conditions in the labour market and the outlook for productivity.

With signs that private demand is recovering, indications that inflation may be persistent in some areas and labour market conditions overall remaining stable, the Board decided that it was appropriate to maintain the cash rate at its current level at this meeting. Financial conditions have eased since the beginning of the year and this seems to be having some impact, but it will take some time to see the full effects of earlier cash rate reductions. The Board judged that it was appropriate to remain cautious, updating its view of the outlook as the data evolve. The Board remains alert to the heightened level of uncertainty about the outlook. It noted that monetary policy is well placed to respond decisively to international developments if they were to have material implications for activity and inflation in Australia.

The Board will be attentive to the data and the evolving assessment of the outlook and risks to guide its decisions. In doing so, it will pay close attention to developments in the global economy and financial markets, trends in domestic demand, and the outlook for inflation and the labour market. The Board is focused on its mandate to deliver price stability and full employment and will do what it considers necessary to achieve that outcome.”

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



Recommendation(s)

1. That the investment report for 30 September 2025 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

Attachments

- 1 [↓](#) Investment Register September 2025
- 2 [↓](#) Investment Types

Item Number 79/25 - Attachment 1

Investment Register September 2025

BURWOOD COUNCIL INVESTMENT PORTFOLIO as at 30 September 2025

Investment Adviser	Issuer	ADI or N-ADI	Investment Name	Type	Rating S&P	Invested Amount	Market Value as at 31/07/2025	Market Value as at 31/08/2025	Market Value as at Reporting Date	% of Total Invested
										17.43
ii	Commonwealth Bank	ADI	Operating Account	Cash	AA-	4,963,989	1,133,012	2,736,864	4,963,989	7.22
ii	Commonwealth Bank	ADI	Cash Deposit Account	At Call	AA-	0	-	-	-	0.00
ii	Commonwealth Bank	ADI	Online Saver	At Call	AA-	7,017,450	485,686	7,012,988	7,017,450	10.21
ii	AMP Bank Limited	ADI	AMP Business Saver	At Call	BBB-	1,270	1,265	1,268	1,270	0.00
ii	AMP Bank Limited	ADI	AMP Notice Account	Notice 30 days	BBB-	3,988	3,958	3,973	3,988	0.01
Deposits - Less than Three Months										19.03
ii	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	8,000,000	8,000,000	8,028,877	8,056,822	11.72
ii	National Australia Bank	ADI	Commonwealth Bank of Australia	Term Deposit	AA-	5,000,000	-	5,010,697	5,027,588	7.31
Deposits - Longer than Three Months										29.72
ii	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Term Deposit	AA-	-	3,097,400	-	-	0.00
ii	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Term Deposit	AA-	4,000,000	4,066,279	4,082,586	4,098,367	5.96
ii	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Term Deposit	AA-	4,000,000	4,066,279	4,082,586	4,098,367	5.96
ii	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Term Deposit	AA-	4,000,000	4,071,014	4,087,321	4,103,101	5.97
ii	Westpac Banking Corporation Ltd	ADI	Westpac Banking Corporation Ltd	Term Deposit	AA-	4,000,000	4,084,340	4,100,681	4,116,494	5.99
ii	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	4,000,000	-	4,004,083	4,017,694	5.84
ii	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	-	4,187,945	-	-	0.00
Deposits - Covered Fixed Bond										1.49
ii	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Covered Fixed Bond (4.85%) Semi Annual	AA-	1,000,000	1,015,270	1,018,970	1,022,310	1.49
Floating Rate Notes										32.33
ii	National Australia Bank	ADI	National Australia Bank	Floating Rate Notes (90 day BBSW +41 bps)	AA-	1,500,000	1,511,310	1,501,620	1,506,975	2.19
ii	Westpac Banking Corporation Ltd	ADI	Westpac Banking Corporation Ltd	Floating Rate Notes (90 day BBSW +80 bps)	AA-	-	1,818,486	-	-	0.00
ii	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +102 bps)	AA-	2,400,000	2,446,968	2,428,632	2,438,136	3.55
ii	MyState Bank Ltd	ADI	MyState Bank Ltd	Floating Rate Notes (90 day BBSW +130 bps)	BBB	1,500,000	1,505,070	1,511,130	1,516,455	2.21
ii	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Covered Floating Bond (90 day BBSW +88 bps)	AA-	800,000	802,400	805,256	807,800	1.17
ii	Sumitomo Mitsui Banking Corporation Sydney	ADI	Sumitomo Mitsui Banking Corporation Sydney	Floating Rate Notes (90 day BBSW +110 bps)	A	2,000,000	2,027,160	2,009,740	2,016,220	2.93
ii	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +112 bps)	AA-	3,000,000	3,047,820	3,061,230	3,073,230	4.47
ii	Rabobank U.A Australia Branch	ADI	Rabobank U.A Australia Branch	Floating Rate Notes (90 day BBSW mid + 118 bps)	A	1,500,000	1,520,250	1,527,765	1,534,335	2.23
ii	Newcastle Permanent Building Society	ADI	Newcastle Permanent Building Society	Floating Rate Notes (90 day BBSW +138 bps)	BBB	1,000,000	1,012,570	1,005,330	1,010,220	1.47
ii	The Hongkong and Shanghai Banking Corporation Limited Sydney Branch	ADI	The Hongkong and Shanghai Banking Corporation Limited Sydney Branch	Floating Rate Notes (90 day BBSW +105 bps)	AA-	2,000,000	2,026,080	2,044,620	2,029,280	2.95
ii	United Overseas Bank Ltd Sydney Branch	ADI	United Overseas Bank Ltd Sydney Branch	Floating Rate Notes (90 day BBSW +73 bps)	AA-	2,000,000	2,015,580	2,023,000	2,007,420	2.92
ii	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Covered Floating Bond (90 day BBSW +105 bps)	AA-	1,500,000	1,521,750	1,509,675	1,514,685	2.20
ii	QPCU Limited T/A QBANK	ADI	QPCU Limited T/A QBANK	Floating Rate Notes (90 day BBSW +170 bps)	BBB-	2,750,000	2,793,423	2,804,835	2,778,573	4.04
Total						67,936,697	58,261,315	66,403,728	68,760,769	100.00

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

Certificate of Responsible Accounting Officer

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



Sarah Seaman

Finance Manager

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

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:

1. Term Deposits
2. Global Fixed Income Deposits
3. Senior Debt
4. Subordinated Debt
5. Hybrids
6. Preference shares
7. 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 80/25) Risk Management Policy - For Adoption

File No: 25/49064

Report by Director Corporate Services

Summary

This report proposes the adoption of Council's Risk Management Policy following public exhibition.

Operational Plan Objective

A.113 Review and implement improvements to Council's Risk Management Framework

Background

Section 216S of the *Local Government (General) Regulation 2021* (the Regulation) requires each council to adopt and implement a system for managing risk. Following legislative changes that took effect in July 2024, Council's must now consider the *Guidelines for Risk Management and Internal Audit for Local Government in NSW* released by the Office of Local Government (the OLG Guidelines) when developing that system.

The OLG Guidelines require each council have a risk management framework that is appropriate for that council and is consistent with the accepted Australian risk management standard. The Guidelines provide a model risk management policy for use by councils and recommend the governing body formally approve the risk appetite levels for the council.

Although Council has had a comprehensive risk management system in place for many years, that system was reviewed in 2024–2025, in light of the OLG Guidelines.

Council currently has the Burwood Council Corporate Management Risk Policy, which was adopted in 2006. A draft Risk Management Policy was placed on public exhibition following the 22 July 2025 Council Meeting. No feedback on this policy was received.

Proposal

It is proposed that the Risk Management Policy that was placed on public exhibition be adopted without further amendment.

It is also proposed that the existing Burwood Council Corporate Management Risk Policy be revoked as the new policy replaces its provisions.

Consultation

The Audit Risk and Improvement Committee has reviewed and provided feedback on the proposed Risk Management Policy.

The policy was publicly exhibited for 28 days to seek feedback from the community, and no feedback was received.

Planning or Policy Implications

The proposed policy is consistent with the Regulation and the OLG Guidelines and will replace outdated policies that are less relevant to modern risk management requirements.

Financial Implications

No Financial implications.

Conclusion

Council has in place a robust system for the management of risk that is generally consistent with the OLG Guidelines. The proposed policy ensures ongoing policy consistency and provides a clear statement to the public on Council's commitment to managing the risks that are inherent in delivering services to the community.

Recommendation(s)

That Council:

1. adopt the *Risk Management Policy* contained at [Attachment 1](#) to this report,
2. endorse the General Manager to make minor modifications to any numerical, typographical, interpretation and formatting errors, and legislative updates to the *Risk Management Policy*, and
3. revoke the *Burwood Council Corporate Risk Management Policy* adopted in 2006.

Attachments

1 [↓](#) Risk Management Policy - For Adoption



Burwood ^{Inc.1874}

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

RISK MANAGEMENT POLICY

PO Box 240, BURWOOD NSW 1805
2 Conder 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: <Date>
Ref. No.: 24/49371
Version No.: 1
Ownership: Governance & Risk

Purpose

This policy outlines Burwood Council's commitment to applying risk management principles, systems, and processes across the organisation. It ensures that risks are consistently and effectively assessed in all planning, decision-making, and operations.

Risk management framework

Burwood Council provides essential services and infrastructure to residents, ratepayers, and visitors, while also managing agreements and obligations with government and non-government entities. To effectively deliver these services and meet its strategic objectives, the Council must identify, mitigate, and manage both internal and external risks. This ensures the best outcomes for the community and the efficient use of resources.

In line with AS ISO 31000:2018, Burwood Council has developed a risk management framework to identify, assess, and address risks, ensuring appropriate controls are in place. The Council is committed to integrating risk management into all decision-making, operations, and services, in compliance with statutory requirements.

Responsibilities

Burwood Council aims to build a strong risk management culture, where managing risks is part of daily activities, decision-making, and good governance. Every staff member is responsible for following the Council's risk management policy and framework.

Staff responsibilities include:

- understanding risk management principles
- following all risk-related policies and procedures
- reporting risks within their area
- performing assigned risk management tasks.

For senior staff and management, additional responsibilities include:

- ensuring their teams manage risks and take protective actions
- promoting openness in reporting risks
- ensuring staff are capable of managing risks
- reporting risk status to the General Manager
- suggesting improvements to risk management practices.

The Council's risk management function supports staff in these tasks.

To ensure effective risk management and compliance, Burwood Council's Audit, Risk and Improvement Committee and the Internal Audit Function review:

- risk management processes and procedures
- risk management strategies for major projects or undertakings
- control environment and insurance arrangements
- business continuity planning arrangements,
- fraud control plan, and
- other plans and strategies that are identified in the Risk Management Framework.

Monitoring and Review

Burwood Council is committed to continually improving its risk management practices. The Council will review this policy and its risk management framework at least once a year to ensure they comply with the *Local Government Act 1993*, the *Local Government (General) Regulation 2021*, and the AS ISO 31000:2018 Risk Management – Guidelines.

Contact

Manager Governance & Risk, Ph 02 9911 9908

(Item 81/25) Annual Disclosure of Interest Returns by Councillors and Designated Persons

File No: 25/34430

Report by Acting Director Corporate Services

Summary

The General Manager is required under the *Local Government Act 1993* and supporting instruments to table written returns of interests for councillors and designated persons at a meeting of Council. Annual returns for the period 2024–25 are now due to be formally received and noted.

Operational Plan Objective

C.11.1 Conduct Council business with transparency, accountability, compliance and probity that ensures community confidence in decision making

Background

Sections 440AAA and 440AAB of the *Local Government Act 1993* establish the framework for disclosure of interests that must be completed by councillors and designated persons. The returns are fundamental transparency and accountability documents and as such must be retained as part of a publicly accessible register.

Section 6(2) of the *Government Information (Public Access) Act 2009* stipulates that certain open access information must be made publicly accessible on the Council website. Returns of interests of councillors, designated persons and delegates are classed under Schedule 1 of the *Government Information (Public Access) Regulation 2018* as open access information for the purposes of website publication. These requirements are mirrored in clause 4.2 of the three *Codes of Conduct* adopted by Burwood Council.

Discussion

Specific requirements for preparation and lodgement of returns are contained in the Model Code of Conduct prescribed under the *Local Government Act 1993*. This forms the basis for the three *Codes of Conduct* in place at Burwood Council. All councillors and designated persons must lodge disclosure of interest returns within 3 months of:

- a) becoming a councillor or designated person (first time return),
- b) 30 June each year, or
- c) the councillor or designated person becoming aware of an interest they are required to disclose under Schedule 1 of the Burwood Council Codes of Conduct that has not been previously disclosed in a return lodged in a first time return or an annual return.

A 'designated person' is described in clause 4.8 of the *Codes of Conduct* as:

- a) the general manager,
- b) other senior staff of the council,
- c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions under the LGA or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest, or
- d) a person who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or

contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

Under the *Code of Conduct for Council Committee Members, Delegates of Council, Council Advisers, Volunteers, Contractors and Members of Wholly Advisory Committees and the Audit Risk and Improvement Committee Charter*, members of the Audit, Risk and Improvement Committee are designated persons and are required to submit an annual disclosure of interest.

The relevant officer positions for the purposes of identifying designated persons were confirmed by the General Manager on 9 July 2025. All councillors, designated persons and ARIC members who held that role on 30 June 2025 have lodged their returns in the prescribed format, other than one officer who was on long-term leave during the reporting period.

Preparation and proactive release of disclosure of interest returns are important elements in promoting public accountability of Council. They help to protect the integrity of Council's decision-making processes by allowing scrutiny of potential conflicts of interest that could arise where councillors or other key council officials participate in decision making from which they or their close associates may derive (or be perceived to derive) personal or financial benefit. The returns have been published on Council's website in line with the 'open access' and 'public interest test' provisions of the *Government Information (Public Access) Act 2009*.

In accordance with the clause 4.22 of the *Codes of Conduct*, those officials who submitted a first-time or updated return in the 3 months prior to 30 June 2025 are not required to submit a further annual return.

Conclusion

Pursuant to Section 440AAB of the *Local Government Act 1993*, the returns for the period ended 30 June 2025, together with any other updated or 'first time' returns, are now formally tabled for information from the following council officials:

Councillors

- Mayor John Faker
- Deputy Mayor George Mannah
- Councillor Sukirti Bhatta
- Councillor Pascale Esber
- Councillor David Hull
- Councillor Deyi Wu-Coshott
- Councillor Alex Yang

Council officers

- Tommaso Briscese (General Manager)
- Ryan Cole (Director City Strategy)
- George El Kazzi (Director City Assets)
- Brooke Endycott (Director Community Life)
- Miriam Wassef (Director People & Performance)
- Fab Zincone (Director Corporate Services)
- Bill Adamopoulos (Manager Design & Assets)
- Tina Biswas (Cadet Building Surveyor)
- Noni Boyd (Senior Heritage Planner)
- Michelle Butler (Manager Governance & Risk)
- Dylan Chen (Development Assessment Planner)
- Roberto Di Federico (Manager Traffic and Transport)
- Stuart Dutton (Manager Major Capital Works & Projects)
- Catherine Hanna (Assistant Planner)
- Jenny Hoff (Manager Community & Culture)
- Merryn Howell (Coordinator Community Development & Planning)
- Cameron Jenkins (Senior Governance Officer)

- Martin Jenner (Manager Community Safety)
- Raj Khanal (Manager Procurement)
- Manoj Kumar (Group Manager Operations)
- Erica Lacuna (Assistant Planner)
- Hannah Lawes (Development Assessment Planner)
- Neil Leckie (Grants Coordinator - Major Projects)
- Anita Leighton (Coordinator E-Planning & Business Services)
- Michael Magner (Manager Parks & Open Spaces)
- Amita Maharjan (Executive Strategic Planner)
- Shisir Manandhar (Manager Information Technology)
- Scott McMurray (Manager Enfield Aquatic Centre)
- Danielle McQuoid (Manager Library & Community Hub)
- Julie Mockett (Manager Customer Experience & Business Improvement)
- Soodeh Mohammadi (Executive Urban Designer)
- Sumathi Navaratnam (Manager City Planning)
- Isabella Nguyen (Development Enquiry Officer)
- Vanessa O'Shea (Projects & Contracts Officer)
- Greg Panigas (Manager Waste & Cleansing)
- Geraldine Pham (Senior Strategic Planner)
- Gaanesh Prasad (Project Manager Urban Park, Arts and Cultural Centre)
- Michelle Prichard (Revenue Coordinator)
- Jai Reid (Manager City Development)
- Michael Ridge (Manager People & Culture)
- Dominique Roberts (Cultural Projects & Public Art Producer)
- Julian Sciarrone (Executive Planner)
- Sarah Seaman (Finance Manager)
- Alastair Sim (Senior Assessment Planner)
- Charlie Svinos (Manager Civil Construction & Maintenance)
- Sylvester Tan (Executive Building Surveyor)
- Mikaela Thorogood (Manager Property)
- Georgina Zavala Aznar (Strategic Planner (Environment))

Audit, Risk and Improvement Committee members

- Simone Schwarz (Chair)
- Rochelle Davis (Independent Member)
- Chris Weber (Independent Member)

Recommendation(s)

That Council notes:

1. the tabling of disclosure of interest returns in accordance with Part 4 of the *Codes of Conduct* and the *Local Government Act 1993* for the Council officials listed in this report, and
2. that mandatory proactive release of the returns via publication on the Council website has been effected in accordance with clause 4.2 of the *Codes of Conduct* and the *Government Information (Public Access) Act 2009*.

Attachments

There are no attachments for this report.