



**Burwood** Inc.1874  
Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

## 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 April 2026 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 livestream will also be made available.

### **Public Forum**

A public forum will be held at 6:00 pm, 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 2:00 pm 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.

Tommaso Briscese  
**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 April 2026 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, 24 March 2026, 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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## 11. Conclusion of the Meeting

## Mayoral Minutes

### (Item MM7/26) Retirement of Fr James Collins OAM – Recognition of Outstanding Service to the Burwood Community

File No: 26/17058

Mayoral Minute by Cr John Faker (Mayor)

#### Summary

Tonight, I am moving this Mayoral Minute to acknowledge the dedicated service and remarkable contribution of Fr James Collins OAM, recently retired Rector at St Paul's Anglican Church, Burwood.

#### **Operational Plan Objective**

C.10 A well informed community active in civic life, local planning and decision making.

#### Background

Fr James Collins OAM has been a respected and deeply valued leader within the Burwood community through his long-standing service as Rector at St Paul's Anglican Church since 9 February 2011. His ministry spans more than 50 years of active service in the Church, reflecting a lifetime commitment to faith, community, and service to others.

Fr James grew up in rural Western Australia. Before entering full-time ministry, he worked as a music teacher, bringing with him a lifelong passion for music. He later undertook a Bachelor of Theology and was priested in 1988. He completed a Ph.D. in Sociology and served in the Diocese of Tasmania from 2001 to 2011 before joining St Paul's in Burwood.

During his time in Burwood, Fr James' leadership has left a profound and lasting impact on the community. He has demonstrated an unwavering commitment to pastoral care, social justice, and community development, particularly in supporting those experiencing disadvantage and complex social challenges. His work with people experiencing homelessness, domestic violence, social isolation, and poverty has provided dignity, safety, and hope to many during their most vulnerable moments.

One of his most enduring legacies is the establishment of the Parish Pantry, an essential service that has nourished and supported members of the Burwood community for over 15 years, and which proved especially critical during the COVID-19 pandemic. Through his advocacy and collaboration with Council, State and Federal representatives, community organisations, and local churches, Fr James has consistently worked to ensure that no one in the community is left behind.

Under his leadership, St Paul's Anglican Church has flourished. Music, connection, and community have become vibrant and unifying forces within the parish. Worship services have grown, and he has nurtured a talented and deeply committed group of volunteers who give generously of their time in service to others.

Importantly, Fr James has overseen the complete refurbishment of St Paul's Church, strengthening both the physical and social infrastructure of the parish and surrounding community. He has created a welcoming and community-focused environment that will continue to serve future generations.

His service has been formally recognised through his naming as Burwood Citizen of the Year in 2015, his recognition as a Westfield Local Hero in 2018, and the award of the Medal of the Order of Australia (OAM) in 2022. These honours reflect the extraordinary generosity and impact of his life's work.

Known for his humility, Fr James has led with quiet strength and selflessness, always placing others before himself.

As he retires from his formal duties, I extend my sincere gratitude to Fr James on behalf of Burwood Council, including my fellow Councillors, the General Manager, Council staff, and the broader community.

In recognition of the way he has nurtured our community, I have made a small symbolic gesture on behalf of Council, which will allow him to select trees or plants for his new home as he begins to put down new roots in Scotland.

Burwood is stronger because of Fr James, and his legacy will continue to be felt for many years to come.

**I therefore move:**

That Council acknowledge and honour the outstanding service of Fr James Collins OAM on the occasion of his retirement as Parish Priest of St Paul's Anglican Church, Burwood.

**Attachments**

There are no attachments for this report.

## **(Item MM8/26) Burwood North Metro Station - A Precinct-Shaping Opportunity**

File No: 26/17332

Mayoral Minute by Cr John Faker (Mayor)

### **Operational Plan Objective**

- C.4.2 Plan for a city that is safe, accessible and easy to get to and move around in.
- C.11.3 Build and maintain strong partnerships and advocate on behalf of the community.
- C.3 An urban environment that maintains and enhances our sense of identity and place.

### **Background**

The Burwood North metro station represents a once-in-a-generation opportunity to shape a new, transit-oriented precinct. In addition to doubling rail capacity and unlocking additional housing and jobs, the station also has the potential to deliver significant public domain outcomes along the corridor.

With tunnelling complete, focus has shifted to station delivery, with construction progressing this year and opening anticipated in 2032, and recently, Transport NSW released concept designs for six Sydney Metro West stations, including Burwood North.

I believe the success of the investment on the Metro West line and the Burwood North station will ultimately be defined not just by movement, but by the quality of place it delivers.

Council has already laid strong foundations through the Burwood North Precinct Masterplan, supported by a broader program of city-shaping work focused on placemaking, public domain improvements and a vibrant night-time economy.

Council and our community have long expressed support for the Burwood North Metro Station, recognising its crucial role in shaping the future of our region. It is critical, however, that we continue to work closely with the NSW Government to ensure the project delivers not only critical transport infrastructure, but also the Burwood North Metro Station delivers strong, lasting placemaking outcomes.

This means collectively focusing on:

- Active, human-scale ground floor uses that create energy and support local business
- Integrated public art and cultural expression reflective of Burwood's identity
- High-quality public domain, wayfinding and pedestrian connectivity
- Design that enables a vibrant, safe and inclusive night-time economy.

A coordinated approach will ensure these outcomes are informed by diverse design, cultural, community and economic perspectives at both local and state levels and are intentionally planned for and embedded as a core part of the project's overall success.

### **I therefore move:**

That the General Manager continue to pursue opportunities for collaboration with the NSW Government on the design and delivery of the Burwood North Metro Station, with a focus on achieving high-quality public domain and placemaking outcomes for the Burwood North precinct.

### **Attachments**

There are no attachments for this report.

## Reports to Council

### (Item 23/26) Endorsement for Gateway - BLEP 2012 Amendments - City Activation Exempt Provisions

File No: 26/17269

Report by Director City Strategy

#### Summary

Council has prepared a Planning Proposal (Attachment 1) to amend Schedule 2 of the Burwood Local Environmental Plan 2012 (BLEP) by introducing new exempt development provisions. These provisions aim to reduce red tape and facilitate further city activation initiatives without the need for a development application.

The Planning Proposal responds to Council's resolution at its meeting on 23 September 2025, which endorsed the preparation of a Council-led Planning Proposal and its public exhibition.

In accordance with Ministerial Directions, this Planning Proposal to amend the BLEP has been submitted to, and endorsed by, the Burwood Local Planning Panel.

The matter is now referred to Council for final endorsement of the Planning Proposal prior to its progression to Gateway Determination.

#### **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.9 Safe, clean and activated streets, centres and public places are enjoyed by people day and night
- 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
- P.38 Deliver attractive, healthy streetscapes and centres that are inviting and foster community pride
- P.34 Facilitate the growth and prosperity of local businesses and target the growth of business sectors and growth industries
- A.79 Undertake activities that support new economic growth in the Burwood North Precinct and Burwood Town Centre
- A.80 Implement activities or initiatives that enhance Burwood's night-time economy

#### **Background**

On 23 September 2025, Council resolved to endorse the preparation of a Planning Proposal to amend the *Burwood Local Environmental Plan 2012* (BLEP 2012) by incorporating new exempt development provisions under Schedule 2 of BLEP 2012.

The intent of these new provisions is to reduce red tape and facilitate further city activation initiatives without the need for a development application. This is intended to be done whilst still maintaining appropriate governance through *Local Government Act*, *Roads Act*, and *Crown Land Act* legislation, as well as landowner consent where Council is the predominant landholder. These provisions would also support Council initiatives such as the *Licence to Play Policy*.

The proposed exempt development provisions would apply to public art on footpaths, including sculptures, murals and pavement installations; street art; the temporary use of Council land or roads for community and fundraising events; the display of goods on footpaths; outdoor dining associated with food and drink premises; mobile food vending vehicles (food trucks); and advertisements, such as bus and taxi rank shelter signs.

These provisions are intended to create a more seamless implementation process for applicants seeking to improve the vibrancy of the Local Government Area (LGA), ultimately generating flow-on benefits for local businesses, the community, and visitors to Burwood.

In addition to the 23 September 2025 Council resolution, these provisions were previously endorsed by Council in January 2025 as part of the Alternate Croydon Masterplan. However, the Department of Planning, Housing and Infrastructure (DPHI) advised that it would not proceed with the adoption of the exempt provisions via the Croydon SEPP as they have LGA-wide implications. As a result, to progress these initiatives, a Council Planning Proposal to amend Schedule 2 of BLEP 2012 is required.

### Strategic Context and Alignment

Burwood Council is committed to delivering a vibrant, accessible, and inclusive city that celebrates diverse cultures and community life. The BLEP 2012 enables a range of land uses and activities that reinforce and enhance Burwood's reputation as a growing hub for entertainment, dining, shopping, placemaking, and activation.

As a designated strategic centre, Council has implemented a variety of strategies and initiatives to bring this vision to life. These include *Licence to Play*, *Permit Plug and Play*, the *Burwood After Dark Strategy*, the *Creative Burwood Strategy*, and the designation of a Special Entertainment Precinct in the Burwood Town Centre as part of a future planning proposal.

Planned future growth through the Burwood North Masterplan and Croydon Masterplan will further support Council's vision to make Burwood a destination of choice to live, visit, and do business. In prioritising liveability and vibrancy, Council is also committed to enhancing public spaces to strengthen community connection and foster a strong sense of place.

The proposal aligns with key strategic objectives outlined in Council's *Local Strategic Planning Statement* (LSPS), *Community Strategic Plan* (CSP), *After Dark Strategy*, and Special Entertainment Precinct. The proposal also supports Council initiatives such as *Licence to Play*, and combined all emphasise vibrancy, accessibility, and public domain activation.

### Burwood Local Planning Panel Advice

In accordance with the Ministerial Directions under the *Environmental Planning and Assessment Act 1979*, advice on the Planning Proposal was sought from the Burwood Local Planning Panel (BLPP) on 15 April 2026 (Attachment 2).

The BLPP acknowledged the strategic merit of the planning proposal and endorsed Council's recommendation to progress seeking a Gateway Determination from the Department of Planning, Housing and Infrastructure (Attachment 3). The BLPP also requested that Council staff consider the impact of the proposed provisions for 'Public art on footpaths, including sculptures, murals and pavement installations' and 'Advertisements - bus and taxi rank shelter signs' on heritage conservation areas, and whether the proposed provisions be amended to exclude the application of the proposed exempt development within a Heritage Conservation Area.

The BLPP request was considered by Council's Senior Heritage Planner, who advised that:

- A minor amendment was appropriate to the proposed provision for 'Public art on footpaths, including sculptures, murals and pavement installations' to exclude the application of the proposed exempt development within a Heritage Conservation Area;
- No amendment is required to the proposed provision for 'Advertisements – bus and taxi rank shelter signs'.

Accordingly, the proposed amendments have been updated following advice from the BLPP and Council's Senior Heritage Planner.

It is noted, that whilst an exemption may not apply in this circumstance, a low-level assessment could be undertaken for these matters under Clause 5.10(3) of Burwood LEP where the works could be undertaken through a Heritage Exemption Certificate from Council where it is determined that the works would not adversely impact the heritage significance of the area.

### **Proposal**

The new updated proposed exempt development provisions under Schedule 2 of BLEP 2012 read as follows;

**Table 1: Proposed additional provisions to Schedule 2 of BLEP 2012**

Provision	Explanation & Justification
<p><b>Insert New Provision to: Schedule 2 Exempt development</b></p> <p><b>Display of goods on footpath</b></p> <p>(1) Must be associated with an adjacent or nearby lawfully established commercial premises or industrial retail outlet</p> <p>(2) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i></p> <p>(3) Must be authorised under Part 1 or Part 3 of Chapter 7 of the <i>Local Government Act 1993</i></p> <p>(4) Must be authorised Part 5 of the <i>Crown Land Management Act 2016</i></p> <p><b>Outdoor dining (associated with food and drink premises)</b></p> <p>(1) Must be associated with an adjacent or nearby lawfully established food and drink premises</p> <p>(2) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i></p> <p>(3) Must be authorised under Part 1 or Part 3 of Chapter 7 of the <i>Local Government Act 1993</i></p> <p>(4) Must be authorised Part 5 of the <i>Crown Land Management Act 2016</i></p>	<p>The proposed amendments to Schedule 2 of BLEP 2012 demonstrate strategic alignment and merit within both the local and regional planning frameworks. The proposal supports key planning principles including placemaking, economic resilience and equitable access to public places and spaces. The additional exempt provisions enable existing and future developments to incorporate elements that can seamlessly be incorporated to create active and vibrant street life and public spaces to benefit the community.</p> <p>Burwood Council's Local Strategic Planning Statement (LSPS) outlines a 20-year vision for land use planning across the LGA and aligns strategic planning objectives with the Greater Sydney Region Plan and the Eastern City District Plan. This proposal advances those strategic objectives by:</p> <ul style="list-style-type: none"> <li>- Encouraging a diverse night-time economy and cultural vibrancy.</li> <li>- Supporting main streets and town centres as thriving, inclusive, and activated community hubs.</li> <li>- Reducing regulatory barriers for small-scale interventions that enhance local character and liveability without requiring</li> </ul>

Provision	Explanation & Justification
<p><b>Mobile food vending vehicles (food trucks)</b></p> <p>(1) Must be on land or road owned by, or under the care or control of, the Council</p> <p>(2) If located on a Council-owned road or car park must be located within lawful car parking spaces</p> <p>(3) Must not be for more than 52 days (whether or not consecutive) in any 12 month period</p> <p>(4) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i></p> <p>(5) Must be authorised under Part 1 or Part 3 of Chapter 7 of the <i>Local Government Act 1993</i></p> <p>(6) Must be authorised Part 5 of the <i>Crown Land Management Act 2016</i></p>	<p>development consent; and</p> <ul style="list-style-type: none"> <li>- Enabling innovation and economic growth through streamlined public domain regulations.</li> </ul> <p>These outcomes reinforce the LSPS's vision for a well-connected, liveable, and resilient city that can adapt to change and remain vibrant over time.</p>
<p><b>Public art on footpaths, including sculptures, murals and pavement installations</b></p> <p>(1) Must be on land or road owned by, or under the care or control of, the Council</p> <p>(2) Must be installed by or on behalf of Council</p> <p>(3) Must be safe and structurally sound</p> <p>(4) Must not constitute signage</p> <p><b>Note —</b> Signage includes advertisements and advertising structures</p> <p>(5) Must not be located on a heritage item or within a Heritage Conservation Area</p> <p>(6) Must be designed, fabricated and installed in accordance with applicable Australian Standards</p> <p>(7) Must allow a minimum 1.5m wide pathway for pedestrians</p> <p>(8) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i></p> <p>(9) Must be authorised under Part 1 or Part 3 of Chapter 7 of the <i>Local Government Act 1993</i></p> <p>(10) Must be authorised Part 5 of the <i>Crown Land Management Act 2016</i></p>	<p><b>Infrastructure and Collaboration</b></p> <p>The introduction of additional exempt development provisions such as temporary community events and public art can improve the vibrancy of the existing public domain without placing major pressures on existing infrastructure. By encouraging uses that create attractions while complementing existing infrastructure and local amenities will deliver low-cost and high impact benefits for the area.</p> <p>Co-designing city activation initiatives such as events, public art, and lighting in and around existing and future transport hubs in Burwood and Croydon centres will elevate their attractiveness and accessibility, encouraging more people to visit and contribute to local businesses.</p>
<p><b>Street art (Wall Murals)</b></p> <p>(1) Street art must only be carried on the land and associated building or structure with the approval of the owner</p> <p>(2) Must not project more than 30mm from a wall or other surface</p> <p>(3) If adjacent to a public place, must not reduce the pedestrian access path to less than 1.5m</p> <p>(4) Must be safe, structurally sound and installed in accordance with applicable</p>	<p><b>Liveability</b></p> <p>The proposed additional provisions will facilitate a high-quality of life by enabling street art, murals and footpath activations that reinforce Burwood's identity as a creative, diverse, and walkable city. By making it easier to deliver low-scale and low impact placemaking initiatives, this proposal supports a more vibrant public environment that complements residential growth and access to public amenities and services. This aligns with LSPS objectives to enhance the distinct character of local centres, support a diverse and multicultural community, and elevate urban design and placemaking outcomes in strategic locations such as the Croydon and Enfield areas. Furthermore, by reducing regulatory barriers for small-scale activation, the proposal ensures equitable access to the planning system for businesses and community groups and thereby strengthening social inclusion and enhancing liveability.</p> <p>It is noted, that whilst an exemption may not apply in the circumstance of a Heritage conservation Area, the works could still</p>

Provision	Explanation & Justification
<p>Australian Standards</p> <p>(5) Must not constitute signage</p> <p><b>Note —</b> Signage includes advertisements and advertising structures.</p> <p>(6) Must not be located on a heritage item or within a heritage conservation area or a special character area</p> <p>(7) Must not contain material in the opinion of Council that—</p> <p>(a) discriminates against or vilifies any person or group, or</p> <p>(b) is offensive or sexually explicit.</p> <p>(8) In this clause, <b>street art (wall mural)</b> means art that is painted, marked or otherwise affixed to the outside of a building or structure that is visible from a public place (within the meaning of the <i>Local Government Act 1993</i>)</p> <p><b>Note —</b> Street art (wall mural) may only be carried out subject to requirements to obtain the approval of the owner of the building on which the street art is located or any statutory authorities (such as Transport for NSW). See also Part 2 of the <i>Graffiti Control Act 2008</i> for graffiti related offences.</p> <p><b>Advertisements—bus and taxi rank shelter signs</b></p> <p>1) Must be on land or road owned by, or under the care or control of, the Council</p> <p>2) Must be associated with a lawfully established bus and taxi rank shelter building or structure with the approval of the owner of the land on which it is situated</p> <p>3) Must only be carried with the approval of the owner the land</p> <p>4) Must not extend beyond the perimeter of the shelter</p> <p>5) Must not exceed 1.8metres in height x 1.2metres in width</p> <p>6) Only 1 advertising panel per shelter that may comprise an advertisement on 2 sides</p> <p>7) Must not contain flashing or neon signage</p> <p>8) Must not obstruct pedestrian paths of travel</p> <p>9) Must not obstruct the line of sight of vehicular traffic.</p> <p>10) Must not cause a road safety hazard</p> <p>11) Must comply with AS 4282—1997, Control of the obtrusive effects of outdoor lighting</p> <p>12) Must comply with Part 3 Advertising and road safety of the NSW Government Transport Corridor Outdoor Advertising and</p>	<p>proceed via, a low level assessment which could be undertaken for these matters under Clause 5.10(3) of Burwood LEP where the works could be undertaken through a Heritage Exemption Certificate from council where it is determined that the works would not adversely impact the heritage significance of the area or through a DA.</p> <p><b>Productivity</b> These low-impact changes have high-benefits for the community and support economic growth and encourage a night-time economy expansion. Implementing these changes enhances the vitality of the local streetscape and attract both residents and visitors to be a part of the night-time economy. This also allows for cost-effective entry points for local entrepreneurs and small businesses by reducing regulatory burdens and support flexible ways of operating and aligns strongly with initiatives proposed for Council’s Special Entertainment Precinct. Initiatives such as food trucks and pop-up events can also attract broader spheres of influence through social media and encourage more people to the area.</p> <p>Overall, this approach promotes centres as mixed-use and people-orientated destinations. By supporting after-hours activities such as outdoor dining and community-centred initiatives, the proposed LEP amendments reinforce the viability of centres beyond business hours and contributes to the development of a safe, lively, and diverse community.</p> <p><b>Site-Specific Merit</b> The proposed amendments to Schedule 2 of BLEP 2012 demonstrate clear site-specific merit by facilitating interventions in areas within the Burwood LGA that are well-suited to low-impact, activation-based development. These locations include walkable, mixed-use centres with strong pedestrian activity, commercial streets, and access to public transport.</p> <p>In particular, the Burwood Town Centre has pedestrian-oriented places and streets to introduce initiatives such as outdoor dining, footpath retail, and mobile food vendors. Active streets such as Burwood Road, Deane Street, and Belmore Street consist of wide footpaths, existing public infrastructure, and a high concentration of cafes and retail, making them prime candidates for small-scale, exempt</p>

Provision	Explanation & Justification
<p>Signage Guidelines dated November 2017</p> <p>13) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i></p> <p><b>Temporary use of council land or road for events</b></p> <p>(1) Use must be on land or road owned by, or under the care or control of, the Council</p> <p>(2) Must only be carried with the approval of the owner the land</p> <p>(3) Must not be for more than 52 days (whether or not consecutive) in any 12 month period</p> <p>(4) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i></p> <p>(5) Must be authorised under Part 1 or Part 3 of Chapter 7 of the <i>Local Government Act 1993</i></p> <p>(6) Must be authorised Part 5 of the <i>Crown Land Management Act 2016</i></p>	<p>development.</p> <p>Other centres such as The Strand in Croydon and the Enfield retail strip along Liverpool Road also feature active frontages and would benefit from enhanced public life through community events, food trucks, and public art installations. These changes will support economic vitality and community well-being in these local areas.</p> <p>The amendments include clear exclusions for residential zones, heritage conservation areas, and environmentally sensitive sites. This ensures that activation is concentrated in appropriate commercial areas and does not impact amenity of residents or the natural environment.</p> <p>By establishing clear and simple framework for these developments, the proposed Schedule 2 provisions streamline the approval process, allowing Council to focus time and resources on assessing larger, complex development proposals. This planning approach will also provide certainty to the local business community and confidence to align with Council's placemaking and activation vision.</p> <p>Overall, these amendments offer a practical, sustainable, and locally responsive planning solution that builds on Burwood's urban strengths and supports Council's long-term strategic goals.</p> <p>The proposed exempt development controls align with established planning policy and will provide regulatory clarity, reduce assessment time and administrative costs and support Council in delivering its public domain and economic development goals.</p>

The wording of the Schedule 2 development standards has been prepared to ensure that they are effectual and consistent with the current planning legislative requirements. The above development standards were referred to the Council at its meeting on September 2025 and no concerns were raised.

On the advice of Council's Senior Heritage Planner, a minor amendment has been included in the proposed provision for 'Public art on footpaths, including sculptures, murals and pavement installations' to prohibit the application of the proposed exempt development within a Heritage Conservation Area.

### **Relationship with other Council Initiatives**

*License to Play* is a Council Policy which provides the guidance and permissions needed to transform streets, laneways, and vacant shopfronts into vibrant, interactive spaces. The program

supports creative activations and streetscape improvements by simplifying the approvals process and ensures events are accessible to everyone. For example, “Extended Eats” is an initiative under the *License to Play Policy* that allows food and beverage businesses with an existing outdoor dining approval to extend their outdoor dining areas along adjacent building frontages and expand their business without the need to pay any additional fees.

The City Activation LEP Provisions complement the *License to Play Policy*, which aims to create a new era for city-making, fostering opportunities for dynamic partnerships between local government, businesses, property owners, and the community.

The Planning Proposal was also referred to Council’s Place Making Team who reviewed the draft Schedule 2 Provisions and confirmed that the provisions align with the *License to Play Policy*.

### **Consultation**

The subject Planning Proposal was publicly exhibited on Council’s ‘Participate Burwood’ community engagement platform from 5 November 2025 to 3 December 2025. During this period, no submissions were received.

### **Planning or Policy Implications**

The purpose of these provisions is to streamline approval processes and support increased activation across the local area without requiring a development application. This approach aims to reduce administrative barriers while maintaining appropriate regulatory oversight through legislation such as the *Local Government Act*, *Roads Act* and *Crown Land Act*, as well as ensuring landowner consent where Council is the primary landholder. The provisions will also complement existing Council initiatives, including *License to Play*.

### **Financial Implications**

There are no financial implications with respect to the Planning Proposal.

### **Next Steps**

Following the Burwood LPP endorsement in respect to the Planning Proposal, the matter can progress to the Gateway Determination stage, subject to Council resolution.

The key steps in progressing the Planning Proposal are outlined below:

1. Submission of the Planning Proposal to DPHI for Gateway Determination. This step establishes whether the proposal may proceed and sets out the requirements for formal community consultation.
2. Formal public exhibition of the Planning Proposal and consultation with relevant State agencies, consistent with requirements of the *Environmental Planning and Assessment Act*, the *Environmental Planning and Assessment Regulation 2021*, as well as other relevant plans and guidelines including the *Burwood Community Engagement Strategy*, *Local Environmental Plan Making Guideline* and any conditions of the Gateway Determination.
3. Reporting the outcomes of the formal community consultation to Council, at which time Council will determine whether to adopt the Planning Proposal and proceed to plan-making.
4. If adopted, Council will submit relevant documentation to DPHI to amend the relevant clauses of the of BLEP 2012.
5. Formal amendment to the relevant clause of the Burwood LEP 2012 completed.

## **Conclusion**

The proposed BLEP amendments seek to streamline approval processes and support increased activation across the local area without requiring a development application. This approach aims to reduce administrative barriers while maintaining appropriate regulatory oversight through legislation such as the *Local Government Act*, *Roads Act* and *Crown Land Act*, as well as ensuring landowner consent where Council is the primary landholder. The provisions will also complement existing Council initiatives, including *Licence to Play*.

The proposed exempt development provisions would apply to a range of activities, including public art within footpath areas (such as sculptures, murals and pavement treatments), street art, temporary use of Council land or roads for community and fundraising events, the display of goods on footpaths, outdoor dining associated with food and beverage premises, mobile food vendors (food trucks), and certain forms of signage, including bus shelter and taxi rank advertising. These measures are intended to simplify the approval pathway for applicants and enhance the vibrancy of the Local Government Area, generating benefits for local businesses, residents and visitors.

In accordance with Ministerial Directions under the *Environmental Planning and Assessment Act 1979*, advice was sought from the Burwood Local Planning Panel (BLPP) on the draft Planning Proposal to amend Schedule 2 of the BLEP 2012 and is attached for Council's information and consideration.

## ***Recommendation(s)***

That:

1. Council approve and endorse the preparation and submission to the NSW Department of Planning, Housing and Infrastructure (DPHI) of a request for Gateway Determination for a Planning Proposal to amend the Burwood Local Environmental Plan 2012 by updating Schedule 2 as described in this report.
2. Subject to the issuing of a Gateway Determination by DPHI, the Planning Proposal be publicly exhibited for a minimum period of 28 days, with community consultation undertaken in accordance with the *Environmental Planning and Assessment Act 1979*.
3. The General Manager be delegated authority to make minor modifications to correct any numerical, typographical, interpretive or formatting errors, if required.
4. The results of the Gateway Determination, community consultation and engagement process be reported back to Council.

## **Attachments**

- 1 [DRAFT Planning Proposal - LEP Amendments - City Activation](#)
- 2 [Burwood Local Planning Panel Meeting Report - 15 April 2026 - Amendments to BLEP 2012 to include City Activation Exempt Provisions](#)
- 3 [BLPP Meeting Minutes - 15 April 2026 - LEP Amendment - City Activation](#)



## Planning Proposal

### **Amendment of Schedule 2 of the Burwood LEP 2012 to include new exempt development provisions for city activation initiatives**

**April 2026**

*A Planning Proposal is the first step in proposing amendments to Council's principle environmental planning instrument, known as the Burwood Local Environmental Plan (BLEP) 2012. A Planning Proposal explains the intended effect of the proposed amendment and also sets out the justification for making the change. The Planning Proposal is submitted to the NSW Department of Planning, Housing and Infrastructure (DPHI) for its consideration, referred to as the Gateway Determination, and is also made available to the public as part of the community consultation process.*

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### **Attachments**

**Attachment 1:** Council Report

**Attachment 2:** Council Meeting Minutes

## Introduction

Burwood Council proposes to amend the Burwood Local Environmental Plan 2012 (BLEP 2012) by introducing new exempt development provisions under Schedule 2 to support a variety of city activation initiatives.

The proposed provisions would apply to public art on footpaths, including sculptures, murals and pavement installations; street art; the temporary use of Council land or roads for community and fundraising events; the display of goods on footpaths; outdoor dining associated with food and drink premises; mobile food vending vehicles (food trucks); and advertisements, such as bus and taxi rank shelter signs.

The provisions would apply to all land within the Burwood Local Government Area, as shown in **Figure 1** of this report.

## Background

On 23 September 2025 Council resolved to endorse the preparation of a Planning Proposal to amend the Burwood Local Environmental Plan 2012 (BLEP 2012) by incorporating new exempt development provisions under Schedule 2. The intent of the new provisions is to facilitate city activation initiatives without the need for development consent. The amendment will continue to uphold all necessary governance requirements, including approvals under the *Local Government Act 1993*, *Roads Act 1993*, and the *Crown Land Management Act 2016*, as well as landowner consent where Council is the predominant landholder.

These provisions were previously endorsed by Council in January 2025 as part of the Alternate Croydon Masterplan. However, the Department of Planning, Housing and Infrastructure (DPHI) advised that it would not proceed with the adoption of the exempt provisions via the Croydon SEPP as they have LGA-wide implications. As a result, to progress these initiatives, a Council Planning Proposal to amend Schedule 2 of BLEP 2012 is required. The draft amendment was publicly exhibited from 5 November to 3 December 2025 and no submissions were received.

## Part 1 – Objectives and intended outcomes

The purpose of this Planning Proposal is to amend the BLEP to introduce new exempt development provisions under Schedule 2. These provisions aim to facilitate low-impact and small-scale activation-based uses across the local government area, particularly in commercial centres.

The proposed amendment will provide a clear and efficient pathway for small-scale city activation initiatives which will help create vibrant, inclusive and lively spaces that enhance the character of Burwood's centres and contribute to the city's evolving cultural identity.

Importantly, the Planning Proposal supports a range of existing Council strategies and initiatives, including the ***Creative Burwood Strategy***, ***After Dark Strategy***, and ***Licence to Play***. Collectively, these initiatives emphasise the role of place-based activation in

improving liveability, strengthening community connection and promoting a safe and thriving night-time economy. This is further supported by the designation of a Special Entertainment Precinct in the Burwood Town Centre as part of a separate Planning Proposal.

The proposed exempt development provisions were endorsed by Council in January 2025 as part of the Alternate Croydon Masterplan. However, DPHI has since advised that it will not progress the provisions through the Croydon North Masterplan SEPP amendment due to their LGA-wide implications. Accordingly, Council is progressing a Planning Proposal to amend Schedule 2 of the BLEP, which will be submitted to DPHI for Gateway determination.

## Part 2 – Explanation of Provisions

This report supports Council's endorsement to prepare a Planning Proposal to amend BLEP 2012 by introducing new exempt development provisions under Schedule 2 to support a range of city activation initiatives. The proposed provisions are outlined below:

**Table 1: Proposed additional provisions to Schedule 2 of Burwood Local Environmental Plan 2012**

Provision	Explanation & Justification
<p><b>Insert New Provisions in BLEP Schedule 2 Exempt development</b></p> <p><b>Display of goods on footpath</b></p> <p>(1) Must be associated with an adjacent or nearby lawfully established commercial premises or industrial retail outlet</p> <p>(2) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i></p> <p>(3) Must be authorised under Part 1 or Part 3 of Chapter 7 of the <i>Local Government Act 1993</i></p> <p>(4) Must be authorised Part 5 of the <i>Crown Land Management Act 2016</i></p> <p><b>Outdoor dining (associated with food and drink premises)</b></p> <p>(1) Must be associated with an adjacent or nearby lawfully established food and drink premises</p> <p>(2) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i></p> <p>(3) Must be authorised under Part 1 or Part 3 of Chapter 7 of the <i>Local Government Act 1993</i></p> <p>(4) Must be authorised Part 5 of the <i>Crown Land Management Act 2016</i></p> <p><b>Mobile food vending vehicles (food trucks)</b></p> <p>(1) Must be on land or road owned by, or under the care or control of, the Council</p>	<p>The proposed amendments to BLEP Schedule 2 demonstrate strategic alignment and merit within both the local and regional planning frameworks. The proposal supports key planning principles including placemaking, economic resilience and equitable access to public places and spaces. The additional exempt provisions enable existing and future developments to incorporate elements that can seamlessly be incorporated to create active and vibrant street life and public spaces to benefit the community.</p> <p>Burwood Council's Local Strategic Planning Statement (LSPS) outlines a 20-year vision for land use planning across the LGA and aligns strategic planning objectives with the Greater Sydney Region Plan and the Eastern City District Plan. This proposal advances those strategic objectives by:</p> <ul style="list-style-type: none"> <li>- Encouraging a diverse night-time economy and cultural vibrancy.</li> <li>- Supporting main streets and town centres as thriving, inclusive, and activated community hubs.</li> <li>- Reducing regulatory barriers for small-scale interventions that enhance local character and liveability without requiring development consent; and</li> <li>- Enabling innovation and economic growth through streamlined public domain regulations.</li> </ul> <p>These outcomes reinforce the LSPS's vision for a well-connected, liveable, and resilient city that can adapt to change and remain vibrant over time.</p>

Provision	Explanation & Justification
<p>(2) If located on a Council-owned road or car park must be located within lawful car parking spaces</p> <p>(3) Must not be for more than 52 days (whether or not consecutive) in any 12 month period</p> <p>(4) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i></p> <p>(5) Must be authorised under Part 1 or Part 3 of Chapter 7 of the <i>Local Government Act 1993</i></p> <p>(6) Must be authorised Part 5 of the <i>Crown Land Management Act 2016</i></p> <p><b>Public art on footpaths, including sculptures, murals and pavement installations</b></p> <p>(1) Must be on land or road owned by, or under the care or control of, the Council</p> <p>(2) Must be installed by or on behalf of Council</p> <p>(3) Must be safe and structurally sound</p> <p>(4) Must not constitute signage</p> <p><b>Note —</b> Signage includes advertisements and advertising structures.</p> <p>(5) Must not be located on a heritage item or within a Heritage Conservation Area</p> <p>(6) Must be designed, fabricated and installed in accordance with applicable Australian Standards</p> <p>(7) Must allow a minimum 1.5m wide pathway for pedestrians</p> <p>(8) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i></p> <p>(9) Must be authorised under Part 1 or Part 3 of Chapter 7 of the <i>Local Government Act 1993</i></p> <p>(10) Must be authorised Part 5 of the <i>Crown Land Management Act 2016</i></p> <p><b>Street art (Wall Murals)</b></p> <p>(1) Street art must only be carried on the land and associated building or structure with the approval of the owner</p> <p>(2) Must not project more than 30mm from a wall or other surface</p> <p>(3) If adjacent to a public place, must not reduce the pedestrian access path to less than 1.5m</p> <p>(4) Must be safe, structurally sound and installed in accordance with applicable Australian Standards</p> <p>(5) Must not constitute signage</p> <p><b>Note —</b> Signage includes advertisements and advertising structures.</p> <p>(6) Must not be located on a heritage item or within a heritage conservation area or a special character area</p> <p>(7) Must not contain material in the opinion of Council that—</p> <p>(a) discriminates against or vilifies any person or group, or</p> <p>(b) is offensive or sexually explicit.</p>	<p><b>Infrastructure and Collaboration</b></p> <p>The introduction of additional exempt development provisions such as temporary community events and public art can improve the vibrancy of the existing public domain without placing major pressures on existing infrastructure. By encouraging uses that create attractions while complementing existing infrastructure and local amenities will deliver low-cost and high impact benefits for the area.</p> <p>Co-designing city activation initiatives such as events, public art, and lighting in and around existing and future transport hubs in Burwood and Croydon centres will elevate their attractiveness and accessibility, encouraging more people to visit and contribute to local businesses.</p> <p><b>Liveability</b></p> <p>The proposed additional provisions will facilitate a high-quality of life by enabling street art, murals and footpath activations that reinforce Burwood's identity as a creative, diverse, and walkable city. By making it easier to deliver low-scale and low impact placemaking initiatives, this proposal supports a more vibrant public environment that complements residential growth and access to public amenities and services. This aligns with LSPS objectives to enhance the distinct character of local centres, support a diverse and multicultural community, and elevate urban design and placemaking outcomes in strategic locations such as the Croydon and Enfield areas. Furthermore, by reducing regulatory barriers for small-scale activation, the proposal ensures equitable access to the planning system for businesses and community groups and thereby strengthening social inclusion and enhancing liveability.</p> <p><b>Productivity</b></p> <p>These low-impact changes have high-benefits for the community and support economic growth and encourage a night-time economy expansion. Implementing these changes enhances the vitality of the local streetscape and attract both residents and visitors to be a part of the night-time economy. This also allows for cost-effective entry points for local entrepreneurs and small businesses by reducing regulatory burdens and support flexible ways of operating and aligns strongly with initiatives proposed for Council's Special Entertainment Precinct. Initiatives such as food trucks and pop-up events can also attract broader spheres of influence through social media and encourage more people to the area.</p> <p>Overall, this approach promotes centres as mixed-use and people-orientated destinations. By supporting after-hours activities such as outdoor dining and community-centred initiatives, the proposed LEP amendments reinforce the viability of centres beyond business hours and contributes to the development of a safe, lively, and diverse community.</p> <p><b>Site-Specific Merit</b></p>

Provision	Explanation & Justification
<p>(8) In this clause, <b>street art (wall mural)</b> means art that is painted, marked or otherwise affixed to the outside of a building or structure that is visible from a public place (within the meaning of the <i>Local Government Act 1993</i>)</p> <p><b>Note —</b> Street art (wall mural) may only be carried out subject to requirements to obtain the approval of the owner of the building on which the street art is located or any statutory authorities (such as Transport for NSW). See also Part 2 of the <i>Graffiti Control Act 2008</i> for graffiti related offences.</p> <p><b>Advertisements—bus and taxi rank shelter signs</b></p> <p>(1) Must be on land or road owned by, or under the care or control of, the Council</p> <p>(2) Must be associated with a lawfully established bus and taxi rank shelter building or structure with the approval of the owner of the land on which it is situated</p> <p>(3) Must only be carried with the approval of the owner the land</p> <p>(4) Must not extend beyond the perimeter of the shelter</p> <p>(5) Must not exceed 1.8metres in height x 1.2metres in width</p> <p>(6) Only 1 advertising panel per shelter that may comprise an advertisement on 2 sides</p> <p>(7) Must not contain flashing or neon signage</p> <p>(8) Must not obstruct pedestrian paths of travel</p> <p>(9) Must not obstruct the line of sight of vehicular traffic.</p> <p>(10) Must not cause a road safety hazard</p> <p>(11) Must comply with AS 4282—1997, Control of the obtrusive effects of outdoor lighting</p> <p>(12) Must comply with Part 3 Advertising and road safety of the NSW Government Transport Corridor Outdoor Advertising and Signage Guidelines dated November 2017</p> <p>(13) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i></p> <p><b>Temporary use of council land or road for events</b></p> <p>(1) Use must be on land or road owned by, or under the care or control of, the Council</p> <p>(2) Must only be carried with the approval of the owner the land</p> <p>(3) Must not be for more than 52 days (whether or not consecutive) in any 12 month period</p> <p>(4) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i></p> <p>(5) Must be authorised under Part 1 or Part 3 of Chapter 7 of the <i>Local Government Act 1993</i></p> <p>(6) Must be authorised Part 5 of the <i>Crown Land Management Act 2016</i></p>	<p>The proposed amendments to Schedule 2 of BLEP 2012 demonstrate clear site-specific merit by facilitating interventions in areas within the Burwood LGA that are well-suited to low-impact, activation-based development. These locations include walkable, mixed-use centres with strong pedestrian activity, commercial streets, and access to public transport.</p> <p>Specifically, the Burwood Town Centre has pedestrian-oriented places and streets to introduce initiatives such as outdoor dining, footpath retail, and mobile food vendors. Active streets such as Burwood Road, Deane Street, and Belmore Street consist of wide footpaths, existing public infrastructure, and a high concentration of cafes and retail, making them prime candidates for small-scale, exempt development.</p> <p>Other centres such as The Strand in Croydon and the Enfield retail strip along Liverpool Road also feature active frontages and would benefit from enhanced public life through community events, food trucks, and public art installations. These changes will support economic vitality and community well-being in these local areas.</p> <p>The amendments include clear exclusions for residential zones, heritage conservation areas, and environmentally sensitive sites. This ensures that activation is concentrated in appropriate commercial areas and does not impact amenity of residents or the natural environment.</p> <p>By establishing a clear and simple framework for these developments, the proposed Schedule 2 provisions streamline the approval process, allowing Council to focus time and resources on assessing larger, complex development proposals. This planning approach will also provide certainty to the local business community and confidence to align with Council's placemaking and activation vision.</p> <p>Overall, these amendments offer a practical, sustainable, and locally responsive planning solution that builds on Burwood's urban strengths and supports Council's long-term strategic goals.</p> <p>The proposed exempt development controls align with established planning policy and will provide regulatory clarity, reduce assessment time and administrative costs and support Council in delivering its public domain and economic development goals.</p>

## Part 3 – Justification of Strategic and Site-specific merit

### **Strategic Context and Alignment**

Burwood Council is committed to delivering a vibrant, accessible, and inclusive city that celebrates diverse cultures and community life. The BLEP 2012 currently enables a range of land uses and activities that reinforce and enhance Burwood's reputation as a growing hub for entertainment, dining, shopping, placemaking, and activation.

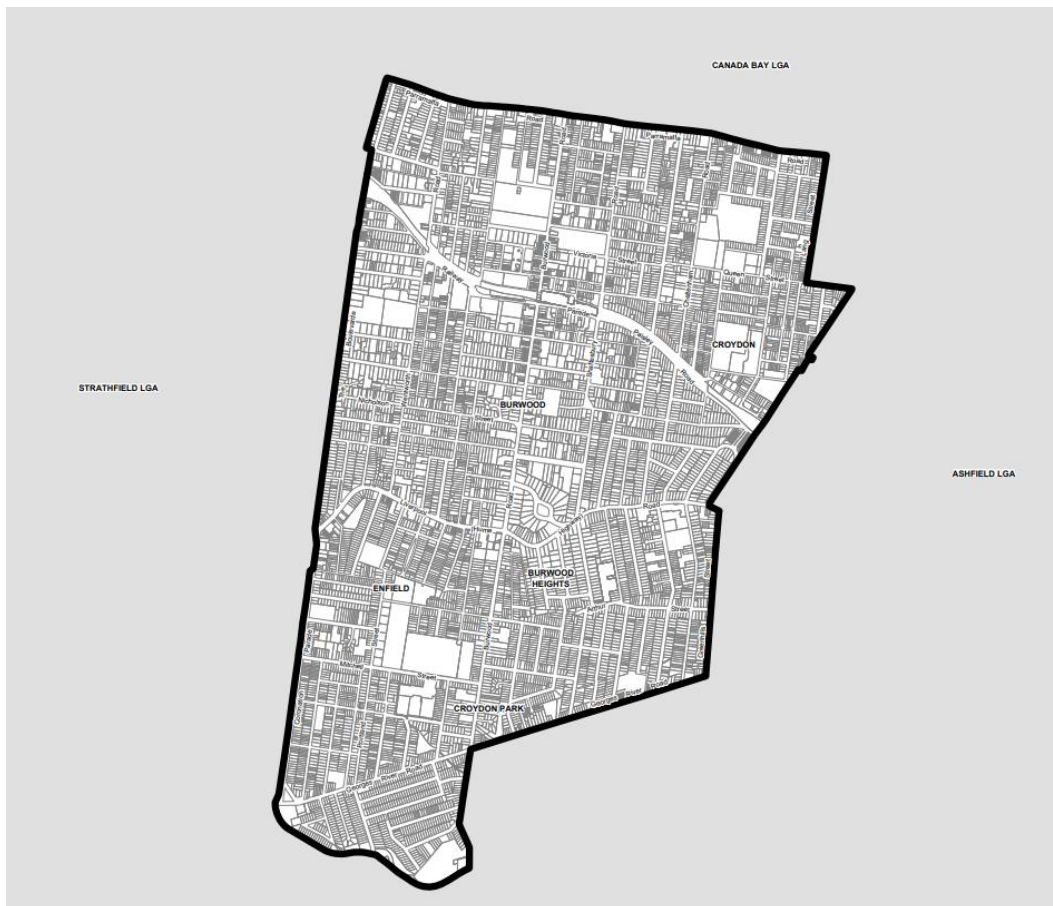
As a designated strategic centre, Council has implemented a variety of strategies and initiatives to bring this vision to life. These include *Licence to Play*, *Permit Plug and Play*, the *Burwood After Dark Strategy*, the *Creative Burwood Strategy*, and the designation of a Special Entertainment Precinct in the Burwood Town Centre as part of a future Planning Proposal.

Planned future growth through the Burwood North Masterplan, Croydon North Masterplan, and numerous State Significant Developments will further support Council's vision to make Burwood a destination of choice to live, visit, and do business. By prioritising liveability and vibrancy, Council is committed to enhancing public spaces in ways that strengthen community connection and build a strong sense of place.

The proposal aligns with key strategic objectives outlined in Council's Local Strategic Planning Statement (LSPS), Community Strategic Plan (CSP) and After Dark Strategy, all of which emphasise vibrancy, accessibility and public domain activation.

## Part 4 – Maps

The BLEP amendments will apply to all properties within the Burwood LGA.



**Figure 1:** Application of proposed BLEP amendments to the whole Burwood Local Government Area.

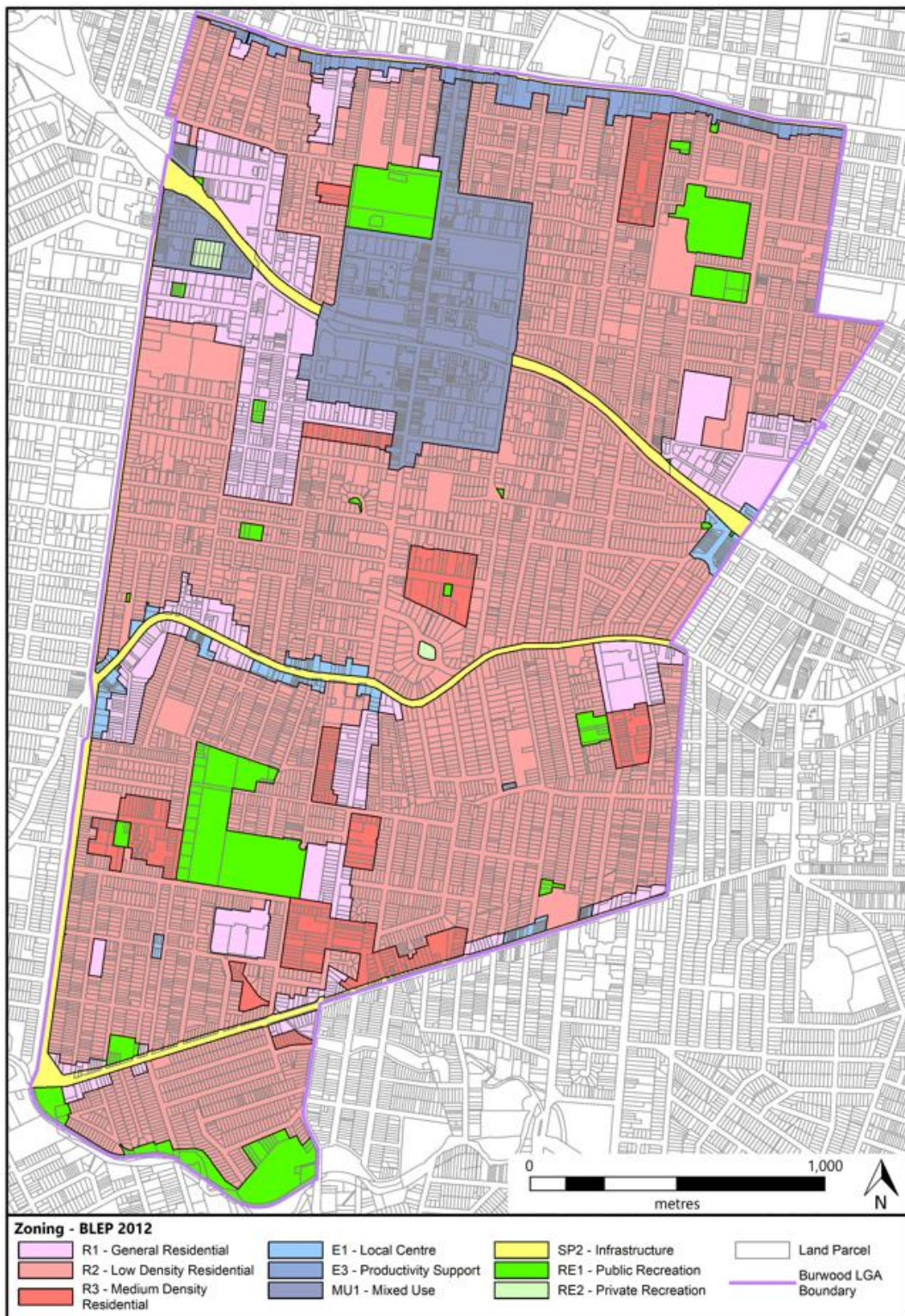


Figure 2: Land Zoning Map - Burwood Local Environmental Plan 2012.

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## Part 5 – Community Consultation

Upon Gateway determination of the Planning Proposal, the proposed amendments to Schedule 2 of BLEP 2012 will be exhibited on Council’s Participate Burwood online engagement platform for 28 days in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2021* and Council’s *Community Participation Plan*.

Members of the public, stakeholders and affected parties will be able to view the proposal and provide their comments through the platform,

## Part 6 – Project Timeline

<b>Stage</b>	<b>Action</b>	<b>Timing</b>
Report to Council	Resolved to endorse proposed amendments and preparation of Planning Proposal	23 September 2025
Public exhibition	Exhibited on Council’s Participate Burwood Community Engagement platform	5 Nov – 3 Dec 2025
Report to BLPP	BLPP endorsement	15 April 2026
Post-exhibition report to Council	Endorsement to lodge Planning Proposal with DPHI	28 April 2026
Submit to DPHI	Gateway assessment	April/May 2026
Public Exhibition	28 Days	Post-Gateway determination
Review Submissions	Report to Council	Post-public exhibition
Finalisation	LEP Amendment (if approved)	Late 2026

## Consistency with Region Plan, District Plan, Community Strategic Plan and Local Strategic Planning Statement

### A. Greater Sydney Region Plan – A Metropolis of 3 Cities

Direction	Objective	Does this objective apply to the Planning Proposal?	How does this Planning Proposal implement the Direction and Objective?
A city supported by infrastructure	<b>Objective 1:</b> Infrastructure supports the three cities	Yes	Consistent, the proposal facilitates city activation and place making initiatives.
	<b>Objective 2:</b> Infrastructure aligns with forecast growth – growth infrastructure compact	N/A	N/A
	<b>Objective 3:</b> Infrastructure adapts to meet future needs	Yes	Consistent, the proposal facilitates city activation and place making initiatives.
	<b>Objective 4:</b> Infrastructure use is optimised	Yes	Consistent, the proposal facilitates city activation and place making initiatives.
A collaborative city	<b>Objective 5:</b> Benefits of growth realised by collaboration of governments, community and business	Yes	Consistent, the proposal facilitates city activation and place making initiatives.
A city for people	<b>Objective 6:</b> Services and infrastructure meet communities' changing needs	Yes	Consistent, the proposal facilitates city activation and place making initiatives.
	<b>Objective 7:</b> Communities are healthy, resilient and socially connected	Yes	Consistent, the proposal facilitates city activation and place making initiatives.
	<b>Objective 8:</b> Greater Sydney's communities are culturally rich with diverse neighbourhoods	Yes	Consistent, the proposal facilitates city activation and place making initiatives.
	<b>Objective 9:</b> Greater Sydney celebrates the arts and supports creative industries and innovation	Yes	Consistent, the proposal facilitates city activation and place making initiatives.
Giving people housing choices	<b>Objective 10:</b> Great places that bring people together	Yes	Consistent, the proposal facilitates city activation and place making initiatives.
	<b>Objective 11:</b> Housing is more diverse and affordable	N/A	N/A
A city of great places	<b>Objective 12:</b> Great places that bring people together	Yes	Consistent, the proposal facilitates city activation and place making initiatives.
	<b>Objective 13:</b> Environmental heritage is identified, conserved and enhanced	N/A	N/A
A well-connected city	<b>Objective 14:</b> A Metropolis of 3 Cities – integrated land use and transport creates walkable and 30-minute cities	N/A	N/A
	<b>Objective 15:</b> The Eastern, GOP and Western Economic Corridors are better connected and more competitive.	N/A	N/A
	<b>Objective 16:</b> Freight and logistics network is competitive and efficient	N/A	N/A
	<b>Objective 17:</b> Regional connectivity is enhanced	N/A	N/A
Jobs and skills for the city	<b>Objective 18:</b> Harbour CBD is stronger and more competitive	N/A	N/A

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**DRAFT Planning Proposal - LEP Amendments - City Activation**

	<b>Objective 19:</b> Greater Parramatta is stronger and better connected	N/A	N/A
	<b>Objective 20:</b> Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City	N/A	N/A
	<b>Objective 21:</b> Internationally competitive health, education, research and innovation precincts	N/A	N/A
	<b>Objective 22:</b> Investment and business activity in centres	Yes	Consistent, the proposal facilitates city activation and place making initiatives.
	<b>Objective 23:</b> Industrial and urban services land is planned, retained and managed	N/A	N/A
	<b>Objective 24:</b> Economic sectors are targeted for success	N/A	N/A
<b>A city in its landscape</b>	<b>Objective 25:</b> The coast and waterways are protected and healthier	N/A	N/A
	<b>Objective 26:</b> A cool and green parkland city in the South Creek corridor	N/A	N/A
	<b>Objective 27:</b> Biodiversity is protected, urban bushland and remnant vegetation is enhanced	N/A	N/A
	<b>Objective 28:</b> Scenic and cultural landscapes are protected	Yes	Consistent, the proposal facilitates city activation and place making initiatives.
	<b>Objective 29:</b> Environmental, social and economic values in rural areas are protected and enhanced	N/A	
	<b>Objective 30:</b> Urban tree canopy cover is increased	N/A	N/A
	<b>Objective 31:</b> Public open space is accessible, protected and enhanced	N/A	N/A
	<b>Objective 32:</b> The Green Grid links parks, open spaces, bushland and walking and cycling paths	N/A	N/A
<b>An Efficient City</b>	<b>Objective 33:</b> A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	N/A	N/A
	<b>Objective 34:</b> Energy and water flows are captured, used and reused	N/A	N/A
	<b>Objective 35:</b> More waste is re-used and recycled to support the development of a circular economy	N/A	N/A
<b>A resilient city</b>	<b>Objective 36:</b> People and places adapt to climate change and future shocks and stresses	N/A	N/A
	<b>Objective 37:</b> Exposure to natural and urban hazards is reduced	N/A	N/A
	<b>Objective 38:</b> Heatwaves and extreme heat are managed	N/A	N/A
	<b>Objective 39:</b> A collaborative approach to city planning	N/A	N/A
	<b>Objective 40:</b> Plans refined by monitoring and reporting	N/A	N/A

B. Eastern City District Plan

Direction	Objective	Does this objective apply to the Planning Proposal?	How does this Planning Proposal implement the Direction and Objective?
A city supported by infrastructure	<b>Planning Priority E1</b> Planning for a city supported by Infrastructure	Yes	Consistent, the proposal facilitates city activation and place making initiatives.
A collaborative city	<b>Planning Priority E2</b> Working through Collaboration	Yes	Consistent, the proposal facilitates city activation and place making initiatives.
A City for People	<b>Planning Priority E3</b> Providing services and social infrastructure to meet people's changing needs	Yes	Consistent, the proposal facilitates city activation and place making initiatives.
	<b>Planning Priority E4</b> Fostering healthy, creative, culturally rich and socially connected communities	Yes	Consistent, the proposal facilitates city activation and place making initiatives.
Housing the city	<b>Planning Priority E5</b> Providing housing supply, choice and affordability with access to jobs, services and public transport	N/A	N/A
A city of great places	<b>Planning Priority E6</b> Creating and renewing great places and local centres, and respecting the District's heritage	N/A	N/A
A well-connected city	<b>Planning Priority E10</b> Delivering integrated land use and transport planning and a 30-minute city	N/A	N/A
	<b>Planning Priority E7</b> Growing a stronger and more competitive Harbour CBD	N/A	N/A
	<b>Planning Priority E8</b> Growing and investing in health and education precincts and the Innovation Corridor	N/A	N/A
	<b>Planning Priority E9</b> Growing international trade gateways	N/A	
	<b>Planning Priority E11</b> Growing investment, business opportunities and jobs in strategic centres	Yes	Consistent, the proposal facilitates city activation and place making initiatives.
	<b>Planning Priority E12</b> Retaining and managing industrial and urban services land	N/A	
	<b>Planning Priority E13</b> Supporting growth of targeted industry sectors	Yes	Consistent, the proposal facilitates city activation and place making initiatives.
A city in its landscape	<b>Planning Priority E14</b> Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways	N/A	N/A
	<b>Planning Priority E15</b> Protecting and enhancing bushland and biodiversity	N/A	N/A
	<b>Planning Priority E16</b> Protecting and enhancing scenic and cultural landscapes	Yes	Consistent, the proposal facilitates city activation and place making initiatives.

	<b>Planning Priority E17</b> Increasing urban tree canopy cover and delivering Green Grid connections	N/A	
	<b>Planning Priority E18</b> Delivering high quality open space	Yes	
An efficient city	<b>Planning Priority E19</b> Reducing carbon emissions and managing energy, water and waste efficiently	N/A	
A resilient city	<b>Planning Priority E20</b> Adapting to the impacts of urban and natural hazards and climate change	N/A	
Implementation	<b>Planning Priority E21</b> Preparing local strategic planning statements informed by local strategic planning	Yes	Consistent, the proposal facilitates city activation and place making initiatives.
	<b>Planning Priority E21</b> Monitoring and reporting on the delivery of the Plan	Yes	Consistent, the proposal facilitates city activation and place making initiatives.

C. Burwood 2036, Community Strategic Plan

Strategic Direction	Compliance
Inclusive Community and Culture	Consistent, the proposal supports city activation and place making initiatives across the Burwood LGA.
Places for People	
Sustainable and Protected Environment	
Vibrant City and Villages	
Open and Collaborative Leadership	

D. Burwood Local Strategic Planning Statement

Direction	Planning Priority	Does this apply to the Planning Proposal?	How does this Planning Proposal implement the Planning Priority?
Infrastructure and Collaboration	P1. Plan for a city that is supported by infrastructure.	Yes	The proposal supports the embellishment of street infrastructure through art.
	P2. Deliver local infrastructure, services and facilities.	Yes	The proposal supports food businesses such as mobile food vending vehicles and food premises which seek to expand and provide outdoor dining.
Liveability	P3. Provide housing supply, choice and affordability in close proximity to jobs, services and public transport.	N/A	N/A
	P4. Provide high quality planning and urban design outcomes for key sites and precincts	Yes	The proposal supports positive urban design outcomes through art.
	P5. Identify local character areas considering preservation, enhancement and desired future character.	Yes	The proposal enhances the public domain through art.

**Item Number 23/26 - Attachment 1**

**DRAFT Planning Proposal - LEP Amendments - City Activation**

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Productivity	P6. Strategically grow investment, business opportunities and jobs.	Yes	The proposal allows commercial precincts to expand through advertisements, display of goods on footpaths and provide outdoor dining options for customers.
	P7. Grow Burwood's night-time entertainment, dining and other recreational opportunities.	Yes	The proposal supports city activation and place making initiatives.
	P8. Increase the long term viability of all centres.	Yes	The proposal supports small-scale temporary businesses such as food trucks.
	P9. Support urban freight and commercial servicing along commercial corridors	N/A	N/A
Sustainability	P10. Deliver high quality open space and recreation facilities.	Yes	The proposal supports the delivery of high-quality open space through the provision of art.
	P11. Increase urban tree canopy cover.	N/A	N/A
	P12. Deliver Green Grid connections	N/A	N/A
	P13. Promote the improved health and enjoyment of the Cooks River waterway and Parramatta River catchment.	N/A	N/A
	P14. Protect and enhance biodiversity.	N/A	N/A
	P15. Reduce carbon emissions and manage energy, water and waste efficiently.	N/A	N/A
	P16. Build resilience across Burwood Council and the Burwood community.	Yes	The proposal supports the community through the facilitation of street art.
	P17. Protect and enhance scenic and cultural landscapes.	Yes	The proposal enhances cultural landscapes through the provision of public art and embellishment of public areas.

**Consistency with Applicable SEPPs**

State Environmental Planning Policy	Consistency
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Not applicable.
State Environmental Planning Policy (Sustainable Buildings) 2022	Yes. This Planning Proposal will not contradict or hinder the application of this SEPP
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Yes. This Planning Proposal will not contradict or hinder the application of this SEPP
State Environmental Planning Policy (Housing) 2021	Not applicable.
State Environmental Planning Policy (Industry and Employment) 2021	Yes. This Planning Proposal will not contradict or hinder the application of this SEPP
State Environmental Planning Policy (Planning Systems) 2021	Yes. This Planning Proposal will not contradict or hinder the application of this SEPP
State Environmental Planning Policy (Precincts—Central River City) 2021	Not applicable
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	Yes. This Planning Proposal will not contradict or hinder the application of this SEPP
State Environmental Planning Policy (Precincts—Regional) 2021	Yes. This Planning Proposal will not contradict or hinder the application of this SEPP
State Environmental Planning Policy (Precincts—Western Parkland City) 2021	Not applicable
State Environmental Planning Policy (Primary Production) 2021	Not applicable
State Environmental Planning Policy (Resilience and Hazards) 2021	Not applicable
State Environmental Planning Policy (Resources and Energy) 2021	Not applicable
State Environmental Planning Policy (Sustainable Buildings) 2022	Yes. This Planning Proposal will not contradict or hinder the application of this SEPP
Cultural State Environmental Planning Policy (SEPP)	Yes.  This Planning Proposal is consistent with the objectives of the recently finalized SEPP which aims to encourage more creative, hospitality and cultural activities that contribute to the 24-hour economy.

**Consistency with relevant Section 9.1 Directions by the Minister**

	<b>Direction</b>	<b>Consistency</b>
<b>Planning Systems</b>		
1.1	Implementation of Regional Plans	The Planning Proposal is consistent with this Direction.
1.2	Development of Aboriginal Land Council land	Not applicable.
1.3	Approval and Referral Requirements	Not applicable.
1.4	Site Specific Provisions	The Planning Proposal is consistent with this Direction.
1.4A	Exclusion of Development Standards from Variation	Not applicable.
<b>Planning Systems – Place Based</b>		
1.5	Parramatta Road Corridor Urban Transformation Strategy	The Planning Proposal is consistent with this Direction.
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable.
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable.
1.10	Implementation of Western Sydney Aerotropolis Plan	Not applicable.
1.11	Implementation of Bayside West Precincts 2036 Plan	Not applicable.
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable.
1.13	Implementation of St Leonards' and Crows Nest 2036 Plan	Not applicable.
1.14	Implementation of Greater Macarthur 2040	Not applicable.
1.15	Implementation of the Pyrmont Peninsula Place Strategy	Not applicable.
1.16	North West Rail Link Corridor Strategy	Not applicable.
1.17	Implementation of the Bays West Place Strategy	Not applicable.
1.18	Implementation of the Macquarie Park Innovation Precinct	Not applicable.
1.19	Implementation of the Westmead Place Strategy	Not applicable.
1.20	Implementation of the Camellia-Rosehill Place Strategy	Not applicable.
1.21	Implementation of South West Growth Area Structure Plan	Not applicable.
1.22	Implementation of the Cherrybrook Station Place Strategy	Not applicable.
<b>Design and Place</b>		
<b>Biodiversity and Conservation</b>		
3.1	Conservation Zones	Not applicable.
3.2	Heritage Conservation	Not applicable.
3.3	Sydney Drinking Water Catchments	Not applicable.
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable.
3.5	Recreation Vehicle Areas	Not applicable.
3.6	Strategic Conservation Planning	Not applicable.
3.7	Public Bushland	Not applicable.
3.8	Wilandra Lakes Region	Not applicable.
3.9	Sydney Harbour Foreshores and Waterways Area	Not applicable.
3.10	Water Catchment Protection	Not applicable.
<b>Resilience and Hazards</b>		
4.1	Flooding	Not applicable.
4.2	Coastal Management	Not applicable.
4.3	Planning for Bushfire Protection	Not applicable.
4.4	Remediation of Contaminated Land	Not applicable.

4.5	Acid Sulfate Soils	Not applicable.
4.6	Mine Subsidence and Unstable Land	Not applicable.
<b>Transport and Infrastructure</b>		
5.1	Integrating Land Use and Transport	Not applicable.
5.2	Reserving Land For Public Purposes	The Planning Proposal is consistent with this Direction.
5.3	Development Near Regulated Airports and Defence Airfields	Not applicable.
5.4	Shooting Ranges	Not applicable.
5.5	High pressure dangerous goods pipelines	Not applicable.
<b>Housing</b>		
6.1	Residential Zones	Not applicable.
6.2	Caravan Parks and Manufactured Home Estates	Not applicable.
<b>Industry and Employment</b>		
7.1	Employment Zones	The Planning Proposal is consistent with this Direction.
7.2	Reduction in non-hosted short term rental accommodation period	Not applicable.
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.
<b>Resources and Energy</b>		
8.1	Mining, Petroleum Production and Extractive Industries	Not applicable.
<b>Primary Production</b>		
9.1	Rural Zones	Not applicable.
9.2	Rural Lands	Not applicable.
9.3	Oyster Aquaculture	Not applicable.
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.

## Attachment 1 – Council Report

Council Meeting

23 September 2025

### **(Item 62/25) LEP Amendment - City Activation Exempt Provisions**

File No: 25/38828

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 2012) by incorporating new exempt development provisions under Schedule 2 of BLEP 2012. The intent is to reduce red tape and facilitate further city activation initiatives without the need for a development application, while still maintaining appropriate governance through Local Government Act, Roads Act, and Crown Land Act legislation, as well as landowner consent where Council is the predominant landholder. These provisions would also support Council initiatives such as *Licence to Play*.

The proposed exempt development provisions would apply to public art on footpaths, including sculptures, murals and pavement installations; street art; the temporary use of Council land or roads for community and fundraising events; the display of goods on footpaths; outdoor dining associated with food and drink premises; mobile food vending vehicles (food trucks); and advertisements, such as bus and taxi rank shelter signs. These provisions are intended to create a more seamless implementation process for applicants seeking to improve the vibrancy of the Local Government Area (LGA), ultimately generating flow-on benefits for local businesses, the community, and visitors to Burwood.

These provisions were previously endorsed by Council in January 2025 as part of the Alternate Croydon Masterplan. However, the Department of Planning, Housing and Infrastructure (DPHI) has since advised that it will not proceed with the adoption of the exempt provisions via the Croydon SEPP as they have LGA wide implications.

As a result, the progress these initiatives, a Council Planning Proposal to amend Schedule 2 of BLEP 2012 is required.

#### **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.9 Safe, clean and activated streets, centres and public places are enjoyed by people day and night
- 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
- P.38 Deliver attractive, healthy streetscapes and centres that are inviting and foster community pride
- P.34 Facilitate the growth and prosperity of local businesses and target the growth of business sectors and growth industries
- A.79 Undertake activities that support new economic growth in the Burwood North Precinct and Burwood Town Centre
- A.80 Implement activities or initiatives that enhance Burwood's night time economy

**Background**

Burwood Council is committed to delivering a vibrant, accessible, and inclusive city that celebrates diverse cultures and community life. The BLEP 2012 enables a range of land uses and activities that reinforce and enhance Burwood's reputation as a growing hub for entertainment, dining, shopping, placemaking, and activation.

**Strategic Context**

As a designated strategic centre, Council has implemented a variety of strategies and initiatives to bring this vision to life. These include *Licence to Play*, *Permit Plug and Play*, the *Burwood After Dark Strategy*, the *Creative Burwood Strategy*, and the designation of a Special Entertainment Precinct in the Burwood Town Centre for a future planning proposal.

Planned future growth through the Burwood North Masterplan and Croydon Masterplan will further support Council's vision to make Burwood a destination of choice to live, visit, and do business. In prioritising liveability and vibrancy, Council is also committed to enhancing public spaces to strengthen community connection and foster a strong sense of place.

**Alignment with Strategic Plans**

The proposal aligns with key strategic objectives outlined in the Local Strategic Planning Statement (LSPS), Community Strategic Plan (CSP), and the After Dark Strategy, all of which emphasise vibrancy, accessibility, and public domain activation.

**Previous Consideration by Council**

The proposed provisions were previously endorsed by Council in January 2025 as part of the Alternate Croydon Masterplan. However, the Department of Planning, Housing and Infrastructure (DPHI) has since advised that it will not proceed with the adoption of the exempt development provisions via the Croydon SEPP, as the provisions have broader implications across the entire LGA.

**Need for a Council-Led Planning Proposal**

To progress these initiatives, a Council-led Planning Proposal is required to amend Schedule 2 of BLEP 2012. The intent of the amendment is to reduce red tape and enable further city activation initiatives without the need for a development application.

The proposed provisions would also complement existing Council-led programs such as *Licence to Play* by creating a more seamless regulatory pathway for community-focused and place-based activities.

**Proposal**

This report seeks Council's endorsement to prepare a Planning Proposal to amend the *Burwood Local Environmental Plan 2012* (BLEP 2012) by incorporating new exempt development provisions under Schedule 2 of BLEP 2012, the new provisions are as follows:

**Table 1: Proposed additional provisions to Schedule 2 of BLEP 2012**

Provision	Explanation & Justification
<p><b>Insert New Provision to: Schedule 2 Exempt development</b></p> <p><b>Display of goods on footpath</b></p>	<p>The proposed amendments to Schedule 2 of BLEP 2012 demonstrate strategic alignment and merit within both the local and regional planning frameworks. The proposal supports key planning principles including placemaking,</p>

Provision	Explanation & Justification
(1) Must be associated with an adjacent or nearby lawfully established commercial premises or industrial retail outlet (2) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i> (3) Must be authorised under Part 1 or Part 3 of Chapter 7 of the <i>Local Government Act 1993</i> (4) Must be authorised Part 5 of the <i>Crown Land Management Act 2016</i>	economic resilience and equitable access to public places and spaces. The additional exempt provisions enable existing and future developments to incorporate elements that can seamlessly be incorporated to create active and vibrant street life and public spaces to benefit the community.  Burwood Council's Local Strategic Planning Statement (LSPS) outlines a 20-year vision for land use planning across the LGA and aligns strategic planning objectives with the Greater Sydney Region Plan and the Eastern City District Plan. This proposal advances those strategic objectives by:
<p><b>Outdoor dining (associated with food and drink premises)</b></p>	
(1) Must be associated with an adjacent or nearby lawfully established food and drink premises (2) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i> (3) Must be authorised under Part 1 or Part 3 of Chapter 7 of the <i>Local Government Act 1993</i> (4) Must be authorised Part 5 of the <i>Crown Land Management Act 2016</i>	<ul style="list-style-type: none"> <li>- Encouraging a diverse night-time economy and cultural vibrancy.</li> <li>- Supporting main streets and town centres as thriving, inclusive, and activated community hubs.</li> <li>- Reducing regulatory barriers for small-scale interventions that enhance local character and liveability without requiring development consent; and</li> <li>- Enabling innovation and economic growth through streamlined public domain regulations.</li> </ul>
<p><b>Mobile food vending vehicles (food trucks)</b></p>	These outcomes reinforce the LSPS's vision for a well-connected, liveable, and resilient city that can adapt to change and remain vibrant over time.
(1) Must be on land or road owned by, or under the care or control of, the Council (2) If located on a Council-owned road or car park must be located within lawful car parking spaces (3) Must not be for more than 52 days (whether or not consecutive) in any 12 month period (4) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i> (5) Must be authorised under Part 1 or Part 3 of Chapter 7 of the <i>Local Government Act 1993</i> (6) Must be authorised Part 5 of the <i>Crown Land Management Act 2016</i>	<p><b>Infrastructure and Collaboration</b></p>
<p><b>Public art on footpaths, including sculptures, murals and pavement installations</b></p>	The introduction of additional exempt development provisions such as temporary community events and public art can improve the vibrancy of the existing public domain without placing major pressures on existing infrastructure. By encouraging uses that create attractions while complementing existing infrastructure and local amenities will deliver low-cost and high impact benefits for the area.
(1) Must be on land or road owned by, or under the care or control of, the Council (2) Must be installed by or on behalf of Council (3) Must be safe and structurally sound (4) Must not constitute signage <p><b>Note —</b> Signage includes advertisements and advertising structures.</p> (5) Must not be located on a heritage item (6) Must be designed, fabricated and installed	Co-designing city activation initiatives such as events, public art, and lighting in and around existing and future transport hubs in Burwood and Croydon centres will elevate their attractiveness and accessibility, encouraging more people to visit and contribute to local businesses.

Provision	Explanation & Justification
<p>in accordance with applicable Australian Standards</p> <p>(7) Must allow a minimum 1.5m wide pathway for pedestrians</p> <p>(8) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i></p> <p>(9) Must be authorised under Part 1 or Part 3 of Chapter 7 of the <i>Local Government Act 1993</i></p> <p>(10) Must be authorised Part 5 of the <i>Crown Land Management Act 2016</i></p>	<p><b>Liveability</b></p> <p>The proposed additional provisions will facilitate a high-quality of life by enabling street art, murals and footpath activations that reinforce Burwood’s identity as a creative, diverse, and walkable city. By making it easier to deliver low-scale and low impact placemaking initiatives, this proposal supports a more vibrant public environment that complements residential growth and access to public amenities and services. This aligns with LSPS objectives to enhance the distinct character of local centres, support a diverse and multicultural community, and elevate urban design and placemaking outcomes in strategic locations such as the Croydon and Enfield areas. Furthermore, by reducing regulatory barriers for small-scale activation, the proposal ensures equitable access to the planning system for businesses and community groups and thereby strengthening social inclusion and enhancing liveability.</p>
<p><b>Street art (Wall Murals)</b></p> <p>(1) Street art must only be carried on the land and associated building or structure with the approval of the owner</p> <p>(2) Must not project more than 30mm from a wall or other surface</p> <p>(3) If adjacent to a public place, must not reduce the pedestrian access path to less than 1.5m</p> <p>(4) Must be safe, structurally sound and installed in accordance with applicable Australian Standards</p> <p>(5) Must not constitute signage</p> <p><b>Note —</b> Signage includes advertisements and advertising structures.</p> <p>(6) Must not be located on a heritage item or within a heritage conservation area or a special character area</p> <p>(7) Must not contain material in the opinion of Council that—</p> <p>(a) discriminates against or vilifies any person or group, or</p> <p>(b) is offensive or sexually explicit.</p> <p>(8) In this clause, <b>street art (wall mural)</b> means art that is painted, marked or otherwise affixed to the outside of a building or structure that is visible from a public place (within the meaning of the <i>Local Government Act 1993</i>)</p> <p><b>Note —</b> Street art (wall mural) may only be carried out subject to requirements to obtain the approval of the owner of the building on which the street art is located or any statutory authorities (such as Transport for NSW). See also Part 2 of the <i>Graffiti Control Act 2008</i> for graffiti related offences.</p>	<p><b>Productivity</b></p> <p>These low-impact changes have high-benefits for the community and support economic growth and encourage a night-time economy expansion. Implementing these changes enhances the vitality of the local streetscape and attract both residents and visitors to be a part of the night-time economy. This also allows for cost-effective entry points for local entrepreneurs and small businesses by reducing regulatory burdens and support flexible ways of operating and aligns strongly with initiatives proposed for Council’s Special Entertainment Precinct. Initiatives such as food trucks and pop-up events can also attract broader spheres of influence through social media and encourage more people to the area.</p> <p>Overall, this approach promotes centres as mixed-use and people-orientated destinations. By supporting after-hours activities such as outdoor dining and community-centred initiatives, the proposed LEP amendments reinforce the viability of centres beyond business hours and contributes to the development of a safe, lively, and diverse community.</p>
<p><b>Advertisements—bus and taxi rank shelter signs</b></p>	<p><b>Site-Specific Merit</b></p> <p>The proposed amendments to Schedule 2 of</p>

Provision	Explanation & Justification
<p>(1) Must be on land or road owned by, or under the care or control of, the Council</p> <p>(2) Must be associated with a lawfully established bus and taxi rank shelter building or structure with the approval of the owner of the land on which it is situated</p> <p>(3) Must only be carried with the approval of the owner the land</p> <p>(4) Must not extend beyond the perimeter of the shelter</p> <p>(5) Must not exceed 1.8metres in height x 1.2metres in width</p> <p>(6) Only 1 advertising panel per shelter that may comprise an advertisement on 2 sides</p> <p>(7) Must not contain flashing or neon signage</p> <p>(8) Must not obstruct pedestrian paths of travel</p> <p>(9) Must not obstruct the line of sight of vehicular traffic.</p> <p>(10) Must not cause a road safety hazard</p> <p>(11) Must comply with AS 4282—1997, Control of the obtrusive effects of outdoor lighting</p> <p>(12) Must comply with Part 3 Advertising and road safety of the NSW Government Transport Corridor Outdoor Advertising and Signage Guidelines dated November 2017</p> <p>(13) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i></p>	<p>BLEP 2012 demonstrate clear site-specific merit by facilitating interventions in areas within the Burwood LGA that are well-suited to low-impact, activation-based development. These locations include walkable, mixed-use centres with strong pedestrian activity, commercial streets, and access to public transport.</p> <p>In particular, the Burwood Town Centre has pedestrian-oriented places and streets to introduce initiatives such as outdoor dining, footpath retail, and mobile food vendors. Active streets such as Burwood Road, Deane Street, and Belmore Street consist of wide footpaths, existing public infrastructure, and a high concentration of cafes and retail, making them prime candidates for small-scale, exempt development.</p> <p>Other centres such as The Strand in Croydon and the Enfield retail strip along Liverpool Road also feature active frontages and would benefit from enhanced public life through community events, food trucks, and public art installations. These changes will support economic vitality and community well-being in these local areas.</p>
<p><b>Temporary use of council land or road for events</b></p>	<p>The amendments include clear exclusions for residential zones, heritage conservation areas, and environmentally sensitive sites. This ensures that activation is concentrated in appropriate commercial areas and does not impact amenity of residents or the natural environment.</p>
<p>(1) Use must be on land or road owned by, or under the care or control of, the Council</p> <p>(2) Must only be carried with the approval of the owner the land</p> <p>(3) Must not be for more than 52 days (whether or not consecutive) in any 12 month period</p> <p>(4) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i></p> <p>(5) Must be authorised under Part 1 or Part 3 of Chapter 7 of the <i>Local Government Act 1993</i></p> <p>(6) Must be authorised Part 5 of the <i>Crown Land Management Act 2016</i></p>	<p>By establishing clear and simple framework for these developments, the proposed Schedule 2 provisions streamline the approval process, allowing Council to focus time and resources on assessing larger, complex development proposals. This planning approach will also provide certainty to the local business community and confidence to align with Council's placemaking and activation vision.</p>
	<p>Overall, these amendments offer a practical, sustainable, and locally responsive planning solution that builds on Burwood's urban strengths and supports Council's long-term strategic goals.</p> <p>The proposed exempt development controls align with established planning policy and will provide regulatory clarity, reduce assessment time and administrative costs and support</p>

Provision	Explanation & Justification
	Council in delivering its public domain and economic development goals.

**Planning or Policy Implications**

In New South Wales, any amendment to a Local Environmental Plan (LEP) to permit additional forms of exempt development must follow the formal Planning Proposal process outlined in the Environmental Planning and Assessment Act 1979. This process serves as the statutory mechanism for amending planning instruments such as the Burwood Local Environmental Plan 2012 (BLEP 2012).

Council, as the proponent, typically initiates the process by seeking a formal resolution to proceed. Where the Planning Proposal is assessed as demonstrating both strategic and site-specific merit, Council may then prepare the necessary detailed justification and any supporting technical studies.

Following this, initial consultation is undertaken, and the matter is referred to the Local Planning Panel for an independent planning recommendation.

Once endorsed by the Local Planning Panel, the Proposal may be submitted to the NSW Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination. Subject to Gateway approval, the Planning Proposal proceeds to the public exhibition phase, during which community submissions are invited and considered.

At the conclusion of the exhibition period, all submissions are reviewed. The Proposal is then reported back to Council for final endorsement. If supported, the Local Environmental Plan is amended accordingly to reflect the new exempt development provisions, thereby formalising the changes within the statutory planning framework.

**Consultation**

Upon Gateway determination of the Planning Proposal, the proposed amendments to Schedule 2 of BLEP 2012 will be exhibited 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*.

**Financial Implications**

No Financial implications.

**Conclusion**

The proposed amendments to Schedule 2 of the Burwood LEP is a response to enhancing city activation outcomes for the current and future community of Burwood. It establishes a seamless development pathway to enable quick implementation and low-impact and effective outcomes across commercial precincts in the LGA. This exempt development pathway strengthens Council's commitment to supporting and enhancing economic activity, local character, and improve the functionality and accessibility of the public domain.

These additional provisions through the exempt development implementation pathway will encourage local businesses and community organisations to create activated streets and public spaces in ways that are safe, inclusive and beneficial to public spaces and places. The proposal has been carefully designed to only apply to existing commercial areas and, avoids low-medium density residential and heritage areas to protect their amenity.

***Recommendation(s)***

That Council:

1. Endorse the preparation of a Planning Proposal to amend Schedule 2 of Burwood Local Environmental Plan 2012 by adding additional exempt development provisions as detailed in Table 1 of this report.
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**

There are no attachments for this report.

## Attachment 2

Minutes of Burwood Council Meeting

23 September 2025

### (Item 62/25) LEP Amendment - City Activation Exempt Provisions

File No: 25/38828

#### Summary

This report seeks Council's endorsement to prepare a Planning Proposal to amend the *Burwood Local Environmental Plan 2012* (BLEP 2012) by incorporating new exempt development provisions under Schedule 2 of BLEP 2012. The intent is to reduce red tape and facilitate further city activation initiatives without the need for a development application, while still maintaining appropriate governance through Local Government Act, Roads Act, and Crown Land Act legislation, as well as landowner consent where Council is the predominant landholder. These provisions would also support Council initiatives such as *Licence to Play*.

The proposed exempt development provisions would apply to public art on footpaths, including sculptures, murals and pavement installations; street art; the temporary use of Council land or roads for community and fundraising events; the display of goods on footpaths; outdoor dining associated with food and drink premises; mobile food vending vehicles (food trucks); and advertisements, such as bus and taxi rank shelter signs. These provisions are intended to create a more seamless implementation process for applicants seeking to improve the vibrancy of the Local Government Area (LGA), ultimately generating flow-on benefits for local businesses, the community, and visitors to Burwood.

These provisions were previously endorsed by Council in January 2025 as part of the Alternate Croydon Masterplan. However, the Department of Planning, Housing and Infrastructure (DPHI) has since advised that it will not proceed with the adoption of the exempt provisions via the Croydon SEPP as they have LGA wide implications.

As a result, the progress these initiatives, a Council Planning Proposal to amend Schedule 2 of BLEP 2012 is required.

#### **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.9 Safe, clean and activated streets, centres and public places are enjoyed by people day and night
- 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
- P.38 Deliver attractive, healthy streetscapes and centres that are inviting and foster community pride

- P.34 Facilitate the growth and prosperity of local businesses and target the growth of business sectors and growth industries
- A.79 Undertake activities that support new economic growth in the Burwood North Precinct and Burwood Town Centre
- A.80 Implement activities or initiatives that enhance Burwood's night time economy

**107/25 RESOLVED**

That Council:

1. Endorse the preparation of a Planning Proposal to amend Schedule 2 of Burwood Local Environmental Plan 2012 by adding additional exempt development provisions as detailed in Table 1 of this report.
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.

**For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Bhatta, Cr Wu-Coshott, Cr Yang**

**Against: Nil**

(Moved Councillor Pascale Esber/Seconded Deputy Mayor George Mannah)

## **General Business**

### **(Item GB1/26) Amendments to BLEP 2012 to include City Activation Exempt Provisions**

File No: 25/68633

Report by Assitant Planner; Senior Town Planner; Senior Assessment Planner; Manager City Planning

#### **Summary**

Council has prepared a Planning Proposal (Attachment 1) to amend Schedule 2 of the Burwood Local Environmental Plan 2012 (BLEP) by adding new exempt development provisions to reduce red tape and facilitate further city activation initiatives without the need for a development application.

The Planning Proposal is in response to Council's resolution at its meeting on 23 September 2025, which endorsed the preparation of a Council-led Planning Proposal and public exhibition.

This report seeks the Burwood Local Planning Panel's endorsement of the Planning Proposal for its progression to Gateway Determination.

#### **Operational Plan Objective**

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- A.80 Implement activities or initiatives that enhance Burwood's night-time economy

#### **Background**

On 23 September 2025 Council resolved to endorse the preparation of a Planning Proposal to amend the *Burwood Local Environmental Plan 2012* (BLEP 2012) by incorporating new exempt development provisions under Schedule 2 of BLEP 2012. The intent of these new provisions is to reduce red tape and facilitate further city activation initiatives without the need for a development application. This is intended to be done whilst still maintaining appropriate governance through Local Government Act, Roads Act, and Crown Land Act legislation, as well as landowner consent where Council is the predominant landholder. These provisions would also support Council initiatives such as *Licence to Play*.

The proposed exempt development provisions would apply to public art on footpaths, including sculptures, murals and pavement installations; street art; the temporary use of Council land or roads for community and fundraising events; the display of goods on footpaths; outdoor dining associated with food and drink premises; mobile food vending vehicles (food trucks); and advertisements, such as bus and taxi rank shelter signs. These provisions are intended to create a more seamless implementation process for applicants seeking to improve the vibrancy of the Local Government Area (LGA), ultimately generating flow-on benefits for local businesses, the community, and visitors to Burwood.

These provisions were previously endorsed by Council in January 2025 as part of the Alternate Croydon Masterplan. However, the Department of Planning, Housing and Infrastructure (DPHI) has since advised that it will not proceed with the adoption of the exempt provisions via the Croydon SEPP as they have LGA-wide implications. As a result, the progress these initiatives, a Council Planning Proposal to amend Schedule 2 of BLEP 2012 is required.

Strategic context and alignment

Burwood Council is committed to delivering a vibrant, accessible, and inclusive city that celebrates diverse cultures and community life. The BLEP 2012 enables a range of land uses and activities that reinforce and enhance Burwood's reputation as a growing hub for entertainment, dining, shopping, placemaking, and activation.

As a designated strategic centre, Council has implemented a variety of strategies and initiatives to bring this vision to life. These include *Licence to Play*, *Permit Plug and Play*, the *Burwood After Dark Strategy*, the *Creative Burwood Strategy*, and the designation of a Special Entertainment Precinct in the Burwood Town Centre as part of a future planning proposal.

Planned future growth through the Burwood North Masterplan and Croydon Masterplan will further support Council's vision to make Burwood a destination of choice to live, visit, and do business. In prioritising liveability and vibrancy, Council is also committed to enhancing public spaces to strengthen community connection and foster a strong sense of place.

The proposal aligns with key strategic objectives outlined in Council's Local Strategic Planning Statement (LSPS), Community Strategic Plan (CSP), *After Dark Strategy*, and Special Entertainment Precinct. The proposal also supports Council initiatives such as *Licence to Play*, and combined all emphasise vibrancy, accessibility, and public domain activation.

**Proposal**

The new exempt development provisions under Schedule 2 of BLEP 2012 read as follows;

**Table 1: Proposed additional provisions to Schedule 2 of BLEP 2012**

Provision	Explanation & Justification
<p><b>Insert New Provision to: Schedule 2 Exempt development</b></p> <p><b>Display of goods on footpath</b></p> <p>(1) Must be associated with an adjacent or nearby lawfully established commercial premises or industrial retail outlet</p> <p>(2) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i></p> <p>(3) Must be authorised under Part 1 or Part 3 of Chapter 7 of the <i>Local Government Act</i></p>	<p>The proposed amendments to Schedule 2 of BLEP 2012 demonstrate strategic alignment and merit within both the local and regional planning frameworks. The proposal supports key planning principles including placemaking, economic resilience and equitable access to public places and spaces. The additional exempt provisions enable existing and future developments to incorporate elements that can seamlessly be incorporated to create active and vibrant street life and public spaces to benefit the community.</p>

Provision	Explanation & Justification
<p>1993 (4) Must be authorised Part 5 of the <i>Crown Land Management Act 2016</i></p>	<p>Burwood Council's Local Strategic Planning Statement (LSPS) outlines a 20-year vision for land use planning across the LGA and aligns strategic planning objectives with the Greater Sydney Region Plan and the Eastern City District Plan. This proposal advances those strategic objectives by:</p>
<p><b>Outdoor dining (associated with food and drink premises)</b></p>	<ul style="list-style-type: none"> <li>- Encouraging a diverse night-time economy and cultural vibrancy.</li> <li>- Supporting main streets and town centres as thriving, inclusive, and activated community hubs.</li> <li>- Reducing regulatory barriers for small-scale interventions that enhance local character and liveability without requiring development consent; and</li> </ul>
<p>(1) Must be associated with an adjacent or nearby lawfully established food and drink premises (2) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i> (3) Must be authorised under Part 1 or Part 3 of Chapter 7 of the <i>Local Government Act 1993</i> (4) Must be authorised Part 5 of the <i>Crown Land Management Act 2016</i></p>	<ul style="list-style-type: none"> <li>- Enabling innovation and economic growth through streamlined public domain regulations.</li> </ul>
<p><b>Mobile food vending vehicles (food trucks)</b></p>	<p>These outcomes reinforce the LSPS's vision for a well-connected, liveable, and resilient city that can adapt to change and remain vibrant over time.</p>
<p>(1) Must be on land or road owned by, or under the care or control of, the Council (2) If located on a Council-owned road or car park must be located within lawful car parking spaces (3) Must not be for more than 52 days (whether or not consecutive) in any 12 month period (4) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i> (5) Must be authorised under Part 1 or Part 3 of Chapter 7 of the <i>Local Government Act 1993</i> (6) Must be authorised Part 5 of the <i>Crown Land Management Act 2016</i></p>	<p><b>Infrastructure and Collaboration</b></p> <p>The introduction of additional exempt development provisions such as temporary community events and public art can improve the vibrancy of the existing public domain without placing major pressures on existing infrastructure. By encouraging uses that create attractions while complementing existing infrastructure and local amenities will deliver low-cost and high impact benefits for the area.</p>
<p><b>Public art on footpaths, including sculptures, murals and pavement installations</b></p>	<p>Co-designing city activation initiatives such as events, public art, and lighting in and around existing and future transport hubs in Burwood and Croydon centres will elevate their attractiveness and accessibility, encouraging more people to visit and contribute to local businesses.</p>
<p>(1) Must be on land or road owned by, or under the care or control of, the Council (2) Must be installed by or on behalf of Council (3) Must be safe and structurally sound (4) Must not constitute signage</p>	<p><b>Liveability</b></p>
<p><b>Note —</b> Signage includes advertisements and advertising structures.</p>	<p>The proposed additional provisions will facilitate a high-quality of life by enabling street art, murals and footpath activations that reinforce Burwood's identity as a creative, diverse, and walkable city. By making it easier to deliver low-scale and low impact</p>
<p>(5) Must not be located on a heritage item (6) Must be designed, fabricated and installed in accordance with applicable Australian Standards (7) Must allow a minimum 1.5m wide pathway for pedestrians (8) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i> (9) Must be authorised under Part 1 or Part 3</p>	

Provision	Explanation & Justification
<p>of Chapter 7 of the <i>Local Government Act 1993</i></p> <p>(10) Must be authorised Part 5 of the <i>Crown Land Management Act 2016</i></p> <p><b>Street art (Wall Murals)</b></p> <p>(1) Street art must only be carried on the land and associated building or structure with the approval of the owner</p> <p>(2) Must not project more than 30mm from a wall or other surface</p> <p>(3) If adjacent to a public place, must not reduce the pedestrian access path to less than 1.5m</p> <p>(4) Must be safe, structurally sound and installed in accordance with applicable Australian Standards</p> <p>(5) Must not constitute signage</p> <p><b>Note —</b> Signage includes advertisements and advertising structures.</p> <p>(6) Must not be located on a heritage item or within a heritage conservation area or a special character area</p> <p>(7) Must not contain material in the opinion of Council that—</p> <p>(a) discriminates against or vilifies any person or group, or</p> <p>(b) is offensive or sexually explicit.</p> <p>(8) In this clause, <b>street art (wall mural)</b> means art that is painted, marked or otherwise affixed to the outside of a building or structure that is visible from a public place (within the meaning of the <i>Local Government Act 1993</i>)</p> <p><b>Note —</b> Street art (wall mural) may only be carried out subject to requirements to obtain the approval of the owner of the building on which the street art is located or any statutory authorities (such as Transport for NSW). See also Part 2 of the <i>Graffiti Control Act 2008</i> for graffiti related offences.</p>	<p>placemaking initiatives, this proposal supports a more vibrant public environment that complements residential growth and access to public amenities and services. This aligns with LSPS objectives to enhance the distinct character of local centres, support a diverse and multicultural community, and elevate urban design and placemaking outcomes in strategic locations such as the Croydon and Enfield areas. Furthermore, by reducing regulatory barriers for small-scale activation, the proposal ensures equitable access to the planning system for businesses and community groups and thereby strengthening social inclusion and enhancing liveability.</p> <p><b>Productivity</b></p> <p>These low-impact changes have high-benefits for the community and support economic growth and encourage a night-time economy expansion. Implementing these changes enhances the vitality of the local streetscape and attract both residents and visitors to be a part of the night-time economy. This also allows for cost-effective entry points for local entrepreneurs and small businesses by reducing regulatory burdens and support flexible ways of operating and aligns strongly with initiatives proposed for Council's Special Entertainment Precinct. Initiatives such as food trucks and pop-up events can also attract broader spheres of influence through social media and encourage more people to the area.</p> <p>Overall, this approach promotes centres as mixed-use and people-orientated destinations. By supporting after-hours activities such as outdoor dining and community-centred initiatives, the proposed LEP amendments reinforce the viability of centres beyond business hours and contributes to the development of a safe, lively, and diverse community.</p>
<p><b>Advertisements—bus and taxi rank shelter signs</b></p> <p>1) Must be on land or road owned by, or under the care or control of, the Council</p> <p>2) Must be associated with a lawfully established bus and taxi rank shelter building or structure with the approval of the owner of the land on which it is situated</p> <p>3) Must only be carried with the approval of</p>	<p><b>Site-Specific Merit</b></p> <p>The proposed amendments to Schedule 2 of BLEP 2012 demonstrate clear site-specific merit by facilitating interventions in areas within the Burwood LGA that are well-suited to low-impact, activation-based development. These locations include walkable, mixed-use centres with strong pedestrian activity, commercial streets, and access to public transport.</p> <p>In particular, the Burwood Town Centre has</p>

Provision	Explanation & Justification
<p>the owner the land</p> <p>4) Must not extend beyond the perimeter of the shelter</p> <p>5) Must not exceed 1.8metres in height x 1.2metres in width</p> <p>6) Only 1 advertising panel per shelter that may comprise an advertisement on 2 sides</p> <p>7) Must not contain flashing or neon signage</p> <p>8) Must not obstruct pedestrian paths of travel</p> <p>9) Must not obstruct the line of sight of vehicular traffic.</p> <p>10) Must not cause a road safety hazard</p> <p>11) Must comply with AS 4282—1997, Control of the obtrusive effects of outdoor lighting</p> <p>12) Must comply with Part 3 Advertising and road safety of the NSW Government Transport Corridor Outdoor Advertising and Signage Guidelines dated November 2017</p> <p>13) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i></p>	<p>pedestrian-oriented places and streets to introduce initiatives such as outdoor dining, footpath retail, and mobile food vendors. Active streets such as Burwood Road, Deane Street, and Belmore Street consist of wide footpaths, existing public infrastructure, and a high concentration of cafes and retail, making them prime candidates for small-scale, exempt development.</p> <p>Other centres such as The Strand in Croydon and the Enfield retail strip along Liverpool Road also feature active frontages and would benefit from enhanced public life through community events, food trucks, and public art installations. These changes will support economic vitality and community well-being in these local areas.</p>
<p><b>Temporary use of council land or road for events</b></p>	<p>The amendments include clear exclusions for residential zones, heritage conservation areas, and environmentally sensitive sites. This ensures that activation is concentrated in appropriate commercial areas and does not impact amenity of residents or the natural environment.</p>
<p>(1) Use must be on land or road owned by, or under the care or control of, the Council</p> <p>(2) Must only be carried with the approval of the owner the land</p> <p>(3) Must not be for more than 52 days (whether or not consecutive) in any 12 month period</p> <p>(4) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i></p> <p>(5) Must be authorised under Part 1 or Part 3 of Chapter 7 of the <i>Local Government Act 1993</i></p> <p>(6) Must be authorised Part 5 of the <i>Crown Land Management Act 2016</i></p>	<p>By establishing clear and simple framework for these developments, the proposed Schedule 2 provisions streamline the approval process, allowing Council to focus time and resources on assessing larger, complex development proposals. This planning approach will also provide certainty to the local business community and confidence to align with Council's placemaking and activation vision.</p>
	<p>Overall, these amendments offer a practical, sustainable, and locally responsive planning solution that builds on Burwood's urban strengths and supports Council's long-term strategic goals.</p>
	<p>The proposed exempt development controls align with established planning policy and will provide regulatory clarity, reduce assessment time and administrative costs and support Council in delivering its public domain and economic development goals.</p>

Council engaged Marsdens Law Group to prepare the wording of the Schedule 2 development standards, to ensure that they are effectual and consistent with the current planning legislative requirements. The above development standards were referred to the Council at its meeting on September 2025 and no concerns were raised.

**Relationship with other Council Initiatives****License to Play**

License to Play is a Council Policy which provides the guidance and permissions needed to transform streets, laneways, and vacant shopfronts into vibrant, interactive spaces. The program supports creative activations and streetscape improvements by simplifying the approvals process, fund projects and ensure events are accessible to everyone. For example, "Extended Eats" is an initiative under the License to Play policy that allows food and beverage businesses with an existing outdoor dining approval to extend their outdoor dining areas along adjacent building frontages and expand their business without the need to pay any additional fees.

The City Activation LEP Provisions complements the License to Play policy which aims to create a new era for city-making, fostering opportunities for dynamic partnerships between local government, businesses, property owners, and the community.

The Planning Proposal was also referred to Council's Place Making team who reviewed the draft Schedule 2 Provisions and confirmed that the provisions align with the License to Play policy.

**Consultation**

The subject Planning Proposal was publicly exhibited on Council's Participate Burwood Community Engagement platform from 5 November 2025 to 3 December 2025. During this period, no submissions were received.

**Planning or Policy Implications**

This report seeks the advice of the Burwood LPP in respect to the Planning Proposal, for endorsement and progression of the planning proposal to Gateway Determination stage.

The key steps in progressing the Planning Proposal are outlined below:

1. Submission of the Planning Proposal to DPHI for Gateway Determination. This step establishes whether the proposal may proceed and sets out the requirements for formal community consultation.
2. Formal public exhibition of the Planning Proposal and consultation with relevant State agencies, consistent with requirements of the *Environmental Planning and Assessment Act*, the *Environmental Planning and Assessment Regulation 2021*, as well as other relevant plans and guidelines including the *Burwood Community Engagement Strategy*, *Local Environmental Plan Making Guideline* and any conditions of the Gateway Determination.
3. Reporting the outcomes of the formal community consultation to Council, at which time Council will determine whether to adopt the Planning Proposal and proceed to plan-making.
4. If adopted, Council will submit relevant documentation to DPHI to amend Schedule 2 of BLEP 2012.
5. Formal amendment to Schedule 2 of the Burwood LEP 2012 completed.

**Financial Implications**

There are no financial implications with respect to the Planning Proposal.

**Conclusion**

The Council-led Planning Proposal is referred to the Burwood Local Planning Panel for independent appraisal and advice. Council is seeking feedback on the wording of the development standards, their effectualness and consistency with the desired future character of city centres within Burwood LGA being a destination for culture, nightlife and creativity.

**Recommendation(s)**

That the Burwood Local Planning Panel:

1. Support the Planning Proposal to amend Schedule 2 of the BLEP 2012.
2. Support the Planning Proposal to proceed to Gateway Determination.
3. Delegate the General Manager to undertake minor modifications to any numerical, typographical, interpretation and formatting errors, or amend any element of the Planning Proposal to meet the requirements for Gateway Determination.

**Attachments**

- 1 DRAFT Planning Proposal - City Activation LEP Amendment
- 2 Council Meeting Report - 23.09.2025
- 3 Council Meeting Minutes - 23.09.2025

**General Business**

**(Item GB1/26) Amendments to BLEP 2012 to include City Activation Exempt Provisions**

File No: 25/68633

**Summary**

Council has prepared a Planning Proposal (Attachment 1) to amend Schedule 2 of the Burwood Local Environmental Plan 2012 (BLEP) by adding new exempt development provisions to reduce red tape and facilitate further city activation initiatives without the need for a development application.

The Planning Proposal is in response to Council's resolution at its meeting on 23 September 2025, which endorsed the preparation of a Council-led Planning Proposal and public exhibition.

This report seeks the Burwood Local Planning Panel's Advice of the Planning Proposal for its progression to Gateway Determination.

**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.9 Safe, clean and activated streets, centres and public places are enjoyed by people day and night
- 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
- P.38 Deliver attractive, healthy streetscapes and centres that are inviting and foster community pride
- P.34 Facilitate the growth and prosperity of local businesses and target the growth of business sectors and growth industries
- A.79 Undertake activities that support new economic growth in the Burwood North Precinct and Burwood Town Centre
- A.80 Implement activities or initiatives that enhance Burwood's night-time economy

**Background**

On 23 September 2025 Council resolved to endorse the preparation of a Planning Proposal to amend the *Burwood Local Environmental Plan 2012* (BLEP 2012) by

incorporating new exempt development provisions under Schedule 2 of BLEP 2012. The intent of these new provisions is to reduce red tape and facilitate further city activation initiatives without the need for a development application. This is intended to be done whilst still maintaining appropriate governance through Local Government Act, Roads Act, and Crown Land Act legislation, as well as landowner consent where Council is the predominant landholder. These provisions would also support Council initiatives such as *Licence to Play*.

The proposed exempt development provisions would apply to public art on footpaths, including sculptures, murals and pavement installations; street art; the temporary use of Council land or roads for community and fundraising events; the display of goods on footpaths; outdoor dining associated with food and drink premises; mobile food vending vehicles (food trucks); and advertisements, such as bus and taxi rank shelter signs. These provisions are intended to create a more seamless implementation process for applicants seeking to improve the vibrancy of the Local Government Area (LGA), ultimately generating flow-on benefits for local businesses, the community, and visitors to Burwood.

These provisions were previously endorsed by Council in January 2025 as part of the Alternate Croydon Masterplan. However, the Department of Planning, Housing and Infrastructure (DPHI) has since advised that it will not proceed with the adoption of the exempt provisions via the Croydon SEPP as they have LGA-wide implications. As a result, to progress these initiatives, a Council Planning Proposal to amend Schedule 2 of BLEP 2012 is required.

#### **Resolution**

The Panel acknowledges the officer's recommendation and request that Council staff consider the impact of the proposed provisions for 'Public art on footpaths, including sculptures, murals and pavement installations' and 'Advertisements—bus and taxi rank shelter signs' on heritage conservation areas, and whether the proposed provisions be amended to exclude the application of the proposed exempt development within a heritage conservation area.

The Panel voted unanimously.

## **(Item GB1/26) Amendments to BLEP 2012 to include City Activation Exempt Provisions**

File No: 25/68633

Report by Assitant Planner; Senior Town Planner; Senior Assessment Planner; Manager City Planning

### **Summary**

Council has prepared a Planning Proposal (Attachment 1) to amend Schedule 2 of the Burwood Local Environmental Plan 2012 (BLEP) by adding new exempt development provisions to reduce red tape and facilitate further city activation initiatives without the need for a development application.

The Planning Proposal is in response to Council's resolution at its meeting on 23 September 2025, which endorsed the preparation of a Council-led Planning Proposal and public exhibition.

This report seeks the Burwood Local Planning Panel's endorsement of the Planning Proposal for its progression to Gateway Determination.

### **Operational Plan Objective**

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- A.70 Work with developers to promote sustainable development
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The proposal aligns with key strategic objectives outlined in Council’s Local Strategic Planning Statement (LSPS), Community Strategic Plan (CSP), After Dark Strategy, and Special Entertainment Precinct. The proposal also supports Council initiatives such as *Licence to Play*, and combined all emphasise vibrancy, accessibility, and public domain activation.

**Proposal**

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**Table 1: Proposed additional provisions to Schedule 2 of BLEP 2012**

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<p><b>Insert New Provision to: Schedule 2 Exempt development</b></p> <p><b>Display of goods on footpath</b></p> <p>(1) Must be associated with an adjacent or nearby lawfully established commercial premises or industrial retail outlet</p> <p>(2) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i></p> <p>(3) Must be authorised under Part 1 or Part 3 of Chapter 7 of the <i>Local Government Act</i></p>	<p>The proposed amendments to Schedule 2 of BLEP 2012 demonstrate strategic alignment and merit within both the local and regional planning frameworks. The proposal supports key planning principles including placemaking, economic resilience and equitable access to public places and spaces. The additional exempt provisions enable existing and future developments to incorporate elements that can seamlessly be incorporated to create active and vibrant street life and public spaces to benefit the community.</p>

Provision	Explanation & Justification
<p>1993</p> <p>(4) Must be authorised Part 5 of the <i>Crown Land Management Act 2016</i></p> <p><b>Outdoor dining (associated with food and drink premises)</b></p> <p>(1) Must be associated with an adjacent or nearby lawfully established food and drink premises</p> <p>(2) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i></p> <p>(3) Must be authorised under Part 1 or Part 3 of Chapter 7 of the <i>Local Government Act 1993</i></p> <p>(4) Must be authorised Part 5 of the <i>Crown Land Management Act 2016</i></p> <p><b>Mobile food vending vehicles (food trucks)</b></p> <p>(1) Must be on land or road owned by, or under the care or control of, the Council</p> <p>(2) If located on a Council-owned road or car park must be located within lawful car parking spaces</p> <p>(3) Must not be for more than 52 days (whether or not consecutive) in any 12 month period</p> <p>(4) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i></p> <p>(5) Must be authorised under Part 1 or Part 3 of Chapter 7 of the <i>Local Government Act 1993</i></p> <p>(6) Must be authorised Part 5 of the <i>Crown Land Management Act 2016</i></p> <p><b>Public art on footpaths, including sculptures, murals and pavement installations</b></p> <p>(1) Must be on land or road owned by, or under the care or control of, the Council</p> <p>(2) Must be installed by or on behalf of Council</p> <p>(3) Must be safe and structurally sound</p> <p>(4) Must not constitute signage</p> <p><b>Note —</b> Signage includes advertisements and advertising structures.</p> <p>(5) Must not be located on a heritage item</p> <p>(6) Must be designed, fabricated and installed in accordance with applicable Australian Standards</p> <p>(7) Must allow a minimum 1.5m wide pathway for pedestrians</p> <p>(8) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i></p>	<p>Burwood Council’s Local Strategic Planning Statement (LSPS) outlines a 20-year vision for land use planning across the LGA and aligns strategic planning objectives with the Greater Sydney Region Plan and the Eastern City District Plan. This proposal advances those strategic objectives by:</p> <ul style="list-style-type: none"> <li>- Encouraging a diverse night-time economy and cultural vibrancy.</li> <li>- Supporting main streets and town centres as thriving, inclusive, and activated community hubs.</li> <li>- Reducing regulatory barriers for small-scale interventions that enhance local character and liveability without requiring development consent; and</li> <li>- Enabling innovation and economic growth through streamlined public domain regulations.</li> </ul> <p>These outcomes reinforce the LSPS’s vision for a well-connected, liveable, and resilient city that can adapt to change and remain vibrant over time.</p> <p><b>Infrastructure and Collaboration</b></p> <p>The introduction of additional exempt development provisions such as temporary community events and public art can improve the vibrancy of the existing public domain without placing major pressures on existing infrastructure. By encouraging uses that create attractions while complementing existing infrastructure and local amenities will deliver low-cost and high impact benefits for the area.</p> <p>Co-designing city activation initiatives such as events, public art, and lighting in and around existing and future transport hubs in Burwood and Croydon centres will elevate their attractiveness and accessibility, encouraging more people to visit and contribute to local businesses.</p> <p><b>Liveability</b></p> <p>The proposed additional provisions will facilitate a high-quality of life by enabling street art, murals and footpath activations that reinforce Burwood’s identity as a creative, diverse, and walkable city. By making it easier to deliver low-scale and low impact placemaking initiatives, this proposal supports</p>

Provision	Explanation & Justification
<p>(9) Must be authorised under Part 1 or Part 3 of Chapter 7 of the <i>Local Government Act 1993</i></p> <p>(10) Must be authorised Part 5 of the <i>Crown Land Management Act 2016</i></p>	<p>a more vibrant public environment that complements residential growth and access to public amenities and services. This aligns with LSPS objectives to enhance the distinct character of local centres, support a diverse and multicultural community, and elevate urban design and placemaking outcomes in strategic locations such as the Croydon and Enfield areas. Furthermore, by reducing regulatory barriers for small-scale activation, the proposal ensures equitable access to the planning system for businesses and community groups and thereby strengthening social inclusion and enhancing liveability.</p>
<p><b>Street art (Wall Murals)</b></p> <p>(1) Street art must only be carried on the land and associated building or structure with the approval of the owner</p> <p>(2) Must not project more than 30mm from a wall or other surface</p> <p>(3) If adjacent to a public place, must not reduce the pedestrian access path to less than 1.5m</p> <p>(4) Must be safe, structurally sound and installed in accordance with applicable Australian Standards</p> <p>(5) Must not constitute signage</p> <p><b>Note —</b> Signage includes advertisements and advertising structures.</p> <p>(6) Must not be located on a heritage item or within a heritage conservation area or a special character area</p> <p>(7) Must not contain material in the opinion of Council that—</p> <p>(a) discriminates against or vilifies any person or group, or</p> <p>(b) is offensive or sexually explicit.</p> <p>(8) In this clause, <b>street art (wall mural)</b> means art that is painted, marked or otherwise affixed to the outside of a building or structure that is visible from a public place (within the meaning of the <i>Local Government Act 1993</i>)</p> <p><b>Note —</b> Street art (wall mural) may only be carried out subject to requirements to obtain the approval of the owner of the building on which the street art is located or any statutory authorities (such as Transport for NSW). See also Part 2 of the <i>Graffiti Control Act 2008</i> for graffiti related offences.</p>	<p><b>Productivity</b></p> <p>These low-impact changes have high-benefits for the community and support economic growth and encourage a night-time economy expansion. Implementing these changes enhances the vitality of the local streetscape and attract both residents and visitors to be a part of the night-time economy. This also allows for cost-effective entry points for local entrepreneurs and small businesses by reducing regulatory burdens and support flexible ways of operating and aligns strongly with initiatives proposed for Council’s Special Entertainment Precinct. Initiatives such as food trucks and pop-up events can also attract broader spheres of influence through social media and encourage more people to the area.</p> <p>Overall, this approach promotes centres as mixed-use and people-orientated destinations. By supporting after-hours activities such as outdoor dining and community-centred initiatives, the proposed LEP amendments reinforce the viability of centres beyond business hours and contributes to the development of a safe, lively, and diverse community.</p>
<p><b>Advertisements—bus and taxi rank shelter signs</b></p> <p>1) Must be on land or road owned by, or under the care or control of, the Council</p> <p>2) Must be associated with a lawfully established bus and taxi rank shelter building or structure with the approval of the</p>	<p><b>Site-Specific Merit</b></p> <p>The proposed amendments to Schedule 2 of BLEP 2012 demonstrate clear site-specific merit by facilitating interventions in areas within the Burwood LGA that are well-suited to low-impact, activation-based development. These locations include walkable, mixed-use centres with strong pedestrian activity, commercial streets, and access to public transport.</p> <p>In particular, the Burwood Town Centre has</p>

Provision	Explanation & Justification
<p>owner of the land on which it is situated</p> <p>3) Must only be carried with the approval of the owner the land</p> <p>4) Must not extend beyond the perimeter of the shelter</p> <p>5) Must not exceed 1.8metres in height x 1.2metres in width</p> <p>6) Only 1 advertising panel per shelter that may comprise an advertisement on 2 sides</p> <p>7) Must not contain flashing or neon signage</p> <p>8) Must not obstruct pedestrian paths of travel</p> <p>9) Must not obstruct the line of sight of vehicular traffic.</p> <p>10) Must not cause a road safety hazard</p> <p>11) Must comply with AS 4282—1997, Control of the obtrusive effects of outdoor lighting</p> <p>12) Must comply with Part 3 Advertising and road safety of the NSW Government Transport Corridor Outdoor Advertising and Signage Guidelines dated November 2017</p> <p>13) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i></p>	<p>pedestrian-oriented places and streets to introduce initiatives such as outdoor dining, footpath retail, and mobile food vendors. Active streets such as Burwood Road, Deane Street, and Belmore Street consist of wide footpaths, existing public infrastructure, and a high concentration of cafes and retail, making them prime candidates for small-scale, exempt development.</p> <p>Other centres such as The Strand in Croydon and the Enfield retail strip along Liverpool Road also feature active frontages and would benefit from enhanced public life through community events, food trucks, and public art installations. These changes will support economic vitality and community well-being in these local areas.</p> <p>The amendments include clear exclusions for residential zones, heritage conservation areas, and environmentally sensitive sites. This ensures that activation is concentrated in appropriate commercial areas and does not impact amenity of residents or the natural environment.</p>
<p><b>Temporary use of council land or road for events</b></p> <p>(1) Use must be on land or road owned by, or under the care or control of, the Council</p> <p>(2) Must only be carried with the approval of the owner the land</p> <p>(3) Must not be for more than 52 days (whether or not consecutive) in any 12 month period</p> <p>(4) Must be authorised under Part 9, Division 3 of the <i>Roads Act 1993</i></p> <p>(5) Must be authorised under Part 1 or Part 3 of Chapter 7 of the <i>Local Government Act 1993</i></p> <p>(6) Must be authorised Part 5 of the <i>Crown Land Management Act 2016</i></p>	<p>By establishing clear and simple framework for these developments, the proposed Schedule 2 provisions streamline the approval process, allowing Council to focus time and resources on assessing larger, complex development proposals. This planning approach will also provide certainty to the local business community and confidence to align with Council's placemaking and activation vision.</p> <p>Overall, these amendments offer a practical, sustainable, and locally responsive planning solution that builds on Burwood's urban strengths and supports Council's long-term strategic goals.</p> <p>The proposed exempt development controls align with established planning policy and will provide regulatory clarity, reduce assessment time and administrative costs and support Council in delivering its public domain and economic development goals.</p>

Council engaged Marsdens Law Group to prepare the wording of the Schedule 2 development standards, to ensure that they are effectual and consistent with the current planning legislative requirements. The above development standards were referred to the Council at its meeting on September 2025 and no concerns were raised.

### **Relationship with other Council Initiatives**

#### **License to Play**

License to Play is a Council Policy which provides the guidance and permissions needed to transform streets, laneways, and vacant shopfronts into vibrant, interactive spaces. The program supports creative activations and streetscape improvements by simplifying the approvals process, fund projects and ensure events are accessible to everyone. For example, "Extended Eats" is an initiative under the License to Play policy that allows food and beverage businesses with an existing outdoor dining approval to extend their outdoor dining areas along adjacent building frontages and expand their business without the need to pay any additional fees.

The City Activation LEP Provisions complements the License to Play policy which aims to create a new era for city-making, fostering opportunities for dynamic partnerships between local government, businesses, property owners, and the community.

The Planning Proposal was also referred to Council's Place Making team who reviewed the draft Schedule 2 Provisions and confirmed that the provisions align with the License to Play policy.

#### **Consultation**

The subject Planning Proposal was publicly exhibited on Council's Participate Burwood Community Engagement platform from 5 November 2025 to 3 December 2025. During this period, no submissions were received.

#### **Planning or Policy Implications**

This report seeks the advice of the Burwood LPP in respect to the Planning Proposal, for endorsement and progression of the planning proposal to Gateway Determination stage.

The key steps in progressing the Planning Proposal are outlined below:

1. Submission of the Planning Proposal to DPHI for Gateway Determination. This step establishes whether the proposal may proceed and sets out the requirements for formal community consultation.
2. Formal public exhibition of the Planning Proposal and consultation with relevant State agencies, consistent with requirements of the *Environmental Planning and Assessment Act*, the *Environmental Planning and Assessment Regulation 2021*, as well as other relevant plans and guidelines including the *Burwood Community Engagement Strategy*, *Local Environmental Plan Making Guideline* and any conditions of the Gateway Determination.
3. Reporting the outcomes of the formal community consultation to Council, at which time Council will determine whether to adopt the Planning Proposal and proceed to plan-making.
4. If adopted, Council will submit relevant documentation to DPHI to amend Schedule 2 of BLEP 2012.
5. Formal amendment to Schedule 2 of the Burwood LEP 2012 completed.

#### **Financial Implications**

There are no financial implications with respect to the Planning Proposal.

#### **Conclusion**

The Council-led Planning Proposal is referred to the Burwood Local Planning Panel for independent appraisal and advice. Council is seeking feedback on the wording of the development standards, their effectualness and consistency with the desired future character of city centres within Burwood LGA being a destination for culture, nightlife and creativity.

***Recommendation(s)***

That the Burwood Local Planning Panel:

1. Support the Planning Proposal to amend Schedule 2 of the BLEP 2012.
2. Support the Planning Proposal to proceed to Gateway Determination.
3. Delegate the General Manager to undertake minor modifications to any numerical, typographical, interpretation and formatting errors, or amend any element of the Planning Proposal to meet the requirements for Gateway Determination.

**Attachments**

- 1 DRAFT Planning Proposal - City Activation LEP Amendment
- 2 Council Meeting Report - 23.09.2025
- 3 Council Meeting Minutes - 23.09.2025



## BURWOOD LOCAL PLANNING PANEL MEETING

MINUTES OF THE MEETING OF THE BURWOOD LOCAL PLANNING PANEL held at the CONFERENCE ROOM, 2 CONDER STREET BURWOOD on Wednesday 15 April 2026 commencing at 6:00 PM.

### Attendance

Kevin Hoffman, Chair  
 Awais Piracha  
 Annette Ruhotas  
 Kristy Welfare

Jai Reid, Manager City Development  
 Alastair Sim, Senior Development Planner  
 Julian Sciarrone, Executive Assessment Planner  
 Helen Budd, Executive Strategic Planner  
 Sumathi Navaratnam, Manager City Planning  
 Catherine Hanna, Cadet Planner  
 Zac Moore, Development Advisory Planner

### Opening of meeting

The meeting opened at 6:00 pm

The Chair opened the meeting with Acknowledgement of Country.

### Apologies

There were no apologies.

### Declarations of Interest

There were no declarations of interests by Panel Members.

### Address by the public on agenda items

Name	Item
Item GB1/26	Amendments to BLEP 2012 to include City Activation Exempt Provision
Item DA6/26	Section 4.55(2) of DA.2025.30 – Suite 3/1, Level 2, 1-17 Elsie St Burwood NSW 2134
Item DA7/26	Section 4.55(2) modification to DA.2018.112 at 106-108 Wentworth Road, Burwood
Item GB2/26	Planning Proposal – Planning Agreement Policy BLEP 2012 Amendments
Item DA8/26	Development Application DA.2025.88 at 63 Conder Street, Burwood
Item GB3/26	Heritage Delegations Update

This is page 1 of the Minutes of the Burwood Local Planning Panel Meeting of Burwood Council held on 15 April 2026

## General Business

### **(Item GB1/26) Amendments to BLEP 2012 to include City Activation Exempt Provisions**

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File No: 25/68633

#### **Summary**

Council has prepared a Planning Proposal (Attachment 1) to amend Schedule 2 of the Burwood Local Environmental Plan 2012 (BLEP) by adding new exempt development provisions to reduce red tape and facilitate further city activation initiatives without the need for a development application.

The Planning Proposal is in response to Council's resolution at its meeting on 23 September 2025, which endorsed the preparation of a Council-led Planning Proposal and public exhibition.

This report seeks the Burwood Local Planning Panel's Advice of the Planning Proposal for its progression to Gateway Determination.

#### **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.
- C.3.2 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.9 Safe, clean and activated streets, centres and public places are enjoyed by people day and night
- 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
- P.38 Deliver attractive, healthy streetscapes and centres that are inviting and foster community pride
- P.34 Facilitate the growth and prosperity of local businesses and target the growth of business sectors and growth industries
- A.79 Undertake activities that support new economic growth in the Burwood North Precinct and Burwood Town Centre
- A.80 Implement activities or initiatives that enhance Burwood's night-time economy

#### **Background**

On 23 September 2025 Council resolved to endorse the preparation of a Planning Proposal to amend the *Burwood Local Environmental Plan 2012* (BLEP 2012) by

incorporating new exempt development provisions under Schedule 2 of BLEP 2012. The intent of these new provisions is to reduce red tape and facilitate further city activation initiatives without the need for a development application. This is intended to be done whilst still maintaining appropriate governance through Local Government Act, Roads Act, and Crown Land Act legislation, as well as landowner consent where Council is the predominant landholder. These provisions would also support Council initiatives such as *Licence to Play*.

The proposed exempt development provisions would apply to public art on footpaths, including sculptures, murals and pavement installations; street art; the temporary use of Council land or roads for community and fundraising events; the display of goods on footpaths; outdoor dining associated with food and drink premises; mobile food vending vehicles (food trucks); and advertisements, such as bus and taxi rank shelter signs. These provisions are intended to create a more seamless implementation process for applicants seeking to improve the vibrancy of the Local Government Area (LGA), ultimately generating flow-on benefits for local businesses, the community, and visitors to Burwood.

These provisions were previously endorsed by Council in January 2025 as part of the Alternate Croydon Masterplan. However, the Department of Planning, Housing and Infrastructure (DPHI) has since advised that it will not proceed with the adoption of the exempt provisions via the Croydon SEPP as they have LGA-wide implications. As a result, to progress these initiatives, a Council Planning Proposal to amend Schedule 2 of BLEP 2012 is required.

### **Resolution**

The Panel acknowledges the officer's recommendation and request that Council staff consider the impact of the proposed provisions for 'Public art on footpaths, including sculptures, murals and pavement installations' and 'Advertisements—bus and taxi rank shelter signs' on heritage conservation areas, and whether the proposed provisions be amended to exclude the application of the proposed exempt development within a heritage conservation area.

The Panel voted unanimously.

### **Development Applications**

#### **(Item DA6/26) Section 4.55(2) of DA.2025.30 - Suite 3/1, Level 2, 1-17 Elsie St Burwood NSW 2134**

File No: 26/3691

**Owner:** Burwood Council  
**Applicant:** Mingkang Yang  
**Location:** Suite 3/1, Level 2, 1-17 Elsie St Burwood NSW 2134  
**Zoning:** **MU1 Mixed Use Zone under Burwood Local Environmental Plan 2012**

### **Proposal**

The modification application seeks to adjust the internal layout, install louvres behind the first-floor balcony, reduce the maximum number of occupants, and enlarge the smoking room of the previously approved amusement centre on the commercial tenancy located at Suite 3/1, Level 2, 1-17 Elsie Street, Burwood.

## **(Item 24/26) Endorsement for Gateway - BLEP 2012 Amendments - Community Infrastructure Clause**

File No: 26/17270

Report by Director City Strategy

### **Summary**

Council, at its meeting of 28 October 2025, considered a report outlining a new *Draft Burwood Planning Agreement Policy 2025*, as well as proposed amendments to Clause 4.3A (Exceptions to height of buildings) and Clause 4.4A (Exceptions to floor space ratio) of the *Burwood Local Environmental Plan 2012* (BLEP) to enable the delivery of community infrastructure to a broader catchment of high-density developments within the Burwood Local Government Area.

At this meeting, Council resolved to publicly exhibit the Draft Burwood Planning Agreement Policy 2025 and the proposed LEP amendments.

This report focuses on the proposed amendments to the *Burwood Local Environmental Plan 2012* (BLEP) to enable the delivery of community infrastructure to a broader catchment of high-density developments. Following community submissions, a review of the *Draft Burwood Planning Agreement Policy 2025* is currently being undertaken and will be reported back to Council at a later date.

Council has prepared a Planning Proposal (**Attachment 1**) to amend Clause 4.3A (Exceptions to height of buildings) and Clause 4.4A (Exceptions to floor space ratio) of the *Burwood Local Environmental Plan 2012* (BLEP), ensuring these provisions are consistent with the *Draft Planning Agreement Policy 2025*.

The proposed BLEP amendments seek to expand bonus floor space provisions beyond the Burwood Town Centre to higher-density zones, including Zone R1 General Residential, Zone R3 Medium Density Residential, Zone E1 Local Centre and Zone MU1 Mixed Use. The amendments also aim to support the delivery of community infrastructure more broadly across the LGA and require developers to achieve design excellence, respond appropriately to the desired local character, and improve sustainability performance whilst also increasing capacity for housing supply.

In accordance with Ministerial Directions under the *Environmental Planning and Assessment Act 1979*, advice was sought from the Burwood Local Planning Panel (BLPP) on the draft Planning Proposal to amend Clauses 4.3A and 4.4A of the BLEP 2012. The BLPP subsequently endorsed the Planning Proposal for progression to Gateway Determination (**Attachments 2 & 3**).

### **Operational Plan Objectives**

- C.1.1 Support and deliver initiatives that encourage high-quality design, sustainable development and enhanced urban amenity.
- C.11.1 Conduct Council business with transparency, accountability, compliance and probity that ensures community confidence in decision making.
- C.3.1 Facilitate well designed, high quality and sustainable land use and development that is appropriately scaled to complement its surroundings.

### **Background**

Council, at its meeting of 28 October 2025, considered a report outlining a new *Draft Burwood Planning Agreement Policy 2025*, as well as proposed amendments to Clause 4.3A (Exceptions to height of buildings) and Clause 4.4A (Exceptions to floor space ratio) of the *Burwood Local Environmental Plan 2012* (BLEP) to enable the delivery of community infrastructure to a broader catchment of high-density developments within the Burwood Local Government Area. At this

meeting, Council resolved to publicly exhibit the *Draft Burwood Planning Agreement Policy 2025* and the proposed LEP amendments.

Whilst operating independently, Council's current Planning Agreement Policies seek 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).

These BLEP provisions allow, in certain circumstances, an additional 10% above the base Floor Space Ratio (FSR) on specific sites within and around the Burwood Town Centre, where community infrastructure is delivered or contributions address car parking deficiencies. These provisions may also apply to planning agreements associated with planning proposals and development applications involving variations to development standards under Clause 4.6 of the BLEP.

This report focuses on the proposed amendments to the *Burwood Local Environmental Plan 2012* (BLEP) to enable the delivery of community infrastructure to a broader catchment of high-density developments. Following community submissions, a review of the *Draft Burwood Planning Agreement Policy 2025* is currently being undertaken and will be reported back to Council at a later date.

This Planning Proposal has been prepared following Council's resolution of 28 October 2025 to publicly exhibit the *Draft Burwood Planning Agreement Policy 2025* and to prepare a Planning Proposal to amend the BLEP so that Clauses 4.3A and 4.4A can apply more broadly to higher density zones (R1, R3, MU1 and E1).

In line with Council's Operational Plan and updated guidelines issued by the Department of Planning, Housing and Infrastructure (DPHI), a review of Council's Voluntary Planning Agreement (VPA) framework and policies was undertaken, informed by advice from the Independent Commission Against Corruption (ICAC) and specialist consultants. As a result of this review, a new *Planning Agreement Policy* has been prepared to improve clarity, probity and consistency, and to reflect recent legislative changes. The new policy will operate alongside other contribution mechanisms established under the *EP&A Act*, including Sections 7.11 and 7.12 development contributions.

Clauses 4.3A (Exceptions to height of buildings) and 4.4A (Exceptions to floor space ratio) of the BLEP 2012 currently govern planning agreements, allowing additional building height and floor space in certain areas within and around the Burwood Town Centre, subject to the delivery of community infrastructure either through in kind or monetary contributions towards such infrastructure through a VPA.

As the Burwood LGA continues to grow, with its population projected to double over the next decade, demand for supporting public infrastructure will increase significantly. Expanding the application of these planning agreement clauses to higher density areas will assist in facilitating the delivery of essential community infrastructure needed to support this growth.

#### *Burwood Local Planning Panel Advice*

In accordance with the Ministerial Directions under the *Environmental Planning and Assessment Act 1979*, advice on the Planning Proposal was sought from the Burwood Local Planning Panel (BLPP) on 15 April 2026 (**Attachment 2**).

The BLPP endorsed Council's recommendation to progress seeking a Gateway Determination from the Department of Planning, Housing and Infrastructure (**Attachment 3**) noting that further review of the Draft updated VPA Policy in terms of value capture be undertaken.

## **Proposal**

Council proposes to amend Clause 4.3A (Exceptions to height of buildings) and Clause 4.4A (Exceptions to floor space ratio) of the *Burwood Local Environmental Plan 2012* (BLEP). These amendments seek to expand bonus floor space provisions beyond the Burwood Town Centre to higher-density zones, including R1 General Residential, R3 Medium Density Residential, MU1 Mixed Use and E1 Local Centre. The amendments aim to support the delivery of community infrastructure more broadly across the LGA, while also requiring high-quality design outcomes, responsiveness to local character and improved sustainability performance.

The bonus floor space provisions will be facilitated through planning agreements, consistent with the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act), where development includes works for a “public purpose”, rather than being limited to “community infrastructure”. Development applications seeking to access the bonus provisions through a Voluntary Planning Agreement (VPA) must satisfy the design excellence requirements under Clause 6.5 of the BLEP 2012, be compatible with the character of the local area, and, for BASIX-affected development, exceed the BASIX water and energy targets by at least 10%.

Specifically, the proposed amendments to the BLEP 2012 seek to:

- Expand the objectives of the clauses to clearly state that their purpose is to increase the provision of community infrastructure across the entire Local Government Area, not only the Burwood Town Centre, through application in Zones R1, R3, E1 and MU1;
- Update the clauses to reflect legislative changes by adopting the broader definition of “public purpose” consistent with the VPA provisions of the EP&A Act;
- Limit the application of the clauses 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 application of the clauses 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; and
- Introduce a merit-based assessment framework 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 of the BLEP 2012;
  - the design is compatible with the desirable elements of the existing local character or, in areas undergoing transition, aligns with the desired future character; and
  - for BASIX-affected development, the project exceeds the BASIX water and energy targets by at least 10%.

Clause 6.5 of the BLEP 2012 already mandates design excellence in Zones R1, R3, E1 and MU1, and was recently updated through the gazettal of the Croydon SEPP.

Overall, the proposed amendments to the BLEP 2012 are intended to facilitate the delivery of community infrastructure across the Burwood LGA, while ensuring that future development achieves a high standard of design and amenity for residents and users.

## **Consultation**

The proposed amendments to Clause 4.3A (Exceptions to height of buildings) and Clause 4.4A (Exceptions to floor space ratio) of the *Burwood Local Environmental Plan 2012* (BLEP) as well as the *Draft Burwood Planning Agreement Policy 2025*, were publicly exhibited concurrently on Council’s ‘Participate Burwood’ online engagement platform for eight (8) weeks in accordance with

the requirements of the *Environmental Planning and Assessment Regulation 2021* and Council's *Community Participation Plan*.

The exhibition was extended due to the timing of the notification over the Christmas and New Year period. Members of the public, stakeholders and affected parties were able to view the proposal and provide their comments through the platform. Council received two (2) public submissions, which are summarised in the table below.

**Table 1: Summary of public submissions**

Submission received	Council's Response
<p>The submission from a private resident raises strong concerns about extending bonus floor space provisions into the R1 General Residential zone, arguing that such areas are intended to maintain Burwood's established suburban character. The author contends that bonus floor space would encourage bulkier developments that are out of scale with existing housing, placing pressure on narrow residential streets with limited parking and already-constrained traffic conditions. They contend that local schools, parks, and utilities are planned around current population levels, and increasing development capacity without parallel infrastructure upgrades could compromise service quality and liveability for existing residents.</p> <p>The submission also asserts that the R1 zone serves as a transition area between higher-density areas and low-density areas, and that extending bonus provisions into these neighbourhoods blurs this zoning hierarchy. The author argues that smaller R1 lots are poorly suited to delivering meaningful affordable housing outcomes, risking added density without corresponding community benefit. They express concern about insufficient community consultation and the potential erosion of trust in Council's planning processes.</p> <p>On this basis, the submission urges Council to restrict bonus floor space provisions to strategic growth areas, specifically the Burwood Town Centre, R3 Medium Density, MU1 Mixed Use, and E1 Local Centre zones.</p>	<p>Council acknowledges that some streets and lots within the R1 General Residential zone have comparatively narrow dimensions, which may limit their capacity to accommodate higher density development. While the proposed amendments to the BLEP development standards under this Planning Proposal are intended to enable additional floor space and height in certain circumstances, Council recognises that not all R1-zoned sites within the Burwood LGA will be suitable or eligible to access these incentives.</p> <p>The R1 General Residential zone is not intended to function as a transition between higher and lower density residential areas. Rather, it is Council's principal high-density residential zone. In the local context, for example, the Burwood Town Centre directly adjoins R2 Low Density Residential areas to the east and south. The R1 zone therefore operates as a distinct residential area intended to accommodate a range of housing types and densities, consistent with the objectives of the zone under the LEP.</p> <p>Future development applications and any associated Planning Agreements will be assessed on a case-by-case basis. Consideration will be given to site-specific factors including location, site area, site width, vehicular access, parking provision, traffic impacts, local character and the existing streetscape to determine the suitability of each site for development.</p> <p>Furthermore, the intent of the proposed amendments is to increase the provision of community infrastructure while also enhancing design quality outcomes across the LGA.</p>

Submission received	Council's Response
<p>Urban Taskforce Australia lodged a submission to Council on 21 January 2026 to the <i>Draft Burwood Planning Agreement Policy 2025</i> and the proposed amendments to the <i>Burwood Local Environmental Plan 2012</i>. Council notes that the submission primarily focuses on matters concerning details of the exhibited <i>Draft Burwood Planning Agreement Policy 2025</i>, and no commentary on the proposed amendments to clauses 4.3A and 4.4A of BLEP.</p> <p>The submission specifically raises concerns about several operational and legal aspects of the exhibited <i>Draft Burwood Planning Agreement Policy</i> and agreement template, and provides feedback on specific clauses of the exhibited <i>Draft Burwood Planning Agreement Policy 2025</i> and template, recommending clearer definitions, streamlined land dedication processes, reduced reliance on caveats, capped Council cost recoveries, and the inclusion of appropriate timeframes for approvals, variations, and dispute resolution.</p> <p>Overall, the submission encourages Council to review these matters with legal advisors to ensure the final policy and agreement template are workable, consistent, and aligned with industry practice.</p>	<p>Council notes the submission made by Urban Taskforce Australia in relation to specific aspects of the exhibited <i>Draft Burwood Planning Agreement Policy 2025</i> and is currently undertaking a review of these matters.</p> <p>Council also notes that the submission from Urban Taskforce Australia does not raise any issues in relation to the proposed amendments to Clauses 4.3A and 4.4A of the BLEP, which are the subject of this Planning Proposal.</p> <p>It is important to progress the LEP amendments to avoid delays in the broader implementation of the <i>Burwood Planning Agreement Policy 2025</i> once finalised.</p>

### **Planning or Policy Implications**

The proposed amendments to the *Burwood Local Environmental Plan 2012* (BLEP) seek to expand bonus floor space provisions beyond the Burwood Town Centre to higher-density zones, including Zone R1 General Residential, Zone R3 Medium Density Residential, Zone E1 Local Centre and Zone MU1 Mixed Use. The amendments also aim to support the delivery of community infrastructure more broadly across the LGA, while requiring developers to achieve design excellence, respond appropriately to the desired local character, and improve sustainability performance whilst also increasing capacity for housing supply.

The proposed amendments to the BLEP 2012 are not dependent on those elements of the *Draft Burwood Planning Agreement Policy 2025* that are yet to be finalised following consultation. It is therefore important that the BLEP amendments progress independently to avoid any delay in the broader implementation of the Policy once finalised, which will support the delivery of essential infrastructure to meet the needs of a growing population.

### **Financial Implications**

The proposed BLEP amendments are expected to increase infrastructure funding across the LGA.

### **Next Steps**

Following the Burwood LPP endorsement in respect to the Planning Proposal, the matter can progress to Gateway Determination stage subject to Council resolution.

The key steps in progressing the Planning Proposal are outlined below:

1. Submission of the Planning Proposal to DPHI for Gateway Determination. This step establishes whether the proposal may proceed and sets out the requirements for formal community consultation.
2. Formal public exhibition of the Planning Proposal and consultation with relevant State agencies, consistent with requirements of the *Environmental Planning and Assessment Act*, the *Environmental Planning and Assessment Regulation 2021*, as well as other relevant plans and guidelines including the *Burwood Community Engagement Strategy*, *Local Environmental Plan Making Guideline* and any conditions of the Gateway Determination.
3. Reporting the outcomes of the formal community consultation to Council, at which time Council will determine whether to adopt the Planning Proposal and proceed to plan-making.
4. If adopted, Council will submit relevant documentation to DPHI to amend the relevant clauses of the of BLEP 2012.
5. Formal amendment to the relevant clause of the Burwood LEP 2012 completed.

## **Conclusion**

The proposed BLEP amendments seek to expand bonus floor space provisions beyond the Burwood Town Centre to higher-density zones, including Zone R1 General Residential, Zone R3 Medium Density Residential, Zone E1 Local Centre and Zone MU1 Mixed Use. The amendments also aim to support the delivery of community infrastructure more broadly across the LGA and require developers to achieve design excellence, respond appropriately to the desired local character, and improve sustainability performance whilst also increasing capacity for housing supply.

In accordance with Ministerial Directions under the *Environmental Planning and Assessment Act 1979*, advice was sought from the Burwood Local Planning Panel (BLPP) on the draft Planning Proposal to amend Clauses 4.3A and 4.4A of the BLEP 2012. The BLPP subsequently endorsed the Planning Proposal for progression to Gateway Determination.

## **Recommendation(s)**

That:

1. Council approves and endorses the preparation and submission to the NSW Department of Planning, Housing and Infrastructure (DPHI) of a request for Gateway Determination for a Planning Proposal to amend the *Burwood Local Environmental Plan 2012* by amending clauses 4.3A and 4.4A as described in this report and the draft Planning Proposal at Attachment 1.
2. Subject to the issuing of a Gateway Determination by DPHI, the Planning Proposal be publicly exhibited for a minimum period of 28 days, with community consultation undertaken in accordance with the *Environmental Planning and Assessment Act 1979*.
3. The General Manager be delegated authority to make minor modifications to correct any numerical, typographical, interpretative or formatting errors, if required.
4. The results of the Gateway Determination, community consultation and engagement process be reported back to Council.

## **Attachments**

- 1 [DRAFT Planning Proposal Report - Planning Agreement Policy BLEP Amendments to clauses 4.3A & 4.4A](#)
- 2 [Local Planning Panel Report\\_LEP Amendment \\_Planning Agreements\\_15042026](#)
- 3 [Local Planning Panel Minutes\\_LEP Amendment \\_Planning Agreements\\_15042026](#)



## Planning Proposal PP- XXXXXXXX

April 2026

Amendment to clauses 4.3A and 4.4A of Burwood Council LEP 2012 to align with the new Draft Burwood Planning Agreement Policy 2025

*A Planning Proposal is the first step in proposing amendments to Council's principle environmental planning instrument, known as the Burwood Local Environmental Plan (BLEP) 2012. A Planning Proposal explains the intended effect of the proposed amendment and also sets out the justification for making the change. The Planning Proposal is submitted to the NSW Department of Planning, Housing and Infrastructure (DPHI) for its consideration, referred to as the Gateway Determination, and is also made available to the public as part of the community consultation process.*

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## Introduction

Council has prepared a new Draft Burwood Planning Agreement (VPA) Policy 2025 in response to updated Department of Planning, Housing and Infrastructure (DPHI) guidelines, and advice from the Independent Commission Against Corruption (ICAC), to ensure public benefits from development are delivered fairly and transparently.

To support the new Policy, Council is proposing amendments to Clauses 4.3A and 4.4A of the Burwood Local Environmental Plan 2012 (BLEP 2012) and update the application of the development standards to 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. These amendments aim to expand the application of bonus floor space provisions beyond the Burwood Town Centre to higher-density zones such as R1, R3, MU1 and E1, support the delivery of community infrastructure more broadly across the LGA, and require developers to achieve design excellence, local character compatibility and improved sustainability performance.

Accordingly, this Planning Proposal is being submitted to the Department of Planning, Housing and Infrastructure to seek Gateway Approval, to formally amend BLEP 2012.

## Background

Burwood Council currently operates under two Planning Agreement Policies, which seek to align with the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act) and Clauses 4.3A and 4.4A of 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 BLEP 2012. These provisions operate alongside Burwood's Planning Agreements Policy and the Policy on Carrying Out Bonus Development in the Public Interest.

Council's Planning Agreements Policy 2018 currently facilitates the receipt of monetary and nonmonetary 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 DPHI, a review of Council's VPA framework and policies was undertaken, informed by advice from ICAC and specialist consultants. 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.

## Part 1 – Objectives and intended outcomes

The purpose of this Planning Proposal is to amend the BLEP 2012 and update the development standards under Clauses 4.3A and 4.4A to apply more broadly to high-density zones across the Burwood LGA.

Council's current Voluntary Planning Agreements (VPA) Policy has been in force since 2018 and requires updating to align with best practice. A new draft VPA Policy has been prepared in response to updated DPHI guidelines and advice from the Independent Commission Against Corruption (ICAC). The new Planning Agreement Policy 2025 will operate alongside other contribution mechanisms established under the EP&A Act, including Section 7.11 and 7.12 development contributions.

Under BLEP 2012, Clause 4.3A (Exceptions to height of buildings) and 4.4A (Exceptions to floor space ratio) govern planning agreements and allow additional building heights and floor space for certain areas within and around the Burwood Town Centre, subject to the delivery of community infrastructure in-kind or payment toward community infrastructure through a VPA. These clauses will be updated to apply more broadly to high-density zones to support the delivery of additional community infrastructure and encourage improved building design through mandatory design excellence provisions, character assessments, and enhanced environmental sustainability standards.

Specifically, the proposed amendments to BLEP 2012 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 VPA 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:
  1. It achieves Design Excellence under Clause 6.5 of the BLEP 2012.
  2. 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.
  3. 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.

The proposed LEP amendments will operate alongside the new Draft Burwood Planning Agreement Policy 2025.

## Part 2 – Explanation of Provisions

This Planning Proposal seeks Gateway Approval from DPHI to amend the *Burwood Local Environmental Plan 2012* (BLEP 2012) by amending the development standards in BLEP 2012 (in red) or ~~crossed-out~~, as follows:

### 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 Use**
  - (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 Use.**
  - (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 Use** 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%**.
- (5) 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 Use where subclause (5) does not apply may exceed the floor space ratio shown for the land on the Floor Space Ratio Map if 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 Use,
  - (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 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.

## Part 3 – Justification of Strategic and Site-specific merit

### Section A – Need for the Planning Proposal

**1. *Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?***

This Planning Proposal has been prepared as a result of Burwood Council's resolution on 28 October 2025. Council endorsed the exhibition of the Draft Planning Agreement Policy 2025 and the preparation of a Planning Proposal to amend the BLEP so that Clauses 4.3A and 4.4A can apply more broadly to higher density zones (R1, R3, MU1 and E1).

A copy of the Council Report and Resolution is attached to this Planning Proposal.

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.

Council engaged the services of specialist consultant GLN Planning to review Council's current planning agreements framework and prepare a new draft VPA Policy. This was followed by legal review to ensure that the draft policy and wording is effectual and consistent with the current planning legislative requirements.

A copy of the draft Burwood Planning Agreement Policy is attached to this Planning Proposal.

**2. *Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

The Planning Proposal is the only means of amending the BLEP 2012, to update Clauses 4.3A and 4.4A to enable broader application of the draft VPA Policy.

### Section B – Relationship to the strategic planning framework

**3. *Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy?***

Yes.

The use of VPAs can align with the Greater Sydney Region Plan, Eastern City District Plan and the Burwood Local Strategic Planning Statement when they are used to implement and achieve the planning priorities and directions identified in these plans and policy documents.

Such alignments are achieved when planning agreements are negotiated between the Council and developer to secure funding or delivery of local infrastructure and public facilities that are contemplated by these plans and policy documents. For example, in the Eastern City District Plan, a potential indicator of a collaborative city is the increased use of public resources such as community facilities. VPAs can be used as tools to deliver an increased supply of high-quality community facilities to enhance social connection and collaboration.

A discussion on how the Planning Proposal meets the objectives and visions of each of these plans is provided below:

A Metropolis of Three Cities – Greater Sydney Region Plan

A Metropolis of Three Cities is a regional plan for Greater Sydney which was prepared by the Greater Cities Commission (GCC) in 2018. It sets a 40-year vision for the Greater Sydney region and is intended to inform key priorities for district and local plans.

The Greater Sydney Region Plan (The Region Plan) identifies key priorities for managing Greater Sydney's growth, focusing on the importance of meeting dwelling and employment targets, infrastructure and collaboration, liveability, productivity and sustainability.

Burwood is located within the Eastern Harbour City and is identified as a strategic centre based on its connectivity to both the Harbour CBD and Parramatta CBD. This location enables Burwood to access a broad range of goods, services and jobs which attracts high levels of private sector investment. As such, the Region Plan identifies Burwood as an area within a regionally significant urban growth area.

The new VPA Policy and updated Clauses 4.3A and 4.4A of the BLEP 2012 will meet the following objectives of the Region Plan:

- **Objective 4:** Infrastructure use is optimised
- **Objective 6:** Services and infrastructure meet communities' changing needs.
- **Objective 10:** Greater housing supply
- **Objective 11:** Housing is more diverse and affordable
- **Objective 22:** Investment and business activity in centres

Eastern City District Plan 2056

The GCC released the Eastern City District Plan (the District Plan) on 18 March 2018 to give effect to the Greater Sydney Regional Plan.

The District Plan is a 20-year plan which sets out a strategic planning context and aims to manage and support the growth of Greater Sydney's Eastern District, which includes Burwood. The District Plan contains priorities and actions to guide the development and planning of the Eastern District while improving the district's social, economic and environmental assets.

The new VPA Policy and updated Clauses 4.3A and 4.4A of the BLEP 2012 will facilitate achieving the following Planning Priorities:

- **Planning Priority E3:** Providing services and social infrastructure to meet people's changing needs
- **Planning Priority E5:** Providing housing supply, choice and affordability, with access to jobs, services and public transport

Burwood Local Strategic Planning Statement (LSPS)

Burwood Local Strategic Planning Statement delivers on the NSW Government's Regional Plan for Sydney, A Metropolis of Three Cities, and the Eastern City District Plan, implementing priorities and actions at the local level.

The LSPS sets out the Burwood community's economic, social and environmental land use needs up to 2040. Key elements of the LSPS Planning Priorities that align with the aspirations of this project include:

- **P1 (Infrastructure and Collaboration).** Plan for a city that is supported by infrastructure.
- **P2 (Infrastructure and Collaboration).** Deliver local infrastructure, services and facilities.
- **P3 (Liveability).** Provide housing supply, choice and affordability in close proximity to jobs, services and public transport.

**4. *Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?***

Yes. The Planning Proposal is consistent with Council's Local Strategic Planning Statement (LSPS) which was endorsed by the former GSC in March 2020. Council's LSPS sets a long term vision for the growth of the LGA and identifies objectives and planning priorities in achieving the goals.

*Planning Priority 2* of the LSPS states *Deliver local infrastructure, services and facilities*. The LSPS also states that by 2036, Burwood LGA will need an additional 1,875sqm of community centre floor space to meet a benchmark of 80sqm per person.

The intention of the subject Planning Proposal is to allow for expanded bonus floor space provisions beyond the Burwood Town Centre to higher-density zones such as R1, R3, MU1 and E1, to be supported by the delivery of community infrastructure more broadly across the LGA. This Planning Proposal is therefore in line with the vision and objectives of the LSPS.

**5. *Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?***

Yes. The Planning Proposal is consistent with the Standard Instrument – Principal Local Environmental Plan and all other applicable State Environmental Planning Policies.

**6. *Is the Planning Proposal consistent with applicable State Environmental Planning Policies?***

Yes. There are no State Environmental Planning Policies (SEPPs) which would be contravened by the amendments proposed in the Planning Proposal.

All SEPPs applicable to the Burwood local government area are set out in Table 5 below, together with a comment regarding the Planning Proposal's consistency:

**Table 5: Consistency with State Environmental Planning Policies**

<b>SEPPs</b>	<b>Comments</b>
State Environmental Planning Policy (Biodiversity and Conservation) 2021	The Planning Proposal does not contain any provisions which are contrary to the objectives of the SEPP.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	The Planning Proposal does not contain any provisions which are contrary to the objectives of the SEPP.
State Environmental Planning Policy (Housing) 2021	The bonus provisions afforded under the proposed BLEP 2012 amendments as part of this Proposal will allow for additional residential floor space to support the delivery of new housing, in line with the objectives of the SEPP.
State Environmental Planning Policy (Industry and Employment) 2021	The Planning Proposal does not contain any provisions which are contrary to the objectives of the SEPP.
State Environmental Planning Policy (Planning Systems) 2021	The Planning Proposal does not contain any provisions which are contrary to the objectives of the SEPP.
State Environmental Planning Policy (Precincts—Central River City) 2021	Not applicable
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	Not applicable
State Environmental Planning Policy (Precincts—Regional) 2021	Not applicable
State Environmental Planning Policy (Precincts—Western Parkland City) 2021	Not applicable
State Environmental Planning Policy (Primary Production) 2021	Not applicable
State Environmental Planning Policy (Resilience and Hazards) 2021	The Planning Proposal does not contain any provisions which are contrary to the objectives of the SEPP.
State Environmental Planning Policy (Resources and Energy) 2021	Not applicable
State Environmental Planning Policy (Sustainable Buildings) 2022	The Planning Proposal does not contain any provisions which are contrary to the objectives of the SEPP.
State Environmental Planning Policy (Transport and Infrastructure) 2021	The Planning Proposal does not contain any provisions which are contrary to the objectives of the SEPP.

**7. Is the Planning Proposal consistent with applicable Local Planning Directions (Former Ministerial Directions)?**

Yes. Consistency with the list of Directions (under section 9.1(2) of the *Environmental Planning and Assessment Act 1979* issued by the Minister for Planning) is set out in Table 6 below.

**Table 6: Consistency with Local Planning (Former Ministerial) Directions**

Direction		Comments
<b>Focus area 1: Planning Systems</b>		
1.1	Implementation of Regional Plans	The Planning Proposal is consistent with this Direction. The Planning Proposal is consistent with the applicable regional plan being the Greater Sydney Regional Plan: A Metropolis of Three Cities. Burwood falls under the Eastern City District within the Plan.
1.2	Development of Aboriginal Land Council	Not applicable
1.3	Approval and Referral Requirements	The Planning Proposal will not contain provisions which require the concurrence, referral or consultation of other public authorities, nor identify any use as designated development.
1.4	Site Specific Provisions	The Planning Proposal is consistent with this Direction. The amended BLEP provisions will allow the application of bonus floor space and building height provisions to sites within higher-density zones including R1, R3, MU1 and E1.
1.4A	Exclusion of Development Standards from Variation	Clauses 4.3A and 4.4A of the BLEP 2012 will be considered separately to Clause 4.6 (Exceptions to development standards) of the BLEP 2012, as part of any development application seeking to utilize these bonus provisions.  Therefore, the Planning Proposal does not contain any provisions which are contrary to the application of Clause 4.6 objectives.
<b>Direction</b>		<b>Comments</b>
<b>Focus area 1: Planning Systems – Place based</b>		
1.5	Parramatta Road Corridor Urban Transformation Strategy	The amended clauses will apply to sites along the Parramatta Road corridor as they are proposed to be rezoned to MU1 under the draft Burwood North Metro Precinct Masterplan however, this will not undermine the achievement of the Parramatta Road Corridor Urban Transformation Strategy vision or objectives.
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable

**Item Number 24/26 - Attachment 1**

**DRAFT Planning Proposal Report - Planning Agreement Policy BLEP Amendments to clauses 4.3A & 4.4A**

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<b>Direction</b>		<b>Comments</b>
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
1.10	Implementation of the Western Sydney Aerotropolis Plan	Not applicable
1.11	Implementation of Bayside West Precincts 2036 Plan	Not applicable
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable
1.14	Implementation of Greater Macarthur 2040	Not applicable
1.15	Implementation of the Pyrmont Peninsula Place Strategy	Not applicable
1.16	North West Rail Link Corridor Strategy	Not applicable
1.17	Implementation of the Bays West Place Strategy	Not applicable
1.18	Implementation of the Macquarie Park Innovation Precinct	Not applicable
1.19	Implementation of the Westmead Place Strategy	Not applicable
1.20	Implementation of the Camellia-Rosehill Place Strategy	Not applicable
1.21	Implementation of South West Growth Area Structure Plan	Not applicable
1.22	Implementation of the Cherrybrook Station Place Strategy	Not applicable
<b>Focus area 2: Design and Place</b>		
<b>Focus area 3: Biodiversity and Conservation</b>		
3.1	Conservation zones	Not applicable

Direction		Comments
3.2	Heritage Conservation	Any future development application that involves a heritage item, or is located within a heritage conservation area and seeks to use the amended provisions under Clauses 4.3A and 4.4A of the BLEP 2012, will be assessed in accordance with Clause 5.10 (Heritage Conservation) of the BLEP 2012. This approach ensures that all heritage items and conservation areas are appropriately protected. Consequently, the Planning Proposal does not include any provisions that conflict with existing heritage conservation
3.3	Sydney Drinking Water Catchments	Not applicable
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3.5	Recreation Vehicle Areas	Not applicable
3.6	Strategic Conservation Planning	Not applicable
3.7	Public Bushland	Not applicable
3.8	Willandra Lakes Region	Not applicable
3.9	Sydney Harbour Foreshores and Waterways Area	Not applicable
3.10	Water Catchment Protection	Not applicable
<b>Focus area 4: Resilience and Hazards</b>		
4.1	Flooding	In the event that any future proposal seeks to utilise the new bonus provisions on land that is flood affected, applicable flood controls and considerations will be applied to the proposed development.
4.2	Coastal Management	Not applicable
4.3	Planning for Bushfire Protection	Not applicable
4.4	Remediation of Contaminated Land	Not applicable
4.5	Acid Sulfate Soils	Not applicable
4.6	Mine Subsidence and Unstable Land	Not applicable
<b>Focus area 5: Transport and Infrastructure</b>		
5.1	Integrating Land Use and Transport	Future development proposals seeking to use the amended provisions under Clauses 4.3A and 4.4A of the BLEP 2012 will need to consider access to transport and a green transport plan. The Planning Proposal is consistent with this Direction.

Direction		Comments
5.2	Reserving Land for Public Purposes	The new VPA Policy and proposed amendments to BLEP 2012 is intended to allow developers to voluntarily provide community infrastructure, and to increase the amount of land used for “public purposes”. Accordingly, the Planning Proposal is consistent with this Direction.
5.3	Development Near Regulated Airports and Defence Airfields	Not applicable
5.4	Shooting Ranges	Not applicable
5.5	High Pressure Dangerous Goods Pipelines	Not applicable
<b>Focus area 6: Housing</b>		
6.1	Residential Zones	The amended BLEP 2012 provisions will allow the application of bonus floor space and building height incentives to sites within higher-density zones including R1, R3, MU1 and E1. Accordingly, the Planning Proposal is consistent with this Direction.
6.2	Caravan Parks and Manufactured Home Estates	Not applicable
<b>Focus area 7: Industry and Employment</b>		
7.1	Employment Zones	Not applicable
7.2	Reduction in non-hosted short-term rental accommodation period	Not applicable
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
<b>Focus area 8: Resources and Energy</b>		
8.1	Mining, Petroleum Production and Extractive Industries	Not applicable
<b>Focus area 9: Primary Production</b>		
9.1	Rural Zones	Not applicable
9.2	Rural Lands	Not applicable
9.3	Oyster Aquaculture	Not applicable
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable

**Section C – Environmental, Social and Economic Impact**

**8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?***

No. There is no known critical habitat or threatened species, populations or ecological communities, or their habitats affected by the Planning Proposal.

**9. *Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?***

No. There are no other likely environmental effects as a result of the Planning Proposal, such as flooding, landslip, bushfire hazard and the like. Assessment of any potential environmental effects will be conducted as part of future development applications.

**10. *How has the Planning Proposal adequately addressed any social and economic effects?***

The Planning Proposal is considered to have a positive social effect for the community, as it will provide opportunities for public benefits to be delivered through new community infrastructure, to support the needs of the growing population. The infrastructure contributions allow Council to plan for growth and respond to local needs as they emerge. By enabling a pathway to negotiation outcomes through a voluntary planning agreement provides additional mechanisms for development uplift to deliver public benefits.

The Planning Proposal requires that new developments demonstrate design excellence and sustainability requirements ensuring that future developments are of high quality, provide a positive contribution to the public domain and are energy efficient. Accordingly, the Planning Proposal seeks to achieve a high level of amenity for current and future residents.

The objective of the Planning Proposal is to support quality housing and deliver public benefits across the Burwood LGA, to meet the current and future demands. The Planning Proposal is not expected to have any adverse social or economic effects.

**Section D – Infrastructure (Local, State and Commonwealth)**

**11. *Is there adequate public infrastructure for the Planning Proposal?***

The proposal seeks to increase public infrastructure across the Burwood LGA by allowing developers to apply the provisions under Clauses 4.3A and 4.4A of the BLEP 2012 and the new VPA Policy to areas outside of the town centres, within R1, R3, MU1 and E1 zones. Accordingly, this increases the opportunities for developers to contribute towards the provision of new infrastructure that will deliver public benefit(s).

**Section E – State and Commonwealth Interests**

**12. *What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?***

**Pre Gateway consultation**

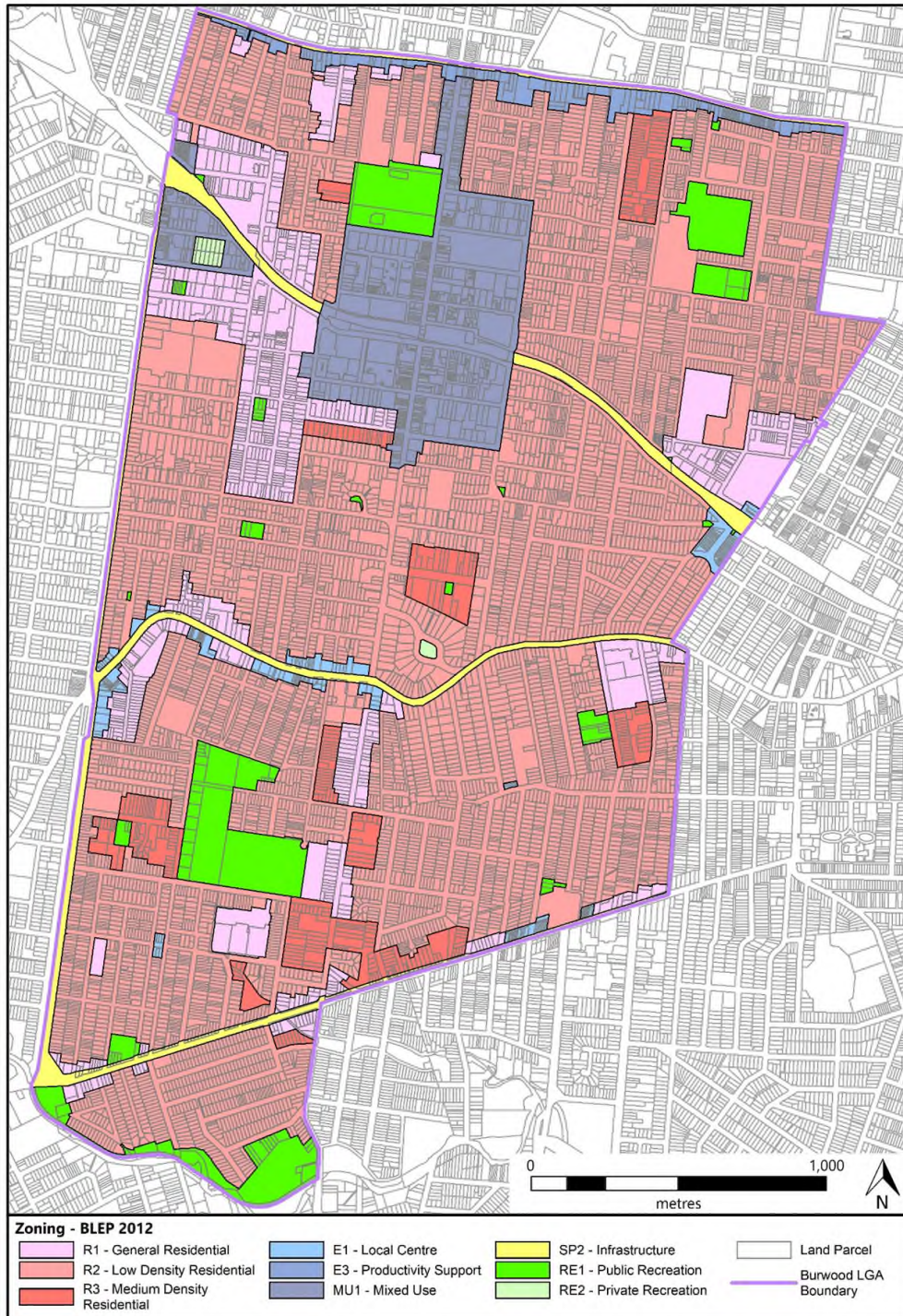
The proposal is minor in nature and as such, no State or Commonwealth authorities have been consulted as part of the preparation of this Planning Proposal.

**Post Gateway consultation**

Following the receipt of any Gateway Determination, Council proposes to seek the views of Transport for NSW.

## Part 4 – Maps

The BLEP 2012 amendments will apply to properties within the Burwood Local Government Area as identified in the map below.





## Part 5 – Community Consultation

The Draft Burwood Planning Agreement Policy 2025 was publicly exhibited on Council's Participate Burwood online engagement platform for eight (8) weeks, from 3 December 2025 – 28 January 2026, in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2021* and Council's *Community Participation Plan*.

The exhibition was extended due to the timing of the notification over the Christmas and New Year period. Members of the public, stakeholders and affected parties were able to view the proposal and provide their comments through the platform. Council received **two (2) submissions**, which are summarised as follows:

Submission received	Council's Response
<p>The submission from a private resident raises strong concerns about extending bonus floor space provisions into the R1 General Residential zone, arguing that such areas are intended to maintain Burwood's established suburban character. The author contends that bonus floor space would encourage bulkier developments that are out of scale with existing housing, placing pressure on narrow residential streets with limited parking and already-constrained traffic conditions. They contend that local schools, parks, and utilities are planned around current population levels, and increasing development capacity without parallel infrastructure upgrades could compromise service quality and liveability for existing residents.</p> <p>The submission also asserts that the R1 zone serves as a transition area between higher-density areas and low-density areas, and that extending bonus provisions into these neighbourhoods blurs this zoning hierarchy. The author argues that smaller R1 lots are poorly suited to delivering meaningful affordable housing outcomes, risking added density without corresponding community benefit. They express concern about insufficient community consultation and the potential erosion of trust in Council's planning processes.</p> <p>On this basis, the submission urges Council to restrict bonus floor space provisions to strategic growth areas, specifically the Burwood Town Centre, R3 Medium Density, MU1 Mixed Use, and E1 Local Centre zones.</p>	<p>Council acknowledges that some streets and lots within the R1 General Residential zone have comparatively narrower dimensions, which may limit their capacity to accommodate higher-density development. While the amended LEP development standards under this Planning Proposal are intended to enable additional floor space and height in specific circumstances, Council recognises that not all R1-zoned sites within the Burwood LGA will be suitable or eligible for these incentives.</p> <p>The R1 General Residential zone is not intended to function as a transition zone between higher-density and low-density residential areas. For instance, in the local context, the high-density Burwood Town Centre directly adjoins R2 Low Density Residential zoned areas to its east and south. The R1 zone functions as a distinct residential area, intended to accommodate a diverse range of housing types and densities, consistent with the stated objectives of the zone within the LEP.</p> <p>Future development applications and any associated Planning Agreements will be assessed individually on a case-by-case basis. Consideration will be given to matters such as location, site area, site width, vehicular access, parking provision, traffic impacts, local character and the existing streetscape to determine the suitability of each site for development.</p>
Submission received	Council's Response

<p>Urban Taskforce Australia lodged a submission to Council on 21 January 2026 to the Draft Burwood Planning Agreement Policy 2025 and the proposed amendments to the Burwood Local Environmental Plan 2012. Council notes that the submission primarily focuses on matters concerning details of the exhibited Draft Burwood Planning Agreement Policy 2025, and no commentary on the proposed amendments to clauses 4.3A and 4.4A of BLEP.</p> <p>The submission specifically raises concerns about several operational and legal aspects of the exhibited Draft Burwood Planning Agreement Policy and agreement template, and provides feedback on specific clauses of the exhibited Draft Burwood Planning Agreement Policy 2025 and template, recommending clearer definitions, streamlined land dedication processes, reduced reliance on caveats, capped Council cost recoveries, and the inclusion of appropriate timeframes for approvals, variations, and dispute resolution.</p> <p>Overall, the submission encourages Council to review these matters with legal advisors to ensure the final policy and agreement template are workable, consistent, and aligned with industry practice.</p>	<p>Council notes the submission made by Urban Taskforce Australia in relation to specific parts of the exhibited Draft Burwood Planning Agreement Policy 2025 and is undertaking a review.</p> <p>Council also notes that the submission made by Urban Taskforce Australia does not make any comment in relation to the proposed amendments to clauses 4.3A and 4.4A of BLEP, the subject of this Planning Proposal.</p>
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## Part 6 – Project Timeline

Stage	Action	Timing
Council Resolution	Endorse public exhibition of the Draft Planning Agreement Policy 2025 and prepare Planning Proposal	October 2025
Early exhibition	Exhibition on Participate Burwood	3 December 2025- 28 January 2026
Report to BLPP	Endorse Planning Proposal to amend clauses 4.3A and 4.4A of BLEP	16 April 2026
Post-exhibition report to Council	Endorse submission of Planning Proposal to DPHI	28 April 2026
Gateway Determination	Submit to DPHI	May 2026
Post Exhibition	28 Days	April 2026
Review Submissions	Report to Council	May 2026
Finalisation	LEP Amendment (if approved)	End 2026

## Attachment 1 – Council Report 28.10.2025

Council Meeting

28 October 2025

### **(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](#)

## Attachment 2 – Council Meeting Minutes 28.10.2025

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

File No: 25/31593

#### 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

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This is page 6 of the Minutes of the Ordinary Meeting of Burwood Council Meeting held on 28 October 2025

- 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

**126/25 RESOLVED**

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.

**For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang**  
**Against: Nil**

(Moved Deputy Mayor George Mannah/Seconded Councillor Alex Yang)

Attachment 3 – DRAFT Burwood Planning Agreement  
Policy 2025

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**DRAFT PLANNING AGREEMENT POLICY 2025**

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Public Document  
Ref. No.: 25/34335  
Version No.: 1  
Ownership: City Planning

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### 1. Purpose of Policy

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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

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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

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This policy is called Burwood Planning Agreement Policy 2025.

### 4. Land to which this policy applies

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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

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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 c4.6: see section 13(i) below, and / or

2. An exceedance of a numerical standard applicable permitted in accordance with clauses 4.3A and 4.4A of the Burwood LEP 2012

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 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 equivalent amount in (b) of this section) as a starting point in calculating any planning agreement 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 a public purpose defined by the EP&A Act, including 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 x 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/m<sup>2</sup> in Burwood North, Burwood Town Centre and Strathfield Town Centre  
 \$1,023.20/m<sup>2</sup> 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**

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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**

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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?**

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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**

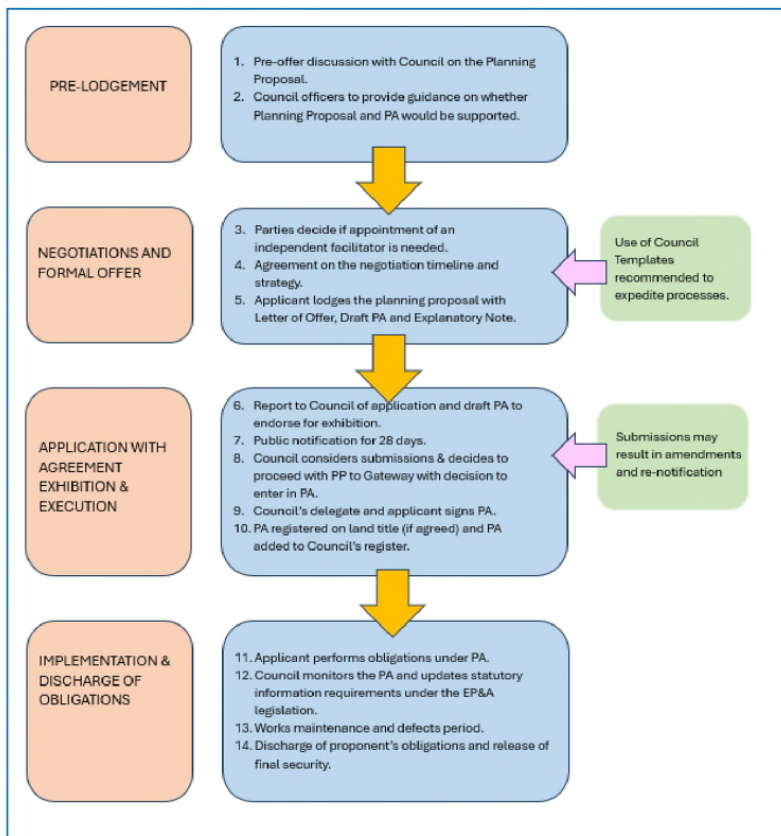


Figure 1: Planning Agreement Process for Planning Proposals/Rezoning

PA = planning agreement  
PP = planning proposal

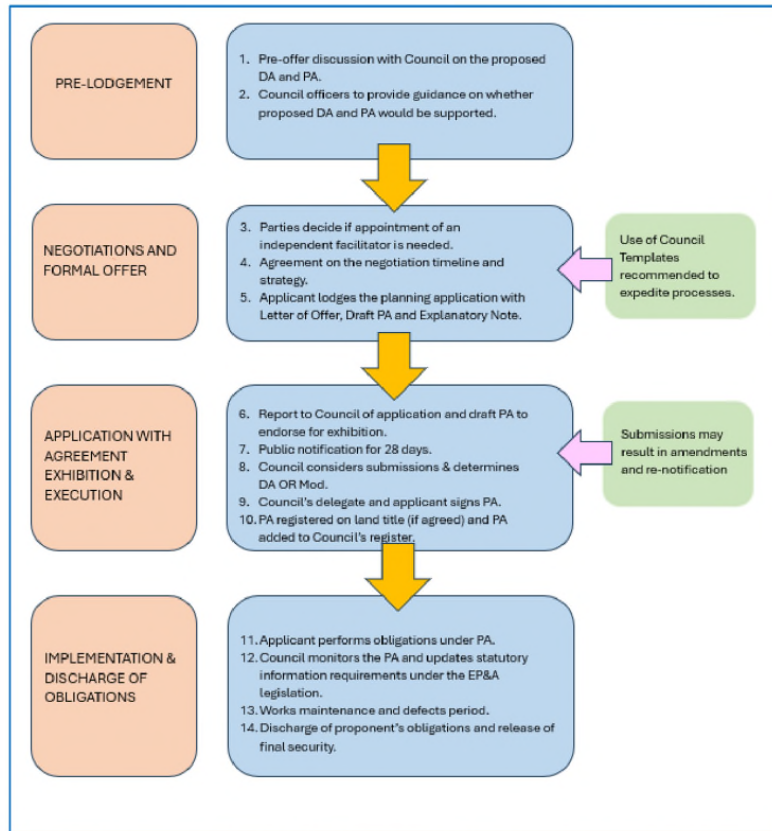


Figure 2: Planning Agreement Process for Development Applications and Modifications

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**

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**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:

- (a) an independent probity officer to oversee the process, act as an observer in negotiations, etc.
- (b) 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?**

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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?**

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Council officers are expected to:

- (a) Comply with the Code of Conduct for Council Staff as applying at the time.
- (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**

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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.

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**24. Enforcement and management of planning agreements**

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**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 an 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**

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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**

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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**

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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

## Item Number 24/26 - Attachment 1

# DRAFT Planning Proposal Report - Planning Agreement Policy BLEP Amendments to clauses 4.3A & 4.4A

Draft Planning Agreement Policy 2025

### Appendix B – Definitions

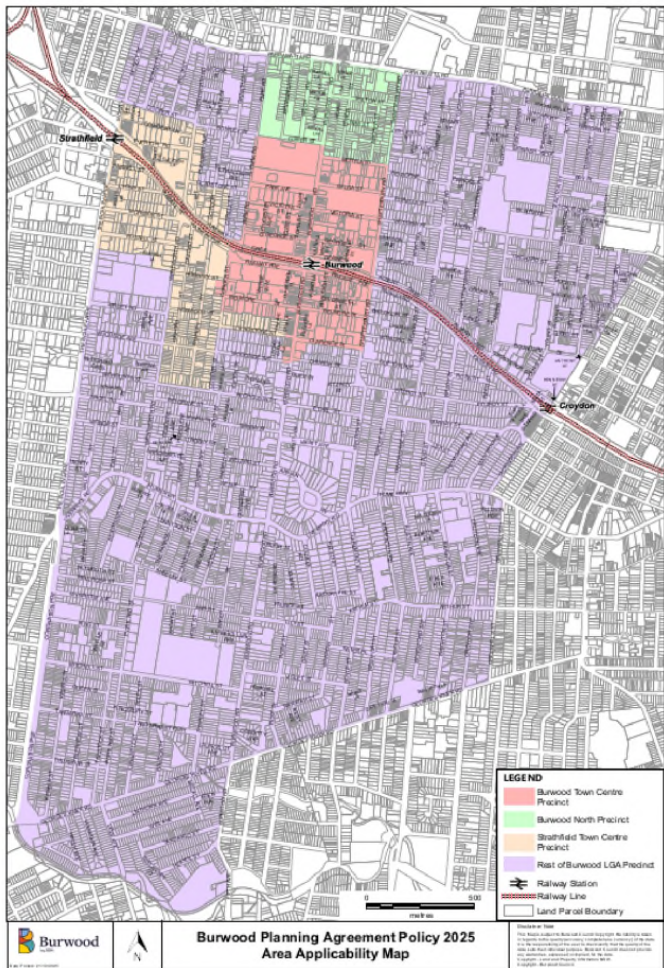
Burwood LEP 2012	means the <i>Burwood Local Environmental Plan 2012</i>
Contributions Plan	means a development contributions plan adopted by Burwood Council for the purpose of levying contributions under section 7.11 or 7.12 of the EP&A Act
Council	means Burwood Council
Department	means the NSW Department 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 <a href="http://www.planningportal.nsw.gov.au/local-infrastructure-contributions/planning-agreements-practice-note">www.planningportal.nsw.gov.au/local-infrastructure-contributions/planning-agreements-practice-note</a>
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:

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

DRAFT

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



## Attachment 4 – Public submissions

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**Submission - Draft Burwood Planning Agreement Policy 2025**

**Date Submitted: Dec 03, 2025, via Council's 'Participate Burwood' website**

I strongly object to the inclusion of R1 General Residential areas in Burwood Council's proposed expansion of bonus floor space provisions. R1 zones are intended to preserve the suburban character of Burwood, with modest apartment blocks and detached dwellings. Allowing bonus floor space in these areas will incentivize bulky developments that erode the established streetscape and undermine the planning intent of these neighbourhoods.

R1 streets are not designed for high-density living. They are narrow, with limited off-street parking and already subject to strict Council enforcement. Additional floor space will increase car ownership and congestion, placing further strain on local traffic management.

Schools, parks, and utilities in R1 zones are scaled for current density and expanding development capacity without parallel investment in infrastructure upgrades risks overloading public services and diminishing quality of life for existing residents.

R1 zoning provides a transition buffer between higher-density zones and low-density suburbs. Extending bonus provisions into R1 undermines the zoning hierarchy and creates planning creep, blurring the distinction between R1 and R3/MU1 areas.

While bonus floor space is often tied to affordable housing delivery, R1 lots are typically smaller and less suited to meaningful contributions. The risk is density without affordability, defeating the stated purpose of the policy.

Residents in R1 zones value their neighbourhood character and expect Council to uphold it. Extending bonus provisions without robust consultation erodes trust in Council's planning process and risks significant community backlash.

For these reasons, I urge Council to confine bonus floor space provisions to strategic growth areas such as Burwood Town Centre, R3 Medium Density, MU1 Mixed Use, and E1 Local Centre zones, and to protect R1 General Residential areas from inappropriate intensification.

## Urban Taskforce AUSTRALIA

21 January, 2026

Ms Soodeh Mohammadi  
Executive Urban Designer  
Burwood Council  
PO Box 240  
BURWOOD NSW 1805

Sent to: [council@burwood.nsw.gov.au](mailto:council@burwood.nsw.gov.au)

cc. [Tommaso.Briscese@burwood.nsw.gov.au](mailto:Tommaso.Briscese@burwood.nsw.gov.au)

Dear Ms Mohammadi

### **Draft Burwood Planning Agreement Policy 2025 and proposed amendments to the Burwood Local Environmental Plan 2012**

I write in response to the proposed changes to the Burwood's planning agreement and to the LEP.

Urban Taskforce Australia has reviewed the documents and wishes to raise a number of matters.

#### **Security (Schedule 5)**

It is not clear from the document what types of contributions will require financial security and what the quantum of security will be.

As a general approach, Urban Taskforce believes that financial security should:

- Never be required for the payment of a monetary contribution (this would be equivalent to requiring financial security for the payment of a s 7.11 contribution). If the infrastructure contribution fee is not paid, an OC is not issued;
- Not be required for the dedication of land – this is secured by the agreement that it can be compulsorily acquired for \$1 so having a security is unnecessary;
- Not be required for works that will be carried out on the developer's land to be dedicated to a council – for example, embellishment works to a local park. This is because the development itself cannot progress until compliance is achieved, and the voluntary planning agreement (VPA) could specify that no OC or subdivision certificate can be issue until the works are completed and the park dedicated;
- Be provided for defects, but to a low level – for example, 5% of the value of the works; and
- Be provided for works on public land, because there is a risk that Council will have to step in to fix up any defects or to complete abandoned work. This could be to a higher quantum, such as 50%-150% of the value of the works.

#### **Maintenance of works**

Developers are responsible for correcting defects but should not be responsible for the maintenance of public works.

NSW Urban Taskforce Australia T. 02 9238 3955  
Level 12, 32 Martin Place Sydney NSW 2000  
[admin@urbantaskforce.com.au](mailto:admin@urbantaskforce.com.au) | [www.urbantaskforce.com.au](http://www.urbantaskforce.com.au)

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Once the work is completed and dedicated to a council, it is legally problematic to have a private party responsible for the ongoing maintenance of the asset for any period of time.

Maintenance of public assets is part of the bread and butter of what a council does but is performed by a developer.

Councils have systems in place to log and address issues and are protected under the Civil Liability Act for their role in conducting maintenance – developers have no such protection or processes.

Further, there is a risk to the Council in this approach, as it cannot legally delegate this duty to a developer in this way and they are likely to be held ultimately responsible.

To the extent that issues with the works arise during the first 12 months after completion of the works, this is covered by the defects liability period and does not need to be part of a maintenance period.

If Council wants a developer to be responsible for the cost of maintaining a work for a period of time it should specify this as a monetary contribution that is quantified and factored into a reduced s 7.11 contribution.

**Agreement clauses**

Comments on individual clauses within the proposed agreement can be found in the **Appendix** below.

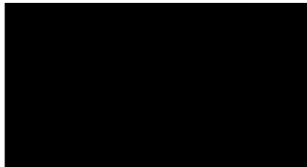
**Conclusion**

Urban Taskforce appreciates Burwood Council's approach to seeking feedback on its draft planning agreement template.

We recommend that Council consider discussing the points raised below with its legal advisors to ensure that the final Agreement template is clear and correct.

Should you wish to discuss any aspect of this submission further, please contact our Policy, Planning, and Research Analyst, Paul Waterhouse, on 0411-875-366 or via email [paul@urbantaskforce.com.au](mailto:paul@urbantaskforce.com.au)

Yours sincerely



**Tom Forrest**  
Chief Executive Officer

## Appendix: Comments on individual clauses

### 4) Definitions and interpretation

- The **Base CPI** number for the June quarter is not published on 1 July, it is usually published at the very end of that month. It would be better defined as "the most recently published CPI number prior to the commencement of the Agreement".
- **Current CPI** – CPI should be defined separately. Current CPI would then be the most recently published CPI figure.

Council should decide whether it wishes to use the quarterly or monthly CPI figure, now that the latter is being published.

### 5) Development Contributions to be made under this Agreement

#### **Proponent Works (5(c))**

The agreement should distinguish between works on public land versus works on private land that will be dedicated to Council.

Works on private land do not need to be so heavily insured, or to name Council as an insured party, as Council has no liability until the works are completed and handed over to it.

#### **Dedication land (5(g))**

The stated procedure assumes that all dedication land will be transferred, which is more the exception than general practice.

Where the land is a public reserve, or a road, which is the case in many VPA land dedications, the dedication is most often effected by way of subdivision.

A plan of subdivision will note the land as a public reserve or public road, which is dedicated on the registration of the plan.

As there is no instrument of transfer needed, there is no need to deal with capital gains tax (CGT).

"Clearance Certificate" (in (g)(i)(1)) is not defined in the document but appears to relate to the foreign resident CGT withholding amount. This should be clarified.

#### **Dedication land – caveats (5(m))**

Registration of the VPA on title should be sufficient, without the need to resort to a caveats.

Should Council wish to ensure a right to caveat, there should be some express agreement that prompt consent will be given for any dealing that does not affect their interest in the dedication land, otherwise it will add unnecessary delay to the process.

This subclause appears to disagree with clause 12, which refers to a caveat only prior to registration of the VPA and any caveat being removed at this time.

It is not clear how these two clauses will work together and suggests that 5(m) may not be required.

**6) Application of the Development Contributions (6(b))**

S.7.11(5)(b) relates more to works-in-kind agreements.

The relevant sections covering the impact of VPAs on s.7.11 payments are ss.7.4(3)(d)(i) and (e).

**9) Registration of this Agreement**

- (a)(i) and (c)(i) Add "and each person referred to in s 7.6(1) of the Act"
- (a)(ii) and (c)(ii) The registered proprietor and other persons with an interest in the land must sign the request form. This is the giving of consent, so no further consent should be necessary.

**15) Right to transfer land**

Add "or any part of the Land", as outlined below:

*This clause 15) does not apply in relation to any sale or transfer of the Land or any part of the Land if this Agreement is registered on the title to the Land at the time of the sale.*

**16) Dispute Resolution**

A timeframe within which any mediation should occur should be included in the clause.

The clause should state that the parties will equally share the costs of the mediator.

**18) Enforcement (18(d))**

The clause should not that there are potential work health and safety issues if the works are on an active or incomplete development site.

**20) Review of Agreement**

The phrase "Review Period" is not defined in the template and no period has been specified.

It would be simpler to state that either party may request a review at any time if they are of the opinion that any change of circumstance has occurred, or is imminent, that materially affects the operation of the Agreement.

**27) Expenses and stamp duty**

- (a)(i) The clause should say "Council's **reasonable** costs and disbursements". It is common for these costs to be capped.
- What is the possible quantum for the supervision and administration fee? Members have advised that they have never seen a VPA provide for this.

**28) Notices**

Transmission reports are a relic of the fax machine era and are not really relevant in this circumstance. They do not apply to mail or emails.

The receipt timing should be based on 5pm in Sydney, to remove any confusion.

**Schedule 5 – Security terms – 2. Amount of Security**

It is not clear what amount is likely to be referenced. Usually, the dedication of land requires no security, as it is secured by the \$1 compulsory acquisition right.

There may be some security warranted for works, depending on whether or not their delivery is secured through linkage to an occupation certificate or subdivision certificate:

- works on the developer's land that are dedicated to the Council before the issue of an OC, for example, may not require financial security, other than for defects liability;
- works on public land, or to an existing public asset, however, are more likely to warrant financial security.

Financial security should only be required where it is actually necessary to secure an obligation, as it creates an upfront financial burden on a developer that makes it harder to deliver the project.

**Schedule 5 – Security terms – 4. Release of Security**

Depending on the contributions to be provided, the timing of delivery, and what the security relates to, it may be reasonable to have a staged release of security.

**Schedule 6 – Proponent Works Provisions – Accidents & dangerous occurrences**

These clauses seem to be a bit over the top if the works are being carried out on the development site.

Council does not need to involve itself in these issues unless the works are being carried out on council land.

**Schedule 6 – Proponent Works Provisions – Design of Proponent Works**

These clauses need timeframes if they are to be enforceable.

**Schedule 6 – Proponent Works Provisions – Variations to approved Proponent Works & Costs**

If a variation is significant and could affect the value of the works, it would need to be notified, as this is a change of substance and could be a change to the development contributions to be provided under the VPA.

**Schedule 6 – Proponent Works Provisions – Entry onto Land**

The term "Other Land" is not defined.

**Schedule 6 – Proponent Works Provisions – Maintenance of Proponent Works**

As noted earlier, this section is legally problematic for a developer.

Once work has been completed and it becomes a public asset available for use by members of the public, it is problematic for a private developer to be responsible for its ongoing maintenance.

A public playground, for example, should be maintained in the same manner as other public playgrounds within the LGA, and managed consistently.

This is not something in which a developer would have experience, nor would it be appropriate for them to do it.

As developers are not entitled to the same protections that a council is under the Civil Liability Act, the section creates a potentially messy legal situation if developers are compelled to maintain what has become a public asset.

It would be more sensible and practical for Council to assume maintenance responsibility once the land has been dedicated.

Any issues that arise during the defects liability can be addressed by way of a defects rectification notice, so the Council isn't left carrying the cost burden.

**Schedule 6 – Proponent Works Provisions – Transfer of Ownership of Proponent Works**

Where works are located on dedication land, such as for playground equipment in a local park, their ownership should simply transfer along with the land.

**Schedule 6 – Proponent Works Provisions – Transfer of land on which Proponent Works Constructed**

The ultimate timing of the dedication of land is governed by the VPA.

Where works are located on dedication land it would be administratively and operationally simpler simply to provide that the works must be completed before the land is dedicated and the land must be dedicated prior to the time provided in the VPA through the issue of an OC, for example.

## Attachment 5 – BLPP Report 15.04.2026

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### Agenda

**For a Notice of Burwood Local Planning Panel Meeting of Burwood Council to be held in the Conference Room, Level 1, 2 Conder Street, Burwood on Wednesday 15 April 2026 at 6.00pm.**

**Welcome to the meeting of the Burwood Local Planning Panel**

**I declare the Meeting opened at**

**1. Acknowledgement of Country**

*Burwood Council acknowledges the Wangal Peoples who are the traditional custodians of the area. We pay our respects to their elders past and present.*

**2. Introduction of Panel Members**

**3. Recording of Meeting**

*Members of the public are advised that Meetings of the Panel are audio recorded for the purpose of assisting with the preparation of Minutes and the recording of the public part of the meeting will be published on Council's website.*

**4. Explanation of how the panel will operate**

*The Panel has undertaken site investigations and we have before us reports provided by Burwood Council officers on the matters for consideration.*

*The Panel will make determinations on the matters before it. Each determination will include reasons for the determination, and all such details will be included in the official record of the meeting.*

**5. Apologies/Leave of Absences**

**6. Declarations of Interest by Panel Members**

**7. Chair introduction of Agenda Item**

**8. Council Officer Overview**

**9. General Business**

(Item GB1/26)	Amendments to BLEP 2012 to include City Activation Exempt Provisions .....	3
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**10. Development Applications**

(Item DA6/26)	Section 4.55(2) of DA.2025.30 - Suite 3/1, Level 2, 1-17 Elsie St Burwood NSW 2134.....	10
(Item DA7/26)	Section 4.55(2) modification to DA.2018.122 at 106-108 Wentworth Road, Burwood .....	25
(Item GB2/26)	Planning Proposal - Planning Agreement Policy BLEP 2012 Amendments.....	48
(Item DA8/26)	Development Application DA.2025.88 at 63 Conder Street, Burwood.....	54
(Item GB3/26)	Heritage Delegations Update .....	79

**Item Number 24/26 - Attachment 1**  
**DRAFT Planning Proposal Report - Planning Agreement Policy BLEP Amendments to clauses 4.3A & 4.4A**

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Burwood Local Planning Panel Meeting

15 April 2026

**(Item GB2/26) Planning Proposal - Planning Agreement Policy BLEP 2012 Amendments**

File No: 26/9817

Report by Senior Town Planner; Manager City Planning

**Summary**

Council at its meeting of 28 October 2025 considered a report (**Attachment 1**) outlining details of a new Draft Burwood Planning Agreement Policy 2025 to align with updated legislation and guidelines. At this meeting Council resolved (**Attachment 2**) to publicly exhibit the Draft Burwood Planning Agreement Policy 2025 (**Attachment 3**) and proposed amendments to the Burwood Local Environmental Plan 2012 (BLEP) to enable the delivery of community infrastructure to a broader catchment of high-density developments within the Burwood local government area.

Council has prepared a Planning Proposal to amend Clause 4.3A (Exceptions to height of buildings) and Clause 4.4A (Exceptions to floor space ratio) of the Burwood Local Environmental Plan (BLEP) 2012, ensuring these provisions are consistent with the Draft Planning Agreement Policy 2025.

The new Draft Planning Agreement Policy 2025 (draft Policy) was prepared to align with updated legislation and best practice, State Government guidelines and ensure public benefits from development are delivered fairly and transparently.

The proposed amendments aim to expand bonus floor space provisions beyond the Burwood Town Centre to higher-density zones including Zone R1 General Residential, Zone R3 Medium Density Residential, Zone E1 Local Centre, and Zone MU1 Mixed Use, support the delivery of community infrastructure more broadly across the LGA, and require developers to achieve design excellence, respond appropriately to the desired local character, and improve sustainability performance.

This report seeks the Burwood Local Planning Panel's endorsement of the Draft Planning Proposal to amend Clauses 4.3A and 4.4A of the BLEP 2012, enabling it to progress to Gateway Determination.

**Operational Plan Objective**

- C.1.1 Support and deliver initiatives that encourage high-quality design, sustainable development and enhanced urban amenity.
- C.11.1 Conduct Council business with transparency, accountability, compliance and probity that ensures community confidence in decision making.
- C.3.1 Facilitate well designed, high quality and sustainable land use and development that is appropriately scaled to complement its surroundings.

**Background**

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). 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.

This Planning Proposal has been prepared as a result of Burwood Council's resolution of 28 October 2025 to publicly exhibit the Draft Burwood Planning Agreement Policy 2025 and the

preparation of a Planning Proposal to amend the BLEP so that Clauses 4.3A and 4.4A can apply more broadly to higher density zones (R1, R3, MU1 and E1).

In line with Council's Operational Plan and updated guidelines issued by DPHI, a review of Council's VPA framework and policies was undertaken, informed by advice from ICAC and specialist consultants. 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. The new VPA Policy will operate alongside other contribution mechanisms established under the EP&A Act, including Section 7.11 and 7.12 development contributions.

The clauses within the BLEP 2012 which govern planning agreements include Clause 4.3A (Exceptions to height of buildings) and 4.4A (Exceptions to floor space ratio) which allow additional building heights and floor space for certain areas within and around the Burwood Town Centre, subject to the delivery of community infrastructure in-kind or payment toward community infrastructure through a VPA.

As the Burwood LGA continues to grow, with its population expected to double over the next decade, demand for supporting public infrastructure will increase significantly. Expanding the application of these planning agreement clauses in higher-density areas will help facilitate the delivery of essential community infrastructure needed to support this growth.

The draft Policy has been reviewed for legal accuracy and to ensure its wording is effective and consistent with current planning legislation.

### **Proposal**

Council proposes to amend Clause 4.3A (Exceptions to height of buildings) and Clause 4.4A (Exceptions to floor space ratio) of the BLEP 2012, ensuring these provisions are consistent with the Draft Planning Agreement Policy 2025. These amendments aim to expand bonus floor space provisions beyond the Burwood Town Centre to higher-density zones such as R1, R3, MU1 and E1, support the delivery of community infrastructure more broadly across the LGA, and require developers to achieve design excellence, respond appropriately to the desired local character, and improve sustainability performance.

The bonus floor space provisions will be facilitated as part of planning agreement where development includes development for a "public purpose" consistent with the VPA provisions of the EP&A Act, rather than referencing only "community infrastructure". Furthermore, development applications seeking to access the bonus provisions through a VPA must satisfy the design excellence requirements in clause 6.5 of the BLEP 2012, be compatible with the character of the local area, and for BASIX-affected development, exceed the BASIX water target by at least 10% and the BASIX energy target by at least 10%.

Specifically, the proposed amendments to BLEP 2012 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 VPA 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:
  1. It achieves Design Excellence under Clause 6.5 of the BLEP 2012.
  2. 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.
  3. 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.

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 relating to Council's Croydon Masterplan, 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 did not proceed, as the higher-density development controls in Burwood Town Centre and Burwood North were not proposed under the Croydon Masterplan. Consequently, a separate, Council-led planning proposal is being prepared to achieve this outcome and once completed will be applied alongside the proposed BLEP amendments that will operate concurrently with the new Draft Burwood Planning Agreement Policy 2025.

The objective of the new draft Policy and the amended BLEP 2012 provisions is to increase the provision of community infrastructure across the Burwood LGA, while ensuring that future buildings are well designed and deliver a high level of amenity for residents and users.

#### **Consultation**

The Draft Burwood Planning Agreement Policy 2025 was publicly exhibited on Council's Participate Burwood online engagement platform for eight (8) weeks in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2021* and Council's *Community Participation Plan*.

The exhibition was extended due to the timing of the notification over the Christmas and New Year period. Members of the public, stakeholders and affected parties were able to view the proposal and provide their comments through the platform. Council received two (2) public submissions, which are summarised below.

Table 1: Summary of public submissions

Submission received	Council's Response
<p>The submission from a private resident raises strong concerns about extending bonus floor space provisions into the R1 General Residential zone, arguing that such areas are intended to maintain Burwood's established suburban character. The author contends that bonus floor space would encourage bulkier developments that are out of scale with existing housing, placing pressure on narrow residential streets with limited parking and already-constrained traffic conditions. They contend that local schools, parks, and utilities are planned around current population levels, and increasing development capacity without parallel infrastructure upgrades could compromise service quality and liveability for existing residents.</p> <p>The submission also asserts that the R1 zone serves as a transition area between higher-density areas and low-density areas, and that extending bonus provisions into these neighbourhoods blurs this zoning hierarchy. The author argues that smaller R1 lots are poorly suited to delivering meaningful affordable housing outcomes, risking added density without corresponding community benefit. They express concern about insufficient community consultation and the potential erosion of trust in Council's planning processes.</p> <p>On this basis, the submission urges Council to restrict bonus floor space provisions to strategic growth areas, specifically the Burwood Town Centre, R3 Medium Density, MU1 Mixed Use, and E1 Local Centre zones.</p>	<p>Council acknowledges that some streets and lots within the R1 General Residential zone have comparatively narrower dimensions, which may limit their capacity to accommodate higher-density development. While the amended LEP development standards under this Planning Proposal are intended to enable additional floor space and height in specific circumstances, Council recognises that not all R1-zoned sites within the Burwood LGA will be suitable or eligible for these incentives.</p> <p>The R1 General Residential zone is not intended to function as a transition zone between higher-density and low-density residential areas. For instance, in the local context, the high-density Burwood Town Centre directly adjoins R2 Low Density Residential zoned areas to its east and south. The R1 zone functions as a distinct residential area, intended to accommodate a diverse range of housing types and densities, consistent with the stated objectives of the zone within the LEP.</p> <p>Future development applications and any associated Planning Agreements will be assessed individually on a case-by-case basis. Consideration will be given to matters such as location, site area, site width, vehicular access, parking provision, traffic impacts, local character and the existing streetscape to determine the suitability of each site for development.</p>

**Item Number 24/26 - Attachment 1**

**DRAFT Planning Proposal Report - Planning Agreement Policy BLEP Amendments to clauses 4.3A & 4.4A**

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Burwood Local Planning Panel Meeting

15 April 2026

<b>Submission received</b>	<b>Council's Response</b>
<p>Urban Taskforce Australia lodged a submission to Council on 21 January 2026 to the Draft Burwood Planning Agreement Policy 2025 and the proposed amendments to the Burwood Local Environmental Plan 2012. Council notes that the submission primarily focuses on matters concerning details of the exhibited Draft Burwood Planning Agreement Policy 2025, and no commentary on the proposed amendments to clauses 4.3A and 4.4A of BLEP.</p> <p>The submission specifically raises concerns about several operational and legal aspects of the exhibited Draft Burwood Planning Agreement Policy and agreement template, and provides feedback on specific clauses of the exhibited Draft Burwood Planning Agreement Policy 2025 and template, recommending clearer definitions, streamlined land dedication processes, reduced reliance on caveats, capped Council cost recoveries, and the inclusion of appropriate timeframes for approvals, variations, and dispute resolution.</p> <p>Overall, the submission encourages Council to review these matters with legal advisors to ensure the final policy and agreement template are workable, consistent, and aligned with industry practice.</p>	<p>Council notes the submission made by Urban Taskforce Australia in relation to specific parts of the exhibited Draft Burwood Planning Agreement Policy 2025 and is undertaking a review.</p> <p>Council also notes that the submission made by Urban Taskforce Australia does not make any comment in relation to the proposed amendments to clauses 4.3A and 4.4A of BLEP, the subject of the Planning Proposal.</p>

**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 will replace both the Planning Agreements Policy 2018 and the Policy – *Carrying out Bonus Development in the Public Interest*. This will establish a consolidated and integrated framework for the preparation, negotiation and execution of planning agreements in association with future development applications and Planning Proposals.

Replacing Council's existing policies, which currently facilitate the consideration and delivery of public infrastructure through planning agreements, will require an amendment to the BLEP 2012. These amendments will ensure consistency with the principles and objectives of the Draft Burwood Planning Agreement Policy 2025, which reflects current legislation, guidelines and best-practice approaches to planning agreements.

The development of this policy represents a key step in the broader review of Council's infrastructure contributions framework. During the 2026/27 financial year, Council will commence work to review and refine the infrastructure strategies that underpin its Section 7.11 and 7.12 contributions plans.

If endorsed, the revised VPA Policy will supersede the current VPA Policy (Reference Number 18/48786), adopted by Council on 30 October 2018.

**Financial Implications**

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

**Conclusion**

The Draft Planning Agreement Policy 2025 has been prepared to align with updated planning legislation, State Government guidelines and current best practice, ensuring that public benefits arising from development are delivered in a fair, transparent and consistent manner.

To support the implementation of this policy, amendments to Clauses 4.3A and 4.4A of the BLEP 2012 are proposed to enable their broader application within higher-density zones. These changes will facilitate the delivery of essential community infrastructure while ensuring that development demonstrates design excellence, respond appropriately to the desired local character, and improve sustainability performance.

It is recommended that the Burwood Local Planning Panel support the Planning Proposal and provide advice to Council to proceed with the proposed BLEP 2012 amendments.

**Recommendation(s)**

That the Burwood Local Planning Panel:

1. Considers the Draft Burwood Planning Agreement Policy (Attachment 1)
2. Endorse the preparation of a Planning Proposal to amend the Burwood Local Environmental Plan 2012 (Attachment 2)
3. Delegate the General Manager to undertake minor modifications to any numerical, typographical, interpretation and formatting errors, or amend any element of the Planning Proposal in Attachment 1 to meet the requirements for Gateway Determination
4. Note the submissions received during public exhibition of the Draft Burwood Planning Agreement Policy and BLEP 2012 amendments (Attachment 3)

**Attachments**

- 1 Council Meeting Report - 28.10.2025
- 2 Council Meeting Minutes - 28.10.2025
- 3 Draft Burwood Planning Agreement Policy - October 2025
- 4 Draft Planning Proposal Report - BLEP Amendment to clauses 4.3A & 4.4A
- 5 Combined Submissions (2 items)

## Attachment 6 – BLPP Meeting Minutes – 15.04.2026



### BURWOOD LOCAL PLANNING PANEL MEETING

MINUTES OF THE MEETING OF THE BURWOOD LOCAL PLANNING PANEL held at the CONFERENCE ROOM, 2 CONDER STREET BURWOOD on Wednesday 15 April 2026 commencing at 6:00 PM.

**Attendance**

Kevin Hoffman, Chair  
 Awais Piracha  
 Annette Ruhotas  
 Kristy Wellfare

Jai Reid, Manager City Development  
 Alastair Sim, Senior Development Planner  
 Julian Sciarone, Executive Assessment Planner  
 Helen Budd, Executive Strategic Planner  
 Sumathi Navaratnam, Manager City Planning  
 Catherine Hanna, Cadet Planner  
 Zac Moore, Development Advisory Planner

**Opening of meeting**

The meeting opened at 6:00 pm

The Chair opened the meeting with Acknowledgement of Country.

**Apologies**

There were no apologies.

**Declarations of Interest**

There were no declarations of interests by Panel Members.

**Address by the public on agenda items**

Name	Item
Item GB1/26	Amendments to BLEP 2012 to include City Activation Exempt Provision
Item DA6/26	Section 4.55(2) of DA.2025.30 – Suite 3/1, Level 2, 1-17 Elsie St Burwood NSW 2134
Item DA7/26	Section 4.55(2) modification to DA.2018.112 at 106-108 Wentworth Road, Burwood
Item GB2/26	Planning Proposal – Planning Agreement Policy BLEP 2012 Amendments
Item DA8/26	Development Application DA.2025.88 at 63 Conder Street, Burwood
Item GB3/26	Heritage Delegations Update

This is page 1 of the Minutes of the Burwood Local Planning Panel Meeting of Burwood Council held on 15 April 2026

for refusal listed at 1 - 5 above.

**Reasons for the decision**

The Panel reviewed the Council officer's assessment report, architectural plans, and supporting documentation, inspected the development site and familiarised itself with the environment, and heard from the applicant and the objectors. The Panel does not consider the development responds satisfactorily to the site and agrees with the officer's recommended reasons for refusal. The Panel notes the ability of the applicant to seek a review of the determination in accordance with 8.2 of the Environmental Planning and Assessment Act 1979.

The Panel voted unanimously.

**(Item GB2/26) Planning Proposal - Planning Agreement Policy BLEP 2012 Amendments**

File No: 26/9817

**Summary**

Council at its meeting of 28 October 2025 considered a report (**Attachment 1**) outlining details of a new Draft Burwood Planning Agreement Policy 2025 to align with updated legislation and guidelines. At this meeting Council resolved (**Attachment 2**) to publicly exhibit the Draft Burwood Planning Agreement Policy 2025 (**Attachment 3**) and proposed amendments to the Burwood Local Environmental Plan 20212 (BLEP) to enable the delivery of community infrastructure to a broader catchment of high-density developments within the Burwood local government area.

Council has prepared a Planning Proposal to amend Clause 4.3A (Exceptions to height of buildings) and Clause 4.4A (Exceptions to floor space ratio) of the Burwood Local Environmental Plan (BLEP) 2012, ensuring these provisions are consistent with the Draft Planning Agreement Policy 2025.

The new Draft Planning Agreement Policy 2025 (draft Policy) was prepared to align with updated legislation and best practice, State Government guidelines and ensure public benefits from development are delivered fairly and transparently.

The proposed amendments aim to expand bonus floor space provisions beyond the Burwood Town Centre to higher-density zones including Zone R1 General Residential, Zone R3 Medium Density Residential, Zone E1 Local Centre, and Zone MU1 Mixed Use, support the delivery of community infrastructure more broadly across the LGA, and require developers to achieve design excellence, respond appropriately to the desired local character, and improve sustainability performance.

This report seeks the Burwood Local Planning Panel's endorsement of the Draft Planning Proposal to amend Clauses 4.3A and 4.4A of the BLEP 2012, enabling it to progress to Gateway Determination.

**Operational Plan Objective**

- C.1.1 Support and deliver initiatives that encourage high-quality design, sustainable development and enhanced urban amenity.
- C.11.1 Conduct Council business with transparency, accountability, compliance

- and probity that ensures community confidence in decision making.
- C.3.1 Facilitate well designed, high quality and sustainable land use and development that is appropriately scaled to complement its surroundings.

**Resolution**

The Panel acknowledges the officer's recommendation and request that that Council staff review the value capture amount under the draft VPA policy to take into account feasibility arrangements.

As a note the Panel recommends that Council staff investigate a working group with the adjoining Councils of Strathfield and Canada Bay to consider town centre coordination.

The Panel voted unanimously.

**(Item DA8/26) Development Application DA.2025.88 at 63 Conder Street, Burwood**

File No: 26/14508

**Owner:** Mr R Ragonese & Mrs P Meduri  
**Applicant:** Glenn McCormack c/o BENSON MCCORMACK PTY LTD  
**Location:** 63 Conder Street, Burwood  
**Zoning:** R1 General Residential

**Proposal**

The development application, as amended, seeks consent for the demolition of existing structures and construction of a three-storey co-living housing development for a total of 40 residents, comprising 20 self-contained co-living rooms (max. 2 residents per room), communal indoor and outdoor spaces, basement-level amenities, and associated landscaping and stormwater drainage works.

The proposal is outlined in detail below:

**Co-Living Building Overview**

Demolition of the existing detached dwelling house and ancillary structures.  
Construction of a three-storey co-living housing building with a height of 10.813 m, containing twenty (20) co-living rooms, each containing a kitchenette, bathroom, study/workstation and bed. Each room will accommodate a maximum of two (2) residents.  
The building will contain a manager's office located on the ground floor to support on-site management and resident safety.  
A basement level containing a shared laundry room, bathroom, bicycle store room with 25 spaces (amended plans increased bicycle spaces from 3 to 25), on-site detention tank, rainwater tank, building services, accessed via stairs and lift.  
Four motorcycle spaces located at ground level (amended plans repositioned the motorcycle spaces to ensure unobstructed access at all times).  
Waste room area located on the ground floor (amended plans relocated the bulky waste and bin storage from the basement level to the ground floor for simpler and safer access).

**Communal Spaces**

## Agenda

**For a Notice of Burwood Local Planning Panel Meeting of Burwood Council to be held in the Conference Room, Level 1, 2 Conder Street, Burwood on Wednesday 15 April 2026 at 6.00pm.**

**Welcome to the meeting of the Burwood Local Planning Panel**

**I declare the Meeting opened at**

**1. Acknowledgement of Country**

*Burwood Council acknowledges the Wangal Peoples who are the traditional custodians of the area. We pay our respects to their elders past and present.*

**2. Introduction of Panel Members**

**3. Recording of Meeting**

*Members of the public are advised that Meetings of the Panel are audio recorded for the purpose of assisting with the preparation of Minutes and the recording of the public part of the meeting will be published on Council's website.*

**4. Explanation of how the panel will operate**

*The Panel has undertaken site investigations and we have before us reports provided by Burwood Council officers on the matters for consideration.*

*The Panel will make determinations on the matters before it. Each determination will include reasons for the determination, and all such details will be included in the official record of the meeting.*

**5. Apologies/Leave of Absences**

**6. Declarations of Interest by Panel Members**

**7. Chair introduction of Agenda Item**

**8. Council Officer Overview**

**9. General Business**

(Item GB1/26) Amendments to BLEP 2012 to include City Activation Exempt Provisions ..... 3

**10. Development Applications**

(Item DA6/26) Section 4.55(2) of DA.2025.30 - Suite 3/1, Level 2, 1-17 Elsie St Burwood NSW 2134..... 10

(Item DA7/26) Section 4.55(2) modification to DA.2018.122 at 106-108 Wentworth Road, Burwood ..... 25

(Item GB2/26) Planning Proposal - Planning Agreement Policy BLEP 2012 Amendments..... 48

(Item DA8/26) Development Application DA.2025.88 at 63 Conder Street, Burwood..... 54

(Item GB3/26) Heritage Delegations Update ..... 79

**(Item GB2/26) Planning Proposal - Planning Agreement Policy BLEP 2012 Amendments**

File No: 26/9817

Report by Senior Town Planner; Manager City Planning

**Summary**

Council at its meeting of 28 October 2025 considered a report (**Attachment 1**) outlining details of a new Draft Burwood Planning Agreement Policy 2025 to align with updated legislation and guidelines. At this meeting Council resolved (**Attachment 2**) to publicly exhibit the Draft Burwood Planning Agreement Policy 2025 (**Attachment 3**) and proposed amendments to the Burwood Local Environmental Plan 2012 (BLEP) to enable the delivery of community infrastructure to a broader catchment of high-density developments within the Burwood local government area.

Council has prepared a Planning Proposal to amend Clause 4.3A (Exceptions to height of buildings) and Clause 4.4A (Exceptions to floor space ratio) of the Burwood Local Environmental Plan (BLEP) 2012, ensuring these provisions are consistent with the Draft Planning Agreement Policy 2025.

The new Draft Planning Agreement Policy 2025 (draft Policy) was prepared to align with updated legislation and best practice, State Government guidelines and ensure public benefits from development are delivered fairly and transparently.

The proposed amendments aim to expand bonus floor space provisions beyond the Burwood Town Centre to higher-density zones including Zone R1 General Residential, Zone R3 Medium Density Residential, Zone E1 Local Centre, and Zone MU1 Mixed Use, support the delivery of community infrastructure more broadly across the LGA, and require developers to achieve design excellence, respond appropriately to the desired local character, and improve sustainability performance.

This report seeks the Burwood Local Planning Panel's endorsement of the Draft Planning Proposal to amend Clauses 4.3A and 4.4A of the BLEP 2012, enabling it to progress to Gateway Determination.

**Operational Plan Objective**

- C.1.1 Support and deliver initiatives that encourage high-quality design, sustainable development and enhanced urban amenity.
- C.11.1 Conduct Council business with transparency, accountability, compliance and probity that ensures community confidence in decision making.
- C.3.1 Facilitate well designed, high quality and sustainable land use and development that is appropriately scaled to complement its surroundings.

**Background**

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). 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.

This Planning Proposal has been prepared as a result of Burwood Council's resolution of 28 October 2025 to publicly exhibit the Draft Burwood Planning Agreement Policy 2025 and the

preparation of a Planning Proposal to amend the BLEP so that Clauses 4.3A and 4.4A can apply more broadly to higher density zones (R1, R3, MU1 and E1).

In line with Council's Operational Plan and updated guidelines issued by DPHI, a review of Council's VPA framework and policies was undertaken, informed by advice from ICAC and specialist consultants. 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. The new VPA Policy will operate alongside other contribution mechanisms established under the EP&A Act, including Section 7.11 and 7.12 development contributions.

The clauses within the BLEP 2012 which govern planning agreements include Clause 4.3A (Exceptions to height of buildings) and 4.4A (Exceptions to floor space ratio) which allow additional building heights and floor space for certain areas within and around the Burwood Town Centre, subject to the delivery of community infrastructure in-kind or payment toward community infrastructure through a VPA.

As the Burwood LGA continues to grow, with its population expected to double over the next decade, demand for supporting public infrastructure will increase significantly. Expanding the application of these planning agreement clauses in higher-density areas will help facilitate the delivery of essential community infrastructure needed to support this growth.

The draft Policy has been reviewed for legal accuracy and to ensure its wording is effective and consistent with current planning legislation.

### **Proposal**

Council proposes to amend Clause 4.3A (Exceptions to height of buildings) and Clause 4.4A (Exceptions to floor space ratio) of the BLEP 2012, ensuring these provisions are consistent with the Draft Planning Agreement Policy 2025. These amendments aim to expand bonus floor space provisions beyond the Burwood Town Centre to higher-density zones such as R1, R3, MU1 and E1, support the delivery of community infrastructure more broadly across the LGA, and require developers to achieve design excellence, respond appropriately to the desired local character, and improve sustainability performance.

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Specifically, the proposed amendments to BLEP 2012 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 VPA 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.

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The objective of the new draft Policy and the amended BLEP 2012 provisions is to increase the provision of community infrastructure across the Burwood LGA, while ensuring that future buildings are well designed and deliver a high level of amenity for residents and users.

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Submission received	Council's Response
<p>Urban Taskforce Australia lodged a submission to Council on 21 January 2026 to the Draft Burwood Planning Agreement Policy 2025 and the proposed amendments to the Burwood Local Environmental Plan 2012. Council notes that the submission primarily focuses on matters concerning details of the exhibited Draft Burwood Planning Agreement Policy 2025, and no commentary on the proposed amendments to clauses 4.3A and 4.4A of BLEP.</p> <p>The submission specifically raises concerns about several operational and legal aspects of the exhibited Draft Burwood Planning Agreement Policy and agreement template, and provides feedback on specific clauses of the exhibited Draft Burwood Planning Agreement Policy 2025 and template, recommending clearer definitions, streamlined land dedication processes, reduced reliance on caveats, capped Council cost recoveries, and the inclusion of appropriate timeframes for approvals, variations, and dispute resolution.</p> <p>Overall, the submission encourages Council to review these matters with legal advisors to ensure the final policy and agreement template are workable, consistent, and aligned with industry practice.</p>	<p>Council notes the submission made by Urban Taskforce Australia in relation to specific parts of the exhibited Draft Burwood Planning Agreement Policy 2025 and is undertaking a review.</p> <p>Council also notes that the submission made by Urban Taskforce Australia does not make any comment in relation to the proposed amendments to clauses 4.3A and 4.4A of BLEP, the subject of the Planning Proposal.</p>

**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 will replace both the Planning Agreements Policy 2018 and the Policy – *Carrying out Bonus Development in the Public Interest*. This will establish a consolidated and integrated framework for the preparation, negotiation and execution of planning agreements in association with future development applications and Planning Proposals.

Replacing Council’s existing policies, which currently facilitate the consideration and delivery of public infrastructure through planning agreements, will require an amendment to the BLEP 2012. These amendments will ensure consistency with the principles and objectives of the Draft Burwood Planning Agreement Policy 2025, which reflects current legislation, guidelines and best-practice approaches to planning agreements.

The development of this policy represents a key step in the broader review of Council’s infrastructure contributions framework. During the 2026/27 financial year, Council will commence work to review and refine the infrastructure strategies that underpin its Section 7.11 and 7.12 contributions plans.

If endorsed, the revised VPA Policy will supersede the current VPA Policy (Reference Number 18/48786), adopted by Council on 30 October 2018.

**Financial Implications**

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

**Conclusion**

The Draft Planning Agreement Policy 2025 has been prepared to align with updated planning legislation, State Government guidelines and current best practice, ensuring that public benefits arising from development are delivered in a fair, transparent and consistent manner.

To support the implementation of this policy, amendments to Clauses 4.3A and 4.4A of the BLEP 2012 are proposed to enable their broader application within higher-density zones. These changes will facilitate the delivery of essential community infrastructure while ensuring that development demonstrates design excellence, respond appropriately to the desired local character, and improve sustainability performance.

It is recommended that the Burwood Local Planning Panel support the Planning Proposal and provide advice to Council to proceed with the proposed BLEP 2012 amendments.

**Recommendation(s)**

That the Burwood Local Planning Panel:

1. Considers the Draft Burwood Planning Agreement Policy (Attachment 1)
2. Endorse the preparation of a Planning Proposal to amend the Burwood Local Environmental Plan 2012 (Attachment 2)
3. Delegate the General Manager to undertake minor modifications to any numerical, typographical, interpretation and formatting errors, or amend any element of the Planning Proposal in Attachment 1 to meet the requirements for Gateway Determination
4. Note the submissions received during public exhibition of the Draft Burwood Planning Agreement Policy and BLEP 2012 amendments (Attachment 3)

**Attachments**

- 1 Council Meeting Report - 28.10.2025
- 2 Council Meeting Minutes - 28.10.2025
- 3 Draft Burwood Planning Agreement Policy - October 2025
- 4 Draft Planning Proposal Report - BLEP Amendment to clauses 4.3A & 4.4A
- 5 Combined Submissions (2 items)



**Burwood** Inc.1874

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

## BURWOOD LOCAL PLANNING PANEL MEETING

MINUTES OF THE MEETING OF THE BURWOOD LOCAL PLANNING PANEL held at the CONFERENCE ROOM, 2 CONDER STREET BURWOOD on Wednesday 15 April 2026 commencing at 6:00 PM.

### Attendance

Kevin Hoffman, Chair  
 Awais Piracha  
 Annette Ruhotas  
 Kristy Welfare

Jai Reid, Manager City Development  
 Alastair Sim, Senior Development Planner  
 Julian Sciarrone, Executive Assessment Planner  
 Helen Budd, Executive Strategic Planner  
 Sumathi Navaratnam, Manager City Planning  
 Catherine Hanna, Cadet Planner  
 Zac Moore, Development Advisory Planner

### Opening of meeting

The meeting opened at 6:00 pm

The Chair opened the meeting with Acknowledgement of Country.

### Apologies

There were no apologies.

### Declarations of Interest

There were no declarations of interests by Panel Members.

### Address by the public on agenda items

Name	Item
Item GB1/26	Amendments to BLEP 2012 to include City Activation Exempt Provision
Item DA6/26	Section 4.55(2) of DA.2025.30 – Suite 3/1, Level 2, 1-17 Elsie St Burwood NSW 2134
Item DA7/26	Section 4.55(2) modification to DA.2018.112 at 106-108 Wentworth Road, Burwood
Item GB2/26	Planning Proposal – Planning Agreement Policy BLEP 2012 Amendments
Item DA8/26	Development Application DA.2025.88 at 63 Conder Street, Burwood
Item GB3/26	Heritage Delegations Update

This is page 1 of the Minutes of the Burwood Local Planning Panel Meeting of Burwood Council held on 15 April 2026

**General Business****(Item GB1/26) Amendments to BLEP 2012 to include City Activation Exempt Provisions**

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File No: 25/68633

**Summary**

Council has prepared a Planning Proposal (Attachment 1) to amend Schedule 2 of the Burwood Local Environmental Plan 2012 (BLEP) by adding new exempt development provisions to reduce red tape and facilitate further city activation initiatives without the need for a development application.

The Planning Proposal is in response to Council's resolution at its meeting on 23 September 2025, which endorsed the preparation of a Council-led Planning Proposal and public exhibition.

This report seeks the Burwood Local Planning Panel's Advice of the Planning Proposal for its progression to Gateway Determination.

**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.9 Safe, clean and activated streets, centres and public places are enjoyed by people day and night
- 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
- P.38 Deliver attractive, healthy streetscapes and centres that are inviting and foster community pride
- P.34 Facilitate the growth and prosperity of local businesses and target the growth of business sectors and growth industries
- A.79 Undertake activities that support new economic growth in the Burwood North Precinct and Burwood Town Centre
- A.80 Implement activities or initiatives that enhance Burwood's night-time economy

**Background**

On 23 September 2025 Council resolved to endorse the preparation of a Planning Proposal to amend the *Burwood Local Environmental Plan 2012* (BLEP 2012) by

incorporating new exempt development provisions under Schedule 2 of BLEP 2012. The intent of these new provisions is to reduce red tape and facilitate further city activation initiatives without the need for a development application. This is intended to be done whilst still maintaining appropriate governance through Local Government Act, Roads Act, and Crown Land Act legislation, as well as landowner consent where Council is the predominant landholder. These provisions would also support Council initiatives such as *Licence to Play*.

The proposed exempt development provisions would apply to public art on footpaths, including sculptures, murals and pavement installations; street art; the temporary use of Council land or roads for community and fundraising events; the display of goods on footpaths; outdoor dining associated with food and drink premises; mobile food vending vehicles (food trucks); and advertisements, such as bus and taxi rank shelter signs. These provisions are intended to create a more seamless implementation process for applicants seeking to improve the vibrancy of the Local Government Area (LGA), ultimately generating flow-on benefits for local businesses, the community, and visitors to Burwood.

These provisions were previously endorsed by Council in January 2025 as part of the Alternate Croydon Masterplan. However, the Department of Planning, Housing and Infrastructure (DPHI) has since advised that it will not proceed with the adoption of the exempt provisions via the Croydon SEPP as they have LGA-wide implications. As a result, to progress these initiatives, a Council Planning Proposal to amend Schedule 2 of BLEP 2012 is required.

### **Resolution**

The Panel acknowledges the officer's recommendation and request that Council staff consider the impact of the proposed provisions for 'Public art on footpaths, including sculptures, murals and pavement installations' and 'Advertisements—bus and taxi rank shelter signs' on heritage conservation areas, and whether the proposed provisions be amended to exclude the application of the proposed exempt development within a heritage conservation area.

The Panel voted unanimously.

### **Development Applications**

#### **(Item DA6/26) Section 4.55(2) of DA.2025.30 - Suite 3/1, Level 2, 1-17 Elsie St Burwood NSW 2134**

File No: 26/3691

**Owner:** Burwood Council  
**Applicant:** Mingkang Yang  
**Location:** Suite 3/1, Level 2, 1-17 Elsie St Burwood NSW 2134  
**Zoning:** **MU1 Mixed Use Zone under Burwood Local Environmental Plan 2012**

### **Proposal**

The modification application seeks to adjust the internal layout, install louvres behind the first-floor balcony, reduce the maximum number of occupants, and enlarge the smoking room of the previously approved amusement centre on the commercial tenancy located at Suite 3/1, Level 2, 1-17 Elsie Street, Burwood.

The specifics of the proposed modification are as follows:

- Removal of two (2) toilets from the amusement centre
- Removal of a Mahjong room containing two tables and a dedicated bathroom
- Removal of the display room
- Amend the previously endorsed plan of management
- Increase the size of the smoking room
- Construction of two (2) new Mahjong rooms, each containing a single table
- Enclosing two Billiard rooms with new partition walls
- Revising the layout of the ancillary snack bar
- Construction of a new storage room adjacent to the main entrance
- Construction of a new reception and service counter
- Relocation of the server room
- Construction of a new reception counter
- Installation of louvres on the existing balcony adjacent to the smoking room
- Amend Condition 13 (a) to reduce the maximum number of occupants permitted on the premises from 210 to 145.

**13 MAXIMUM CAPACITY OF PERSONS**

- (a) The maximum number of persons (including staff and patrons) permitted in the premises at any one time is **145** persons.
- (b) Notwithstanding (a) above, the maximum number of staff and patrons on the premises must not exceed 110 persons between 1:00 AM and 8:00 AM.
  - (i). The manager is responsible for ensuring that the number of persons in the premises does not exceed that specified above.
  - (ii). A sign in letters not less than 25mm in height must be fixed at the main entry point to the premises stating the maximum number of persons, as specified in the development consent, that are permitted in the premises.

**BLPP Referral Criteria**

Pursuant to the Ministerial directions dated 6 May 2024, under Section 9.1 of Environmental Planning and Assessment Act 1979, the DA is to be determined by the Burwood Local Planning Panel for the following reasons:

- 1. The consent authority, Council, is the landowner of the subject site. In accordance with the Ministerial order issued on 6 May 2024, where a development application or a modification of development relates to land owned by Council, the application must be referred to the local planning panel for determination.

***Recommendation(s)***

That Section 4.55(2) Modification Application of DA.2025.63 which seeks consent to adjust the internal layout, install louvres behind the first-floor balcony, reduce the maximum number of occupants, and enlarge the smoking room of the previously approved amusement centre on land at 1-17 Elsie Street BURWOOD, be approved, subject to the modified conditions provided within Attachment 1 of this report.

**Reasons for the decision**

The Panel reviewed the Council officer assessment report, architectural plans, and supporting documentation and heard from the applicant. The Panel supports the officer's assessment. The Panel is satisfied that the development as amended is substantially the same development as that originally approved and the amendment is supported.

The Panel voted unanimously.

**(Item DA7/26) Section 4.55(2) modification to DA.2018.122 at 106-108 Wentworth Road, Burwood**

File No: 26/13980

**Owner:** Ben Saade  
**Applicant:** Kirapat (Nick) Khangrang c/o The Trustee for BCA UNIT TRUST  
**Location:** 106-108 Wentworth Road, Burwood  
**Zoning:** R1 General Residential

**Proposal**

This section 4.55(2) modification application proposes changes to an approved 5-storey residential flat building containing 19 apartments with basement car parking for 28 vehicles over 2 levels and associated site landscaping.

The development was originally granted consent under DA.2018.122 and later modified through a subsequent section 4.55 modification.

The proposed changes primarily result from Sydney Water requirements and necessary service diversions which have prompted design amendments, particularly to the front of the building. Additional amendments are also proposed with the stated aim of enhancing buildability, functionality, and overall construction efficiency.

**The proposed changes are outlined in detail below:**

**Sydney Water Diversions and Resulting Amendments to Building Footprint and Envelope**

The original development application proposed diverting a Sydney Water underground trunk drainage culvert, relying on coordination with adjoining landowners. However, as neighbouring property owners have not granted the necessary consents, the development has been redesigned so that Sydney Water assets are fully contained within the site. Following consultation with Sydney Water, the existing pipelines are now to be retained in situ and concrete-encased.

As a result, amendments to the building footprint and external form are required, including the introduction of a diagonal chamfer front façade, including the basement, to provide the clearances needed for the pipework alignment.

As a result of the changes, the gross floor area of the development has been reduced by 73.01 m<sup>2</sup>, from 1,697.19 m<sup>2</sup> to 1,624.18 m<sup>2</sup>.

**Internal Layout and Apartment Mix Adjustments**

Internal reconfiguration across multiple floors **accommodates** the revised service requirements and resulting front façade chamfer, with units (G.01, 1.01, 2.01, and 3.01) having altered layouts.

While the total number of units in the development remains unchanged (19 units), unit G.01 has been reduced from a three-bedroom to two-bedroom layout, and units 1.01, 2.01, and 3.01 have been reduced from three-bedroom to one-bedroom layouts.

Basement levels have reductions in parking and bicycle spaces, reconfigured storage, removal of certain services, and relocation of bulky waste areas.

Reduction in Parking Spaces

Residential car spaces reduced from 24 to 22  
Bicycle storage spaces reduced from 10 to 8.

Complete Enclosure of Roof Lift Lobby

The previously open lift lobby canopy is proposed to be replaced with a full enclosure using fixed glazing and a door for improved weather protection.

Increase in Building Height and Adjustments of Floor Levels

Minor adjustments to floor levels are proposed, generally an increase of 100 mm, and a 10 mm increase at Ground Floor level, with the stated aim of improving construction feasibility and services coordination within the building.

As a result, the maximum building height increases from 21.48 m (RL 37.050) to 21.88 m (RL 37.450), an increase of 400 mm.

New façade treatment and extension of side balconies on Level 4

Modifications to the uppermost level (Level 4), including an updated front façade design and the addition of new, larger window openings, to achieve a more cohesive integration with the lower level and reduce the appearance of a “floating” or isolated form.

Northern side balconies have also been pushed out to regularise the form of the uppermost level.

Window and Façade Detailing

Façade window framing has been removed.

Addition of 5mm render groove line to the front façade to improve articulation.

Landscaping and Open Space

The proposal increases open space to 288.99m<sup>2</sup>, incorporating 39.39m<sup>2</sup> of additional landscaped open space within the front setback area.

Planter boxes have been reduced in size to suit the selected plant species. Moreover, a large canopy Turpentine tree, expected to reach 25 m in height with a 12 m spread, has been added to the southwest corner of the site.

Amendments to conditions of consent

The application also proposes amendments to relevant conditions to reflect the changes proposed under this modification application.

**BLPP Referral Criteria**

Pursuant to the Ministerial direction, under Section 9.1 of the *Environmental Planning and Assessment Act 1979*, the DA is to be determined by the BLPP for the following reasons:

1. The development contravenes the Height of Buildings development standard imposed by the Burwood Local Environmental Plan by 10%.
2. Development to which State Environmental Planning Policy (Housing) 2021 - Chapter 4 Design of residential apartment development applies.

**Recommendation(s)**

That this section 4.55(2) modification to development consent no. **DA.2018.122**, which proposes amendments to an approved 5-storey residential flat building at 106–108 Wentworth Road, Burwood 2134, be refused for the following reasons:

1. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the modified proposal is inconsistent with Chapter 2 – Standards for Residential Development (BASIX) of the State Environmental Planning Policy (Sustainable Buildings) 2022, as the development constitutes BASIX development and a valid amended BASIX certificate has not been provided.
2. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the modified proposal is inconsistent with clause 147(1)(a) of State Environmental Planning Policy (Housing) 2021, as it is inconsistent with Design Principles 1, 2, 4, 6 and 9 in Schedule 9.
3. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the modified proposal is inconsistent with clause 147(1)(b) of State Environmental Planning Policy (Housing) 2021, as it is inconsistent with Objective 3A-1, Objective 3C-1, Objective 3C-2, Objective 4M-1 and Objective 4M-2 of the Apartment Design Guide.
4. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the modified proposal is inconsistent with Part 4.1 – Residential Flat Buildings in the R1 Zone of the Burwood Development Control Plan, specifically:
  - a. Section 4.1.2 – Development Controls: Building Design, Objective O1.
5. Pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, the likely impacts arising from the modified proposal, including built form and design impacts, are considered unacceptable. The applicant was provided with two opportunities to satisfactorily address these concerns through the submission of amended plans and supporting documentation; however, the identified issues remain unresolved.
6. Pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the development is not in the public interest having regard to reasons

for refusal listed at 1 - 5 above.

**Reasons for the decision**

The Panel reviewed the Council officer's assessment report, architectural plans, and supporting documentation, inspected the development site and familiarised itself with the environment, and heard from the applicant and the objectors. The Panel does not consider the development responds satisfactorily to the site and agrees with the officer's recommended reasons for refusal. The Panel notes the ability of the applicant to seek a review of the determination in accordance with 8.2 of the Environmental Planning and Assessment Act 1979.

The Panel voted unanimously.

**(Item GB2/26) Planning Proposal - Planning Agreement Policy BLEP 2012 Amendments**

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File No: 26/9817

**Summary**

Council at its meeting of 28 October 2025 considered a report (**Attachment 1**) outlining details of a new Draft Burwood Planning Agreement Policy 2025 to align with updated legislation and guidelines. At this meeting Council resolved (**Attachment 2**) to publicly exhibit the Draft Burwood Planning Agreement Policy 2025 (**Attachment 3**) and proposed amendments to the Burwood Local Environmental Plan 20212 (BLEP) to enable the delivery of community infrastructure to a broader catchment of high-density developments within the Burwood local government area.

Council has prepared a Planning Proposal to amend Clause 4.3A (Exceptions to height of buildings) and Clause 4.4A (Exceptions to floor space ratio) of the Burwood Local Environmental Plan (BLEP) 2012, ensuring these provisions are consistent with the Draft Planning Agreement Policy 2025.

The new Draft Planning Agreement Policy 2025 (draft Policy) was prepared to align with updated legislation and best practice, State Government guidelines and ensure public benefits from development are delivered fairly and transparently.

The proposed amendments aim to expand bonus floor space provisions beyond the Burwood Town Centre to higher-density zones including Zone R1 General Residential, Zone R3 Medium Density Residential, Zone E1 Local Centre, and Zone MU1 Mixed Use, support the delivery of community infrastructure more broadly across the LGA, and require developers to achieve design excellence, respond appropriately to the desired local character, and improve sustainability performance.

This report seeks the Burwood Local Planning Panel's endorsement of the Draft Planning Proposal to amend Clauses 4.3A and 4.4A of the BLEP 2012, enabling it to progress to Gateway Determination.

**Operational Plan Objective**

- C.1.1 Support and deliver initiatives that encourage high-quality design, sustainable development and enhanced urban amenity.
- C.11.1 Conduct Council business with transparency, accountability, compliance

- and probity that ensures community confidence in decision making.
- C.3.1 Facilitate well designed, high quality and sustainable land use and development that is appropriately scaled to complement its surroundings.

### Resolution

The Panel acknowledges the officer's recommendation and request that that Council staff review the value capture amount under the draft VPA policy to take into account feasibility arrangements.

As a note the Panel recommends that Council staff investigate a working group with the adjoining Councils of Strathfield and Canada Bay to consider town centre coordination.

The Panel voted unanimously.

### (Item DA8/26) Development Application DA.2025.88 at 63 Conder Street, Burwood

File No: 26/14508

**Owner:** Mr R Ragonese & Mrs P Meduri  
**Applicant:** Glenn McCormack c/o BENSON MCCORMACK PTY LTD  
**Location:** 63 Conder Street, Burwood  
**Zoning:** R1 General Residential

### Proposal

The development application, as amended, seeks consent for the demolition of existing structures and construction of a three-storey co-living housing development for a total of 40 residents, comprising 20 self-contained co-living rooms (max. 2 residents per room), communal indoor and outdoor spaces, basement-level amenities, and associated landscaping and stormwater drainage works.

The proposal is outlined in detail below:

#### Co-Living Building Overview

- Demolition of the existing detached dwelling house and ancillary structures.
- Construction of a three-storey co-living housing building with a height of 10.813 m, containing twenty (20) co-living rooms, each containing a kitchenette, bathroom, study/workstation and bed. Each room will accommodate a maximum of two (2) residents.
- The building will contain a manager's office located on the ground floor to support on-site management and resident safety.
- A basement level containing a shared laundry room, bathroom, bicycle store room with 25 spaces (amended plans increased bicycle spaces from 3 to 25), on-site detention tank, rainwater tank, building services, accessed via stairs and lift.
- Four motorcycle spaces located at ground level (amended plans repositioned the motorcycle spaces to ensure unobstructed access at all times).
- Waste room area located on the ground floor (amended plans relocated the bulky waste and bin storage from the basement level to the ground floor for simpler and safer access).

#### Communal Spaces

- The proposal provides 79m<sup>2</sup> of internal communal space, including shared kitchen, dining, media and lounge areas.
- 260m<sup>2</sup> of landscaped communal open space, including outdoor cooking facilities, seating and social areas.
- The design of the communal open space incorporates a 2.7 m acoustic barrier set back 900 mm from the northern side boundary, with a 5 metre-high landscaped buffer, and a combination of fixed and retractable roof elements to improve privacy and mitigate noise.

Waste Management

- Bulky waste storage relocated to the ground floor adjacent to the waste room and motorcycle spaces, upon advice from Council.
- Bin storage relocated to ground floor on a level surface, resolving safety and operational concerns, upon advice from Council.
- Dedicated FOGO bins provided and total waste capacity to meet Council's requirements.
- Inclusion of an Operational Waste Management Plan confirming commercial collection (rather than Council collection), on-site bulky waste collection, and procedures for bin movement if the lift is inoperable.

Stormwater Management

- Amended plans have revised the originally proposed pump out drainage system to a gravity-based stormwater drainage system, to meet Council's requirements.
- Stormwater discharge is via a proposed drainage easement over the adjoining property at No. 33 Nicholson Street.

Access, Parking & Transport

- 1 car-share parking space located within the building at ground floor level.
- 4 motorcycle spaces located within the building at ground floor level.
- 25 bicycle spaces located within the basement, increased from 3 to 25 in response to Council's advice.
- Pedestrian access to the building provided along the southern boundary.

Landscaping & Site Works

- Provision of site landscaping, tree planting and deep soil areas across the site, including but not limited to a landscaped buffer adjacent to the northern boundary.

**BLPP Referral Criteria**

Pursuant to the Ministerial direction dated 6 May 2024, under Section 9.1 of the *Environmental Planning and Assessment Act 1979*, the DA is to be determined by the BLPP for the following reasons:

1. The development contravenes development standards imposed by an environmental planning instrument by 10% or more.
2. Ten (10) or more unique submissions by way of objection. Fifteen (15) unique submissions by way of objection were received by Council.

**Recommendation(s)**

That development application no. DA.2025.88, which proposes the demolition of existing structures and construction of a three-storey co-living housing development comprising 20 self-contained co-living rooms, communal indoor and outdoor spaces, basement-level amenities, and associated landscaping and stormwater drainage works, at 63 Conder Street, Burwood, be approved subject to the conditions of approval (including deferred commencement conditions) contained in **Attachment 1**.

**Reasons for the decision**

The Panel reviewed the Council officer's assessment report, architectural plans, supporting documentation, and all objections, inspected the development site and familiarised itself with the environment, and heard from the applicant and objectors. The Panel has reviewed the 4.6 variation requests relating to car parking and height and is satisfied adequate justification has been given to warrant varying the development standards while remaining consistent with the zone and development standard objectives.

The use as a co-living development is noted as a permissible use within the R1 zone and is consistent with the desired future character within the Low to Mid Rise Housing Area and increasing the diversity of housing. In relation to car parking, the Panel notes existing residential parking schemes in place and a recommended condition of consent prohibiting future residents from obtaining a parking permit. This will serve to discourage potential tenants who own a vehicle, and encourage participation in the shared vehicle requirement, and/or the use of motor bikes or bicycles as alternative personal transport.

The Panel voted unanimously.

**(Item GB3/26) Heritage Delegations Update**

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File No: 26/14852

**Summary**

This report seeks to continue delegations that allow Council staff to determine minor works to locally listed heritage items (and certain tree works on heritage-listed sites), rather than requiring determination by the Local Planning Panel.

This will support timely assessment of routine applications (such as homeowner works and trading hours), reduce the number of minor matters reported to the LPP, shorten waiting times for applicants and owners, and allow the LPP to focus on more complex and contentious applications.

**Recommendation(s)**

Under section 2.20(8) of the *Environmental Planning and Assessment Act 1979*, the Burwood Local Planning Panel resolves to continue to delegate its determining functions on the following development types to the General Manager, Director City Strategy and Manager City Development:

**1. Minor alterations and additions to a heritage item, being defined to include:**

1. Maintains at least 90% of the heritage fabric; or
2. Does not adversely affect the heritage significance of the heritage item; and
3. Is supported in writing by Council's appointed heritage advisor/expert.

**2. Works to trees that are**

1. Heritage listed; or
2. On a heritage **listed** site **including conservation areas and individual items;**

and that:

1. Affect less than (or equal to) 10% of the tree canopy; and
2. Will not adversely impact upon the health of the tree; and
3. Will not adversely impact upon the heritage significance of the tree or place; and
4. Is supported in writing by Council's appointed heritage advisor/expert.

The Panel resolved to allow the permanent delegation of its functions for minor works to heritage items and trees as described in the recommendations.

The Panel voted unanimously.

The meeting closed at 8:10pm.

**(Item 25/26) Policy Housekeeping**

File No: 26/17234

Report by Director Corporate Services

**Summary**

A review of active Council policies has found that there are multiple policies, codes and plans that are no longer in use but have not been formally revoked by Council. The purpose of this report is to officially retire those policies.

**Operational Plan Objective**

A.106 Maintain, enhance and embed Council's governance, risk and compliance frameworks to support compliance and good governance.

**Background**

Council officers are currently reviewing policies, codes and plans that are still in force, with a particular focus on those that are past their designated review date. This review has identified several redundant or superseded policies.

Where a new or revised policy has been adopted by Council, the relevant former policy must be formally revoked by Council. This report proposes to revoke the first tranche of policies identified by this review. It is likely that further policies will be identified as the review continues.

**Proposal**

It is proposed the following policies and codes that were adopted by Council be revoked for the reasons outlined in the table below:

<b>Policy</b>	<b>Date of Approval</b>	<b>Action</b>	<b>Reason</b>
Off Street Car Parking Code	1 January 1982	Revoke	Provisions are contained within the Development Control Plan (DCP)
Townhouse Code	2 November 1999	Revoke	Provisions are contained within the DCP
Dual Occupancy Code	12 September 2000	Revoke	Provisions are contained within the DCP
Landscaping Code	23 March 2010	Revoke	Provisions are contained within the DCP
Tree Preservation Order (TPO) Policy	18 October 2011	Revoke	Provisions are contained within the DCP
Green Action Plan	1 July 2012	Revoke	Superseded by the Sustainable Burwood Plan
Burwood Library Community Notices Board Policy	24 April 2012	Revoke	Relates to the former Library on Deane Street
Burwood Library Meeting Room Use Policy	24 July 2012	Revoke	Relates to the former Library on Deane Street
Burwood Library and Community Hub Statement on Access to Information	23 February 2015	Revoke	Superseded by the Burwood Library Strategic Plan and Burwood Library Collection Development Policy

### **Planning or Policy Implications**

The 9 identified policies will be formally retired, to reflect the fact that they are no longer used in practice.

### **Conclusion**

Ongoing review of active Council policies has identified 9 policies that are redundant and should be formally revoked.

### ***Recommendation(s)***

That Council formally revoke the following:

1. Off Street Car Parking Code
2. Townhouse Code
3. Dual Occupancy Code
4. Landscaping Code
5. Tree Preservation Order Policy
6. Green Action Plan
7. Burwood Library Community Notices Board Policy
8. Burwood Library Meeting Room Use Policy
9. Burwood Library and Community Hub Statement on Access to Information

### **Attachments**

There are no attachments for this report.

## **(Item 26/26) Finance Policy Package - Endorsement for Public Exhibition**

File No: 26/16500

Report by Director Corporate Services

### **Summary**

The purpose of this report is to seek endorsement for the public exhibition of a package of finance-related policies that are required to support Council's financial management obligations under the *Local Government Act 1993*. The suite of policies are primarily long-standing policies that have been reviewed and updated to ensure they remain current and fit for purpose.

### **Operational Plan Objective**

- A.103 Implement and monitor appropriate investment strategies and prepare monthly investment reports.
- C11.1 Conduct Council business with transparency, accountability, compliance and probity that ensures community confidence in decision making

### **Background**

These finance-related policies are subject to periodic review. A comprehensive review has been undertaken, and the proposed updates are outlined below.

### **Proposal**

#### **Draft Aggregation of Land Values for Rating Purposes Policy**

The draft policy is based on the current *Aggregation of Land Values for Rating Purposes Policy* adopted in 2018 and has been reviewed to ensure alignment with the current legislation. Despite no significant changes to the applicable legislation, the review identified several areas where updates would improve readability and, therefore, make it easier to comply with the Policy.

An extra provision has been added relating to the aggregation of parcels within a strata scheme being that only one car park and one utility/storage lot can be aggregated with the occupiable business or residential lot in the strata scheme.

#### **Draft Loan and Borrowings Overdraft Policy**

The draft policy is based on the current *Loan Borrowings and Overdraft Policy* adopted in 2018 and has been reviewed to ensure alignment with the current legislation. Despite no significant changes to the applicable legislation, the review identified several areas where updates would improve readability and, therefore, make it easier to comply with the Policy.

#### **Back Dating of Pensioner Claims for Pensioner Rebates Policy**

The draft policy is based on the current *Back Dating of Pensioner Claims for Pensioner Rebates Policy* adopted in 2018 and has been reviewed to ensure alignment with the current legislation and administration requirements. There is one notable change, the draft policy limits the backdating of pensioner rebates to one previous rating year, where the current policy allowed three previous years. Based on the number of new pensioners Council processes in a year, this will unlikely have an impact on any residents. There are no significant changes to the applicable legislation, however, the review identified several areas where updates would improve readability and, therefore, make it easier to comply with the Policy.

## Investment Policy

The draft policy is based on the current *Investment Policy* adopted in 2018 and has been reviewed to ensure alignment with the current legislation and guidelines. The main changes are listed below. In addition, the review identified several areas where updates would improve readability and, therefore, make it easier to comply with the Policy. The updated Policy clarifies definitions and reporting responsibilities, whilst simplifying the process and forms for managing disclosures.

The reason for these changes is to enable Council to maximise its return on investments. The main changes for the investment report relate to the following tables:

### *Portfolio Credit Framework*

#### Draft Policy

- Long Term Rating	- Maximum Portfolio Limit
- AAA	- 100%
- Major Banks* AA-	- 100%
- TCorp IM Funds	- 10%
- A+ to A-	- 70%
- BBB+ to BBB	- 40%
- BBB- to Unrated	- 10%

#### Current Policy

Long Term Rating	Maximum Portfolio Limit
AAA	100%
Major Banks* AA-	100%
A+ to A-	30%
BBB+ to BBB	20%
BBB- to Unrated	10%
TCorp IM Funds	100%

### *Individual Counterparty Credit Framework*

#### Draft Policy

- Long Term Rating	- Maximum individual Limit
- Federal or NSW Government	- 50%
- AAA	- 50%
- Major Banks AA-	- 40%
- A+ to A-	- 30%
- BBB+ to BBB	- 15%
- BBB- to Unrated	- \$250,000

#### Current Policy

Long Term Rating	Maximum individual Limit
Federal or NSW Government	100%
AAA	100%
Major Banks AA-	100%
A+ to A-	20%
BBB+ to BBB-	10% Note
BBB- to Unrated	\$250,000

Council recently appointed a new investment advisor being Arlo Advisory Pty Ltd.

### **Consultation**

It is proposed to place these policies on public exhibition for 28 days and invite submissions from the public. If no submissions are received, it is proposed that the policies be automatically adopted without further amendment. If submissions are received, a further report will be brought back to Council.

### **Planning or Policy Implications**

No planning or additional policy implications.

### **Financial Implications**

No financial implications.

### **Conclusion**

The finance-related policies presented in this report represent a necessary and prudent step in ensuring Council's continued compliance with its obligations under the *Local Government Act 1993*. The reviewed and updated suite of policies reflects Council's commitment to sound financial governance and transparent public accountability. Public exhibition of these policies will provide the community with an opportunity to review and comment on the frameworks that underpin Council's financial management practices.

### **Recommendation(s)**

That Council:

1. Places the following draft policies contained in Attachments 1–5 on public exhibition for a period of 28 days and invites submissions from the public:
  - a) Draft Aggregation of Land Values for Rating Purposes Policy
  - b) Draft Loan and Borrowings Overdraft Policy
  - c) Draft Backdating of Claims for Pensioner Rebate Policy
  - d) Draft Investment Policy
2. If submissions are received for a policy listed in Item 1, directs the General Manager to report on the outcome of public exhibition for that policy at the next ordinary meeting of Council following the last date for the lodgement of submissions.
3. If no submissions are received for a policy listed in Item 1, adopts that policy without further amendment and authorises the General Manager to make any minor editorial or typographical corrections to the policy considered necessary before the document becomes effective.

### **Attachments**

- 1 [↓](#) Draft Aggregation of Land Values for Rating Purposes
- 2 [↓](#) Draft Loan Borrowing and Overdraft Policy
- 3 [↓](#) Draft Backdating of Claims for Pensioner Rebates Policy
- 4 [↓](#) Draft Investment Policy



**Burwood** <sup>Inc.1874</sup>

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## **AGGREGATION OF LAND VALUES FOR RATING PURPOSES POLICY**

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Website: [www.burwood.nsw.gov.au](http://www.burwood.nsw.gov.au)

Corporate Document  
Adopted by Council:  
Trim No:  
Version No.  
Ownership: Finance

Aggregation of Land Values for Rating Purposes Policy

**Purpose**

---

The purpose of this policy is establish the mechanisms in place to assist ratepayers to minimise the level of rates paid pursuant to Section 548A of the *Local Government Act 1993* (the Act).

**Scope**

---

This policy applies to owner occupiers of residential property of the Burwood Council Local Government Area who wish to make application for the aggregation of land values for rating purposes as a form of rates relief.

**Aggregating Land Values for Rating Purposes**

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The Valuer General issues separate values to licences, permissive occupancies and enclosure permits where land subject to Crown Land Lease does not adjoin the freehold property e.g. a wharf separated by a road or a reserve.

The *Local Government Act 1993* (the Act) requires rates to be levied on each 'parcel of land' that is separately valued.

Where, in Council's opinion, the levying of separate rates applies unfairly Council may apply this policy to aggregate the land values for rating purposes. The policy may also be applied to multiple lot assessments containing separate values for garages and car spaces.

**Requirements for Aggregation Applications**

---

Applications for Aggregation of Land Values must be determined in accordance with Section 548A of the Act, be made in writing and meet the following criteria:

- a. The applicant must be the owner of the property
- b. The property for which the application for aggregation applies must be the principal place of residency of the applicant(s)
- c. Parcels must have been separately valued by the NSW Valuer General
- d. Properties must be contiguous (i.e. adjoining) or, for Licences, associated with a residential assessment
- e. Parcels must have the same Ordinary Rate Category or same Special Rate Category or Sub-Category

For aggregation of parcels in a strata schemes the following additional criteria applies:

- f. Parcels must be within the same Deposited Plan or Strata Plan
- g. One car parking lot and one utility/storage lot to be aggregated with the occupiable business or residential lot in that strata scheme

If any parcel of land that has been aggregated is sold separately, the aggregation of land rates will cease to apply.

Land Parcels that do not comply with the aggregation guidelines will be charged the full rates and charges.

Aggregation of Land Values for Rating Purposes Policy

**Authority to Determine Assessment**

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Applications will be assessed by the Finance Team and approved by the Finance Manager.

Any ratepayer who is dissatisfied with the determination by the Finance Team under this policy may request that the Director of Corporate Services review the decision.

**Related Information**

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- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*

**Review**

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This policy will be reviewed every four years.

**Contact**

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Financial Manager on 9911 9911



**Burwood** <sup>Inc.1874</sup>

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## LOAN BORROWING AND OVERDRAFT POLICY

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Website: [www.burwood.nsw.gov.au](http://www.burwood.nsw.gov.au)

Public Document  
Adopted by Council:  
Trim No.:  
Version No.: 2  
Ownership: Finance

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## Purpose

The purpose of the Loan Borrowing and Overdraft Policy is to provide a framework for:

- funding infrastructure and other specific capital projects
- ensuring that all borrowings (both internal and external) are in accordance with legislative and regulatory requirements
- maintaining borrowing levels that are financially sustainable and within Council's capacity to service debt
- supporting industry best practice, maintaining a Debt Service Ratio greater than 0% and less than 20%

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## Background

The *Local Government Act 1993* (the Act) enables Council to borrow at any time for any purpose allowed under Sections 621–624 of the Act.

The *Local Government (General) Regulation 2021* requires Council to advise the Chief Executive, Office of Local Government (OLG) of amounts borrowed. Council does this by lodging an annual Requested Borrowing Return with OLG detailing projects to be funded for any borrowings for the following financial year.

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## Types of Borrowings

### Borrowings

Borrowings are money Council gets to fund its activities. This can come from external lenders or from internal sources and may be in the form of loans, overdrafts, or by any other means approved by the Minister for Local Government.

External borrowings usually mean loans from Authorised Deposit-Taking Institutions (ADIs) or the NSW Treasury Corporation (T-Corp).

### External Restricted Funds

Internal loans using external funds that have been set aside for specific purposes (externally restricted funds) do not need to be included in the OLG's Requested Borrowings Return.

Under Section 410(3) of the Act, those internal loans require Ministerial approval prior to being drawn. This process allows funds held for specific externally restricted purposes to be temporarily used for other Council activities but ensures the funds are still available for their original purpose when needed.

### Internal Restricted Funds

The use of internally restricted funds for a purpose other than originally determined is not considered an internal loan by the OLG.

Section 372 of the Act requires that reallocation of internally restricted funds requires a formal resolution of Council, including the rescission or amendment of the original restriction.

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## Financial Institutions Council may borrow from

The Local Government Borrowing Order (the Borrowing Order) is a formal direction made under the Act that sets the rules councils must follow when borrowing money. Under the Borrowing Order, Council cannot borrow from overseas sources or in any currency other than Australian dollars.

Loan Borrowing and Overdraft Policy

When Council needs to borrow money, it must get quotes from Australian lenders (like banks or NSW Treasury Corporation) and choose the best option, following the rules in the Borrowing Order.

Criteria for assessing the need for a loan

The following will be considered when assessing the need for new loans:

- Council will not borrow money to fund operating expenditure. This type of expenditure will be funded through operating revenue streams.
- Loans will only be used to finance capital projects if Council's internal reserves cannot accommodate the required capital commitment.
- The impact on inter-generational equity in terms of the ratepayers who benefit from the expenditure versus those who pay for the costs associated with such expenditure.
- Potential movements in interest rates and associated debt servicing costs.
- Any other strategic imperative that is linked to revenue and expenditure capacities
- Borrowing proposals must align with Council's Long Term Financial Plan, Asset Management Plans, and Community Strategic Plan to ensure financial sustainability and intergenerational equity.
- The purpose of the loan, noting this is restricted to those purposes outlined in the "Proceeds of Loan Borrowing" section of this policy.

Any proposed borrowing amount, once known, must be included in Council's Operational Plan and Revenue Policy.

Loan Terms

The loan term must not exceed the useful life of the asset being funded or 20 years, whichever is shorter.

Proceeds of Loan Borrowing

Loan proceeds must not be used for recurrent operational costs, maintenance, or general working capital. The proceeds of any loan borrowing will only be utilised to fund the following:

- land acquisitions
- asset acquisitions for strategic property holding
- new assets constructed, e.g. roads, sports/aquatic centres, sporting fields etc
- an asset replacement, e.g. road reconstruction
- an asset upgrade, e.g. footpath widening
- a specific and significant one-time asset renewal, i.e. replacement or refurbishment of a significant asset

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### **Borrowing Redemption**

When Council has surplus funds, it will decide whether to repay borrowings early based on the facts available at the time, with the aim of reducing overall costs to Council.

Council will only repay loans early if it saves more money than it costs, after taking into account any fees or penalties for early repayment.

### **Debt Service Ratio – Financial Sustainability**

Debt Service Ratio (DSR) is the measure of the level of debt servicing costs as a percentage of total revenue from ordinary activities. The DSR indicates the ability to service debt and the risk associated with debt and interest commitments. A DSR of greater than zero per cent and less than 20 per cent is recommended by the Office of Local Government.

Council will monitor its Debt Service Ratio in line with OLG performance indicators to ensure ongoing financial sustainability.

### **Overdraft**

Council has an overdraft facility established that is reviewed on an annual basis.

The overdraft facility is only used for short-term unavoidable and essential cash flow purposes. The use of the overdraft facility is to be jointly approved by the General Manager and Finance Manager.

### **Related Information/Glossary**

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*
- Minister for Local Government Borrowing Order
- Burwood Council Revenue Policy

### **Policy Review**

To be reviewed every four years or as required in the event of legislative changes.

### **Contact**

Finance Manager – 9911 9911



**Burwood** Inc.1874

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## **BACKDATING OF CLAIMS FOR PENSIONER REBATES POLICY**

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Corporate Document  
Adopted by Council:  
Version No.  
Document No.:  
Ownership: Finance

Backdating of Pensioner Claims for Pensioner Rebates Policy

**Purpose**

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The purpose of this policy is to fix the number of previous year's pensioner rebates that can be retrospectively granted.

**Scope**

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The policy applies to the granting of a reduction of Rates and Charges for eligible pensioners where a claim for a previous year(s) has been made.

**Limitation on claiming pensioner rebates**

---

A pensioner rebate claim under Section 579 of the *Local Government Act 1993* may be made in relation to the current year and up to one previous rating year only, or part thereof.

To be eligible for a rebate, the claimant must provide evidence that they meet one of the following criteria:

- Holder of a Pensioner Concession Card
- Holder of a gold card embossed with 'TPI' (Totally Permanently Incapacitated)
- Holders of a gold card embossed with 'EDA' (Extreme Disablement Adjustment)
- A war widow or widower or wholly dependent partner entitled to the Department of Veteran's Affairs income support supplement

The claimant must also provide evidence they have resided permanently at the property during the period in which the concession is being claimed.

**Approval of rebate applications**

---

The General Manager or their delegate may determine individual applications that fall within the limitations outlined in this policy.

Any claim for backdating of rebates beyond the time periods stated in this policy may be referred to Council for consideration and determination by resolution.

**Background Information**

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Under Section 579 of the *Local Government Act 1993*, councils have the authority to determine their own policy regarding the backdating of pensioner concession rebates, unless there is a regulation in place that limits the time period for such claims. There is currently no such regulation in place.

Councils may choose to allow pensioner rate reductions for previous financial years, but this must be done through a formal resolution adopted by the council.

The Office of Local Government (OLG) advises that this discretion should be exercised only in cases where the applicant provides substantive reasons for not submitting a valid application in the relevant year. In such cases, councils must take reasonable steps to verify the legitimacy of the claim.

To ensure the application is bona fide, councils should require conclusive proof that the applicant permanently resided at the property during the time for which the concession is being claimed.

Examples of acceptable proof may include a utility bill or notice (e.g. electricity, water, gas) showing the applicant's name and a mailing address that matches the property for which the concession is claimed and dated within the relevant period.

This guidance is based on the DLG Circular to Councils 07-50 – Pensioner Concession Rebates Procedural Changes, issued on 5 October 2007. This remains consistent with current OLG advice on this topic.

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Backdating of Pensioner Claims for Pensioner Rebates Policy

**Contact**

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Finance Manager 9911 9911

**Review**

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This policy will be reviewed every four years or as legislation changes.



**Burwood**<sup>Inc.1874</sup>

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## INVESTMENT POLICY

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Modelled on the *Investment Policy Guidelines* issued by the Office of Local Government

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Public Document  
Adopted by Council: <Date>  
Ref. No.: <Content Manager Ref. No.>  
Version No.: 6  
Ownership: Finance

## 1. Purpose

The purpose of this policy is to provide a framework for investing Council's surplus funds prudently, achieving the best possible return while managing risk and ensuring sufficient liquidity,

From time to time, different strategies may be used to achieve this objective, providing they remain within this policy.

## 2. Definitions

**ADI** – Authorised Deposit-Taking Institution is a corporation that is authorised under the *Bank Act 1959* (Commonwealth) to take deposits from customers.

**Bill of Exchange** - an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand, or at a fixed or determinable future time, a sum certain in money to or to the order of a specified person, or to bearer (Section 8, *Bills of Exchange Act 1909* (Commonwealth)).

**GIPA Act** - *Government Information (Public Access) Act 2009*

**Investing Officer** – an appropriately qualified officer who has been delegated with the authority to manage Council's investment portfolio. See section 5.

**Major Banks** – see Section 9.

**OLG** - Office of Local Government

**Preservation of Capital** - Preservation of capital refers to an investment strategy with the primary goal of preventing losses in an investment portfolio's total value.

**Prudent person standard** - Prudent person standard is a legal standard restricting the investing and managing of a client's account to what a prudent person seeking reasonable income and preservation of capital might exercise for his or her own investment.

**Securities** - for financial markets these are types of financial instruments (i.e. documents) that are traded in financial markets (except futures contracts) e.g. bills of exchange, transferable certificates of deposit, negotiable certificates of deposit, floating rate notes.

**The Act** – *Local Government Act 1993*

## 3. Investment Standards

Section 625 of the *Local Government Act 1993* allows Council to invest funds in particular securities where the funds are not currently required for any other purpose. Council is committed to ensuring those investment activities are undertaken at the highest prudential and ethical standards.

Council is guided by the Investment Guidelines issued by the Minister for Local Government, which place the following emphasis on observing the 'prudent person standard':

*The investment will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes (OLG - May 2010)*

Officers responsible for the investment of Council's funds must meet the highest of ethical standards, as follows:

*Officers shall refrain from personal activities that would conflict with the proper execution and management of this portfolio. This policy requires officers to disclose any conflict of interest to the General Manager. Independent advisors are also required to declare that they have no actual or perceived conflicts of interest. (OLG - May 2010)*

#### **4. Authority and Policy Framework for Investment**

Council's investment of surplus funds is authorised and governed by the following legislation, standards and policies:

- *Local Government Act 1993*, which gives Council the power to invest
- *Local Government (General) Regulation 2005*, which governs financial administration and reporting of investments
- Ministerial Investment Order, which defines what investments are allowed
- *Local Government Code of Accounting Practice and Financial Reporting and Australian Accounting Standards*, which determine how investments are recorded and disclosed
- Office of Local Government Circulars and Investment Policy Guidelines, which set expectations and good practice
- *Trustee Act 1925*, Sections 14, 14A and 14C, which establishes prudent investment principles
- Code of Conduct, which ensures ethical behaviour of those managing investments.

#### **5. Investing Officers**

Authority for implementation of this policy has been delegated by the elected Council to the General Manager in accordance with the *Local Government Act 1993*.

The General Manager may sub-delegate the day-to-day management of Council's Investment Portfolio to appropriately qualified and skilled officers (referred to in this policy as "investing Officers").

Investing Officers must manage the Investment Portfolio in accordance with this policy and requirements of the wider policy and regulatory framework referred to in Section 4. Investing Officers must acknowledge that they have received a copy of this Policy and that they understand the obligations and responsibilities of their role.

#### **6. Authorised Investments**

Investments are limited to those allowed by the most current Ministerial Investment Order issued by the Minister for Local Government.

The authorised investments detailed in the Ministerial Investment Order in place at the time this policy was made are summarised below and provided for guidance only. Investing Officers must refer to the Ministerial Investment Order in force at the time before undertaking any investment action.

Under the current Ministerial Investment Order, authorised investments will be limited to:

- any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a territory government
- any Debentures or Securities issued by a Council, within the meaning of the *Local Government Act 1993*
- interest bearing deposits with, or senior securities issued by, an Authorised Deposit-taking Institution (ADI), as defined in the Banking Act 1959 (Commonwealth),
- any bill of exchange which has a maturity date of not more than 200 days and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an ADI

- a deposit with the NSW Treasury Corporation or investments in managed funds with the New South Wales Treasury Corporation

## 7. Prohibited Investments

Investment for speculative purposes is prohibited, including but not limited to:

- derivative based instruments
- principal only investments or securities that provide nil or negative cash flow
- standalone securities issued that have underlying futures, options, forward contracts and swaps of any kind
- shares of any kind
- any investments not denominated in Australian Dollars or that carry foreign exchange risk

The use of leveraging (borrowing to invest) of an investment is also prohibited.

Investing officers should ensure that before new investments are made, they establish whether a product complies with this policy and, where necessary, obtain independent financial advice in writing on the nature and risk of the financial product.

## 8. Investment Guidelines

When exercising the power to invest, consideration is to be given to the preservation of capital, liquidity, and the return on investment. These objectives are to be applied as follows:

- Preservation of capital is the principal objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding of the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.
- Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of the investment.
- Investments are expected to achieve a market return in line with the Council's risk tolerance

Investments must be assessed against the following key criteria:

- Preservation of Capital – the requirement for preventing losses in an investment portfolio's total value (considering the time value of money)
- Diversification – setting limits to the amounts invested with a particular financial institution or government authority to reduce credit, interest rate, liquidity and market risks
- Credit risk – the risk the investment Council has made fails to pay the interest and repay the principal when due
- Liquidity Risk – the risk Council is unable to redeem the investment at a fair price within a timely period, or the risk the fair price has changed significantly due to market risks and Council is in a position where it must sell before maturity incurring a loss
- Interest Rate Risk – the risk of the fair market value of the investment fluctuates significantly due to changes in underlying interest rates
- Market Risk – the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market conditions and prices, principally interest rate, credit and liquidity risks
- Maturity Risk – the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and exposure to market risks
- Reinvestment/Rollover Risk – the risk that income will not meet expectations or budgeted requirement because interest rates are significantly lower than previously expected due to unexpected market movements

## 9. Direct Investments

### Portfolio Credit Framework

The portfolio credit guidelines to be adopted will be based on the Standard and Poor's (S&P) ratings system criteria (or Moody's/Fitch equivalent if an S&P rating is not available). The maximum available limits in each rating category are as follows:

Long Term Rating	Maximum Portfolio Limit
AAA	100%
Major Banks* AA-	100%
TCorp IM Funds	10%
A+ to A-	70%
BBB+ to BBB	40%
BBB- to Unrated	10%

\*For the purpose of this Policy, "Major Banks" are currently defined as the ADI deposits or senior guaranteed principal and interest ADI securities issued by the major Australian banking groups:

- Australian and New Zealand Banking (ANZ) Group Limited
- Commonwealth Bank of Australia (CBA)
- National Australia Bank Limited (NAB)
- Westpac Banking Corporation (WBC)

This includes ADI subsidiaries, whether or not explicitly guaranteed, and brands (such as St George). Council may ratify an alternative definition of "Major Banks" from time to time.

S&P ratings attributed to each individual institution will be used to determine maximum holdings.

In the event of disagreement between rating agencies as to the rating band ("split ratings"), Council shall use the higher in assessing compliance with portfolio policy limits, but for conservatism shall apply the lower in assessing new purchases.

### Individual Counterparty Credit Framework

The individual credit guidelines to be adopted will be based on the S&P ratings system criteria (or Moody's/Fitch equivalent if an S&P rating is not available). The maximum available limits in each rating category are as follows:

Long Term Rating	Maximum individual Limit
Federal or NSW Government	50%
AAA	50%
Major Banks AA-	40%
A+ to A-	30%
BBB+ to BBB	15%
BBB- to Unrated	\$250,000

### Term to Maturity Framework

The portfolio is to be invested with the following term to maturity constraints:

Maturity Band	Minimum Portfolio Exposure	Maximum Portfolio Exposure
<1 year	20%	100%
>1 year	0%	70%
>3 year	0%	40%
>5 years	0%	5%

All investments greater than 5 years must be issued by a government entity, carry a long-term rating of AA- or above from S&P (or an equivalent ratings agency), or issued by a domestic major bank.

### **10. Investment Strategy**

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On a periodic basis and in conjunction with this policy, an Investment Strategy will be formulated by Council's Investment Advisor taking into consideration the following:

- Council's cash flow requirements and implications for the portfolio liquidity profile.
- Allocation of investment types, credit quality, counterparty exposure and term to maturity.
- Current and projected market conditions and any likely impact on relative positioning in terms of the portfolio and any necessary policy implications.
- Relative return outlook; risk-reward considerations; assessment of the market cycle and hence constraints on risk.
- Appropriateness of overall investment types for Council's portfolio.
- The projected investment portfolio level for the forthcoming year.

### **11. Trading Policy**

---

Council will maintain sufficient liquidity to meet ongoing cash flow requirements. Where necessary, including in emergency situations, investments may be liquidated before maturity. Any decision to do so must consider all associated costs, including break costs, broker fees, market spreads and liquidity risks. Council will consult its independent investment advisor before disposing of any investment.

Investments will generally be acquired with the intention of holding them through maturity. The Investment Strategy may define a target date for a sale of a liquid investment where it would increase overall returns to benefit Council. Cash liquidity requirements will be managed to ensure that Council avoids a situation that will require a forced sale of these investments in normal circumstances.

If Investment Policy limits have been breached due to a change in the overall size of the investment portfolio, external or internal changes to investment policy parameters or for any other reason, investments may be sold prior to maturity. In those circumstances, Council has the authority to make the necessary arrangements to withdraw from the investment as soon as practicable after seeking consultation from its independent investment advisor.

Council may also sell investments prior to maturity in the following circumstances:

- Where the investment is low yielding and can be sold to Council's benefit, allowing investment into a higher yielding, compliant investment.
- Where the investment is liquid, easily tradeable, can be sold without significant loss and was purchased as part of a "liquidity buffer" for unforeseen cash flow requirements.
- Where the credit quality of the investment has deteriorated and there is a material risk of loss if held to maturity and, following advice from a competent and reputable external advisor, a sale is considered to be in the best interests of Council to minimise potential losses.

### **12. Quotations for Purchases and Sales of Investments**

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The Investing Officers must be satisfied that they are obtaining a fair market price for all investments made at all times. It is expected that Council will take due steps to ensure that any investment is executed at the best possible price at the time of investment.

The Investing Officers can rely on representations made by an Independent Advisor with no

conflicts of interest regarding the purchase or sale of the investment.

For the avoidance of doubt, the Investing Officers must not rely on representations made by the buyer, seller or broker or any other person with a potential conflict of interest.

### 13. Performance Benchmark

The current performance benchmark of the Investment Portfolio is Bloomberg AusBond Bank Bill Index. The Bank Bill Index represents the performance of a notional rolling parcel of bills averaging 45 days and is widely used benchmark for local councils and other institutional cash investments.

### 14. Safe Custody Arrangements

Where necessary, investments may be held in safe custody on Council's behalf providing the following criteria is met:

- Council must retain beneficial ownership of all investments
- Adequate documentation is provided verifying the existence of the investments
- The Custodian conducts regular reconciliation of records with relevant registries and/or clearing systems
- The institution of Custodian recording and holding the assets is:
  - Austraclear or an equivalent globally recognised registry service or
  - A major Australian Bank (ANZ, CBA, NAB, Westpac)
  - An entity with a credit rating of AA- rating from S&P (or its equivalent rating from Fitch or Moody's) or better
  - An institution with adequate insurance, including professional indemnity insurance and other insurances considered prudent and appropriate to cover its liabilities under any agreement
  - The custodian nominated by NSW Treasury Corporation for their managed funds

### 15. Reporting

All investments are to be appropriately recorded in Council's financial records and reconciled at least monthly.

Certificates must be obtained from the financial institutions confirming the amounts of investment held on the Council's behalf as of 30 June each year (or any other date that is the end of financial year) and reconciled in the Investment Register.

A monthly report will be provided to Council that details:

- Portfolio performance
- Portfolio composition with relevant data on types of investment, credit ratings and maturities
- Compliance with the terms of the investment policy (with any breaches noted)
- Independent financial assessments of the value of the investments and the investments portfolio

Council's Investment Register will be published on Council's website in accordance with the GIPA Act.

### 16. Investment Advisor

Council's investment advisor must be approved by Council and hold an Australian Financial Services License issued by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to

Investment Policy

investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy.

The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commission or other benefits in relation to the investments being recommended or reviewed.

**17. Review**

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This policy will be reviewed at least once a year or earlier, if required, because of legislative changes or where amendment to the policy will advantage Council in the spirit of this policy.

**18. Contact**

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Finance Manager - 9911 9911

## (Item 27/26) Investment Report as at 31 March 2026

File No: 26/16423

Report by 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.

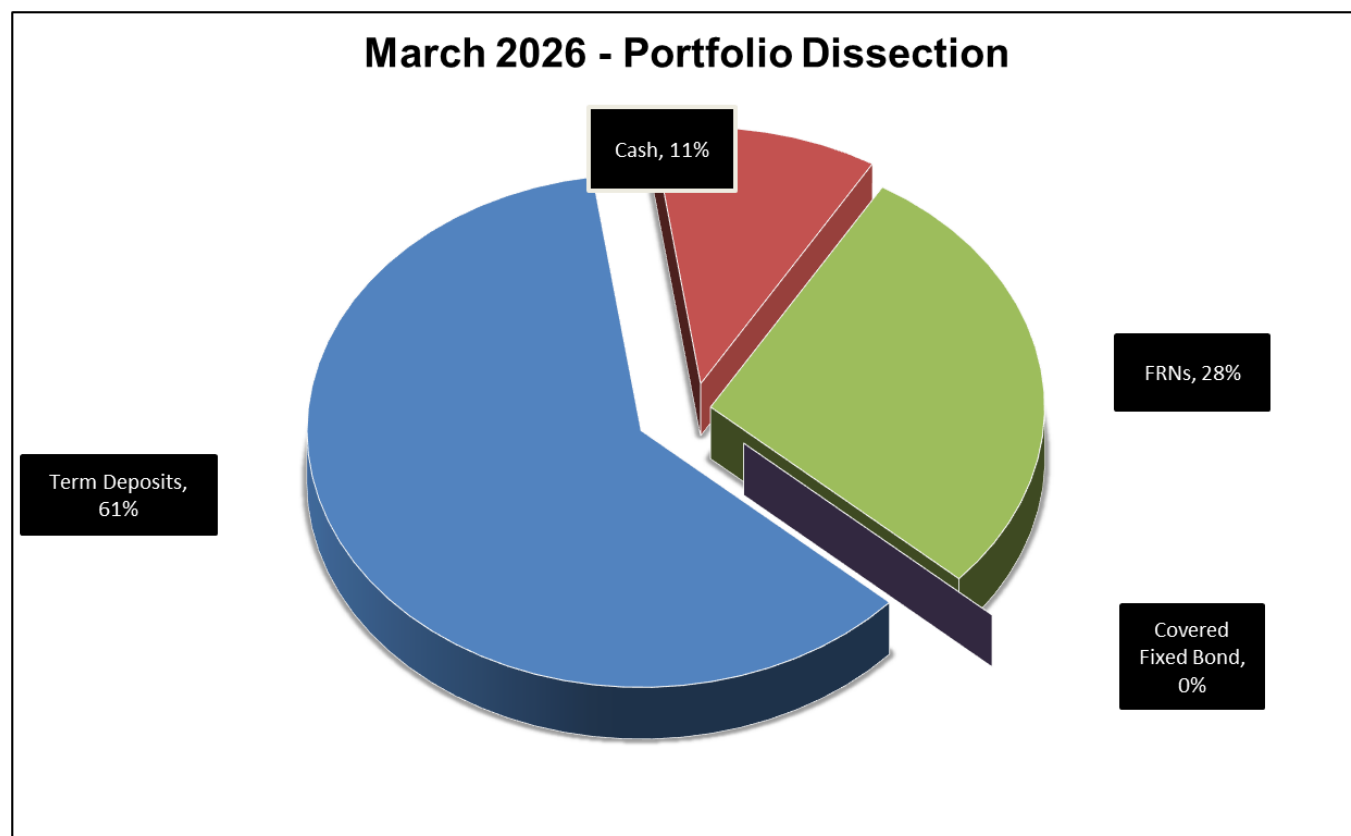
### Background

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 31 March 2026 is:



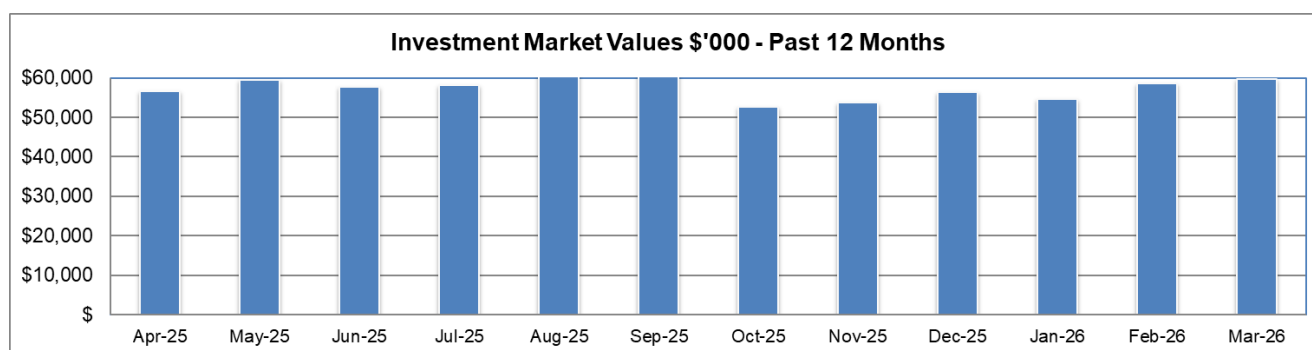
As at 31 March 2026, Council held the following term deposits:

Purchase Date	Financial Institution	Principal Amount	Interest Rate	Investment Days	Maturity Date
05 Nov 25	Westpac	5,000,000	4.34%	366	06 Nov 26
05 Nov 25	Westpac	4,000,000	4.34%	366	06 Nov 26
27 Nov 25	Westpac	5,000,000	4.45%	365	27 Nov 26
09 Dec 25	Commonwealth Bank of Australia	4,000,000	4.54%	365	09 Dec 26
10 Dec 25	Westpac	2,000,000	4.90%	1,097	11 Dec 28
11 Dec 25	Commonwealth Bank of Australia	3,000,000	4.60%	364	10 Dec 26
05 Feb 26	Westpac	2,000,000	4.87%	365	05 Feb 27
23 Feb 26	Westpac	4,000,000	4.57%	120	23 Jun 26
26 Feb 26	NAB	4,000,000	4.90%	365	26 Feb 27
18 Mar 26	NAB	3,000,000	5.28%	365	18 Mar 27
	<b>Total</b>	<b>36,000,000</b>			

As at 31 March 2026, Council held the following Floating Rate Notes:

Purchase Date	Financial Institution	Principal Amount	Current Coupon Rate	Investment Days	Maturity Date
18 Aug 22	Commonwealth Bank of Australia	2,400,000	4.9858%	1,826	18 Aug 27
13 Jan 23	Commonwealth Bank of Australia	3,000,000	4.8915%	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	4.9428%	1,461	10 Feb 27
03 Mar 23	HSBC Sydney Branch	2,000,000	4.7184%	1,827	03 Mar 28
18 May 23	Suncorp-Metway Limited	1,500,000	5.0158%	1,096	18 May 26
16 Jun 23	QPCU Limited T/A QBANK	2,750,000	5.4132%	1,096	16 Jun 26
15 Dec 25	Police Bank Ltd	1,000,000	4.9150%	1,054	03 Nov 28
15 Dec 25	Bank Australia Limited	1,500,000	5.0161%	1,078	27 Nov 28
	<b>Total</b>	<b>16,650,000</b>			

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 17 March 2026, the Board decided to increase the official cash rate by 25 basis points to 4.1 per cent. According to the Statement by the Reserve Bank Board:

"...While inflation has fallen substantially since its peak in 2022, it picked up materially in the second half of 2025. Information since the February meeting suggests that some of the increase in inflation reflects greater capacity pressures. In addition, the conflict in the Middle East has resulted in sharply higher fuel prices, which, if sustained, will add to inflation. Short-term measures of inflation expectations have already risen. As a result, the Board judged that there is a material risk that inflation will remain above target for longer than previously anticipated.

Higher capacity pressures reflect, in part, the greater momentum in demand in the latter part of 2025. Growth in private demand strengthened substantially more than was expected in mid-2025, although the composition of that growth surprised in the December quarter. Business investment was above expectations and consumption was below expectations. Meanwhile, growth in unit labour costs declined. More recently, the unemployment rate has been a little lower than expected and measures of labour underutilisation remain at low rates. Activity and prices in the housing market grew strongly over the past year, although housing price growth moderated somewhat at the start of 2026.

Financial conditions have tightened a little this year, but the extent to which monetary policy is restrictive is uncertain. Credit is readily available to both households and businesses and the effects of interest rate reductions in 2025 are yet to flow through fully to aggregate demand, prices and wages. The exchange rate, money market interest rates and government bond yields have risen over the past month. In large part, higher interest rates reflect expectations for the path of monetary policy, which have risen in Australia and most other advanced economies in response to the expected inflationary implications of the conflict in the Middle East.

There are material uncertainties about the outlook for domestic economic activity and inflation and the extent to which monetary policy is restrictive. Globally, the conflict in the Middle East poses substantial risks in both directions. A longer or more severe conflict could put further upward pressure on global energy prices; this will push up near-term inflation and could also increase inflation further out if it impairs supply capacity or price rises get built into longer term inflation expectations. Higher prices and prolonged uncertainty may cause growth to be lower in Australia's major trading partners and also in Australia.

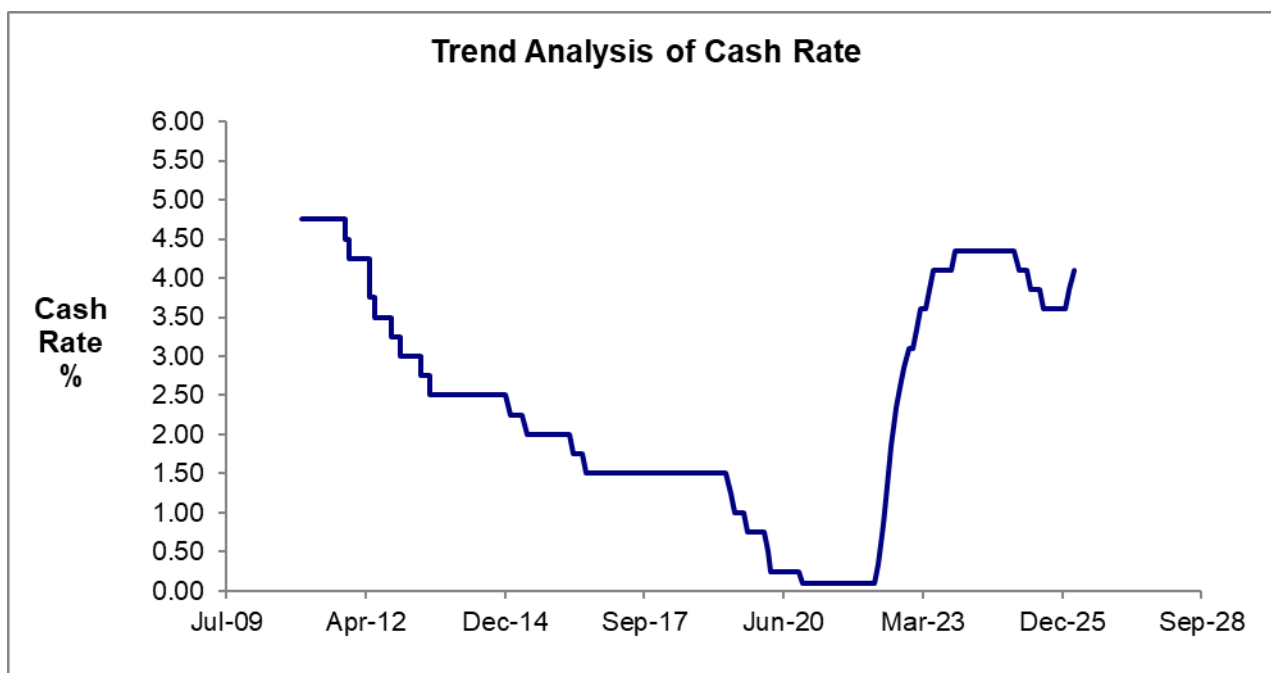
A wide range of data over recent months have confirmed that inflationary pressures picked up materially in the second half of 2025. While part of the pick-up in inflation is assessed to reflect temporary factors, the Board judged that the labour market has tightened a little recently and capacity pressures are slightly greater than previously assessed. Developments in the Middle East remain highly uncertain, but under a wide range of possible scenarios could add to global and domestic inflation.

In light of these considerations, the Board judged that inflation is likely to remain above target for some time and that the risks have tilted further to the upside, including to inflation expectations. It was therefore appropriate to increase the cash rate target.

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. Monetary policy is well placed to respond to developments and the Board is focused on its mandate to deliver price stability and full employment. It will do what it considers necessary to achieve that outcome.

Today's policy decision was made by majority: five members voted to increase the cash rate target by 25 basis points to 4.10 per cent; four members voted to leave the cash rate target unchanged at 3.85 per cent."

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



**Recommendation(s)**

1. That the investment report for 31 March 2026 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

**Attachments**

- 1 [↓](#) Investment Register March 2026
- 2 [↓](#) Investment Types

Item Number 27/26 - Attachment 1

Investment Register March 2026

BURWOOD COUNCIL INVESTMENT PORTFOLIO as at 31 March 2026										
Investment Adviser	Issuer	ADI or N-ADI	Investment Name	Type	Rating S&P	Invested Amount	Market Value as at 31/01/2026	Market Value as at 28/02/2026	Market Value as at Reporting Date	% of Total Invested
<b>Cash</b>										
Council	Commonwealth Bank	ADI	Operating Account	Cash	AA-	2,311,446	2,202,468	2,311,446	2,311,446	3.87
Council	Commonwealth Bank	ADI	Cash Deposit Account	At Call	AA-	0	-	-	-	0.00
Council	Commonwealth Bank	ADI	Online Saver	At Call	AA-	4,201,320	2,188,053	4,201,320	4,201,320	7.04
Council	AMP Bank Limited	ADI	AMP Business Saver	At Call	BBB-	0	1,276	1,281	-	0.00
Council	AMP Bank Limited	ADI	AMP Notice Account	Notice 30 days	BBB-	4,073	4,045	4,059	4,073	0.01
<b>Term Deposits - Less than Three Months</b>										
<b>Term Deposits - Longer than Three Months</b>										
Council	Westpac Banking Corporation Ltd	ADI	Westpac Banking Corporation Ltd	Term Deposit	AA-	4,000,000	-	4,002,504	4,018,530	6.73
Council	Westpac Banking Corporation Ltd	ADI	Westpac Banking Corporation Ltd	Term Deposit	AA-	-	4,181,330	-	-	0.00
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	-	4,073,499	-	-	0.00
Council	Westpac Banking Corporation Ltd	ADI	Westpac Banking Corporation Ltd	Term Deposit	AA-	5,000,000	5,051,723	5,068,370	5,087,395	8.52
Council	Westpac Banking Corporation Ltd	ADI	Westpac Banking Corporation Ltd	Term Deposit	AA-	4,000,000	4,041,379	4,054,696	4,069,916	6.82
Council	Commonwealth Bank	ADI	Commonwealth Bank	Term Deposit	AA-	4,000,000	4,026,369	4,040,300	4,056,221	6.80
Council	Westpac Banking Corporation Ltd	ADI	Westpac Banking Corporation Ltd	Term Deposit	AA-	2,000,000	2,013,962	2,021,479	2,030,071	3.40
Council	Westpac Banking Corporation Ltd	ADI	Westpac Banking Corporation Ltd	Term Deposit	AA-	2,000,000	-	2,006,138	2,014,677	3.38
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	3,000,000	-	-	3,006,076	5.04
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	4,000,000	-	4,001,074	4,018,258	6.73
Council	Commonwealth Bank	ADI	Commonwealth Bank	Term Deposit	AA-	3,000,000	3,019,282	3,029,868	3,041,967	5.10
Council	Westpac Banking Corporation Ltd	ADI	Westpac Banking Corporation Ltd	Term Deposit	AA-	5,000,000	5,039,623	5,056,692	5,076,199	8.50
<b>Term Deposits - Covered Fixed Bond</b>										
<b>Floating Rate Notes</b>										
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +102 bps)	AA-	2,400,000	2,443,968	2,423,880	2,413,769	4.04
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +112 bps)	AA-	3,000,000	3,044,250	3,053,850	3,031,359	5.08
Council	Rabobank U.A Australia Branch	ADI	Rabobank U.A Australia Branch	Floating Rate Notes (90 day BBSW mid + 118 bps)	A	1,500,000	1,522,020	1,526,415	1,514,518	2.54
Council	Newcastle Permanent Building Society	ADI	Newcastle Permanent Building Society	Floating Rate Notes (90 day BBSW +138 bps)	BBB	1,000,000	1,014,040	1,005,790	1,006,771	1.69
Council	The Hongkong and Shanghai Banking Corporation	ADI	The Hongkong and Shanghai Banking Corporation	Floating Rate Notes (90 day BBSW +105 bps)	AA-	2,000,000	2,036,340	2,021,140	2,008,012	3.36
Council	United Overseas Bank Ltd Sydney Branch	ADI	United Overseas Bank Ltd Sydney Branch	Floating Rate Notes (90 day BBSW +73 bps)	AA-	-	2,012,340	2,018,320	-	0.00
Council	Police Bank Ltd	ADI	Police Bank Ltd	Floating Rate Notes (90 day BBSW +73 bps)	BBB+	1,000,000	1,000,560	1,006,190	1,007,675	1.69
Council	Bank Australia Limited	ADI	Bank Australia Limited	Floating Rate Notes (90 day BBSW +73 bps)	BBB+	1,500,000	1,515,330	1,503,270	1,506,803	2.52
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Covered Floating Bond (90 day BBSW +105 bps)	AA-	1,500,000	1,517,595	1,504,515	1,508,657	2.53
Council	OPCU Limited T/A QBANK	ADI	OPCU Limited T/A QBANK	Floating Rate Notes (90 day BBSW +170 bps)	BBB-	2,750,000	2,781,680	2,790,590	2,757,081	4.62
<b>Grand Total</b>						<b>59,166,839</b>	<b>54,731,134</b>	<b>58,653,187</b>	<b>59,690,794</b>	<b>100.00</b>

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

Sarah Seaman

Finance Manager

## Investment Types

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### 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 28/26) ReSmart (formerly RecycleSmart) Recycling Service**

File No: 25/45981

Report by Director City Strategy

### **Summary**

Since 2020, Council has engaged Recycle Smart (rebranded as ReSmart in November 2025) to provide an additional subsidised waste collection service for items not typically accepted through Council's standard kerbside collection.

The service is delivered directly to residents' properties within the Burwood LGA, offering a solution that is regularly utilised on a monthly basis. It collects, transfers, and facilitates the recycling of materials such as soft plastics, textiles (used clothing), e-waste, batteries, coffee pods, books and cosmetics.

Given the length of time the program has been in place, it is timely to review and determine whether to continue this type of service. Should Council elect to proceed, a formal procurement process will be undertaken to identify and appoint a service provider that offers the most efficient and best value-for-money waste collection arrangement available in the market, supported by a formal contract.

### **Operational Plan Objective**

- P.27 Implement initiatives which work towards a net zero emissions community by 2050.  
P.31 Provide the support, education and services people need to live sustainably.

### **Background**

Since 2020, Council has engaged Recycle Smart (rebranded as ReSmart in November 2025) to provide an additional subsidised waste collection service to residents within the Burwood LGA. The service collects, transfers and facilitates the recycling of items not typically accepted through Council's standard kerbside collection, including soft plastics, textiles (used clothing), e-waste, batteries, coffee pods, books and cosmetics.

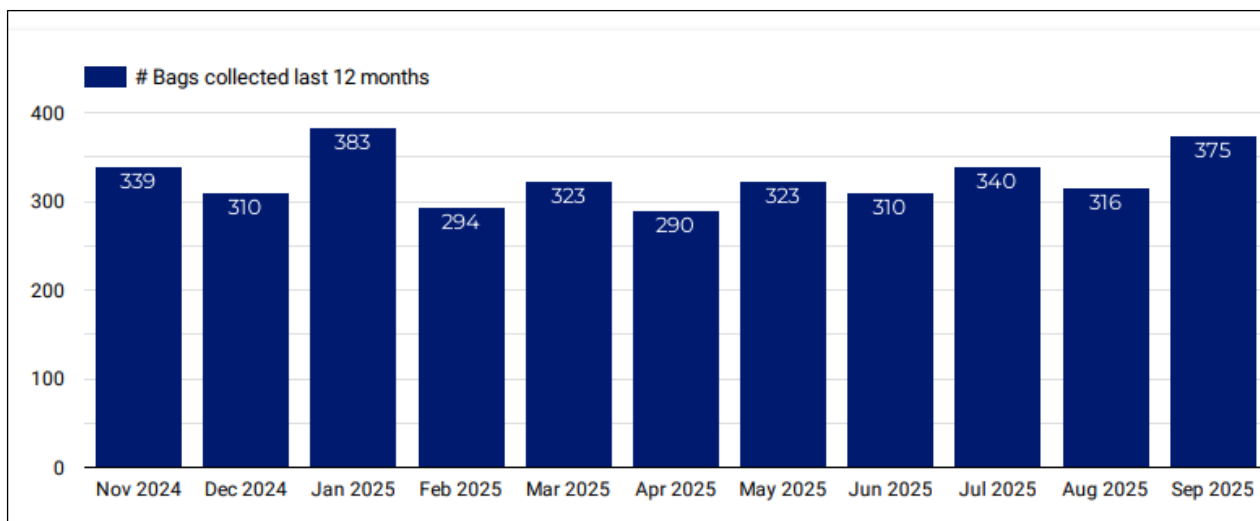
The service is delivered directly to residents' properties, offering a convenient solution that is regularly utilised monthly. According to ReSmart (<https://resmart.co/>), approximately 98 per cent of collected items are diverted from landfill. Materials commonly collected include batteries and medical waste, such as pill blister packs, which reflects usage by residents who may have limited mobility or difficulty accessing alternative drop-off locations.

Burwood residents access the ReSmart service as follows:

- Residents select a preferred collection day each month and book the service via the ReSmart app.
- Accepted items are placed in reusable bags and left at the doorstep for collection.
- A ReSmart driver collects the items directly from the property and returns the empty bag.
- Collected materials are sorted and delivered to appropriate recycling and reuse partners, depending on the item category.
- ReSmart provides Council with a monthly report and invoice.
- Council-subsidised collections are automatically rebooked following each service.

The current arrangement provides residents within the Burwood LGA with a subsidised service covering two (2) bags per household per collection. Any additional bags are charged directly to the resident (approximately \$5 per bag), with a minimum of two additional bags per collection.

ReSmart also provides Council with monthly reports detailing the types and volumes of waste collected, as well as insights into household behaviours in relation to waste generation.

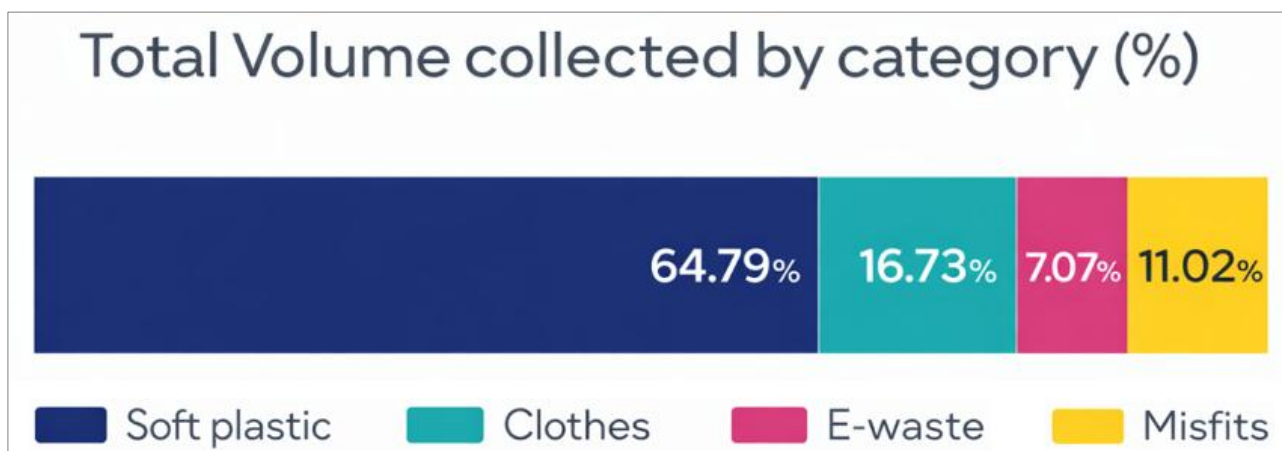


**Figure 1: Bags collected per month in Burwood LGA from Nov 2024 – Sep 2025**

(Reference: RecycleSmart report to Council in October 2025)

During this period, a total of 19,852 kilograms of waste was collected by ReSmart, with an average of 300 bags collected per month. The statistics presented in Figure 1 indicate that demand for, and consistent use of, the service by Burwood residents has gradually increased, contributing to the circular economy, reducing landfill, and likely decreasing instances of illegal dumping.

The waste item most collected in the Burwood LGA as part of the ReSmart service is soft plastics, followed by clothes, e-waste and misfits, as detailed in Figure 2.



**Figure 2: Percentage of each waste item collected in Burwood LGA from Nov 2024 – Sep 2025** (Reference: RecycleSmart report to Council, October 2025)

**Soft Plastics**

In the period from November 2024 to September 2025, 64.79 per cent of the waste collected by ReSmart were soft plastics, which can be recycled for future reuse, to support the circular economy. Soft plastics, however, cannot be recycled through standard kerbside services, and there is currently no drop-off option for Burwood residents to recycle this type of waste. As a result, all soft plastics not collected by ReSmart in the Burwood LGA end up in landfill.

The Community Recycling Centre shared with Canada Bay Council, located at 15-17 Regatta Road, Five Dock does not accept soft plastics. Accordingly, the only waste collection service provided to Burwood residents which collects and recycles soft plastics is ReSmart. ReSmart is also the only home collection service that collects second hand clothes, kitchenware and small appliances from residents’ homes, negating the need to travel to charity drop-off locations. It is therefore considered that the convenience provided and the contribution ReSmart makes towards

the circular economy makes it a high value service for Burwood residents as well as a sustainable option.

### **Proposal**

The need for this service among Burwood residents remains ongoing, as evidenced by the monthly data reports provided to Council by ReSmart. Demand for the service has increased over the past four years. Council therefore proposes to continue the service type to maintain the benefits it offers to members of the community who may not otherwise have safe or convenient options to dispose of such materials.

Given the length of time the program has been in place, it is appropriate to review and determine whether to continue this type of service. Should Council elect to proceed, a formal procurement process will be undertaken to identify and appoint a service provider that delivers the most efficient and best value-for-money waste collection arrangement available in the market, supported by a formal contract.

Council will continue the current service in the interim until the procurement process is finalised and a formal contract is in place.

### **Consultation**

Consultation in relation to the existing engagement of ReSmart has been undertaken.

The current arrangement involves the continuation of the service provided by ReSmart under the existing engagement until a formal procurement process is completed. This process will be undertaken in accordance with Council's Procurement Corporate Practice to identify and appoint a service provider that delivers the most efficient and best value-for-money waste collection arrangement available in the market, supported by a formal contract.

### **Planning or Policy Implications**

The Draft NSW Waste and Circular Infrastructure Plan identified a projected shortfall in landfill capacity by 2030. As landfill capacity diminishes, waste generated by households and businesses in Greater Sydney will need to be transported to alternative facilities, many of which are located in regional NSW or interstate. This is expected to place upward pressure on household fees for red-lid bin services.

Diversion initiatives such as yellow-bin recycling, green-bin garden waste, FOGO and services of this nature play an important role in reducing landfill, supporting the circular economy through increased recycling, and helping to minimise illegal dumping.

Furthermore, rather than transporting recyclable materials to distant locations, services provided by operators such as ReSmart enable items to be collected and processed at recycling facilities within NSW, thereby reducing pressure on landfill capacity.

This initiative also aligns with the Sustainable Burwood Plan, which aims to reduce the volume of waste sent to landfill. The continuation of this form of service would support the achievement of this target.

### **Financial Implications**

The service is currently funded through existing operational budgets, with provision made for its continuation. A formal procurement process will enable Council to secure the most efficient and best value-for-money service available in the market.

Specific financial details are provided in Confidential Attachment 1. This information is designated as confidential in accordance with section 10A(2)(c) and (d) of the *Local Government Act 1993*, as it contains commercial-in-confidence information.

### **Conclusion**

The doorstep waste collection service provided by ReSmart continues to benefit residents, particularly those residents who are less mobile, and provides a positive contribution to the circular

economy. It is therefore recommended that Council approves the continuation of the ReSmart waste collection service until a formal procurement process is undertaken and a formal contract is in place to ensure value for money and a continued level of service. The new agreement will be based on negotiations with the preferred service provider, including agreed service volumes (such as the number of bags collected each month) and pricing per bag per monthly service.

### ***Recommendation(s)***

1. That Council approves the continuation of the ReSmart waste collection service on an interim basis until a formal procurement process is completed.
2. That Council endorse the commencement of a formal procurement process for a supplementary waste collection service to formalise a service agreement that ensures value for money and continued delivery of the service.

### **Attachments**

- 1 Confidential Attachment - ReSmart (**CONFIDENTIAL**)

## **(Item 29/26) Change of Council Meeting Date for June 2026**

File No: 26/16756

Report by Director Corporate Services

### **Summary**

The purpose of this report is to propose a change to the scheduled date for the June 2026 meeting of Council to enable councillors to attend the National General Assembly of the Australian Local Government Association (ALGA), which is scheduled for the same day.

### **Operational Plan Objective**

A.105 Deliver a progressive and accountable framework to support the elected body of Council and individual councillors.

### **Background**

Section 365 of the *Local Government Act 1993* requires all councils to meet at least ten times each year, each time in a different month. On 18 November 2025, Council resolved to endorse the schedule for ordinary meetings of Council in 2026, including a meeting to be held on 23 June 2026.

At that time, the dates for the 2026 National General Assembly had not been announced. The Assembly dates have subsequently been confirmed to be 23 to 25 June 2026, resulting in a clash with the planned 23 June 2026 Council meeting.

The ALGA National General Assembly is the largest annual gathering of local government representatives in Australia and provides an opportunity for mayors and councillors to come together, network and consider the big issues for communities. It is beneficial for the community of Burwood Council to be represented at that event. The Assembly also provides a valuable professional development and networking opportunity for councillors.

### **Proposal**

It is proposed the June meeting and the Public Forum that would be held prior to that meeting be rescheduled from Tuesday 23 June 2026 to Tuesday 30 June 2026.

Moving the meeting back by one week will avoid the clash of events while still ensuring Council can deal with matters that must be addressed by the end of financial year.

### **Financial Implications**

No financial implications.

### **Conclusion**

The proposed change of meeting date would allow councillors to participate in a major local government event, ensure Council can meet its legislative obligations for the timely dealing of Council business, and ensure implementation of any decisions with end of financial year deadlines.

### **Recommendation(s)**

[That the Council Meeting and related Public Forum currently scheduled for Tuesday 23 June 2026 be rescheduled to Tuesday 30 June 2026.](#)

### **Attachments**

There are no attachments for this report.

## **(Item 30/26) Tabling of First Time and Updated Disclosures of Interest**

File No: 26/17192

Report by Director Corporate Services

### **Summary**

The General Manager is required under the *Local Government Act 1993* to table written returns of interests for councillors and designated persons at a meeting of Council. The purpose of this report is to table first-time and updated returns that have been received since the last annual reporting period.

### **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.

The returns tabled with this report satisfy are first time returns and updated returns, as described by points a) and c) above.

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.

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*.

## **Conclusion**

Pursuant to Section 440AAB of the *Local Government Act 1993*, the updated or 'first time' returns are now formally tabled for information from the following Council officials:

### **Councillors**

- Deputy Mayor George Mannah

### **Council officers**

- Helen Budd (Executive Strategic Planner)
- Tati Guedes (Environmental Sustainability & Engagement Officer)
- Zoe Kazic (Cultural Projects & Public Art Producer)
- Zac Moore (Development Advisory Planner)

## ***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.
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.