



Burwood Council

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BURWOOD COUNCIL MEETING

MINUTES OF THE MEETING OF THE COUNCIL OF BURWOOD held at the Council Chamber, Suite 1, Level 2, 1-17 Elsie Street, Burwood on Tuesday 12 December 2017 commencing at 6.08 pm.

ATTENDANCE Councillor John Faker (Mayor)
Councillor Ernest Chan
Councillor Heather Crichton
Councillor Raj Dixit
Councillor Lesley Furneaux-Cook (Deputy Mayor)
Councillor George Mannah

Mr T Briscese, Acting General Manager
Mr J Inglese, Acting Director Engineering & Operational Services
Mr B Olsen, Acting Director Planning & Environmental Services
Mr B Mortimer, Manager Organisation Development
Ms M Kucic, Executive Strategic Planner – Heritage and Planning
Ms P Viney, Governance Co-ordinator

OPENING OF MEETING BY THE MAYOR

The Mayor opened the meeting with a prayer and Acknowledgement of Country.

OPEN FORUM

There was no business for this item.

APOLOGIES

132/17 RESOLVED (*carried unanimously*)

That Councillor Joseph Del Duca was an apology.

(Moved Deputy Mayor Lesley Furneaux-Cook/Seconded Councillor Raj Dixit)

DECLARATIONS OF INTEREST

Councillor J Faker declared a less than significant pecuniary interest in (ITEM 92/17) Draft - Voluntary Planning Agreement for 2A-8 Burwood Road, Burwood as the architect of the project has undertaken paid work for his family.

DECLARATIONS OF POLITICAL DONATIONS

There were no declarations of political interests by Councillors.

CONFIRMATION OF MINUTES

133/1 RESOLVED (*carried unanimously*)
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That the minutes of the meeting of the Council of Burwood held on Tuesday 28 November 2017, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

(Moved Deputy Mayor Lesley Furneaux-Cook/Seconded Councillor George Mannah)

ADDRESS BY THE PUBLIC ON AGENDA ITEMS

There was no business for this item.

MAYORAL MINUTE**(ITEM MM 13/17) NSW GOVERNMENT'S STADIUMS PROPOSAL**

File No. 17/59705

Summary

The NSW Government recently announced a \$2 billion plan to demolish and rebuild Sydney's two existing major stadiums:

1. ANZ Stadium at Sydney Olympic Park
2. Allianz Stadium at Moore Park

Although a case may be made for upgrades to either of these stadiums, I do not believe that it should come at the expense of taxpayers and residents who would be required to fund the \$2 billion plan, particularly when a number of major private corporations and national sporting bodies profit from using these stadiums on a regular basis.

Instead, I believe that this \$2 billion could be better spent improving local sporting infrastructure across Sydney to ensure that grass roots sports can thrive and local clubs, who do not have a steady revenue stream available, can have adequate sporting facilities. This will encourage local participation in sport and recreation, and better promote the Australian way of life.

For instance, this funding can be used locally to provide much needed upgrades to Henley and Blair Parks which are used regularly by our local cricket and soccer clubs, and schools.

It is important that we inform the NSW Government that the \$2 billion funding would be better spent on our local communities where taxpayers and residents can receive a direct benefit from their contribution.

134/17 RESOLVED (*carried unanimously*)

1. Council write immediately to the NSW Premier, Gladys Berejiklian and Minister for Sports, Stuart Ayres advising the following:
 - a. Council is against the \$2 billion plan to demolish and rebuild ANZ and Allianz Stadiums at the expense of taxpayers and residents.
 - b. The \$2 billion funding should be given to local councils across Sydney to fund

much needed upgrades to local sporting facilities.

2. Council undertakes a petition and inform the NSW Government of the outcomes.

GENERAL BUSINESS

(ITEM 91/17) DRAFT - VOLUNTARY PLANNING AGREEMENT FOR 14 BURWOOD ROAD BURWOOD

File No: 17/53940

Summary

Applicant: Urban Link
Owner: James Trung Vinh Ngo
Developer: James Trung Vinh Ngo

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) prepared in connection with a Development Application (DA) for 14 Burwood Road Burwood have been publicly notified in accordance with the relevant legislation. The draft VPA will provide for the developer to pay a monetary contribution to Council in lieu of a shortfall in parking. Council's endorsement is now sought to enter into the VPA after the granting of the DA.

135/17 RESOLVED *(carried unanimously)*

1. That Council enter into the Voluntary Planning Agreement for 14 Burwood Road Burwood for the provision of a monetary contribution of \$49,500 towards public facilities after the granting of the consent for Development Application BD.2016.013, which would include a condition on the consent requiring that the VPA be entered into.
2. That Council authorise the Acting General Manager to sign the Voluntary Planning Agreement and any related documentation under his Power of Attorney.
3. That Council authorise the General Manager to endorse the minor revisions of the Voluntary Planning Agreement documents prior to execution.
4. That the Developer pay the monetary contribution to Council, on or before, the execution of the Voluntary Planning Agreement by Council.

(Moved Councillor George Mannah/Seconded Councillor Ernest Chan)

Councillors George Mannah and Ernest Chan called for a **DIVISION**.

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Faker	
Councillor Mannah	
Councillor Dixit	
Councillor Crichton	
Councillor Chan	
Councillor Furneaux-Cook	
Total (6)	Total (0)

(ITEM 92/17) DRAFT - VOLUNTARY PLANNING AGREEMENT FOR 2A-8 BURWOOD ROAD, BURWOOD

File No: 17/53289

Summary

Applicant: Urban Link Pty Ltd
Owner: BRD Apartments Pty Ltd
Company Director: Peter Sleiman

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) in connection with a Modification Application for 2A-8 Burwood Road, Burwood have been publicly notified in accordance with the relevant legislation. The draft VPA will provide for the developer to pay a monetary contribution as well as dedicate land to Council for the widening of Esher Lane Burwood, in exchange of additional gross floor area (GFA), which is 14.12% above the maximum GFA permitted under the *Burwood Local Environmental Plan* (BLEP).

Council previously resolved to allow up to a maximum of 15% increase in GFA to development in the Commercial Core and Middle Ring of the Burwood Town Centre if the development involves an infrastructure upgrade. This site is outside of the Commercial Core and the Middle Ring and, as such, the VPA cannot be endorsed by Council.

136/17 RESOLVED

1. That Council enter into the VPA for 2A-8 Burwood Road, Burwood for the provision of a monetary contribution towards public facilities after the granting of the consent of the Modification Application, which would include a condition on (the amended) consent requiring that the VPA be entered into, subject to:
 - a. a maximum of 10% additional gross floor space in accordance with Council's policy
 - b. the dedication of 88.3 square metres of the site for the widening of Esher LaneThe amount of the monetary contribution shall be further negotiated, having regard to the reasonable value of the Esher Lane widening, and any benefits expected to be gained by the developer.
2. That Council authorise the Acting General Manager to sign the VPA and any related documentation under his Power of Attorney.
3. That Council authorise the Acting General Manager to endorse the revisions of the VPA documents prior to execution.
4. That the Developer pay the monetary contribution (dollar value dependent on the final determination of the DA/Modification Application) to Council, on or before, the execution of the VPA by Council.

(Moved Councillor George Mannah/Seconded Councillor Ernest Chan)

Councillors George Mannah and Ernest Chan called for a **DIVISION**.

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Faker	Councillor Dixit
Councillor Mannah	Councillor Furneaux-Cook
Councillor Crichton	
Councillor Chan	
Total (4)	Total (2)

MAYORAL MINUTE

(ITEM MM 14/17) REVIEW OF VPA INFRASTRUCTURE POLICY

A Council resolution on 13 September 2016 provided that Council's policy allow for an additional 5% bonus floor space where infrastructure is upgraded, such as road widening. In considering the proposal at 2A-8 Burwood Road Burwood, it seems that a developer can reasonably benefit from the provision of infrastructure where the 10% bonus already applies, without the need for the additional 5% bonus to be afforded to the development. The 5% bonus floor space should therefore be reviewed. It may prove to be more worthwhile that the 5% bonus apply only to areas where the 10% bonus does not already apply.

137/17 RESOLVED *(carried unanimously)*

1. That the Acting General Manager review the 5% VPA Infrastructure Policy in the middle and core areas of the Burwood Town Centre and to investigate whether there is a benefit for Council to continue with the policy.
2. That the Acting General Manager reviews whether the 5% VPA Infrastructure Policy should be deleted and whether there is merit to continue with 10% in the Burwood Town Centre.
3. That the Acting General Manager review whether there is merit in having a 5% VPA Infrastructure Policy across the whole local government area if Council determines there is a need for an infrastructure project adjoining a Development Application.

(ITEM 93/17) REQUEST FOR WAIVING OF A FEE - ENFIELD AQUATIC CENTRE MEETING ROOM

File No: 17/54524

Summary

A local resident from the Enfield area wrote to Council on 18 October 2017, requesting free use of a Council meeting room to conduct regular community meetings to discuss the future development of the Flower Power and Vision Australia sites in Enfield.

138/17 RESOLVED *(carried unanimously)*

1. That Council donates \$120.00 to be funded from the Mayor's the donation budget to cover hire fees associated with the use of the Enfield Aquatic Centre meeting room.
2. That the Council meeting room be made available for monthly, one hour meetings

until the 30 June 2018.

(Moved Deputy Mayor Lesley Furneaux-Cook/Seconded Councillor George Mannah)

(ITEM 94/17) MONETARY CONTRIBUTION RATES FOR BONUS DEVELOPMENT IN BURWOOD, STRATHFIELD TOWN CENTRES AND BURWOOD ROAD NORTH

File No: 17/53817

Summary

Following a review by an external consultant, it is recommended that the monetary contribution rates for bonus development be increased from the current \$1,500 to \$1,750 per square metre bonus gross floor area (GFA) for Burwood and Strathfield Town Centres, and from the current \$1,100 to \$1,500 per square metre bonus GFA for Burwood Road North. It is recommended that the increased rates be approved in principle and be placed on public exhibition in accordance with the relevant provisions of the *Local Government Act 1993*.

139/17 RESOLVED *(carried unanimously)*

1. That Council approve the monetary contribution rates for bonus development in Burwood and Strathfield Town Centres and in Burwood Road North being set at \$1,750 per square metre and \$1,500 per square metre bonus gross floor area in principle and that the rates be placed on public exhibition in accordance with Sections 610F and 705 of the *Local Government Act 1993*.
2. That the results of the public exhibition be reported back to Council.
3. That the new monetary contribution rates be applied to any Voluntary Planning Agreements involving bonus development received by Council on or after 14 November 2017.
4. That the General Manager be delegated to review and adjust the rates periodically, and/or negotiate a rate as part of a Voluntary Planning Agreement.

(Moved Deputy Mayor Lesley Furneaux-Cook/Seconded Councillor Heather Crichton)

(ITEM 95/17) INTEGRATING STREET TREES AND PLANNED INFRASTRUCTURE WORKS

File No: 17/52034

Summary

At the Ordinary Council Meeting of 26 September 2017, Mayoral Minute 7/17 was adopted in relation to Street Trees and Planned Infrastructure Works. It has been requested that the General Manager investigate how to better integrate the protection of street trees when undertaking planned civil infrastructure improvement works.

140/17 RESOLVED *(carried unanimously)*

That Council authorise the Acting General Manager to undertake the preparation of a draft 'Integrating Street Trees and Planned Infrastructure Works Policy' for the endorsement of Council prior to placement on public exhibition.

(Moved Deputy Mayor Lesley Furneaux-Cook/Seconded Councillor George Mannah)

(ITEM 96/17) ADOPTION - REVISED - DISCRETIONARY GRANTS - SMALL DONATIONS POLICY

File No: 17/46955

Summary

Council has an adopted Discretionary Grants – Small Donations Policy, allowing one off donations to be made by the Mayor to organisations or individuals that predominantly reside or operate within the Burwood Local Government Area or registered charitable organisations providing benefits to the residents of Burwood.

The overall budget available under this Policy is \$10,000 per annum. The current amount for each donation is currently capped at \$500, but in light of a recent review, the Policy has been revised to increase such limit up to \$1,000.

The Policy is now submitted to Council for adoption.

141/17 RESOLVED *(carried unanimously)*

That Council adopt the revised – Discretionary Grants – Small Donations Policy with amendment to the approval process with the addition of “grants are granted on purpose base and not group or organisation base”.

(Moved Councillor Heather Crichton/Seconded Councillor Ernest Chan)

(ITEM 97/17) PUBLIC EXHIBITION - REVISED CODE OF MEETING PRACTICE

File No: 17/53269

Summary

The Code of Meeting Practice has been reviewed in line with the changes to legislation that mandate the creation of an Independent Hearing and Assessment Panel and to remove clauses that relate to the Building and Development Committee.

It is a requirement of Section 361 of the *Local Government Act 1993* (the Act) to give public notice of the draft code and that it is placed on public exhibition for a period of 28 days. In addition, the Act allows members of the public to make comments for a period of not less than 42 days after the public exhibition date.

Placing the Code on public exhibition at this time will give Council ample time to adopt the Code prior to the Independent Hearing and Assessment Panel (the IHAP) commencing on 1 March 2018.

142/17 RESOLVED *(carried unanimously)*

1. That Council endorse the draft Code of Meeting Practice for placement on public exhibition in line with the requirements of Section 361 of the *Local Government Act 1993*.
2. That the draft Code of Meeting Practice be reported to Council after the public comment period for adoption.

(Moved Deputy Mayor Lesley Furneaux-Cook/Seconded Councillor Ernest Chan)

(ITEM 60/17) REVIEW OF THE GENERAL MANAGER'S DELEGATIONS WITHIN 12 MONTHS AFTER THE ORDINARY ELECTION - S.380 OF THE LOCAL GOVERNMENT ACT 1993

File No: 17/34634

Summary

To seek Council's review and approval of the General Manager's Delegations following the Ordinary Council Election in 2017 as required by Section 380 of the *Local Government Act 1993*.

143/17 RESOLVED *(carried unanimously)*

That the General Manager's Delegations report be deferred to the next Council in February 2018, for the reason that there is a requirement to amend the delegations in light of the provisions around the Independent Hearing and Assessment Panel.

(Moved Deputy Mayor Lesley Furneaux-Cook/Seconded Councillor George Mannah)

(ITEM 98/17) DELEGATION TO THE MAYOR AND GENERAL MANAGER TO DEAL WITH MATTERS OF URGENCY DURING THE 2017-2018 RECESS PERIOD

File No: 17/49721

Summary

To seek a determination from Council regarding delegations for the 2017-2018 recess. During the December/January recess it is standard procedure for Council to delegate certain functions to the Mayor and General Manager to ensure matters of urgency can be adequately dealt with.

144/17 RESOLVED *(carried unanimously)*

1. That for the period from 13 December 2017 until the first Council Meeting of 2018 Council delegates the following to both the Mayor and the General Manager:
 - A petition with eight or more signatures from separate households within the notification area have been received and the application has not been refused.
 - Where eight or more valid planning objections to the development application have been received from separate households within the notification area and the application has not been refused.
 - Development where there is major variation (more than 10%) from Council's Development Standards under Clause 4.6 of BLEP 2012.
 - Any matter subject to appeal where the matter has gone to a hearing or Section 34A Conference.
 - Applications having a major environmental impact on the locality and which involve land owned by Council.
 - Writing Off Accounts - to approve the writing off of accounts greater than \$5,000.

- Writing Off Stores and Materials – to approve the writing off of items greater than \$5,000.
2. That the Deputy Mayor be granted these delegations in the absence of the Mayor or the General Manager.
 3. That all decisions made under the above delegations be subsequently reported for the information of Councillors at the first Council Meeting of 2018.

(Moved Councillor George Mannah/Seconded Councillor Ernest Chan)

INFORMATION ITEMS

(ITEM IN36/17) CODE OF CONDUCT STATISTICS REPORT 1 SEPTEMBER 2016 TO 31 AUGUST 2017

File No: 17/55132

Summary

Following the introduction of the Office of Local Government's Model Code of Conduct on 1 March 2013, Complaints Co-ordinators must report on a range of complaints statistics to the Council and to the Office of Local Government on a yearly basis.

The report for 2016/2017 was lodged with the Office of Local Government on 23 November 2017 and is now presented to Council for information.

Background

Following the introduction of the Office of Local Government's Model Code of Conduct on 1 March 2013, Complaints Co-ordinators must report on a range of complaints statistics to the Council and to the Office within three months of the end of September each year.

Council recently adopted the Code of Conduct and the Procedure for the Administration of the Code of Conduct at its meeting on 28 November 2017 after the Local Government Election as required by the *Local Government Act 1993*.

On 23 November 2017 Council lodged a Code of Conduct Statistics Report with the Office of Local Government, covering the period 1 September 2016 to 31 August 2017.

Proposal

That the annual Code of Conduct Statistics Report be received and noted.

Planning or Policy Implications

Section 12 of the Model Code of Conduct and Council's adopted Procedure for the Administration of the Code of Conduct states:

12 Reporting on Complaints Statistics

- 12.1 *The complaints coordinator must arrange for the following statistics to be reported to the Council within three months of the end of September of each year:*

- a) *the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September,*
- b) *the number of code of conduct complaints referred to a conduct reviewer,*
- c) *the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints,*
- d) *the number of code of conduct complaints investigated by a conduct reviewer,*
- e) *the number of code of conduct complaints investigated by a conduct review committee,*
- f) *without identifying particular matters, the outcome of code of conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures,*
- g) *the number of matter reviewed by the Office and, without identifying particular matters, the outcome of the reviews, and*
- h) *the total cost of dealing with code of conduct complaints made about councillors and the general manager in the year to September, including staff costs.*

12.2 *The council is to provide the Office with a report containing the statistics referred to in clause 12.1 within three months of the end of September of each year.*

The report was prepared in accordance with these provisions and is attached (Attachment 1) for information.

For the year between 1 September 2016 and 31 August 2017 there were no Code of Conduct complaints responding to Section 12 criteria.

Conclusion

A Report on Code of Conduct Statistics was lodged with the Office of Local Government on 23 November 2017 in accordance with Section 12 of the Model Code of Conduct and Council's Procedures for the Administration of the Code of Conduct. The Report is presented to Council for information.

No Decision – Information Item Only

QUESTIONS WITHOUT NOTICE

The following Questions Without Notice were submitted at the Meeting:

Lesley Furneaux-Cook

Question 1:

What consultation took place with Burwood Council on the new timetable with State Rail/Sydney Trains? I have had many complaints that trains are not stopping at Burwood Station. A trip into Town Hall has doubled in travel time and there is also reduce services to Parramatta.

Question 2:

Has the federal grant given to Burwood Soccer Club been tagged to be used exclusively by the Club to refurbish the amenities block at Blair Park?

Question 3:

With regard to the SRV and the Community Plan consultation, how do we contact residents who do not have landlines (40% no longer have landlines)?

George Mannah

Can Council give a full description of how our Council after hours call centre works?

MAYORAL MINUTE**(ITEM MM 15/17) CUT TO TRAIN SERVICES TO BURWOOD AND CROYDON STATION**

Council has received enormous feedback from its residents on the cuts to train services and use of older trains to both the Burwood and Croydon Stations.

145/17 RESOLVED *(carried unanimously)*

That Council write to the Minister for Transport and Infrastructure, the Honourable Andrew Constance, through the Mayor's office, stating the Council has received enormous feedback from its residents on the cuts to train services to both Burwood and Croydon Station and the use of older trains to those services.

This concluded the business of the meeting and Council rose at 7.15 pm.

Confirmed this 6 February 2018.

MAYOR