



Burwood Council

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BURWOOD COUNCIL MEETINGS

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 27 March 2018 commencing at 6.11pm.

ATTENDANCE

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

Mr B Macdonnell, Acting General Manager
Mr S Fox, Acting Deputy General Manager Corporate, Governance & Community
Mr B Olsen, Acting Director Planning and Environmental Services
Mr J Inglese, Acting Director Engineering and Operational Services
Mr W Armitage, Chief Finance Officer
Mr B Mortimer, Executive Manager Organisation Development
Mr J Inglese, Senior Manager Assets and Design
Ms D Luo, Manager Strategic Planning
Mr R Teo, Senior Manager Property and Building Services
Mr A Sonogo, Acting Executive Manager
Ms P Viney, Governance Co-ordinator
Ms A Davies, Governance Officer

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

There were no apologies.

DECLARATIONS OF INTEREST

Councillor Lesley Furneaux-Cook declared a pecuniary interest in (Item 23/18) Proposed amendment of Planning Proposal for Burwood Place and negotiation of a voluntary planning agreement - Nos. 42-50 and 52-60 Railway Parade, Burwood as she resides in Livingstone Street, Burwood which is in the vicinity of the site. Councillor Furneaux-Cook took no part in the debate or discussion.

DECLARATIONS OF POLITICAL DONATIONS

There were no declarations of political interests by Councillors.

CONFIRMATION OF MINUTES**17/18 RESOLVED** *(carried unanimously)*

That the minutes of the meeting of the Council of Burwood held on Tuesday 6 February 2018, 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.

MATTER OF URGENCY**(ITEM MM6/18) MAYORAL MINUTE - RECRUITMENT AND APPOINTMENT OF THE GENERAL MANAGER**

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) of the Local Government Act 1993, as the matter involves personnel matters concerning particular individuals.

18/18 RESOLVED *(carried unanimously)*

That the recruitment and appointment of the General Manager be discussed in closed session as a matter of urgency.

(Moved Mayor John Faker/Seconded Deputy Mayor Lesley Furneaux-Cook)

CONFIDENTIAL ITEMS - CLOSED SESSION**19/18 RESOLVED** *(carried unanimously)*

That the meeting move into closed session in order to consider the following:

(ITEM MM6/18) Item Mayoral Minute Recruitment and Appointment of the General Manager that the item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) of the Local Government Act 1993, as the matter involves personnel matters concerning particular individuals.

(Item 22/18) 16 Lyons Street Strathfield - Proposed acquisition for widening of Bells Lane that the item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (d) of the Local Government Act 1993, as the matter involves commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

(Item 23/18) Proposed Amendment of Planning Proposal For Burwood Place And Negotiation of A Voluntary Planning Agreement - Nos. 42-50 And 52-60 Railway Parade, Burwood that the item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (d) of the Local Government Act 1993, as the matter involves commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

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

THERE WERE NO REPRESENTATIVES FROM THE PUBLIC TO ADDRESS THE COUNCIL BEFORE THE RESOLUTION TO MOVE INTO CLOSED SESSION WAS CARRIED.

THE MEETING MOVED INTO CLOSED SESSION AT 6.15 PM THE PUBLIC AND PRESS EXCLUDED FROM THE MEETING.

(ITEM MM6/18) RECRUITMENT AND APPOINTMENT OF THE GENERAL MANAGER

File No: 18/11359

Summary

I refer to the Mayoral Minute Item MM8/17 at the Closed Council Meeting of 26 September 2017 where I was granted delegated authority to facilitate the recruitment process for the engagement of a new General Manager, with the assistance of a suitable recruitment consultant.

During late September and Early October 2017, several specialist recruitment consultants were invited to submit a proposal to facilitate the recruitment for the position of General Manager. All of the proposals were assessed by the Mayor and Council's Executive Manager Organisation Development, Brian Mortimer, with a short list of three consultants interviewed on 20 October 2017 and subsequently Judith Carpenter and Associates were engaged to facilitate the recruitment process.

At the same time the selection panel for the recruitment process was established. The Panel consisted of Mayor John Faker, Deputy Mayor Leslie Furneaux-Cook and Councillor George Mannah and the panel met with Judith Carpenter on the 12 December 2017 to establish the recruitment process and timeline.

The position of General Manager was advertised from the 30 January 2018 with applications closing on the 18 February 2018. Advertisements were placed in the Sydney Morning Herald over a two week period, Seek, Counciljobs, and Council's web page.

In total, 52 applications were received for the position. 12 candidates were initially interviewed by Judith Carpenter and on the 6 March 2018 the selection panel convened with Judith Carpenter to consider a long list of nine candidates which was reduced to four candidates to be interviewed by the selection panel on 20 March 2018. Prior to the interviews on 20 March 2018, one candidate withdrew their application.

Following on from the selection panel interviews on 20 March 2018, the selection panel was unanimous in recommending Bruce Macdonnell as the preferred candidate for the position of General Manager.

Reference, security and academic checks have been conducted on Bruce Macdonnell. The references were outstanding and the security and academic checks were clear.

The recruitment process has been conducted in line with the Office of Local Government's Guidelines under section 23A of the *Local Government Act 1993* (the Act) which sets out Councillors' obligations under the Act, the *Local Government (General) Regulation 2005* (the Regulation) and the Standard Contract of Employment for General Managers when recruiting and appointing of a General Manager.

20/18 RESOLVED *(carried unanimously)*

1. The preferred candidate at the conclusion of interviews, Bruce Macdonnell be offered the position of General Manager of Burwood Council and the Mayor be authorised to finalise negotiations based on the following:

- a. Three year contract be offered by the Council to Bruce Macdonnell.
 - b. The Contract conditions are as outlined in the standard model contract of employment for General Managers as notified by the Office of Local Government.
2. That the Mayor is delegated to sign all relevant documents, including the contract of employment between the Appointee and the Council and it to be executed under the Common Seal of the Council.

(Moved Mayor John Faker/Seconded Deputy Mayor Lesley Furneaux-Cook)

(ITEM 22/18) 16 LYONS STREET STRATHFIELD - PROPOSED ACQUISITION FOR WIDENING OF BELLS LANE

File No: 18/4890

Summary

On 25 October 2016 Council adopted a Planning Proposal to include the 2.2 metre wide strip of land at 16 Lyons Street, Strathfield on the Land Reservation Acquisition Map of the Burwood Local Environmental Plan (BLEP) 2012 for Bells Lane widening.

The purpose of this report is to seek Council's adoption to commence the process of acquiring 16 Lyons Street, Strathfield.

21/18 RESOLVED *(carried unanimously)*

1. That authority be delegated to the General Manager to commence negotiations to purchase 16 Lyons Street, Strathfield for the purpose of the Bells Lane widening.
2. That authority be delegated to the General Manager to set the limit of offer as detailed in the report.
3. That the Land be classified as operational land when the Certificate of Title is transferred to the Council's name.

(Moved Deputy Mayor Lesley Furneaux-Cook/Seconded Councillor Joseph Del Duca)

CR LESLEY FURNEAUX-COOK LEFT THE MEETING AT 6:15 PM

(ITEM 23/18) PROPOSED AMENDMENT OF PLANNING PROPOSAL FOR BURWOOD PLACE AND NEGOTIATION OF A VOLUNTARY PLANNING AGREEMENT - NOS. 42-50 AND 52-60 RAILWAY PARADE, BURWOOD

File No: 18/10801

Summary

Since the Department of Planning & Environment (DPE) issued a Gateway Determination for the Planning Proposal for Burwood Place, at Nos. 42-50 and 52-60 Railway Parade Burwood, the applicant has proposed to provide to Council, through a Voluntary Planning Agreement (VPA), a monetary contribution and several works in kind, in return for additional floor space to be added to the Planning Proposal. Council's in principle endorsement of the terms of the VPA is sought before the proponent proceeds to amend the Planning Proposal for a new or amended Gateway Determination and the VPA is progressed further between the parties.

22/18 RESOLVED *(carried unanimously)*

1. That Council endorse in principal the terms of the VPA.
2. That Holdmark proceed to amend the Planning Proposal and supporting documents while the VPA is progressed further between the parties.
3. That Council note that an independent consultant will be engaged to assess the amended Planning Proposal and supporting documents, which may need to be revised further to address any issues raised.
4. That the amended Planning Proposal and supporting documents be submitted for a new or amended Gateway Determination.
5. That the General Manager investigate as part of the Council's future Local Environmental Plan review, to rezone the existing Council carpark in front of the Burwood Library and Community Hub to Open Space, while changing the classification of the proposed carpark basement area underneath the park to Operational land, with the Library and Community Hub to be Community land.

(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 Del Duca	
Councillor Crichton	
Councillor Chan	
Total (6)	Total (0)

CR LESLEY FURNEAUX-COOK RETURNED TO THE MEETING 7.00 PM

THE MEETING RESUMED IN OPEN SESSION AT 7.00 PM

MAYORAL MINUTES

(ITEM MM5/18) IMPLEMENTATION OF REVIEW PROCESS FOR INFRINGEMENTS ISSUED TO 2P PRIME PARKING PERMIT HOLDERS

File No: 18/11059

Summary

The introduction of the 2P Prime Parking system has provided substantial benefits to residents over the last few years, allowing them to park in centrally located parking stations for up to 2 hours a day for free. This in turn contributes to the local economy, by providing improved access to local retail and food outlets.

However, I occasionally receive representation from residents who have received a parking infringement due to the 2P Prime Parking sticker not being properly displayed on the windscreen.

For this reason I would like to suggest that the Acting General Manager investigates an internal system for the review of infringements issued to residents of Burwood who receive a parking infringement for the incorrect use of a 2P Prime Parking permit.

The review should assess the resident's eligibility for a 2P Prime Parking permit and if the infringement would have been issued should the permit have been properly displayed.

I would recommend that where it is found that a resident is eligible for a permit but has received an infringement for its improper use, a one-off single warning may be provided and the infringement withdrawn.

This means that any subsequent incidents of improper use of the 2P Prime Parking permit by the same resident household will not result in the infringement being withdrawn.

Further to this the Acting General Manager will investigate technological options to improve upon the existing 2P Prime Parking permit system.

23/18 RESOLVED *(carried unanimously)*

That the Acting General Manager investigates the introduction of an internal system for the review of infringements issued to residents of Burwood who receive a parking infringement for the incorrect use of a 2P Prime Parking permit with the aim of providing a warning for a first offence.

(ITEM MM7/18) ALLOWANCE OF THE TRANSFER OF POSSIBLE FLOOR SPACE RATIO IN THE BURWOOD TOWN CENTRE

24/18 RESOLVED *(carried unanimously)*

That the General Manager investigate the allowance of the transfer of the possible floor space ratio in the Burwood Town Centre and report back to Council.

(ITEM MM4/18) WHEN THE BATTLE'S O'ER PROJECT

File No: 18/10389

Summary

Council was recently approached by the Burwood RSL Sub-branch Pipes and Drum to seek Council's support for the 'When the Battle's O'er Project' to mark the centenary of Armistice Day on 11 November 2018.

The Project is an international initiative in which bands and pipers from around the world will all play *Battle's O'er*, a traditional retreat march, at the same time in recognition of when the Armistice was signed during World War I, bringing to an end four years of conflict.

The Sub-branch has requested Council's permission to take part in this project at the Burwood Memorial Arch at 5.00pm on 11 November 2018 with members from the Sub-branch and general public in attendance.

The majority of the sub-Branch Pipes and Drum band are ex-Army and formed the band in 2005 when they retired from the military. Many of them had served together, some for over 30 years.

In addition, Council received a request to investigate the installation of speakers at The Bugler from Burwood statue in Burwood Park in order to play the Last Post daily at 6pm or play other significant odes of remembrance.

25/18 RESOLVED *(carried unanimously)*

1. The Mayor responds to Mr Geoff Lazar, President of Burwood RSL Sub-branch Pipes & Drums in support of the 'When the Battle's O'er Project'.
2. The General Manager investigates the feasibility of the installation of speakers near The Bugler from Burwood statue to play the Last Post daily at 6.00pm or play other significant odes of remembrance.

GENERAL BUSINESS

(ITEM 10/18) ADOPTION OF NEW MONETARY CONTRIBUTION RATES FOR BONUS DEVELOPMENT IN BURWOOD AND STRATHFIELD TOWN CENTRES AND BURWOOD ROAD NORTH

File No: 18/8594

Summary

Council on 12 December 2017 approved the public exhibition of an increase in the monetary contribution rate from \$1,500 per square metre additional gross floor area (GFA) to \$1,750 for bonus development in Burwood and Strathfield Town Centres, and from \$1,100 per square metre additional GFA to \$1,500 for properties fronting Burwood Road North. No submissions were received during the exhibition period. The proposed monetary contribution rates are now put to Council for approval.

26/18 RESOLVED *(carried unanimously)*

1. That Council adopt the monetary contribution rates of \$1,750 per square metre additional GFA for bonus development within the Burwood and Strathfield Town Centres and \$1,500 per square metre additional GFA for properties fronting Burwood Road North.
2. That the new rates be incorporated into Council's Schedule of Fees and Charges.
3. That the new rates are applied to any Voluntary Planning Agreements (VPA) for bonus development received by Council on or after 14 November, 2017.
4. That the General Manager be authorised to review and adjust the monetary contribution rates periodically, and/or negotiate a rate as part of a VPA.

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

(ITEM 11/18) VOLUNTARY PLANNING AGREEMENT - 32-34 BURWOOD ROAD BURWOOD

File No: 18/8109

Applicant: Urban Link Pty Ltd
Owner: ONEMark One Property Group
Company Directors: Kangwei Peng and Xiaoqiang Xu

Summary

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) in connection with Development Application (DA) BD.2017.039 for 32-34 Burwood Road Burwood have now been publicly notified in accordance with the relevant legislation. The draft VPA will provide for the developer to pay a monetary contribution in exchange for additional development on the site. Council's endorsement is now sought to enter into the VPA after the granting of the consent of the DA.

27/18 RESOLVED *(carried unanimously)*

1. That Council enter into the VPA for 32-34 Burwood Road, Burwood for the provision of a monetary contribution of \$354,000 towards public facilities after the granting of the consent for DA BD.2017.039 which would include a condition on the consent requiring that the VPA be entered into.
2. That Council authorise the General Manager to sign the VPA and any related documentation under his Power of Attorney.
3. That Council authorise the General Manager to endorse the minor revisions of the VPA documents prior to execution.
4. That the Developer pay the monetary contribution (dollar value dependent on the final determination of the DA) to Council, on or before, the execution of the VPA.

(Moved Councillor George Mannah/Seconded Councillor Heather Crichton)

Councillors George Mannah and Heather Crichton 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 Del Duca	
Councillor Crichton	
Councillor Chan	
Councillor Furneaux-Cook	
Total (7)	Total (0)

(ITEM 12/18) DELIVERY PROGRAM 2013/17 - QUARTERLY REPORT FOR THE PERIOD ENDING 31 DECEMBER 2017

File No: 18/6780

Summary

Following the introduction of the Integrated Planning and Reporting framework in 2009, Section 404(5) of the *Local Government Act 1993* requires that the General Manager provide progress reports to the Council, at least every six months, as to its progress with respect to the principal activities detailed in its Delivery Program.

As per Burwood Council's Delivery Program 2013-2017 (Strategic Goal 2.1.2), a review of the Program is to be presented to Council on a quarterly basis.

28/18 RESOLVED *(carried unanimously)*

That Council endorse the Delivery Program 2013-2017 Quarterly Report for the period ending 31 December, 2017.

(Moved Deputy Mayor Lesley Furneaux-Cook/Seconded Councillor Joseph Del Duca)

(ITEM 13/18) BUDGET REVIEW FOR QUARTER ENDING 31 DECEMBER 2017

File No: 18/4130

Summary

The 2017-2018 Budget was adopted at the Council Meeting held on 27 June 2017 with a surplus of \$73,578. The adopted budget was prepared on the basis of the organisational structure which includes three Divisions (Office of the General Manager, Corporate, Governance and Community, and Land, Infrastructure and Environment).

This report provides Council with the financial results for the period ending 31 December 2017, 2017-18 Financial Year. In accordance with Clause 203(1) of the *Local Government (General) Regulation 2005* (the Regulation) the Responsible Accounting Officer is required to prepare and submit to Council a budget review statement no later than two months after the end of each quarter (except the June Quarter).

The following Statement of Budget Income and Expenditure identifies a forecast funding surplus of \$39,041 as at 31 December 2017 compared to the revised adopted forecast surplus of \$82,947 as at 30 September 2017 which was adopted at the November 2017 Council Meeting. The reasons for the net decrease of \$43,906 are outlined in the report.

29/18 RESOLVED *(carried unanimously)*

1. That the Budget Review Statement of the 2017-2018 Budget as at 31 December 2017, including the statement by the Responsible Accounting Officer, Chief Finance Officer, be received and noted.
2. That in accordance with Clauses 203 and 211 of the *Local Government (General) Regulation 2005*, the revised estimates of income and expenditure for 2017-2018 surplus of \$39,041, as shown in the report be approved and that Council's adopted budget be adjusted accordingly and that the expenditure and income variations projected in the report be, and are hereby voted.

(Moved Councillor George Mannah/Seconded Councillor Ernest Chan)

(ITEM 14/18) LOAN BORROWING PROGRAMME FOR 2017-18 FINANCIAL YEAR

File No: 18/6110

Summary

To seek Council's approval of the interest rate to be charged for the 2017-2018 Loan Borrowing Programme of \$1 million to continue to address Council's infrastructure backlog.

30/18 RESOLVED *(carried unanimously)*

1. That Council accept the indicative interest rate of 3.41% from TCorp to fund Council's \$1 million 2017-2018 Infrastructure Loan Borrowing Programme.
2. That Council delegate to the General Manager the authority to accept a revised interest rate from TCorp up to a maximum difference of 0.5%, and report back to Council the revised interest rate accepted.

(Moved Councillor George Mannah/Seconded Councillor Heather Crichton)

(ITEM 15/18) ADOPTION - DRAFT INVESTMENT POLICY

File No: 18/2617

Summary

Council's Investment Policy has been reviewed and updated in accordance with legislative requirements due to the appointment of a new independent Investment Advisor (Imperium Markets) to Council, and is presented for review and adoption.

31/18 RESOLVED *(carried unanimously)*

That Council adopts the Draft - Investment Policy.

(Moved Councillor Ernest Chan/Seconded Councillor George Mannah)

(ITEM 16/18) ADOPTION - CODE OF MEETING PRACTICE AND RESULTS OF PUBLIC EXHIBITION

File No: 18/3365

Summary

Council resolved at its meeting on 12 December 2017 to place the Draft - Code of Meeting Practice (the Draft - Code) on public exhibition for public comment. The closing date for submissions was 31 January 2018 and no submissions were received. The Draft Code is now submitted to Council for adoption.

32/18 RESOLVED *(carried unanimously)*

That Council adopt the Draft - Code of Meeting Practice, as placed on public exhibition.

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

(ITEM 17/18) ADOPTION - REVISED OPEN FORUM POLICY

File No: 17/58949

Summary

The Open Forum Policy has been revised in line with the amendments to Section 8A of the *Local Government Act 1993* (the Act) which relate to Guiding Principles for Councils and to ensure its consistency with Council's Code of Meeting Practice.

33/18 RESOLVED *(carried unanimously)*

That Council adopt the revised Open Forum Policy.

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

(ITEM 18/18) INVESTMENT REPORT AS AT 31 JANUARY 2018

File No: 18/5106

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*.

34/18 RESOLVED *(carried unanimously)*

1. That the Investment Report for 31 January 2018 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

(Moved Councillor Heather Crichton/Seconded Councillor Joseph Del Duca)

(ITEM 19/18) INVESTMENT REPORT AS AT 28 FEBRUARY 2018

File No: 18/9022

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*.

35/18 RESOLVED *(carried unanimously)*

1. That the investment report for 28 February 2018 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

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

(ITEM 20/18) 2018 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - CANBERRA

File No: 18/9733

Summary

This report is to inform Council that the 2018 National General Assembly (NGA) of Local Government will be held at the National Convention Centre in Canberra from 17 to 20 June 2018. Council may nominate one Voting Delegate. Council is requested to consider the delegate and nominated observers to attend the NGA.

The theme for the 2018 Conference is "Australia's Future, Make It Local". This year's debate highlights the issues below which contribute to implementing ALGA's Strategic Plan 2017-2020 and its objectives to:

- strengthen Local Government in the areas of financial sustainability, delivering services in regional cities, infrastructure and innovation and digital transformation, as well as,
- facilitating collaboration between State and Territory associations in Local Government's role in Indigenous policy issues, scale and capacity, women in Local Government and diversity in representation.

36/18 RESOLVED *(carried unanimously)*

1. That Council nominate the Deputy Mayor as the Voting Delegate for the 2018 National General Assembly of Local Government to be held from 17 to 20 June 2018 in Canberra.
2. That Council determines the attendance of Cr George Mannah, Cr Raj Dixit and the General Manager as observers at the 2018 National General Assembly of Local Government from 17 to 20 June 2018 in Canberra.
3. That Councillors confirm to the General Manager by 6 April 2018 of their availability to attend.

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

(ITEM 21/18) BUDDHIST VESAK DAY CELEBRATION, BURWOOD PARK

File No: 18/9753

Summary

The Chinese Buddhist Association of NSW Inc has requested to hold a Buddhist Vesak Day Celebration event to celebrate the birth of Buddha in Burwood Park on Sunday, 20 May 2018.

The Organisation has also requested that Council assist with a donation to cover fees associated with the use of Burwood Park, including park hire fees, Council Officers costs and garbage removal costs.

37/18 RESOLVED *(carried unanimously)*

That Council donates \$3,816.80 (approximately), to be funded from the Mayor's Discretionary – Small Donations Fund, to the Chinese Buddhist Association of NSW Inc to cover fees associated with the use of Burwood Park for the Buddhist Vesak Day Celebration event to be held on Sunday, 20 May 2018 and a review is conducted of Council's contributions to non-Council run community events.

(Moved Councillor Joseph Del Duca/Seconded Councillor George Mannah)

(ITEM 24/18) LEAVE OF ABSENCE APPLICATION - CR HEATHER CRICHTON

File No: 18/10318

Summary

Cr Heather Crichton has made application to Council for a Leave of Absence from 23 April to 29 April 2018 and will not be able to attend 24 April 2018 Council Meeting as she is overseas due to work commitments. The request for the Leave of Absence has been attached for Council's information.

38/18 RESOLVED *(carried unanimously)*

That Council determines the request for the Leave of Absence submitted by Cr Heather Crichton.

(Moved Councillor Joseph Del Duca/Seconded Deputy Mayor Lesley Furneaux-Cook)

REPORTS OF COMMITTEES**(ITEM RC3/18) MARCH 2018 EXTRAORDINARY BURWOOD LOCAL TRAFFIC COMMITTEE MINUTES**

File No: 18/10631

Summary

Attached are the Minutes of the Extraordinary Burwood Local Traffic Committee from its meeting of 6 March 2018. The Minutes are hereby submitted to the Ordinary Council Meeting for consideration and adoption by Council.

39/18 RESOLVED *(carried unanimously)*

That the minutes of the Extraordinary Burwood Local Traffic Committee of 6 March 2018 be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

(ITEM LTC1/18) WYCHBURY AVENUE, CROYDON - PARKING RESTRICTIONS**Summary**

A resident of Wychbury Avenue Croydon has requested that Council expand the existing timed parking restrictions in Wychbury Avenue to remove non-resident vehicles parked within the street.

Comment

It should be noted that the Roads & Maritime Services and Council are supportive of the

recommendation, however, the Local State Member for Strathfield and the NSW Police Service both objected to any changes to the parking restrictions.

Recommendation

1. That Council approve the removal of the unrestricted parking area on the northern side of Wychbury Avenue immediately east of King Edward Street and the extension of adjacent '2P Parking' restrictions.
2. That Council monitor the impact of the changes to parking restrictions in Wychbury Avenue to ensure no adverse effect on parking in adjacent streets.

(Moved Councillor George Mannah/Seconded Councillor Ernest Chan)

INFORMATION ITEMS

(ITEM IN10/18) MINISTER FOR PLANNING - REFERRAL CRITERIA AND PROCEDURAL REQUIREMENTS DIRECTIONS FOR LOCAL PLANNING PANELS (IHAP)

File No: 18/7960

Summary

The Minister for Planning, the Hon. Anthony Roberts, MP has issued referral criteria and procedural requirement directions for Local Planning Panels (IHAP) under Section 9.1, Directions from the Minister, of the *Environmental Planning and Assessment Act 1979*.

The Department of Planning (DP) developed the referral criteria with two key objectives in mind:

1. Ensuring Local Planning Panels focus on contentious and complex development applications and applications with the greatest corruption risk, while council staff continue to determine routine applications.
2. Building flexibility into the criteria to reflect differences in the types of development and community expectations across local government areas.

On 10 November 2017, the Minister approved targeted consultation with councils and other key stakeholders on the draft referral criteria and procedural requirements for Panels.

The majority of submissions raised concerns about the amount and type of development applications that would be captured by the criteria, and possible delays to assessment timeframes. These concerns were taken into consideration and have resulted in some significant changes to the draft criteria including the removal of value thresholds as a criterion.

The DP is required to monitor the operation of these criteria and encourages councils to report back on their experiences to ensure that Panels operate as intended, and do not result in necessary delays in the assessment process. The DP will use this feedback to consider if further changes to the criteria are required.

The following directions were issued by the Minister (attached):

- Local Planning Panels Referral Criteria – Development Applications
- Local Planning Panels Referral Criteria – Planning Proposals

- Operational Procedures for Local Planning Panels
- Code of Conduct for members for Local Planning Panels
- Remuneration for members of Local Planning Panels

The directions by the Minister have been attached for Council's information.

No Decision – Information Item Only

(ITEM IN11/18) CR HEATHER CRICHTON APPROVAL TO ATTEND INTERNATIONAL WOMEN'S DAY BREAKFAST FOR CONCORD HOSPITAL ON 8 MARCH 2018

File No: 18/8992

Summary

Cr Crichton received an official invitation to attend the International Women's Day Breakfast for Concord Hospital on 8 March 2018. The function raises funds for the world-leading blood cancer treatment and research at Concord Cancer Centre, Concord Hospital.

The Councillors' Expenses and Facilities Policy states that these types of approvals are required to be made by the Council, however, as the function was on the 8 March 2018 and the next Council Meeting is not until 27 March 2018 the Mayor has exercised his power under Section 226 (d) of the Act which states that:

The Mayor can exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council.

The invitation to the function has been assessed by the Deputy General Manager Corporate, Governance & Community and the Governance Co-ordinator and found that it meets the approval criteria of the Councillors' Expenses and Facilities Policy. The assessment was provided to the Mayor to assist him in his determination.

The invitation has been attached for Council's information.

No Decision – Information Item Only

(ITEM IN12/18) ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCIL MEETING OF 6 FEBRUARY 2018

File No: 18/6139

Summary

At the Council Meeting of 6 February 2018 the following Questions without Notice (QWN) were submitted by Councillors. Council Officers responded to the QWN and Councillors were notified on 14 February 2018 of the outcome of the QWN.

These are now submitted as part of the Council Agenda for Public Notification.

QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 6 FEBRUARY 2018	
Question	Response
<u>Cr John Faker</u>	<u>Senior Manager Compliance</u>
Question: 1	
How does Council determine the	The Law Enforcement Team operates over a seven day period and a flexible rostering system. Rostering for the team is based on a number of

<p>roster for Law Enforcement Officers?</p>	<p>factors including parking provisions, timeframes when the bulk of the workload is received (CRM's), consultation with expert officers for building/health/tree/heritage issues (inspections and advice) and working within award provisions.</p> <p>Complaints or offences that occur outside the standard working times are few but are addressed via patrols designated at the specific task, statements from witnesses actioned at the next working day and assistance from Police for periods involving late night and/or licensed venue issues.</p>
<p><u>Cr Lesley Furneaux-Cook</u></p> <p>Question: 1</p> <p>Can Council confirm that no BBQs will be installed in Blair Park? If so can the electrical conduit be removed. If Council is to proceed will Council consult with local residents?</p>	<p><u>Acting Manager Assets & Design</u></p> <p>Confirmation is provided that no BBQ will be installed at Blair Park and the electrical conduit will be removed and capped off at the level of the concrete slab. If Council were to consider installing a BBQ at any time in the future, consultation will be conducted with local residents.</p>
<p><u>Cr Lesley Furneaux-Cook</u></p> <p>Question: 2</p> <p>Can Council confirm the closing hours for the karaoke bar at 195a Burwood Road, Burwood? What noise mitigation is in place, especially for the outside area? How has Council responded to complaints from residents in Woodside Avenue, Burwood?</p>	<p><u>Senior Manager Compliance</u></p> <p>The Venus Karaoke Bar currently operates between 12 noon to 11.30pm Sunday to Thursday and 12 noon to 2.00am Friday to Saturday on a trial period until 9 February 2018.</p> <p>The Karaoke Bar employs a security guard which moves people on after the venue is closed. Council has spoken to the venue staff and other residents within the vicinity, as well as local Police. The outcome is that it is considered that there are no noise issues to address at this time.</p> <p>Council is aware of a complainant who periodically contacts Council stating that noise is being emitted from people talking when they leave the venue and responses have been provided to the resident on each occasion. From the information gathered from Police patrols, Council inspections and in speaking to other residents in the vicinity, it does not appear that people are loitering or being overtly loud when leaving the venue and Council is of the opinion that there are no noise issues to address at this stage.</p> <p>Police are aware of the complaint and are monitoring the location. Police conduct numerous late night licensing patrols throughout the year to ascertain compliance with consent and liquor provisions. If a breach is observed by Police during patrols or in response to a complaint, Police provide a statement to Council for enforcement of</p>

	<p>any planning breaches.</p> <p>At this stage Council's Compliance Team and the Police are satisfied that the venue is operating as per the provisions. However, given that the trial period has now expired, the applicant must either ratify the current hours of operation or revert back to the operating hours as originally approved by Council. Compliance and Building & Development Officers will follow up the venue operator on this matter.</p>
<p><u>Cr Lesley Furneaux-Cook</u></p> <p>Question: 3</p> <p>Under the new EP&A Act, what is the benchmark for Council to seek – “Council only Certification” (instead of private certifiers) to apply? This is to stop poor outcomes for residents of new developments to have compliant buildings.</p>	<p><u>Acting Manager Building & Development</u></p> <p>There are a number of changes proposed to the <i>Environmental Planning and Assessment Act 1979</i> that will commence from 1 March 2018. There are also a number of other changes that are proposed to commence over the next two years.</p> <p>One change proposes to expand the types of developments that can be approved under complying development certificates. The changes also propose that some types of complying development certificates will only be issued by Councils, not by accredited certifiers. The Department of Planning & Environment has not yet stated which types of development this will affect. This information will be in the yet to be prepared regulations. This is consistent with the Department of Planning & Environment's notion of extending complying development certificates to more complex projects.</p> <p>Council understands that the draft bill maintains the status quo that there is no right of appeal to the Land and Environment Court if a local Council:</p> <ul style="list-style-type: none"> ▪ refuses an application for a certificate or ▪ fails to deal with it in a timely way <p>The Department of Planning & Environment website advises that while most of the changes to the <i>Environmental Planning and Assessment Act 1979</i> will commence on 1 March 2018 there will be a number of other changes that will involve further design and consultation. These new features of the planning system will commence in a staged manner and changes to the complying development legislation are scheduled to commence in late 2019.</p>

No Decision – Information Item Only

(ITEM IN13/18) PETITIONS

File No: 18/6243

Summary

Petitions received are reported to Council on a monthly basis. Council has received six petitions since the last Council Meeting.

Background

Date Received	Petition Subject	No. of Households and Businesses within the LGA	No. of Households outside the LGA	Responsible Council Division
5/12/2017	Request of the use of common area at Burwood Park	22		Corporate, Governance and Community
15/12/2017	BD.2017.041 - 21-23 Belmore Street Burwood - Objection Submission	4		Land, Infrastructure and Environment
14/12/2017	BD.2017.041 - 21-23 Belmore Street Burwood - Objection Submission	51		Land, Infrastructure and Environment
6/12/2017	BD.2017.124 - 68-72 Railway Parade and 2-2A and 4-10 Oxford Street Burwood – Objection Submission	84	48	Land, Infrastructure and Environment
7/2/2018	BD.2017.168 – 52 Woodside Ave, Strathfield – Object Submission	4		Land, Infrastructure and Environment
19/2/2018	BD.2015.193 - 39-47 Belmore Street Burwood - Complaint early working on Construction with Petition	21		Land, Infrastructure and Environment

Comments

That Council notes that the Petitions have been referred to the appropriate Council Officers for attention.

No Decision – Information Item Only**QUESTIONS WITHOUT NOTICE**

The following Questions Without Notice were submitted at the Meeting:

Cr Joseph Del Duca**Question 1:**

What community health initiatives (if any) does Burwood Council currently provide for local residents?

Question 2:

How many Mayoral Minutes has the Mayor raised over the past 12 ordinary Council Meetings?

Cr Lesley Furneaux-Cook**Question 1:**

What measures are being taken to stop continued non-compliance (as per petition on 39-47 Belmore Street, Burwood) on operating construction works?

Question 2:

When will the first IHAP Meeting be held and how will it be advertised?

This concluded the business of the meeting and Council rose at 8.07 pm.

Confirmed this 24 April 2018

MAYOR