



# 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 November 2018 commencing at 6 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  
Ms K Everett, Deputy General Manager Land, Infrastructure & Environment  
Mr J Inglese, Group Manager Assets & Infrastructure  
Mr B Olsen, Group Manager Building & Development  
Mr H Gavrilis, Group Manager Environment & Health  
Mr B Mortimer, Executive Manager Organisation Development  
Ms M Lazzaro, Acting Chief Finance Officer  
Ms P Viney, Manager Governance  
Ms R Gerges, 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

Councillor Joseph Del Duca was an apology.

### DECLARATIONS OF INTEREST

There were no declarations of interests by Councillors.

### DECLARATIONS OF POLITICAL DONATIONS

There were no declarations of political interests by Councillors.

### CONFIRMATION OF MINUTES

**148/18 RESOLVED** *(carried unanimously)*

That the minutes of the meeting of the Council of Burwood held on Tuesday 30 October 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 Ernest Chan)

## ADDRESS BY THE PUBLIC ON AGENDA ITEMS

There was no business for this item.

## GENERAL BUSINESS

### **(ITEM 120/18) DELEGATION TO THE MAYOR AND GENERAL MANAGER TO DEAL WITH MATTERS OF URGENCY DURING THE 2018-2019 RECESS PERIOD**

File No: 18/41979

#### **Summary**

To seek a determination from Council regarding delegations for the 2018-2019 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.

#### **149/18 RESOLVED** *(carried unanimously)*

1. That for the period from 12 December 2018 until the first Council Meeting of 2019 Council delegates the following to both the Mayor and the General Manager:
  - 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 2019.

(Moved Councillor George Mannah/Seconded Councillor Ernest Chan)

### **(ITEM 111/18) FURTHER REVIEW OF POTENTIAL IMPACTS - SUBDIVISION OF DUAL OCCUPANCIES UNDER THE EXEMPT AND COMPLYING DEVELOPMENT CODES SEPP**

File No: 18/39764

#### **Summary**

The recent State Government amendments to the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2009* (the Codes SEPP) (comprising the new Low Rise Medium Density Housing Code and additions to the Subdivisions Code) will allow dual occupancies and their subdivision by Complying Development Certificates in the R2 Low Density Residential zone. Over time this could potentially threaten the character, amenity and integrity of these areas. It is considered that there

is no sustainable justification for allowing these dual occupancies in terms of housing supply, choice or affordability. Council should request amendment of the Codes SEPP before the exemption period expires. A concurrent Planning Proposal should be initiated to amend the *Burwood Local Environment Plan 2012* (BLEP) to prohibit Strata title subdivision of dual occupancies via the Development Application (DA) process. Torrens title subdivisions are already prohibited.

### Operational Plan Objective

4.4 - Participate in regional planning and infrastructure projects to ensure the best outcomes for the community

5.5 - Activate village precincts and preserve the distinct characters of surrounding residential areas

### 150/18 RESOLVED *(carried unanimously)*

1. That Council write to the Department of Planning and Environment requesting that the Codes SEPP be amended prior to expiry of the current exemption period, so that the R2 zone in the BLEP is excluded from its provisions that allow approval of dual occupancies and their subdivision by Complying Development Certificates.
2. That Council initiate preparation of a Planning Proposal to amend the BLEP to prohibit development consent being granted for the Strata or Community title subdivision of a dual occupancy on land in the R2 Low Density Residential zone.
3. That the Planning Proposal be submitted to the Department of Planning and Environment for a Gateway Determination, be placed on public exhibition in accordance with that Determination, and be reported back to a Council Meeting following the exhibition period.

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

Councillors Deputy Mayor Lesley Furneaux-Cook and George Mannah called for a **DIVISION**.

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

#### FOR

Councillor Faker  
Councillor Mannah  
Councillor Dixit  
Councillor Crichton  
Councillor Chan  
Councillor Furneaux-Cook

**Total (6)**

#### AGAINST

**Total (0)**

### **(ITEM 112/18) COUNCIL AND BURWOOD LOCAL PLANNING PANEL MEETING AND COUNCILLOR BRIEFING SESSIONS SCHEDULE FOR 2019**

File No: 18/41562

#### **Summary**

The proposed 2019 Schedule for Council Meetings, Burwood Local Planning Panel Meetings and Councillor Briefing Sessions is presented to Council for endorsement.

**151/18 RESOLVED** *(carried unanimously)*

1. That the following schedule of Meeting Dates be adopted for 2019, with all Council Meetings scheduled to start at 6:00 pm and all Burwood Local Planning Panel Meetings at 6:00 pm in the Council Chambers, Suite 1, Level 2, 1-17 Elsie Street, Burwood:

Date	Burwood Local Planning Panel	Council
5 February 2019		x
12 February 2019	x	
12 March 2019	x	
26 March 2019		x
9 April 2019	x	
23 April 2019		x
14 May 2019	x	
28 May 2019		x
17-20 June 2019 – National General Assembly		
11 June 2019	x	
25 June 2019		x
9 July 2019	x	
23 July 2019		x
13 August 2019	x	
27 August 2019		x
10 September 2019	x	
24 September 2019		x
8 October 2019	x	
14-16 October 2019 – LGNSW Annual Conference		
22 October 2019		x
12 November 2019	x	
26 November 2019		x
3 December 2019	x	
10 December 2019		x

2. That the following schedule of Briefing Sessions be adopted for 2019, with all Sessions to commence at 5:00 pm and conclude at 6:00 pm, prior to the Council Meeting (additional sessions to be held as required):

Date
5 February 2019
23 April 2019
23 July 2019
22 October 2019
10 December 2019

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

**(ITEM 113/18) CLOTHING AND TEXTILE COLLECTION TRIAL**

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File No: 18/43193

**Summary**

A clothing and textile collection service exists that would provide the community with a free program for the collection and recycling of clothing and textiles which may otherwise have been disposed of to landfill. It is recommended that Council support a trial of this program.

**Operational Plan Objective**

3.2.2 – Identify emerging waste management solutions – Actively seek and identify new processes and technology

3.2.3 – Ensure a community wide increase in recycling and reduction in landfill

**152/18 RESOLVED** *(carried unanimously)*

1. That Council trial supporting the clothing and textile collection service as proposed by King Cotton by promoting the service and educating residents about clothing and textile reuse program, for a period of 12 months.
2. That Council review the effectiveness of the service at the end of the 12 month trial period.
3. That Council go to tender for a clothing and textile collection service should the results of this trial be successful in reducing waste to landfill.
4. That the General Manager be authorised to sign any formal agreement required in establishing the trial.

(Moved Councillor Ernest Chan/Seconded Councillor Heather Crichton)

**(ITEM 114/18) CONTAINER DEPOSIT SCHEME - REFUND SHARING AGREEMENT WITH VISY RECYCLING**

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File No: 18/43204

**Summary**

This report requests Council endorsement of the proposed refund sharing agreement with Visy recycling for eligible containers recovered from Council recycling bins in line with the NSW State Government Return and Earn Scheme.

**Operational Plan Objective**

3.2.3 Ensure a community wide increase in recycling and reduction in landfill

**153/18 RESOLVED** *(carried unanimously)*

1. That Council authorise the General Manager to finalise and enter in a refund sharing agreement with Visy Recycling agreeing to an approximate split of 50/50 of refunds due.

2. That the General Manager be authorised to sign the refund sharing agreement on behalf of Council.
3. That Council notify the NSW EPA that we have entered into a mutually agreed arrangement with Visy for sharing the refund from the Container Deposit Scheme.

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

#### **(ITEM 115/18) SPONSORSHIP PROPOSAL - ACCA CHINA FUN**

File No: 18/44646

##### **Summary**

The Australian Cultural & Commerce Association (ACCA) is seeking Council's support for its China Fun Lunar New Year Carnival 2019 by way of sponsorship agreement. Council has sponsored the event since 2015 as part of its Lunar New Year program.

##### **Operational Plan Objective**

1.4.3 Engage with different cultural groups and encourage participation in events and services

5.3.4 Facilitate and coordinate major events that celebrate the area

#### **154/18 RESOLVED** *(carried unanimously)*

That Council resolves to approve sponsorship support of the ACCA China Fun event and provide a maximum of \$20,000 in-kind sponsorship for 2019. ACCA to be required to pay a bond of \$5,000 for the event.

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

#### **(ITEM 116/18) BUDGET REVIEW FOR QUARTER ENDING 30 SEPTEMBER 2018**

File No: 18/41935

##### **Summary**

The 2018-2019 Budget was adopted at the Council Meeting held on 26 June 2018 with a surplus of \$56,593. 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 30 September 2018, 2018-2019 Financial Year. In accordance with Clause 203(1) *Local Government (General) Regulations 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 \$8,391 as at 30 September 2018 compared to the adopted forecast surplus of \$56,593. The reasons for the net decrease of \$48,202 are outlined in the report.

#### **155/18 RESOLVED** *(carried unanimously)*

1. That the Budget Review Statement of the 2018-2019 Budget as at 30 September 2018, 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) Regulations 2005*, the revised estimates of income and expenditure for 2018-2019 surplus of \$8,391, 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 Ernest Chan/Seconded Councillor Raj Dixit)

**(ITEM 117/18) INVESTMENT REPORT AS AT 31 OCTOBER 2018**

File No: 18/43593

**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*.

**156/18 RESOLVED** (*carried unanimously*)

1. That the investment report for 31 October 2018 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

(Moved Councillor George Mannah/Seconded Councillor Ernest Chan)

**(ITEM 118/18) ADOPTION - REVISED RATES AND CHARGES HARDSHIP ASSISTANCE POLICY**

File No: 18/25985

**Summary**

Council's Revised Rates and Charges Hardship Assistance Policy has been reviewed and updated in accordance with Council's Policy Review Corporate Practice. The policy provides a framework for determining assistance to ratepayers of Residential Rating Categories who are suffering genuine financial hardship with the payment of rates and charges.

**Operational Plan Objective**

2.3.1. – Identify and maintain additional revenue sources to ensure financial sustainability

**157/18 RESOLVED** (*carried unanimously*)

That Council adopts the Revised - Rates and Charges Hardship Assistance Policy.

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

**(ITEM 119/18) ADOPTION - REVISED AGENCY INFORMATION GUIDE - GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009**

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File No: 18/44043

**Summary**

The report seeks Council adoption of the revised – Agency Information Guide (the Guide). Section 20 of the *Government Public Access Information Act 2009* (the Act) requires all Councils to produce an Agency Information Guide. The purpose of the Guide is to provide the community with information concerning Council and also how to further access information.

Council adopted the Guide on 26 June 2018 and provided it to the Information and Privacy Commission (IPC) on 5 July 2018 as required under the Act. On 14 August 2018 the IPC sent a letter to Council with feedback on Council's Guide following their assessment, providing additional guidance and recommendations.

Further, the *Government Information (Public Access) (GIPA) Regulation 2018* (the Regulation) has been reviewed and the amended Regulation contains an additional open access information in relation to development applications for local government.

The Agency Information Guide is now submitted for endorsement.

**158/18 RESOLVED** (*carried unanimously*)

1. That Council endorse the revised - Agency Information Guide in line with the requirements of the *Government Public Access Information Act 2009*.
2. That Council furnish a copy of the adopted Agency Information Guide to the Information and Privacy Commissioner for reference.

(Moved Councillor Heather Crichton/Seconded Councillor Raj Dixit)

**REPORTS OF COMMITTEES****(ITEM RC9/18) BURWOOD LOCAL TRAFFIC COMMITTEE - NOVEMBER 2018**

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File No: 18/44284

**Summary**

Attached are the Minutes of the Burwood Local Traffic Committee from its meeting of 1 November 2018. The Minutes are hereby submitted to the Ordinary Council Meeting for consideration and adoption by Council.

**Operational Plan Objective**

4.1.5 - Work with RMS and Transport NSW in the development of integrated transport plans

**159/18 RESOLVED** (*carried unanimously*)

That the minutes of the Burwood Local Traffic Committee of 1 November 2018 be noted and the recommendations of the Committee as detailed below be adopted as a



resolution of the Council.

**(ITEM LTC20/18) BURWOOD ROAD, BURWOOD - RELOCATION AND EXTENSION OF BUS ZONE OUTSIDE #2A-8 AND #10-12**

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That Council approve the relocation of the Bus Zone on the eastern side of Burwood Road immediately south of Parramatta Road per the plan in the report.

**(ITEM LTC21/18) ELM STREET, BURWOOD HEIGHTS - PROPOSED TIMED NO PARKING RESTRICTIONS**

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That Council Approve the installation of No Parking restrictions between 4.00am – 10.00am Mondays Only, on the western side of Elm Street Burwood Heights with existing 1/2P parking to remain outside the Childcare Centre.

**(ITEM LTC22/18) DATES FOR 2019 BURWOOD LOCAL TRAFFIC COMMITTEE MEETINGS**

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That the following dates be adopted for the 2019 Burwood Local Traffic Committee Meeting:

February	Thursday 7 February 2019
March	Thursday 7 March 2019
April	Thursday 4 April 2019
May	Thursday 2 May 2019
June	Thursday 6 June 2019
July	Thursday 4 July 2019
August	Thursday 1 August 2019
September	Thursday 5 September 2019
October	Thursday 3 October 2019
November	Thursday 7 November 2019

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

**INFORMATION ITEMS**

**(ITEM IN40/18) MAYORAL DISCRETIONARY GRANTS - SMALL DONATIONS MADE FOR THE PERIOD ENDING 30 SEPTEMBER 2018**

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File No: 18/40737

**Summary**

The Discretionary Grants – Small Donations Policy was reviewed by Council and adopted on December 2017. As part of the Policy requirements a list of donations made is to be reported to Council on a quarterly basis. The attached table details the Discretionary Grants for the quarter ending 30 September 2018.

**No Decision – Information Item Only**

**(ITEM IN41/18) ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCIL MEETING OF 30 OCTOBER 2018**

File No: 18/42683

**Summary**

At the Council Meeting of 30 October 2018 the following Questions without Notice (QWN) were submitted by Councillors. Council Officers responded to the QWN and Councillors were notified on 9 November 2018 of the outcome of the QWN.

**Operational Plan Objective**

2.1.3 Ensure transparency and accountability in decision making.

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

<b>QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 30 OCTOBER 2018</b>	
<b>Question</b>	<b>Response</b>
<p><b><u>Councillor Lesley Furneaux-Cook</u></b></p> <p><b>Question 1:</b></p> <p>What are the possible opportunities to improve the safety of pedestrians using Malvern Road, Murray Street, Croydon pedestrian crossing?</p>	<p><b><u>Manager Traffic and Transport</u></b></p> <p>A concept design has been prepared by Council Officers and consultation has taken place with Roads &amp; Maritime Services (RMS) to incorporate a raised threshold at the crossing to help reduce traffic speeds. RMS were supportive of the new design which will be further developed and tabled at a future meeting of the Burwood Local Traffic Committee prior to going before Council.</p>
<p><b><u>Councillor Lesley Furneaux-Cook</u></b></p> <p><b>Question 2:</b></p> <p>Can the General Manager investigate better safety for pedestrians crossing the Burwood Plaza carpark exit on Belmore Street, Burwood and the pedestrian crossing mid Belmore Street, Burwood near 36 Belmore Street, Burwood?</p>	<p><b><u>Manager Traffic and Transport</u></b></p> <p>There is currently signage and linemarking to alert motorists exiting the Plaza onto Belmore Street of the pedestrian crossing. At the request of Council the plaza also recently installed a speed hump to reduce vehicle speeds prior to the crossing. Additional signage advising motorists to "Give Way to Pedestrians" will also be installed to improve pedestrian safety.</p> <p>An inspection of the crossing on Belmore Street has been undertaken by Council Officers which identified that</p>

	improvements could be made to signage. A work order has been raised for the new signs to be installed immediately.
<p><b><u>Councillor Joseph Del Duca</u></b></p> <p><b>Question 1:</b></p> <p>Can the General Manager provide a list of all applicants whose application for a stall at this year's Burwood Festival that was unsuccessful?</p>	<p><b><u>Acting Executive Manager</u></b></p> <p>Given the operational and administrative nature of the application and selection process, Council does not publicly provide information on selection outcomes. However, Councillors may enquire on individual stallholder applications through the General Manager.</p>
<p><b><u>Councillor Joseph Del Duca</u></b></p> <p><b>Question 2:</b></p> <p>When Council denies an event application because it is seen as 'divisive', what process is taken and who makes the final decision?</p>	<p><b><u>Acting Executive Manager</u></b></p> <p>Council does not reject stallholder applications based on 'divisive' grounds. All stallholder applications are assessed based on Council's stallholder application criteria. As this is an administrative process, the determination is made by the Events team based on the assessment criteria. If there is any serious concern regarding a specific stallholder application then it will be raised with Management.</p>
<p><b><u>Councillor Joseph Del Duca</u></b></p> <p><b>Question 3:</b></p> <p>What criteria is used to determine which event applicants are successful and which are not?</p>	<p><b><u>Acting Executive Manager</u></b></p> <p>All stallholder applications are assessed based on Council's event specific stallholder application criteria. For instance, at this year's Burwood Festival, the criteria was as follows:</p> <ul style="list-style-type: none"> <li>▪ Proper completion of application form with all required documentation supplied</li> <li>▪ Locality of applicant (within Burwood LGA or external)</li> <li>▪ Diversity in range of products and alignment with overall festival theme</li> <li>▪ Quota on stall types, quality of products and stall presentation</li> <li>▪ Stallholder history at festival</li> <li>▪ Demonstrated environmentally</li> </ul>

	<ul style="list-style-type: none"> <li>sustainable practices</li> <li>Compliance with Council's policies and procedures</li> </ul>
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**No Decision – Information Item Only**

### **(ITEM IN42/18) PETITIONS**

File No: 18/42845

#### **Summary**

Petitions received are reported to Council on a monthly basis. Council has received one Petition since the October Council Meeting.

#### **Operational Plan Objective**

2.1.1 Provide opportunities for discussions and report decisions back to the community

#### **Background**

<b>Date Received</b>	<b>Petition Subject</b>	<b>No. of Households and Businesses within the LGA</b>	<b>No. of Households outside the LGA</b>	<b>Responsible Council Division</b>
23 October 2018	Residents objecting to BD.2018.087 for a boarding house at 40-46 Stanley Street, Burwood	44	0	Land, Infrastructure and Environment

#### **Comments**

That Council notes that the Petition has been referred to the appropriate Council Officers for attention.

**No Decision – Information Item Only**

### **(ITEM IN43/18) AUDIT, RISK & IMPROVEMENT COMMITTEE - ANNUAL REPORT**

File No: 18/44645

#### **Summary**

To brief Council and the public on activities of the Audit, Risk & Improvement Committee (ARIC) for the period November 2017 – November 2018.

#### **Background**

As a result of the Council Elections held in September 2017, the incoming Council voted for membership of Council's Committees at its meeting of 24 October 2017. Councillors Lesley Furneaux-Cook and Rajkumar Dixit were appointed as delegates of the Committee.

In October 2017, Council conducted a call for nomination of two external independent members to Council's ARIC, for the period 1 November 2017 to 31 August 2020. The independent members appointed were Ms Sandra Mulder (Chairperson) and Mr Daniel Carbone.

The ARIC meets 4 times per year and this report relates to activities undertaken by the Audit Committee at its meetings of 8 November 2017, 20 February 2018, 5 June 2018 and 16 October 2018.

### **Current Activities**

In the last 12 months the ARIC undertook the following activities:

- Reviewed the 2016-2017 Financial Statements
- Adopted new ARIC Charter
- Received and noted a report on the Cash Management Audit Review by the Internal Auditor
- Received an update on Council's review of the Internal Audit Function and change in the provision of internal auditing services
- Adopted 3-year Audit Plan
- Received and noted a report and presentation on the findings of the IT Vulnerability Audit Review by Threat Intelligence Pty Ltd
- Reviewed Council's Risk Register
- Received an update on the Audit Client Service Plan for 2017-2018 by the Council's Auditors
- Received and noted a presentation on the findings and recommendations of the Internal Audit Report, in relation to the Event Management Review for Burwood Festival
- Chairperson attended Audit Office of NSW Generating Insights for Local Government Seminar on 20 April 2018 and presented a summary report to ARIC
- Received and noted a presentation on the findings of the ICAC investigation regarding the Botany Bay Council inquiry by the Internal Ombudsman
- Received the current version of Council's Community Strategic Plan
- Received a brief demonstration on the Audit Office's Report on Local Government 2017 council data visualisation portal
- Received an update on External Auditors' interim management letter
- Reviewed and are satisfied that the 2017-2018 Financial Statements meet the relevant requirements
- Received and noted the findings of the Recruitment & Selection Audit Review

In addition, the Chair of the ARIC presented the 2017-2018 annual summary report to Council at a Councillor Workshop on 27 November 2018.

### **Minutes**

The Minutes of the meetings of 8 November 2017, 20 February 2018, and 5 June 2018 are attached as approved. The Minutes of the meeting of 16 October 2018 will be attached to the next summary report, once approved by the Audit, Risk and Improvement Committee.

### **No Decision – Information Item Only**



**CONFIDENTIAL ITEMS - CLOSED SESSION****160/18 RESOLVED** *(carried unanimously)*

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

**(ITEM 121/18) PROPOSED ACQUISITION OF 25 PARKING SPOTS - B2 EMERALD SQUARE LOT 102 IN DP 1209312 EMERALD SQUARE - 31 BELMORE STREET BURWOOD**

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

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

**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 6.34 PM THE PUBLIC AND PRESS EXCLUDED FROM THE MEETING.**

**THE MEETING RESUMED IN OPEN SESSION AT 6.36 PM**

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

**(ITEM 121/18) PROPOSED ACQUISITION OF 25 PARKING SPOTS - B2 EMERALD SQUARE LOT 102 IN DP 1209312 EMERALD SQUARE - 31 BELMORE STREET BURWOOD**

File No: 18/45811

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

**Summary**

Council has received an offer to purchase part lot 105 in DP 1209312 B2 Emerald Square, 27-31 Belmore Street, Burwood through Winworth Pty Ltd on behalf of Heng Tai Burwood Pty Ltd.

This report provides a background to the offer and seeks Council's resolution to:

1. Approve the acquisition of the land, known as part lot 105 in accordance with Section 377 (h) of the *Local Government Act 1993*.
2. Approve the set purchase price for the acquisition.
3. Delegate the General Manager under his Power of Attorney to sign all relevant documentation.
4. Categorise the land in accordance with Section 27 (2) of the *Local Government Act 1993*.
5. Give public notice of classification under Section 34 of the *Local Government Act 1993*.

**Operational Plan Objective**

2.4.2 - Investigate opportunities to expand revenue from commercial operations, property portfolio and other income generating assets.

4.1.3.2 – Ensure new developments provide sufficient off-street parking in line with Councils DCP.

**161/18 RESOLVED** *(carried unanimously)*

1. That Council resolves to acquire part lot 105 in DP 1209312, known as B2 Emerald Square, 27-31 Belmore Street Burwood.
2. That Council resolves to set the purchase price for the acquisition, to be funded from the Council's Planning Agreement Car parking Contribution - Restricted Assets.
3. That Council delegate the General Manager under his Power of Attorney to sign all relevant documentation.
4. That Council classifies the land as operational land under Section 27 (2) of the *Local Government Act 1993*.
5. *That Council resolves to give public notice of classification under Section 34 of the Local Government Act 1993.*

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

**QUESTIONS WITHOUT NOTICE**

The following Questions Without Notice were submitted at the Meeting:

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

I am aware that neighbouring councils (Inner West, Strathfield and Canada Bay) have signed an understanding with Service NSW "Easy to do Business Program". Where is Burwood up to in its negotiations?

**Question 2:**

What are the obligations of Private Certifiers to give information to residents impaired by a development while being built?

**Councillor Heather Crichton****Question 1:**

In our conservation areas, what criteria is applied in selecting paint colour schemes?

**Question 2:**

In our conservation areas, in selecting a paint colour scheme how is it decided? Is it one planner's decision?

**Question 3:**

Where is the consistency with 7 Lea Street Croydon with the rest of the conservation area?

This concluded the business of the meeting and Council rose at 6.40 pm.

Confirmed this Tuesday 11 December 2018



MAYOR

