



MINUTES OF THE MEETING OF THE COUNCIL OF BURWOOD held electronically on Tuesday 26 October 2021 commencing at 6:00pm.

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

Mr T Briscece, General Manager  
Mr F Zincone, Director Corporate Services  
Ms B Endycott, Director Community Life  
Mr G El Kazzi, Director City Assets  
Mr D Porter, Director City Strategy  
Mr W Armitage, Chief Finance Officer  
Ms L Hennessey, Group Manager Corporate Planning and Communications  
Mr Harry Gavrilis, Group Manager Environment & Health  
Mr Roberto Di Federico, Manager Traffic & Transport  
Ms Karla Castellanos, Group Manager Strategic Planning, Heritage and Place  
Mr Ryan King, Strategic Planner  
Mr Gavin Patton, Heritage Advisor  
Ms T Whitmarsh, Consultant – Governance Specialist  
Ms M Butler, Governance Coordinator  
Mr Unaib Jeffrey, Auditor – Audit Office of NSW

## **OPENING OF MEETING BY THE MAYOR**

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

## **OPEN FORUM**

There was one speaker for the Open Forum — Mr Marcus Holden spoke regarding the rezoning of Mitchell Street.

## **APOLOGIES**

**128/21 RESOLVED** (*unanimously*)

That a leave of absence be granted for Cr Del Duca.

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

## **DECLARATIONS OF INTEREST**

**Cr Furneaux-Cook** declared a significant pecuniary interest in relation to item 75/21 about DCP Amendment No 5 - Livingstone Street and Sim Avenue, Burwood, as she owns property in that area. She advised that she would leave the meeting for that discussion.

**Cr Chan** declared a pecuniary interest in item 75/21 about DCP Amendment No 5 - Livingstone Street and Sim Avenue, Burwood, as he owns property at 183E Burwood Road, Burwood, which adjoins the precinct. He advised that he would leave the meeting for that discussion.

**Cr Faker** declared a less than significant non-pecuniary interest in item 75/21 about DCP Amendment No 5 - Livingstone Street and Sim Avenue, Burwood, as his wife's relatives own property in Woodside Avenue, which borders that street. He advised that he would remain in the chair for that discussion.

**Cr Faker** declared a significant non-pecuniary interest in item 76/21 about a Draft Voluntary Planning Agreement for 14A Grosvenor Street Croydon as he has a relative who owns property in the proximity of Grosvenor Street. He advised that he would leave the meeting for that discussion.

## DECLARATIONS OF POLITICAL DONATIONS

There were no declarations of political interests by Councillors.

## CONFIRMATION OF MINUTES

### 129/21 RESOLVED (*unanimously*)

That the minutes of the meeting of the Council Meeting of Burwood held on Tuesday 28 September 2021, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

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

## ADDRESS BY THE PUBLIC ON AGENDA ITEMS

Name	Item
Marisa Sara	74/21 – Adoption of Amendment No.5 of the Burwood Development Control Plan 2013
Nicolas Nasser	74/21 – Adoption of Amendment No.5 of the Burwood Development Control Plan 2013
Michael Leszczynski	73/21 – Findings of the Heritage investigation - 11 Seale Street, Burwood
Patrick Saidi	73/21 – Findings of the Heritage investigation - 11 Seale Street, Burwood

## GENERAL BUSINESS

### (ITEM 73/21) FINDINGS OF THE HERITAGE INVESTIGATION - 11 SEALE STREET BURWOOD

File No: 21/46801

#### Summary

A heritage investigation of 11 Seale Street Burwood has been undertaken by an independent heritage consultant. The investigation has found that the property demonstrates heritage significance at the local level and progression of a heritage listing is recommended.

#### Operational Plan Objective

- 1.4.4 Promote and celebrate the area's heritage and Indigenous history
- 4.3 Integrate Burwood's existing heritage with high quality urban design

## 4.3.2 Maintain and preserve heritage through relevant planning strategies

**130/21 RESOLVED** (*unanimously*)

1. That Council endorse the heritage listing of the property at 11 Seale Street Burwood.
2. That the General Manager proceed with the preparation of a Planning Proposal for the property.
3. That the Planning Proposal, when prepared, be submitted to the Burwood Local Planning Panel (BLPP) for their consideration.
4. That the results of the BLPP's consideration be reported back to Council before being referred to NSW Government for Gateway determination.

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Faker	
Councillor Mannah	
Councillor Dixit	
Councillor Crichton	
Councillor Chan	
Councillor Furneaux-Cook	
<b>Total (7)</b>	<b>Total (0)</b>

### **(ITEM 74/21) ADOPTION OF AMENDMENT NO.5 OF THE BURWOOD DEVELOPMENT CONTROL PLAN 2013**

File No: 21/45794

#### **Summary**

Draft Amendment No. 5 of the Burwood Development Control Plan 2013 has completed the public exhibition process. Three submissions were received, which are discussed in this report. Council may now adopt Amendment No. 5 with a minor change. The Amendment will come into effect when public notice is given.

#### **Operational Plan Objective**

##### 2.1.3 Ensure transparency and accountability in decision making

**131/21 RESOLVED**

1. That Council adopt Amendment No. 5 to the Burwood Development Control Plan (BDCP).
2. That Council authorise the General Manager to allow further editorial or minor changes to the amended BDCP considered necessary before the document becomes effective.
3. That the amended Burwood Development Control Plan be brought into effect in accordance with the relevant provisions of the *Environmental Planning & Assessment Regulation 2000*.

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Faker	Councillor Dixit
Councillor Mannah	
Councillor Crichton	
Councillor Chan	
Councillor Furneaux-Cook	
<b>Total (5)</b>	<b>Total (1)</b>

**CR LESLEY FURNEAUX-COOK AND CR ERNEST CHAN LEFT THE MEETING, THE TIME BEING 06:36 PM**

**(ITEM 75/21) ADOPTION OF AMENDMENT NO.5 TO BURWOOD DEVELOPMENT CONTROL PLAN FOR LIVINGSTONE STREET AND SYM AVENUE BURWOOD**

File No: 21/45795

**Summary**

Draft Amendment No. 5 of the Burwood Development Control Plan 2013 for Livingstone Street and Sym Avenue specifically, has completed the public exhibition process. No submissions were received in relation to this item. Council may now adopt Amendment No.5.

The Amendment will come into effect from the date when the PP has been finalised into a BLEP amendment and notified on the NSW legislation website.

**Operational Plan Objective**

2.1.3 Ensure transparency and accountability in decision making

**132/21 RESOLVED**

1. That Council adopt Amendment No. 5 to the Burwood Development Control Plan (BDCP) specifically for Livingstone Street and Sym Avenue.
2. That Council authorise the General Manager to allow further editorial or minor changes to the amended BDCP considered necessary before the document becomes effective.
3. That the amended Burwood Development Control Plan be brought into effect in accordance with the relevant provisions of the *Environmental Planning & Assessment Regulation 2000*.

(Moved Councillor George Mannah/Seconded Deputy Mayor Heather Crichton)

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Faker	Councillor Dixit
Councillor Mannah	
Councillor Crichton	
<b>Total (3)</b>	<b>Total (1)</b>

**CR LESLEY FURNEAUX-COOK AND CR ERNEST CHAN RETURNED TO THE MEETING, THE TIME BEING 06:44 PM**

**CR JOHN FAKER LEFT THE MEETING, THE TIME BEING 07:05 PM**

**CR CRICHTON TOOK THE CHAIR AT 7:05 PM.**

**(ITEM 76/21) DRAFT VOLUNTARY PLANNING AGREEMENT FOR 14A GROSVENOR STREET CROYDON**

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File No: 21/46300

**Applicant:** Gloriously Simple Pty Ltd  
**Developer:** Gloriously Simple Pty Ltd  
**Company Directors:** Ms Mary Jabbour and Mr Tony Jabbour

**Summary**

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) for 14A Grosvenor Street Croydon were submitted to Council in conjunction with Development Application (DA) 42/2021, which proposes the demolition of existing structures and the construction of a part 4 and part 5 storey boarding house containing 22 boarding rooms, a manager's room, communal open space areas and basement parking.

The draft VPA provides for payment by the developer of a monetary contribution of \$106,110 to Council in exchange for two deficient on-site parking spaces towards the improvement of public car parking facilities in Croydon.

The draft VPA and EN were publicly notified between 23 September 2021 and 21 October 2021. Council's endorsement is sought to enter into the VPA after the granting of the consent for the DA and prior to the issue of any Construction Certificate.

**Operational Plan Objective**

1.2.1 Inform the community of Council's activities, facilities and services using accessible communication.

**133/21 RESOLVED (*unanimously*)**

That consideration of the draft voluntary planning agreement proposed for 14A Grosvenor Street in Croydon be deferred until the February 2022 meeting of Council pending further advice on policy implementation implications.

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

**CR JOHN FAKER RETURNED TO THE MEETING AND RESUMED THE CHAIR, THE TIME BEING 07:10 PM**

**(ITEM 77/21) SUSTAINABLE BURWOOD STRATEGY - DRAFT FOR PUBLIC EXHIBITION AND CONSULTATION**

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File No: 21/38965

**Summary**

The draft Sustainable Burwood strategy has now been completed and is submitted for the Council's consideration. The Sustainable Burwood Strategy is intended to be an overarching document that builds upon the outcomes arising from the existing Green Action Plan. The strategy offers a contemporary approach to sustainability which is focused on both organisational change but also enlivening community led adoption of new sustainable practices.

It is proposed that the strategy be placed on public exhibition for community consultation and input, before being presented for endorsement at a future Council meeting in early 2022.

## Operational Plan Objective

### Theme 3.4 - Leadership in Environmental Sustainability

Action 3.4.1 - Invest in Green and renewable technologies

Action 3.4.2 - Greater use of more efficient green technologies and alternative energy sources

Action 3.4.3 - Environmentally sustainable developments which reduce impacts on the environment.

#### 134/21 RESOLVED (*unanimously*)

1. That the draft Sustainable Burwood strategy be placed on public exhibition between 27 October and 17 December 2021.
2. That, at the end of the consultation period a consultation report be prepared and consideration of any submissions be undertaken including any recommended amendments to the Sustainable Burwood Strategy.
3. That an updated and Final Draft Sustainable Burwood Strategy be submitted to Council for approval and adoption in early 2022 following completion of community consultation.

(Moved Councillor Ernest Chan/Seconded Councillor George Mannah)

### **(ITEM 69/21) WASTE SERVICES - TRIAL FOOD AND GARDEN ORGANICS (FOGO) COLLECTION SERVICE**

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File No: 21/37381

#### **Summary**

The NSW Government 'NSW Waste and Sustainable Materials Strategy 2041' mandates that all Councils adopt a FOGO collection service by 2030. This is part of a range of initiatives to divert waste from landfill. It is proposed that Council progresses with changes to its current waste collection service and commit to the introduction of a combined food organics and garden organics (FOGO) collection service prior to the 2030 deadline.

However, to ensure that the transition to FOGO collection services can be adapted for the Burwood Council area, it is proposed that a limited trial be undertaken prior to the adoption of a full service. This would allow service delivery options to be fully evaluated and a comprehensive FOGO implementation strategy prepared.

This report provides a background as to the reasoning for the change and the necessary steps needed to commence the trial.

## Operational Plan Objective

Theme 3.2 Sustainable waste management practices

Strategic Goal from the Operational Plan

- 3.2.2 Identify emerging waste management solutions
- 3.2.3 Clear targets for recycling and reducing waste to landfill

#### 135/21 RESOLVED (*unanimously*)

1. That the General Manager be authorised to progress preparations for the implementation of a FOGO trial in early 2022. The trial area be confirmed as Collection Run 1 each, Wednesday encompassing Greenhills Street, Liverpool Road, Arthur Street and Culdees Street in and around Burwood Heights
2. That Council continue to maintain the weekly collection of the 120 litre waste bin and review efficacy of the service at 3 monthly intervals
3. The General Manager provide Council with a progress report on the trial detailing findings from the first 3 months of the FOGO trial, including any resident feedback, waste diversion information and any changes required to the scheme. A further progress report be provided to Council outlining findings at the 6 months period, including recommendation as to whether the trial is required to proceed to the full 12 months.
4. Following the completion of the trial, that a comprehensive report be prepared and submitted to Council for approval detailing how the FOGO Services can be fully implemented across the LGA. This is to include all financial, implementation and logistical considerations.

(Moved Councillor George Mannah/Seconded Deputy Mayor Heather Crichton)

### **(ITEM 78/21) CLIMATE COUNCIL - CITIES POWER PARTNERSHIP - PROPOSED MEMBERSHIP**

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File No: 21/46167

#### **Summary**

The Cities Power Partnership (the program) is a not for profit, national program run by the Climate Council. It aims to provide local governments with the tools, knowledge and connections to take meaningful action on climate change and capitalise on the global shift to a clean economy.

It is the largest local government climate program in Australia with over 145 member councils representing over 60 per cent of Australia's population.

The work of the Climate Council promotes independent research and policy proposals based on the best available climate science.

#### **Operational Plan Objective**

- 3.4 Leadership in Environmental Sustainability
- 3.4.2. Greater use of more efficient green technologies and alternative energy sources

#### **136/21 RESOLVED (unanimously)**

1. That Council receive and note the information concerning the Cities Power Partnership and provide endorsement to seek membership of the organisation via formal correspondence.
2. That the General Manager be authorised to engage with the Cities Power Partnership to select pledges appropriate to Burwood Council. This should take into account any feedback received during public consultation for the Sustainable Burwood Strategy.
3. That a further report be presented back to Council seeking endorsement of the recommended pledges for lodgement with the Cities Power Partnerships.

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

**(ITEM 93/21) ADOPTION OF AUDITED FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 2021**

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File No: 21/48446

**Summary**

In accordance with Section 418 (1)(a) of the *Local Government Act 1993* (the Act), Council must fix a date for the meeting at which it proposes to present its Audited Financial Report, together with the Auditor's Report. The presentation of this Report to this Council Meeting fulfils this requirement.

In all material respects, the financial statements are presented fairly in accordance with Australian Accounting Standards and other mandatory professional reporting requirements and statutory requirements so as to present a view which is consistent with Council's understanding of the financial position, the operating result and cash flows.

**Operational Plan Objective**

2.3 Ensure financial sustainability and organisational effectiveness

**137/21 RESOLVED (unanimously)**

1. That in accordance with Section 413(2)(c) of the *Local Government Act 1993* and Clause 215 of the *Local Government (General) Regulation 2005*, the Council make the following declaration:

- a. That Council's Financial Reports have been drawn up in accordance with the *Local Government Act 1993* and associated Regulations; the Statement of Accounting Concept; the Local Government Code of Accounting Practice and Financial Reporting update no. 29; and the Australian Accounting Standards.
- b. The Audited financial reports present fairly the Council's financial position and performance for the year.
- c. These reports accord with Council's accounting and other records.

2. That the Council note that the 2020-2021 Audited Financial Reports and Auditor's Report will be forwarded to the Office of Local Government.

(Moved Deputy Mayor Heather Crichton/Seconded Councillor George Mannah)

**(ITEM 60/21) ADOPTION OF FEES AND CHARGES 2021/2022 - HENLEY PARK AND BLAIR PARK AMENITIES BUILDINGS - POST PUBLIC EXHIBITION**

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File No: 21/36176

**Summary**

At the Ordinary Meeting of Council held on 29 June 2021, Council resolved to place the draft fees and charges for the Henley Park and Blair Park Amenities Buildings on public exhibition for a period of 28 days for consultation with the community. This report seeks Council's adoption of the draft fees and charges with two amendments proposed as a result of feedback received during the public exhibition period and further consultation undertaken post public exhibition with local community sporting groups.



**Operational Plan Objectives**

- 2.1 Community confidence in Council's decision making.
- 2.3 Ensure financial sustainability and organisational effectiveness.

**138/21 RESOLVED (unanimously)**

That Council:

1. Adopts the draft fees and charges 2021/22 for the Henley Park and Blair Park Amenities Buildings as outlined in this report following the conclusion of the public exhibition period, as required by section 610F and section 705 of the *Local Government Act 1993*.
2. Incorporates the above fees and charges into Council's Schedule of Fees and Charges 2021/2022 with an applicable commencement date of 1 January 2022.

(Moved Councillor George Mannah/Seconded Councillor Ernest Chan)

**(ITEM 95/21) INVESTMENT REPORT AS AT 30 SEPTEMBER 2021**

File No: 21/48447

**Summary**

In accordance with Clause 212 of the *Local Government (General) Regulation 2005*, this report details all money that Council has invested under Section 625 of the *Local Government Act 1993*.

**Operational Plan Objective**

- 2.3.1 Identify and maintain additional revenue sources to ensure financial sustainability

**139/21 RESOLVED (unanimously)**

1. That the investment report for 30 September 2021 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

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

**(ITEM 83/21) BURWOOD COUNCIL ANNUAL REPORT 2020-2021**

File No: 21/46645

**Summary**

Burwood Council's Annual Report for the period 2020-2021 has been prepared in accordance with the *Local Government Act 1993* (the Act) and the Office of Local Government's Annual Report requirements.

**Operational Plan Objective**

Leadership and Innovation

- 2.1.3. Ensure transparency and accountability in decision-making
- 2.1.3.1 Audit and evaluate projects and report outcomes to the community where possible

2.1.3.2 Provide information in a transparent manner

**140/21 RESOLVED** (*unanimously*)

That Council endorse the Burwood Council Annual Report 2020-2021

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

### **(ITEM 87/21) COUNCIL AND BURWOOD LOCAL PLANNING PANEL MEETING SCHEDULES FOR REMAINDER OF 2021 AND FOR 2022**

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File No: 21/45368

#### **Summary**

The proposed 2022 schedule for meetings of the Burwood Planning Panel, ordinary meetings of Council and Councillor briefing sessions is presented to Council for endorsement. Changes to meeting dates for 2021 are also proposed as a result of the 4 December 2021 local government election.

#### **Operational Plan Objective**

2.5.1 Provide strong leadership and advocacy on behalf of the community.

**141/21 RESOLVED** (*unanimously*)

That:

1. The November Ordinary Meeting of Council be rescheduled to 16 November 2021.
2. The scheduled 14 December 2021 meeting of council be cancelled.
3. Council endorse the schedule for meetings of the Burwood Local Planning Panel, ordinary meetings of Council and Councillor Briefing sessions in 2022 as proposed in the attachment to this report, subject to re-confirmation by the incoming Council at its first meeting in 2022.
4. Meetings of the Burwood Local Planning Panel meetings commence with public hearings (where required) at 6:00pm and accommodate virtual participation consistent with requirements under the *Environmental Planning and Assessment Act 1979* and any prevailing Public Health Orders.
5. Ordinary meetings of Burwood Council commence at 6:00pm in the Conference Room at 2 Conder Street in Burwood and accommodate virtual participation consistent with requirements under the *Local Government Act 1993* and any prevailing Public Health Orders.
6. Councillor briefing sessions preceding ordinary meetings of Council commence no later than 5:00pm (unless otherwise negotiated) and be convened at 2 Conder Street in Burwood.
7. Councillor workshops and briefings on days other than those nominated for ordinary meetings of Council continue to be scheduled as required.

(Moved Councillor Ernest Chan/Seconded Councillor George Mannah)

### **(ITEM 89/21) DISCLOSURE OF INTEREST RETURNS - COUNCILLORS AND DESIGNATED PERSONS**

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File No: 21/46469

#### **Summary**

The General Manager is required under the *Local Government Act 1993* and supporting instruments to table written returns of interests for councillors and designated persons at a meeting of Council. Annual returns for the period 2020–21 are now due to be formally received and noted.

### Operational Plan Objective

2.1.3 Ensure transparency and accountability in decision making

#### 142/21 RESOLVED (*unanimously*)

That the report and tabled disclosure of interest returns by councillors and designated persons for 2020/21 are received and noted.

(Moved Councillor George Mannah/Seconded Deputy Mayor Heather Crichton)

### (ITEM 90/21) PORTLAND STREET, ENFIELD - TRAFFIC CALMING DEVICES

File No: 21/46684

#### Summary

Further investigation has been undertaken into traffic calming devices for Portland Street Enfield following a recent report presented to the Burwood Local Traffic Committee.

### Operational Plan Objective

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

#### 143/21 RESOLVED (*unanimously*)

1. That Council approve the construction of two new raised concrete thresholds with all associated signs and line marking outside No.23 and No.39 Portland Street, Enfield, as per the plan in the report, subject to the height of the thresholds reduced to 75mm above the road surface.
2. That Council approve landscaping on both sides of Portland Street at each of the raised thresholds to avoid the facilities being misunderstood as pedestrian crossings.

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

### REPORTS OF COMMITTEES

#### (ITEM RC8/21) BURWOOD LOCAL TRAFFIC COMMITTEE - OCTOBER 2021

File No: 21/46856

#### Summary

Attached are the Minutes of the Burwood Local Traffic Committee from its meeting of October 2021. 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.

**144/21 RESOLVED** (*unanimously*)

That the minutes of the Burwood Local Traffic Committee of October 2021 be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

(Moved Deputy Mayor Heather Crichton/Seconded Councillor George Mannah)

**(ITEM LTC27/21) CANTOR STREET, CROYDON - PROPOSED TIMED NO PARKING RESTRICTIONS*****Recommendation***

That Council approve the installation of 'No Parking – 6.00am – 12.00pm Wednesday' parking restrictions fronting #14 Cantor Street Croydon per the plan in the report.

**(ITEM LTC28/21) 3A BYER STREET, ENFIELD - PROPOSED TIMED NO PARKING RESTRICTIONS**

That Council approve the installation of 'No Parking – 6.00am – 12.00 noon Tuesday' parking restrictions fronting 3A Byer Street Enfield per the plan in the report.

**(ITEM LTC29/21) 19 PARK ROAD, BURWOOD - PROPOSED TIMED NO PARKING RESTRICTIONS*****Recommendation***

That Council approve the installation of 'No Parking' restrictions fronting 19 Park Road Burwood.

**(ITEM RC10/21) BURWOOD 150 YEARS ANNIVERSARY STEERING COMMITTEE MINUTES - 12 OCTOBER 2021**

File No: 21/46958

**Summary**

This report presents the draft minutes of the Burwood 150 Years Anniversary Steering Committee meeting held on Tuesday 12 October 2021.

**Operational Plan Objectives**

- 1.2 A well-informed, supported and engaged community.
- 1.4 A proud and inclusive community that celebrates diversity.
- 2.2 Strong partnerships to benefit the community.
- 5.3 Enhance and foster local identity.

**Background**

The Burwood 150 Years Anniversary Steering Committee has been established to provide a forum for Council to engage with and obtain feedback from the community to support the planning and delivery of the Burwood 150 Years Anniversary Program to take place in 2024.

**Meeting Overview**

The Burwood 150 Years Anniversary Steering Committee held its third meeting on 12 October 2021. The Committee discussed key action updates arising from the meeting held on 13 July 2021 and received a presentation on proposed events for 2024.

The draft minutes of the Committee Meeting are included under Attachment 1 of this report.

### **Consultation**

There are no further consultation processes associated with this report.

### **Planning or Policy Implications**

The Committee is conducted in accordance with its Terms of Reference adopted by Council on 8 December 2020. Whilst the role of the Committee is to act as an advisory body to Council, the Terms of Reference specifies that the minutes of the Committee are to be submitted to the first available Ordinary Meeting of Council.

### **Financial Implications**

Council has sufficient funds allocated in the Library Services **Operational Budget 2021/22** to complete the Request for Quotation process for the Burwood History Publication.

### **Conclusion**

This report provides the draft minutes of the Burwood 150 Years Anniversary Steering Committee held on 12 October 2021 for Council's information. The Burwood 150 Years Anniversary Steering Committee will continue to meet on a quarterly basis.

## **145/21 RESOLVED**

That Council receives and notes the draft minutes of the Burwood 150 Years Anniversary Steering Committee held on 12 October 2021 (included under Attachment 1).

(Moved Deputy Mayor Heather Crichton/Seconded Councillor Ernest Chan)

## **INFORMATION ITEMS**

### **(ITEM IN24/21) ANSWERS TO QUESTIONS ON NOTICE**

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File No: 21/48445

#### **Summary**

The following Questions on Notice were submitted by Councillors.

#### **Operational Plan Objective**

2.1.3 Ensure transparency and accountability in decision making.

The answers are provided below:

#### **Cr Lesley Furneaux-Cook**

##### **Question 1**

According to Australian Sports Foundation, as reported in ABC news, many community sporting clubs face financial ruin due to the impacts of COVID. This includes lost seasons, no fundraising abilities, less volunteers, no sponsorship but outlay costs have either remained or increased including ground fees. Given the importance of these clubs to both the physical and mental well-

being of our community, has council reached out to these clubs to gauge their ongoing needs post lockdown? What support strategies as per business support plan have been considered? If so when will these be presented to Council?

**Answer – Director Community Life**

Between July and August 2021 a total of 56 local community organisations were contacted and surveyed by the Community Development Team to assess their needs in relation to financial assistance offered by Council. This included a particular focus on improvements to the annual Community Grants Program. The survey gave consideration to both current and ongoing funding needs and included a cross section of local and regional not for profit organisations, including sporting clubs. The outcomes of this review will be reported to the Council Meeting in November 2021. Local sporting groups have traditionally not been a focus of this funding program, however, the changes proposed will expand the types of projects to be funded in 2021/22 and will prioritise community recovery and reactivation following the extended lock down period. Council will proactively promote the expanded Community Grants Program to local sporting groups once opened.

Throughout August and September 2021, Council's Customer Service Team has also undertaken significant consultation via online meetings, telephone discussions and email correspondence with local sporting groups in relation to fees and charges for ground and facilities hire and to seek feedback on improvements to Council's bookings and hire arrangements. As a result of this consultation, Council rapidly cancelled seasonal ground hire fees for the lockdown period commencing on the 26 June 2021 and for the remainder 2021 winter season and is working with local sporting clubs to provide discounted access to grounds and facilities for the remainder of 2021.

Consistent with the Mayoral Minute 'Burwood Bounce Back Business Support Package' (MM26/21) resolved at the Ordinary Meeting of Council held on 28 September 2021, Council has applied a 50% discount to community sporting groups for the hire and use of Council sports fields and amenities until 31 December 2021. This discount has only been applied to community sporting groups and not commercial hirers. Council officers have also recommended that new fees and charges proposed for the Henley Park and Blair Park Amenities Buildings be further discounted and only be applied from 1 January 2022. This proposal is included in the Business Paper for the Ordinary Meeting of Council of 26 October 2021.

**Question 2**

Use of electric vehicles in Australia is set to reach 30% by at least 2030. What provisions have council made in terms of both pop up charging stations (e.g. Canada Bay Council) and inclusion in planning documents for new builds (e.g. Randwick Council)?

**Answer – Director City Strategy**

The electrical vehicle (EV) charging stations that have recently been introduced into Strathfield and Canada Bay area are provided by a company called JOLT. JOLT have secured an exclusive agreement with Energex to convert existing above ground substations into EV charging stations. This includes a new shroud over the existing green Energex sub-station that are present in the footpath. The new shroud includes an electronic advertisement panel at either end of the charging station. The charging station is also supported with a dedicated 'Electric Vehicle Charging Only' parking space in the road.

This is a commercial venture by a private company but is part of a broader initiative to expand the availability of EV charging infrastructure across the community. Specifically, to make the transition to electric vehicles more appealing and manage perceptions regarding range anxiety.

Burwood Council has received enquiries from the same company regarding sub-station locations in Burwood. Council has been supportive of the concept and encourage JOLT to lodge the required Development Application. This has now been received (DA.2021.91) for 6 locations across the LGA including:

- Close to 36 The Boulevarde, Strathfield
- Close to 26 Park Avenue, Burwood Park
- Close to 19 Everton Road, Strathfield
- Close to 133 Liverpool Road, Burwood
- Close to 129 Georges River Road, Croydon Park
- Close to 61 Georges River Road, Croydon Park

This application is currently under assessment.

With regard to electrical vehicle charging infrastructure, this has been identified as an item for consideration as part of the comprehensive DCP review. Burwood Council will be investigating the success of similar policies currently being implemented by other Councils.

### **Question 3**

Council recently completed direct education programs with eight of the larger apartment buildings within the Burwood Town Centre precinct. Were any improvements identified?

### **Answer – Group Manager, Environment & Health**

Due to Covid-19 restrictions Council staff have not been able to undertake detailed visual assessments at each of the buildings. The Team will revisit / contact the Building Managers in the coming months to discuss the recycling practices. It can be assumed that improvements to the recycling practices have occurred, as Council's waste collection contractor has not reported overfilled bins or other issues at these apartment buildings.

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

## **(ITEM IN25/21) DESIGN & BUILDING PRACTITIONERS ACT 2020 & DESIGN & BUILDING PRACTITIONERS REGULATION 2021**

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File No: 21/44851

### **Summary**

The Design & Building Practitioners Act 2020 and Regulation 2021 commenced on 1 July 2021. It is a response from the NSW government to the 2018 Sheargold Weir Report into Building Confidence in NSW. The legislation is aimed at strengthening compliance in the building sector and is initially aimed at Class 2 (residential flat) buildings.

This report is intended to provide an overview of the Act and supporting regulation and how it is intended to operate. It is also to brief Councillors, given recent motions regarding the role of Private Certifying Authorities on projects within the Burwood Council area.

### **Operational Plan Objective**

4.3.1 – Encourage architectural integrity and aesthetically pleasing buildings

### **Design & Building Practitioners Act 2020 (The Act)**

One of the main features of the Act is that it imposes a new duty of care on those who carry out construction work (that is, building work, preparation of designs, manufacturing and supplying of building products, or supervising, coordinating or project-managing any of the above) to exercise

reasonable care to avoid economic loss caused by defects arising from the work. This aspect of the Act stems from the issues that are still on going with high profile cases such as the Mascot Towers & Opal Towers developments which have had significant impacts upon residents.

These provisions will have retrospective effect and will apply to economic losses that first become apparent after the commencement of the Act as well as those that first became apparent within 10 years immediately before commencement.

Other key features of the Act are:

1. **A register of construction professionals** – the Act imposes a comprehensive registration regime which requires designers, engineers, and all people who contract to do building work to be registered with the NSW Fair Trading and included on a publicly available register of registered practitioners.
2. **Regulated designs and building work** – the introduction of the concept of 'regulated designs', which includes designs for a building element (including fire safety systems, waterproofing and load bearing components) or a performance solution for building work or a building element.
3. **Compliance declarations** – design and building practitioners must provide mandatory declarations that building designs and building works comply with the requirements of the Building Code of Australia (BCA) before an occupation certificate can be issued.
4. **Enforcement** – the Act gives the Secretary of the Department of Customer Service grounds to take disciplinary action against a registered practitioner, including imposing fines or suspending registration. Further the Act provides for authorised officers to undertake investigations (without or without any complaint being made) and for stop work orders to be issued by the Secretary in certain circumstances.

The building practitioner cannot start constructing unless it has obtained all regulated designs from the registered design practitioners, and provided and lodged the necessary compliance declarations. From 1 July 2021, construction certificates or complying development certificates for building work can only be issued if designs and design compliance declarations are first provided to the person issuing the relevant certificate. Similarly, occupation certificates for building work can only be issued if a building compliance declaration is first provided to the person issuing the certificate.

The Act sets out the steps for when the designs are to be lodged and all regulated designs must be lodged through the NSW Planning Portal. NSW Fair Trading has notified all Practitioners of its intentions to audit completed work against the designs lodged through the Portal. The Act also requires registered design practitioners, principal design practitioners, professional engineers and building practitioners to be "adequately insured" with respect to certain compliance declarations and work.

### **Design & Building Practitioners Regulation 2021 (Regulations)**

The Regulations have clarified that the registration scheme created in the Act currently only applies to 'building work' and 'professional engineering work' (defined by sections 4 and 31 of the Act respectively) carried out for 'class 2' buildings under the BCA. A class 2 building is a building that contains two or more sole-occupancy units, with each sole-occupancy unit being a separate dwelling. Therefore, a residential apartment building falls into this category. Importantly, the application of the Act extends to buildings with mixed classifications that include class 2 buildings, for instance a building partly containing office space (class 5) and residential apartments (class 2).

The Regulations have further clarified the regime being implemented by the Act, with schedules 1 to 3 setting out the different classes of registration, qualifications and experience requirements



relevant to each class, and the continuing professional development that registered professionals are required to complete. Schedule 1 of the Regulations contains:

- 18 different classes of design practitioner;
- two different classes of principal design practitioner;
- three different classes of building practitioner; and
- six different classes of professional engineer.

The schedule then sets out the different types of work that are authorised to be carried out by a person holding a particular class of registration as a practitioner. Schedules 2 & 3 of the Regulations set out the relevant qualifications, experience, knowledge and skills that a person is required to have to be registered. In addition Schedules 2 & 3 of the Regulations specifies the continuing professional development (CPD) requirements of practitioners registered under the Act.

The NSW Department of Customer Service has also released guidelines relevant to the completion of the CPD requirements. The regulations also specify a code of practice for registered practitioners, requirements to keep records and offences for which penalty notices may be issued.

### **Penalties**

A regulatory framework has been set up to enforce the provisions of the Act & Regulations. This includes investigation and enforcement powers for authorised officers and the Secretary of the Department of Customer Service, such as issuing stop work orders for up to 12 months (with penalties up to \$330,000 for bodies corporate and \$110,000 for individuals for non-compliance) and initiating court proceedings.

### **Implications for Burwood Council**

The Act and regulations imposes new obligations on design practitioners and builders throughout the life of a building to ensure compliance with the relevant legislation such as the Building Code of Australia and is underpinned by a higher standard of design documentation.

While the Act and Regulations do not provide Councils with any additional powers of enforcement, the mandated processes and lodgement of documentation through the NSW Planning Portal allow for auditing of designs and documentation. NSW Fair Trading have made it very clear that they intend to audit design and documentation commencing in September this year with breaches being reported to the NSW Building Commissioners offices for investigation and enforcement as required.

The legislation has new insurance provisions to protect residents of a development, specific penalties for breaches of the Act and Regulations including large fines and Stop Work Orders for up to 12 months to reinforce compliance.

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

## **(ITEM IN26/21) STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021 - HOUSING SEPP**

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File No: 21/46976

### **Summary**

The NSW Government is seeking to consolidate five existing housing-related state environmental planning policies through the introduction of the *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)*.

The Housing SEPP was publicly exhibited in August 2021 and is **phase three of the government's four-phase plan** to deliver more diverse and affordable housing by providing a range of housing types to meet the changing needs of people across the state. It is anticipated

that the Housing SEPP will be made and come into force in October/November 2021.

The purpose of this report is to provide an insight into the provisions of the Housing SEPP and advise of the implications for Burwood. It is also to advise Council as to likely changes effecting the consideration of development applications for boarding houses.

### **Operational Plan Objective**

4.5.1.1 – Provide support and information on development processes.

#### **Background**

The Housing SEPP is part of a wider package of proposed amendments aimed at reforming policies for housing. The four proposed phases of delivering this reform are as follows:

**Phase one** occurred on 18 December 2020 through changes to the State Environmental Planning Policy (Affordable Rental Housing) 2009 to facilitate the delivery of social and affordable housing by the Land and Housing Corporation.

**Phase two** commenced in February 2021 introducing new provisions pertaining to build-to-rent housing, which comprises of large-scale, purpose-built rental housing that is held in single ownership and professionally managed. These changes include the permissibility of built-to-rent housing in residential flat building areas, B3 Commercial Core, B4 Mixed Use zones and B8 Metropolitan Centre zones.

**Phase three** will be delivered through the consolidation of the following five existing housing-related State Environmental Planning Policies (**SEPPs**) to create the new Housing SEPP.

- State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP);
- State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (Seniors SEPP);
- State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) (SEPP 70);
- State Environmental Planning Policy No 21—Caravan Parks; and
- State Environmental Planning Policy No 36—Manufactured Home Estates,

**Phase four** which has yet to be implemented will involve the inclusion of caravan park and manufactured home estate provisions within the new Housing SEPP.

#### **The Housing SEPP**

SEPPs are environmental planning instruments that legislate development on a state-wide basis. SEPPs provide details of what use may be made of land, through dictating the permissibility and standards of certain types of developments. The new Housing SEPP is divided into two broad categories of affordable housing and diverse housing.

#### **Affordable Housing**

Affordable housing includes: in-fill housing; boarding houses (including boarding houses managed by the LAHC), supportive accommodation; and residential flat building carried out by social housing providers, public authorities and joint ventures.

Although boarding houses have been traditionally described as an affordable form of housing, there has been no requirement for boarding houses to be provided as “affordable housing” and many new generation boarding houses are rented out at premium prices. This is despite boarding houses attracting additional development yield above existing local council planning controls under the SEPP.

Significant changes are now proposed to policy concerning boarding houses which is expected to lead to a decline in this type of development. Most notably, SEPP Housing will require new boarding houses to be used exclusively for affordable housing (which includes rent controls), and

to be managed by a registered community housing provider. Additionally, boarding houses will no longer be mandated in Zone R2 Low Density Residential, and will only be permitted in Zone R2 if they are located within an “accessible area” (for land in the Greater Sydney region).

### Diverse Housing

Diverse housing is intended to cover secondary dwelling, group homes, Co-living housing and seniors housing. The introduction of Co-living housing is a new definition of development and appears to be intended to take the place of Boarding Houses which are now more heavily regulated as Affordable Housing in the Housing SEPP. Co-living houses include buildings or places that:

- Have a number (at least 6) of private rooms, some or all of which are provided with private kitchen and bathroom facilities
- Provide occupants with a principal place of residents for at least 3 months
- May also have shared facilities, such as a communal room, common kitchen, bathroom or laundry facilities.

The definition of Co-living housing does not include backpackers’ accommodation, a boarding house, a group home, hotel or motel accommodation, seniors housing or a serviced apartment. Co-living housing may be granted consent in zones in which residential flat building or shop top housing is permitted, however, will not be permissible in R2 Low Density Residential areas.

An additional definition has been introduced to cover Student Accommodation. The full definition is yet to be provided but will include:

- provides accommodation and communal facilities principally for students enrolled to study at an education establishment during teaching periods; and
- may incorporate some fully self-contained dwellings.

It is important to note that some planning provisions are proposed for both forms of housing options and flexibility is being encouraged with regard to car parking provisions. However, this form of development will be required to maintain the floor space and height controls put forward in the LEP.

### Seniors Housing

The New Housing SEPP provides a comprehensive list prescribing permissible zones for seniors housing, in comparison to previous provisions providing permissibility for seniors housing in land zoned primarily for urban purposes and land adjoining land zoned primarily for urban purposes.

The definition of seniors has been amended to now only include people over the age of 60, rather than previous scope of 55 years old and above. The definition still includes people who are residents at a residential care facility within the meaning of *the Aged Care Act 1997* and people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider. Further changes have been made through the removal of the ability to obtain a site compatibility certificate. Further restriction of Seniors living developments has been provided in environmentally sensitive areas such as Heritage Conservation Areas.

Housing SEPP categorises the development standards for seniors housing into various categories, consisting of general development standards, development standards for hostels and independent living units, development standards for seniors housing – Zones RE2, SP1, RU5 and R2, non-discretionary development standards and non-discretionary development standards for vertical villages.

Incentives for “Vertical Villages” are proposed for high and medium density zones where residential flat buildings are permitted. The incentives are both for additional height and FSR and the bonuses vary depending whether development is classified as an independent living unit or as a residential care facility.

### Implications for Burwood

The proposed introduction of an affordability requirement for boarding house development would mean that this type of housing may become less popular with developers.

To address this gap, the NSW Government is proposing to introduce a new land use definitions and planning provisions for co-living development and student housing which will take its place. It is expected that Burwood would see more of this type of development however the benefit of this is that it will not be permissible in the R2 Low density zoning. Council also has the opportunity in its review of the Burwood Local Environmental Plan 2021 to specify Boarding Houses as not permissible within the low density R2 zones.

The implications for the House SEPP will be considered as part of the upcoming comprehensive LEP review.

### No Decision – Information Item Only

### CONFIDENTIAL ITEMS - CLOSED SESSION

#### 146/21 RESOLVED (*unanimously*)

That the meeting move into closed session in order to consider items 91/21 and 92/21.

(Moved Councillor George Mannah/Seconded Councillor 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 7.35 PM THE PUBLIC AND PRESS EXCLUDED FROM THE MEETING.**

**THE MEETING RESUMED IN OPEN SESSION AT 7.49 PM. THE GENERAL MANAGER REPORTED THE RESOLUTION OF ITEMS 91/21 AND 92/21.**

### **(ITEM 91/21) BURWOOD URBAN PARK AND CULTURAL CENTRE - CONCEPT DESIGN PACKAGE AND BUSINESS CASE**

File No: 21/46960

*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.*

#### 147/21 RESOLVED

That Council:

1. Adopts 'Option 1 – Urban Park, Cultural Centre and Car Park' with a reduced level of car parking to one level as the preferred option for the project.
2. Adopts the updated Concept Design Package for the Burwood Urban Park and Cultural Centre included under Attachment 1, noting that revisions will be required to remove one level of car parking.
3. Accepts the Preliminary Business Case for the Burwood Urban Park and Cultural Centre under Attachment 2.
4. Authorises the General Manager to progress to the detailed design phase for the preferred

option so as to enable lodgement of the Development Application for the project.

5. Authorises the General Manager to complete the Capital Expenditure Review for the option adopted by Council and notify the Office of Local Government of the project in accordance with requirements outlined in the *NSW Office of Local Government Capital Expenditure Guidelines 2010*.
6. Adopts the funding strategy for the project as outlined in the report utilising a portion of the monetary contributions from the VPA to cover the funding shortfall for the project.
7. Continues to seek external grant opportunities to contribute towards the funding shortfall for the project.
8. Undertakes a further community engagement process on the project during the DA notification period, extending above the minimum requirements to ensure further feedback and input from the community of the Burwood LGA.

A **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 Crichton	
Councillor Chan	
Councillor Furneaux-Cook	
<b>Total (6)</b>	<b>Total (1)</b>

(Moved Deputy Mayor Heather Crichton/Seconded Councillor George Mannah)

#### **(ITEM 92/21) BURWOOD LOCAL PLANNING PANEL - APPOINTMENT OF EXPERT MEMBERS AND COMMUNITY REPRESENTATIVES**

File No: 21/47037

*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.*

#### **148/21 RESOLVED (unanimous)**

That Council:

1. Appoints the following experts to the panel for the period 1 January 2022 to 28 February 2024:
  - Trevor Bly – second term
  - Wayne Carter – second term
  - Marjorie Ferguson – second term
  - Milan Marecic – second term
  - Julie Walsh – second term
  - Luke Foley – first term
  - Simone Lotz – first term
  - Lisa Trueman – first term
2. Appoints the following community representatives to the panel for the period 1 January 2022 to 28 February 2024:
  - Claire Boskett – first term

- Brian James – first term
  - Tom Morgan – first term
  - Kristy Welfare – first term
3. Formally express its appreciation for the services of retiring community representatives of the Burwood Planning Panel whose terms will cease on 31 December 2021.

(Moved Councillor George Mannah/Seconded Councillor Ernest Chan)

This concluded the business of the meeting and Council rose at 7.52 pm.

The Minutes of the Ordinary Meeting held on 26 November 2021 were submitted for confirmation by council on 16 November 2021 and were confirmed without amendment by resolution 113/21. The confirmed Minutes were signed by the Mayor, John Faker, at the meeting of 16 November 2021.