

## **(ITEM 129/22) AUTHORISATION OF ACTING GENERAL MANAGER TO SIGN VOLUNTARY PLANNING AGREEMENTS**

File No: 22/44905

REPORT BY DIRECTOR CORPORATE SERVICES

### **Summary**

The purpose of this report is to confirm the authorisation from Council for the Acting General Manager to sign two Voluntary Planning Agreements (VPA) in conjunction with separate Development Applications (DAs). Those two VPAs were endorsed by Council at its 27 September 2022 meeting.

### **Operational Plan Objective**

C.10 A well informed community active in civic life, local planning and decision making  
C.11 Effective, innovative and collaborative leadership is underpinned by open, transparent and responsible governance

### **Background**

At its meeting on 27 September 2022, Council considered the following VPAs:

- 127–133 Burwood Road, Burwood, being a VPA in conjunction with DA 119/2021, which proposes the change of use of its car parking area/loading and servicing area to facilitate alfresco dining for its patrons.
- 2 George Street, Burwood, being a VPA in connection with DA.2020.103, known as the Burwood RSL Club development.

Both VPAs were endorsed by Council (Minute Numbers 115/22 and 116/22) and included the following item in the resolution:

2. *That Council delegate the General Manager to execute the VPA and any related documentation under his Power of Attorney.*

The General Manager, Tommaso Briscese, holds Power of Attorney for Burwood Council. However, the General Manager is currently on long-term leave and an Acting General Manager arrangement is in place. Power of Attorney is not available for the Acting General Manager to use because a Power of Attorney is a personal power that is allocated to a specific individual and is not transferrable.

However, Council has received recent legal advice confirming that Council may resolve to authorise the Acting General Manager to sign documents as a delegate of Council, without that person having to hold a Power of Attorney. The advice relies on the combined effect of sections 377 (1), 335 (b) and 683 of the *Local Government Act 1993*.

Since Council endorsed these VPAs, the DA for 127–133 Burwood Road, Burwood has been approved by the Burwood Local Planning Panel at its 8 November 2022 meeting. Council is now preparing to finalise that VPA. The DA for 2 George Street, Burwood is to be considered by the Regional Planning Panel shortly. Should that Panel approve the DA, Council will move to execute the related VPA as soon as possible.

### **Proposal**

To put the previously approved arrangement for executing these VPAs beyond doubt, it is proposed that Council specifically resolves that the Acting General Manager be authorised to sign these two VPAs as the authorised delegate of Council.

***Recommendation(s)***

That Council authorises the Acting General Manager to execute the following VPAs, and any related documentation, as a delegate of Council:

- 127–133 Burwood Road, Burwood (DA 119/2021)
- 2 George Street, Burwood (DA.2020.103)

**Attachments**

There are no attachments for this report.