EXTRAORDINARY COUNCIL MEETING

MINUTES OF THE EXTRAORDINARY MEETING OF THE COUNCIL OF BURWOOD held at the Council Chambers, First Floor, 2 Conder Street, Burwood, on Tuesday, 7 October 2003 commencing at 7.47pm.

ATTENDANCE

Councillor Chris Christogeorge (Deputy Mayor)
Councillor John Faker
Councillor Lesley Furneaux-Cook
Councillor Joseph Tannous
Councillor David Weiley (Mayor)
Councillor Teresa West
Councillor Ernest Wong

Mr P Romano, General Manager
Mr C Clissold, Director Technical Services & Operations
Mr I Dencker, Director Planning & Environment
Ms J Hartshorn, Executive Manager - Administration
Mr L Hullick, Director Business and Corporate Services
Mr R Teo, Special Projects Officer

OPENING OF MEETING

The Mayor opened the meeting with a Prayer.

OPEN FORUM

The following persons addressed the Council later in the meeting (see pages 4 and 5 of these Minutes):

• Mr G Khouri and Mr A Doueihi (addressed the Council in relation to Items 56 & 57).
• Ms F Leaupepe (addressed the Council in relation to Items 56, 57, 58 & 59).
• Ms Y Livsey (addressed the Council in relation to Items 58 & 59).
APOLOGIES

There were no apologies.

DECLARATIONS OF INTERESTS

There were no declarations of interests by Councillors.

GENERAL BUSINESS

(ITEM 54) AFFIXING OF COMMON SEAL OF THE COUNCIL – PLAN OF SUBDIVISION FOR 1-3 TANGARRA STREET, CROYDON PARK

File No: 216.09.D

144 RESOLVED (Unanimously) that the Mayor and General Manager be authorised to sign the plan of subdivision (and associated documents) for 1-3 Tangarra Street, Croydon Park under the Common Seal of the Council.

(Moved Councillor Tannous/Seconded Councillor Faker)

(ITEM 55) REVISED DELEGATION OF DIRECTOR-GENERAL OF THE DEPARTMENT OF INFRASTRUCTURE PLANNING AND NATURAL RESOURCES AND PLANNING OF FUNCTIONS WHICH RELATE TO THE MAKING OF LOCAL ENVIRONMENTAL PLANS

File No: D.0040.000

145 RESOLVED (Unanimously) -

A. That Council appoints Pat Romano, Ian Dencker and Charles Raneri as Burwood Council’s delegates of the Director-General of the Department of Infrastructure, Planning and Natural Resources to carry out those functions of Section 65(1) and Section 69 of the Environmental Planning and Assessment Act 1979.

B. That the Department of Infrastructure, Planning and Natural Resources be notified of Council’s resolution.

(Moved Councillor Tannous/Seconded Councillor Faker)
(ITEM 56) DRAFT TOWN CENTRE RAILWAY PRECINCT LOCAL ENVIRONMENTAL PLAN 2003 NO. 64 - RESULTS OF REFERRAL TO GOVERNMENT AUTHORITIES UNDER S.62 OF THE EP&A ACT - DETAILS FOR PUBLIC EXHIBITION

File No: T.0764.000

The following persons addressed the Council:

- Mr G Khouri (resident/ratepayer) addressed the Council in relation to General Business Items 56 & 57.
- Mr A Doueihi (resident/ratepayer) addressed the Council in relation to General Business Items 56 & 57.

146 RESOLVED that Mr Doueihi be granted an extension of time to complete his address to the Council.

(Moved Councillor Tannous/Seconded Councillor Furneaux-Cook)

The following person addressed the Council:

- Ms F Leaupepe (speaking on behalf of the Burwood Public School Parents & Citizens) addressed the Council in relation to General Business Items 56, 57, 58 & 59.

147 RESOLVED –

A. That the results of the S.62 consultation is respect of draft Railway Precinct No. 64 LEP be noted.

B. That the General Manager negotiate an agreed outcome with the Department of Infrastructure, Planning and Natural Resources in respect of the commercial/residential mix controls contained in the draft LEP.

C. That once the agreement outlined in ‘B’ above is obtained, Draft Local Environmental Plan No. 64 for the Burwood Town Centre Railway Precinct and the accompanying material be publicly exhibited in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 and Regulation, and in accordance with the LEPS and Council Owned Land – Best Practice Guideline 1997 issued by the then Department of Urban Affairs & Planning.

D. That an advertisement be placed in the local newspaper to notify the exhibition of the Draft Plan.

E. That affected and surrounding landowners be notified in writing of the public exhibition and that the public exhibition period be extended to a minimum period of six (6) weeks, excluding public holidays.

F. That a report be brought to Council at the conclusion of the exhibition period for
consideration of any submissions received.

G. That the General Manager edit, as appropriate, the Draft Burwood Strategic Planning Review and Town Centre Masterplan, Draft Local Environmental Plan No. 64 and Draft Railway Precinct DCP so as to ensure accuracy and consistency between the three documents prior to exhibition.

H. That Council engage an independent planning consultant to prepare a report on the results of the public exhibition.

I. That the inclusion of No. 3 Railway Parade in the Burwood Town Centre Railway Precinct be referred to Council’s independent Planning Consultant for further discussion/consideration.

(Moved Councillor Tannous/Seconded Councillor Faker)

Councillors Furneaux-Cook and West rose and demanded a DIVISION.

The DIVISION was then taken and the names of the Councillors voting Aye and No were as follows:

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(ITEM 57) DRAFT TOWN CENTRE RAILWAY PRECINCT DEVELOPMENT CONTROL PLAN 2003 NO. 28 - PROCEDURES FOR PREPARATION OF DEVELOPMENT CONTROL PLAN

File No: T.0764.000

148 RESOLVED –

A. That Council adopt the draft Town Centre Railway Precinct Development Control Plan 2003 No. 28.

B. That the draft DCP be publicly exhibited in accordance with Clause 18 of the Environmental Planning and Assessment Regulation, 2000.

C. That a further report be prepared for Council following the formal exhibition process.
Councillors Furneaux-Cook and Faker rose and demanded a DIVISION.

The DIVISION was then taken and the names of the Councillors voting Aye and No were as follows:

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(ITEM 58) DRAFT TOWN CENTRE CIVIC PRECINCT LOCAL ENVIRONMENTAL PLAN 2003 NO. 63 - RESULTS OF REFERRAL TO GOVERNMENT AUTHORITIES UNDER S.62 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 - DETAILS FOR PUBLIC EXHIBITION

File No: T0342.000

The following persons addressed the Council:
- Ms Y Livsey and Mr D Wright (speaking on behalf of Burwood Community Welfare Services) addressed the Council in relation to General Business Items 58 & 59.

149 RESOLVED that General Business Items 58, 59 and 59A be considered concurrently and determined by means of one Motion/Resolution.

(Moved Councillor Faker/Seconded Councillor Tannous)

150 RESOLVED –

A. That the results of the S.62 consultation in respect of Draft Civic Precinct LEP No. 63 be noted.

B. That the General Manager negotiate an agreed outcome with the Department of Infrastructure, Planning and Natural Resources in respect of the commercial/residential mix controls contained in the draft LEP.

C. That once the agreement outlined in ‘B’ above is obtained, Draft Local Environmental Plan No. 63 for the Burwood Town Centre Civic Precinct and accompanying material be publicly exhibited in accordance with the provisions of
the Environmental Planning and Assessment Act and Regulation, and in accordance with the LEPs and Council-owned Land – Best Practice Guideline 1997 issued by the then Department of Urban Affairs and Planning (DUAP).

D. That an advertisement be placed in the local newspaper to notify the exhibition of the Draft Plan and that the public exhibition period be extended to a minimum period of six (6) weeks, excluding public holidays.

E. That affected and surrounding landowners be notified, in writing, of the public exhibition.

F. That a report be brought to Council at the conclusion of the exhibition period for consideration of any submissions received.

G. That the General Manager edit as appropriate the Draft Burwood Strategic Planning Review and Town Centre Masterplan, Draft Local Environmental Plan No. 63 and Draft Civic Precinct DCP so as to ensure accuracy and consistency between the three documents prior to exhibition.

H. That Council engage an independent planning consultant to prepare a report on the results of the public exhibition.

(ITEM 59) DRAFT TOWN CENTRE CIVIC PRECINCT DEVELOPMENT CONTROL PLAN 2003 NO. 27 - PROCEDURES FOR PREPARATION OF DEVELOPMENT CONTROL PLAN

File No: T.0342.000

150 RESOLVED –

A. That Council adopt the draft Town Centre Civic Precinct Development Control Plan 2003 No. 27.

B. That the draft DCP be publicly exhibited in accordance with Clause 18 of the Environmental Planning and Assessment Regulation, 2000.

C. That a further report be prepared for Council following the formal exhibition process.
RESOLVED –

A. That Council prepare a Draft Local Environmental Plan for the Burwood Town Centre and that the Department of Infrastructure Planning & Natural Resources be formally advised under s.54 of the Environmental Planning & Assessment Act.

B. That Council prepare a Draft Development Control Plan for the Burwood Town Centre.

C. That no Environmental Study is required to be prepared under s.57 of the Act.

D. That a report be prepared for Council on completion of the ‘stand alone’ draft LEP and DCP for the Burwood Town Centre and following the required s.62 consultation with Government agencies.

E. That no further action be taken to have the Burwood Town Centre LEP 2000 gazetted and the Minister be advised that Council does not want Draft Burwood Town Centre Local Environmental Plan to be made and gazetted on the basis that this document is inconsistent with Council’s new draft Burwood Town Centre Masterplan and will be superseded by a new Burwood Town Centre LEP.

(Moved Councillor Tannous/Seconded Councillor Faker)

(Note: The above Motion moved by Councillor Tannous and seconded by Councillor Faker includes General Business Items 58, 59 and 59A, in accordance with Council Minute No. 149 (see above)).

Councillors Furneaux-Cook and Wong rose and demanded a DIVISION.

The DIVISION was then taken and the names of the Councillors voting Aye and No were as follows:
ITEM 60) PROPOSED LEISURE CENTRE AT HENLEY AND GRANT PARK

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File No: P.1260.000

151 RESOLVED (Unanimously) that this item be DEFERRED until after a Councillor workshop on the matter.

(Moved Councillor Furneaux-Cook/Seconded Councillor Faker)

CONFIDENTIAL ITEM

152 RESOLVED (Unanimously) that General Business Item 61 (Burwood Council Civic Precinct - Development) 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 Councillor Wong/Seconded Councillor Tannous)

CLOSED SESSION

Council then moved into Closed Session to consider General Business Items 61.

(61) BURWOOD COUNCIL CIVIC PRECINCT – DEVELOPMENT

File No: T.0342.000

153 RESOLVED –

A. That the Burwood Civic Precinct Development Brief, including the proposed commercial offer detailed in Section 6 of the Brief, be endorsed in principle by Council.
B. That the General Manager is provided with delegated authority to finalise the Development Brief and manage the preparation of detailed performance specifications for the proposed civic facilities.

C. That the Tender Assessment Plan for the Burwood Civic Precinct Project, which aims to deliver a development agreement in respect to Council owned land by March 2003, be adopted.

D. That in accordance with the Tender Assessment Plan, Expressions of Interest are invited generally in accordance with the draft “Call for Expressions of Interest” document for the development of the Council owned properties in the Civic Precinct.

E. That the General Manager continue negotiations with the owners of 14 Conder Street on the potential to include their property in the development offer for Council owned properties in the Conder Street Precinct.

F. That delegated authority be granted to the Mayor and Deputy Mayor to approved the communication strategy for Civic Precinct Project.

G. That Council shall call tenders for the Burwood Civic Precinct Project (the Project) by the selective tender method pursuant to clause 7(b) of the Local Government (Tender) Regulation 1999 (NSW).

H. That Council authorises the establishment of two Panels (comprised in accordance with Part I below) to assist Council in relation to carrying out the selective tender for the Project, respectively the Tender Assessment Panel (TAP) and the Tender Review Panel (TRP).

I. That Council authorises the following officers and consultants to participate and advise Council as part of the Tender Assessment Panel and Tender Review Panel, respectively.

**Tender Assessment Panel**
- Ian Dencker, Director of Planning and Development, Burwood Council
- Colin Clissold, Director of Technical Services & Operations, Burwood Council
- Simon Magri, Tender Assessment Manager, McLachlan Lister

**Tender Review Panel**
- Pat Romano, General Manager, Burwood Council
- Les Hullick, Director of Business and Corporate Services, Burwood Council
- Peter Morris (Independent)

J. That Council authorises the TAP to perform the duties, as expressed in the Tender Assessment Plan as duties of the TAP, or reasonably incidental to the performance of those duties.

K. That Council authorises the TRP to perform the duties, as expressed in the Tender Assessment Plan as duties of the TRP, or reasonably incidental to the
performance of those duties.

L. That Council adopt the Tender Assessment Plan and authorises the General Manager to Conduct all matters in relation to administration of the Plan and the selective tender process in accordance with the Local Government Act 1993 and Local Government (Tender) Regulations 1999.

M. That Council notes that the General Manager designates Simon Magri as the "Appropriate Person" pursuant to Clause 4(1) of the Local Government (Tendering) Regulation 1999.

(Moved Councillor Faker/Seconded Councillor Tannous)

Councillors Furneaux-Cook and West rose and demanded a DIVISION.

The DIVISION was then taken and the names of the Councillors voting Aye and No were as follows:

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154 RESOLVED that the meeting be resumed in Open Session and the business of the meeting be continued with.

(Moved Councillor Tannous/Seconded Councillor Wong)

OPEN SESSION

Upon resuming in Open Session, the General Manager read out the Council resolution in relation to General Business Item 61 (see above).

This concluded the business of the meeting and the Council rose at 10.52pm.

Confirmed this 28th day of October 2003.

MAYOR

GENERAL MANAGER