



MINUTES OF THE COUNCIL OF BURWOOD held in the Conference Room, Level 1, 2 Conder Street, Burwood on Tuesday 13 August 2024 commencing at 6:00 PM.

Attendance Councillor John Faker (Mayor)
Councillor Pascale Esber
Councillor David Hull
Councillor George Mannah (Deputy Mayor)
Councillor Hugo Robinson

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

66/24 RESOLVED

1. That Cr Ned Cutcher be granted a leave of absence.
2. That Cr Heather Crichton's leave of absence for this meeting, approved on 25 June 2024, be noted.

(Moved Councillor Hugo Robinson/Seconded Deputy Mayor George Mannah)

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Robinson
Against: Nil

Declarations of Interest

Mayor John Faker declared an interest in Item 48/24 being the Voluntary Planning Agreement for 5 Belmore Street, Burwood, as he was on the Sydney East Planning Panel that determined that application. He will remove himself from the room.

Mayor John Faker declared a pecuniary interest in Item 49/24 Croydon Housing Investigation Area Update as he owns property at The Strand, Croydon. He will remove himself from the room.

Declarations of Political Donations

There were no declarations of political interests by Councillors.

Confirmation of Minutes

67/24**RESOLVED**

That the minutes of the ordinary meeting of the Council Meeting held on Wednesday 24 July 2024, as circulated, be confirmed and signed as a true record of the proceedings of the meeting.

(Moved Councillor Pascale Esber/Seconded Deputy Mayor George Mannah)

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Robinson

Against: Nil

Mayoral Minutes

(Item MM5/24) Review of street lighting at pedestrian crossings

File No: 24/30352

Summary

It is proposed to undertake a comprehensive review of street lighting at all pedestrian crossings within the Burwood Council area to ensure compliance with Australian Standards.

Operational Plan Objective

C.4.1 Plan and manage transport infrastructure to meet current and future community needs

68/24**RESOLVED**

1. Council endorse the proposal to conduct a review of street lighting at all pedestrian crossings to ensure compliance with Australian Standards.
2. Council partner with SSROC to engage a qualified lighting consultant to carry out the audit, providing a detailed report on the current compliance status, prepare lighting designs and any detail other recommendations for improvements.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Robinson

Against: Nil

(Item MM6/24) Future-Proofing Parramatta Road: Leveraging Light Rail to Create Great Places for Our Community

File No: 24/30571

This Mayoral Minute calls for decisive action and collaborative efforts to realise our ambitious vision for Parramatta Road, emphasising the role of Light Rail in revitalising this key corridor.

69/24**RESOLVED**

1. Council collaborate with the City of Sydney, Inner West, and Canada Bay Councils to develop a master plan for Parramatta Road, focusing on creating

cohesive and comprehensive precincts centred around the Light Rail.

2. Any planning decision our Council makes affecting Parramatta Road takes into account the opportunity and the requirements for possible future Light Rail infrastructure.
3. The Mayor writes to the NSW Premier, Minister for Planning and Public Spaces and Minister for Transport inviting them to visit Burwood to showcase future opportunities along the Parramatta Road corridor.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Robinson

Against: Nil

(Item MM7/24) Council's Commitment to Bridging the NSW Skills Shortage

File No: 24/31230

Summary

The NSW Government have recently announced \$252 million to fund 1,300 apprentices and trainees across Councils under the *Bridging the NSW Skills Shortage* program.

I encourage Council to commend the United Services Union (USU) for their ongoing advocacy efforts on this program, and seek Council's commitment to fully participate in the initiative.

Operational Plan Objective

P.55 – Maintain a high quality workforce that is committed to delivering on our community's and Council's vision and goals.

70/24

RESOLVED

1. The Mayor writes to Mr Graeme Kelly OAM, General Secretary of the United Services Union to commend him and his team for their dedication and commitment to supporting NSW Councils' future workforce.
2. The Mayor writes to the NSW Premier expressing gratitude and support for the NSW Government's decision to fund the *Bridging the NSW Skills Shortages* program.
3. That the General Manager further investigate this initiative to ensure that Council maximises the opportunity to seek funding in order to address local skill shortages.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Robinson

Against: Nil

Procedural Motion

71/24 RESOLVED

That business be reordered so that Items 48/24 and 49/24 are considered at the end of the meeting.

(Moved Councillor Pascale Esber/Seconded Deputy Mayor George Mannah)

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Robinson

Against: Nil

Reports to Council

(Item 41/24) Half Yearly Report - January to June 2024

File No: 24/27317

Summary

A report on the progress of Council's Delivery Program 2022 – 2026 is to be presented to Council on a half-yearly basis in accordance with legislative requirements of the State Government's Integrated Planning and Reporting (IP&R) Framework.

Operational Plan Objective

C.11.1 – Conduct Council business with transparency, accountability, compliance and probity that ensures community confidence in decision making.

P.43 – Plan, monitor and report on the delivery of services and initiatives in accordance with the Integrated Planning and Reporting Framework under the Local Government Act.

104 – Undertake corporate planning and reporting.

72/24 RESOLVED

That Council endorse the Half-Yearly Report 1 January 2024 to 30 June 2024.

(Moved Councillor Pascale Esber/Seconded Deputy Mayor George Mannah)

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Robinson

Against: Nil

(Item 42/24) Adoption of updated Local Infrastructure Contributions Plan

File No: 24/29653

Summary

Local infrastructure contributions are charged by Councils under s7.11 and s7.12 of the Environmental Planning and Assessment Act 1979 (EPA Act) to fund infrastructure reviews and works through Local Infrastructure Contributions Plans (Contributions Plan).

Burwood Council has an existing Contribution Plan adopted in April 2023 which is set up under s7.12 of the EPA Act. The plan includes an infrastructure works schedule of \$245 million (proposed to increase to \$257 million under the exhibited plan), covering a

range of developments. These developments include large-scale projects such as the Enfield Aquatic Centre upgrade, Burwood Urban Park Arts and Cultural Centre, Community Centre upgrades, road widening, as well as routine activities like road resurfacing and footpath renewals.

At its meeting on 25 June 2024, Council considered a report which outlined the need to update the 2023 Contributions Plan to ensure Council's ongoing financial sustainability for delivering community infrastructure to meet future population growth and density. At a high level, even without the additional growth under the new Burwood North Masterplan and Low and Mid Rise housing areas, the continuation of the current approach is likely to result in Council receiving only half the funds required to complete the current scheduled infrastructure works program.

Accordingly, Council resolved to place an updated version of Council's Contributions Plan on public exhibition. The exhibited updated Contributions Plan included the following:

- Introduction of an administration component to allow Council to collect and spend funds on administration activities associated with the management and updates of the plan.
- A provision to index the cost of the works program to reflect CPI increases.
- Introduction of an alternate s7.11 approach rather than the 1% levy under s7.12 for those developments which increase the development potential of the land (outside of the Burwood Town Centre).

No changes were proposed to the current Contributions Plan framework under the current s7.12 plan in relation to:

- The Burwood Town Centre and the 4% levy.
- Alterations and additions to dwellings.
- The construction of new single dwellings or secondary dwellings.

The draft Contributions Plan was exhibited for 28 days with no submissions being received.

The updated Contributions Plan is recommended to Council for adoption and implementation.

Operational Plan Objective

A.34 Review and update the Burwood Contributions Plan to facilitate appropriate delivery of infrastructure

C.10 A well informed community active in civic life, local planning and decision making

C.11.1 Conduct Council business with transparency, accountability, compliance and probity that ensures community confidence in decision making

73/24

RESOLVED

1. That Council adopt and implement the Burwood Local Infrastructure Contributions Plan 2024 and the Works Schedule as included at Attachment 1.
2. That the General Manager be delegated to undertake minor modifications to any numerical, typographical, interpretation and formatting errors, if required, to the final adopted Burwood Local Infrastructure Contributions Plan 2024 and the Works Schedule

(Moved Deputy Mayor George Mannah/Seconded Councillor Pascale Esber)

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Robinson
Against: Nil

(Item 43/24) Referral Of The Annual Financial Reports for 2023-24 to Council's Auditors

File No: 24/29863

Summary

Council's Financial Reports must be in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2021* (the Regulation), the Australian Accounting Standards, the Local Government Code of Accounting Practice and Financial Reporting and the Local Government Asset Accounting Manual. This is to ensure that the Financial Reports for each year fairly present the Council's operating result and financial position for the year.

In accordance with Section 413 of the Act, Council's Annual Financial Reports must be authorised for referral to the Auditor for audit.

Operational Plan Objective

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

74/24 RESOLVED

That in accordance with Section 413(2)(c) of the *Local Government Act 1993* and Clause 215 of the *Local Government (General) Regulation 2021*, Council resolve the following:

1. That the Draft Annual Financial Report for 2023-2024 be circulated to all councillors out of session.
2. That authority is granted to the Mayor, the Deputy Mayor, the General Manager and the Responsible Accounting Officer to sign the Statements by Councillors and Management for the General Purpose Financial Reports and the Special Purpose Financial Reports for the Year Ended 30 June 2024, once the Draft Annual Financial Statements have been circulated.
3. That the signed statement be attached to the 2023-2024 Unaudited Annual Financial Reports and presented to Council's Auditor (NSW Audit Office) for the completion of the audit.
4. That the Auditor be invited to attend the Audit, Risk and Improvement Committee Meeting in October 2024 that will review the Annual Financial Reports.

(Moved Deputy Mayor George Mannah/Seconded Councillor Pascale Esber)

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Robinson
Against: Nil

(Item 44/24) Investment Report as at 30 June 2024

File No: 24/25662

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

A.103 Implement and monitor appropriate investment strategies and prepare monthly investment reports.

75/24 RESOLVED

1. That the investment report for 30 June 2024 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

(Moved Deputy Mayor George Mannah/Seconded Councillor Pascale Esber)

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Robinson

Against: Nil

(Item 45/24) Christmas Closedown 2024

File No: 24/27314

Summary

This report outlines the proposed Christmas/New Year closedown period and the plans to ensure that an appropriate level of service to the Burwood community is maintained.

Operational Plan Objective

C.11.4 – Build and maintain strong partnerships and advocate on behalf of the community.

P.55 – Maintain a high-quality workforce that is committed to delivering on our community's and Council's vision and goals.

A.140 – Implement year 3 actions of the Workforce Management Plan.

76/24 RESOLVED

1. That Council endorse the Christmas/New Year closedown period from Wednesday, 25 December 2024 up to and including Sunday, 5 January 2025.
2. That Council endorse the early closure time of the Library and Community Hub on Tuesday, 24 December 2024 – 4.45pm instead of 8pm to align with Council's Customer Service Counter.
3. That Council resolve to provide eligible employees with up to an additional three paid leave (concession) days during this closedown period as per the conditions set out in this report.

4. That the General Manager ensures suitable notification is provided to the community of the operational hours for Council services and facilities during the 2024/2025 closedown period.
5. That the General Manager ensures suitable consultation and notification is provided to employees as per the requirements set out in the *Local Government (State) Award 2023*.

(Moved Councillor Pascale Esber/Seconded Deputy Mayor George Mannah)

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Robinson

Against: Nil

(Item 46/24) Voluntary Planning Agreement - 3-7 Lyons Street and 18 Parnell Street, Strathfield

File No: 24/21998

Summary

In NSW, Voluntary Planning Agreements (VPAs) are legal agreements between planning authorities (such as local councils or the NSW Government) and a development proponent. These agreements are established under Sections 7.4 to 7.10 of the Environmental Planning and Assessment Act 1979 (EPA Act).

VPAs allow a development proponent to provide or fund public amenities, infrastructure, or services for a public purpose as part of their development projects, in addition to mandatory Infrastructure Contributions under either Section 7.11 or 7.12 of the EPA Act.

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) prepared in connection with a Development Application (DA.2023.45) at Nos. 3-7 Lyons Street and 18 Parnell Street, Strathfield has been publicly notified in accordance with the relevant legislation.

Development Application (DA.2023.45) was been lodged with Council seeking consent for the alterations and additions to a previously approved nine storey mixed use building to create an additional two levels (6 residential units) producing an overall total of 77 residential units. adjustments to car parking arrangements on basement level 3 are also proposed.

Consideration and finalisation of DA.2023.45 assessment was completed by the Burwood Local Planning Panel on 27 June 2024. The Panel at the public meeting considered the application and planning merits of the proposal.

The draft VPA provides for the developer to pay a monetary contribution to Council for the purposes of providing, augmenting or improving open space, community facilities or other public facilities as determined by Council.

The 28-day public exhibition period of the VPA and EN has been completed. One submission was received during the exhibition period, in support of the draft VPA.

This report discusses the draft VPA and seeks Council's endorsement to enter into the VPA.

Operational Plan Objective

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

77/24 RESOLVED

1. That Council enter into the Voluntary Planning Agreement (VPA) for 3-7 Lyons Street, and No.18 Parnell Street, Strathfield for the provision of a monetary contribution \$974,750 towards a public purpose and facilities after the granting of consent for DA.2023.45, which would include a condition on the consent requiring that the VPA be entered into and adhered to.
2. That Council authorise the General Manager to sign the VPA's and any related documentation under their Power of Attorney.
3. That Council authorise the General Manager to endorse minor revisions of the VPA documents prior to execution.
4. That the Developer pay the monetary contribution (dollar value dependant on the final determination of the DA Application) to Council, in line with the payment schedule within each VPA

(Moved Deputy Mayor George Mannah/Seconded Councillor Pascale Esber)

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Robinson

Against: Nil

(Item 47/24) Voluntary Planning Agreement - 21 George Street, Burwood

File No: 24/29655

Summary

In NSW, Voluntary Planning Agreements (VPAs) are legal agreements between planning authorities (such as local councils or the NSW Government) and a development proponent. These agreements are established under Sections 7.4 to 7.10 of the Environmental Planning and Assessment Act 1979 (EPA Act).

VPAs allow a development proponent to provide or fund public amenities, infrastructure, or services for a public purpose as part of their development projects, in addition to mandatory Infrastructure Contributions under either Section 7.11 or 7.12 of the EPA Act.

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) has been provided to Council by the development proponent in connection with a State Significant Development Application (No. SSD-69615996).

SSD-69615996 has been lodged with the Department for Planning, Housing & Infrastructure and seeks consent for a mixed-use development comprising commercial floor space, serviced apartments, dwellings, and affordable dwellings on land at 17 George Street, 21 George Street and 28 Victoria Street (formally 28-34 Victoria Street) Burwood, with the site associated with the VPA being No. 21 George Street, Burwood (SP63994). DPHI will consider the application and planning merits of the proposal as part of the SSDA determination process.

The draft VPA and EN provides for the developer to pay a monetary contribution to Council for the purposes of providing, augmenting, or improving open space, community facilities, or other public facilities as determined by Council for additional gross residential floor space as per cl4.4A of Burwood LEP 2012.

The public exhibition period for the VPA commenced on 22 July 2024 and will remain open for submissions until 20 August 2024. However, with the Council Caretaker period due to commence before the close of the exhibition, and the need to enter into the VPA during that period to align with the timing of processing the State Significant Development Application, this report discusses the draft VPA and seeks Council's in-principle endorsement to enter into the VPA. Delegation from Council to the General Manager is sought to finalise the VPA.

Operational Plan Objective

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

78/24 RESOLVED

1. That Council grant delegation to the General Manager to enter into the VPA for 21 George Street, Burwood, for the provision of a monetary contribution of \$828,756 towards public facilities after the granting of the consent for DA SSD-69615996.
2. That Council authorise the General Manager to sign the VPA and any related documentation under their Power of Attorney.
3. That Council authorise the General Manager to endorse the minor revisions of the VPA documents prior to execution.
4. That the Developer pay the monetary contribution (dollar value dependant on the final determination of the DA Application) to Council, in line with the payment schedule within the VPA
5. That the General Manager notify the NSW Department of Planning, Housing and Infrastructure of the executed VPA for inclusion in it consideration and determination of the SSDA - SSD-69615996.

(Moved Councillor Pascale Esber/Seconded Deputy Mayor George Mannah)

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Robinson

Against: Nil

Reports of Committees

(Item RC6/24) Burwood Local Traffic Committee - July & August 2024

File No: 24/25480

Summary

Attached are the Minutes of the Burwood Local Traffic Committee from meeting of July and August 2024. The Minutes are hereby submitted to the Ordinary Council Meeting for consideration and adoption by Council.

Operational Plan Objective**79/24 RESOLVED**

That the minutes of the Burwood Local Traffic Committee of July and August 2024 be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

(Item LTC20/24) Car Share Bays - Various Croydon Locations Applied for by Goget***Recommendation***

That Council approve the installation of a 6 metres long 'No Parking - Authorised Car Share Vehicles Excepted' in Young Street, Croydon on the southern side, west of Meta Street in an existing '1P 8am-6pm Mon-Fri, 8am-1pm Sat' parking area.

(Item LTC21/24) Burwood Street Activation Events***Recommendations***

1. That Council approve the partial road closure of 5 parking spaces and 4 motorcycle spaces in front of 143A Burwood Road from Monday 30 September to Sunday 13 October, with bump in occurring on Sunday 29 September and bump out on Monday 14 October.
2. That Council approve the full road closure of the Paisley Road cul-de-sac near Paisley Lane between Saturday 7 December to Sunday 8 December, with bump in occurring on Friday 6 December and bump out on Monday 9 December.

(Item LTC22/24) Greek Orthodox Parish Annual Greek Street Fair - 10 November 2024***Recommendation***

That Council approve the proposed road closure in the following road sections from 5.00am to 8.30pm on Sunday 10 November 2024.

- Burleigh Street between Elizabeth Street and Railway Parade
- Railway Parade between Burwood Road and Shaftesbury Road
- A section of Council car park at the corner of Elizabeth Street and Burleigh Street
- Partial closure of 40 spaces in the Elizabeth Street carpark, with spaces blocked off with road barriers.

That Council approve the proposed 'No Stopping' restrictions on Railway Parade between Burwood Road and Burleigh Street from 10.00pm on Saturday 9 November – 8.30pm on Sunday 10 November.

(Item LTC23/24) Burwood Lunar New Year Launch - 31 January 2025***Recommendations***

1. That Council approve the full road closure of Burwood Road between Railway Parade and Belmore Street from 1:00pm Friday 31 January to 1:30 am Saturday 1 February.

2. That Council approves the partial closure of 40 spaces in the Elizabeth Street carpark, with spaces blocked off with road barriers.
3. That Council approves the attached TCP clearly showing all proposed advance warning signage, detours and temporary bus shelters.
4. That all proposed temporary VMS boards are approved for installation at the locations specified for a period of one week prior to the event date.
5. That Council approves the temporary 'No Stopping' restrictions for both sides of Burwood Road between Railway Parade and Belmore Street from 11:00am Friday 31 January to 1:30am Saturday 1 February 2025.

(Item LTC24/24) Conder Street, Burwood - Work Zone Application

Recommendation

The Council approve the installation of a 7 metre long "Work Zone – 7:00 am - 6:00pm Monday to Friday and from 7:00am to 4:00pm on Saturdays in front of No. 25 Conder Street, Burwood, for a period of 28 weeks.

(Item LTC25/24) Church Street, Burwood - Changes to Parking Restrictions

Recommendation

1. That Council approve the reduction of 'No Stopping' restrictions on the southern side of Church Street near Burwood Road from 28.5m to 24.8m.
2. That Council approve the extension of the existing 2P parking restrictions outside #38 Church Street from 8.3m to 12m.
3. That Council approve the reduction of BB line length on Church St near Burwood Road from 25m to 24.8m.

(Item LTC26/24) Burwood Road, Croydon Park - Changes to Parking Restrictions

Recommendation

That Council approve the extension of 'No Stopping' restrictions further south to the driveway of #124 Burwood Road, such that it is 23 metres from the southern approach of the Burwood Road / Mitchell Street intersection.

(Item LTC27/24) Lindsay Street, Burwood - Work Zone Application

Recommendation

The Council approve the installation of a 6 metre long "Work Zone – 7:00am – 6:00pm Monday to Friday, and from 7:00am to 4:00pm Saturday directly fronting on 32 Lindsay Street, Burwood for a period of 28 weeks.

(Item LTC28/24) Trial of Extended On-Street Ticket Parking Restriction Hours

Recommendation

1. That Council approve the six-month trial extension of the '2P Ticket' on-street parking restrictions from 9am-7pm Monday to Saturday to 9am-10pm Monday to Sunday within the following streets:
 - George Street between Park Road and John Street
 - Elsie Street
 - Gloucester Avenue
 - Victoria Street between Park Road and Dunns Lane
 - Park Avenue between Park Road and Dunns Lane
2. That Council review the findings at the end of the trial period and make a decision on whether to make the extended restrictions permanent and rolled out to other on-street ticket parking areas.

(Moved Deputy Mayor George Mannah/Seconded Councillor Pascale Esber)

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Robinson
Against: Nil

Confidential Items - Closed Session

80/24 RESOLVED

That the meeting move into closed session at 6.07pm in order to consider items:

- (Item MM8/24) General Manager's Performance Review
- (Item 50/24) Outcome of Recycling Processing Direct Negotiation
- (Item 51/24) Appointments to Audit, Risk and Improvement Committee
- (Item 53/24) Property Acquisitions

and the public and press be excluded from the meeting.

(Moved Deputy Mayor George Mannah/Seconded Councillor Hugo Robinson)

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Robinson
Against: Nil

There were no representatives from the public to address the council before the resolution to move into closed session was carried.

(Item MM8/24) General Manager's Performance Review

File No: 24/27315

81/24 RESOLVED

1. The Review Panel congratulates General Manager Tommaso Briscese on his individual performance in 2023/24 and congratulates the performance of the Executive and its leadership of the organisation. Council notes the reputation of the Council has been enhanced by the contributions made and the projects delivered.
2. That it be noted the Review Panel has rated the General Manager's performance as "Exceeds Expectations" and recommends an increase in the General Manager's Total Remuneration Package of 3.5% in line with the Local Government cost of living increase.
3. That the projects and priorities agreed by the Performance Review Committee and the General Manager on 30 July 2024 be adopted and included in the General Manager's Performance Agreement targets for 2024/25.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Robinson
Against: Nil

(Item 50/24) Outcome of Recycling Processing Direct Negotiation

File No: 24/24327

82/24 RESOLVED

1. That Council approves entering into a contract with Re.Group for Recycling Processing Services for a contract term of 5 years + 2 years extension at Council's sole discretion, as per the recommendation of the Evaluation Report at Attachment 2.
2. That Council approves granting authority to the General Manager to sign the contract and any related documentation such as a letter of intent to sign a contract.

(Moved Deputy Mayor George Mannah/Seconded Councillor Pascale Esber)

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Robinson

Against: Nil

(Item 51/24) Appointments to Audit, Risk and Improvement Committee

File No: 24/27311

83/24 RESOLVED

That Council:

1. Makes the following appointments to the Audit, Risk and Improvement Committee for a period of 4 years from 1 October 2024:
 - Chair – Simone Schwarz
 - Independent member – Rochelle Davis
2. Appoints Chris Weber to the Audit, Risk and Improvement Committee as an independent member for the period 1 October 2024 to 16 February 2026.

(Moved Deputy Mayor George Mannah/Seconded Councillor Pascale Esber)

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Robinson

Against: Nil

(Item 53/24) Property Acquisitions

File No: 24/32631

84/24 RESOLVED

That Council:

1. Notes that thorough due diligence is to be conducted by Council staff, including financial analysis, property valuations, and alignment with Council's asset management strategy.
2. Authorises the General Manager, or their delegate, to:
 - a) Brief the Mayor/Deputy Mayor on the outcome of the due diligence and to determine the course of action

- b) Negotiate and finalise the acquisition of the two properties for a total sum not exceeding the total amount as detailed in this report, subject to satisfactory completion of all necessary due diligence and endorsement by the Mayor/Deputy Mayor.
 - c) Execute all required documentation to effect the purchase, including but not limited to contracts of sale and settlement documents.
3. Endorses the divestment of Lot 15 DP1177555 to fund the purchase of the properties identified in this report.
 4. Directs that the funding for this acquisition be sourced from Voluntary Planning Agreement Funds to cover any timing and monetary shortfall of the property acquisitions.
 5. Requires the General Manager to provide a detailed report to the incoming Council at its first ordinary meeting following the election on the outcome of the acquisitions.

(Moved Deputy Mayor George Mannah/Seconded Councillor Pascale Esber)

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Robinson
Against: Nil

85/24

RESOLVED

That the meeting resume in open session at 6.23 pm.

(Moved Councillor Hugo Robinson/Seconded Councillor Pascale Esber)

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Robinson
Against: Nil

The mayor read the resolution of the closed session item MM8/24 listed above and the General Manager read the resolutions of the closed session items 50/24, 51/24, 53/24 listed above.

(Item 52/24) Celebrating Council's Success (End of Term – 2021 to 2024)

File No: 24/31314

Summary

The current Council was elected in December 2021 and throughout the term have delivered a number of significant achievements for the Burwood community. The document attached to this report, 'Celebrating Council's Success (End of Term – 2021 to 2024)' has been prepared to recognise the outstanding commitment and dedication of Council during the last term.

Operational Plan Objective

C.11.1 - Conduct Council business with transparency, accountability, compliance and probity that ensures community confidence in decision making.

86/24 RESOLVED

That:

1. Council receive and note the 'Celebrating Council's Success (End of Term – 2021 to 2024)' document.
2. The document be placed on Council's website.
(Moved Mayor John Faker/Seconded Deputy Mayor George Mannah)

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Robinson

Against: Nil

Mayor Faker left the meeting, the time being 6:42 pm. Deputy Mayor Mannah took the chair.

(Item 48/24) Voluntary Planning Agreement - 5 Belmore Street, Burwood

File No: 24/29657

Summary

In NSW, Voluntary Planning Agreements (VPAs) are legal agreements between planning authorities (such as local councils or the NSW Government) and a development proponent. These agreements are established under Sections 7.4 to 7.10 of the Environmental Planning and Assessment Act 1979 (EPA Act).

VPAs allow a development proponent to provide or fund public amenities, infrastructure, or services for a public purpose as part of their development projects, in addition to mandatory Infrastructure Contributions under either Section 7.11 or 7.12 of the EPA Act.

Two draft Voluntary Planning Agreements (VPA) and Explanatory Notes (EN) have been provided to Council by the development proponent in connection with Development Application (DA.2023.79) at No. 5 Belmore Street, Burwood which has been publicly notified in accordance with the EPA Act.

The Development Application (DA.2023.79) was lodged with Council seeking consent for the demolition of the existing building and construction of an 18 storey mixed use development containing 49 residential units, 9 serviced apartments, 9 commercial tenancies and 2 retail tenancies, above basement parking and landscaping and site works.

Consideration and finalisation of the applications assessment and consideration of the planning merits of the proposal was completed by the Sydney Eastern City Planning Panel on 1 August 2024.

The draft VPAs and EN provides for:

1. the developer to pay a monetary contribution to Council for the purposes of providing, augmenting or improving open space, community facilities or other public facilities as determined by Council; and
2. a monetary contribution to Council as a public benefit, as the application seeks the approval of a shortfall of five (5) parking spaces.

The 28-day public exhibition period of the VPA and EN has been completed. One submission was received during the exhibition period, from the applicant requesting amendments to the provisions with the draft VPA's.

This report discusses the draft VPA's and seeks Council's endorsement to enter into the VPA's.

Operational Plan Objective

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

87/24

RESOLVED

1. That Council enter into the two VPAs for 5 Belmore Street, Burwood, for the provision of a monetary contribution of \$992,880 under the additional floor space VPA, and \$270,600 under the contribution in lieu of 5 parking spaces, towards public purpose and facilities after the granting of the consent for DA2023.79 which would include a condition on the consent requiring that the VPA be entered into and adhered to.
2. That Council authorise the General Manager to sign the VPA's and any related documentation under their Power of Attorney.
3. That Council authorise the General Manager to endorse the minor revisions of the VPA documents prior to execution.
4. That the Developer pay the monetary contribution (dollar value dependant on the final determination of the DA Application) to Council, in line with the payment schedule within the VPA

(Moved Councillor Pascale Esber/Seconded Deputy Mayor George Mannah)

For: Cr Mannah, Cr Esber, Cr Hull, Cr Robinson

Against: Nil

(Item 49/24) Croydon Housing Investigation Area Update

File No: 24/29649

Summary

This report provides a progress update on the work associated with the Croydon Masterplan Investigation Area, including the timing and extent of future community consultation, as required by Council at its meeting on 25 June 2024.

Operational Plan Objective

C.3 An urban environment that maintains and enhances our sense of identity and place

C.3.1 Facilitate well designed, high quality and sustainable land use and development that is appropriately scaled to complement its surroundings

C.3.2 Protect our unique built heritage and maintain or enhance local character

C.4 Sustainable, integrated transport, infrastructure and networks support population growth and improve liveability and productivity

C.4.2 Plan for a city that is safe, accessible and easy to get to and move around in

88/24 RESOLVED

1. That Council note the Croydon Housing Investigation Area Update report and that a further report will be presented in October 2024 to consider a draft Masterplan.
2. That the General Manager ensures that consultants conducting investigations and developing a masterplan for the precinct area identified on the Croydon Investigation Area map to the south of the rail corridor and bounded by Paisley Road, Clifton Avenue, Wallace Street, and Shaftsbury Road are fully briefed on the number of heritage items, the extent of the Heritage Conservation Area, and the community's concerns regarding heritage conservation in this area. Any masterplan and planning control recommendations to Council for the Investigation Area must respect the heritage nature and community concerns in this precinct area.

(Moved Councillor Pascale Esber/Seconded Deputy Mayor George Mannah)

For: Cr Mannah, Cr Esber, Cr Robinson

Against: Cr Hull

This concluded the business of the meeting and Council rose at 7.08 pm.

The Minutes of the Ordinary Meeting held on 13 August 2024 were submitted for confirmation by council on 22 October 2024 and were confirmed without amendment by resolution 89/24. The confirmed Minutes were signed by the Mayor, John Faker, at the meeting of 22 October 2024.