

MINUTES OF THE COUNCIL OF BURWOOD held in the Conference Room, Level 1, 2 Conder Street, Burwood on Tuesday 28 October 2025 commencing at 6:13 PM.

Attendance

Councillor John Faker (Mayor)
Councillor George Mannah (Deputy Mayor)
Councillor Pascale Esber
Councillor David Hull
Councillor De Yi Wu-Coshott
Councillor Alex Yang

Opening of Meeting by the Mayor

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

Apologies

120/25 RESOLVED

That Council grant Councillor Bhatta a leave of absence for this meeting.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang

Against: Nil

(Moved Councillor Pascale Esber/Seconded Councillor Alex Yang)

Declarations of Interest

There were no declarations of interests by Councillors.

Declarations of Political Donations

There were no declarations of political interests by Councillors.

Confirmation of Minutes

121/25 RESOLVED

That the minutes of the ordinary meeting of the Council Meeting held on Tuesday 23 September 2025, as circulated, be confirmed and signed as a true record of the proceedings of the meeting.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang

Against: Nil

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

Mayoral Minutes**(Item MM14/25) Celebrating Burwood's Recognition as Australia's Coolest Neighbourhood and #16 in the World**

File No: 25/53334

Summary

Every so often, a story comes along that perfectly captures what makes a city special. Right now, that story is ours.

Burwood has officially been named Australia's coolest neighbourhood, and 16th in the world by *Time Out* magazine.

In a global ranking that celebrates creativity, culture, and community, Burwood stood out as the only Sydney suburb to make the list, beating out inner-city icons and putting our diverse, dynamic heart firmly on the world stage.

According to *Time Out*, Burwood earned its place thanks to its vibrant food scene, authentic community feel, buzzing public spaces, thriving night-time economy and the sense that "something exciting is always happening." From the energy of Burwood Road to the hidden gems of our laneways and the warm welcome of our multicultural community, it's a recognition that reflects who we are, and where we're heading.

I want to acknowledge and sincerely thank everyone who has contributed to making Burwood the vibrant, welcoming, and globally recognised city it is today:

- Our residents, who bring warmth, diversity, and pride to every corner of our city.
- Our local businesses, cafés, restaurateurs, and creative entrepreneurs whose talent and diverse offering define our unique character.
- Our General Manager and staff, whose commitment to innovation and service excellence continues to set Burwood apart.
- Our State and Federal partners, whose collaboration and investment have helped unlock Burwood's potential as a connected, creative, and liveable centre.
- And our community groups, volunteers, and schools, who keep our city's spirit strong and inclusive.

This recognition speaks directly to Council's long-term vision to make Burwood a place that celebrates people, culture, and creativity. It reinforces the transformative impact of our efforts in shaping Burwood into a city that truly comes alive, day and night.

More than just a great place to live, this acknowledgment reflects what our community has always known: Burwood is a place to visit, invest, work, connect, experience and thrive.

122/25 RESOLVED

That:

1. Council notes and formally acknowledges Burwood's recognition by *Time Out* Magazine as Australia's coolest neighbourhood and #16 in the world, celebrating the collective effort of residents, local businesses, community groups, and Council staff in achieving this milestone.
2. The General Manager incorporate this recognition across appropriate Council communications, marketing, and promotional activities.

3. The Mayor writes to local businesses, and State and Federal partners to share this recognition, express Council's appreciation for their ongoing contribution, and invite continued collaboration in promoting Burwood as a leading destination for culture, creativity, and connection.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang
Against: Nil

Reports to Council

(Item 72/25) DCP Amendment - Update to Tree Permit Provisions - Adoption - Post Exhibition

File No: 25/49438

Summary

On 26 August 2025, Council resolved to publicly exhibit proposed amendments to Clause 6.1 – Preservation of Trees and Vegetation of the Burwood Development Control Plan 2013 (BDCP) to ensure alignment with Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (SEPP) and Council's Sustainable Burwood Plan.

The proposed amendments aim to clarify provisions, reflect current legislation, and improve consistency with community expectations regarding tree removal and pruning. They also strengthen character assessment criteria and introduce replacement ratios of two or three trees for every one removed, depending on canopy loss.

The draft amendments were publicly exhibited for 28 days in accordance with Council's resolution. No submissions were received during the exhibition period.

It is therefore recommended that Council adopt and implement the proposed amendments to Clause 6.1 – Preservation of Trees and Vegetation of the BDCP.

123/25 RESOLVED

1. That Council, pursuant to Section 3.43 of the *Environmental Planning & Assessment Act 1979* and in accordance with clause 14 of the *Environmental Planning & Assessment Regulation 2021*, adopt the amendments to Clause 6.1 Preservation of Trees and Vegetation of the Burwood Development Control Plan 2013 (BDCP) as detailed in attachment 1 of this report.
2. That the General Manager be endorsed to make minor modifications to any numerical, typographical, interpretation and formatting errors, if required, prior to the finalisation of the amendment to the abovementioned sections of the Burwood DCP.
3. That Council give public notice of the decision to approve the amendments to Burwood DCP, on its website within 28 days in accordance with Clause 14(2) of the *Environmental Planning and Assessment Regulation 2021*.
4. That Council publish the updates on the NSW Planning Portal in accordance with the *Environmental Planning and Assessment Regulation 2021*.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang
Against: Nil

(Moved Councillor Alex Yang/Seconded Councillor Pascale Esber)

**(Item 73/25) DCP Amendment - Update Acoustic Requirements for Active Centres
- Adoption - Post Exhibition**

File No: 25/49437

Summary

On 26 August 2025, Council resolved to publicly exhibit proposed amendments to the acoustic amenity provisions in Parts 3 and 4 of the Burwood Development Control Plan (BDCP).

The proposed amendments aim to strengthen acoustic standards to support housing delivery in mixed-use and entertainment precincts, while ensuring a high level of protection for residents in the Burwood Town Centre, higher-density neighbourhoods and other active areas.

The draft amendments were publicly exhibited for 28 days in accordance with Council's resolution. No submissions were received during the exhibition period.

It is therefore recommended that Council adopt and implement the proposed amendments to the acoustic amenity provisions in Parts 3 and 4 of the BDCP.

Operational Plan Objective

- A.80 Implement activities or initiatives that enhance Burwood's night time economy
- 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 surrounds
- C.3.2 Protect our unique built heritage and maintain or enhance local character
- C.4 Sustainable, integrated transport, infrastructure and networks to 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.
- C.11.2 Provide opportunity for engagement with the community to inform Council's decision-making.

124/25 RESOLVED

1. That Council, pursuant to Section 3.43 of the *Environmental Planning & Assessment Act 1979* and in accordance with clause 14 of the *Environmental Planning & Assessment Regulation 2021*, adopt the acoustic amenity provision amendments to Parts 3 and 4 of the Burwood Development Control Plan 2013 (BDCP) as detailed in attachment 1 of this report.
2. That the General Manager be endorsed to make minor modifications to any numerical, typographical, interpretation and formatting errors, if required, prior to the finalisation of the amendment to the abovementioned sections of the Burwood DCP.
3. That Council give public notice of the decision to approve the amendments to Burwood DCP, on its website within 28 days in accordance with Clause 14(2) of the *Environmental Planning and Assessment Regulation 2021*.
4. That Council publish the updates on the NSW Planning Portal in accordance with the *Environmental Planning and Assessment Regulation 2021*.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang
Against: Nil

(Moved Deputy Mayor George Mannah/Seconded Councillor Alex Yang)

(Item 74/25) DCP Amendment – Liveability Improvements to Apartment Developments

File No: 25/50193

Summary

At its meeting on 25 March 2025, Council endorsed a Mayoral Minute to review local planning controls with the intent of introducing new requirements for apartment developments, including residential flat buildings and shop-top housing. These requirements will focus on integrating design elements that enhance residential liveability and amenity.

This initiative responds to the continuing shift toward high-density living in and around the Burwood Town Centre and other high-density areas across the LGA, where apartments are increasingly becoming the predominant form of residential development. Council must therefore plan proactively for this future by ensuring that residential amenity is enhanced through high-quality design across both the public and private realms.

To support this outcome, it is proposed to amend the Burwood Development Control Plan (BDCP) to introduce new development controls applying to apartment developments assessed under Part 3 and Part 4 of the BDCP. The proposed amendments aim to achieve higher standards of liveability for current and future residents through improved provisions for communal spaces such as active roof areas and end-of-trip facilities along with wider corridors to enhance internal circulation, measures to improve climate resilience and resource efficiency, electric vehicle (EV) readiness, and building design requirements that strengthen streetscape amenity. Collectively, these measures will contribute to a more sustainable, liveable, and well-designed urban environment for residents and visitors alike.

Operational Plan Objective

- A.33 Undertake a comprehensive review of the Development Control Plan (DCP) 2012 and prepare a user friendly and interactive DCP
- 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.
 - C3.2 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.
- C.11.2 Provide opportunity for engagement with the community to inform Council's decision-making
- P.49 Ensure transparency and accountability in decision making

125/25 RESOLVED

1. That the proposed amendments to the Burwood Development Control Plan 2013 (BDCP), as outlined in **Attachment 1**, be endorsed for the purposes of public exhibition and be exhibited in accordance with relevant Legislation and Council's

Community Engagement Strategy.

2. That following the exhibition of the DCP amendment, a report be brought to Council advising of any submissions and making recommendations on the finalisation of the draft amendment.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang

Against: Nil

(Moved Councillor Alex Yang/Seconded Deputy Mayor George Mannah)

(Item 75/25) Draft Voluntary Planning Agreement Policy for Exhibition

File No: 25/31593

Summary

Planning agreements, commonly referred to as Voluntary Planning Agreements (VPAs), are legal contracts between a planning authority and a developer. Introduced in NSW in 2005 under the *Environmental Planning and Assessment Act 1979* (EP&A Act), VPAs apply to planning proposals and development applications, allowing developers to voluntarily negotiate contributions to public infrastructure and services. VPA contributions may include land, monetary payments, public works or other public benefits. VPAs help fund infrastructure needed to support growth. They operate alongside Section 7.11 (formerly Section 94) and Section 7.12 (formerly Section 94A) contributions to secure additional infrastructure funding transparently.

Council currently operates under two Planning Agreement Policies, which sought to align with the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act) and Clauses 4.3A and 4.4A of the Burwood Local Environmental Plan 2012 (BLEP 2012). These BLEP provisions allow, in certain circumstances, an additional 10% to the base BLEP Floor Space Ratio (FSR) on specific sites within and around the Burwood Town Centre where community infrastructure is provided or where contributions address car parking deficiencies. They also apply to other planning agreements associated with planning proposals and development applications involving variations to development standards under Clause 4.6 of the BLEP.

In response to updated Department of Planning, Housing and Infrastructure (DPHI) guidelines, and following advice from the Independent Commission Against Corruption (ICAC), a review of the existing framework has been undertaken. As a result, a new draft Planning Agreement (VPA) Policy has been prepared looking to enhance clarity, transparency, and consistency and replace the existing Council framework.

This report seeks Council's endorsement to publicly exhibit the Draft Planning Agreement Policy 2025 and to prepare a Planning Proposal to amend the BLEP so Clauses 4.3A and 4.4A can apply more broadly to higher density zones (R1, R3, MU1 and E1). This would support the provision of more community infrastructure, where a shortfall exists in existing contributions plans and look to provide better building design through mandatory design excellence, character tests and improved environmental sustainability standards.

Operational Plan Objective

- A.98 Undertake comprehensive community engagement programs to seek community input on Council projects, operations, initiatives and major decisions.
- 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.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.
 - 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
 - A.70 Work with developers to promote sustainable development

126/25 RESOLVED

That Council:

1. Endorse the Draft Burwood Planning Agreement Policy 2025 for public exhibition for a period of at least 28 days.
2. Endorse the preparation of a Planning Proposal to amend Clauses 4.3A and 4.4A of the Burwood Local Environmental Plan 2012, for the reasons outlined in this report and as detailed in Attachment 2.
3. Require that, following the consultation process, the General Manager prepare a report to Council summarising community feedback on the Draft Planning Agreement Policy and the proposed BLEP amendments for Council's consideration and determination.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang

Against: Nil

(Moved Deputy Mayor George Mannah/Seconded Councillor Alex Yang)

(Item 76/25) LEP Amendment - Design Excellence Competitions

File No: 25/52050

Summary

This report seeks Council's endorsement to prepare a Planning Proposal to amend the *Burwood Local Environmental Plan 2012* (BLEP) by updating Clause 6.5 relating to Design Excellence. The amendment would require significant developments, such as mixed-use and apartment buildings over 55 metres (or approximately 17 storeys), to undergo a competitive design process in accordance with the *Design Competition Guidelines* (September 2023) prepared by the NSW Government Architect. This process aims to improve design outcomes across Burwood's higher-density areas and must occur prior to any approval being issued.

This report supersedes the earlier version presented to Council on 26 August 2025, following Council's decision to defer the matter pending further investigation. A review of height triggers for design competitions across other metropolitan councils has since been undertaken, resulting in an adjustment to the proposed height threshold from 28 metres to 55 metres.

The proposal complements the existing Burwood Design Review Panel process and supports Council's broader goal of ensuring high-quality architecture and public spaces – particularly within the Burwood Town Centre and Burwood North – where growth will

involve complex residential developments. Design competitions are a proven method for achieving excellence and innovation in built form, whilst also delivering wider benefits to community identity, liveability, and the public domain.

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.
- C3.2 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.
- C.1.1 Support and deliver initiatives that encourage high-quality design, sustainable development and enhanced urban amenity.
- 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
- A.70 Work with developers to promote sustainable development
- C.9 Safe, clean and activated streets, centres and public places are enjoyed by people day and night
- P.38 Deliver attractive, healthy streetscapes and centres that are inviting and foster community pride

127/25 RESOLVED

That Council:

1. Endorse the preparation of a Planning Proposal to amend the Burwood Local Environmental Plan 2012, as outlined in Attachment 1.
2. Delegate authority to the General Manager to finalise the Planning Proposal for submission to the Department of Planning, Housing and Infrastructure for Gateway determination.
3. Receive a further report following the public exhibition of the draft amendment, outlining any submissions received and providing recommendations on the finalisation of the amendment.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang

Against: Nil

(Moved Deputy Mayor George Mannah/Seconded Councillor Alex Yang)

(Item 77/25) Proposed Fee Reduction Category: Road Closures for Transformative Precinct-Scale Development Delivering Significant Community Benefit - Endorsement for Public Exhibition

File No: 25/52400

Summary

This report proposes a new category of fee reduction for temporary road closure permits associated with transformative precinct-scale developments that deliver significant community benefit. The proposal responds to emerging trends in urban development within the Burwood local government area and establishes a framework to

support exceptional projects while maintaining accountability and community outcomes.

Resolution is sought from Council to endorse the proposed fee reduction category for public exhibition in accordance with section 610E of the *Local Government Act 1993* (the Act).

Operational Plan Objective

A.98 Comply with financial management responsibilities to promote transparency and accountability

A.71 Undertake initiatives that support new economic growth in the Burwood North Precinct and Burwood Town Centre

128/25 RESOLVED

That Council:

1. Endorse for public exhibition for a period of 28 days the proposed fee reduction category under section 610E of the *Local Government Act 1993*:

Category

Transformative precinct-scale development delivering significant community benefit.

Eligibility criteria (all to be met)

- a) The project demonstrably changes and improves an entire precinct and requires extended temporary road closures greater than 8 weeks.
- b) A Voluntary Planning Agreement is in place (or approved in principle) that materially funds significant public infrastructure (for example, a major community or civic asset, a significant cultural or recreation destination, or a landmark community space).
- c) The project delivers additional community benefits beyond any Voluntary Planning Agreement contributions (for example, expanded employment outcomes, early delivery of public domain, enhanced public domain amenity).
- d) The applicant agrees to comply with all Construction Traffic Management Plans, minimises disruption, and provides communications to affected traders and/or residents.
- e) The fee reduction applies only to Council levied Road Closure line items in Council's Fees and Charges.

Relief offered

50% reduction to the relevant Road Closures line items in Council's Fees and Charges for the period or extent of closures approved in Construction Traffic Management Plans.

2. Unless the public exhibition period results in submissions opposing or proposing changes to the category, determine and adopt the new category referred to in item 1, with effect from the date immediately following the closure of public submissions.
3. Should the public exhibition result in public submissions that may require re-consideration of the proposal, the General Manager is required to report back to Council on the outcome of the public exhibition so Council can consider formally whether to determine the new category referred to in item 1.

4. Approve the application of the proposed category to the road closures required in Wynne Avenue as part of the Burwood Place project, subject to public consultation and determination by Council as referred to in items 1–3.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang
Against: Nil

(Moved Councillor Alex Yang/Seconded Deputy Mayor George Mannah)

(Item 78/25) Adoption of Audited Financial Reports for the Year Ended 30 June 2025

File No: 25/51173

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

129/25 RESOLVED

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 Councils 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 April 2025; 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 2024-2025 Audited Financial Reports and Auditor's Report will be forwarded to the Office of Local Government.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang
Against: Nil

(Moved Councillor Alex Yang/Seconded Deputy Mayor George Mannah)

(Item 79/25) Investment Report as at 30 September 2025

File No: 25/51148

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.

130/25 RESOLVED

1. That the investment report for 30 September 2025 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang

Against: Nil

(Moved Councillor De Yi Wu-Coshott/Seconded Councillor Pascale Esber)

(Item 80/25) Risk Management Policy - For Adoption

File No: 25/49064

Summary

This report proposes the adoption of Council's Risk Management Policy following public exhibition.

Operational Plan Objective

A.113 Review and implement improvements to Council's Risk Management Framework

131/25 RESOLVED

That Council:

1. adopt the *Risk Management Policy* contained at Attachment 1 to this report,
2. endorse the General Manager to make minor modifications to any numerical, typographical, interpretation and formatting errors, and legislative updates to the *Risk Management Policy*, and
3. revoke the *Burwood Council Corporate Risk Management Policy* adopted in 2006.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang

Against: Nil

(Moved Councillor De Yi Wu-Coshott/Seconded Councillor Alex Yang)

(Item 81/25) Annual Disclosure of Interest Returns by Councillors and Designated Persons

File No: 25/34430

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 2024–25 are now due to be formally received and noted.

Operational Plan Objective

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

132/25 RESOLVED

That Council notes:

1. the tabling of disclosure of interest returns in accordance with Part 4 of the *Codes of Conduct* and the *Local Government Act 1993* for the Council officials listed in this report, and
2. that mandatory proactive release of the returns via publication on the Council website has been effected in accordance with clause 4.2 of the *Codes of Conduct* and the *Government Information (Public Access) Act 2009*.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Wu-Coshott, Cr Yang

Against: Nil

(Moved Councillor Pascale Esber/Seconded Councillor Alex Yang)

This concluded the business of the meeting and Council rose at 6:54 pm.

The Minutes of the Ordinary Meeting held on 28 October 2025 will be submitted for confirmation by Council at its next meeting on 18 November 2025.