



Burwood Council

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BURWOOD COUNCIL MEETINGS

MINUTES OF THE MEETING OF THE COUNCIL OF BURWOOD held at the Council Chamber, Suite 1, Level 2, 1-17 Elsie Street, Burwood on Tuesday 28 March 2017 commencing at 6.03 pm.

ATTENDANCE

Councillor Sally Deans
Councillor Tony Doueihi
Councillor John Faker (Mayor)
Councillor Lesley Furneaux-Cook
Councillor George Mannah (Deputy Mayor)
Councillor Justin Taunton

Mr M McMahon, General Manager
Mr T Briscese, Deputy General Manager Corporate, Governance & Community
Mr B Macdonnell, Deputy General Manager Land, Infrastructure & Environment
Mr W Armitage, Chief Finance Officer
Mr B Mortimer, Manager Organisation Development
Mr B Olsen, Manager Building & Development
Ms D Luo, Manager Strategic Planning
Mr J Inglese, Senior Manager, Assets & Design
Ms P Viney, Governance Co-ordinator
Ms V Karpowicz, Executive Assistant

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

10/17 RESOLVED Cr Justin Taunton was an apology.

(Moved Deputy Mayor George Mannah/Seconded Councillor Tony Doueihi)

DECLARATIONS OF INTEREST

There were no declarations of interests by Councillors.

DECLARATIONS OF POLITICAL INTEREST

There were no declarations of political interests by Councillors.

CONFIRMATION OF MINUTES**11/17 RESOLVED** *(Carried Unanimously)*

That the minutes of the meeting of the Council of Burwood held on Tuesday 28 February 2017, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

(Moved Councillor Tony Doueihi/Seconded Councillor George Mannah)

ADDRESS BY THE PUBLIC ON AGENDA ITEMS

Name	Item
Ms Lana Remedi 34/2-4 Byer Street, Enfield On behalf of Lipeng Lin owner of 32, 35, 36 and 37/2-4 Byer Street, Enfield NSW 2136	(Item 8/17) 282-284 Liverpool Road Enfield - Modification To Development Consent BD.2014.170 - Proposed Extension To Permitted Hours of Construction
Mr Joe Hassarati 21 Wakeford Road Strathfield NSW 2135	(Item 8/17) 282-284 Liverpool Road Enfield - Modification to Development Consent BD.2014.170 - Proposed Extension To Permitted Hours Of Construction

CR JUSTIN TAUNTON ARRIVED AT THE MEETING THE TIME BEING 6.06 PM.

GENERAL BUSINESS

(ITEM 8/17) 282-284 LIVERPOOL ROAD ENFIELD - MODIFICATION TO DEVELOPMENT CONSENT BD.2014.170 - PROPOSED EXTENSION TO PERMITTED HOURS OF CONSTRUCTION

File No: 17/11143

Applicant: Joe Hassarati & Co Pty Ltd
Location: 282-284 Liverpool Road, Enfield
Zoning: R1 General Residential – Burwood Local Environmental Plan (BLEP) 2012

Proposal

Council issued Development Consent BD.2014.170 on 2 March 2016 for the construction of a Residential Flat Building at the subject property.

Condition No. 36 of the Development Consent stated that:

Hours of work shall be from 7.00am to 5.30pm Mondays to Fridays inclusive, and from 7.00 am to 1.00 pm Saturdays. No work shall be carried out on Sundays or Public Holidays. The owner/builder shall be responsible for the compliance of this condition by all sub-contractors, including demolishers.

The Applicant has applied to modify Development Consent BD.2014.170 to extend the permitted hours of construction work on Saturdays from 1.00 pm until 4.00 pm.

12/17 RESOLVED *(Carried Unanimously)*

1. That the Section 96 Application to modify Development Consent BD.2014.170 for 282-284 Liverpool Road, Enfield to extend the hours of construction work on

Saturdays from 1.00 pm until 4.00 pm be refused for the following reasons:

- i) The proposal is unsatisfactory pursuant to Section 79C (1)(b) of the *Environmental Planning & Assessment Act 1979* whereby the proposal to extend the hours of work from 1.00 pm to 4.00 pm Saturdays is considered likely to result in unacceptable impacts upon residents in the immediate locality.
- ii) The proposal is unsatisfactory pursuant to Section 79C (1)(b) of the *Environmental Planning & Assessment Act 1979* whereby the application does not contain a Noise Management Plan which identifies the extent of the impacts upon surrounding residents and measures to address such impacts.
- iii) The proposal is unsatisfactory pursuant to Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979* whereby the proposal to extend the hours of work from 1.00 pm to 4.00 pm Saturdays is not considered to be in the public interest.

(Moved Councillor Lesley Furneaux-Cook/Seconded Councillor Justin Taunton)

Councillors Councillor Lesley Furneaux-Cook and Seconded Councillor Justin Taunton a called for a **DIVISION**.

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

FOR	AGAINST
Councillor Furneaux-Cook	
Councillor Deans	
Councillor Faker	
Councillor Mannah	
Councillor Taunton	
Councillor Doueihy	
Total (6)	Total (0)

MAYORAL MINUTE

(ITEM MM1/17) REVIEW DEMOLITION/CONSTRUCTION SATURDAY WORK HOURS CONDITION WITHIN THE BURWOOD LOCAL GOVERNMENT AREA

File No: 17/15808

Summary

My Mayoral Minute of 6 December 2016 was aimed at emending the policy for approved hours of construction work for developments within the Burwood Local Government Area to 4.00 pm on a Saturday, I would like to recommend an amendment to the types of works that can be carried out during this time.

There is an amount of development occurring within the Burwood Local Government Area and I believe that the construction noise from building works that can adversely affect the nearby residents' sleep, concentration and mental and physical health disturbances. This should be minimised so as not to impede the afternoon Saturday quality time for residents.

Currently the hours of work within the Burwood Local Government Area are from 7.00 am to 4.00 pm on Saturdays. The owner/builder shall be responsible for the compliance of this condition by all sub-contractors, including demolishers.

I would like to include the following wording to the hours of work on a Saturday:

Demolition, excavation and/or construction works that involve heavy machinery, noisy trades or the like are not permitted to be carried out from 1.00 pm to 4.00 pm Saturdays.

I, therefore, request that the General Manager be delegated authority to review and make small amendments to the policy to include the wording "Demolition, excavation and/or construction works that involve heavy machinery, noisy trades or the like are not permitted to be carried out from 1.00 pm to 4.00 pm Saturdays."

13/17 RESOLVED (*Carried Unanimously*)

The General Manager be delegated authority to review and make small amendments to the policy to include the wording "Demolition, excavation and/or construction works that involve heavy machinery, noisy trades or the like are not permitted to be carried out from 1.00 pm to 4.00 pm Saturdays."

(ITEM 9/17) ADOPTION OF NEW MONETARY CONTRIBUTION RATE FOR BONUS DEVELOPMENT IN BURWOOD AND STRATHFIELD TOWN CENTRES

File No: 17/11338

Summary

The General Manager, under delegation, approved in principle the monetary contribution rate of \$1,500 per sqm gross floor area (GFA) for bonus development in the Burwood and Strathfield Town Centres, and to place the rate on public exhibition in accordance with Sections 610F and 705 of the *Local Government Act 1993*. No submissions were received during the exhibition period. The proposed monetary contribution rate is now put to Council for approval.

14/17 RESOLVED (*Carried Unanimously*)

1. That Council adopt the monetary contribution rate of \$1,500 per sqm GFA for bonus development within the Burwood and Strathfield Town Centres.
2. That the Policy on Carrying out Bonus Development in the Public Interest be updated to reflect the new rate.
3. That the new rate be incorporated into Council's Schedule of Fees and Charges.
4. That the new rate is applied to any VPAs for bonus development received by Council on or after 30 January 2017.
5. That the General Manager review and adjust the monetary contribution rate periodically, and/or negotiate a rate as part of a VPA.

(Moved Councillor Sally Deans/Seconded Deputy Mayor George Mannah)

Councillors Councillor Sally Deans and Seconded Deputy Mayor George Mannah called for a **DIVISION.**



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

FOR	AGAINST
Councillor Furneaux-Cook	
Councillor Deans	
Councillor Faker	
Councillor Mannah	
Councillor Taunton	
Councillor Doueih	
Total (6)	Total (0)

(ITEM 10/17) DRAFT VOLUNTARY PLANNING AGREEMENT - NO. 4 RAILWAY PARADE, BURWOOD

File No: 17/10321

Summary

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) prepared in connection with a Development Application (DA) at No. 4 Railway Parade Burwood have been publicly notified in accordance with the relevant legislation. The draft VPA provides for the developer to pay a monetary contribution to Council towards the provision, augmentation and/or improvements of open space, community facilities or other public facilities as determined by Council, in exchange for additional development on the site. Council's endorsement is sought to enter into the VPA.

Matter not discussed – Draft Voluntary Planning Agreement was withdrawn by the Applicant.

(ITEM 11/17) BUDDHIST VESAK DAY CELEBRATION, BURWOOD PARK

File No: 17/10391

Summary

The Chinese Buddhist Association of NSW Inc has requested to hold a Buddhist Vesak Day Celebration event to celebrate the birth of Buddha in Burwood Park on Sunday, 21 May 2017.

The Organisation has also requested that Council assist with a donation to cover fees associated with the use of Burwood Park, including park hire fees, Council Officers costs and garbage removal costs.

15/17 RESOLVED (*Carried Unanimously*)

That Council donates \$3,505.00, to be funded from the Mayor's Discretionary – Small Donations Fund, to the Chinese Buddhist Association of NSW Inc to cover fees associated with the use of Burwood Park for the Buddhist Vesak Day Celebration event to be held on Sunday, 21 May 2017 and a review is conducted of Council's contributions to non-Council run community events.

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

(ITEM 13/17) INVESTMENT REPORT AS AT 28 FEBRUARY 2017

File No: 17/10945

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*.

16/17 RESOLVED (*Carried Unanimously*)

1. That the Investment Report for 28 February 2017 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

(Moved Councillor Justin Taunton/Seconded Councillor Lesley Furneaux-Cook)

(ITEM 14/17) 2017 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - CANBERRA

File No: 17/11007

Summary

This report is to inform Council that the 2017 National General Assembly (NGA) of Local Government will be held at the National Convention Centre in Canberra from 18 to 21 June 2017. Council may nominate one Voting Delegate. Council is requested to consider the delegate and nominated observers to attend the NGA.

The theme for the 2017 Conference is "Building Tomorrow's Communities". This year's debate at the NGA will focus on the role of Local Government in building tomorrow's communities. The discussions will look at how councils can work in partnership with the Australian Government to meet the current and future needs of local communities.

17/17 RESOLVED (*Carried Unanimously*)

1. That Council nominate the Deputy Mayor, Councillor George Mannah as the Voting Delegate for the 2017 National General Assembly of Local Government to be held from 18 to 21 June 2017 in Canberra.
2. That Council nominate Councillors Tony Doueih, Lesley Furneaux-Cook and Justin Taunton and the General Manager as observers to attend the 2017 National General Assembly of Local Government from 18 to 21 June 2017 in Canberra.

(Moved Deputy Mayor George Mannah/Seconded Councillor Sally Deans)

REPORTS OF COMMITTEES**(ITEM RC1/17) MARCH 2017 BURWOOD LOCAL TRAFFIC COMMITTEE MEETING**

File No: 17/11305

Summary

Attached are the Minutes of the Burwood Local Traffic Committee from its meeting of 3 March 2017. The Minutes are hereby submitted to the Ordinary Council Meeting for consideration and adoption by Council.

18/17 RESOLVED (*Carried Unanimously*)

That the minutes of the Burwood Local Traffic Committee of 3 March 2017 be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

(ITEM LTC2/17) PILCHERS LANE, BURWOOD - CHANGES TO EXISTING 'LOADING ZONE' RESTRICTIONS***Recommendation***

That Council approve the changes to the existing loading Zone on the eastern side of Pilchers Lane to 'Loading Zone 6.00am – 10.00pm – 30 minutes' & 'No Stopping 10.00pm – 6.00am'.

(ITEM LTC3/17) THE BOULEVARDE, STRATHFIELD - EXTENSION TO EXISTING NO PARKING TIME RESTRICTIONS***Recommendation***

That Council approve the changes to the existing 'No Parking' time restriction to commence from '7.00am – 9.00am and 4.00pm – 6.00pm Monday to Friday' with '30 minute – 9.00am – 4.00pm Monday to Friday and 8.30am – 12.30pm Saturday' thereafter; fronting 4-6 The Boulevarde Strathfield.

(ITEM LTC4/17) SHELLEY STREET, ENFIELD - PARKING RESTRICTIONS WITHIN OFF-STREET PARKING AREA***Recommendations***

1. That Council approve the installation of new 2P parking signage within the off-street parking area in Shelley Street Enfield.
2. That Council approve the line marking of 14 new parking spaces in the off-street parking area in Shelley Street, Enfield.

(ITEM LTC5/17) EASTER IN THE PARK - ROLLING ROAD CLOSURE ON BURWOOD ROAD, BURWOOD***Recommendations***

1. That Council approve the annual Easter in the Park Parade along Burwood Road from St Paul's Anglican Parish Church to Burwood Park on Saturday 8 April 2017 commencing at 11.30am.
2. The organisers/marshals be requested to ensure that all participants remain within the confines of the northbound lane of Burwood Road.
3. That the Parade be noted as being a Class 3 Event.

(ITEM LTC6/17) ANZAC COMMEMORATIVE DAWN SERVICE - ROAD CLOSURE, BURWOOD***Recommendations***

1. That Council approve the rolling road closure from Church Street onto Burwood Road to Burwood Park on Tuesday 25 April 2017 commencing at 5.00am.
2. That organisers/marshals be requested to ensure that all participants remain within the confines of the west bound lane of Church Street & north bound lane on Burwood Road.
3. That Council and RMS note that this is a Category 3 event.

(Moved Councillor Tony Doueihy/Seconded Councillor Sally Deans)

INFORMATION ITEMS**(ITEM IN9/17) 16TH INTERNATIONAL CITIES, TOWN CENTRES AND COMMUNITIES CONFERENCE**

File No: 17/10060

Summary

Cr Taunton attended the 16th International Cities, Town Centres and Communities Conference in Launceston, Tasmania on 9 to 11 November 2016.

Cr Taunton will provide a report at the meeting stating aspects of the trip relevant to Council business and/or the local community.

No Decision – Information Item Only**(ITEM IN10/17) PETITIONS**

File No: 17/10857

Summary

Council has received two petitions since the last Council Meeting.

Background

Date Received	Petition Subject	No. of Households and Businesses within the LGA	No. of Households outside the LGA	Responsible Council Division
7/02/2017	DA.2016.187 – 21-23 Gladstone Street, Burwood	162		Land, Environment and Infrastructure
10/02/2017	BD.2014.170 Section 96 Modification - 282-284 Liverpool Road, Burwood	36		Land, Environment and Infrastructure

Comments

That Council notes that the Petitions have been referred to the appropriate Council Officers for attention.

No Decision – Information Item Only

(ITEM IN11/17) ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCIL MEETING OF 28 MARCH 2017

File No: 17/10868

Summary

At the Council Meeting of 28 February 2017 the following Questions without Notice (QWN) were submitted by Councillors. Council Officers responded to the QWN and Councillors were notified on 15 March 2017 of the outcome of the QWN.

These are now submitted as part of the Council Agenda for Public Notification.

QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 28 FEBRUARY 2017	
Question	Response
<p><u>Councillor Furneaux-Cook</u></p> <p>Question 1 - Is Burwood Council able to request from the JRPP (or SPP) minutes from meetings when Burwood Local Government Area items are considered?</p>	<p><u>Manager Building and Development</u></p> <p>The JRPP provides a copy of the decision of the Panel on each item they consider. These minutes are placed on the DA file and also recorded in the relevant Trim folder.</p>
<p><u>Councillor Furneaux-Cook</u></p> <p>Question 2 - Does Burwood Council have a policy on how contractors complete their work if it is deemed by those impacted as unsatisfactory?</p>	<p><u>Acting Manager Civil Construction and Operations</u></p> <p>The relevant policy is Council's Complaints Management Policy.</p>
<p><u>Councillor Furneaux-Cook</u></p> <p>Question 3 - When is a resident required to seek quotes for insurance claims when the Council has employed contractors to do the work?</p>	<p><u>Manager Organisation Development</u></p> <p>If a resident alleges that Council's or Council's Contractor's works have damaged their property and submits a claim against Council or Council's Contractor, the resident is required to submit two quotes together with other supporting documentation and evidence, which will be forwarded to the respective insurance companies for consideration and determination.</p>

No Decision – Information Item Only

CONFIDENTIAL ITEMS - CLOSED SESSION**(ITEM 15/17) VICTORIA STREET EAST AND SHAFTESBURY ROAD BURWOOD –
REPLACEMENT OF COLLAPSED DRAINAGE PIPES AND INFRASTRUCTURE
REHABILITATION WORKS**

File No: 17/1369

19/17 RESOLVED *(Carried Unanimously)*

That the 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.

(Moved Councillor Justin Taunton/Seconded Councillor Tony Doueihy)

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 6.48 PM THE PUBLIC AND PRESS EXCLUDED FROM THE MEETING.

THE MEETING RESUMED IN OPEN SESSION AT 6.51 PM.

**(ITEM 15/17) VICTORIA STREET EAST AND SHAFTESBURY ROAD BURWOOD –
REPLACEMENT OF COLLAPSED DRAINAGE PIPES AND INFRASTRUCTURE
REHABILITATION WORKS**

File No: 17/13698

Summary

The purpose of this report is to seek Council's approval to utilise Section 94A Town Center Funding for the replacement of collapsed drainage pipes in Shaftesbury Road along the Westfield's frontage to Victoria Street, the construction of a new drainage line in Victoria Street and the replacement of the kerb and gutter, road pavement and associated reinstatement works.

20/17 RESOLVED *(Carried Unanimously)*

That Council approve the funding from the Section 94A Town Centre Funding for the following works:

- Replacement of collapsed drainage pipes in Shaftesbury Road Burwood along the Westfield frontage to Victoria Street.
- The construction of a new drainage line in Victoria Street Burwood.
- The replacement of the kerb and gutter, road pavement and associated reinstatement works in both streets.

(Moved Councillor Tony Doueihy/Seconded Councillor Lesley Furneaux-Cook)

QUESTIONS WITHOUT NOTICE

The following Questions Without Notice were submitted at the Meeting:

Cr Lesley Furneaux-Cook

Question 1

What is Council's policy on mowing verges on properties, side of properties and those verges around parking metres which are overgrown?

Question 2

During development of 9 Ethel Street Burwood the road surface has been damaged. When will it be repaired and by whom?

Question 3

QWN from 28 February 2017 – Is Burwood Council able to request from the JRPP (or SPP) minutes from meetings when Burwood Local Government Area items are considered?

Following on from the above question, how can Councillors get access to these minutes?

Cr Justin Taunton

Question 1

Light Rail Project Parramatta to Strathfield with extension to Burwood – what is the status from the State Government and Transport NSW and Greater Sydney Commission?

Question 2

Western Metro – From Sydney to Westmead via Burwood, Olympic Park, Parramatta – what is the status from the State Government and Transport NSW and Greater Sydney Commission?

Question 3

What is Council's policy on synthetic grass? What is our policy for residents who want to install synthetic grass on Council verges?

Cr Tony Doueih

Question 1

Does Council have a policy on affordable housing?

Question 2

Does the Council's Property Strategy include purchase of properties in Victoria Street Burwood to enlarge the current closed laneway between 51 and 53 Burwood Road Burwood with the use of VPA contributions?

Question 3

Can the General Manager organise a councillor workshop on street widening and traffic movement in relation to building setbacks?

This concluded the business of the meeting and Council rose at 7.03 pm.

Confirmed this Tuesday 18 April 2017.



MAYOR



GENERAL MANAGER