



MINUTES OF THE MEETING OF THE COUNCIL OF BURWOOD held electronically on Tuesday 19 May 2020 commencing at 4:04pm.

ATTENDANCE Councillor John Faker (Mayor)
Councillor Ernest Chan
Councillor Heather Crichton
Councillor Joseph Del Duca
Councillor Raj Dixit
Councillor Lesley Furneaux-Cook
Councillor George Mannah (Deputy Mayor)

Mr T Briscese, General Manager
Mr F Zincone, Acting Deputy General Manager Corporate, Governance and Community
Ms K Everett, Deputy General Manager Land, Infrastructure and Environment
Mr W Armitage, Chief Finance Officer
Ms T Whitmarsh, Consultant - Governance Specialist
Ms R Gerges, Governance Officer

OPENING OF MEETING BY THE MAYOR

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

APOLOGIES

That there were no apologies.

DECLARATIONS OF INTEREST

Councillor John Faker declared a non-pecuniary less than significant conflict of interest in item RC2/20 (Burwood Local Traffic Committee – May 2020) as he is an owner of property at The Strand Croydon. Councillor Faker participated in the discussion.

DECLARATIONS OF POLITICAL DONATIONS

There were no declarations of political interests by Councillors.

CONFIRMATION OF MINUTES

39/20 RESOLVED (*carried unanimously*)

That the minutes of the meeting of the Council of Burwood held on Tuesday 28 April 2020, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

(Moved Councillor Lesley Furneaux-Cook/Seconded Councillor Joseph Del Duca)

OPEN FORUM

There was no business for this item.

ADDRESS BY THE PUBLIC ON AGENDA ITEMS

There was no business for this item.

GENERAL BUSINESS**(ITEM 25/20) COVID-19 (CORONAVIRUS) - PROGRESS UPDATE - MAY 2020**

File No: 20/20352

Summary

To provide Council with a progress report on activities undertaken by Burwood Council in response to the COVID-19 (Coronavirus) pandemic, as well as a summary of impacts to Council's activities.

Operational Plan Objective

- 1.1.1 Provide a diverse range of strategies and initiatives that meet the needs of the community
- 1.2 A well informed, supported and engaged community.
- 1.2.3 Enhance communication and community engagement through innovative solutions

40/20 RESOLVED *(carried unanimously)*

That Council note the information contained in this report

(Moved Councillor Lesley Furneaux-Cook/Seconded Councillor Heather Crichton)

(ITEM 26/20) BUDGET REVIEW FOR QUARTER ENDING 31 MARCH 2020

File No: 20/17626

Summary

The 2019-2020 Budget was adopted at the Council Meeting held on 25 June 2019 with a surplus of \$40,999. The adopted budget was prepared on the basis of the organisational structure which includes three Divisions (Office of the General Manager, Corporate, Governance and Community, and Land, Infrastructure and Environment).

This report provides Council with the financial results for the period ending 31 March 2020, in the 2019-2020 Financial Year. In accordance with Clause 203(1) of the *Local Government (General) Regulation 2005* (the Regulation) the Responsible Accounting Officer is required to prepare and submit to Council a budget review statement no later than two months after the end of each quarter (except the June Quarter).

The following Statement of Budget Income and Expenditure identifies a forecast funding deficit of \$2,648,358 as at 31 March 2020 compared to the revised adopted forecast surplus of \$16,332 as at 31 December 2019 which was adopted at the March 2020 Council Meeting. The reasons for the net decrease of \$2,664,690 are outlined in the report and are due to circumstances arising as a result of the COVID-19 pandemic.

The creation of a specific "COVID-19 Reserve" is recommended to ensure that service levels continue to be met. The reserve can be funded from Council's "Unrestricted Cash and Investments" and would support the 2019-20 and 2020-21 budgets by providing funding for existing operational and planned capital expenditure, thus insulating Council from the negative economic impacts on the budget arising from the current pandemic situation. Additionally Council will need to continue to closely monitor and review budgets

with particular focus on identifying opportunities for additional grants and internal savings.

Operational Plan Objective

2.3.1 Identify and maintain additional revenue sources to ensure financial sustainability

41/20 RESOLVED *(carried unanimously)*

1. That the Budget Review Statement of the 2019-2020 Budget as at 31 March 2020, including the statement by the Responsible Accounting Officer, Chief Finance Officer, be received and noted.
2. That in accordance with Clauses 203 and 211 of the *Local Government (General) Regulation 2005*, the revised estimates of income and expenditure for 2019-2020 deficit of \$2,648,358, as shown in the report be approved and that Council's adopted budget be adjusted accordingly and that the expenditure and income variations projected in the report be, and are hereby voted.
3. That Council authorise the Chief Finance Officer, through the General Manager to create a "COVID-19 Reserve" created from Council's "Unrestricted Cash and Investments" to support current and future budgets, providing funding for existing operational and planned capital expenditure should the effects of Covid-19 result in continued revenue shortfalls or liquidity problems that may impact on the funding of services in the short to medium term. The Reserve would be created for the 2019-20 and 2020-21 financial years.

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

(ITEM 27/20) ADOPTION OF DRAFT HOARDINGS POLICY

File No: 20/18601

Summary

Following the placement of the draft Hoardings Policy (HP) on public exhibition it is intended to seek Council's adoption of the policy. The policy aims to control the placement of temporary structures on or above a public road and will be used to assess applications lodged by property owners, developers, builders and contractors seeking approval to erect a hoarding to enable construction or maintenance activity to occur to buildings. A key feature is the requirement for artwork or graphics to be displayed on hoardings in areas of high pedestrian activity or exposure.

Operational Plan Objective

- 5.3.1 Promote opportunities for public art and culture
5.3.2 Maintain an attractive Burwood CBD

42/20 RESOLVED *(carried unanimously)*

1. That Council adopt the draft revised Hoardings Policy.
2. That Council authorise the General Manager to allow further editorial or minor changes to the Policy considered necessary before the document becomes effective.
3. That the amended Hoardings Policy be brought into effect and provided on Council's website.

4. That Council undertakes an audit of current development in our commercial sites with Type A closed and Type B hoardings.
5. That Council encourages these developers to retrospectively include approved artwork on these existing hoardings in line with this policy.
6. That the Hoarding Policy be reviewed by Council and an update report be presented to a Council Meeting after six months.

(Moved Councillor Heather Crichton/Seconded Deputy Mayor George Mannah)

(ITEM 28/20) PUBLIC EXHIBITION - PLANNING PROPOSAL TO RESTRICT SUBDIVISION OF DUAL OCCUPANCIES IN R2 ZONE

File No: 20/17543

Summary

A Planning Proposal (PP) has been prepared to restrict the subdivision of dual occupancies in the R2 Low Density Residential zone to ensure each resulting lot would have a minimum site area of 400m² and a minimum street frontage of 12m. The PP was exhibited for 28 days in accordance with the Gateway Determination issued by the Department of Planning, Industry and Environment (DPIE). Four submissions were received which are discussed in this report. It is recommended that the PP be progressed to the making of an amendment to the Burwood Local Environmental Plan (BLEP) 2012 and subsequent notification.

Operational Plan Objective

- 1.2.1 Inform the community of Council's activities, facilities and services using accessible communication
- 4.5.2 Ensure independence and transparency in decision making on significant developments

43/20 RESOLVED *(carried unanimously)*

1. That Council note the findings of the review of submissions from the public exhibition of the Planning Proposal.
2. That Council use its authorised delegation in the making of the BLEP amendment to give effect to the Planning Proposal and progress the BLEP amendment to notification.
3. That those who have made a submission be advised of Council's resolution.

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

Councillors Lesley Furneaux-Cook and 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 Faker	
Councillor Mannah	
Councillor Dixit	
Councillor Del Duca	
Councillor Crichton	
Councillor Chan	
Councillor Furneaux-Cook	
Total (7)	Total (0)

(ITEM 29/20) INVESTMENT REPORT AS AT 30 APRIL 2020

File No: 20/19475

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

2.3.1 Identify and maintain additional revenue sources to ensure financial sustainability

44/20 RESOLVED *(carried unanimously)*

1. That the investment report for 30 April 2020 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

(Moved Councillor Lesley Furneaux-Cook/Seconded Councillor Heather Crichton)

REPORTS OF COMMITTEES

(ITEM RC2/20) BURWOOD LOCAL TRAFFIC COMMITTEE - MAY 2020

File No: 20/20665

Summary

Attached are the Minutes of the Burwood Local Traffic Committee from its meeting of May 2020. The Minutes are hereby submitted to the Ordinary Council Meeting for consideration and adoption by Council.

Operational Plan Objective

4.1.5 - Work with RMS and Transport NSW in the development of integrated transport plans

45/20 RESOLVED *(carried unanimously)*

That the minutes of the May 2020 Burwood Local Traffic Committee be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

(ITEM LTC12/20) HEXTOL STREET, CROYDON PARK - WEEKEND PARKING RESTRICTIONS***Recommendations***

1. That Council approve the installation of 'No Parking, 7.00am to 4.00pm, Saturday' restrictions on the southern side of Hextol Street Croydon Park opposite properties #1 and opposite properties #9 to #13.
2. That Council approve the addition of Sundays to the existing 'No Parking, 7.00am to 4.00pm, Saturday' restrictions opposite properties #27 to #31 Hextol Street.
3. That Council review the option for a rolled kerb along the southern side of Hextol Street (corner of Burwood Road).
4. That Council not implement any change until weekend sports resume.

(ITEM LTC13/20) BURWOOD ROAD, BURWOOD - RELOCATION OF MOTORCYCLE PARKING AREA***Recommendations***

1. That Council approve the relocation of the 'Motorcycle Parking Only' spaces to front 134A Burwood Road Burwood for a length of 6.0m immediately north of the vehicular crossing for Burwood Croydon Uniting Church.
2. That Council approve the conversion of the existing motorcycle parking area outside 132-134 Burwood Road Burwood to '1/2P 8.30am – 6pm Monday – Friday 8.30am – 12.30pm Saturday' parking.

(ITEM LTC14/20) INTRODUCTION OF CAR SHARE BAYS IN GEORGE STREET AND WYNNE AVENUE CAR PARKS***Recommendations***

1. That Council approve the installation of two 'No Parking - Authorised Car Share Vehicles Excepted - Area GSCP' in the George Street car park on level B1 in parking bays 59 and 60.
2. That Council approve the installation of two 'No Parking - Authorised Car Share Vehicles Excepted - Area WACP' in the Wynne Avenue car park on level B2 in parking bays 186 and 187.
3. That Council approve the use of the above bays for GoGet car share vehicles for a period for three years with a two year option period based on performance to be reviewed annually.

(ITEM LTC15/20) MERYLA STREET, BURWOOD - PROPOSED DISABLED PARKING SPACE***Recommendation***

That Council approve the installation of a 6.0m long 'Disabled Parking' space with associated signage on the south side of Meryla Street, immediately east of Burwood Road.

(ITEM LTC16/20) CROYDON TOWN CENTRE PARKING RESTRICTIONS***Recommendations***

1. That Council approve the inclusion of three dedicated motorcycle parking spaces on the north eastern side of The Strand, Croydon, for a length of 3.6m.
2. That Council defer the change to the existing 1/2P parking restrictions along The Strand, Croydon to 1P until a further study is obtained.
3. That Council approve the introduction of three 1P parking spaces on the south eastern corner of Paisley Road, Croydon, for a length of 18.0m with a review to determine whether 4P metered parking would be better suited in the future.

(ITEM LTC17/20) BENNETT STREET, BURWOOD - PROPOSED NO PARKING RESTRICTIONS***Recommendation***

That Council approve the installation of 'No Parking' restrictions fronting 39 Bennett Street Burwood for a length of 21.0m.

(Moved Deputy Mayor George Mannah/Seconded Councillor Ernest Chan)

INFORMATION ITEMS**(ITEM IN19/20) VOLUNTARY PLANNING AGREEMENT FOR 28-34 VICTORIA STREET, BURWOOD**

File No: 20/18297

Summary

A draft Voluntary Planning Agreement (VPA) for 28-34 Victoria Street, Burwood in connection with Development Application (DA) No. 091/2019 has been received. The draft VPA will provide for a monetary contribution to Council for additional floor space in excess of the controls for the site. The draft VPA will be publicly exhibited for a period of 28 days according to Council's policy.

Operational Plan Objective

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

Development Application (DA) No. 091/2019 (as revised) proposes a mixed use development inclusive of commercial floor space and 179 dwellings over 30 storeys.

The draft VPA will:

- Provide the developer, in exchange for making the monetary contribution, additional floor space over the controls nominated for the development site
- Provide 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.

Under the draft VPA the developer proposes to pay Council \$3,337,775 (exc GST) based on the monetary contribution rate of \$1,750 per square metre additional GFA.

The draft VPA may be referred to Council's solicitors for their advice and vetting. The documents may be modified in negotiation with the applicant in response to the legal advice.

Following the modification and negotiation of the document contents, the draft VPA will then be publicly notified for a period of 28 days in accordance with Council's *Community Participation Plan*.

A future report will be presented to Council seeking endorsement to enter into the VPA.

QUESTIONS WITHOUT NOTICE

The following Questions Without Notice were submitted at the Meeting:

Councillor Lesley Furneaux-Cook**Question 1:**

Do the changes in state legislation on how councils can spend their Section 94 contributions impact on Burwood Council?

Question 2:

Is there any potential funding available from the state/federal government to increase bike paths in our LGA (temporarily or permanently) to alleviate the use of public transport and car use during the current COVID-19 pandemic?

SUSPENSION OF STANDING ORDERS**46/20 RESOLVED** *(carried unanimously)*

That in accordance with Clause 8.3(b) of the Burwood Council Code of Meeting Practice, Standing Orders be suspended to permit the Matter of Urgency in relation to the passing of Jack Munday.

CONDOLENCE MOTION**47/20 RESOLVED** *(carried unanimously)*

- a. On behalf of many in our community and across Sydney, we would like to acknowledge the passing of Jack Munday. Jack was nearly a local as he lived in Croydon Avenue. Through the green bans, Jack and a galvanised community, saved hundreds of historic buildings (including the Rocks, QVB) and open spaces (including The Botanic Gardens and Centennial Park) which we enjoy today. What a wonderful legacy. Condolences to his wife Judy.
- b. That flowers be sent on behalf of Council and Councillors to Judy and the family. Thoughts are with Judy and the family at this difficult time.

(Moved Councillor Lesley Furneaux-Cook/Seconded Mayor John Faker)

RESUMPTION OF MEETING**48/20 RESOLVED** *(carried unanimously)*

Resolved that in accordance with Clause 7.2 of the Code of Meeting Practice, Council resume the normal order of business.

CONFIDENTIAL ITEMS - CLOSED SESSION**49/20 RESOLVED** *(carried unanimously)*

That the meeting move into closed session in order to consider the Review of Council's Organisational Structure.

(Moved Councillor Ernest Chan/Seconded Councillor Joseph Del Duca)

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 5.09PM.

THE MEETING RESUMED IN OPEN SESSION AT 5.59PM.

REVIEW OF ORGANISATIONAL STRUCTURE

50/20 RESOLVED (*carried unanimously*)

That Council:

1. Adopt the proposed structure outlined by the General Manager in this report
2. Authorise the necessary action to be taken to implement the structural changes in accordance with Sections 332 and 333 of the Local Government Act 1993
3. Approves the resources towards the employment of staff including wages, salaries, superannuation, workers compensation, insurance and training.

This concluded the business of the meeting and Council rose at 6:01pm.

Confirmed this Tuesday, 23 June 2020.

MAYOR



