

MINUTES OF THE MEETING OF THE COUNCIL OF BURWOOD held electronically on Tuesday 28 April 2020 commencing at 4:05pm.

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

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
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

33/20 RESOLVED (*carried unanimously*)

That Councillor George Mannah was granted a leave of absence.

(Moved Councillor Ernest Chan/Seconded Councillor Heather Crichton)

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

34/20 RESOLVED (*carried unanimously*)

That the minutes of the meeting of the Council of Burwood held on Tuesday 24 March 2020, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

(Moved Councillor Lesley Furneaux-Cook/Seconded Councillor Raj Dixit)

SUBMISSIONS BY THE PUBLIC ON AGENDA ITEMS

There was no business for this item.

GENERAL BUSINESS**(ITEM 21/20) COVID-19 (CORONAVIRUS) - PROGRESS UPDATE**

File No: 20/17655

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 actual and potential impacts to Council's activities and finances.

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

35/20 RESOLVED *(carried unanimously)*

That Council:

- 1. Endorse the continuation of the Burwood Cares program
- 2. Endorse the cancellation of large civic events until October 2020
- 3. Notes the information contained in this report

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

(ITEM 22/20) PROGRESS REPORT - FITOUT OF COUNCIL'S ADMINISTRATION, LIBRARY AND COMMUNITY HUB PROJECT

File No: 20/15651

Summary

This report is aimed at providing Council with a status update on the fitout project for Council's new Administration Centre, Library & Community Hub at 2 and 8 Conder Street Burwood.

The report also confirms current restrictions and necessary closure of these spaces due to the COVID-19 situation.

Operational Plan Objective

- 1.1.4.1 Offer a range of facilities for hire that accommodate the various types of use required by the community
- 2.4.1.1 Optimise the experiences of visitors to Council and implement a service centre at the new Council Administration Offices

36/20 RESOLVED *(carried unanimously)*

- 1. That Council notes the information provided in this report.
- 2. That Council notes the Library & Community hub and Service Centre will remain closed to the public until the COVID-19 restrictions are lifted.

(Moved Councillor Ernest Chan/Seconded Councillor Heather Crichton)

(ITEM 23/20) HORNSEY STREET (EAST) BURWOOD PROPOSED ROAD CLOSURE APPLICATION

File No: 20/15964

Summary

To seek Councils endorsement for the proposed closure of Hornsey Street (East) to activate and complete the pedestrian walkway linking Conder Street and Wynne Avenue as a consequence of the Burwood Grand (Anson) development and in accordance with the amended Voluntary Planning Agreement.

Operational Plan Objective

4.2.1.1 Investigate opportunities to limit motorist access to certain areas within the Burwood CBD.

37/20 RESOLVED *(carried unanimously)*

1. That Council endorse the proposed road closure of Hornsey Street (East).
2. That Council endorse the proposal of a short-term lease of five years to be entered into with the developer.
3. That the General Manager undertakes all necessary steps required under the Roads Act in respect of the short-term lease of Lot 10.
4. That the General Manager follows through with all necessary steps under Part 4 Division 3 of the Roads Act in respect of the proposed closure of Hornsey Street (East).
5. That the General Manager return to Council at a time appropriate for determination of the classification of the closed road under section 38D of the Roads Act.
6. That the General Manager investigate a renaming competition for Hornsey Lane.

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

(ITEM 24/20) INVESTMENT REPORT AS AT 31 MARCH 2020

File No: 20/15812

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

38/20 RESOLVED *(carried unanimously)*

1. That the investment report for 31 March 2020 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

(Moved Councillor Heather Crichton/Seconded Councillor Ernest Chan)

INFORMATION ITEMS**(ITEM IN14/20) AMENDMENT TO COUNCIL'S COMMUNITY PARTICIPATION PLAN IN ACCORDANCE WITH LEGISLATIVE CHANGES DUE TO COVID-19**

File No: 20/15969

Summary

The NSW Government has amended a number of Acts and issued Ministerial Orders to implement emergency measures as a result of the COVID-19 pandemic. One of the changes is that councils will not be required to display physical copies of planning documents at council facilities. These are now to be made available online through the NSW Planning Portal. Notations have been made on Council's website and inside Council's Community Participation Plan (CPP) to alert the public to this change as the changes were effective immediately.

Operational Plan Objective

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

The COVID-19 Legislation Amendment (Emergency Measures) Bill 2020 was passed by the NSW Government in March 2020 to amend a number of Acts to implement emergency measures as a result of the COVID-19 pandemic.

Amongst the changes is the removal of the requirement for planning decision-makers (such as councils) to display physical copies of planning documents at council facilities. These documents will now be available online via the NSW Planning Portal.

To provide certainty, the Secretary of the Department of Planning, Industry and Environment also approved the use of council and state agency websites to display these documents. Councils are no longer required to provide physical copies at their offices.

The planning documents include Development Applications, Environmental Impact Statements on exhibition, registers of development consents, Complying Development Certificates, Construction Certificates and similar documents.

Current exhibition periods will not be affected, and documentation that is required to be made physically available will be made available online for the duration of exhibition periods.

These provisions are in place for a minimum of six months, extendable up to 12 months.

Council's CPP sets out all of Council's community participation requirements in exercising planning functions under the Environmental Planning and Assessment Act. The CPP requires updates in light of the changes regarding physical copies of planning documents.

Updating the CPP normally requires public exhibition of a draft updated CPP and reports to two Council meetings. The process takes approximately three months. It would be impractical to follow the normal process to update the CPP now, given the legislative changes have not been made on a permanent basis at this stage.

Therefore in the interim, Council's website page leading to the CPP includes amended text in accordance with the legislative changes for the period of the COVID-19 orders. A note has also been added after the front cover and before the Table of Contents of the CPP alerting people to the amendment.

A further report enclosing an amended CPP will be brought back to Council when the document has been properly updated.

No Decision – Information Item Only

(ITEM IN15/20) MM14/19 ADDITIONAL WASTE BINS NEAR BUS STOPS WITHIN TOWN CENTRES

File No: 20/16475

Summary

At the September 2019 Council meeting, Cr John Faker (Mayor) proposed Mayoral Minute Item MM14/19 Additional Waste Bins Near Bus Stops Within Town Centres.

Operational Plan Objective

- 3.1.3 Ensure regular cleaning and maintenance of local areas to prevent damage to the environment
- 3.2 Provide sustainable waste management practices
 - 3.2.1 Promote existing recycling services
 - 3.2.2 Identify emerging waste management solutions
- 3.3 Educate the community on sustainable practices
 - 3.3.3 Encourage the community to take pride in the cleanliness and maintenance of the area
- 3.4.3 Ensure planning promotes environmentally sustainable development to reduce impacts on the environment
- 5.3.2 Maintain an attractive Burwood CBD

Council currently has 105 B-tidy bins within the Burwood LGA in either 120L or 240L sizes.

An audit of the location of the existing B-tidy bins relative to the proximity of bus stops within the Burwood Town Centre was undertaken. It was identified that there are nine bus stops without a bin in the immediate vicinity. Further it was determined that it would be beneficial to place a bin near the newly constructed raised threshold at Burwood Road opposite Meryla Street at the Burwood Park frontage.

The following bins are proposed:

| Location | Number of Bins | Size of Bin |
|---|----------------|-------------|
| Bus Stop in Clarence Street frontage of #77 | 1 | 120L |

| | | |
|---|---|------|
| Shaftesbury Road, Burwood | | |
| Bus Stop outside #2-2B Clarence Street, Burwood | 1 | 120L |
| Bus Stop on southern side of Clarence Street near Burwood Road | 1 | 120L |
| Bus Stop on northern side of Clarence Street near Burwood Road | 1 | 120L |
| Bus Stop outside 220 Burwood Road Burwood | 1 | 120L |
| Bus Stop outside #14 Railway Parade Burwood following completion of development related works in the vicinity | 1 | 120L |
| Bus Stop outside 1 Railway Parade Burwood near Wynne Avenue | 1 | 120L |
| Bus Stop outside Westfield Burwood Victoria Street Valet Parking Entry | 1 | 120L |
| Bus Stop outside Burwood Park corner Burwood Road and Comer Street | 1 | 120L |
| Pedestrian Crossing Burwood Road opposite Meryla Street along the Burwood Park Frontage | 1 | 120L |

The 'Once Off' cost associated with this proposal is as follows:

| Activity | Rate | Estimated Cost for 10 Bins Proposed |
|--|----------------|-------------------------------------|
| Supply of Bin Casing 120L | \$2,538 \ unit | \$25,380 |
| Ash Receptacle Stainless Steel | \$512 \ unit | \$ 5,120 |
| Installation per bin | \$200 \ unit | \$ 2,000 |
| Management Module | \$60 \ unit | \$ 600 |
| Sub-total Estimated Cost : | | \$33,100 |
| GST : | | \$ 3,310 |
| Total 'Once Off' Cost to supply and install GST Inclusive : | | \$36,410 |

The ongoing maintenance costs associated for the additional bins:

| Activity | Rate per Week | Estimated Cost for 10 Bins Proposed per Year |
|-----------------------|-----------------------------|--|
| Collection & Disposal | \$50 \ bin x 10 bins | \$26,000 |
| Cleaning of Housing | \$35 \ bin x 10 bins | \$18,200 |
| Total | \$85 \ bin x 10 bins | \$44,200 |

In view of the current COVID-19 crisis and the resultant decrease in pedestrian and public transport movements within the town centre, it is proposed that this proposal be deferred until such time as the crisis is over and movement restrictions have been removed.

No Decision – Information Item Only

(ITEM IN16/20) MAYORAL DISCRETIONARY GRANTS - SMALL DONATIONS MADE FOR THE PERIOD ENDING 31 MARCH 2020

File No: 20/17016

Summary

The Discretionary Grants – Small Donations Policy was reviewed by Council and adopted on 12 December 2017. As part of the Policy requirements a list of donations made is to be reported to Council on a quarterly basis. This list was tabled at the meeting, detailing all the Discretionary Grants for the 2019/ 20 year as at the end of Quarter 3.

No Decision – Information Item Only

(ITEM IN17/20) PETITIONS

File No: 20/15741

Summary

Petitions received are reported to Council on a monthly basis. Council has received one petition since the March 2020 Council Meeting.

Operational Plan Objective

2.1.1 Provide opportunities for discussions and report decisions back to the community

Background

| Date Received | Petition Subject | No. of Households and Businesses within the LGA | No. of Households outside the LGA | Responsible Council Division |
|----------------------|--|--|--|--------------------------------------|
| 10 March 2020 | Petition received to bring to Council's attention the impact of DA.2016.098 - high rise apartments at 9 George Street Burwood – on 7 George Street Burwood due to unstable 'sinking' ground. | 4 | 0 | Land, Infrastructure and Environment |

Comments

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

No Decision – Information Item Only

(ITEM IN18/20) ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCIL MEETING OF 24 MARCH 2020

File No: 20/15747

Summary

At the Council Meeting of 24 March 2020 the following Questions without Notice (QWN)

were submitted by Councillors. Council Officers responded to the QWN and Councillors were notified on 7 April 2020 of the outcome of the QWN.

Operational Plan Objective

2.1.3 Ensure transparency and accountability in decision making.

This is now submitted as part of the Council Agenda for Public Notification:

| QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 24 MARCH 2020 | |
|---|---|
| Question | Response |
| <p><u>Councillor Lesley Furneaux-Cook</u></p> <p>Question 1:</p> <p>In relation to 15 Gladstone Street Burwood, did the interim report indicate if the property was worth listing? How can the process be better expedited?</p> | <p><u>Acting Group Manager Strategic Planning</u></p> <p>Council had engaged an independent consultant to commence the preparation of heritage report for this site. The report was not completed prior to demolition occurring. The consultant's work was stopped at the time of demolition to avoid incurring unnecessary costs.</p> <p>Council's adopted process is very formal. There may be some opportunity to expedite the process, such as avoiding reporting the matter to a Council Meeting or making an Interim Heritage Order ahead of a preliminary investigation, however staff are currently reviewing and providing recommendations to the General Manager. It is considered that a revised process would still have difficulty competing with the 10 day turnaround for a Complying Development Certificate for demolition.</p> |
| <p><u>Councillor Lesley Furneaux-Cook</u></p> <p>Question 2:</p> <p>A resident has brought to my attention the poor condition of the streets George Street and Marmaduke Street after a number of developments. Who rectifies the road surfaces and who pays?</p> | <p><u>Group Manager Assets & Infrastructure</u></p> <p>Council's Assets and Infrastructure and Maintenance staff are aware of the condition of both the footpath and road pavement in George St and Marmaduke St. As developments are completed the public domain works including the footpath and road pavements are reconstructed. Staff need to balance the amount of repair works done along with the upcoming and works being undertaken which include the 17 Deane St development and the proposed new Burwood RSL development.</p> <p>This area will be reassessed and the appropriate maintenance work will be undertaken.</p> |

| <u>Councillor Heather Crichton</u> | <u>General Manager</u> |
|---|--|
| Question 1: Can Councillors be given updates from meetings held by the internal "Crisis Management Committee" during this Coronavirus period? | The General Manager has been providing regular weekly updates to Councillors on the implementation of Council's Business Continuity Plan, listing all the decisions made by the Crisis Management Team. A more comprehensive explanation on the governance of the Crisis Management Team will be prepared for the benefit of Councillors, to support the weekly updates. |

No Decision – Information Item Only

The following Questions Without Notice were submitted at the Meeting:

Councillor Lesley Furneaux-Cook

Question 1:

Could staff outline the potential impacts of the NSW Planning Acceleration Program recently announced by Minister Stokes - especially on the LEP and the meeting of the two planning panels?

Question 2:

A few residents have expressed concern regarding the use of their emails for the Burwood cares communication without their knowledge. How were the emails sourced and will they be guaranteed only to receive information regarding Council's response to the COVID for the duration of the emergency?

Question 3:

As the usual council matters leaflet is not currently in production, when will all councillors' contact details be included in the current e-communication?

Councillor Joseph Del Duca

Question 1:

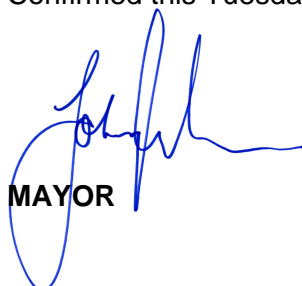
Can Council provide a breakdown of small businesses in the area and how many of those are receiving assistance due to being in Council property?

Question 2:

How many businesses are receiving benefits from having their outdoor licencing fees waived?

This concluded the business of the meeting and Council rose at 4.55pm.

Confirmed this Tuesday 19 May 2020.



MAYOR