

MINUTES OF THE MEETING OF THE COUNCIL OF BURWOOD held in the Conference Room, Level 1, 2 Conder Street, Burwood on Tuesday 24 May 2022 commencing at 6.00pm.

ATTENDANCE Councillor John Faker (Mayor)
Councillor Heather Crichton
Councillor Ned Cutcher
Councillor Pascale Esber
Councillor David Hull
Councillor George Mannah (Deputy Mayor)
Councillor Hugo Robinson

Mr T Briscese, General Manager
Mr F Zincone, Director Corporate Services
Ms B Endycott, Director Community Life
Mr G El Kazzi, Director City Assets (via Zoom)
Mr D Porter, Director City Strategy
Ms R Vella, Manager City Planning
Ms M Thorogood, Manager Property
Mr R Di Federico, Manager Traffic & Transport (via Zoom)
Ms T Whitmarsh, Manager Governance & Risk
Ms M Butler, Coordinator Governance
Ms A Nicholson, Governance Officer

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

There were no apologies.

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

37/22 RESOLVED (*unanimously*)

That the minutes of the meeting of the Council Meeting of Burwood held on Tuesday 26 April 2022, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

(Moved Councillor Heather Crichton/Seconded Councillor Pascale Esber)

ADDRESS BY THE PUBLIC ON AGENDA ITEMS

Name	Item
Barry Mealing, Croydon (Sarita Graham)	Item 48/22 – Petitions (also relates to Item RC4/22 Burwood Local Traffic Committee Report – May 2022)

GENERAL BUSINESS

PROCEDURAL MOTION

38/22

RESOLVED (*unanimously*)

That Item RC4/22 Burwood Local Traffic Committee - May 2022 be dealt with as the first item of business.

(Moved Councillor Heather Crichton/Seconded Councillor Pascale Esber)

REPORTS OF COMMITTEES

(ITEM RC4/22) BURWOOD LOCAL TRAFFIC COMMITTEE - MAY 2022

File No: 22/17575

Summary

Attached are the Minutes of the Burwood Local Traffic Committee from its meeting of May 2022. 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.

39/22

RESOLVED (*unanimously*)

That:

1. the minutes of the Burwood Local Traffic Committee of May 2022 be noted
2. the recommendation of the Committee for Item LTC8/22 detailed below be adopted as a resolution of the Council.
3. Item LTC6/22 detailed below be deferred and referred back to the General Manager for investigation of:
 - a. improving the sight lines existing near Brighton Catholic Healthcare on Croydon Avenue,
 - b. the possibility of including speed calming cushions or devices in this location, and
 - c. options for enforcement under boat-trailer impounding legislation.
4. the General Manager report back to the next meeting on the investigation relating to Item LTC6/22.

(ITEM LTC8/22) HEXTOL STREET, CROYDON PARK - REVIEW OF PARKING TO ADDRESS CONGESTION***Recommendation***

That Council approve the conversion of the existing timed 'No Parking' restrictions to permanent No Parking restrictions on the southern side of Hextol Street, Croydon Park, opposite properties No.27 to No.31.

(ITEM LTC6/22) CROYDON AVENUE, CROYDON - REVIEW OF PARKING NEAR THE BRIGHTON CATHOLIC HEALTHCARE***Recommendation***

That Council does not make any changes to parking restrictions on the western side of Croydon Avenue near the driveways of The Brighton Catholic Healthcare.

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

(ITEM 37/22) DRAFT LIBRARY STRATEGIC PLAN 2022 - 2027 - PUBLIC EXHIBITION

File No: 22/15983

Summary

This report presents the *Draft Library Strategic Plan 2022 – 2027*, which outlines how Council will deliver its Burwood Library and Community Hub services over the next 5 years in order to meet the changing needs and expectations of Burwood's growing and diverse community. It also seeks Council's endorsement to place the Draft Plan on public exhibition for a period of 28 days for feedback from the community. Once the public exhibition period has concluded, necessary amendments will be made and the final plan will be reported to Council for adoption in July 2022.

Operational Plan Objectives

- 1.1: High quality facilities, services and initiatives to meet the diverse needs of the community.
 - 1.1.1: Provide a diverse range of strategies and initiatives that meet the needs of the community.
 - 1.1.2: Provide library services that engage the community in lifelong learning and provide recreational and social opportunities in accessible and people-friendly environments and spaces.
- 2.1.1: Provide opportunities for engagement and report decisions back to the community.

40/22 RESOLVED (unanimously)

That Council:

1. Endorse the *Draft Library Strategic Plan 2022- 2027* and place the document on public exhibition for a period of 28 days.
2. Receive a report following the conclusion of the public exhibition period in July 2022, outlining all submissions received and detailing any changes to the final document recommended for adoption by Council.

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

(ITEM 38/22) MULTICULTURAL ADVISORY COMMITTEE REVISED TERMS OF REFERENCE

File No: 22/16972

Summary

The Terms of Reference of the Multicultural Advisory Committee have been reviewed and amended to reflect the recommended changes of Committee members who are seeking to increase community representation and participation. The revised Terms of Reference are included

under Attachment 1 of this report for Council's consideration and adoption.

Operational Plan Objective

- 1.2 A well-informed, supported and engaged community.
- 1.4 A proud and inclusive community that celebrates diversity.
- 2.2 Strong partnerships to benefit the community.
- 5.3 Enhance and foster local identity.

41/22 RESOLVED (*unanimously*)

That Council:

1. Adopts the Multicultural Advisory Committee revised Terms of Reference (included under Attachment 1).
2. Undertakes an expression of interest process for eight community representatives with a further report to be submitted to Council with recommendations for Committee members.

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

(ITEM 39/22) ESTABLISHMENT OF SUSTAINABILITY & ENVIRONMENT ADVISORY COMMITTEE - DRAFT TERMS OF REFERENCE

File No: 22/17289

Summary

This report is in response to a Mayoral Minute (MM1/22) seeking the establishment of a Burwood Sustainability and Environment Committee (S&E Committee) to guide the delivery of the priorities and actions identified in the *Sustainable Burwood* Strategy, which was endorsed by Council at its meeting on 22 March 2022. This report outlines the draft Terms of Reference

Operational Plan Objective

- 1.2 A well informed, supported and engaged community
- 3.4.1 Invest in green and renewable technologies
- 3.4.2 Greater use of more efficient green technologies and alternative energy sources
- 3.4.3 Environmentally sustainable developments which reduce impacts on the environment.

42/22 RESOLVED (*unanimously*)

1. That Council endorse the Sustainability and Environment Advisory Committee Terms of Reference, including the proposed membership to the Committee.
2. That Councillor Cutcher be the Councillor Representative on the Committee.
2. That an Expression of Interest process be undertaken and advertised for a minimum 14-day period seeking nominations from interested members of the community to sit as representatives on the Committee
3. That a further report be brought back to Council following the EOI process to advise of the nominations to the Committee and provide a timetable of meetings

(Moved Deputy Mayor George Mannah/Seconded Councillor Ned Cutcher)

(ITEM 40/22) DRAFT CODE OF MEETING PRACTICE

File No: 22/17896

Summary

Section 360 of the *Local Government Act 1993* (the Act) requires Council, within 12 months of an ordinary election of councillors, to adopt a Code of Meeting Practice that incorporates the mandatory provisions of the Model Code prescribed by the regulations.

Operational Plan Objective

2.1.3 Ensure transparency and accountability in decision making

43/22 RESOLVED (unanimously)

That Council:

1. Endorses the draft revision of the *Burwood Council Code of Meeting Practice*
2. Places the draft revision on public exhibition for a period of 28 days and allows 42 days for receipt of public submissions, as required by legislation.
3. Directs the General Manager to report on the outcome of the public exhibition, and any submissions that are received, at the next ordinary meeting of Council following the last date for lodgement of submissions following exhibition.

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

(ITEM 41/22) NSW LOCAL GOVERNMENT REMUNERATION TRIBUNAL - 2022 DETERMINATION ON FEES FOR COUNCILLORS

File No: 22/17871

Summary

This report provides advice on the determination made by the Local Government Remuneration Tribunal, under sections 239 and 241 of the *NSW Local Government Act*, on annual fees payable to Mayors and Councillors in 2022/23. Council needs to resolve its position on payment of fees in accordance with the parameters set under legislation and the Tribunal determination.

Operational Plan Objective

2.1.3 Ensure transparency and accountability in decision making

44/22 RESOLVED (unanimously)

That Council confirm the setting of mayoral and councillor annual fees for the period 1 July 2022 to 30 June 2023 at the maximum permissible levels, being \$46,010.00 and \$21,100.00, respectively.

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

(ITEM 42/22) SUPERANNUATION FOR COUNCILLORS

File No: 22/9250

Summary

The *Local Government Act 1993* was amended in May 2021 to formally allow councils to exercise

the option of making superannuation contribution payments for councillors from 1 July 2022. The payments to complying funds can proceed only if Council officially resolves to take up the option of making such payments. Council needs to make a determination on whether it will exercise the option of making superannuation payments to councillors.

Operational Plan Objective

2.1.3 Ensure transparency and accountability in decision making

45/22

RESOLVED

That Council

1. notes the report of the 24 May 2022 ordinary meeting of Burwood Council on *Superannuation for Councillors*; and
2. in accordance with details in that report and the provisions under Section 245B of the *Local Government Act 1993*, commences a regime of superannuation payments for the mayor and other councillors to coincide with the beginning of the financial year starting on 1 July 2022.

(Moved Councillor Heather Crichton/Seconded Councillor Ned Cutcher)

(ITEM 43/22) DRAFT COUNCILLORS' EXPENSES AND FACILITIES POLICY AND CIVIC RECOGNITION, CONDOLENCES AND SMALL DONATIONS POLICY

File No: 22/13167

Summary

Section 252 (1) of the *Local Government Act 1993* (the Act) requires that the Council must, within the first 12 months of each term of Council, adopt a policy concerning the payment of expenses incurred and facilities provided to the Mayor and Councillors. The *Councillor Expenses and Facilities Policy* has been reviewed. A proposed *Civic Recognition, Condolences and Small Donations Policy* has also been developed to deal with matters previously in the *Councillor Expenses and Facilities Policy* that are better suited to a standalone policy.

Operational Plan Objective

2.1.3 Ensure transparency and accountability in decision making.

46/22

RESOLVED (*unanimously*)

That Council:

1. endorses the draft revision of the *Councillor Expenses and Facilities Policy* with the following amendments:
 - a. the first row in the table on page 4 of the policy, which deals with General Travel Expenses, be amended to read "\$1,000 for each councillor and an additional \$1,000 for the Mayor"
 - b. the row in the table on page 4 of the policy that deals with ICT expenses to be amended to delete the figure "\$2,000" and replace it with the figure "\$2,500" in relation to the value of mobile phones issued to councillors
 - c. all figures listed in the body of the policy be updated to match the dollar amounts in the table on pages 4 and 5 of the policy

- d. the table on pages 4 and 5 of the policy be updated to clarify that the word “year” relates to a financial year
 - e. the policy be amended to enable the issue of either an iPad or a laptop to councillors from the start of the next term of Council
 - f. clause 16.1 on page 18 of the policy, which deals with reporting, to be amended by deleting the words “including separate details for” and replace with “including costs for” to make it clear that reporting in the annual report is limited to the costs relating to the specified expenses and no other details
 - g. amending clause 10.3, which deals with the time period in which reimbursement claims must be submitted, to remove the reference to claims being submitted within 3 months of the expense being incurred and replacing it with a requirement for claims to be submitted within the financial year in which the expense was incurred.
2. places the amended *Councillor Expenses and Facilities Policy* on public exhibition for a period of 28 days and community feedback.
 2. endorses the proposed *Civic Recognition, Condolences and Small Donations Policy* and places it on public exhibition for a period of 28 days and community feedback.
 3. directs the General Manager to report the outcomes of the public exhibitions of the two policy instruments at the next ordinary meeting of Council following the conclusion of the public exhibition period.

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

(ITEM 44/22) REQUEST FOR SPONSORSHIP - TVB ANYWHERE MOON FESTIVAL 2022

File No: 22/15984

Summary

Council has received a proposal from TV Media Australia Pty Ltd (known as TVB Anywhere), a national Asian TV and online platform with over 60 Chinese and Vietnamese channels in Australia, to host the TVB Anywhere Moon Festival 2022 in Burwood Park on Saturday 27 August 2022.

TVB Anywhere is seeking a fee waiver from Council for the hire of the Burwood Park Pavilion, Burwood Park Community Centre as well as garbage removal services for the event, staff support for event delivery and the supply of audio-visual equipment and technical support.

This report recommends that Council approve an in-kind contribution of \$11,672 in support of the TVB Anywhere Moon Festival in 2022.

Operational Plan Objectives

1.4.3 Coordinate, facilitate and support inclusive cultural events and initiatives to celebrate community, diversity and cultural heritage.

1.4.3.2 Seek to support events and activities within the area that celebrate diversity.

1.4.3.2.1 Provide support or sponsorship to cultural events and activities within the community.

47/22 RESOLVED (unanimously)

1. That Council approve an in-kind contribution of up to \$11,672 based on Council’s allocated budget in support of the TVB Anywhere Moon Festival to be held on Saturday 27 August 2022.

2. That Council investigate with the organiser a reduced rate or waiver of fees for community groups interested in occupying a stall.

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

(ITEM 45/22) BUDGET REVIEW FOR QUARTER ENDING 31 MARCH 2022

File No: 22/11358

Summary

The 2021-2022 Budget was adopted at the Council Meeting held on 29 June 2021 with a surplus of \$16,818. The adopted budget was prepared on the basis of the organisational structure which included five Directorates and the General Manager, (City Assets, City Strategy, Community Life, Corporate Services and People & Performance).

This report provides Council with the financial results for the period ending 31 March 2022, in the 2021-2022 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 \$573,432 as at 31 March 2022 compared to the December revised surplus of \$7,698 which was adopted at the March 2022 Council Meeting.

The reasons for the net decrease of \$581,130 are outlined in the report, additionally Council will need to continue to closely monitor and review budgets with particular focus on identifying opportunities for additional grants and internal savings moving forward.

Council created an Internal Restricted Asset (Reserve) called "Business Continuity (operational reimbursement) Reserve of \$2.5million as part of the 2020-21 Financial Statements reconciliations to cover further pandemic losses. However, due to the drawn out period the economy has been in lockdown, an additional funding of the "Business Continuity Reserve" to the value of \$500,000 was recommended in the September 2021 Budget Review to ensure that service levels continued to be met during 2021-22 financial year. This brought the Reserve balance to \$3,000,000. Unfortunately Burwood's revenue streams are still being affected by the COVID-19 pandemic (Parking, Enfield Aquatic Centre, Commercial Rental etc). To balance the estimated budget deficit Council will require further funds to top up the "Business Continuity" reserve by an additional \$575,000, this can be funded from Council's "Unrestricted Cash and Investments" which will continue to support the 2021-22 budget by providing funding for existing operational expenditure. This will leave Council with a small Budget Surplus of \$1,568.

Operational Plan Objective

2.3.1 Identify and maintain additional revenue sources to ensure financial sustainability

48/22

RESOLVED (unanimously)

1. That the Budget Review Statement of the 2021-2022 Budget as at 31 March 2022, 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 2021-2022 deficit of \$573,432, 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 and the transfers to and from External and Internal Restricted Reserves be, and are hereby voted.

3. That Council authorise the Chief Finance Officer, through the General Manager to transfer from Council's "Unrestricted Cash Reserves" a further \$575,000 to the "Business Continuity" (operational reimbursement) Reserve to support the current 2021-22 budget, providing funding for existing operational expenditure thus insulating Council from the negative economic impacts the budget is experiencing resulting from continued revenue shortfalls and liquidity problems in the short to medium term leaving Council with a Surplus of \$1,568.

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

(ITEM 46/22) INVESTMENT REPORT AS AT 30 APRIL 2022

File No: 22/16729

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

49/22

RESOLVED (*unanimously*)

1. That the investment report for 30 April 2022 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)

(ITEM 47/22) SAFE AND CLEAN TEAM - PERFORMANCE REPORT OCTOBER 2021 TO MARCH 2022

File No: 22/17392

Summary

This report provides performance information on the Safe & Clean Team for the period October 2021 to March 2022.

Operational Plan Objective

3.1.3. Ensure regular cleaning and maintenance of local areas to prevent damage to the environment.

50/22

RESOLVED (*unanimously*)

That Council receives and notes the Safe and Clean Team performance report for the period October 2021 to March 2022.

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

(ITEM 48/22) PETITIONS

File No: 22/18369

Summary

Petitions received are reported to Council on a monthly basis. Council has received one petition since the 26 April 2022 Council Meeting.

Operational Plan Objective

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

51/22 RESOLVED *(unanimously)*

That Council receives and notes the Petition.

(Moved Councillor Heather Crichton/Seconded Councillor Ned Cutcher)

(ITEM 49/22) QUESTIONS ON NOTICE

File No: 22/17808

Summary

The following Questions on Notice were submitted by Councillors.

Operational Plan Objective

2.1.3 Ensure transparency and accountability in decision making.

The answers are provided below:

Cr Ned Cutcher – Questions 1–6

How many complaints has Burwood Council received in this calendar year where the issue could be described as a conflict between residential and non-residential uses of land?

How many such complaints were received in the previous years 2021, 2020, 2019, 2018 and 2017?

What analysis has Burwood Council undertaken or commissioned to explore any themes or trends arising from such complaints?

What themes or trends have been identified from the analysis of such complaints?

What systemic action has Burwood Council taken in response to such complaints?

What further options are being considered by Burwood Council to reduce the chance of such complaints arising, or to otherwise respond to such complaints in a systemic way?

Response – General Manager

The following data has been provided to Councillor Cutcher:

CRM Data

Council's Customer Request Management System captures incoming customer requests and complaints via Council's Customer Service Centre (including call centre). The below table shows the total number of customer requests or complaints received over the last 3 years with a breakdown of resident complaints relating to business activity by category.

	2019/2020	2020/2021	2021/2022
Total number of customer requests	10,159	10,756	8,658
Complaints about noise from business	7	10	7
Complaints about A-frames or tables	5	5	
Complaints about smoking	1		1
Food article complaints		2	

Petitions

Council received 9 petitions from 2019 to date that related to a potential conflict between residential and non-residential uses of land (or contained an element that related to that potential conflict).

Date received	Subject matter	Number of households
18/03/2019	The use of premises for meditation service	28
7/05/2019	The use of premises as a childcare centre	8
12/08/2019	The use of premises as a childcare centre	8
13/09/2019	Transition between business centre and residential area	45
14/1/2020	Parking in areas with residences and schools	4
21/09/2020	Boarding house near school area	174
15/02/2021	Parking in area with residences and businesses	8
1/11/2021	Outdoor dining near residences	40
30/03/2022	Extended trading hours near residences	26

52/22 RESOLVED

That Council receives and notes this report.

(Moved Councillor Pascale Esber/Seconded Councillor Ned Cutcher)

CONFIDENTIAL ITEMS - CLOSED SESSION**53/22 RESOLVED** (*unanimously*)

That the meeting move into closed session in order to consider item 50/22.

(Moved Councillor Heather Crichton/Seconded Councillor Ned Cutcher)

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 7.00 PM THE PUBLIC AND PRESS EXCLUDED FROM THE MEETING.

THE MEETING RESUMED IN OPEN SESSION AT 7.12 PM AND THE GENERAL MANAGER REPORTED THE RESOLUTIONS OF ITEM 50/22.

(ITEM 50/22) ELECTRICITY SUPPLY AGREEMENT

File No: 22/18108

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (c) (d) 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; AND commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

54/22 RESOLVED (unanimously)

That the Council resolved to:

1. Provide the General Manager with authority to negotiate the final terms of the contract for electricity supply as recommended in the report of 24 May 2022 to Council;
2. Provide the General Manager with authority to enter into an Electricity Supply Agreement with the recommended provider identified in the report under Power of Attorney; and
3. Provide the General Manager with authority to make the decision whether to exercise the renewal option when the contract is due for renewal.

(Moved Councillor Ned Cutcher/Seconded Deputy Mayor George Mannah)

This concluded the business of the meeting and Council rose at 7.13 pm.

The Minutes of the Ordinary Meeting held on 24 May 2022 were submitted for confirmation by council on 28 June 2022 and were confirmed without amendment by resolution 56/22. The confirmed Minutes were signed by the Mayor, John Faker, at the meeting of 28 June 2022.