

MINUTES OF THE MEETING OF THE COUNCIL OF BURWOOD held in the Conference Room, Level 1, 2 Conder Street, Burwood on Tuesday 18 October 2022 commencing at 6:02pm.

**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 F Zincone, Acting General Manager  
Mr P Brown, Acting Director Corporate Services  
Ms J Hoff, Acting Director Community Life  
Mr G El Kazzi, Director City Assets  
Mr D Porter, Director City Strategy  
Mr W Armitage, Chief Finance Officer  
Ms M Thorogood, Manager Property  
Mr B Olsen, Manager City Development  
Ms J Mockett, Manager Customer Experience & Business Improvement  
Ms R Vella, Manager City Planning  
Ms M Wassef, Executive Manager Place Management & Communications  
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.

## **APOLOGIES**

That there were no apologies.

## **DECLARATIONS OF INTEREST**

**Mayor Faker** declared a pecuniary interest in Item 108/22 – Update on the Burwood North Precinct Masterplan and Affordable Housing Policy as his wife’s aunt and his brother both own property in the precinct. He will remove himself from the room and not participate in the discussion.

**Mayor Faker** declared a less than significant non-pecuniary interest in Item 109/22 – Negotiation to Purchase Property in Burwood as his wife’s relative owns property in the vicinity. As the report is dealing with the purchase of property on another street, the relative’s property is not affected by the proposal.

**Cr Crichton** declared a less than significant non-pecuniary interest in Item 108/22 – Update on the Burwood North Precinct Masterplan and Affordable Housing Policy as her former husband is a consultant to Grocon which holds options along the northern side Parramatta Road Corridor at

Concord. These options are in the vicinity of the Burwood North Metro Station and consists of 14 lots and 32 dwellings. Although the properties are not located within Burwood LGA, the disclosure was made due to the immediate proximity and scale of these properties to the Burwood North Metro Station and as a pedestrian access point to the Metro will be situated in Burwood Road, Corner of Parramatta Road and Esher Lane, which is in Burwood LGA.

## DECLARATIONS OF POLITICAL DONATIONS

There were no declarations of political interests by Councillors.

## CONFIRMATION OF MINUTES

### 134/22 RESOLVED

That the minutes of the meeting of the Council Meeting of Burwood held on Tuesday 27 September 2022, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

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

**For: Cr Faker, Cr Mannah, Cr Crichton, Cr Cutcher, Cr Esber, Cr Hull, Cr Robinson**  
**Against: Nil**

## GENERAL BUSINESS

### (ITEM 101/22) OVERVIEW OF THE SIX CITIES REGION DISCUSSION PAPER

File No: 22/38389

#### Summary

The Greater Cities Commission (GCC) has recently released a Discussion Paper on the future of the Six Cities region which is on exhibition for comment until 30 October 2022. The discussion paper is not government policy – it's the starting point for conversations with stakeholders on the vision which seeks to promote economic growth to benefit those within the region and more broadly, NSW.

This report will form the basis of Councils submission on the Discussion Paper.

#### **Operational Plan Objective**

- C.2 A healthy and active lifestyle where people experience a sense of connection and wellbeing
- C.3 An urban environment that maintains and enhances our sense of identity and place
- C.7 People and infrastructure contribute positively to the environment and respond to climate change
- C.8 A thriving city and centrally located, strategic business and employment hub within Sydney
- C.9 Safe, clean and activated streets, centres and public places are enjoyed by people day and night

### 135/22 RESOLVED

That Council endorse the contents of this report as forming the basis of Council's submission on the Discussion Paper – The Six Cities Region and that the General Manager be authorised to make the submission on behalf of Council.

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

**For: Cr Faker, Cr Mannah, Cr Crichton, Cr Cutcher, Cr Esber**  
**Against: Cr Hull, Cr Robinson**

**(ITEM 102/22) DRAFT OUT OF HOURS CONSTRUCTION POLICY - ENDORSEMENT FOR PUBLIC EXHIBITION**

---

File No: 22/36299

**Summary**

This report recommends the adoption of a policy where a builder/applicant may on application to Council request an extension of construction hours in the specific circumstances of the case.

There has been an assessment of comparable policies adopted by other Councils and there are reasonable circumstances to permit out of hours construction to occur, if appropriate management and mitigation measures are in place.

This report seeks endorsement to place the draft out of hours construction policy on public exhibition for further feedback.

**Operational Plan Objective**

A.33 Provide efficient, timely development assessment services, including pre-DA support

**136/22 RESOLVED**

That:

1. The draft Policy for Out of Hours Construction as included at Attachment 1 to this report be endorsed for the purposes of public exhibition and be exhibited in accordance with Council's Community Participation Plan for a period of 28 days.
2. Following the exhibition of the draft Policy, a report be brought to Council advising of any submissions made and making recommendations on the adoption of the Policy.

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

**For: Cr Faker, Cr Mannah, Cr Crichton, Cr Cutcher, Cr Esber, Cr Hull, Cr Robinson**  
**Against: Nil**

**(ITEM 110/22) DRAFT COMMUNITY FACILITIES AND PARK HIRE POLICY - ADOPTION**

---

File No: 22/38830

**Summary**

At the Ordinary Meeting of Council held on 23 August 2022, Council resolved to place the *Draft Community Facilities and Parks Hire Policy* on public exhibition for a period of 28 days for community consideration and feedback. The public exhibition period was extended for an additional seven days following the installation of a notification sign at Wangal Park. As a result of feedback received during the public exhibition period three amendments were made to the Draft Policy. This report seeks Council's adoption of the *Draft Community Facilities and Parks Hire Policy* with those amendments.

**Operational Plan Objective**

- A.9 Manage the allocation and use of community facilities, venues, parks and sports fields.  
A.10 Undertake a review of the Community Facilities Policy to incorporate the use and hire of parks.

**137/22 RESOLVED**

That Council adopts the Draft Community Facilities and Park Hire Policy included under Attachment 1.

(Moved Councillor Pascale Esber/Seconded Councillor Heather Crichton)

**For: Cr Faker, Cr Mannah, Cr Crichton, Cr Cutcher, Cr Esber, Cr Hull, Cr Robinson**

**Against: Nil**

**(ITEM 103/22) SMALL BUSINESS MONTH 2022 - SUBSIDISED FACILITY HIRE**

File No: 22/39211

**Summary**

The small business sector is one of the main drivers of Burwood's economy. Following the devastating impacts of the Covid-19 pandemic, economic conditions for small businesses have improved, but remain challenging.

To further the provision of support for businesses, Council is proposing to subsidise the cost of facility hire for small business owners during NSW Small Business Month from 1 – 30 November 2022.

**Operational Plan Objective**

- C.1.2 Facilitate equitable access to services and facilities at all stages of life  
C.2.1 Provide access to formal and informal life-long learning and recreation opportunities, facilities and services  
C.8.2 Facilitate the growth and prosperity of local businesses and target the growth of business sectors and growth industries

**138/22 RESOLVED**

That Council endorse the provision of subsidised facility hire for small business owners in the Burwood LGA at Category C rates from 1 – 30 November 2022 as part of NSW Small Business Month.

(Moved Councillor Hugo Robinson/Seconded Councillor Ned Cutcher)

**For: Cr Faker, Cr Mannah, Cr Crichton, Cr Cutcher, Cr Esber, Cr Hull, Cr Robinson**

**Against: Nil**

**(ITEM 104/22) REVIEW OF STRUCTURE UNDER SECTION 333 OF THE LOCAL GOVERNMENT ACT 1993**

File No: 22/37444

**Summary**

Section 333 of the *Local Government Act 1993* (the Act) provides that Council must review the organisation structure within 12 months of any ordinary election of the council.

**Operational Plan Objective**

C.11 Effective, innovative and collaborative leadership is underpinned by open, transparent and responsible governance

**139/22 RESOLVED**

That Council determines, in accordance with Section 333 of the *Local Government Act 1993*, that the current senior staff position, reporting lines and employment resources remain in place, without any changes.

(Moved Councillor David Hull/Seconded Councillor Hugo Robinson)

**For: Cr Faker, Cr Mannah, Cr Crichton, Cr Cutcher, Cr Esber, Cr Hull, Cr Robinson**  
**Against: Nil**

**(ITEM 111/22) DELEGATIONS FROM COUNCIL TO THE GENERAL MANAGER**

File No: 22/31835

**Summary**

Within the first 12 months of commencing a new term of office, elected Council is obliged under section 380 of the *Local Government Act 1993* to review the powers assigned by Council to the General Manager. This minimum review requirement provides an opportunity to consider whether existing arrangements continue to meet contemporary needs and to make changes as the Council sees fit.

**Operational Plan Objective**

C.11 Effective, innovative and collaborative leadership is underpinned by open, transparent and responsible governance

**140/22 RESOLVED**

That Council:

1. In accordance with section 377 (1) of the *Local Government Act 1993*, approves the instrument of delegations to the General Manager appearing as [Attachment 3](#) to this report.
2. Rescinds the delegations to the General Manager approved by Council on 24 September 2019 and as re-affirmed by Council on 7 September 2020.

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

**For: Cr Faker, Cr Mannah, Cr Crichton, Cr Cutcher, Cr Esber, Cr Hull, Cr Robinson**  
**Against: Nil**

**(ITEM 105/22) DISCLOSURE OF ANNUAL RETURNS - COUNCILLORS AND DESIGNATED PERSONS**

---

File No: 22/38680

**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 2021–22 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

**141/22 RESOLVED**

That Council notes:

1. the tabling of disclosure of interest returns in accordance with Part 4 of the *Burwood Council Code of Conduct* and the *Local Government Act 1993* for the Council officials listed in this report
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 *Burwood Council Code of Conduct* and the *Government Information (Public Access) Act 2009*.

(Moved Councillor Pascale Esber/Seconded Councillor Hugo Robinson)

**For: Cr Faker, Cr Mannah, Cr Crichton, Cr Cutcher, Cr Esber, Cr Hull, Cr Robinson**

**Against: Nil**

**(ITEM 106/22) LEGAL ASSISTANCE FOR COUNCILLORS AND COUNCIL OFFICERS**

---

File No: 22/36427

**Summary**

In response to the resolution of Council at the 28 June 2022 meeting, advice has been received from the Office of Local Government and Council's insurers in relation to the provision of legal assistance for councillors.

**Operational Plan Objective**

A.110 Deliver a progressive and accountable framework to support Councillors and Burwood Local Planning Panel

**142/22 RESOLVED**

That Council:

1. Notes this report and the advice it contains from the Office of Local Government and Council's insurers
2. Instructs the General Manager to arrange for Council's insurers to conduct a briefing for councillors regarding the indemnity of councillors and the provision of legal expenses

3. Instructs the General Manager to report back to Council regarding the procedures to be followed for requesting and granting indemnity or reimbursement of legal expenses.

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

**For: Cr Faker, Cr Mannah, Cr Crichton, Cr Cutcher, Cr Esber, Cr Hull, Cr Robinson**  
**Against: Nil**

### **(ITEM 107/22) INVESTMENT REPORT AS AT 30 SEPTEMBER 2022**

File No: 22/39369

#### **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

#### **143/22 RESOLVED**

1. That the investment report for 30 September 2022 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

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

**For: Cr Faker, Cr Mannah, Cr Crichton, Cr Cutcher, Cr Esber, Cr Hull, Cr Robinson**  
**Against: Nil**

#### **PROCEDURAL MOTION**

#### **144/22 RESOLVED**

That business is re-ordered so that Item 108/22 is dealt with at the end of the meeting after returning from Closed Session.

(Moved Councillor Heather Crichton/Seconded Councillor Ned Cutcher)

**For: Cr Faker, Cr Mannah, Cr Crichton, Cr Cutcher, Cr Esber, Cr Hull, Cr Robinson**  
**Against: Nil**

### **REPORTS OF COMMITTEES**

#### **(ITEM RC11/22) BURWOOD LOCAL TRAFFIC COMMITTEE - OCTOBER 2022**

File No: 22/39953

#### **Summary**

Attached are the Minutes of the Burwood Local Traffic Committee from its meeting of October 2022. The Minutes are hereby submitted to the Ordinary Council Meeting for consideration and adoption by Council.

**Operational Plan Objective**

C.4.1 Plan and manage transport infrastructure to meet current and future community needs

A.40 Investigate traffic hot spots and implement solutions such as pedestrian refuges, roundabouts or traffic calming devices

**145/22 RESOLVED**

That the minutes of the Burwood Local Traffic Committee of October 2022 be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

**(ITEM LTC17/22) COMER STREET, BURWOOD - WORK ZONE*****Recommendation***

That Council approve the installation of a 'Work Zone 7.00am – 5.30pm Monday to Friday and 7.00am – 4.00pm Saturday' and all relevant signage across the four parking spaces along Comer Street as shown in the report.

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

**For: Cr Faker, Cr Mannah, Cr Crichton, Cr Cutcher, Cr Esber, Cr Hull, Cr Robinson**

**Against: Nil**

**CONFIDENTIAL ITEMS - CLOSED SESSION****146/22 RESOLVED**

That the meeting move into closed session in order to consider item 109/22

(Moved Councillor Hugo Robinson/Seconded Councillor David Hull)

**For: Cr Faker, Cr Mannah, Cr Crichton, Cr Cutcher, Cr Esber, Cr Hull, Cr Robinson**

**Against: Nil**

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 6:41 pm and the public and press excluded from the meeting.

The meeting resumed in Open Session at 6:57 pm

The General Manager reported the resolution for item 109/22.

**(ITEM 109/22) NEGOTIATION TO PURCHASE PROPERTY IN BURWOOD**

File No: 22/36552

*That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (d) of the Local Government Act, 1993, as the matter involves 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.*



**147/22 RESOLVED**

That:

1. The General Manager be authorised to commence formal negotiations to purchase the property located at the subject address up to the financial limit as noted in this report (excluding legal costs and stamp duty) and the General Manager be authorised to provide reasonable financial assistance to the property owner to obtain independent professional advice in relation to the prospect sale.
2. A further report be brought back to Council seeking authorisation to complete the purchase, if a successful negotiated outcome is reached between the property owner of the subject property and Council.

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

**For: Cr Faker, Cr Mannah, Cr Crichton, Cr Cutcher, Cr Esber, Cr Robinson**

**Against: Nil**

Cr John Faker left the meeting, the time being 06:58 PM.

The Deputy Mayor assumed the Chair at 6:58pm

**(ITEM 108/22) UPDATE ON THE PREPARATION OF THE BURWOOD NORTH PRECINCT MASTERPLAN AND AFFORDABLE HOUSING POLICY**

File No: 22/37460

**Summary**

This report provides an update on the appointment of the consultants who will be undertaking the work relating to the preparation of the Burwood North Precinct Masterplan and the Burwood Affordable Housing Policy and Contributions Scheme.

**Operational Plan Objective**

A.31 Prepare Planning Proposal for 2021 Local Environmental Plan (LEP) Amendment

A.39 Develop an Affordable Housing Policy

A.63 Research plans and opportunities for the creation of public open spaces as part of the planning of the Burwood North Precinct

A.76 Undertake initiatives that support new economic growth in the Burwood North Precinct and Burwood Town Centre

A.98 Undertake comprehensive community engagement programs to seek community input on Council projects, operations, initiatives and major decisions

**149/22 RESOLVED**

1. That Council receive and note the content of this report.
2. That the General Manager organise a Councillor Briefing to be held in November 2022 to provide an update on the progress of the Burwood North Masterplan and Burwood Affordable Housing Strategy and Contributions Plan.

(Moved Councillor Heather Crichton/Seconded Councillor Hugo Robinson)

**For: Cr Mannah, Cr Crichton, Cr Cutcher, Cr Esber, Cr Hull, Cr Robinson**

**Against: Nil**

**(ITEM 112/22) REFERRAL OF THE ANNUAL FINANCIAL REPORTS FOR 2021-2022 TO COUNCIL'S AUDITOR**

File No: 22/40446

**Summary**

Council's Financial Reports must be in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2005* (the Regulation), the Australian Accounting Standards, the Local Government Code of Accounting Practice and Financial Reporting and the Local Government Asset Accounting Manual. This is to ensure that the Financial Reports for each year fairly present the Council's operating result and financial position for the year.

In accordance with Section 413 of the Act, Council's Annual Financial Reports must be authorised for referral to the Auditor for audit.

**Operational Plan Objective**

2.3.1 - Identify and maintain additional revenue sources to ensure financial sustainability

**150/22 RESOLVED**

That in accordance with Section 413(2)(c) of the *Local Government Act 1993* and Clause 215 of the *Local Government (General) Regulation 2005*, Council resolve the following:

1. That authority is granted to the Mayor, the Deputy Mayor, the General Manager and Responsible Accounting Officer to resign the Statements by Councillors and Management for the General Purpose Financial Reports and the Special Purpose Financial Reports for the Year Ended 30 June 2022 as the original Draft Annual Financial Reports have been substantially modified through audit.
2. That the signed statement be attached to the 2021-2022 Unaudited Annual Financial Reports and presented to Council's Auditor (NSW Audit Office) for the completion of the audit.
3. That the Auditor is invited to attend the Audit, Risk and Improvement Committee Meeting in October 2022 that will review the Annual Financial Reports and also to attend the Council Meeting that is to adopt the audited Annual Financial Reports.

(Moved Councillor Pascale Esber/Seconded Councillor Heather Crichton)

**For: Cr Mannah, Cr Crichton, Cr Cutcher, Cr Esber, Cr Hull, Cr Robinson**

**Against: Nil**

This concluded the business of the meeting and Council rose at 7:09 pm.

The Minutes of the Ordinary Meeting held on 18 October were submitted for confirmation by council on 22 November 2022 and were confirmed without amendment by resolution 151/22. The confirmed Minutes were signed by the Deputy Mayor, George Mannah, at the meeting of 22 November 2022