

MINUTES OF THE MEETING OF THE COUNCIL OF BURWOOD held in the Conference Room, Level 1, 2 Conder Street, Burwood on Tuesday 23 August 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 F Zincone, Acting General Manager  
Mr P Brown, Acting Director Corporate Services  
Ms B Endycott, Director Community Life  
Mr G El Kazzi, Director City Assets  
Mr D Porter, Director City Strategy  
Mr W Armitage, Chief Finance Officer  
Ms T Whitmarsh, Manager Governance & Risk  
Ms M Butler, Coordinator Governance  
Ms A Nicholson, Governance Officer  
Ms M Thorogood, Manager Property  
Ms J Mockett, Manager Customer Experience & Business Improvement  
Ms J Hoff, Manager Community & Culture

## **OPENING OF MEETING BY THE MAYOR**

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

## **APOLOGIES**

### **92/22 RESOLVED**

That an apology and leave be granted to Cr Hugo Robinson.

(Moved Councillor David Hull/Seconded Councillor Ned Cutcher)

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

## **DECLARATIONS OF INTEREST**

**Cr David Hull** declared a significant non-pecuniary interest in item 83/22 regarding the Woodstock Childcare Centre lease as he is a customer of the childcare centre and two of his children currently attend the centre. He will not participate in the discussion and will leave the meeting for that item.

## **DECLARATIONS OF POLITICAL DONATIONS**

There were no declarations of political donations.

**CONFIRMATION OF MINUTES****93/22 RESOLVED**

That the minutes of the meeting of the Council Meeting of Burwood held on Tuesday 26 July 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)Councillors

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

**Against: Nil**

Cr Hugo Robinson joined the meeting, the time being 6:10 pm

Cr Hugo Robinson left the meeting, the time being 6:20 pm

**(ITEM MM10/22) HERITAGE INVESTIGATION - 9 EURELLA STREET, BURWOOD**

File No: 22/32172

**Summary**

I have been approached by a resident in the vicinity of Eurella Street, Burwood. The matter raised with me was the current condition of the dwelling at 9 Eurella Street, Burwood which is not currently heritage listed but which is almost identical to a group listing of dwellings at 11, 14, 17 & 21 Selborne Street, Burwood.

I have been advised by the General Manager that there is no indication at present that the dwelling is at threat of demolition or substantial alteration, however with the increasing rarity of Victorian and Federation style housing in the Strathfield and Burwood area, it is important that consideration be given to protecting dwellings with heritage significance.

As part of the heritage review program currently being developed by the City Strategy Directorate, it is requested that Council staff carry out a preliminary in-house review of the dwelling at 9 Eurella Street, Burwood and if appropriate include it as part of the program.

**Operational Plan Objective**

- A.16 Deliver initiatives that promote and improve access to local heritage
- C.3.2 Protect our unique built heritage and maintain or enhance local character
- P.13 Identify and plan for built heritage and local character

**94/22 RESOLVED I therefore move that:**

The General Manager initiates a preliminary in-house review of the property at 9 Eurella Street, Burwood and if deemed appropriate, include the property in the heritage review program currently being prepared by the City Strategy Directorate.

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

**Against: Nil**

## GENERAL BUSINESS

Cr Hugo Robinson returned to the meeting, the time being 6:22 pm

### **(ITEM 78/22) DRAFT COMMUNITY FACILITIES AND PARKS HIRE POLICY - PUBLIC EXHIBITION**

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File No: 22/26861

#### **Summary**

Burwood Council owns and operates community facilities and parks which are available for hire by the community. The existing *Hire of Community Facilities Policy* adopted by Council on 26 March 2019 has been reviewed to incorporate the hire of parks and sports fields, which was not previously governed by a clear and consistent policy of Council.

This report seeks Council's endorsement to place the *Draft Community Facilities and Parks Hire Policy* on public exhibition for consultation with community. The policy seeks to facilitate equitable access to community facilities and parks in alignment with the *Community Strategic Plan – Burwood 2036*.

#### **Operational Plan Objectives**

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.

### **95/22 RESOLVED**

That Council place the *Draft Community Facilities and Parks Hire Policy* (included under Attachment 1) on public exhibition for a period of 28 days, with a report to be returned to Council following public exhibition.

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

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

**Against: Nil**

### **(ITEM 79/22) DRAFT DISABILITY INCLUSION ACTION PLAN 2022 - 2026 - ADOPTION**

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File No: 22/27654

#### **Summary**

At the Ordinary Meeting of Council held on 28 June 2022, Council resolved to place the *Draft Disability Inclusion Action Plan (DIAP) 2022 – 2026* on public exhibition for a period of 28 days for feedback from the community. Now that the public exhibition period has concluded, this report seeks Council's adoption of the *Draft DIAP* with no amendments arising from the public exhibition process and only minor amendments made as a result of the release of 2021 Census data during the public exhibition period.

#### **Operational Plan Objective**

A.4: Prepare and implement the Disability Inclusion Action Plan 2022-2026.

**96/22 RESOLVED**

That Council:

1. Adopt the *Draft Disability Inclusion Action Plan (DIAP) 2022 – 2026* included under Attachment 1.
2. Submit a copy of the final plan to the Disability Council and NSW Department of Communities and Justice once adopted as per the requirements of the *NSW Disability Inclusion Act 2014*.

(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**

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**(ITEM 80/22) DRAFT PROPERTY STRATEGY 2022-2026 - ADOPTION**

File No: 22/26846

**Summary**

At the Ordinary Meeting of Council held on 28 June 2022, Council resolved to place its draft Property Strategy on public exhibition for a period of 28 days for feedback from the community. Now that the public exhibition period has concluded, this report seeks Council's adoption of the Draft Property Strategy.

**Operational Plan Objective**

A.102 Comply with financial management responsibilities to promote transparency and accountability.

**97/22 RESOLVED**

That Council resolve to adopt the draft Property Strategy and the objectives and guiding principles detailed within it.

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

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

**Against: Nil**

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**(ITEM 81/22) INVESTMENT REPORT AS AT 31 JULY 2022**

File No: 22/30570

**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

**98/22 RESOLVED**

1. That the investment report for 31 July 2022 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

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

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

**(ITEM 82/22) QUESTIONS ON NOTICE**

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File No: 22/31083

**Summary**

The following Questions on Notice were submitted by Councillors.

**Operational Plan Objective**

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

The answers are provided below:

**Cr Ned Cutcher**

1. Noting Council's resolution of July 27 2021 at ITEM 90/21 that it will investigate and implement alternate methods to communicate the #RacismNotWelcome campaign to the community, what action has been taken and what local outcomes have been achieved to date in relation to this important campaign?

**Response – Director Community Life**

The #RacismNotWelcome Campaign has been referred to the Burwood Multicultural Advisory Committee (MAC) for advice on appropriate actions for implementation and this remains ongoing.

To date actions and outcomes have included:

**Burwood Chinatown Public Art Project - The Last Lion**

As part of the #RacismNotWelcome campaign and in response to reported incidents of racism around the project site, Council partnered with Burwood Chinatown, 4A Centre for Contemporary Asian Art and the MAC to deliver a large scale mural and lighting installation in Clarendon Place.

Council commissioned artists, Sophi Odling and Christina Huynh to design and install the artwork titled *The Last Lion*, which was completed in October 2021. The artwork seeks to encourage social inclusion, celebrate Burwood's diversity and welcome residents and visitors

to the precinct by referencing key cultural groups in Burwood.

Council has received highly positive feedback about the artwork, including from project partners, residents and local business in relation to the project outcomes. Particularly the MAC has noted how successfully the mural reflects the range of diverse Asian cultures found in Burwood.

The project has also achieved a number of other tangible benefits for the community. Notably, there has been a marked increase in people attending Burwood Chinatown and the Burwood Town Centre due to the night time activations hosted between Council and Burwood Chinatown at the project site.

Information about the project has been featured across Council's communication channels, including a short video on the project available online at:

<https://www.youtube.com/watch?v=BkddOfiLSuk&t=5s>

### **Promotional and Educational Initiatives**

In 2021, Council produced a video with members of the MAC and other community members, highlighting Council's public stance against racism. The video has been shared across all Council communications channels and Council has continued to routinely replay this video on the high visibility electronic screen located on the corner of Railway Parade and Burwood Road (excluding during the local government election period). The video has also consistently been available on Council's website alongside Council's Anti-Racism Statement and has also been replayed on the Customer Service and Community Hub screens.

Council plans to relocate its large scale Visual Messaging Sign to Burwood Park in September 2022 to promote the Burwood Festival and will also run the video and additional #RacismNotWelcome messaging during this time.

Council has purchased 40 #RacismNotWelcome t-shirts from Addison Road Community Centre. These t-shirts have been distributed to existing MAC members to wear when they are supporting community initiatives and they will also be provided to the new incoming Committee members at their inaugural meeting scheduled for 24 August 2022. #RacismNotWelcome t-shirts have also been distributed amongst key public facing Council staff so that the message is being promoted more broadly at Council and community events with high community visibility.

Council is also in the process of procuring #RacismNotWelcome street blades to display at Council event sites, including for the upcoming Burwood Festival to promote the initiative to large scale audiences.

### **Further Plans**

As Council is aware, Council has recently undertaken an expression of interest process to double community representation on the MAC. In order to continue to promote Council's commitment to the #RacismNotWelcome message further ideas will be discussed and considered at the next meeting of the MAC scheduled for Wednesday 24 August 2022. This will be the first meeting with the newly appointed Committee and the intention is that new ideas will be generated to guide future actions.

## **99/22 RESOLVED**

That Council receives and notes this report.

(Moved Councillor Ned Cutcher/Seconded Councillor Heather Crichton)

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

## REPORTS OF COMMITTEES

### (ITEM RC7/22) BURWOOD LOCAL TRAFFIC COMMITTEE - AUGUST 2022

File No: 22/30763

#### Summary

Attached are the Minutes of the Burwood Local Traffic Committee from its meeting of August 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

#### **100/22 RESOLVED**

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

### (ITEM LTC15/22) CROYDON AVENUE, CROYDON - REVIEW OF PARKING RESTRICTIONS

#### ***Recommendation***

That Council approve the installation of 6m of 'No Parking – Motor Vehicles Excepted' signage on the western side of Croydon Avenue, Croydon, immediately south of the existing 'No Parking' restrictions outside 17-23 Croydon Avenue.

(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 RC8/22) BURWOOD 150 YEARS ANNIVERSARY STEERING COMMITTEE MINUTES - 9 AUGUST 2022

File No: 22/31832

#### Summary

This report presents the draft minutes of the Burwood 150 Years Anniversary Steering Committee meeting held on Tuesday 9 August 2022.

#### **Operational Plan Objectives**

A.16 Deliver initiatives that promote and improve access to local heritage.  
A.99 Facilitate interagency networks and advisory committees to provide opportunities for collaboration and participation.

**101/22 RESOLVED**

That Council receives and notes the draft minutes of the Burwood 150 Years Anniversary Steering Committee held on 9 August 2022 (included under Attachment 1).

(Moved Councillor Heather Crichton/Seconded Councillor Pascale Esber)

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

**Against: Nil**

**NOTICES OF MOTION****(ITEM NM2/22) COMMUNITY CONSULTATION TO IDENTIFY AND PROTECT LOCAL HERITAGE**

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File No: 22/31172

**Summary**

Local heritage represents our shared stories, history and connection. It should be protected and celebrated.

In recent times Burwood Council has rightly focused a degree of attention to the protection of local heritage, with the placement of an Interim Heritage Order and subsequent listing of 11 Seale St Burwood as a local heritage item, further investigation in the Seale St and Ireland St precinct identifying a number of properties for formal heritage assessment, an undertaking to carry out further investigations and assessment of properties along Cooper St, Strathfield, and advocating to the Minister for Heritage for additional powers to ensure Council can respond appropriately to instances of demolition by neglect of heritage properties.

I understand this important work is appreciated in the community. It could be improved by taking a more strategic focus, such as making use of our community engagement portal to assist in the identification of further properties and precincts for investigation of local heritage significance, and developing a Heritage Protection Plan in consultation with our community that could inform our review of the LEP.

**Operational Plan Objective**

- A.16 Deliver initiatives that promote and improve access to local heritage
- C.2.3 Provide opportunities for people to participate in activities and events that celebrate our diversity, community, history and culture.
- C.3 An urban environment that maintains and enhances our sense of identity and place
  - C.3.2 Protect our unique built heritage and maintain or enhance local character
- P.13 Identify and plan for built heritage and local character
- A.31 Prepare Planning Proposal for 2021 Local Environmental Plan (LEP) Amendment
- A.37 Undertake a heritage assessment of existing building stock to identify and update the register of contributory or heritage items

**MOTION**

That Council:

1. Affirms its commitment to the identification and protection of local heritage in the Burwood Local Government Area.



2. Requires the General Manager to consult with the community to identify any items, properties and sites that could be considered for investigation of local heritage significance.
3. Requires the General Manager to investigate options and budgetary considerations for a review of Council's approach to identification and protection of local heritage items, and report on these matters to Council with adequate time for them to be considered as part of our LEP review.

(Moved Councillor Ned Cutcher/Seconded Councillor Hugo Robinson)

#### 102/22 AMENDMENT – RESOLVED

That:

- The words "That Council:" be deleted.
- Item 1 be replaced by: "That Council affirms its commitment to the identification and protection of local heritage in the Burwood Local Government Area."
- Items 2 and 3 be replaced by:
  2. That a Councillor workshop be held to provide information on the heritage listing of properties and identification of heritage conservation areas across the Burwood LGA, including an overview of the background of past heritage reviews undertaken and work currently underway to ensure the identification and protection of local heritage.

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

**For Amendment: Cr Faker, Cr Mannah, Cr Crichton, Cr Esber**

**Against Amendment: Cr Cutcher, Cr Hull, Cr Robinson**

#### 103/22 RESOLVED

1. That Council affirms its commitment to the identification and protection of local heritage in the Burwood Local Government Area.
2. That a Councillor workshop be held to provide information on the heritage listing of properties and identification of heritage conservation areas across the Burwood LGA, including an overview of the background of past heritage reviews undertaken and work currently underway to ensure the identification and protection of local heritage.

(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**

#### **(ITEM MM11/22) PAVERS AND HOARDINGS**

File No: 22/33861

#### **Summary**

I have observed a number of new construction sites within the Burwood Town Centre installing site fences without providing coverings with art work as required by the Burwood Council Hoarding Policy. It maybe that such approvals pre-date the new hoarding policy. However, I would like a review of the policy and procedures to ensure that there are no loop holes and all types of hoarding structures, fences and similar structures related to construction sites are captured in relation to the requirement to provide public art coverings.

It has also been brought to my attention that some construction sites within the Burwood Town Centre are not being required to install pavers to replace older concrete footpaths. I am seeking reassurance that all footpaths to the frontage development sites within the centre are indeed being upgraded to pavers and the other public domain works are being delivered. In addition, given the marked improvement that the public domain works have made to the Burwood Town Centre, I would like to see these improvements rolled out to the other town centres within the Burwood area.

### **Operational Plan Objective**

P.37 Plan for and implement public art programs that support local identity, culture and connection

P.38 Deliver attractive, healthy streetscapes and centres that are inviting and foster community pride

P.41 Deliver infrastructure, services and information which promote active, safe and clean streets and public places

### **104/22 RESOLVED**

1. The General Manager review the existing Burwood Council Hoarding Policy and associated procedures to ensure that all sites within the Burwood Town Centre are captured by the policy and that site fences or other similar construction site boundary structures are also required to have art work installed. The findings of the review should be reported to Council following the investigation.
2. The General Manager review current procedures associated with the upgrade of footpaths within the Burwood Town Centre to ensure that the footpath replacement of all development within the centre is undertaken in accordance with the public domain plan for the Town Centre. Further, that investigation be undertaken to implement the upgrade of public domain improvements within other centres to achieve a consistent outcome with the Burwood Town Centre. A further report be provided to Council outline the findings and recommendations.

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

**Against: Nil**

### **CONFIDENTIAL ITEMS - CLOSED SESSION**

**105/22 RESOLVED** That the meeting move into closed session in order to consider items 84/22 and 83/22.

(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**

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 6.56 pm and the public and press excluded from the meeting.

The meeting resumed in Open Session at 7:13 pm and the General Manager reported the resolutions for items 84/22 and 83/22.

**(ITEM 84/22) BURWOOD COMMUNITY WELFARE SERVICES - LEASE EXTENSION RENTAL SUBSIDY**

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File No: 22/31824

*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.*

**106/22 RESOLVED**

That Council resolves to:

1. approve Burwood Community Welfare Services Incorporated request and proposal for extended funding as detailed in this report to support the lease rental for a further 12 months, from October 2022 to September 2023.
2. convene a meeting with Burwood Community Welfare Services Incorporated and other community organisations to identify synergies and potential partnerships in relation to longer term accommodation arrangements.

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

**For: Cr Faker, Cr Mannah, Cr Crichton, Cr Cutcher, Cr Esber, Cr Hull, Cr Robinson****Against: Nil****(ITEM 83/22) WOODSTOCK CHILDCARE CENTRE LEASE**

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File No: 22/31822

*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.*

**107/22 RESOLVED**

That Council resolves to:

1. Consent to a five-year lease term between Burwood Council and J & D Abraham (Nominees) Pty Ltd in accordance with the proposed conditions detailed in this report for the premises 2/605138 PART being the Woodstock Childcare Centre, commencing 1 November 2022 to 31 October 2027.
2. Provide public notice of the proposed lease under Section 47 of the *Local Government Act 1993*.
3. Provide the General Manager with authority to negotiate the terms of the Lease as per Council's resolution and enter into a Lease Agreement under Power of Attorney.

(Moved Deputy Mayor George Mannah/Seconded Councillor Hugo Robinson)

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

This concluded the business of the meeting and Council rose at 7:15 pm.

The Minutes of the Ordinary Meeting held on 23 August were submitted for confirmation by council on 27 September and were confirmed without amendment by resolution 133/22. The confirmed Minutes were signed by the Mayor, John Faker, at the meeting of 27 September 2022.