



MINUTES OF THE MEETING OF THE COUNCIL OF BURWOOD held in the Conference Room, Level 1, 2 Conder Street, Burwood on Tuesday 15 February 2022 commencing at 5:50pm.

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

Mr T Briscece, General Manager
Mr F Zincone, 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, Consultant – Governance Specialist
Ms M Butler, Governance Coordinator

OPENING OF MEETING

The Mayor opened the meeting with an Acknowledgement of Country.

Pastor Dilan Jayasinghe of the Baptist Community Church Burwood delivered the prayer.

OPEN FORUM

There was no business for this item.

APOLOGIES

There were no apologies.

DECLARATIONS OF INTEREST

Cr Faker declared a significant non-pecuniary interest in item 8/22 as he owns an investment property at The Strand Croydon and the VPA funds are to be spent on the Paisley Road car park, which is in close proximity to his investment property. He indicated that he would leave the meeting while the item was considered.

DECLARATIONS OF POLITICAL DONATIONS

There were no declarations of political interests by Councillors.

CONFIRMATION OF MINUTES

1/22 RESOLVED (*unanimously*)

That the minutes of the meeting of the Council Meeting of Burwood held on Tuesday 16

November 2021, 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)

ADDRESS BY THE PUBLIC ON AGENDA ITEMS

Name	Item
Helen Jabbour	Item 8/22 - Draft Voluntary Planning Agreement for 14A Grosvenor Street, Croydon

(ITEM MM1/22) ESTABLISHMENT OF THE BURWOOD SUSTAINABILITY AND ENVIRONMENT COMMITTEE

File No: 22/2205

Summary

In October 2021, the draft *Sustainable Burwood* strategy was endorsed by Council for the purpose of public consultation. I understand that a consultation report is currently being prepared taking into consideration community feedback and will be submitted to Council for adoption at a subsequent meeting.

The purpose of *Sustainable Burwood* is to build on the work undertaken as part of the former Green Action Plan. It provides a framework for sustainable planning, decision making and actions to achieve improved sustainability and environmental outcomes over the coming years. It also proposes a number of 'big moves,' which can either be implemented as immediate actions or reflect a change that would make a fundamental impact to the achievement of a *Sustainable Burwood*.

Many of the actions within *Sustainable Burwood* will only be successful with a high level of community input and participation. Engagement with the community throughout the life of the strategy will ensure new initiatives are locally relevant and meaningful, and encourage the community to adopt a sustainability mindset and practices in their own lives.

Linked to this, and the growing importance of sustainability to our community, I propose the establishment of a Burwood Sustainability and Environment Committee for the term of this new Council.

I believe this new Committee should play a key role in actively guiding Council on the priorities outlined in *Sustainable Burwood*. It should also draw upon local expertise, experience and community networks to further Council's commitment to:

- Reduce waste
- Reduce our carbon footprint
- Maximise new green infrastructure; and
- Engage in community led participation.

I propose that the Committee membership include the Mayor (as Chair), Deputy Mayor and an alternate Councillor Representative along with other community and stakeholder positions filled through an open Expression of Interest process. This Mayoral Minute further proposes that a draft Terms of Reference for the Committee be presented to Council by June 2022 along with a report on any financial or resourcing implications for the consideration of Council.

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.

2/22**RESOLVED** (*unanimously*)

That:

1. Council endorses the establishment of the Burwood Sustainability and Environment Committee to include the Mayor as Chair, Deputy Mayor and an alternate Councillor Representative with other community and stakeholder positions to be filled through an open Expression of Interest nomination process.
2. The General Manager conducts an assessment of financial and other resourcing implications for the establishment and activities of the Committee and prepares a draft Terms of Reference to be presented as a report to Council by June 2022.

(ITEM MM2/22) IMPLEMENTATION OF A PERMANENT BURWOOD DESIGN REVIEW PANEL

File No: 22/3984

Summary

I have been briefed by the General Manager on the success of the special Burwood Design Review Panel that has been convened to undertake independent design review of a large development currently under assessment for our town centre. This has provided additional confidence to the Sydney City East Planning Panel in their assessment of applications as the consent authority and has brought beneficial design improvements to the proposal.

Given the forecast growth and development in our Burwood Town Centre, it is an absolute imperative that Council promotes design excellence through every possible channel.

In addition to the ongoing efforts of our staff, I believe it is now essential for us to have an established Design Review Panel to support our City Excellence vision with all major developments.

Operational Plan Objective

- 2.1.3: Ensure transparency and accountability in decision making
- 2.5.3: Strive for business excellence through innovation
- 4.3.1.1 Planning policies to enhance and promote architectural integrity and aesthetically appealing buildings

3/22**RESOLVED** (*unanimously*)

That:

1. The General Manager investigates the implementation of a permanent Burwood Design Review Panel; and
2. That a further report be brought back to Council outlining the process by which a panel will be engaged, terms of reference and general procedures for the panel, including the criteria for any particular application being referred to the panel.

GENERAL BUSINESS

(ITEM 1/22) FILLING OF CASUAL VACANCIES IN FIRST 18 MONTHS OF COUNCIL TERM BY COUNTBACK OF VOTES

File No: 21/57343

Summary

This report seeks Council's approval to fill casual vacancies in civic office within the first 18 months of a Local Government Election by way of a countback of votes cast at the Local Government Elections held on 4 December 2021, in accordance with section 291A of the *Local Government Act 1993*.

Operational Plan Objective

2.5.1 Provide strong leadership and advocacy on behalf of the community

4/22

RESOLVED

That:

- (a) Burwood Council declares that casual vacancies occurring in the office of a Councillor within 18 months after the last ordinary election of Councillors for the Council on 4 December 2021 are to be filled through a by-election.
- (b) The General Manager is to notify the NSW Electoral Commission of the Council's decision by 18 February 2022.

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

(ITEM 2/22) ELECTION OF DEPUTY MAYOR

File No: 21/57344

Summary

Section 231 of the *Local Government Act 1993* outlines options for the election of a Deputy Mayor, should Council deem it appropriate at any time to elect one.

Operational Plan Objective

2.1 Community confidence in Council's decision making

2.1.3 Ensure transparency and accountability in decision making

5/22

RESOLVED (unanimously)

That Council:

1. immediately proceed with the election of a Deputy Mayor
2. the period of appointment for the position of Deputy Mayor be until September 2022
3. confirm the nomination status of potential candidates immediately before any voting proceeds to the election of a councillor to the position of Deputy Mayor
4. pursue any agreement to proceed with the election of a Deputy Mayor by
 - a. means of open ballot if more than a single nomination is received for the position,

or

- b. in the event that only a single nomination for the position is received, declare the single nominee elected as Deputy Mayor for the agreed period of service.

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

The Returning Officer (General Manager) called for any nominations in addition to one received before the commencement of the meeting. There being no further nominations, the nomination process was formally closed by the Returning Officer. The Returning Officer confirmed that the single nomination of Councillor Mannah was in order and accepted by the nominee. As there were no additional candidates for the position of Deputy Mayor, the Returning Officer declared Councillor Mannah as the Deputy Mayor.

(ITEM 3/22) REVISION OF CHARTER - AUDIT, RISK AND IMPROVEMENT COMMITTEE

File No: 21/51480

Summary

New statutory provisions in relation to Audit, Risk and Improvement Committees (ARICs) in NSW local councils are due to commence on 4 June 2022. ARIC establishment requirements represent the first statutory compliance milestone in a program to implement a risk management and internal audit framework. Council last reviewed its ARIC Charter at its meeting of 25 August 2020. At that meeting it resolved to note that a comprehensive revision of the ARIC Charter would be required to reflect statutory changes on the horizon. This report addresses the substance of that resolution.

Operational Plan Objective

- 2.1 – Community confidence in Council’s decision making
- 2.3 – Ensure financial sustainability and organizational effectiveness

6/22 RESOLVED (unanimously)

That Council:

- a) adopt the proposed revised version of the Audit, Risk and Improvement Committee Charter that appears as Attachment 1 to the 22 February 2022 report to Burwood Council on “Revision of Charter – Audit, Risk and Improvement Committee”
- b) note that a current eligibility list for appointment of an additional independent member to the ARIC exists, and authorise the General Manager to proceed with appointment of a third independent member based on order of merit from the eligibility list that Council was alerted to as part of reporting in October 2021 on recruitment of the current two independent members
- c) make provision in the 2022-23 budget to cover the cost of three rather than two independent members of the ARIC.

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

(ITEM 4/22) COUNCILLOR REPRESENTATION ON COMMITTEES AND OTHER BODIES

File No: 22/1083

Summary

To determine the formation of Committees to assist Council in their decision making on various community, technical and management issues, as well as determine Council representation on such Committees and other industry bodies of relevance to the exercise of Council functions.

Operational Plan Objective

2.1 Community confidence in Council's decision making

2.1.3 Ensure transparency and accountability in decision making

7/22**RESOLVED** (*unanimously*)

That Council establish the following representation on various bodies until the ordinary meeting of Council in September 2022:

	Committee/Board	Chairperson	Delegate(s)	Alternate(s)
1	Burwood 150 Years Steering Committee	Mayor John Faker	Cr Heather Crichton	Cr Ned Cutcher
2	Burwood Anzac Commemorative Service Committee	Mayor John Faker	Cr Heather Crichton	Cr David Hull
3	Burwood Local Traffic Committee	Mayor John Faker	N/A	Cr Hugo Robinson
4	General Manager's Contract Review Panel	Mayor John Faker	Cr Heather Crichton Deputy Mayor George Mannah	Cr Hugo Robinson
5	Audit, Risk and Improvement Committee	N/A	Cr Ned Cutcher	Cr Hugo Robinson
6	Multicultural Advisory Committee	Cr Pascale Esber	N/A	Cr Hugo Robinson
7	National Servicemen's Association Committee	Cr Pascale Esber	N/A	Cr David Hull
8	Sandakan Community Educational Committee	Cr Heather Crichton	N/A	Cr Pascale Esber
9	Sydney Eastern City Planning Panel	N/A	Mayor Faker Deputy Mayor George Mannah	All Councillors other than the Mayor
10	SSROC – Full Committee	N/A	Mayor John Faker Cr Heather Crichton	Cr Ned Cutcher Deputy Mayor George Mannah
11	SSROC – Sustainability Committee	N/A	Cr Heather Crichton Cr Ned Cutcher	<i>Nil – based on existing convention</i>

12	SSROC – Program Delivery Committee	N/A	Cr Ned Cutcher Cr Hugo Robinson	<i>Nil – based on existing convention</i>
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(Moved Councillor Heather Crichton/Seconded Councillor Pascale Esber)

(ITEM 5/22) COUNCIL MEETING SCHEDULE FOR 2022

File No: 21/45369

Summary

The 2022 schedule for ordinary meetings of Council, meetings of the Burwood Local Planning Panel and Councillor briefing sessions was approved by Council on 26 October 2021. Approval at that time was for the purpose of advance planning for those bodies and was subject to re-confirmation by the incoming Council at its first meeting in 2022.

Operational Plan Objective

2.5.1 Provide strong leadership and advocacy on behalf of the community.

8/22

RESOLVED (*unanimously*)

That Council confirms:

1. The schedule for ordinary meetings of Council, meetings of the Burwood Local Planning Panel and Councillor Briefing sessions in 2022 as proposed in the attachment to this report.
2. Ordinary meetings of Burwood Council commence at 6:00pm in the Conference Room at 2 Conder Street in Burwood and accommodate virtual participation consistent with requirements under the *Local Government Act 1993* and any prevailing Public Health Orders.
3. Meetings of the Burwood Local Planning Panel meetings commence with public hearings (where required) at 6:00pm and accommodate virtual participation consistent with requirements under the *Environmental Planning and Assessment Act 1979* and any prevailing Public Health Orders.
4. Councillor briefing sessions preceding ordinary meetings of Council commence no later than 5:00pm (unless otherwise negotiated) and will be convened at 2 Conder Street in Burwood.
5. Councillor workshops and briefings on days other than those nominated for ordinary meetings of Council continue to be scheduled as required.

(Moved Councillor Hugo Robinson/Seconded Councillor Heather Crichton)

**(ITEM 6/22) DELIVERY PROGRAM 2018-2022 AND OPERATIONAL PLAN 2021-2022
HALF YEARLY REPORT, 1 JULY - 31 DECEMBER 2021**

File No: 22/2966

Summary

A report on the progress of Council's Delivery Program 2018-22 is to be presented to Council on a half yearly basis in accordance with legislative requirements of the State Government's Integrated Planning and Reporting Framework (406(5) of the Local Government Act 1993).

Operational Plan Objective

2.1.3.2 – Ensure that all public information is accessible and made available in a timely manner
Provide a diverse range of strategies and initiatives that meet the needs of the community>

9/22**RESOLVED (unanimously)**

That Council endorse the Delivery Program 2018–2022 and Operational Plan FY2021–2022 Half-Yearly Report for the Period of 1 July 2021 to 31 December 2021.

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

(ITEM 7/22) DISCLOSURES OF POLITICAL DONATIONS AND ELECTORAL EXPENDITURE

File No: 21/59338

Summary

Councillors and mayors elected at the local government elections on 4 December 2021 must periodically submit political donation and electoral expenditure disclosures to the NSW Electoral Commission for their term in office. Their first disclosures must be submitted by 25 February 2022.

Operational Plan Objective

2.1.3 Ensure transparency and accountability in decision making

10/22**RESOLVED (unanimously)**

That Council receives and notes this report.

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

PROCEDURAL MOTION**11/22****RESOLVED (unanimously)**

That the order of business be altered so that items 9/22 and 10/22 be brought forward and be dealt with before item 8/22.

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

(ITEM 9/22) INVESTMENT REPORT AS AT 30 NOVEMBER 2021

File No: 21/59012

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

12/22 RESOLVED (unanimously)

1. That the investment report for 30 November 2021 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)

(ITEM 10/22) INVESTMENT REPORT AS AT 31 DECEMBER 2021

File No: 22/237

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

13/22 RESOLVED

1. That the investment report for 31 December 2021 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)

CR JOHN FAKER LEFT THE MEETING, THE TIME BEING 6:23 PM

DEPUTY MAYOR GEORGE MANNAH TOOK THE CHAIR, THE TIME BEING 6:23 PM

(ITEM 8/22) DRAFT VOLUNTARY PLANNING AGREEMENT FOR 14A GROSVENOR STREET, CROYDON

File No: 22/3349

Summary

Applicant: Gloriously Simple Pty Ltd
Developer: Gloriously Simple Pty Ltd
Company Directors: Ms Mary Jabbour and Mr Tony Jabbour

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) for 14A Grosvenor Street Croydon were submitted to Council in conjunction with Development Application DA.2021.42, which proposes the demolition of existing structures and the construction of a part 4 and part 5 storey boarding house containing 22 boarding rooms, a manager's room, communal open space areas and basement parking.

The draft VPA provides for payment by the developer of a monetary contribution of \$106,110 to Council in exchange for two deficient on-site parking spaces towards the improvement of public car parking facilities in Croydon.

The draft VPA and EN were publicly notified between 23 September 2021 and 21 October 2021. Council's endorsement is sought to enter into the VPA after the granting of the consent for the DA and prior to the issue of any Construction Certificate.

Operational Plan Objective

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

14/22

RESOLVED

1. That Council enter into the VPA for 14A Grosvenor Street Croydon for the provision of a monetary contribution of \$106,110 towards the improvement of public parking facilities in Croydon, after the granting of the consent for DA 42/2021, which would include a condition requiring that the VPA be entered into prior to the issue of any Construction Certificate.
2. That Council authorise the General Manager to sign the VPA and any related documentation under his Power of Attorney.
3. That Council authorise the General Manager to endorse minor revisions of the VPA documents where necessary prior to execution.
4. That the developer pay the correct monetary contribution on or before the execution of the VPA.

(Moved Councillor Heather Crichton/Seconded Councillor Pascale Esber)

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Mannah	Councillor Cutcher
Councillor Crichton	
Councillor Robinson	
Councillor Hull	
Councillor Esber	
Total (5)	Total (1)

This concluded the business of the meeting and Council rose at 6:35 PM.

The Minutes of the Ordinary Meeting held on 15 February 2022 were submitted for confirmation by Council on 22 March 2022 and were confirmed without amendment by resolution 15/22. The confirmed Minutes were signed by the Mayor, John Faker, at the meeting of 22 March 2022.