

MINUTES OF THE MEETING OF THE COUNCIL OF BURWOOD held in the Conference Room, Level 1, 2 Conder Street, Burwood on Tuesday 22 March 2022 commencing at 6:02pm.

ATTENDANCE

Councillor John Faker (Mayor)
Councillor Heather Crichton
Councillor Ned Cutcher
Councillor Pascale Esber – Attended via Zoom
Councillor David Hull
Councillor George Mannah (Deputy Mayor)
Councillor Hugo Robinson

Mr Tommaso Briscese, General Manager
Mr Fab Zincone, Director Corporate Services
Ms Brooke Endycott, Director Community Life
Mr George El Kazzi, Director City Assets
Mr Dylan Porter, Director City Strategy
Mr Wayne Armitage, Chief Finance Officer
Ms Tanya Whitmarsh, Manager Governance & Risk
Ms Michelle Butler, Governance Coordinator
Ms Marsha Horan, Senior Landscape Architect
Ms Miriam Wassef, Executive Officer Place Management and Communication

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

15/22 RESOLVED *(unanimously)*

That the minutes of the meeting of the Council Meeting of Burwood held on Tuesday 15

February 2022, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

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

(ITEM MM3/22) 500 TREES PLANTING PROGRAM STAGE 3

File No: 22/8983

Summary

As Mayor I have been passionate about increasing Burwood's urban tree canopy cover as well as beautifying our streets and suburbs. In April 2019 I introduced the 500 Trees Program and promoted a continuation of the program in 2020/21. Since then 1,200 new street trees have been planted along the streets of Burwood. This has contributed to Council's goal of 25% urban canopy cover and has greatly increased our street amenity. Because of this success I would like to recommend that our Council continue its efforts in this area and propose that a further 500 trees be planted in our streets and parks as Stage 3 of this program.

Operational Plan Objective

3.1. Maintain and enhance green and open spaces

Background

In April 2019 and September 2020 I presented a Mayoral Minute (Items Nos. 4/19 and 15/20) promoting the planting of 1000 new trees in the streets of our local government area, and I am pleased to report the target has been achieved and surpassed thanks to the great efforts of our staff.

The tree species are a mix of native and exotic species that have been selected for their appropriateness for the Burwood streetscape. The trees were planted in consideration of overhead and underground services, drainage pits, traffic signs, bus stops, proximity to street corners as well as narrow or non-existent verges.

The feedback from the community has been incredibly positive, and we continue to receive interest from residents wanting Council to include their street in the program. The planting of a mixture of native trees and flowering trees across the LGA has also been well received by the community.

As proof of the importance of this endeavour, Council received a \$210,000 grant from Local Government NSW under the Greening Our City Program in 2021. These funds were used to plant 500 trees in 2021. The remaining funds can be potentially used to partly fund the next 500 Trees for 2022.

To continue with this initiative, I would like to propose that a further 500 trees be planted in our streets and parks bringing the total number of new trees in Burwood to 1,700.

Future Opportunities

The Burwood LGA has a total of 278 streets, roads and lanes. Only 21% of our streets currently have adequate tree planting. A total of 31% of our streets have had street tree planting in the last two years. I have received advice that another 25% of our streets could be identified as tree planting opportunities for 2022 and in the near future. A further 23% of our streets have no grass verge suitable for planting at stage, and I suggest that will require further study in the future to

identify solutions to allow for the replacement of hard surfaces with plants, shrubs or grasses like we have successfully implemented in some areas.

To assist in this endeavour Council is seeking a grant for a Street Tree Inventory from the Greener Neighbourhoods Grant Program run by the Department of Planning and Environment. Although this cannot fund tree planting, the grant of potentially \$50,000 will go towards getting comprehensive information of all the street trees in the Burwood LGA. Having a useful street tree database (species, age, condition, etc.) will assist in Council's future planting projects as well as in preparing tree maintenance programs, Tree Preservation Policy and Development Control Plans.

I have also received feedback from the community that one of the best ways to improve our urban canopy is to increase planting of trees on private property. I would like to encourage residents to participate in the 'Free Tree Giveaway' and the 'Everyone Plant One' campaigns currently being run by the Department of Planning and Environment (DPE).

The Free Tree Giveaway Program has made free trees available for Greater Sydney households. Residents can register for a free tree online at <https://www.dpie.nsw.gov.au/premiers-priorities/greening-our-city/free-tree-give-away>. The Everyone Plant One campaign encourages the community to plant a tree in their backyard to contribute to the NSW Government goal of 1 million trees by 2022. Residents can pledge to plant a tree or register their tree online at <https://www.dpie.nsw.gov.au/premiers-priorities/greening-our-city/everyone-plant-one>.

16/22**RESOLVED** (*unanimously*)

That:

1. The General Manager investigate any further grant opportunities and;
2. The General Manager investigate the allocation of an additional \$100,000 to plant a further 500 trees which will bring the total amount of new trees planted to 1,700 across the LGA.
3. Information regarding DPE's 'Free Tree Giveaway' and 'Everyone Plant One' campaigns be circulated on Council's Social media platforms and newsletters to encourage residents to participate.
4. The General Manager provide information on the causes and current rate of loss of trees.
5. The General Manager report back to Council.

(ITEM MM4/22) BURWOOD WELCOMES \$5 BILLION WESTINVEST FUND

File No: 22/9252

Summary

I was thrilled to hear the State Government's recent announcement that Burwood Council will receive funding under the new WestInvest program. The \$5 billion program will fund transformational infrastructure projects that support community amenity and economic recovery, making a real difference to life in 15 local Government areas.

Funding will be made available in three streams, the first being \$400 million directly allocated to the 15 Local Government Areas hardest hit by the pandemic to advance shovel-ready local projects, of which we will receive \$21.553 million.

The second stream comprises of a \$1.6 billion community project fund which will be allocated through a competitive round of grants open to non-government organisations, including community groups, not for profits, Local Aboriginal Land Councils and local councils.

The third and biggest stream of funding will be available to NSW Government agencies to deliver transformational projects that are ready to go and will benefit local communities.

As you can see there is potential to secure millions more in funding and we must be agile and proactive in order to make this happen.

That's why Council has already started engaging with the community through the NSW Governments Have Your Say website to ensure their suggestions and ideas are heard and funds are used to improve the lives of our local communities.

I would like to thank the NSW Government for this important injection of funds that will benefit our local area after a challenging few years. This investment will deliver better local facilities, more open spaces and convenient services close to home. It will help to improve local communities with revitalised high streets, improved parks, new sporting fields, better local traffic flow and active transport links. I'm sure you will agree with me that these are exciting times for our city and community.

I know the General Manager has already commenced work with Council staff to prepare a list of appropriate projects that may be suitable for funding under the WestInvest program, and I propose that the projects should be brought back to the April 2022 Council meeting for endorsement, to ensure the tight deadline of end of May 2022 for submissions is met.

Operational Plan Objective

- 1.1.1 Provide a diverse range of strategies and initiatives that meet the needs of the community
- 2.2.2 Strategic partnerships that will benefit the area and community
- 3.1.2 Partnerships and opportunities to create new open spaces
- 4.2.1 Quality local infrastructure that caters to population growth
- 5.1.1. A stimulated local economy and activated Burwood CBD
- 5.2.3 Innovation that will enhance local identity and culture

17/22

RESOLVED (*unanimously*)

That the General Manager work with Council staff, and where possible the community, to prepare a list of appropriate projects that may be suitable for funding under the WestInvest program and that the list and the community's general sentiment be tabled to the April 2022 Council meeting for endorsement.

(ITEM MM5/22) NEGLECT OF HERITAGE PROPERTIES

File No: 22/8389

Summary

As Mayor I am concerned that a number of heritage items and properties within Burwood's unique heritage conservation areas are not being adequately maintained by their owners to a basic level.

These important heritage buildings are, at times, neglected to the point where either demolition becomes the most feasible alternative to retention or they deteriorate to the point of being unsafe. This is often easily avoidable through low cost maintenance such as painting, weatherproofing and regular removal of rubbish and vegetation from the areas around the building.

I would like to ask the NSW Minister for Environment and Heritage, to put in place additional powers for Councils to enable us to act and avoid situations of 'demolition by neglect' to our significant heritage sites.

Operational Plan Objective

4.3.1. Encourage architectural integrity and aesthetically appealing buildings.

18/22**RESOLVED** (*unanimously*)

That:

1. The General Manager investigate legislative powers available to Burwood Council and / or that would be needed to encourage and enforce maintenance of locally listed buildings and report back to Council
2. Council write to the Minister for Environment and Heritage (NSW), the Honourable Mr James Griffin (MLA), and request NSW Councils be provided with additional powers to take action against owners who neglect heritage homes to the point of demolition by neglect.

GENERAL BUSINESS**(ITEM 11/22) PLANNING PROPOSAL - HERITAGE LISTING OF 11 SEALE STREET
BURWOOD**

File No: 22/5036

Summary

A heritage investigation of 11 Seale Street Burwood has been undertaken by the Strategic Planning, Heritage and Place Planning Team with the support of an external heritage consultant. The investigation has found that the property demonstrates heritage significance at the local level and met the threshold of local significance for criteria (a), (b), (c) and (f) and (g) of the standard assessment criteria. Heritage listing is recommended. A Planning Proposal has been prepared and considered by the Burwood Local Planning Panel (BLPP).

Operational Plan Objective

- 1.4.4 Promote and celebrate the area's heritage and Indigenous history.
4.3 Integrate Burwood's existing heritage with high quality urban design.
4.3.2 Maintain and preserve heritage through relevant planning strategies.

19/22**RESOLVED** (*unanimously*)

1. That Council endorse the heritage listing of the property at 11 Seale Street Burwood.
2. That Council submit the Planning Proposal to NSW Department of Planning, Industry and Environment for a Gateway Determination.
3. That subject to the Gateway Determination, affected property owners be notified, the planning proposal be publicly exhibited and consultation with any relevant public authorities be undertaken.
4. That the results of the public exhibition and consultation be reported back to Council.

(Moved Councillor Heather Crichton/Seconded Councillor Ned Cutcher)

(ITEM 12/22) SUSTAINABLE BURWOOD - ADOPTION OF STRATEGY

File No: 22/7474

Summary

This report is to have the Council consider and adopt the draft Sustainable Burwood strategy. Council previously considered the draft strategy at its meeting of 26 October 2021. The strategy was placed on public exhibition between October and December 2021. All feedback and comments have been considered and incorporated into the strategy where appropriate. Key targets have been highlighted in the strategy following the consultation process.

Operational Plan Objective**Theme 3.4 - Leadership in Environmental Sustainability**

Action 3.4.1 Invest in Green and renewable technologies

Action 3.4.2 Greater use of more efficient green technologies and alternative energy sources

Action 3.4.3 Environmentally sustainable developments which reduce impacts on the environment.

20/22 RESOLVED (unanimously)

1. That the Sustainable Burwood strategy be adopted by Council and published on the Burwood Council website for access by the community
2. That any actions, plans or initiatives that flow from the Sustainable Burwood strategy be reported on as part of the Integrated Planning and Reporting process
3. That the adoption of the Sustainable Burwood strategy be announced to the community through Council's communication platforms.

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

(ITEM 13/22) DRAFT BURWOOD PARK PLAN OF MANAGEMENT

File No: 22/7660

Summary

To seek Council's approval for the public exhibition of the Draft Burwood Park Plan of Management (PoM) pursuant to Section 38 and Section 40(2A) of the *Local Government Act 1993*.

Operational Plan Objective

- 1.1 High quality facilities, services and initiatives to meet the diverse needs of the community
- 3.1 Enhanced green and open spaces, and streetscape

21/22 RESOLVED (unanimously)

1. That Council approve the public exhibition of the Burwood Park Plan of Management pursuant to Section 38 of the *Local Government Act 1993*.
2. That following the public exhibition period, and after considering any comments received during the public exhibition period, the final Burwood Park Plan of Management will be submitted to Council for formal adoption.

(Moved Councillor Pascale Esber/Seconded Councillor Ned Cutcher)

(ITEM 14/22) EMPLOYMENT ZONE REFORMS

File No: 22/2199

Summary

The State Government has commenced a process of employment land zone reforms within a tight time frame. The reforms follow on from the NSW Productivity Commission's findings that widespread limitations on businesses that wish to establish, innovate or expand should be removed. As a first step in the reform process, the Department of Planning Infrastructure and Environment (DPIE) recently amended the Standard Instrument (Local Environmental Plans) Order 2006 (SI LEP order) to replace the existing Business and Industrial zones with new, and lesser number of employment zones.

All LEPs in the State now require amendment to conform with the SI LEP Order, including Burwood LEP 2012. The DPIE is coordinating a translation of all the State's LEPs to the new zones and is proposing a centralised public exhibition of the LEP amendments in April 2022. This report seeks Council endorsement of the information to be included in LEP amendments exhibition as it relates to the Burwood LEP 2012.

Operational Plan Objective

5.1.2.2 Ensure planning controls are effective and align to deliver effective use of land and public space and infrastructure

22/22 RESOLVED (*unanimously*)

1. That Council adopt the *Employment zone reform translation* document attached to this report;
2. That Council submit the *Employment zone reform translation* document to the Department of Planning Infrastructure and the Environment (DPIE); and
3. The Council authorise the General Manager to allow further editorial or minor changes to the *Employment zone reform translation* document prior to its submission to DPIE.

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

(ITEM 15/22) BUDGET REVIEW FOR QUARTER ENDING 31 DECEMBER 2021

File No: 22/3615

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 December 2021, 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 surplus of \$7,698 as at 31 December 2021 compared to the September revised deficit of \$25,800 which included additional funding of \$3,000,000 from the "Business Continuity (COVID-19) Reserve".

The reasons for the net increase of \$33,498 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.

Operational Plan Objective

2.3.1 Identify and maintain additional revenue sources to ensure financial sustainability

23/22

RESOLVED (*unanimously*)

1. That the Budget Review Statement of the 2021-2022 Budget as at 31 December 2021, 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 surplus of \$7,698, 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.

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

(ITEM 16/22) LOAN BORROWING PROGRAMME FOR 2021-22 FINANCIAL YEAR

File No: 22/8023

Summary

To seek Council's approval of the interest rate to be charged for the 2021-2022 Loan Borrowing Programme of \$1 million to continue to address Council's infrastructure backlog.

Operational Plan Objective

2.3.1 Identify and maintain additional revenue sources to ensure financial sustainability

24/22

RESOLVED (*unanimously*)

1. That Council accept the indicative interest rate of 2.82% from TCorp to fund Council's \$1 million 2021-2022 Infrastructure Loan Borrowing Programme toward the improvement of Council's Road Infrastructure.
2. That Council delegate to the General Manager the authority to accept a revised interest rate from TCorp up to a maximum difference of 0.5%, and report back to Council the revised interest rate accepted.

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

(ITEM 17/22) INVESTMENT REPORT AS AT 31 JANUARY 2022

File No: 22/3061

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

25/22**RESOLVED** (*unanimously*)

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

(Moved Councillor Heather Crichton/Seconded Councillor Pascale Esber)

(ITEM 18/22) INVESTMENT REPORT AS AT 28 FEBRUARY 2022

File No: 22/7308

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

26/22**RESOLVED** (*unanimously*)

1. That the investment report for 28 February 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 19/22) COUNCILLOR CONDUCT ACCOUNTABILITY IN NSW LOCAL GOVERNMENT - INDUSTRY REVIEW

File No: 22/8072

Summary

The NSW Office of Local Government (OLG) issued a public consultation paper on *Councillor Conduct Accountability in NSW Local Government* on 26 November 2021. It is open to receiving comments on it by 28 March 2022. The paper is a by-product of an independent review commissioned by the former Minister for Local Government to examine processes and procedures for dealing with allegations of councillor misconduct. Burwood Council may wish to share some observations on this matter as part of the consultation now or when consolidated feedback from this first stage of consultation is released for review.

Operational Plan Objective

- 2.1.3 Ensure transparency and accountability in decision making
- 2.5.1 Provide strong leadership and advocacy on behalf of the community
- 2.5.2 Monitor and review Council's performance against other councils

27/22 RESOLVED *(unanimously)*

That Council:

1. receive and note the report on the "Councillor Conduct Accountability in NSW Local Government" consultation paper released by the NSW Office of Local Government (OLG) on 26 November 2021; and
2. note that council officers will provide an update to Council when details in response to feedback on the consultation paper emerge for consideration.

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

REPORTS OF COMMITTEES**(ITEM RC1/22) BURWOOD LOCAL TRAFFIC COMMITTEE - MARCH 2022**

File No: 22/7889

Summary

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

28/22 RESOLVED *(unanimously)*

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

(ITEM LTC2/22) WENTWORTH ROAD, BURWOOD - EXTENSION OF NO STOPPING RESTRICTIONS**Recommendation**

That Council approve to extend the current 'No Stopping' restrictions by 6.0m to the north and south in Wentworth Road, Burwood, at its intersection with Arrowfield Avenue as shown in the map in the report.

(ITEM LTC3/22) WYNNSTAY AVENUE, ENFIELD - NEW LOADING ZONE**Recommendations**

That Council approve the installation of a 'Loading Zone 8.00am – 5.00pm Tuesday to Thursday' on the northern side of Wynnstay Avenue immediately east of Coronation Parade per the plan in the report.

(ITEM LTC4/22) BURWOOD ROAD, BURWOOD - RELOCATION AND EXTENSION OF BUS ZONES DURING METRO WEST STATION CONSTRUCTION**Recommendations**

1. That Council approve the relocation of the Bus Zone on the western side of Burwood Road further south, as well as an extension of the zone to a total length of 46m per the plan in the report.

2. The Council approve the conversion of this existing Bus Zone to 'No Stopping 6am – 9.30am and 3.30pm – 7pm Monday to Friday' and '2P Parking 9.30am – 3.30pm Monday to Friday and 8am – 1pm Saturday & Public Holidays'.
3. That Council approve the parking restrictions to be converted back to their original configuration in this area at the end of the Sydney metro station project works.

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

(ITEM RC2/22) BURWOOD 150 YEARS ANNIVERSARY STEERING COMMITTEE MINUTES - 22 FEBRUARY 2022

File No: 22/8101

Summary

This report presents the draft minutes of the Burwood 150 Years Anniversary Steering Committee meeting held on Tuesday 22 February 2022.

Operational Plan Objectives

- 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.

29/22 RESOLVED (unanimously)

That Council receives and notes the draft minutes of the Burwood 150 Years Anniversary Steering Committee held on 22 February 2022.

(Moved Councillor Heather Crichton/Seconded Councillor Ned Cutcher)

This concluded the business of the meeting and Council rose at 7.02 pm.

The Minutes of the Ordinary Meeting held on 22 March 2022 were submitted for confirmation by Council on 26 April 2022 and were confirmed without amendment by resolution 18/22. The confirmed Minutes were signed by the Mayor, John Faker, at the meeting of 26 April 2026.