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MINUTES OF THE MEETING OF THE COUNCIL OF BURWOOD held in the Conference Room, Level 1, 2 Conder Street, Burwood on Tuesday 12 December 2023 commencing at 6:05pm.

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

Tommaso Briscese, General Manager
Fab Zincone Director Corporate Services
Brooke Endycott, Director Community Life
Ryan Cole, Director City Strategy
George El Kazzi, Director City Assets
Tara Donaldson, Director People & Performance
Miriam Wassef, Executive Manager Place Management & Communication
Rita Vella, Manager City Planning
Jenny Hoff, Manager Community & Culture
Tanya Whitmarsh, Manager Governance & Risk
Roberto Di Federico, Manager Traffic & Transport
Carol Ranft, Ethic & Integrity Lead
Michelle Butler, Coordinator Governance
Jacqueline Tafokitau, Executive Assistant to the Mayor and Councillors

Opening of meeting by the Mayor

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

Apologies

There were no apologies.

Declarations of interest

Cr Crichton declared a non-pecuniary interest in Item 97/23 Burwood North Masterplan as (1) her former husband is working for Grocon who holds options on the Canada Bay side of Parramatta Road near the planned Burwood North Metro and (2) her current employer the Health Services Union has recently endorsed a proposal by Lendlease to build key worker health housing in an over-station development at Burwood North Metro. There is no financial benefit to her, the Council or to her work in either case.

Mayor Faker declared a pecuniary interest in Item 97/23, which is the update on the Burwood North Masterplan. While the decision on that report is to “receive and note” the update, he will still remove himself from the room because his family own a house in Britannia Avenue – he thinks number 10.

Declarations of political donations

There were no declarations of political interests by Councillors.

Confirmation of Minutes

138/23 RESOLVED

That the minutes of the Council Meeting of Burwood held on Tuesday 28 November 2023, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

(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

PROCEDURAL MOTION

139/23 RESOLVED

That Council suspend standing orders to deal with the matter of urgency in accordance with section 9.3 of the Code of Meeting Practice. It concerns the State Government announcement last Thursday about planning controls that will have major adverse impacts on Croydon Malvern Hill Estate and surrounds.

(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

Mayor Faker declared a pecuniary interest in the urgent notice of motion (Item NM4/23) as he owns property in Croydon. He will leave the room during that item.

PROCEDURAL MOTION

140/23 RESOLVED

That business be re-ordered so that Items 97/23 and NM4/23 are dealt with as the last items of business.

(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

GENERAL BUSINESS

(ITEM 98/23) FOGO TRIAL COLLECTION EXTENSION - PROGRESS UPDATE

File No: 23/28600

Summary

This report provides an update on the Food Organics Garden Organics (FOGO) Trial extension.

The FOGO trial extension, with the change to the frequency of the waste collection service formally commenced on Wednesday 13 September 2023 with collection of the green lid FOGO bin and the red lid bin. From this date, the red lid bin has been collected fortnightly.

In the period 13 September 2023 to 22 November 2023 65.48 tonnes of FOGO material has been collected from 3,651 x 240L green lid FOGO bins. This equates to eight (8) waste collection trucks.

Operational Plan Objective

- 1.1.1 Support and deliver initiatives that encourage social inclusion and community connections
- 3.2 People and infrastructure contribute positively to the environment
 - 3.2.1 Deliver efficiency and innovation in the use of resources
 - 3.2.3 Improve waste reduction, recycling and re-using practices in homes, workplaces, development sites, public places and Council assets

141/23 RESOLVED

That the progress report on the FOGO trial extension to March 2024 be noted.

(Moved Councillor Ned Cutcher/Seconded Councillor Pascale Esber)

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

(ITEM 95/23) DRAFT SAFER BURWOOD PLAN - FOR ADOPTION

File No: 23/49561

Summary

The *Draft Safer Burwood Plan 2023 - 2027* outlines Council's commitment to addressing both recorded crime and community perceptions of safety. It focuses on achieving two key outcomes: Safe Places and Safe People and includes a comprehensive set of priorities and actions to be implemented over the next four years.

Following public exhibition, the *Draft Safer Burwood Plan 2023 - 2027* is now submitted to Council for adoption.

Operational Plan Objectives

- A.8: Implement social research program to identify and address existing and emerging community needs.
- A24: Implement initiatives from the Community Safety Plan that improve safety in partnership with NSW Police.

142/23 RESOLVED

That Council adopts the Draft Safer Burwood Plan 2023 – 2027 included under Attachment 1.

(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 99/23) AUDIT, RISK AND IMPROVEMENT COMMITTEE - ANNUAL REPORT FOR 2023

File No: 23/46412

Summary

To brief Council and the public on activities of the Audit, Risk & Improvement Committee (ARIC) for the period November 2022 – November 2023.

Operational Plan Objective

A.107 Convene the Audit, Risk and Improvement Committee (ARIC) to provide independent oversight and support continuous improvement

143/23 RESOLVED

That Council receive and note the ARIC annual report at Attachment 1.

(Moved Councillor Ned Cutcher/Seconded Councillor Hugo Robinson)

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

Against: Nil

(ITEM 100/23) EXTENSION OF THE CLARENDON PLACE ROAD CLOSURE

File No: 23/49615

Summary

This report recommends extending the closure of Clarendon Place for an additional three weekends in January and February 2024.

The extension aims to facilitate the ongoing delivery of the Burwood Chinatown Night Markets until the Local Traffic Committee reconvenes in February 2024, at which point subsequent closure dates for the period March – December 2024 will be submitted for approval.

Operational Plan Objective

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

C.5.1 Plan and deliver quality public places and open spaces that fulfil and support diverse community needs and lifestyles

144/23 RESOLVED

That Council approve the full road closure of Clarendon Place for the Burwood Chinatown Night Market on the following dates:

- 19 – 21 January 2024
- 9 – 11 February 2024
- 23 – 25 February 2024.

(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 101/23) REVOCATION OF POWER OF ATTORNEY TO THE GENERAL MANAGER

File No: 23/49552

Summary

The granting of a power of attorney to individuals occupying the role of General Manager has been the practice of Burwood Council since 2011. The limitations contained in that power of attorney, the requirements of the *Local Government Act 1993* (the Act), and the delegations by exception granted to the General Manager, mean the power of attorney serves no practical purpose. This report recommends the power of attorney be revoked and Council rely instead on specific resolutions and existing powers under the Act to ensure the General Manager has the power to implement the decisions of Council in a timely manner.

Operational Plan Objective

C.11.1 Conduct Council business with transparency, accountability, compliance and probity that ensures community confidence in decision making

145/23 RESOLVED

That Council revokes the power of attorney to Tommaso Briscese dated 29 May 2019 and takes all steps necessary to give effect to this decision.

(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

REPORTS OF COMMITTEES**(ITEM RC21/23) SUSTAINABILITY AND ENVIRONMENT ADVISORY COMMITTEE - MEETING MINUTES - 21 NOVEMBER 2023**

File No: 23/48890

Summary

The report presents the Minutes of the Sustainability and Environment Advisory Committee (SEAC) meeting held on Tuesday 21 November 2023.

Operational Plan Objective

- 1.2 A healthy and active lifestyle where people experience a sense of connection and wellbeing
- 3.2 People and infrastructure contribute positively to the environment and respond to climate change
 - 3.2.1 Deliver efficiency and innovation in the use of resources

146/23 RESOLVED

That the minutes of the Sustainability and Environment Advisory Committee meeting of 21 November 2023 be received and noted.

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

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

**(ITEM RC22/23) BURWOOD 150 YEARS ANNIVERSARY STEERING COMMITTEE MEETING
MINUTES - 5 DECEMBER 2023**

File No: 23/50256

Summary

This report presents the draft minutes of the Burwood 150 Years Anniversary Steering Committee meeting held on Tuesday 5 December 2023.

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.

147/23 RESOLVED

That Council receives and notes the draft minutes of the Burwood 150 Years Anniversary Steering Committee held on 5 December 2023.

(Moved Councillor Heather Crichton/Seconded Councillor Hugo Robinson)

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

CONFIDENTIAL ITEMS - CLOSED SESSION

148/23 RESOLVED

That the meeting move into closed session in order to consider Item 102/23.

(Moved Councillor Heather Crichton/Seconded Councillor Hugo Robinson)

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

The meeting resumed in Open Session at 6.42 pm.

The General Manager read out the resolution for Item 102/23.

(ITEM 102/23) TENDER - SUPPLY AND INSTALLATION OF NEW PARKING MANAGEMENT TECHNOLOGY WITH ASSOCIATED SERVICES

File No: 23/46810

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (c) of the Local Government Act, 1993, as the matter involves information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

149/23 RESOLVED

1. That, in relation to the tender for the supply and installation of new parking management technology with associated services, the tender recommended in the Tender Evaluation Report in Attachment 2 be accepted.
2. That authority be granted to the General Manager to sign the Tender contract and any related documentation, including a letter of intent to sign a contract, so as to allow the ordering of the parking meters to commence.

(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

150/23 RESOLVED

That the meeting resume in open session.

(Moved Councillor Ned Cutcher/Seconded Councillor Pascale Esber)

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

Mayor John Faker left the meeting, the time being 6:43 pm.

Deputy Mayor George Mannah took the Chair.

(ITEM NM4/23) NSW GOVERNMENT'S VISION WILL HAVE MAJOR IMPACT ON CROYDON, THE MALVERN HILL ESTATE AND SURROUNDS

File No: 23/51141

Summary

The Premier, Chris Minns and the Minister for Planning and Public Spaces, Paul Scully on Thursday 7 December 2023 issued a media release titled *A Shared Responsibility: The plan to begin addressing the housing crisis in NSW*.

The media release identified a program to accelerate the delivery of housing across Greater Sydney, titled the Transport Orientated Development Program. No consultation was undertaken with Councils as part of the development of this program and the announcement has come as a surprise to many councils

The Program includes two (2) tiers: Tier One – Accelerated Precincts and Tier Two – Rezoning:

- Tier One – Accelerated Precincts identifies eight Sydney transport hubs for accelerated rezoning for the delivery of up to 47,800 new, well located, high and mid-rise homes over the next 15 years. No precincts within the Burwood LGA have been identified.
- Tier Two – Rezoning, however is proposing to snap rezone 31 locations across NSW, within 400m of Metro or suburban rail stations to make 3-6 storey residential flat building permissible in all residential zonings. Croydon is one of these locations that has been announced.

To implement the identified changes to the planning system, the NSW Government has announced it will apply a State Environmental Planning Policy or SEPP.

SEPPs under the Environmental Planning and Assessment Act 1979, override and can switch off provisions under any subordinate Local Planning provisions such as Local Environment Plans or Development Control Plan.

In applying the new SEPPs, the announcements have indicated that new sets of planning controls would be formulated. NSW Government has also flagged that the creation and implementation of these new planning controls would not be prevented by the existence of existing local environmental or heritage conservation area provisions. The existing controls are likely to still apply, but only to the extent they are not inconsistent with the new state planning provisions.

This is extremely disappointing and I am not only shocked at the lack of regard for the preservation of beautiful conservation areas like the Malvern Hill Estate in Croydon, but I am outraged at the lack of consultation with Councils and the communities we serve.

There has been no consultation with Council or Council planning staff over the release of this new State Policy, nor has there been an opportunity for our community to provide feedback on the proposed planning changes which have the potential to significantly impact on our local community.

I am extremely concerned with the impacts of State planning policies being developed in isolation, or without due regard, to each other, and without consideration to the aggregated impact that this has on the amenity of residents and the character of neighbourhoods and the streetscape, something the residents of Croydon and Burwood highly value.

I am especially concerned that the proposed changes also undermine Council's strategic planning by promoting additional densities that are contrary to our current planning framework, including our heritage and neighbourhood character and provisions in our Local Environmental Plans.

The lack of proper consideration and planning, in collaboration with Council which then increases pressure on the provision of existing services and the capacity for council to provide adequate and appropriate infrastructure to meet the needs of our rapidly growing communities, as well as undermining local planning and resulting in the degradation of the existing character of our neighbourhoods.

Burwood Council has long been an advocate for the delivery of planning frameworks that create the capacity for future housing delivery – our draft Masterplan for the Burwood North Precinct is a recent example of this and proposes to create the capacity for an additional 5,300 dwellings over the next 20-30 years. This is where housing delivery in Burwood needs to be focused, not in Croydon.

On 19 December 2023, the General Manager and Council Planners will be meeting with the Minister for Planning and Public Spaces, the Hon. Paul Scully to further discuss this unsubstantiated proposal to accelerate rezonings and significantly alter the character of Croydon.

Operational Plan Objective

C.3 An urban environment that maintains and enhances our sense of identity and place
C3.2 Protect our unique built heritage and maintain or enhance local character

151/23 RESOLVED

That:

1. Council (via the General Manager), as a matter of urgency, make representations to the Premier, the Hon Chris Minns and the Minister for Planning and Public Spaces, the Hon. Paul Scully and the State Member for Strathfield in relation to the following:
 - a) Voicing disappointment and concern over the proposal to snap rezone Croydon to allow residential flat building development built forms with no regard for the heritage and streetscape character values of the neighbourhood.
 - b) Request the immediate release of any available evidence based planning and rationale that informed the announcement of Croydon as a precinct to be rezoned
 - c) Request that any community consultation which proposes major changes to the planning framework that have the potential to impact a significant number of residents and adversely impact on the highly valued heritage character be appropriately undertaken from February 2024 outside the Christmas and new year holiday period.
 - d) Request that the proposal to snap rezone Croydon be held in abeyance or rescinded, to allow Burwood Council to continue its long standing vision for future planning and increased densities to be centred in and around the Burwood Town Centre and the new Metro Railway Station.
 - e) Request that the Department of Planning and Environment actively communicate and engage with Council with appropriate modelling and technical studies being completed prior to the establishment of any new planning controls in Croydon which could result in irreversible impacts on the heritage and streetscape character values of the neighbourhood.
2. Council (via the General Manager), as a matter of urgency, write to all ratepayers in the area affected by the Tier 2 proposal to inform them of the announcement and Council's lack of involvement in the decision making process.
3. Council to run an online community petition against the government proposal, and incorporate results as required in any future submissions to the NSW Government on this matter.

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

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

Against: Nil

(ITEM 97/23) UPDATE ON THE EXHIBITION OF DRAFT BURWOOD NORTH MASTERPLAN

File No: 23/46435

Summary

This report provides Council with a progress update on the exhibition of the draft Burwood North Precinct Masterplan.

Operational Plan Objective

- 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.

152/23 RESOLVED

That the progress report on the exhibition of the draft Burwood North Masterplan be noted.

(Moved Councillor Heather Crichton/Seconded Councillor Pascale Esber)

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 7.01 pm.

The Minutes of the Ordinary Meeting held on 12 December 2023 will be submitted for confirmation by Council at its next meeting on 13 February 2024.