

MINUTES OF THE MEETING OF THE COUNCIL OF BURWOOD held in the Conference Room, Level 1, 2 Conder Street, Burwood on Tuesday 28 March 2023 commencing at 6:06pm.

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 – attended via Zoom

Mr T Briscese, General Manager
Mr F Zincone, Director Corporate Services
Ms J Hoff, Acting Director Community Life
Mr G El Kazzi, Director City Assets
Mr D Porter, Director City Strategy
Mr W Armitage, Chief Finance Officer – attended via Zoom
Ms R Vella, Manager City Planning
Mr R Di Federico, Manager Traffic & Transport
Ms T Whitmarsh, Manager Governance & Risk - attended via Zoom
Ms M Butler, Coordinator Governance
Ms A Nicholson, Governance Officer

Opening of meeting by the Mayor

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

Apologies

7/23

RESOLVED

Cr Hugo Robinson was granted leave to attend the meeting by audio visual link.

(Moved Councillor Ned Cutcher/Seconded Councillor David Hull)

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

Against: Nil

Declarations of interest

Mayor Faker declared a less than significant non-pecuniary interest in Item 15/23 - Planning Proposal to Heritage List Properties within the Appian Way Heritage Conservation Area as one of the residents, Mrs Moussa, who is an objector to the Appian Way Heritage Listing, is related to his wife. He declared this as a less than significant non-pecuniary interest as per clause 5.9 of the NSW Model Code of Conduct, as neither he nor his spouse have a relationship with Mrs Moussa other than that of a resident. That is, he does not have her contact details nor has he had any social visits or engagements with the family.

Declarations of political donations

There were no declarations of political interests by Councillors.

Confirmation of Minutes**8/23 RESOLVED**

That the minutes of the meeting of the Council Meeting of Burwood held on Tuesday 14 February 2023, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

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

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

Against: Nil

General Business**(ITEM 15/23) POST EXHIBITION - PLANNING PROPOSAL TO HERITAGE LIST PROPERTIES WITHIN THE APPIAN WAY HERITAGE CONSERVATION AREA**

File No: 23/10136

Summary

The planning proposal to group heritage list properties in the Appian Way Conservation Area was publically exhibited from 23 January - 24 February 2023. Twenty-three (23) submissions were received, largely in support of the Planning Proposal. This report provides an overview of the submissions and recommends that the planning proposal be finalised.

It also outlines further work that is proposed to be undertaken in relation to investigating the heritage listing of the Appian Way Recreation Club and significant landscape features (significant trees and vegetation) in the Appian Way Heritage Conservation Area.

Operational Plan Objective

- A.16 Deliver initiatives that promote and improve access to local heritage
- 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

9/23 RESOLVED

1. That Council note the submissions and responses to feedback on the Planning Proposal for the heritage listing (group listing) of properties within the Appian Way Heritage Conservation Area.
2. In line with residents' submissions that have objected to property 72, 74 and 78 Liverpool Road Burwood Heights, known as Austinlee Estate, that these properties be excluded from the heritage listing but that they remain within the Appian Way Heritage Conservation Area and that the Planning Proposal be amended to reflect this.
3. That Council advise the Department of Planning of the proposed change to the Planning Proposal.
4. That Council, subject to the Department of Planning's advice, pursuant to Section 3.36 of the *Environmental Planning & Assessment Act 1979* and in accordance with the Gateway Conditions, exercise its LEP making delegations to finalise and make the draft Local Environmental Plan.
5. That the affected property owners and those who made a submission be advised in writing of Council's decision.

6. That Council's Heritage Adviser undertake an investigation of the landscape features (significant trees and vegetation) and the Appian Way Recreation Club and if appropriate prepare a planning proposal for the heritage listing of the items.

(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 16/23) RECOGNISING OUR LOCAL HERITAGE

File No: 23/10683

Summary

This report provides an update to the implementation of 'Recognising Our Local Heritage' and response status with respect to the Mayoral Minute dated 13 December 2022 in relation to investigating opportunities to recognise places of significance.

Council staff have been working on the rollout of directional wayfinding signage in line with the Wayfinding and Signage Guidelines. The next step is to investigate options for heritage interpretation in the public domain such as plaques or bollard signage.

Operational Plan Objective

- A.16 Deliver initiatives that promote and improve access to local heritage
- 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

10/23 RESOLVED

1. That Council note the updates on the Implementation of 'Honouring our Local Heritage' and 'Recognising Our Local Heritage', as outlined in the report.
2. That a report be brought back to the June 2023 Council meeting outlining the options and costings and suggested locations in the public domain for recognising places of heritage significance.

(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 17/23) DRAFT PERMIT PARKING SCHEME POLICY - ENDORSEMENT FOR PUBLIC EXHIBITION

File No: 23/11261

Summary

This report recommends the adoption of the Draft Permit Parking Scheme Policy for public exhibition following a review.

Operational Plan Objective

A.49 Review parking strategy within the Burwood CBD and investigate parking initiatives to alleviate traffic congestion

11/23 RESOLVED

1. That Council endorse the Draft Permit Parking Scheme Policy appearing as Attachment 1 to this report for the purposes of public exhibition and the Policy be publicly exhibited in accordance with Council's *Community Engagement Strategy 2023–2026* for a period of 28 days.
2. That following the exhibition of the draft Policy, a report be brought to Council advising of any submissions made and making recommendations on the adoption of the Policy.
3. That the General Manager organise a Councillor workshop on this policy.

(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 18/23) INVESTMENT REPORT AS AT 28 FEBRUARY 2023

File No: 23/3072

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

12/23 RESOLVED

1. That the investment report for 28 February 2023 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

(Moved Councillor Pascale Esber/Seconded Councillor Heather Crichton)

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

Against: Nil

(ITEM 19/23) FIRST TIME DISCLOSURE OF INTERESTS - DESIGNATED PERSONS

File No: 23/10618

Summary

The Burwood Council *Code of Conduct for Council Staff* require designated persons to submit disclosure of interests returns within 3 months of taking up their position with Council. The *Local Government Act 1993* obliges the General Manager to add these to a consolidated register of returns and bring the returns to the notice of Council by promptly tabling them at a Council meeting. Five first time returns have been lodged in recent months and are now brought to the attention of elected Council.

Operational Plan Objective

P4.9 Ensure transparency and accountability in decision making

13/23 RESOLVED

That Council notes:

1. that mandatory proactive release of the returns via publication on the Council website has been effected in accordance with clause 4.2 of the *Code of Conduct for Council Staff* and the *Government Information (Public Access) Act 2009*.
2. the tabling of disclosure of interest returns in accordance with Part 4 of the *Code of Conduct for Council Staff* and the *Local Government Act 1993* for the following Council officials:
 - Mark Bolduan (Town Planner)
 - Suresh Kumar (Manager Major Capital Works & Projects)
 - Rebecca Lau (Executive Strategic Planner)
 - Gaanesh Prasad (Project Manager Burwood Urban Park and Cultural Centre)
 - Michelle Pritchard (Financial Operations Accountant)

(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 20/23) PUBLIC EXHIBITION - CONFLICT OF INTEREST POLICY: COUNCIL RELATED DEVELOPMENT

File No: 23/12589

Summary

In response to forthcoming amendments to the *Environmental Planning and Assessment Regulation 2021*, all councils are required to adopt a policy that specifically deals with council-related development and associated conflicts of interest.

A draft policy has been prepared and placed on public exhibition. This report provides update following consultation and seeks endorsement of the policy.

Operational Plan Objective

C.10 A well informed community active in civic life, local planning and decision making

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

14/23 RESOLVED

That:

1. The contents of this report be noted.
2. That the draft *Conflict of Interest Policy: Council-related Development Applications* be endorsed and adopted as Council policy. Also that a copy of the policy be made available for public inspection via the Burwood Council website.

(Moved Deputy Mayor George Mannah/Seconded Councillor David Hull)

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

Against: Nil

**(ITEM 21/23) NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT 2023 -
CANBERRA**

File No: 23/12817

Summary

This report is to inform Council that the 2023 National General Assembly of Local Government (NGA22) will be held at the National Convention Centre in Canberra from 13 to 16 June 2023. Council may nominate one Voting Delegate, and Council is requested to consider the delegate and nominated observers to attend the NGA23.

The theme for the annual NGA is “Our Communities Our Future”, which reflects the important role that Councils play in building a stronger, more inclusive, and more sustainable Australia.

Given the NGA23 will occur after the upcoming state election, it is likely going to be an ideal opportunity to engage with either a new or re-elected state Government about building stronger relationships and partnerships.

Operational Plan Objective

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

15/23 RESOLVED

1. That Council nominate the Mayor, or his alternate, as the Voting Delegate for the 2023 National General Assembly of Local Government (NGA23) to be held from 13 to 16 June 2023 in Canberra.
2. That Council determines the attendance of Councillors and the General Manager as observers at the 2023 National General Assembly of Local Government (NGA23) from 13 to 16 June 2023 in Canberra.

(Moved Councillor Pascale Esber/Seconded Councillor Heather Crichton)

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

Against: Nil

REPORTS OF COMMITTEES

**(ITEM RC2/23) SUSTAINABILITY AND ENVIRONMENT ADVISORY COMMITTEE MINUTES -
7 FEBRUARY 2023**

File No: 23/4953

Summary

The report presents the Minutes of the Sustainability and Environment Advisory Committee (SEAC) meeting held on Tuesday 7 February 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

16/23 RESOLVED

1. That Council receives and notes the minutes of the Sustainability and Environment Advisory Committee held on 7 February 2023, as included in Attachment 2.
2. To note and thank Monica Fehon for her participation on the Committee and commence the process of securing a new committee member.

(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 RC3/23) BURWOOD LOCAL TRAFFIC COMMITTEE - MARCH 2023

File No: 23/10331

Summary

Attached are the Minutes of the Burwood Local Traffic Committee from its meeting of March 2023. 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

17/23 RESOLVED

That the minutes of the Burwood Local Traffic Committee of March 2023 be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

(ITEM LTC3/23) LUKE AVENUE, BURWOOD - CHANGES TO PARKING RESTRICTIONS**Recommendation**

That Council approves the extension of 'No Stopping' restrictions on the western side of Luke Avenue, Burwood, by 9 metres south.

(ITEM LTC4/23) ROYCE AVENUE, CROYDON - CHANGES TO PARKING RESTRICTIONS**Recommendations**

1. That Council approve the removal of 10 metres of Double Centre lines in Royce Avenue near its intersection with Monash Parade.
2. That Council approve the conversion of 20m of unrestricted parking on the eastern side of Royce Avenue to 'No Parking'.

(ITEM LTC5/23) ANZAC COMMEMORATIVE DAWN SERVICE 2023 - ROAD CLOSURE**Recommendations**

1. That Council approve the temporary road closure on the northern side of Church Street on Tuesday 25 April 2023 commencing at 5.00am for the purpose of organising participants.
2. That Council approve the rolling road closure from Church Street onto Burwood Road to Burwood Park on Tuesday 25 April 2023 commencing at 6.00am.
3. That organisers/marshals be requested to ensure that all participants remain within the confines of the west bound lane of Church Street and northbound lane on Burwood Road.

4. That Council and TfNSW note that this is a Category 3 event.

(ITEM LTC6/23) CLARENDON PLACE, BURWOOD - 2023 EVENT ROAD CLOSURES**Recommendation**

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

- April 7th – 10th (Friday 6pm to Monday 11pm)
- April 14th -16th (Friday 6pm to Sunday 11pm)
- May 5th – 7th (Friday 6pm to Sunday 11pm)
- June 2nd -4th (Friday 6pm to Sunday 11pm)
- July 7th -9th (Friday 6pm to Sunday 11pm)
- July 14th -16th (Friday 6pm to Sunday 11pm)
- Aug 4th – 6th (Friday 6pm to Sunday 11pm)
- Sep 1st -3rd (Friday 6pm to Sunday 11pm)
- September 29th – October 2nd (Friday 6pm to Monday 11pm)
- October 6th – 8th (Friday 6pm to Sunday 11pm)
- November 3rd -5th (Friday 6pm to Sunday 11pm)
- December 1st -3rd (Friday 6pm to Sunday 11pm)
- December 22nd -24th (Friday 6pm to Sunday 11pm)

(ITEM LTC7/23) CROYDON AVENUE, CROYDON - REVIEW OF PARKING RESTRICTIONS**Recommendation**

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

(Moved Councillor Pascale Esber/Seconded Councillor Heather Crichton)

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

Against: Nil

(ITEM RC4/23) BURWOOD LOCAL TRAFFIC COMMITTEE - MARCH 2023 EXTRAORDINARY MEETING

File No: 23/12270

Summary

Attached are the Minutes of the Extraordinary Burwood Local Traffic Committee from its meeting on 20 March 2023. 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

18/23 RESOLVED

That the minutes of the Extraordinary Burwood Local Traffic Committee of 20 March 2023 be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

(ITEM LTC8/23) RAILWAY PARADE AND BURLEIGH STREET TEMPORARY ROAD CLOSURES - ST NECTARIOS EASTER CELEBRATIONS***Recommendations***

That Council approve the procession and road closures associated with Saint Nectarios Easter Celebrations on Sunday 9 April 2023, Friday 14 April 2023 and Saturday 15 April 2023 subject to the following:

- a) Police agree to facilitate the road closure and rolling road closure on Friday 14 April 2023 between 8.00pm and 11.00pm and Saturday 15 April 2023 between 11.00pm and 12.30am;
- b) Emergency services and public transport operators are to be advised of the event (a copy to be forwarded to Council);
- c) A copy of the Public Liability Insurance for the event (\$20 million) to be forwarded to Council;
- d) Barricades and signs to be provided in accordance with Work Cover requirements and AS1742.3 (2002) – Traffic Control for Works on Roads;

(ITEM LTC9/23) COMER STREET, BURWOOD - CHANGES TO PARKING RESTRICTIONS FOR BURWOOD PARK UPGRADE WORKS***Recommendations***

1. That Council approve the conversion of the 20-meter long section on the south side of Comer Street west of Neich Parade into a site compound, commencing early April.
2. That Council approve the temporary changes to the two disabled parking spaces on the south side of Comer Street to '1/4P between 7AM – 9AM, 4PM – 6PM Mon-Fri and '2P between 9AM – 4PM Mon – Fri, 8:30AM – 12:30PM Sat'.
3. That Council approve all existing parking restrictions to be reinstated at the conclusion of the works.

(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

Cr John Faker left the meeting, the time being 07:31pm

The Deputy Mayor assumed the Chair at 7:31 pm

Notices of Motion**(ITEM NM1/23) COVID-19 PANDEMIC 2020**

File No: 23/11188

Summary

In building a Resilient Burwood, and three years on from the start of the Covid-19 pandemic 2020, it is timely and important to reflect on this once in a 100-year event, while being vigilant that Covid is on-going and remains active in our community.

Operational Plan Objective

C.1.3 Support community resilience initiatives to adapt to changing circumstances

RESOLVED

1. That the Mayor writes to Burwood RSL, Burwood Westfield and Burwood Plaza to thank them for their support in facilitating pop-up Covid testing and vaccination hubs for our

residents. Further that the Mayor writes to our local churches and charities that assisted with community pantries, food banks and free meals during the Covid-19 Pandemic 2020 to thank them for their outreach.

2. That the Mayor and Councillors thank our General Manager, Directors, and staff for helping us deliver the best outcomes possible for our community during the Covid-19 Pandemic 2020.
3. That Council's Covid-19 Pandemic 2020 messaging be removed from our communications, website and from across our LGA including core flutes and stakes, floor and window decals, QR codes, and thank you banners.
4. That a collection of Council's Covid-19 Pandemic 2020 communications, materials, and photos be lodged in our local studies collection.
5. That Council write to the new NSW Minister of Health seeking a commitment to investigate the extent of ongoing complications arising from Covid-19 infections, including the prevalence and impacts of Long Covid across our community.

(Moved Councillor Heather Crichton/Seconded Councillor Ned Cutcher)

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 7:31 pm.

The Minutes of the Ordinary Meeting held on 28 March 2023 were submitted for confirmation by council on 18 April 2023 and were confirmed without amendment by resolution 22/23. The confirmed Minutes were signed by the Mayor, John Faker, at the meeting of 18 April 2023