



MINUTES OF THE MEETING OF THE COUNCIL OF BURWOOD held in the Conference Room, Level 1, 2 Conder Street, Burwood on Tuesday 13 February 2024 commencing at 6:00 pm.

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

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

Mayor Faker declared a pecuniary interest in Item 1/24, which is Council's submission on the TOD program at the Croydon Precinct. His reason is that he owns a property at The Strand, Croydon. He has received advice from some professionals who advised that because Council is not the planning authority he is able to advocate. But because there is a decision and it could mean that part of that decision is that Council staff may investigate other options he will remove himself from that decision to keep it transparent.

Declarations of political donations

There were no declarations of political interests by Councillors.

Confirmation of Minutes

1/24 RESOLVED

That the minutes of the meeting of the Council Meeting of Burwood held on Tuesday 12 December 2023, 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)

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

PROCEDURAL MOTION

2/24 RESOLVED

That business be re-ordered so that Item 2/24 be dealt with first and then Item 1/24.

(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 2/24) POST-EXHIBITION - PLANNING PROPOSAL - AMENDMENT TO SCHEDULE 5 OF BURWOOD LEP 2012 - GROUP HERITAGE LISTING OF APPIAN WAY CENTRAL RESERVE AND PUBLIC DOMAIN

File No: 24/1879

Summary

This report provides an overview of the exhibition of the Planning Proposal to group heritage list the Appian Way Central Reserve and Public Domain.

During the exhibition of the Planning Proposal 10 submissions were received, all in support.

This report recommends the endorsement of the Planning Proposal to allow finalisation by the Department of Planning, Housing & Industry (DPHI).

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

3/24 RESOLVED

1. That Council, 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 amendment (with delegation being issued to the General Manager to sign and authorize the relevant documentation on behalf of Council) to Burwood Local Environmental Plan 2012 to list the following as a heritage item of local significance under Schedule 5 and on the Heritage Maps of the Burwood Local Environmental Plan 2012:
 - a) Appian Way Central Reserve (Lot 44, DP 12249), and
 - b) Appian Way public domain, encompassing the entire roadway and paths from Liverpool Road to Burwood Road.
2. That Council endorse that the General Manager may make minor modifications to correct any numerical, typographical, mapping, interpretation and formatting errors, if required, to improve clarity and readability.
3. That the affected property owners and those who made a submission be advised in writing of Council's decision.

(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

Mayor John Faker left the meeting, the time being 6:25 pm.

Deputy Mayor, George Mannah, took the Chair.

(ITEM 1/24) COUNCIL SUBMISSION ON TRANSPORT ORIENTED DEVELOPMENT (TOD) PROGRAM - CROYDON PRECINCT

File No: 24/3221

Summary

The NSW Government's Transport Oriented Development Program (TOD), which was released in December 2023 is proposed to fast track the rezoning of land within 400m of Croydon railway station to allow for 6 storey residential flat buildings.

This is a NSW Government initiative, and Council officers were not involved in the selection of the Croydon Precinct. To date, Department has not provided information on the criteria or analysis supporting the selection, even after numerous requests.

Due to the timing of the announcement of the TOD program and the timeframe for submissions, Council officers have reviewed the information and prepared an interim submission outlining matters of concern and recommendations for consideration by the Department of Planning Housing and Industry (DPHI).

DPHI will be formally briefing the Councillors on 22 February 2024. Following this briefing, Council will have the opportunity to develop and lodge a further formal submission.

Operational Plan Objective

- C.3 An urban environment that maintains and enhances our sense of identity and place
 - C.3.1 Facilitate well designed, high quality and sustainable land use and development that is appropriately scaled to complement its surroundings
 - C.3.2 Protect our unique built heritage and maintain or enhance local character
- C.4 Sustainable, integrated transport, infrastructure and networks support population growth and improve liveability and productivity
 - C.4.2 Plan for a city that is safe, accessible and easy to get to and move around in

4/24 RESOLVED

- a) That Council note the interim submission to DPHI on the TOD SEPP and the identification of the Croydon Precinct.
- b) That the GM be delegated to make changes to the interim submission to include any changes requested by the Council following the DPHI Briefing to Councillors on 22 February 2024
- c) That the interim submission be included on the Participate Burwood page and a letter be sent to all affected residents from Council Officers advising of the submission with a link to the Participate Burwood page.
- d) That Council Officers continue to liaise, work with and make representations to DPHI officers in relation to the development and preparation TOD SEPP provisions and controls.
- e) That Council Officers commence an independent planning analysis, with the aim of identifying alternate planning options to that proposed under the TOD SEPP for the Croydon Precinct.

(Moved Councillor Pascale Esber/Seconded Councillor Heather Crichton)

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

Cr John Faker returned to the meeting and resumed the Chair, the time being 06:46 pm.

(ITEM 3/24) HERITAGE POWERS TO ENFORCE MAINTENANCE AND ILLEGAL DEMOLITION OF HERITAGE ITEMS - UPDATE

File No: 24/3386

Summary

This report provides an update on the action taken in response to the Mayoral Minute (MM5/22) in relation to the issue of neglect of heritage properties by owners and provides an update on actions taken by Council to seek support for the introduction of greater powers for Councils around enforcement for neglect of heritage properties.

Operational Plan Objective

C.3.2 Protect our unique built heritage and maintain or enhance local character.

5/24 RESOLVED

That a follow up letter be sent to the Minister for Planning & Public Spaces and the Minister for Environment & Heritage requesting consideration for the provision of strengthened powers to ensure that Council is able to take appropriate action against owners who wilfully neglect or illegally demolish heritage properties.

(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 4/24) DRAFT CUSTOMER EXPERIENCE STRATEGY 2024 - 2027 - FOR ADOPTION

File No: 24/2529

Summary

The *Draft Customer Experience Strategy 2024 – 2027* outlines Council's commitment to enhancing customer experience for those who live, work, visit and do business in the Burwood Local Government Area (LGA). Importantly, it also sets out a four-year roadmap for building a better customer experience when interacting with Council.

Following an extended public exhibition period, the *Draft Customer Experience Strategy 2024 – 2027* is now submitted to Council for adoption.

Operational Plan Objective

A.127: Monitor and report on Customer Feedback Program to track real-time satisfaction with Council services.

A.128: Conduct Mystery Shopping Program across Council.

A.129: Finalise Customer Experience Strategy and commence implementation.

6/24 RESOLVED

That Council adopts the *Draft Customer Experience Strategy 2024 – 2027* included in Attachment 1 of this report.

(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 5/24) DRAFT MULTICULTURAL BURWOOD STRATEGY 2024 - 2028 - ENDORSEMENT FOR PUBLIC EXHIBITION

File No: 23/51766

Summary

The *Draft Multicultural Burwood Strategy 2024 - 2028* sets out a four-year roadmap to build a more informed, cohesive and connected community for people of all cultural backgrounds who live, work, visit and do business in the Burwood Local Government Area (LGA).

The Draft Strategy was informed by extensive community consultation with community groups, residents, businesses and other stakeholders and the preparation of a *Culturally Diverse Communities of Burwood Research Paper*.

This report seeks Council's endorsement to place the *Draft Multicultural Burwood Strategy 2024 - 2028* on public exhibition. The public exhibition period will provide an opportunity for the community and other key stakeholders to review and respond to the Draft Strategy and in particular, the identified priorities and actions.

Operational Plan Objective

A.5: Develop and implement the Multicultural Strategy.

A.8: Implement social research program to identify and address existing and emerging community needs.

7/24 RESOLVED

That Council:

1. Receive and note the *Culturally Diverse Communities of Burwood Research Paper* included under Attachment 1 of this report.
2. Endorse the *Draft Multicultural Burwood Strategy 2024 - 2028* and place the document on public exhibition for a period of 28 days.
3. Receive a report following the conclusion of the public exhibition period in April 2024, outlining submissions received on the *Draft Multicultural Burwood Strategy 2024 - 2028* and detailing any changes to the final Strategy recommended to Council for adoption.

(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 6/24) DATA BREACH POLICY AND PRIVACY MANAGEMENT PLAN - ADOPTION

File No: 24/1995

Summary

Following public consultation, this report proposes Council adopts the draft *Data Breach Policy* and draft *Privacy Management Plan* to ensure compliance with the Mandatory Notification Data Breach Scheme under the *Privacy and Personal Information Protection Act 1998*.

Operational Plan Objective

- C.11 Effective, innovative and collaborative leadership is underpinned by open, transparent and responsible governance
P.50 Advance Council's Cyber Security capabilities to safeguard customer information and access to services

8/24 RESOLVED

That Council:

1. Adopts the draft *Data Breach Policy* at Attachment 1.
2. Adopts the draft *Privacy Management Plan* at Attachment 2.
3. Rescinds the *Privacy Management Plan* that was endorsed by Council on 22 May 2018.

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

For: Cr Faker, Cr Mannah, Cr Crichton, Cr Cutcher, Cr Esber, Cr Hull, Cr Robinson**Against: Nil****(ITEM 7/24) BUDGET REVIEW FOR QUARTER ENDING 31 DECEMBER 2023**

File No: 24/2570

Summary

The 2023-2024 Budget was adopted at the Council Meeting held on 27 June 2023 with a surplus of \$12,718. The adopted budget was prepared on the basis of the organisational structure which includes five Directorates and the Office of the General Manager.

This report provides Council with the financial results for the period ending 31 December 2023, in the 2023-2024 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 \$12,718 as at 31 December 2023 which is the same as the September revised surplus of \$12,718.

Operational Plan Objective

- 2.3.1 Identify and maintain additional revenue sources to ensure financial sustainability

9/24 RESOLVED

1. That the Budget Review Statement of the 2023-2024 Budget as at 31 December 2023, including the statement by the Responsible Accounting Officer, Finance Manager, 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 2023-2024 surplus of \$12,718, 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 approved.

(Moved Councillor David Hull/Seconded Councillor Pascale Esber)

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

(ITEM 8/24) INVESTMENT REPORT AS AT 30 NOVEMBER 2023

File No: 24/2522

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

10/24 RESOLVED

1. That the investment report for 30 November 2023 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)

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

(ITEM 9/24) INVESTMENT REPORT AS AT 31 DECEMBER 2023

File No: 24/2530

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

11/24 RESOLVED

1. That the investment report for 31 December 2023 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)

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

Against: Nil

(ITEM 10/24) SUSPENSION OF ALCOHOL PROHIBITED AREAS FOR COUNCIL-LED EVENTS

File No: 24/2030

Summary

This report recommends the temporary suspension of Burwood Park as an Alcohol Prohibited Area (APA) on Friday 23 February 2024 from 6pm to 8:30pm for the rescheduled Music in the Park Burwood Summer activation.

This report also recommends that Council approves a blanket suspension of Alcohol Prohibited Areas for all future council-led events involving the consumption of alcohol, subject to meeting consultation requirements, including liaison with the Burwood Local Police Area Command, and compliance with legislative requirements.

Operational Plan Objective

C.1.1 Support and deliver initiatives that encourage social inclusion and community connections

C.2.3 Provide opportunities for people to participate in activities and events that celebrate our diverse community, history and culture.

12/24 RESOLVED

That Council:

1. Temporarily suspends Burwood Park as an Alcohol Prohibited Area on Friday 23 February 2024 from 6:00pm – 8:30pm for the Music in the Park Burwood Summer activation.
2. Grants a blanket approval for the suspension of Alcohol Prohibited Areas for any future council-led events involving the consumption of alcohol, subject to meeting consultation requirements, including liaison with the Burwood Local Police Area Command, and compliance with legislative requirements.

(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 13/24) HALF-YEARLY REPORT (1 JULY 2023 TO 31 DECEMBER 2023)

File No: 24/3358

Summary

A report on the progress of Council's Delivery Program 2022 – 2026 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 (IP&R) Framework.

Operational Plan Objective

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

P.43 – Plan, monitor and report on the delivery of services and initiatives in accordance with the Integrated Planning and Reporting Framework under the Local Government Act.

104 – Undertake corporate planning and reporting

13/24 RESOLVED

That Council endorse the Half-Yearly Report 1 July 2023 to 31 December 2023.

(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

REPORTS OF COMMITTEES

(ITEM RC1/24) BURWOOD LOCAL TRAFFIC COMMITTEE - FEBRUARY 2024

File No: 24/3325

Summary

Attached are the Minutes of the Burwood Local Traffic Committee from meeting of February 2024. 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

14/24 RESOLVED

That the minutes of the Burwood Local Traffic Committee of February 2024 be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

(ITEM LTC1/24) LANG STREET, CROYDON - INSTALLATION OF BUS ZONE SIGNAGE

Recommendation

That Council approves the formalisation of the existing Bus Stop at Lang Street north of Queen Street with signage installed 20m on the approach and 10m on the departure of the bus stop in compliance with the Bus Infrastructure Guidelines.

(ITEM LTC2/24) GIBBS STREET, CROYDON - REQUEST FOR MOBILITY PARKING SPACE

Recommendation

That Council approves the installation of one 6.7m long mobility parking space on-street along the front boundary of 8 Gibbs Street, Croydon as per the plan in the report.

(ITEM LTC3/24) BREAST CANCER SCREENING SERVICES DATES 2024

Recommendations

That Council approve the road occupancy for a Breast Screen NSW mobile lab unit at the following

locations:

- a) Park Avenue, Burwood from Friday 15 March 2024 to Friday 12 April 2024.
- b) Lyons Street, Strathfield from Friday 14 June 2024 to Friday 5 July 2024.

(LATE ITEM) CLARENDON PLACE, BURWOOD - 2024 EVENT ROAD CLOSURES

Recommendation

That Council approve the full road closure of Clarendon Place for the Burwood Chinatown Laneway Market from 6pm Friday to 11pm Monday on the following dates for 2024:

- March 22nd – 24th
- March 29th – 31st
- April 12th – 14th
- April 19th – 21st
- May 10th – 12th
- May 24th – 26th
- June 7th – 9th
- June 21st – 23rd
- July 5th – 7th
- July 12th – 14th
- August 16th – 18th
- August 30th – September 1st
- September 13th – 15th
- September 27th – 29th
- October 4th – 6th
- October 18th – 20th
- November 15th – 17th
- November 29th – December 1st
- December 13th – 15th
- December 20th – 22nd

(Moved Deputy Mayor George Mannah/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

15/24 RESOLVED

That the meeting move into closed session in order to consider items 12/24 and 13/24

(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 6:50 pm and the public and press excluded from the meeting.

The meeting resumed in Open Session at 7:07 pm.

The General Manager read out the resolution for Item 11/24 and 12/24.

(ITEM 11/24) CLEANING SERVICES - COUNCIL PARK AMENITIES

File No: 23/49430

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (c) (d) 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; AND 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.

16/24 RESOLVED

That the item be deferred for the General Manager to investigate if there are any cost savings and efficiencies that could be achieved by using external companies for cleaning services and a further report be brought back to Council.

(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 12/24) EXTENSION OF BURWOOD LOCAL PLANNING PANEL EXPERT AND COMMUNITY MEMBERS

File No: 24/939

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) of the Local Government Act, 1993, as the matter involves personnel matters concerning particular individuals.

17/24 RESOLVED

That:

1. Council appoints Stephen Kerr as the Chair of the Burwood Local Planning Panel for the period 28 February 2024 to 30 June 2024.
2. Council appoints the following expert members to the Burwood Local Planning Panel for the period 28 February 2024 to 30 June 2024:
 - Luke Foley
 - Schandel Fortu
 - Linda Kelly
 - Simone Lotz
 - Stephen Pearse
 - Deborah Sutherland
 - Lisa Trueman
3. Council appoints the following community representatives to the Burwood Local Planning Panel for the period 28 February 2024 to 30 June 2024.
 - Claire Boskett

- Brian James
 - Tom Morgan
 - Kristy Wellfare
4. That the General Manager report back to Council before 30 June 2024 with the proposed expert and community representative membership for the next panel term, which commences on 1 July 2024.
 5. The General Manager write to the outgoing Chair, Alternate Chair and Expert Members thanking them for their contribution to the Burwood Local Planning Panel over the past 6 years.

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

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

Against: Cr Cutcher

This concluded the business of the meeting and Council rose at 7:08 pm.

The Minutes of the Ordinary Meeting held on 13 February will be submitted for confirmation by Council at its next meeting on 26 March 2024