

MINUTES OF THE MEETING OF THE COUNCIL OF BURWOOD held in the Conference Room, Level 1, 2 Conder Street, Burwood on Tuesday 27 September 2022 commencing at 6:14pm.

#### **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

Mr F Zincone, Acting General Manager  
Mr P Brown, Acting 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  
Ms T Whitmarsh, Manager Governance & Risk  
Ms M Butler, Coordinator Governance  
Ms A Nicholson, Governance Officer  
Ms R Vella, Manager City Planning  
Ms M Horan, Senior Landscape Architect  
Ms M Thorogood, Manager Property  
Mr M McGee, Manager Waste and Cleansing

#### **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**

There were no declarations of interests by Councillors.

**Cr Hull** declared a pecuniary interest in item 99/22 the consent to Woodstock Childcare Centre Lease as he is a customer of the childcare centre. He will absent himself from the discussion of that item.

**Cr Hull** declared a less than significant non pecuniary interest in item 89/22 Voluntary Planning Agreement Burwood RSL Club Ltd because he is an ordinary member of the RSL. He will remain in the room for that item as he's not a member of the governing body.

**Mayor Faker** declared a less than significant non pecuniary interest in item 89/22 Voluntary Planning Agreement Burwood RSL Club Ltd because he has been an ordinary member of the

RSL. He is also a member of the Burwood Anzac Commemorative Service Committee, which includes some members of the RSL board.

**Cr Mannah** declared a less than significant non pecuniary interest in item 89/22 Voluntary Planning Agreement Burwood RSL Club Ltd because he is an ordinary member of the RSL.

**Cr Robinson** declared a less than significant non pecuniary interest in item 89/22 Voluntary Planning Agreement Burwood RSL Club Ltd because he is an ordinary member of the RSL.

**Cr Crichton** declared a less than significant non pecuniary interest in item 89/22 Voluntary Planning Agreement Burwood RSL Club Ltd because she is a member of the Burwood Anzac Commemorative Service Committee, which includes some members of the RSL board.

### DECLARATIONS OF POLITICAL DONATIONS

There were no declarations of political interests by Councillors.

### CONFIRMATION OF MINUTES

#### 109/22 RESOLVED

That the minutes of the meeting of the Council Meeting of Burwood held on Tuesday 23 August 2022, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

(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 MM12/22) HERITAGE INVESTIGATION - APPIAN WAY

#### 110/22 RESOLVED

That Council request the General Manager to investigate the listing of the properties in the Appian Way as heritage items and to further seek advice on the question of whether the Appian Way Conservation Area could be lifted to a State significant status.

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

### (ITEM MM13/22) TRIBUTE TO HER MAJESTY QUEEN ELIZABETH II

File No: 22/38414

#### Summary

To pay tribute to Her Majesty Queen Elizabeth II

#### **Operational Plan Objective**

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

111/22

**RESOLVED**

1. That Burwood Council pays tribute and extends our deepest sympathies to the Royal family on the death of Her Majesty Queen Elizabeth II who has been a trusted and guiding light over the last century.
2. That the Mayor write to the Governor of NSW Her Excellency The Hon Margaret Beazley expressing Burwood Council's condolences on the death of Queen Elizabeth II and passes on the community's gratitude for her service to country and Commonwealth. Also Burwood Council wishes King Charles III health and happiness as he takes on his new role.
3. That Council endorses the proposal by Prime Minister Albanese and Premier Perrottet for the Queen Elizabeth Place, with construction beginning later this year, which will link the Domain Parklands to Macquarie Street.

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

**Against: Cr Cutcher**

**GENERAL BUSINESS****(ITEM 85/22) CODE OF MEETING PRACTICE - ADOPTION OF MINOR AMENDMENT**

File No: 22/37106

**Summary**

This report proposes minor amendments to the *Code of Meeting Practice* to change the standard order of business and to clarify the commencements times for the Public Forum that precedes the Council Meeting and the meeting itself.

**Operational Plan Objective**

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

112/22

**RESOLVED**

1. That Council adopts a *Code of Meeting Practice* that includes the following amendments to the existing Code:
  - a) Clause 3.1 is amended to insert the words "immediately following the conclusion of the Public Forum that may commence" before the words "at 6:00 pm" to make it clear that the Public Forum commences at 6:00 pm and the Council meeting will commence as soon as that Forum concludes.
  - b) Clause 5.10 is amended by including the following note at the end of the clause:

Note: For the purposes of paragraph (b), clause 3.1 provides that the designated time for an ordinary council meeting is immediately after the conclusion of the Public Forum that may commence at 6:00pm. That time may vary depending on the number of registered speakers at each Forum.
  - c) Clause 8.1 is amended by substituting the following order of business:
    1. Opening meeting
    2. Prayer

3. Acknowledgement of country
  4. Statement of ethical obligations
  5. Apologies and applications for a leave of absence or attendance by audio-visual link by councillors
  6. Confirmation of minutes
  7. Disclosures of interests
  8. Mayoral minute(s)
  9. Reports to council
  10. Reports of committees
  11. Notices of motions
  12. Questions with notice
  13. Confidential matters
  14. Conclusion of the meeting
2. That Council investigate what other councils are doing for time limits for speakers and the Chair at council meetings and also in relation to the recording of voting on item.

(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**

#### **(ITEM 86/22) ELECTION OF DEPUTY MAYOR**

File No: 22/33858

#### **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

#### **113/22 RESOLVED**

That the Council:

1. determined to immediately proceed with the election of a Deputy Mayor
2. determined the period of appointment for the position of Deputy Mayor be until September 2023
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 Councillor Heather Crichton/Seconded Councillor Pascale Esber)

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

**Against: Nil**

The Returning Officer (Acting 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 87/22) COUNCILLOR REPRESENTATION ON COMMITTEES AND OTHER BODIES**

File No: 22/19434

#### **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**

- P.49            Ensure transparency and accountability in decision making  
C.10.2        Provide opportunity for engagement with the community to inform Council's decision-making

### **114/22 RESOLVED**

That Council:

1. Confirms existing councillor representation arrangements for the Sydney Eastern City Regional Planning Panel will continue until the end of the current 3-years term.
2. Determines councillor representation and role arrangements for committees remains the same with the following exceptions:
  - a) Council amends the Terms of Reference for the Burwood Sustainability and Environment Committee to allow an Alternate delegate. Cr Robinson will be the Alternate delegate for that Committee.
  - b) Council investigates the inclusion of a State Member's delegate on the Burwood Sustainability and Environment Committee.
  - c) Council amends the Terms of Reference for the Burwood Local Traffic Committee to all the Deputy Mayor to be the Chair in the absence of the Mayor.

(Moved Councillor Heather Crichton/Seconded Councillor Pascale Esber)

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

**Against: Nil**

### **(ITEM 88/22) VOLUNTARY PLANNING AGREEMENT - 127-133 BURWOOD ROAD, BURWOOD**

File No: 22/32465

#### **Summary**

**Applicant:** Charles Raneri  
**Owner/Developer:** Blairgrove Pty Ltd  
**Company Director(s):** Peter Thomas John Whitfield

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) for 127-133 Burwood Road, Burwood were submitted to Council in conjunction with Development Application (DA)

119/2021, which proposes the change of use of its car parking area/loading and servicing area to facilitate alfresco dining for its patrons.

The proposal seeks to remove ten (10) car parking spaces. A draft VPA was submitted and provides for payment by the developer of a monetary contribution of \$432,960 to Council in exchange for a shortfall of ten (10) on-site parking spaces towards the provision of public car parking, including the embellishment and expansion of existing public car parking within the Burwood Town Centre.

The draft VPA and EN were publically notified between 13 July and 12 August 2022 and no submissions were received during the exhibition period. Council's endorsement is now sought to enter into the VPA.

### **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

## **115/22 RESOLVED**

1. That, prior to the determination of DA119/2021, Council enter into the VPA for 127-133 Burwood Road, Burwood for the provision of a monetary contribution of \$432,960 which will be utilised for the embellishment and/or upgrade of public car parking within the Burwood Town Centre.
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 make any necessary minor revisions of the VPA documents prior to execution.
4. That should DA119/2021 be approved by the Burwood Local Planning Panel, the consent be issued as a Deferred Commencement to ensure that the contribution of \$432,960 is paid to Council prior to the removal of the ten (10) visitor parking spaces.

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

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

**Against: Cr Cutcher**

## **(ITEM 89/22) VOLUNTARY PLANNING AGREEMENT - BURWOOD RSL CLUB LTD**

File No: 22/36551

### **Summary**

<b>Applicant:</b>	Club Burwood RSL Ltd
<b>Owner:</b>	Burwood RSL Club Ltd
<b>Company Director(s):</b>	Chief Executive Officer Andrew Anderson

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) in connection with a Development Application (DA) (DA.2020.103) for 2 George Street, Burwood (Lot 1 DP 1261150),

known as Burwood RSL Club has been publicly notified in accordance with the relevant legislation.

The draft VPA is a negotiated one between Council and Burwood RSL Club Ltd and proposes to provide material contributions to Council as public benefits with a total value of \$15,397,172.

The public benefits are split into two categories. Those which would be provided by the Applicant as a public benefit and those which would be provided as works in kind by the Applicant and offset against Section 7.12 local infrastructure contributions.

## 116/22 RESOLVED

1. That, subject to the approval of DA.2020.103, Council enter into the VPA with Burwood RSL Club Ltd VPA for 2 George Street, Burwood (Lot 1/DP 1261150) which will deliver the public benefits as outlined in Schedule 1 – 3 of the draft Voluntary Planning Agreement.
2. That Council delegate the General Manager to execute the VPA and any related documentation under his Power of Attorney.
3. That Council delegate authority to the General Manager to:
  - (a) Authorise any minor changes to the draft Voluntary Planning Agreement provided that those changes do not diminish the value or nature of the public benefits to be delivered as identified in Schedule 1-3 of the VPA;
  - (b) Subsequently enter into the Voluntary Planning Agreement on behalf of Council.
4. That the land to be dedicated to Council, under the terms of the Voluntary Planning Agreement, is to be dedicated for the purposes of a road, in accordance with the relevant provisions of Roads Act 1993.

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

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

**Against: Cr Cutcher**

## **(ITEM 90/22) REVIEW OF THE PLANNING FRAMEWORK - DELIVERY OF PUBLIC ART IN PRIVATE DEVELOPMENTS - ENDORSEMENT FOR PUBLIC EXHIBITION**

File No: 22/32829

### **Summary**

A review of the planning framework for the delivery of public art in private developments has been undertaken to ensure that the requirements are not only legally binding, but also include clear objectives and provisions to ensure that applicants understand when the provisions of public art is triggered and what is required to be submitted as part of any development application.

This report recommends amendments to section 5.11 of the Burwood DCP and provides additional guidance for applicants with the introduction of the Burwood Public Art Guidelines for Developers.

### **Operational Plan Objective**

A.32 Undertake a comprehensive review of the Development Control Plan (DCP) 2013 and prepare a user friendly and interactive DCP

P.37 Plan for and implement public art programs that support local identity, culture and connection

**117/22 RESOLVED**

1. That the draft amendments to Burwood DCP as included at Attachment 1 to this report be endorsed for the purposes of public exhibition and that they be exhibited in accordance with relevant Legislation and Council's Community Participation Plan.
2. That the draft Burwood Public Art Guidelines for Developers (the Guidelines), as included at Attachment 2 to this report be exhibited concurrently with the amendments to Burwood DCP.
3. That following the exhibition of the DCP and the Guidelines, a report be brought to Council advising of any submissions and making recommendations on the finalisation of the draft DCP provision and the Guideline.
4. That the post exhibition report includes a review of Council's Hoarding Policy in response to Council's resolution of 23 August 2022.

(Moved Councillor Heather Crichton/Seconded Councillor Pascale Esber)

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

Note: Cr Faker tabled 10 pages of images depicting examples of different approaches to public art for councillors to consider during debate on Item 90/22. They are saved within the Council electronic document and records management system as 22/38639 and are classed as open access information.

**(ITEM 91/22) DRAFT UNITY PLACE PLAN OF MANAGEMENT - ENDORSEMENT FOR PUBLIC EXHIBITION AND PUBLIC HEARING**

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File No: 22/35887

**Summary**

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

**Operational Plan Objective**

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

**118/22 RESOLVED**

1. That Council approve the public exhibition of the Draft Unity Place Plan of Management pursuant to Section 38 of the *Local Government Act 1993*.
2. That Council approve the public hearing of the Draft Unity Place Plan of Management pursuant to Section 40 of the *Local Government Act 1993*.
3. That following the public exhibition and public hearing period, and after considering any comments received during the public exhibition period, the final Unity Place Plan of Management will be submitted to Council for formal adoption.



(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**

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**(ITEM 92/22) BURWOOD PARK PLAN OF MANAGEMENT - ADOPTION**

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File No: 22/36301

**Summary**

The Draft Burwood Park Plan of Management has been placed on public exhibition pursuant to Section 38 and Section 40 of the *Local Government Act 1993*. Submissions have been reviewed and considered, and no changes are proposed to the draft PoM document. The Minister's consent is required for the adoption of the PoM prior to its implementation.

**Operational Plan Objective**

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

**119/22 RESOLVED**

That Council endorse the final Burwood Park Plan of Management to obtain DPE Minister's consent for adoption.

(Moved Councillor Heather Crichton/Seconded Councillor Pascale Esber)

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

**Against: Nil**

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**(ITEM 93/22) DRAFT CODES OF CONDUCT AND PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT - ENDORSEMENT FOR PUBLIC EXHIBITION**

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File No: 22/21592

**Summary**

The *Model Code of Conduct for Local Councils in NSW* (Model Code) and the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (Model Procedures) are prescribed under the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*.

Under section 440 (7) of the *Local Government Act 1993* a council must, within 12 months after each ordinary election, review its adopted code and make such adjustments as it considers appropriate and as are consistent with that section.

**Operational Plan Objective**

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

**120/22 RESOLVED**

That Council:

1. Endorses the public exhibition of the three targeted versions of the *Codes of Conduct* appearing as Attachments 1, 2 and 3 to this report and the *Procedures for the Administration of the Codes of Conduct* appearing as Attachment 4 to this report for a period of 28 days; and
2. directs the General Manager to report the outcomes of the public exhibition of the four instruments to the next ordinary meeting of Council following the conclusion of the public exhibition period.

(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**

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**(ITEM 94/22) DRAFT INTERACTION BETWEEN COUNCIL OFFICIALS POLICY -  
ENDORSEMENT FOR PUBLIC EXHIBITION**

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File No: 22/36075

**Summary**

The *Interaction Between Council Officials Policy* previously adopted by Council requires the policy to be reviewed within 12 months of a council election. The proposed revised policy reflects recent organisational structure changes and considers the model policy on this topic released by the Office of Local Government.

**Operational Plan Objective**

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

**121/22 RESOLVED**

That Council:

1. endorses the public exhibition of the proposed *Interaction Between Council Officials Policy* shown at Attachment 1 for a period of 28 days; and
2. directs the General Manager to report the outcomes of the public exhibition to the next ordinary meeting of Council following the conclusion of the public exhibition period.

(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 95/22) DRAFT GIFTS AND BENEFITS POLICY - ENDORSEMENT FOR PUBLIC EXHIBITION**

File No: 22/36428

**Summary**

The *Gifts and Benefits Policy* previously adopted by Council requires the policy to be reviewed within 12 months of a council election. The policy provides guidance to council officials on what to do if they are offered a gift or benefit to protect themselves from being compromised, or giving rise to the perception of being compromised, in the course of their duties.

**Operational Plan Objective**

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

**122/22 RESOLVED**

That Council:

1. endorses the public exhibition of the proposed *Gifts and Benefits Policy* shown at Attachment 1 for a period of 28 days; and
2. directs the General Manager to report the outcomes of the public exhibition to the next ordinary meeting of Council following the conclusion of the public exhibition period.

(Moved Councillor Pascale Esber/Seconded Councillor Ned Cutcher)

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

**Against: Nil**

**(ITEM 96/22) HALF-YEARLY REPORT (1 JANUARY 2022 TO 30 JUNE 2022)**

File No: 22/35386

**Summary**

A report on the progress of Council's Delivery Program 2018 – 2022 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.

**Operational Plan Objective**

2.1.3.2 – Ensure that all public information is accessible and made available in a timely manner.

**123/22 RESOLVED**

That Council endorse the Half-Yearly Report 1 January 2022 to 30 June 2022.

(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**

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**(ITEM 97/22) REFERRAL OF THE ANNUAL FINANCIAL REPORTS FOR 2021-2022 TO COUNCIL'S AUDITOR**

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File No: 22/34932

**Summary**

Council's Financial Reports must be in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2005* (the Regulation), the Australian Accounting Standards, the Local Government Code of Accounting Practice and Financial Reporting and the Local Government Asset Accounting Manual. This is to ensure that the Financial Reports for each year fairly present the Council's operating result and financial position for the year.

In accordance with Section 413 of the Act, Council's Annual Financial Reports must be authorised for referral to the Auditor for audit.

**Operational Plan Objective**

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

**124/22 RESOLVED**

That in accordance with Section 413(2)(c) of the *Local Government Act 1993* and Clause 215 of the *Local Government (General) Regulation 2005*, Council resolve the following:

1. That authority is granted to the Mayor, the Deputy Mayor, the General Manager and Responsible Accounting Officer to sign the Statements by Councillors and Management for the General Purpose Financial Reports and the Special Purpose Financial Reports for the Year Ended 30 June 2022.
2. That the signed statement be attached to the 2021-2022 Unaudited Annual Financial Reports and presented to Council's Auditor (NSW Audit Office) for the completion of the audit.
3. That the Auditor is invited to attend the Audit, Risk and Improvement Committee Meeting in October 2022 that will review the Annual Financial Reports and also to attend the Council Meeting that is to adopt the audited Annual Financial Reports.

(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**

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**(ITEM 98/22) INVESTMENT REPORT AS AT 31 AUGUST 2022**

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File No: 22/35992

**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

**125/22 RESOLVED**

1. That the investment report for 31 August 2022 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)

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

**Against: Nil**

**REPORTS OF COMMITTEES****(ITEM RC9/22) BURWOOD LOCAL TRAFFIC COMMITTEE - SEPTEMBER 2022**

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File No: 22/35833

**Summary**

Attached are the Minutes of the Burwood Local Traffic Committee from its meeting of September 2022. 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

**126/22 RESOLVED**

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

**(ITEM LTC16/22) DAISY STREET, CROYDON PARK - REQUEST FOR MOBILITY PARKING SPACE**

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**Recommendation**

That Council approves the installation of one disable parking space on-street along the side boundary of 18 Violet Street, Croydon Park per the plan in the report.

(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 RC10/22) BURWOOD LOCAL TRAFFIC COMMITTEE - EXTRA ORDINARY MEETING - SEPTEMBER 2022**

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File No: 22/37243

**Summary**

Attached are the Minutes of the Extraordinary Meeting of the Burwood Local Traffic Committee held in September 2022. 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

## 127/22 RESOLVED

That the minutes of the Extraordinary Meeting of the Burwood Local Traffic Committee held in September 2022 be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

### **(ITEM LTC16/21) 2022 BURWOOD FESTIVAL - TRAFFIC MANAGEMENT**

#### **Recommendations**

1. That Council approve the full road closure of Park Avenue, Burwood, between Park Road and Dunns Lane, from 5.00am to 10.00pm on Sunday 9 October 2022.
2. That Council approves the attached TCP clearly showing all proposed advance warning signage and detours.
3. That Council approve the existing parking spaces in Comer Street Burwood, to be reserved for VIP guests, event organisers and emergency vehicles on the day of the event.
4. That Transport for NSW (TfNSW) and the Traffic Management Centre (TMC) are notified of the festival at least one week prior to the event date.
5. That all proposed temporary VMS boards are approved for installation at the locations specified for a period of one week prior to the event date.

(Moved Councillor Heather Crichton/Seconded Councillor Pascale Esber)

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

**Against: Nil**

## NOTICES OF MOTION

### **(ITEM NM3/22) PROTECT URBAN HABITAT**

File No: 22/36647

#### **Summary**

Mature trees are one of the few places where established nesting hollows can be found - somewhere safe for wildlife and birds to shelter, often to breed. They can take years to develop and we need to protect them.

This is especially true for highly built-up urban areas like Burwood.

Burwood Council's Development Application for a New Urban Park, Arts and Cultural Centre seeks to remove 19 trees, with the arboriculturist's report stating that "there are no trees located on the site with hollows that may be suitable for habitat uses". However, a Lemon-scented Gum tree designated as "Tree 3" in the DA has a clearly visible nesting hollow that is currently occupied by Cockatoos.

The arboriculturist's report further states that root mapping and invasive structural strength testing of the trees, soils assessments or aerial inspections were not performed, in accordance with Burwood Council's requirements. It states that all observations were from ground level without

detailed investigations, and that an expert opinion may be required to confirm or deny any fauna activities.

When it comes to the redevelopment of the town centre, Burwood Council needs to lead by example. Given the presence of a hollow-bearing tree that is currently occupied by nesting bird-life, that was not identified in the arboriculturist's report submitted with the DA, a further and more detailed assessment of the trees on site needs to be performed. Further consideration should then be given to the potential impacts of the Urban Park and Cultural Centre's design, if required.

### **Operational Plan Objective**

A.53 Undertake planning for the delivery of the Burwood Urban Park, Arts and Cultural Centre

P.24 Maintain and manage existing street trees and seek initiatives and opportunities to enhance the urban canopy

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

## **128/22 MOTION**

That Council:

1. Vows to protect urban habitat wherever possible, particularly in our highly built-up urban centres
2. Notes the presence of an occupied nesting-hollow in a tree that will need to be removed for the construction of Council's proposed Urban Park, Arts and Cultural Centre
3. Requires the General Manager to commission a more detailed assessment of the trees on the subject site, including an assessment of the structural integrity of the tree designated as "tree 3" in the arboriculturist's report
4. Requires the General Manager to consider any alternatives to the removal of trees on site that may be of significance as urban habitat, and to make any amendments to the DA (currently under assessment) as may be necessary for this purpose.

(Moved Councillor Ned Cutcher/Seconded Councillor Hugo Robinson)

### **Motion Lost**

**For: Cr Cutcher, Cr Robinson**

**Against: Cr Faker, Cr Mannah, Cr Crichton, Cr Esber, Cr Hull**

## **CONFIDENTIAL ITEMS - CLOSED SESSION**

### **129/22 RESOLVED**

That the meeting move into closed session in order to consider items 99/22 and 100/22.

(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**

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

The meeting resumed in Open Session at 7.47 pm

Cr John Faker left the meeting, the time being 7:47 pm.  
Cr George Mannah assumed the Chair.

The General Manager reported the resolutions for items 99/22 and 100/22.

#### **(ITEM 99/22) CONSENT - WOODSTOCK CHILDCARE CENTRE LEASE**

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File No: 22/35810

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

#### **1302/2 RESOLVED**

That Council:

1. Consents to a five-year lease term between Burwood Council and J & D Abraham (Nominees) Pty Ltd in accordance with the proposed conditions detailed in this report for the premises 2/605138 PART being the Woodstock Childcare Centre, commencing 1 November 2022 to 31 October 2027.
2. Provides the General Manager with authority to enter into a Lease Agreement under Power of Attorney.

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

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

**Against: Nil**

#### **(ITEM 100/22) TENDER EVALUATION REPORT - PROVISION OF STREETSCAPE CLEANING SAFE AND CLEAN SERVICES**

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File No: 22/35760

*That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (d) of the Local Government Act, 1993, as the matter involves 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. (Commercially sensitive tender pricing details )*

#### **1311/2 RESOLVED**

1. That, in relation to the tender for Street Scape Cleaning Safe and Clean Services, the tender from Quest Effect for services provided for 36 months from 1 October 2022 to 30



September 2025 (with two optional 12 month extensions at Councils discretion) be accepted.

2. That authority be granted to the General Manager to sign the Tender contract and any related documentation.

(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**

This concluded the business of the meeting and Council rose at 7.49 pm.

The Minutes of the Ordinary Meeting held on 27 September 2022 were confirmed by Council at its meeting on 18 October 2022.

Cr John Faker  
MAYOR