



Burwood Inc.1874

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MINUTES OF THE COUNCIL OF BURWOOD held in the Conference Room, Level 1, 2 Conder Street, Burwood on Tuesday 11 February 2025 commencing at 6:01 PM.

Attendance Councillor John Faker (Mayor)
Councillor George Mannah (Deputy Mayor)
Councillor Sukirti Bhatta (via audio visual link)
Councillor Pascale Esber
Councillor David Hull
Councillor De Yi Wu (via audio visual link)
Councillor Alex Yang (via audio visual link)

Opening of Meeting by the Mayor

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

Apologies

2/25

RESOLVED

That:

1. There were no apologies.
2. Leave be granted for Cr Bhatta, Cr Wu and Cr Yang to participate via audio visual link.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Bhatta, Cr Wu, Cr Yang

Against: Nil

(Moved Councillor David Hull/Seconded Councillor Pascale Esber)

Declarations of Interest

There were no declarations of interests by Councillors.

Declarations of Political Donations

There were no declarations of political interests by Councillors.

Confirmation of Minutes

3/25

RESOLVED

That the minutes of the ordinary meeting of the Council Meeting held on Tuesday 10 December 2024 and the minutes of the extraordinary meeting of the Council Meeting held on Wednesday 29 January 2025, as circulated, be confirmed and signed as a true record of the proceedings of the meetings.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Bhatta, Cr Wu, Cr Yang

Against: Nil

(Moved Councillor Pascale Esber/Seconded Councillor Alex Yang)

Reports to Council**(Item 2/25) Western Sydney Infrastructure Grants Program – Quarterly Progress Report**

File No: 24/49059

Summary

This report provides Council with a high-level progress update on the delivery of the Western Sydney Infrastructure Grants Program currently underway, and is the first in a series of ongoing quarterly reports.

Operational Plan Objective

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

4/25

RESOLVED

That Council notes the contents of this report, including updates on the progress of the Western Sydney Infrastructure Grants program.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Bhatta, Cr Wu, Cr Yang
Against: Nil

(Moved Councillor Sukirti Bhatta/Seconded Deputy Mayor George Mannah)

(Item 3/25) Operational Land Classification of certain Council Owned Land

File No: 24/20102

Summary

This report seeks Council's endorsement to commence a Planning Proposal process under the Environmental Planning and Assessment Act 1979 to update the provisions of Burwood Local Environmental Plan 2012 (BLEP), to include additional permitted uses and accurately reclassify and list certain Council-owned public land from Community Land to Operational Land under the Local Government Act 1993 (LG Act). This update will not alter the current use or operational practice of each site but rectify any historical anomalies in land use and land classifications.

Operational Plan Objective

- A.102 Comply with financial management responsibilities to promote transparency and accountability.
- A.104 Manage Council's property portfolio to optimise financial returns from Council-owned properties.
- C.5 Public and open spaces are high quality, welcoming, accessible, shaded, enjoyable places seamlessly connected with their surroundings
- C.9 Safe, clean and activated streets, centres and public places are enjoyed by people day and night
- 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

5/25

RESOLVED

1. That Council resolves to support the preparation and submission to the NSW Department of Planning, Housing and Infrastructure (DPHI) a request for Gateway Determination of a Planning Proposal to update the *Burwood Local Environmental Plan 2012 (BLEP)* to:
 - a) Reclassify certain Council-owned land from Community Land to Operational Land under the *Local Government Act 1993 (LG Act)* and Schedule 4 of BLEP to correctly reflect the use of specified sites as listed in this report.
 - b) Include additional permitted land uses under Schedule 1 of BLEP for certain Council-owned land to correctly reflect the use of specified sites as listed in this report.
2. That subject to a DPHI Gateway Determination, a minimum 28 day community consultation and engagement process be undertaken and a public hearing be undertaken in accordance with the Environmental Planning and Assessment Act 1979 and Local Government Act 1993.
3. That the General Manager be delegated to undertake minor modifications to any numerical, typographical, interpretation and formatting errors, if required.
4. That the results of the Gateway request, community consultation and engagement process and public hearing be reported back to Council.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Bhatta, Cr Wu, Cr Yang

Against: Nil

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

(Item 4/25) Half-Yearly Report - June to December 2024

File No: 25/2427

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

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.

6/25

RESOLVED

That Council endorse the Half-Yearly Report 1 July 2024 to 31 December 2024.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Bhatta, Cr Wu, Cr Yang

Against: Nil

(Moved Councillor Alex Yang/Seconded Councillor De Yi Wu)

(Item 5/25) Councillor Expenses and Facilities Policy - Adoption

File No: 25/5374

Summary

Section 252 (1) of the *Local Government Act 1993* (the Act) requires that the Council must, within the first 12 months of each term of Council, adopt a policy concerning the payment of expenses incurred and facilities provided to the Mayor and Councillors. The revised *Councillor Expenses and Facilities Policy* has been publicly exhibited and is now presented to Council for adoption.

Operational Plan Objective

P.49 Ensure transparency and accountability in decision making

7/25

RESOLVED

That Council:

1. Adopts the revised *Councillor Expenses and Facilities Policy* appearing at Attachment 1 to this report.
2. Retires the *Councillor Expenses and Facilities Policy* adopted by Council on 28 June 2022.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Bhatta, Cr Wu, Cr Yang

Against: Nil

(Moved Councillor Alex Yang/Seconded Councillor De Yi Wu)

(Item 6/25) Budget Review for Quarter Ending 31 December 2024

File No: 25/3892

Summary

The 2024-2025 Budget was adopted at the Council Meeting held on 25 June 2024 with a deficit of \$1,522,000, with the operating result including capital grants and contributions forecast to be a surplus of \$30,319,000.

The following Statement of Budget Income and Expenditure identifies a forecast deficit of \$2,898,000 as at 31 December 2024, with the operating result including capital grants and contributions forecast to be a surplus of \$29,670,000.

Operational Plan Objective

2.3.1 Identify and maintain additional revenue sources to ensure financial sustainability

8/25

RESOLVED

1. That the Budget Review Statement of the 2024-25 Budget as at 31 December 2024, 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 2021, the revised estimates of income and expenditure for 2024-25 surplus of

\$29,670,000, as shown in the report be approved and that Council's 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.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Bhatta, Cr Wu, Cr Yang

Against: Nil

(Moved Councillor Sukirti Bhatta/Seconded Deputy Mayor George Mannah)

(Item 7/25) Investment Report as at 30 November 2024 and 31 December 2024

File No: 25/3901

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.

9/25

RESOLVED

1. That the investment report for 30 November 2024 and 31 December 2024 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Bhatta, Cr Wu, Cr Yang

Against: Nil

(Moved Councillor Pascale Esber/Seconded Councillor Sukirti Bhatta)

(Item 8/25) Amendment of Council Meeting dates for 2025

File No: 25/5623

Summary

This report proposes to reschedule the Council Meeting of 24 June 2025 to avoid a conflict with the Australian Local Government Association (ALGA) National Assembly, which is a key industry forum attended by Burwood councillors each year.

Operational Plan Objective

A.110 Deliver a progressive and accountable framework to support Councillors and Burwood Local Planning Panel

10/25

RESOLVED

That the Council meeting currently scheduled for 6pm on Tuesday 24 June 2025 be rescheduled to 6pm on Monday 23 June 2025.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Bhatta, Cr Wu, Cr Yang
Against: Nil

(Moved Deputy Mayor George Mannah/Seconded Councillor De Yi Wu)

Notices of Motion

(Item NM1/25) Australia Day Citizenship Ceremony and Distribution of Australian Flags

File No: 25/6120

Summary

Australia Day on 26 January is an opportunity for the residents and community of Burwood to unite in acknowledgement and celebration of our national achievement and show our pride in Australia as a free, prosperous and egalitarian liberal democracy.

Australia Day also represents a unique opportunity for new citizens to pledge their loyalty to Australia, its democracy and our Australian values on our National Day. The link between Australia Day and citizenship ceremonies is as old as the concept of Australian citizenship itself.

In the past, it is clear that when Burwood Council has held its Council's Australia Day celebrations on 26 January, those events have been well attended by the community of Burwood. In recognition of the significance of our National Day, Burwood Council should hold its signature Australia Day Citizenship Ceremony and official celebration on 26 January each year.

It is noted that:

- In 2022, Federal legislation was changed to allow Councils to hold Australia Day citizenship ceremonies three days either side of 26 January;
- it has been reported in the media that in 2025 a small minority (around 15%) of Councils in Australia decided to hold their Australia Day citizenship ceremonies on a date other than 26 January (including Burwood Council in this instance);
- the above developments have generated debate and community disquiet; and
- significantly, recent national polling indicates that a clear majority of voters surveyed strongly support retaining 26 January as the official day to celebrate Australia Day. (Source: *Sydney Morning Herald*, 24 January 2025, David Crowe, Olivia Ireland, "Australia Day roars back in favour: poll", pp. 1, 6.)

In light of the above, it is timely that Council send a clear message to the residents of Burwood that they can have the confidence and certainty that Council will hold its signature Australia Day Citizenship Ceremony, together with Council's official celebration of Australia Day, on 26 January each year from 2026.

It is also clear that the community of Burwood who attend Council's Australia Day celebrations are keen to show their enthusiasm for our Australian National Flag. Therefore, it is appropriate that Council allocate a generous number of Australian Flags to allow Council to give away Australian Flags to the community of Burwood on Australia Day.

Operational Plan Objective

- 1.1 A welcoming community that cares and looks after each other
 - 1.1.1 Support and deliver initiatives that encourage social inclusion and community connections
- 5.2 Effective, innovative and collaborative leadership is underpinned by open, transparent and responsible governance
 - 5.2.3 Build and maintain strong partnerships and advocate on behalf of the community

Motion – MOTION LOST

That Council:

1. Holds its signature Australia Day Citizenship Ceremony, together with Council's official celebration of Australia Day, on 26 January each year from 2026.
2. Allocates a generous number of Australian Flags to allow Council to give away Australian Flags to the community of Burwood on Australia Day each year.

For: Cr Hull, Cr Wu

Against: Cr Faker, Cr Mannah, Cr Esber, Cr Bhatta, Cr Yang

(Moved Councillor David Hull/Seconded Councillor De Yi Wu)

Foreshadowed Motion**NM2/25 – Program of celebrations for Australia day****11/25 RESOLVED**

That:

1. Council continue to develop and deliver a weekend-long program of celebrations for Australia Day each year, including the hosting of a citizenship ceremony and the Citizen/s of the Year Awards, in accordance with the Australian Citizenship Ceremonies Code
2. Council design and install dedicated Australia Day banners on flag poles around Burwood Park and other locations where appropriate, and procure small Australian flags and other giveaways to distribute at Council's Australia Day celebrations
3. Council develop and implement a communication campaign across the Burwood community to celebrate the Australian way of life, our shared values and community spirit, as one of the most multicultural cities in Australia
4. Council continue to acknowledge Australia's history, and recognise and respect First Nations' ongoing culture

For: Cr Faker, Cr Mannah, Cr Esber, Cr Bhatta, Cr Wu, Cr Yang

Against: Cr Hull

(Moved Mayor John Faker/Seconded Deputy Mayor George Mannah)

Confidential Items - Closed Session**12/25 RESOLVED**

That the meeting move into closed session at 6.37 pm in order to consider the following items:

(Item MM1/25) General Manager Contract Renewal

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.

(Item 9/25) Property Acquisition

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.

and the public and press be excluded from the meeting.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Bhatta, Cr Wu, Cr Yang

Against: Nil

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

There were no representatives from the public to address the council before the resolution to move into closed session was carried.

(Item 9/25) Property Acquisition

File No: 25/6926

13/25 RESOLVED

1. That Council notes that thorough due diligence is to be conducted by Council staff in relation to the property the subject of this report, including financial analysis, property valuations, and alignment with Council's asset management strategy.
2. That Council authorises the General Manager, or their delegate, to:
 - a) Brief the Mayor on the outcome of the due diligence and to determine the course of action
 - b) Negotiate and finalise the acquisition of the property for a total sum not exceeding the total amount as detailed in this report, subject to satisfactory completion of all necessary due diligence and endorsement by the Mayor.
 - c) Execute all required documentation to effect the purchase, including but not limited to contracts of sale and settlement documents.
3. That Council directs that the funding for this acquisition be sourced from s7.12 and VPA Funds.
4. That the General Manager tables a report to the first available Council meeting following the auction period to update Council on outcome
5. Upon final settlement of the property acquisition the land be classified as Operational Land.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Bhatta, Cr Wu, Cr Yang
Against: Nil

(Moved Deputy Mayor George Mannah/Seconded Councillor Alex Yang)

(Item MM1/25) General Manager Contract Renewal

File No: 25/6124

14/25 RESOLVED

I therefore move:

- (a) That Council note the General Manager, Tommaso Briscese has performed exceptionally well during the term of his current and previous contracts.
- (b) That Council renew the General Manager's contract of employment under Clause 5 of the Contract, and a new contract of employment be offered to Mr Tommaso Briscese for a five (5) year term commencing 2 August 2025.
- (c) That Council, consistent with the 2011 Office of Local Government Guidelines for the Appointment and Oversight of General Managers, authorise the Mayor to negotiate the terms and conditions of the new contract of employment with the General Manager.
- (d) That Council authorise the Director, People and Performance to prepare the employment contract in accordance with the agreed terms and conditions.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Bhatta, Cr Wu, Cr Yang
Against: Nil

15/25 RESOLVED

That the meeting resume in open session at 6.40 pm.

For: Cr Faker, Cr Mannah, Cr Esber, Cr Hull, Cr Bhatta, Cr Wu, Cr Yang
Against: Nil

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

The Mayor read the resolution of closed session item MM1/25 listed above, minute number 14/25.

The General Manager read the resolution of closed session item 9/25 listed above, minute number 13/25.

This concluded the business of the meeting and Council rose at 6.43 pm.

The Minutes of the Ordinary Meeting held on 11 February 2025 will be submitted for confirmation by Council at its next meeting on 25 March 2025.