



Burwood Council

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BURWOOD COUNCIL MEETINGS

MINUTES OF THE MEETING OF THE COUNCIL OF BURWOOD held at the Council Chamber, Suite 1, Level 2, 1-17 Elsie Street, Burwood on Tuesday 28 February 2017 commencing at 6.09 pm.

ATTENDANCE

Councillor Tony Doueihi
Councillor John Faker (Mayor)
Councillor Lesley Furneaux-Cook
Councillor George Mannah (Deputy Mayor)

Mr M McMahon, General Manager
Mr W Armitage, Chief Finance Officer
Mr B Mortimer, Manager Organisation Development
Mrs D Luo, Manager Strategic Planning
Ms P Viney, Governance Co-ordinator
Ms V Karpowicz, Executive Assistant – General Manager

OPENING OF MEETING BY THE MAYOR

The Mayor opened the meeting with the Council prayer and Knowledge of Country.

OPEN FORUM

| Name | Item |
|--|---|
| Ms Cecily Gray 15 Hammond Ave Croydon NSW 2132 | Parking Metres – on behalf of Ms Fay Cocks – 89 Coronation Pde, South Strathfield |

APOLOGIES

1/17 RESOLVED *(Carried Unanimously)*

Cr Sally Deans and Cr Justin Taunton were an apology.

(Moved Councillor Lesley Furneaux-Cook/Seconded Councillor Tony Doueihi)

DECLARATIONS OF INTEREST

Councillor Furneaux-Cook declared a less than significant non-pecuniary interest on (Item 1/17) Draft Voluntary Planning Agreement - No. 185f Burwood Road, Burwood under the *Local Government Act 1993* as she owns property in the vicinity.

DECLARATIONS OF POLITICAL INTEREST

There were no declarations of political interests by Councillors.

CONFIRMATION OF MINUTES**2/17 RESOLVED** *(Carried Unanimously)*

That the minutes of the meeting of the Council of Burwood held on Tuesday 6 December 2016, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

(Moved Councillor Lesley Furneaux-Cook/Seconded Deputy Mayor George Mannah)

GENERAL BUSINESS**(ITEM 1/17) DRAFT VOLUNTARY PLANNING AGREEMENT - NO. 185F BURWOOD ROAD, BURWOOD**

File No: 17/3874

Summary

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) prepared in connection with a Section 96 application at No. 185F Burwood Road, Burwood have been publicly notified in accordance with the relevant legislation. The VPA provides for the developer to pay a monetary contribution to Council in lieu of one parking space on-site. Council's endorsement is sought to enter into the VPA after the granting of the Section 96 application.

3/17 RESOLVED *(Carried Unanimously)*

1. That Council enter into the VPA for No. 185F Burwood Road Burwood, involving the provision of a monetary contribution of \$49,500 to Council in lieu of one parking space on-site, after the granting of consent for the Section 96 application, which would include a condition requiring that the VPA be entered into.
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 endorse minor revisions of the VPA documents prior to execution.
4. That the Developer pay the monetary contribution to Council, on or before, the execution of the VPA by Council.

(Moved Councillor Tony Doueihi/Seconded Deputy Mayor George Mannah)

Councillors Councillor Tony Doueihi and Deputy Mayor George Mannah called for a **DIVISION**.

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR

Councillor Furneaux-Cook
Councillor Faker
Councillor Mannah
Councillor Doueihi

Total (4)

AGAINST

Total (0)

(ITEM 2/17) FEES AND CHARGES 2016/2017 - PROPOSED FEE FOR ENFIELD AQUATIC CENTRE LEARN TO SWIM PROGRAM - RESULTS OF PUBLIC EXHIBITION

File No: 17/3838

Summary

Council resolved at its meeting of 25 October, 2016 to place its proposed family discounts fee and charge for the Enfield Aquatic Centre Learn to Swim Program on public exhibition for a period of 28 days in accordance with Sections 610F and 705 of the *Local Government Act 1993* (the Act). No submissions were received within the exhibition period and the proposed fee is now put to Council for approval.

4/17 RESOLVED *(Carried Unanimously)*

1. That Council adopts the family discounts fee and charge for the Learn to Swim and Infants Aquatics Program (including private lessons but excluding the Squad Program) at the Enfield Aquatic Centre, that is 10% discount for the second child in a family enrolling in the program and 20% discount for the third and any subsequent children.
2. That the fee and charge be incorporated into Council's Schedule of Fees and Charges for the 2016/2017 financial year.

(Moved Deputy Mayor George Mannah/Seconded Councillor Tony Doueihy)

(ITEM 3/17) DELIVERY PROGRAM 2013/17 - QUARTERLY REPORT FOR THE PERIOD ENDING 31 DECEMBER 2016

File No: 17/2763

Summary

Following the introduction of the Integrated Planning and Reporting framework in 2009, Section 404(5) of the *Local Government Act 1993* requires that the General Manager provide progress reports to the Council, at least every six months, as to its progress with respect to the principal activities detailed in its Delivery Program.

As per Burwood Council's Delivery Program 2013/17 (Strategic Goal 2.1.2), a review of the Program is to be presented to Council on a quarterly basis.

5/17 RESOLVED *(Carried Unanimously)*

That Council endorse the Delivery Program 2013/17 Quarterly Report for the period ending 31 December 2016.

(Moved Councillor Tony Doueihy/Seconded Deputy Mayor George Mannah)

(ITEM 4/17) BUDGET REVIEW FOR QUARTER ENDING 31 DECEMBER 2016

File No: 17/3471

Summary

The 2016-17 Budget was adopted at the Council Meeting held on 24 May 2016 with a surplus of \$44,977. The adopted budget was prepared on the basis of the organisational structure which includes three Divisions (Office of the General Manager, Corporate, Governance and Community, and Land, Infrastructure and Environment).

This report provides Council with the financial results for the period ending 31 December

2016, 2016-17 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 \$104,163 as at 31 December 2016 compared to the revised adopted forecast surplus of \$136,112 as at 30 September 2016 which was adopted at the November 2016 Council Meeting. The reasons for the net decrease of \$31,949 are outlined in the report.

6/17 RESOLVED (*Carried Unanimously*)

1. That the Budget Review Statement of the 2016-17 Budget as at 31 December 2016, including the statement by the Responsible Accounting Officer, Chief Finance Officer, 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 2016-17 surplus of \$104,163, 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 be, and are hereby voted.

(Moved Councillor Lesley Furneaux-Cook/Seconded Councillor Tony Doueihy)

(ITEM 5/17) INVESTMENT REPORT AS AT 30 NOVEMBER 2016

File No: 16/59387

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*.

7/17 RESOLVED (*Carried Unanimously*)

1. That the Investment Report for 30 November 2016 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

(Moved Deputy Mayor George Mannah/Seconded Councillor Tony Doueihy)

(ITEM 6/17) INVESTMENT REPORT AS AT 31 DECEMBER 2016

File No: 17/585

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*.

8/17 RESOLVED (*Carried Unanimously*)

1. That the investment report for 31 December 2016 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

(Moved Deputy Mayor George Mannah/Seconded Councillor Tony Doueihy)

(ITEM 7/17) INVESTMENT REPORT AS AT 31 JANUARY 2017

File No: 17/5356

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*.

9/17 RESOLVED *(Carried Unanimously)*

1. That the Investment Report for 31 January 2017 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

(Moved Deputy Mayor George Mannah/Seconded Councillor Tony Doueih)

INFORMATION ITEMS**(ITEM IN1/17) REPORTS APPROVED UNDER DELEGATED AUTHORITY - DURING THE 2016/17 RECESS PERIOD**

File No: 16/59529

Summary

Council, at its meeting held 6 December, 2016 granted delegated authority to the Mayor and General Manager and in the absence of the Mayor or General Manager to the Deputy Mayor to deal with matters during the Council recess period as follows:

1. *That for the period from 7 December 2016 until the first Council Meeting of 2017 Council delegates the following to both the Mayor and the General Manager:*
 - *A petition with eight or more signatures from separate households within the notification area has been received and the application has not been refused.*
 - *Where eight or more valid planning objections to the development application have been received from separate households within the notification area and the application has not been refused.*
 - *Development where there is major variation (more than a 10%) from Council's Development Standards under Clause 4.6 of BLEP 2012.*
 - *Where two or more Councillors request a Development Application to be brought to Council.*
 - *Any matter subject to appeal where the matter has gone to a hearing or Section 34A Conference.*
 - *Applications having a major environmental impact on the locality and which involve land owned by Council.*
 - *Writing Off Accounts - to approve the writing off of accounts greater than \$5,000.*
 - *Writing Office Stores and Materials – to approve the writing off of items greater than \$5,000.*

2. *That the Deputy Mayor be granted these delegations in the absence of the Mayor or the General Manager.*
3. *That all decisions made under the above delegations be subsequently reported for the information of Councillors at the first Council Meeting of 2017.*

Decisions Made During the Recess Period

No decisions were made under Delegated Authority during the Recess Period.

No Decision – Information Item Only

(ITEM IN2/17) SAFE & CLEAN TEAM - QUARTERLY PERFORMANCE REPORT

File No: 17/3864

Summary

This report provides performance information on the Safe and Clean Team for the second quarter of the 2016/17 period.

The Safe and Clean Team operates on a daily basis between the hours of 10am to 6pm. The Safe and Clean Team patrols all main business streets in the Burwood Local Government Area including Burwood Road, Liverpool Road, The Boulevarde, The Strand and Georges River Road. The Safe and Clean Team focuses on ensuring that the main business streets are always clean by removing small waste and cleaning infrastructure as well as reporting all crime activity to Police and all local law breaches to Council. They provide a physical presence of Council along the main streets. Below is a summary of their performance for the period:

| Activity | October 2016 | November 2016 | December 2016 | Total |
|--|-------------------------------|-------------------------------|-------------------------------|---------------------------------------|
| Rubbish removed from roadway | 2385 litres 20 (120L bins) | 2275 litres 19 (120L bins) | 1718 litres 14 (120L bins) | 6378 litres 53 (120L bins) |
| Shopping trolleys reported and removed from main streets | 315 | 283 | 232 | 830 |
| Advertising posters removed | 98 | 70 | 68 | 236 |
| Report Graffiti on Council Property | 19 | 25 | 18 | 62 |
| Report Road Obstructions | 6 | 0 | 0 | 6 |
| Report Crime | 0 | 0 | 0 | 0 |
| Small spill clean ups | 0 | 0 | 0 | 0 |
| Distribute information leaflets | 0 | 0 | 0 | 0 |

| | | | | |
|---------------------------|---|---|---|---|
| Report maintenance issues | 0 | 0 | 0 | 0 |
|---------------------------|---|---|---|---|

Note: The shopping trolleys left abandoned on the streets were reported to the relevant service provider and removed within a 24 hour period.

In regards to rubbish removal, the data highlighted that Burwood Road is identified as the location with the most amount of light litter unlawfully disposed. Overall the presence of the Safe and Clean Team has made a huge impact towards the beautification of the main streets and the safety of the local community.

No Decision – Information Item Only

(ITEM IN3/17) ENVIRONMENTAL MANAGEMENT PLAN - ANNUAL PROGRESS REPORT 2016

File No: 17/3785

Summary

This report provides an update on the actions undertaken in relation to Council's Sustainability and Environmental Action Plans for the 2016 calendar year.

Background

Council's Delivery Program 2014-2017 (Strategic Goal 3.6.4) requires that an Annual Report be submitted to Council summarising the actions for the various sustainability and environmental initiatives.

Council has numerous plans that are focussed on environmental sustainability which include measures to promote and contribute to responsible decision making in order to lessen our impact on the local environment.

The Plans that Council has implemented include:

- Green Action Plan
- Waste Less Recycle More Program Action Plan (formerly the Waste and Sustainability Improvement Payment Program Action Plan)
- Water Savings Action Plan
- Cities for Climate Protection Program – Local Action Plan
- Strategic Waste Action Plan
- Litter and Illegal Dumping Action Plan

The actions undertaken and achieved for the nominated plans during 2016 are listed in the attached document.

No Decision – Information Item Only

(ITEM IN4/17) POWER OF ATTORNEY FOR THE GENERAL MANAGER - NOVEMBER 2016 TO FEBRUARY 2017

File No: 17/3810

Summary

At the Council Meeting of 28 June 2011, Council resolved to delegate to Michael Gerard McMahon, General Manager, a prescribed power of attorney and that the General Manager report to Council every three months on all documents signed under the

prescribed power of attorney.

Council notes that there were no documents signed under power of attorney during the reporting period.

No Decision – Information Item Only

(ITEM IN5/17) PETITIONS

File No: 17/648

Summary

Council has received five petitions since the last Council Meeting.

Background

| Date Received | Petition Subject | No. of Households and Businesses within the LGA | No. of Households outside the LGA | Responsible Council Division |
|----------------------|---|--|--|--------------------------------------|
| 30/01/2017 | BD.2016.172 – 31 Wyatt Avenue, Burwood | 14 | | Land, Environment and Infrastructure |
| 16/01/2017 | BD.2016.173 – 42 Claremont Road, Burwood Heights | 66 | | Land, Environment and Infrastructure |
| 19/12/2016 | BD.2010.233 – 195A Burwood Road, Burwood – Petition of Support | 27 | | Land, Environment and Infrastructure |
| 14/12/2016 | BD.2016.154 – 47 Conder Street, Burwood | 16 | | Land, Environment and Infrastructure |
| 29/11/2016 | Urban Growth for the Parramatta Road Corridor - FSR and building heights in Neich Parade, Burwood | 28 | | Land, Environment and Infrastructure |

Comments

That Council notes that the Petitions have been referred to the appropriate Council Officers for attention.

No Decision – Information Item Only

(ITEM IN6/17) ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCIL MEETING OF 22 NOVEMBER 2016 AND 6 DECEMBER 2016

File No: 17/660

Summary

At the Council Meeting of 22 November 2016 and 6 December 2016 the following Questions without Notice (QWN) were submitted by Councillors. Council Officers responded to the QWN and Councillors were notified on 5 December 2016 and 20 December 2016 of the outcome of the QWN.

These are now submitted as part of the Council Agenda for Public Notification.

| QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 25 OCTOBER 2016 | |
|---|--|
| Question | Response |
| <u>Councillor Justin Taunton</u> Question 1 – There are a lot of Ibis birds in streets surrounding Burwood Park, getting into rubbish bins and spraying garbage everywhere. Does Council liaise with agencies like the RSPCA on managing this problem? | <u>Manager Parks</u> Council has a draft Management Plan that was developed in 2012 for the control of Ibis birds in Burwood Park. Part of this Plan included installing enclosed bins in the park (and also in the CBD area) to deter birds from scavenging for scraps in the open be-tidy bins. There was some success with this approach, but unfortunately misguided people continue to feed all birds in the park, including Ibis, which increases bird populations. Signage was also erected in Burwood Park asking people not to feed the birds, but this has not proven to be an effective deterrent. Council regularly removes eggs and nests from the palms trees in Burwood Park under a license permit granted by National Parks Wildlife Service (NPWS). Ibis are a native birds and NPWS are very conservative with the number of eggs/nests they will allow Council to remove. |
| <u>Councillor Justin Taunton</u> Question 2 – Can Councillors be invited to events like the launch of the Enfield Aquatic Centre Masterplan, Civic Ceremonies and groups like the Lions Clubs? | <u>General Manager</u> Yes some events are less formal like the Enfield Aquatic Centre Master Plan launch which was held during the day with mainly staff present. |
| <u>Councillor John Faker</u> Question 1 - Currently there is a semi-detached house located on the cnr Gladstone Street and Mount Pleasant Avenue, Burwood was the Development Application approved as a CDC approval? | <u>Manager Building & Development</u> Yes, A CDC was issued by a Private Certifier on 24 March 2016 for alterations to the property at 8C Gladstone Street Burwood. The alterations included a first floor addition to the existing cottage. |

| | |
|---|--|
| <p><u>Councillor Justin Taunton</u></p> <p>Question 1 – Can Council speak to Sydney Trains regarding the graffiti on the rail overhead bridge on Burwood Road, Burwood?</p> | <p><u>Acting Senior Manager Civil Construction & Operations</u></p> <p>Council has reported the graffiti on the Burwood Road Railway Bridge to Sydney Trains. The reference number for this report is 237091. Graffiti can be reported to Sydney Trains 24 hours a day by calling 131 500.</p> |
| <p><u>Councillor Justin Taunton</u></p> <p>Question 2 – Can Council speak to the owners of the property at the rear of Railway Parade, Burwood (facing the rail line) regarding graffiti?</p> | <p><u>Acting Senior Manager Civil Construction & Operations</u></p> <p>The General Manager has written to the Facilities Manager of the building at 1 Railway Parade Burwood requesting that the graffiti be removed and a courtesy copy of this letter will be forwarded to Cr Taunton.</p> |
| <p><u>Councillor Furneaux-Cook</u></p> <p>Question 1 – Can the verge on Liverpool Road from Burwood Road to St James Church, Croydon be attended to, it is very unkempt and the weeds are long?</p> | <p><u>Acting Senior Manager Civil Construction & Operations</u></p> <p>The mowing of the naturestrips on Liverpool Road, from Willee Street to Dickinson Avenue, was completed on 12 December 2016, when the Road Occupancy Licence (ROL) required from RMS became valid. Contractors are currently carrying out weed spraying throughout the LGA. The Burwood Council boundary does not extend to St James Church.</p> |
| <p><u>Councillor Furneaux-Cook</u></p> <p>Question 2 – Can Council staff confirm that the Department of Planning's "Missing Middle" is not about rezoning but about complying development?</p> | <p><u>Manager Strategic Planning</u></p> <p>The draft Medium Density Design Guide (referred to as the "Missing Middle") is aimed at providing guidance on complying development and development applications for medium density housing. It is not about rezoning.</p> |
| <p><u>Councillor Furneaux-Cook</u></p> <p>Question 3 – Is Council making a submission on the "Missing Middle" and in the model Code of Conduct (proposed changes)?</p> | <p><u>Manager Strategic Planning</u></p> <p>Council's Strategic Planners provided comments to SSROC, who on behalf of the member councils prepared and lodged a submission on the "Missing Middle".</p> <p><u>Deputy General Manager Corporate Governance and Community</u></p> <p>The Office of Local Government (the Office) has advised Councils that it is seeking suggestions for improvements to the Model Code in relation to the following:</p> <ul style="list-style-type: none"> ▪ The ethical standards prescribed |

| | |
|--|--|
| | <p>under the Model Code</p> <ul style="list-style-type: none"> ▪ The operation of the Procedures ▪ Requirement for the disclosure of interest by Councillors and Designated Persons in returns of interest currently submitted under Section 449 of the Act. <p>The Office issued a Position Paper in October 2011 and Burwood Council at that time made an extensive submission which contained 22 substantial suggested changes. The majority of the matters raised by Burwood were addressed in the revised Model Code.</p> <p>In May of 2012 the Office issued the Draft Model which Council provided further feedback on.</p> <p>The new Model Code was released by the Office of Local Government in November 2015 for implementation.</p> <p>As the majority of Council's suggested changes were incorporated into the Model Code and given the short time since the last review it is not Council's intention to contribute further through a standalone submission. However, Council is currently working with SSROC on a joint submission and will be endorsing that submission.</p> |
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No Decision – Information Item Only

(ITEM IN7/17) MAYORAL DISCRETIONARY GRANTS - SMALL DONATIONS MADE FOR THE PERIOD ENDING 31 DECEMBER 2016

File No: 17/4315

Summary

The Discretionary Grants – Small Donations Policy was reviewed by Council and adopted on 25 June 2013. As part of the Policy requirements a list of donations made is to be reported to Council on a quarterly basis. The attached table details the Discretionary Grants for the December 2016 quarter.

No Decision – Information Item Only

(ITEM IN8/17) 16TH INTERNATIONAL CITIES, TOWN CENTRES AND COMMUNITIES CONFERENCE

File No: 17/5668

Summary

Cr Taunton attended the 16th International Cities, Town Centres and Communities Conference in Launceston, Tasmania on 9 to 11 November 2016.

Cr Taunton will provide a report at the meeting stating aspects of the trip relevant to Council business and/or the local community.

No Decision – Information Item Only**QUESTIONS WITHOUT NOTICE**

The following Questions Without Notice were submitted at the Meeting:

Cr Lesley Furneaux-Cook

Question 1

Is Burwood Council able to request from the JRPP (or SPP) minutes from meetings when Burwood Local Government Area items are considered?

Question 2

Does Burwood Council have a policy on how contractors complete their work if it is deemed by those impacted as unsatisfactory?

Question 3

When is a resident required to seek quotes for insurance claims when the Council has employed contractors to do the work?

This concluded the business of the meeting and Council rose at 6.30 pm.

Confirmed this Tuesday 28 March 2017.

MAYOR**GENERAL MANAGER**