



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 November 2017 commencing at 6.09 pm.

ATTENDANCE

Councillor John Faker (Mayor)
Councillor Ernest Chan
Councillor Heather Crichton
Councillor Raj Dixit
Councillor Lesley Furneaux-Cook (Deputy Mayor)
Councillor George Mannah

Mr M McMahon, General Manager
Mr T Briscese, Deputy General Manager Corporate, Governance & Community
Mr B Macdonnell, Deputy General Manager Land, Infrastructure & Environment
Mr W Armitage, Chief Finance Officer
Mr B Mortimer, Manager Organisation Development
Mr J Inglese, Senior Manager Assets and Design
Mr B Olsen, Manager Building and Development
Ms D Luo, Manager Strategic Planning
Ms P Viney, Governance Co-ordinator

OPENING OF MEETING BY THE MAYOR

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

OPEN FORUM

There was no business for this item.

APOLOGIES

116/17 RESOLVED *(carried unanimously)*

Cr Joseph Del Duca was an apology.

(Moved Deputy Mayor Lesley Furneaux-Cook/Seconded Councillor Heather Crichton)

DECLARATIONS OF INTEREST

Councillor J Faker declared a non-pecuniary interest less than significant in (ITEM 81/17) Draft - Voluntary Planning Agreement for 8-14 Lyons Street, Strathfield as his family have used the architect.

Councillor E Chan declared a non-pecuniary interest less than significant in (ITEM 82/17) Draft - Voluntary Planning Agreement - 14 Railway Parade, Burwood as his business is nearby.

DECLARATIONS OF POLITICAL DONATIONS

There were no declarations of political interests by Councillors.

CONFIRMATION OF MINUTES

117/17 RESOLVED *(carried unanimously)*

That the minutes of the meeting of the Council of Burwood held on Tuesday 24 October 2017, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

(Moved Deputy Mayor Lesley Furneaux-Cook/Seconded Councillor Heather Crichton)

ADDRESS BY THE PUBLIC ON AGENDA ITEMS

There was no business for this item.

GENERAL BUSINESS

(ITEM 81/17) DRAFT - VOLUNTARY PLANNING AGREEMENT FOR 8-14 LYONS STREET, STRATHFIELD

File No: 17/49600

Applicant: Urbanlink Pty Ltd
Owner: ARM Holdings Pty Ltd
Company Director: Albert Metledge

Summary

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) in connection with a Modification Application for 8-14 Lyons Street, Strathfield have been publicly notified in accordance with the relevant legislation. The draft VPA will provide for the developer to pay a monetary contribution to Council for additional floor space. Council's endorsement is sought to enter into the VPA after the granting of the consent for the Modification Application.

118/17 RESOLVED *(carried unanimously)*

1. That Council enter into the VPA for 8-14 Lyons Street Strathfield for the provision of a monetary contribution of \$778,800 towards public facilities after the granting of the consent for the Modification Application which would include a condition on the amended consent 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 the minor revisions of the VPA documents prior to execution.
4. That the Developer pay the monetary contribution (dollar value dependant on the final determination of the Modification Application) to Council, on or before, the execution of the VPA by Council.

(Moved Councillor George Mannah/Seconded Councillor Heather Crichton)

Councillors George Mannah and Heather Crichton called for a **DIVISION**.

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

FOR	AGAINST
Councillor Faker	
Councillor Mannah	
Councillor Dixit	
Councillor Crichton	
Councillor Chan	
Councillor Furneaux-Cook	
Total (6)	Total (0)

(ITEM 82/17) DRAFT - VOLUNTARY PLANNING AGREEMENT - 14 RAILWAY PARADE, BURWOOD

File No: 17/50820

Applicant: GM Architects
Owner: Tuo Yuan Development Pty Ltd
Company Directors: Jianmin Cao and John Wei Cao

Summary

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) in connection with a Development Application (DA) for 14 Railway Parade Burwood have been publicly notified in accordance with the relevant legislation. The draft VPA will provide for the developer to pay a monetary contribution in exchange of additional development on the site. Council's endorsement is now sought to enter into the VPA after the granting of the consent of the DA.

119/17 RESOLVED *(carried unanimously)*

1. That Council enter into the VPA for 14 Railway Parade Burwood for the provision of a monetary contribution of \$482,250 towards public facilities after the granting of the consent for DA BD.2017.032 which would include a condition on the consent 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 the minor revisions of the VPA documents prior to execution.
4. That the Developer pay the monetary contribution (dollar value dependant on the final determination of the DA) to Council, on or before, the execution of the VPA by Council.

(Moved Councillor George Mannah/Seconded Councillor Raj Dixit)

Councillors George Mannah and Raj Dixit called for a **DIVISION**.

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

FOR	AGAINST
Councillor Faker	
Councillor Mannah	
Councillor Dixit	
Councillor Crichton	
Councillor Chan	
Councillor Furneaux-Cook	
Total (6)	Total (0)

(ITEM 83/17) ADOPTION OF AUDITED FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 2017

File No: 17/41918

Summary

In accordance with Section 418 (1)(a) of the *Local Government Act 1993* (the Act), Council must fix a date for the meeting at which it proposes to present its Audited Financial Report, together with the Auditor's Report. The presentation of this Report to this Council Meeting fulfils this requirement.

In all material respects, the financial statements are presented fairly in accordance with Australian Accounting Standards and other mandatory professional reporting requirements and statutory requirements so as to present a view which is consistent with Council's understanding of the financial position, the operating result and cash flows.

120/17 RESOLVED *(carried unanimously)*

1. 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 make the following declaration:
 - a. That Council's Financial Reports have been drawn up in accordance with the *Local Government Act 1993* and associated Regulations; the Statement of Accounting Concept; the Local Government Code of Accounting Practice and Financial Reporting update no. 25; and the Australian Accounting Standards.
 - b. The Audited financial reports present fairly the Council's financial position and performance for the year.
 - c. These reports accord with Council's accounting and other records.
2. That Council note that the 2016/2017 Audited Financial Reports and Auditor's Report have been forwarded to the Office of Local Government.

(Moved Deputy Mayor Lesley Furneaux-Cook/Seconded Councillor Ernest Chan)

(ITEM 84/17) BUDGET REVIEW FOR QUARTER ENDING 30 SEPTEMBER 2017

File No: 17/49775

Summary

The 2017-18 Budget was adopted at the Council Meeting held on 27 June 2017 with a surplus of \$73,578. 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 30 September 2017, 2017-18 Financial Year. In accordance with Clause 203(1) *Local Government (General) Regulations 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 \$82,947 as at 30 September 2017 compared to the adopted forecast surplus of \$73,578. The reasons for the net increase of \$9,369 are outlined in the report.

121/17 RESOLVED (*carried unanimously*)

1. That the Budget Review Statement of the 2017-18 Budget as at 30 September 2017, 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) Regulations 2005*, the revised estimates of income and expenditure for 2017-18 surplus of \$82,947, 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 Ernest Chan/Seconded Councillor Raj Dixit)

(ITEM 85/17) INVESTMENT REPORT AS AT 31 OCTOBER 2017

File No: 17/51283

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*.

122/17 RESOLVED (*carried unanimously*)

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

(Moved Councillor George Mannah/Seconded Councillor Heather Crichton)

(ITEM 86/17) DELIVERY PROGRAM 2013/17 - QUARTERLY REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2017

File No: 17/49924

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.

123/17 RESOLVED *(carried unanimously)*

That Council endorse the Delivery Program 2013/17 Quarterly Report for the period ending 30 September 2017.

(Moved Councillor George Mannah/Seconded Councillor Ernest Chan)

(ITEM 69/17) ESTABLISHMENT - INDEPENDENT HEARING AND ASSESSMENT PANEL (IHAP)

File No: 16/23497

Summary

This report was submitted to Council at the October 2017 Council Meeting. At that meeting Council resolved as follows:

1. That the item be deferred to the November 2017 Council Meeting to be in line with the Hills Shire Council report seeking an exemption from the Minister from having an IHAP.
2. That the Mayor make representation to the Minister to seek an exemption from having an IHAP.

Council has received information that the Hills Shire Council sought the exemption on 25 August 2017 and has not received any response to date.

The Mayor has now made representation to the Minister to seek an exemption from the constitution of a local planning panel as required by Section 23J (2) (a) of the *Environmental Planning and Assessment Act 1979* (EP&AA).

In the event that the Minister does not grant the exemption from the constitution of the Panel and to ensure that Council meets legislative obligations to have an Independent Hearing and Assessment Panel (IHAP) in place by 1 March 2018, the report has been resubmitted to Council for determination.

In August 2017 the EP&AA was amended in relation to the establishment and operation of local planning panels called IHAP.

An IHAP is a panel of three independent expert members and a community member who assesses development applications (DAs) made to Council. Under these provisions of the EP&AA, Councillors will no longer be able to determine development applications. This function will be performed by either the IHAP, Council Officers, or the Joint Regional Planning Panel.

This report is now resubmitted to Council to advise of the changes to the legislation and that Council is required to have an IHAP in place prior to 1 March 2018.

124/17 RESOLVED *(carried unanimously)*

1. That an Independent Hearing and Assessment Panel be established for Burwood Council in accordance with the requirements of the *Environmental Planning & Assessment Act 1979* and any directives by the Minister for Planning by 1 March 2018.
2. That the General Manager immediately seek expressions of interests for the

appointment of the Community Member and alternates of the IHAP in accordance with guidelines issued by the Department of Planning and Environment.

3. That the General Manager's Delegations be amended to reflect the criteria for IHAP determination of Development Applications.
4. That Council notifies the Minister for Planning and the Premier of NSW that Council is forced to meet its statutory obligations, however, objects to the setup of IHAPs.
5. That Council requests that the Burwood Council IHAP meets at an appropriate time and place for members of the public to be able to attend, that meetings are recorded and published on Council's website for members of the public.

(Moved Councillor George Mannah/Seconded Councillor Ernest Chan)

(ITEM 87/17) REVIEW OF THE CODE OF CONDUCT WITHIN 12 MONTHS AFTER THE ORDINARY ELECTION - SECTION 440(7) OF THE LOCAL GOVERNMENT ACT 1993

File No: 17/49743

Summary

Council is required to review the Code of Conduct following the Ordinary Council Election in 2017 in accordance with Section 440(7) of the *Local Government Act 1993* (the Act).

The Code of Conduct including the Administration of the Code of Conduct Procedures is now submitted to Council for adoption.

125/17 RESOLVED *(carried unanimously)*

That Council reaffirm and adopt the Code of Conduct including the Administration of the Code of Conduct Procedures in accordance with Section 440(7) of the *Local Government Act 1993*.

(Moved Deputy Mayor Lesley Furneaux-Cook/Seconded Councillor Heather Crichton)

(ITEM 88/17) COUNCIL/COMMITTEE MEETINGS AND COUNCILLOR BRIEFING SESSIONS SCHEDULE FOR 2018

File No: 17/49720

Summary

The proposed 2018 Schedule for Council Meetings, Building and Development Committee Meetings and Councillor Briefing Sessions is presented to Council for endorsement.

126/17 RESOLVED *(carried unanimously)*

1. That the following schedule of Meeting Dates be adopted for 2018, with all Council Meetings scheduled to start at 6:00 pm and all Building and Development Committee Meetings at 6:00 pm in the Council Chambers, Suite 1, Level 2, 1-17 Elsie Street, Burwood:

Date	Building & Development Committee	Council
13 February 2018	x	
6 February 2018		x
27 March 2018		x
24 April 2018		x
22 May 2018		x
17-20 June 2018 – National General Assembly		
26 June 2018		x
24 July 2018		x
21 August 2018		x
25 September 2018		x
30 October 2018		x
21-23 October 2018 – LGNSW Annual Conference		
27 November 2018		x
11 December 2018		x

2. That the following schedule of Briefing Sessions be adopted for 2018, with all Sessions to commence at 5:00 pm and conclude at 6.00pm, prior to the Council/Committee Meeting:

Date
6 February 2018
24 April 2018
24 July 2018
30 October 2018
11 December 2018

(Moved Deputy Mayor Lesley Furneaux-Cook/Seconded Councillor Ernest Chan)

(ITEM 89/17) FUNDING OUR FUTURE - COMMUNITY CONSULTATION

File No: 17/52557

Summary

Over the past few years, Burwood Council has made a concerted effort to continue improving infrastructure while maintaining a sound financial position.

Despite this, external pressures and rising costs of service delivery means that Council is unable to sustain its current capital program in line with the community's expectations without either compromising existing services or seeking additional funding options.

Therefore, Council is seeking additional funding options including a proposed special variation and discounted loans in order to maintain existing services while improving the conditions of local roads, footpaths, kerbs, gutters and drains.

Council will undertake an extensive community consultation in order to inform the community and to determine its preferred funding model to ensure Council can continue

to deliver its current service level.

127/17 RESOLVED

1. That Council endorse the *Funding our Future* community consultation to be incorporated into the Community Strategic Plan Engagement Strategy.
2. That Council resolve to notify the Independent Pricing and Regulatory Tribunal of its intent to apply for a special variation by 15 December 2017.
3. That Council resubmit the 2017-2018 Loan Borrowing Return to TCorp requesting an investment borrowing facility of \$1 million for the 2017-2018 financial year and seek offers from financial institutions on interest rates if borrowing is approved.
4. That Council incorporate a loan borrowing of up to \$1 million in the Budget 2018-2019 and Operational Plan.
5. That the outcomes of the community consultation are presented to Council at a workshop in February 2018.
6. That Council make a determination on whether to apply for a special variation at its Meeting of 6 February 2018.
7. That the General Manager undertakes business reviews to identify potential savings and report back to Council on the savings.

(Moved Councillor George Mannah/Seconded Councillor Heather Crichton)

REPORTS OF COMMITTEES**(ITEM RC5/17) NOVEMBER 2017 BURWOOD LOCAL TRAFFIC COMMITTEE MINUTES**

File No: 17/52519

Summary

Attached are the Minutes of the Burwood Local Traffic Committee from its meeting of November 2017. The Minutes are hereby submitted to the Ordinary Council Meeting for consideration and adoption by Council.

128/17 RESOLVED *(carried unanimously)*

That the minutes of the Burwood Local Traffic Committee of November 2017 be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

(ITEM LTC24/17) WESTFIELD BURWOOD CHRISTMAS SANTA SHUTTLE - INSTALLATION OF 'NO PARKING - MINI BUS EXCEPTED' SIGNAGE AT VARIOUS LOCATIONS**Recommendation**

That Council approve the installation of seven temporary 'No Parking 10.00am – 7.00pm' signage at various locations around the Burwood LGA as per the report, between 15 December 2017 and 24 December 2017.

(ITEM LTC25/17) DATES FOR 2018 BURWOOD LOCAL TRAFFIC COMMITTEE MEETINGS***Recommendation***

That the following dates be adopted for the 2018 Burwood Local Traffic Committee Meeting:

February	Thursday 1 February 2018
March	Thursday 1 March 2018
April	Thursday 5 April 2018
May	Thursday 3 May 2018
June	Thursday 7 June 2018
July	Thursday 5 July 2018
August	Thursday 2 August 2018
September	Thursday 6 September 2018
October	Thursday 4 October 2018

(Moved Deputy Mayor Lesley Furneaux-Cook/Seconded Councillor Ernest Chan)

INFORMATION ITEMS**(ITEM IN31/17) SAFE & CLEAN TEAM - QUARTERLY PERFORMANCE REPORT**

File No: 17/46609

Summary

This Report provides performance information on the Safe & Clean Team (the Team) for the first quarter of the 2017/2018 period.

The Team operates on a daily basis between the hours of 10.00am and 6.00pm and patrols all main business streets in the Burwood Local Government Area (LGA) including Burwood Road, Liverpool Road, The Boulevarde, The Strand and Georges River Road. The Team, like the name suggests, focuses on ensuring that the main business streets are always clean by removing light litter and cleaning infrastructure as well as reporting all crime activity to Police and all local law breaches to Council. The Team provides a physical customer service presence for Council along the main business streets. Below is a summary of their performance for the period:

Activity	July 2017	August 2017	September 2017	Total
Rubbish removed from roadway	1748 litres 15 (120L)	1819 litres 15 (120L)	1784 litres 15 (120L bins)	5351 litres 45 (120L)
Shopping trolleys reported and	199	220	189	608
Advertising posters removed	55	25	40	120
Report Graffiti on Council Property	17	6	0	23
Report Road Obstructions	0	0	0	0
Report Crime	0	0	0	0
Small spill clean ups	0	0	3	3

Distribute information leaflets	95	0	0	95
Report maintenance issues	0	0	1	1

The shopping trolleys left abandoned on the streets were reported to the relevant service providers and for collection within a 24 hour period. Council is working towards a solution as highlighted in the Abandoned Shopping Trolley Management report also being tabled at this meeting.

The advertising posters were mainly small handwritten signs on light poles or similar that were physically removed by the Team. Of the areas patrols, rubbish requiring removal from roadways was most abundant on Burwood Road Burwood. This is consistent with the high pedestrian traffic in the area.

Overall the presence of the Safe & 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 IN32/17) BEAUTIFICATION OF TOWN CENTRES PROJECT - UPDATE REPORT NO. 4

File No: 17/50069

Summary

Following Mayoral Minute No. 14/14 from the 23 June 2014 Ordinary Council meeting, this Town Centre Beautification Program Update Report No. 4 has been prepared to update Council on the considerable progress of the Town Centres Beautification Projects since the last report in October 2016.

Since the last report the following projects have been implemented:

1. **Burwood Road, Burwood - New Decorative Safety Fencing** - In November 2016 a new café style laminated glass and stainless café fence was installed along the Burwood Road frontage of Westfield Shopping Centre, in particular in front of Gelatissimo and Sahara by the Park. This was a test case for future similar fencing replacements along Burwood Road Burwood.
2. **Burwood Road, Burwood - Amendment to the Burwood Development Control Plan (BDGP) to Allow New Café Style Awnings** - In October 2017 Council approved amendments to the BDGP to allow for the installation of fixed outdoor café awnings on the Council footway. GMU P/L were commissioned to prepare the Burwood Road Awning Study. This document has now given Council and business owners along Burwood Road in the Burwood Town Centre (BTC) a guide for the design of future fixed outdoor café awnings. The first Development Application (DA) submitted by a business for a fixed café awning has been received from Sahara by the Park.
3. **The Strand Croydon - New Clock Tower and Heritage Sandstone Plinth** - In December 2016 the installation of the new clock tower and heritage sandstone plinth was completed near the Croydon post office.
4. **Georges River Road, Croydon Park - New Clock Tower** - In March 2017 the

installation of the new Clock Tower was completed on the corner of Georges River Road and Beaufort Street Croydon Park.

5. **Dunns Lane and Victoria Street, Burwood - Planter Boxes** - Additional Planter Boxes have been installed in Dunns Lane and Victoria Street Burwood and lattice and climbing plans will be installed behind the Dunns Lane planter boxes in the near future.
6. **Dunns Lane, Burwood - Decorative Screening** - Two large decorative screens were installed at the rear of two of the businesses fronting Burwood Road. These screens have improved the visual amenity along the eastern side of Dunns Lane Burwood.
7. **Dunns Lane and Victoria Street, Burwood - Raised Traffic/Pedestrian Thresholds** - Three cobblestone style pedestrian thresholds were constructed in July 2017 at the following intersections:
 - Dunns Lane and Park Avenue, Burwood
 - Dunns Lane and John Street, Burwood
 - Victoria Street and Elsie Street, Burwood

These devices have improved the visual amenity of this area as well as improving pedestrian safety along this section of roadway.

8. **Burwood Road, Burwood – Burwood Town Centre (BTC) Tree Pruning** - All Street Trees along Burwood Road Burwood, between Park Avenue and Clarence Street were crown lifted in October 2017.
9. **Burwood Park Permanent Palm Tree Lighting** - Permanent palm tree lighting will be installed to the 17 palm trees in Burwood Park by the end of November 2017.
10. **Footpath Improvements with Granite Style Pavers Inside and Outside the BTC** - Footpath improvements have been made both inside and outside of the BTC including, but not limited to, the following locations:

Inside the BTC:

- Corner of Park Avenue and Dunns Lane, Burwood - new granite paving, kerbs and gutters
- Burwood Road, between Park Avenue and Railway Parade, Burwood - new crashed granite and paving works around the base of all street trees
- Corner of George Street, Mary Street and Deane Street, Burwood - new granite paving, kerbs and gutters
- No. 42-44 Meryla Street, Burwood - new granite paving, kerbs and gutters
- Railway Parade, Burwood - heritage weighbridge and jib crane reinstatement

Outside the BTC:

- Southeast and southwest corners of Burwood Road and Liverpool Road, Strathfield - new granite paving, kerbs and gutters
- No. 276-280 Liverpool Road, Enfield - new granite paving, kerbs and gutters
- No. 266-270 Liverpool Road, Enfield - new granite paving, kerbs and

- gutters
- No. 10-12 Burwood Road, Burwood - new granite paving, kerbs and gutters
- Corner of Liverpool Road and Willie Street, Strathfield - new granite paving, kerbs and gutters
- Woodstock Park - new granite paving
- Various developments along Morwick Street, Strathfield - new granite paving, kerbs and gutters and street trees

11. Further investigation into the placement of additional street trees in Clarence Street, Burwood

Council will be provided with further update reports on the progress of the Town Centre Beautification Program on a regular basis.

No Decision – Information Item Only

(ITEM IN33/17) ABANDONED SHOPPING TROLLEY MANAGEMENT

File No: 17/50320

Summary

On 29 August 2017 the Mayor, General Manager and other Council Officers met with numerous shopping trolley owners, collectors and shopping centre management companies to discuss the increasing issues associated with shopping trolleys being abandoned in public areas.

The request from Council at this meeting was for the trolley owners and the shopping centre management companies to explore options to install electronic restriction devices to shopping trolleys preventing them from leaving the centres and to install signage in their respective centres informing users to stop dumping trolleys in public places. At this stage, no response has been received from any shopping trolley owner or shopping centre management company to any of these proposals.

Council's Senior Manager Compliance provided a list of shopping trolley dumping hotspots to trolley owners and collectors in a request for increased patrols and faster collection processes. Council's Compliance Team have also been reporting individual trolleys to the trolley owners and collectors via their owners mobile phone applications (apps) and webpages in an attempt secure faster collection turnover, however, unfortunately it appears that the trolley collector's patrols have dropped-off and in some instances the trolley collection process is not occurring at all.

The Senior Manager Compliance has made numerous attempts to meet and speak with Woolworths and Coles management representatives in regards to forming a partnership in managing shopping trolley collections, however, at this stage both companies have failed to return calls or attend scheduled meetings.

Council's Compliance Team have sent thousands of letters to local residents seeking assistance in reporting people dumping shopping trolleys to try and stop people removing them from shopping centres in the first place, however, Council has not received any assistance to date nor have the instances of shopping trolleys being abandoned in public places reduced.

On 26 September 2017 Council a Mayoral Minute was raised for the investigation into abandoned shopping trolley management in the Burwood Local Government Area

(LGA). The Mayoral Minute was lodged after extensive community engagement highlighting that shopping trolleys were being left abandoned in streets in the LGA were causing problems for local residents.

As a result of the Mayoral Minute, Compliance procedures have been amended and updated to include a specific shopping trolley impounding processes and Compliance officers have been trained in the process.

On 20 October 2017, a letter was sent to four State Ministers (The Minister for Transport & Infrastructure, The Minister for Local Government, The Minister for Innovation & Better Regulation and the Minister for Planning) seeking assistance in exploring legislative options to help manage the problems of shopping trolleys being left in public areas holistically throughout New South Wales.

At present local Councils are reliant on individual planning conditions and the *Impounding Act* provisions to manage shopping trolleys dumped in public places. The issue with these current legislative provisions are as follows:

- a. The planning provisions which allow Council to impose trolley locking devices or similar treatments as a condition of consent can only be imposed when Development Applications (DAs) are submitted and cannot be added retrospectively to existing shopping centres. Until a DA is submitted, such conditions cannot be included and some shopping centres may not require a DA for many years.
- b. The *Impounding Act* provisions, which can provide some relief, are problematic in terms of the timeframes for impounding and the resource draining effect of processing the large volume of shopping trolleys. The true cost of impounding trolleys is substantial and the impounded item places custodial responsibilities upon Council until the trolleys are claimed. The volume of trolleys to potentially be impounded could be significant enough to overrun Council existing storage facilities.

In terms of individual planning provisions imposed when a Development Application is submitted, Council will be seeking the following terms:

1. For all shopping trolleys to be installed with electronic restriction devices preventing access from the centres
2. The installation of appropriate signage in the trolley owners locations and at every exit, informing trolley users not to remove the trolleys
3. For the shopping centre owners to prevent removal and ensure that any shopping trolley belonging to a store owner within the centre does not leave the boundary of the premise

Please note that the above points are a summary of potential conditions and are not the final detailed condition to be imposed for future DA's. The detailed condition will be reliant upon consultation and feedback with a legal representative and planning officer.

The abovementioned future consent provisions may assist in reducing the number of trolleys in public places and provide Council with planning enforcement provisions to address this issue with every trolley and shopping centre owner if trolleys are observed in public areas.

The Compliance Team has developed an informational leaflet which is currently being distributed by a Law Enforcement Officer at the entrance of the shopping centres over a period of one hour on a daily basis. The leaflet is handed to every person leaving the shopping centre with a trolley and the information on the leaflet informs them of the consequences in the event that the trolley is abandoned.

A media campaign will also be established focusing on the following points:

1. Informing people to stop leaving shopping trolleys in public places
2. Articles highlighting the shopping trolleys being processed by Council as abandoned

The impounding process has commenced and Council Officers are no longer entering dumped trolleys on the trolley collection apps and awaiting collection before starting the process. Council's Compliance Team are placing orange stickers on trolleys abandoned in public places to identify them as being processed. The trolley owner will be informed and if the trolley is not collected after the legislative time frame has expired it will be impounded with additional costs being imposed upon the trolley owner upon collection.

Council is also tackling this problem at an individual level, with two people recently sighted leaving shopping trolleys in public places having been caught by Council's Compliance Team. A fine can be issued to any person observed abandoning a trolley in a public place and these two people will be fined once the investigation has been completed.

Council is also seeking legal advice to establish whether this fine can also be imposed upon a trolley owner (a corporation rather than an individual) after the expiration of the impounding timeframe. If the legal advice is that this action would likely be successful, Council will also be fining the trolley owners for each trolley that remains impounded by Council after the legislative timeframe expires.

Council is exploring all options available to resolve this issue but unless the State Government assists in developing holistic legislative provisions against the trolley and shopping centre owners preventing the trolley from leaving their centres the issue is going to be difficult to prevent and time and resource consuming for Council.

No Decision – Information Item Only

(ITEM IN34/17) ANNUAL REPORT 2016-2017

File No: 17/51428

Summary

Burwood Council's Annual Report for the period 2016-2017 has been prepared in accordance with the *Local Government Act 1993* (the Act) and the Office of Local Government's Annual Report requirements.

Background

The report is prepared annually to comply with Sections 428 and 406 of the Act and Clause 217 of the *Local Government (General) Regulation 2005* and must be provided to the Minister for Local Government by 30 November each year.

The annual report includes a report (State of the Environment Report in accordance with

Section 428A of the Act) as to the state of the environment in the Local Government Area in relation to the objectives for the environment established by the Community Strategic Plan.

In addition, the report includes a summary of expenditure for funds generated through the Special Rate Variation approved by IPART in June 2014.

Consultation

The Annual Report will be made available to the public on Council's website in the form of an e-book, as well as in hard copy at the Council's Administration Building and Burwood Library and Community Hub.

Council has also developed an infographics video summarising key aspects of the organisation's performance over the 2016-2017 Financial Year. The video will be made available on Council's website, Facebook page, and on the TV screens available at various Council venues.

No Decision – Information Item Only

(ITEM IN35/17) ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCIL MEETING OF 24 OCTOBER 2017

File No: 17/51485

Summary

At the Council Meeting of 24 October 2017 the following Questions without Notice (QWN) were submitted by Councillors. Council Officers responded to the QWN and Councillors were notified on 3 November 2017 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 24 OCTOBER 2017	
Question	Response
<p><u>Cr Furneaux-Cook</u></p> <p>Question 1:</p> <p>The developer of the Wynne/Belmore Streets site continues to breach operating hours (cranes and trucks) both am and pm despite fines:</p> <ol style="list-style-type: none"> 1. Can/when do the Law Enforcement Officers patrol this area? 2. Are the fines enough to cause the developer to cease work? 3. Can Council stop the developer after a continued non-compliance? 	<p><u>Senior Manager Compliance</u></p> <p>This site is patrolled on a daily basis and several Penalty Infringement Notices (PINs) have been issue for non-compliance. In some instances issuing PINs will change the behavior of a building site and ensure compliance, however, for other matters Council has pursued legal proceedings in the courts if the process of issuing PINs does not seem to curve the non-compliant behaviour.</p> <p>The ultimate intervention through the courts is the best way to resolve non-compliance issues, however, the courts</p>

	<p>have made it clear to Council that they do not want to be used as a vehicle for achieving compliance unless the PIN process has first been exhausted.</p> <p>When perusing matters in the courts, Council requires participation by civilian witnesses to demonstrate that people have been affected by the breach and to provide the overall picture of the disturbance to the courts. Without this participation Councils rarely achieve the desired outcome, with Magistrates often relying on demonstrated evidence that the breach has 'affected residents' when weighing the evidence to reach a decision on whether to withdraw PINs or Orders in response to developers' appeals.</p> <p>Please ensure that any person who wishes to report a building site breaching its provisions reports it directly to Council, so that statements can be obtained and participation in the event of legal action can be assured.</p>
<p><u>Cr Furneaux-Cook</u></p> <p>Question 2</p> <p>When residents are given a parking fine and wish to challenge it, what is the process?</p>	<p><u>Senior Manager Compliance</u></p> <p>A person may request a review from Revenue NSW (formerly SDRO). The resident should write to, or use the website contact form, of Revenue NSW to request an appeal (this information is printed on the back of all PINs).</p> <p>Revenue NSW assesses the information provided against State Wide guidelines and, if necessary, requests additional information from Council which is then provided. Revenue NSW advises the residents directly of outcome. A person may also have the matter adjudicated by a Magistrate in the Local Court.</p>
<p><u>Councillor Joseph Del Duca</u></p> <p>Question 1</p> <p>In the past term of Council (2012-2017):</p> <ol style="list-style-type: none"> How many Voluntary Planning Agreements (VPAs) requests did Burwood Council receive? 	<p><u>Manager Strategic Planning</u></p> <p>A total of 43 VPAs were received between 2012-2017.</p> <p>A total of 29 VPAs were supported by Council.</p> <p>Council did not reject any VPAs which</p>

<p>2. How many of these VPAs, did the Council support and how many did they reject?</p>	<p>were recommended for endorsement by Council Officers. Of the remaining balance, some VPAs were withdrawn and some are still being processed.</p>
<p><u>Councillor Joseph Del Duca</u></p> <p>Question 2</p> <p>In the past term of Council (2012-2017) how much revenue did Burwood Council receive from the VPAs?</p>	<p><u>Manager Strategic Planning</u></p> <p>Council received \$4,654,072.00 in revenue from VPAs between 2012-2017.</p>
<p><u>Councillor Joseph Del Duca</u></p> <p>Question 3</p> <p>Can Councillors be provided with a detailed breakdown of exactly what revenue was received by Burwood Council from VPAs in the last term (2012-2017) and what the funds were spent on i.e. what specific projects?</p>	<p><u>Manager Strategic Planning</u></p> <p>Of the revenue received from VPAs between 2012-2017, the funds were allocated as follows:</p> <ul style="list-style-type: none"> ▪ Revenue received to fund public benefits as per the Burwood Open Space and Community Facilities Study = \$2,991,240.00 ▪ Revenue received to fund public car parking = \$1,662,832.00 <p>The following projects and funding allocation was expended between 2012-2017:</p> <ol style="list-style-type: none"> 1. EAC upgrades = \$320,725 2. Infrastructure Improvements = \$227,933 3. Burwood Park Building Improvements - \$920,313 4. Railway Square Upgrade = \$1,951,397* <p>Total Expenditure = \$3,420,368</p> <p>*(Revenue amount was received prior to 2012-2017 period)</p>

No Decision – Information Item Only

CONFIDENTIAL ITEMS - CLOSED SESSION**129/17 RESOLVED** *(carried unanimously)*

That the meeting move into closed session in order to consider items (ITEM 90/17) No. 13 Appian Way Burwood, Update Report including Proposed Compulsory Easement Acquisition.

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

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 6.49 PM THE PUBLIC AND PRESS EXCLUDED FROM THE MEETING.

CR JOHN FAKER LEFT THE MEETING AT 6:50 PM.

THE DEPUTY MAYOR TOOK THE CHAIR AT 6:50 PM.

CR JOHN FAKER RETURNED TO THE MEETING, THE TIME BEING 6:52 PM.

THE MAYOR TOOK THE CHAIR AT 6:52 PM.

(ITEM 90/17) NO. 13 APPIAN WAY BURWOOD, UPDATE REPORT INCLUDING PROPOSED COMPULSORY EASEMENT ACQUISITION

File No: 17/50334

Summary

This report has been prepared to update Council on a number of issues associated with the property at No. 13 Appian Way especially in relation to the drainage issues on this property since the last Council Report in 16 August 2013, following the relining of the existing 114 year old pipe running through the property.

130/17 RESOLVED *(carried unanimously)*

1. That Council approve the formal process to acquire an easement compulsorily or by agreement over No. 13 Appian Way for the purpose of:
 - a. The creation of a drainage easement in favour of Council, 2.5m wide along the western side of the subject property to the existing boundary pit near the northern boundary of the Property as per 13 Appian Way, Burwood Drainage Diversion Plan or such other easement as may be agreed between the Council and the registered proprietor of No. 13 Appian Way, Burwood.
 - b. The installation of a new 750mm diameter pipe or such other pipe as may be agreed between Council and the registered proprietor of No. 13 Appian Way, Burwood within the subsoil of the easement and running along the western side of the property.
2. That Council delegate power under the *Local Government Act 1993* to the General Manager for the easement negotiation process.

(Moved Councillor George Mannah/Seconded Councillor Heather Crichton)

THE MEETING RESUMED IN OPEN SESSION AT 7.05 PM

QUESTIONS WITHOUT NOTICE

The following Questions Without Notice were submitted at the Meeting:

Cr Lesley Furneaux-Cook

Question 1:

As part of the comprehensive heritage review, while 4 Burleigh Street, the former home of Malcom, George, Angus Young of the Easy Beats/ACDC) was not given heritage status, Council endorsed an investigation of a plaque recognising their home, where is this up to?

Question 2:

Regarding the TV on Burwood Road at the Railway Square, who decides what stations are played as old material is played and do we have a play channel selected?

MAYORAL MINUTE

(ITEM MM12/17) – DEPARTURE BY THE GENERAL MANAGER

131/17 RESOLVED *(carried unanimously)*

The Mayor thanked the General Manager for his efforts and wished him well in his new acting role of General Manager at Dubbo Council.

This concluded the business of the meeting and Council rose at 7.13 pm.

Confirmed this Tuesday 12th December 2017.

MAYOR