



# 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 26 March 2019 commencing at 6.09 pm.

### ATTENDANCE

Councillor John Faker (Mayor)  
Councillor Ernest Chan  
Councillor Heather Crichton  
Councillor Lesley Furneaux-Cook (Deputy Mayor)

Mr B Macdonnell, General Manager  
Mr T Briscese, Deputy General Manager Corporate, Governance & Community  
Ms K Everett, Deputy General Manager Land, Infrastructure & Environment  
Mr B Mortimer, Executive Manager Organisation Development  
Mr J Inglese, Group Manager Assets & Design  
Mr W Armitage, Chief Finance Officer  
Ms J Mockett, Group Manager Customer Service & Records  
Mr H Gavrilis, Group Manager Environment & Health  
Ms M Thorogood, Property Management Co-ordinator  
Mr Simon Fox, Group Manager Community, Library & Aquatic Services  
Ms P Viney, Manager Governance  
Ms R Gerges, Governance Officer

### OPENING OF MEETING BY THE MAYOR

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

### OPEN FORUM

Name	Item
Coty Cortese	Recycling in the Local Government Area

### LEAVE OF ABSENCE

**17/19 RESOLVED** (*carried unanimously*)

Cr Joseph Del Duca, Cr Raj Dixit and Cr George Mannah were granted a leave of absence.

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

### DECLARATIONS OF INTEREST

Councillor J Faker declared a non-pecuniary interest in item 30/19 - 2 & 2A Comer Street Burwood – Proposed Lease to Montessori Academy Group Pty Ltd under the *Local Government Act* as the owner is known to him through the community.

**DECLARATIONS OF POLITICAL DONATIONS**

There were no declarations of political interests by Councillors.

**CONFIRMATION OF MINUTES****18/19 RESOLVED** *(carried unanimously)*

That the minutes of the meeting of the Council of Burwood held on Tuesday 5 February 2019, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

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

**ADDRESS BY THE PUBLIC ON AGENDA ITEMS**

There was no business for this item.

**(ITEM MM1/19) GRAFFITI REMOVAL FROM PRIVATE PROPERTY**

File No: 19/8953

**Summary**

A number of residents have raised concerns regarding the removal of graffiti on private property within the Burwood Local Government Area (LGA).

While Burwood Council has had a long standing graffiti management strategy, I am aware that Council is in the process of reviewing and updating the 2011-2015 Graffiti Management Strategy, before placing it on public exhibition. The updating was interrupted by the possible amalgamation actions.

Burwood Council's strategy has been to focus on the enhancement of the Burwood Local Government area. This has been achieved by minimising the impact of graffiti and vandalism through the rapid removal of graffiti from Council owned land and infrastructure assets, as well as offensive graffiti viewed from public areas.

**Burwood Council's Graffiti Removal Policy is:**

- Remove graffiti from Council buildings and facilities. Generally, removal will take place within 14 days and priority removal for offensive or illicit content takes place within three business days.
- Council will, under special circumstances, remove graffiti off private property that is considered offensive, visible to the public and accessible from Council property.
- It is the responsibility of service and utility providers to remove graffiti off their property and assets.

While Burwood Council actively addresses graffiti and vandalism through its management principles, it is important that strategies remain current and relevant.

I have asked the General Manager to ensure that services to clean graffiti on private property which is exposed to the public, attainable from Council's property and not categorised as offensive in nature are conducted consistent with State law and Council's policy.



**Operational Plan Objective**

1.3.2 Support and implement programs that aim to reduce anti-social behavior

**19/19 RESOLVED** *(carried unanimously)*

1. The General Manager investigates options so Council can remove graffiti from private property legally.
2. The General Manager as a priority completes the updating of the Graffiti Management Strategy to enable implementation by 1 July 2019.
3. The General Manager investigates and reports on possible grants available to councils to offset costs incurred in the removal of graffiti.

**(ITEM MM2/19) TRAFFIC SPEEDS AND PEDESTRIAN SAFETY SURROUNDING PARKS AND RESERVES**

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File No: 19/8956

**Summary**

A recent incident where a young child was struck by a vehicle on a street adjacent a local park (not in Burwood) has raised concern about the level of traffic calming measures surrounding parks within Burwood. I believe an audit should be undertaken of all streets within the Burwood Local Government Area that border onto a local park or reserve, with a view to determining the best method for ensuring pedestrian safety near these areas.

**Operational Plan Objective**

4.1.4 Implement traffic facilities which will enhance road and pedestrian safety

**20/19 RESOLVED** *(carried unanimously)*

The General Manager conducts an audit of all residential streets within the Burwood LGA which border with parks or reserves, with a view to ensuring pedestrian safety within and around these areas. Burwood Police should also be consulted in this regard. A report containing recommendations, costing and timeframes to be provided to Council in the next quarter.

**(ITEM MM3/19) TROLLEY IMPOUNDMENT**


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File No: 19/12523

**Summary**

The matter of abandoned trolleys in the Burwood Local Government area continues to be a prominent issue.

Therefore, based on legal advice provided by Mr Robert White on 25 February 2019 I propose the following:

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1. Council currently has not given any direction to retailers or shopping centre owners under section 96 of the *Protection of the Environment Operations Act 1997*.
  2. Council Enforcement Officers currently have a policy not to impound trolleys that are in a dangerous location such as a roadway, obstructing walkways or public access ways.

3. The current Council policy for impoundment and infringement of trolleys provides a process of labelling trolleys, notifying the retailer and then allowing three days' notice before the trolleys are impounded and infringed. This process is not solving the problem. The law states that Council must provide a reasonable time for trolley operators to pick up their trolleys. Hence, the current three day allowance is a policy position of Council's internal Compliance and Enforcement department. The observation that this policy is failing can be seen from the increase amount of abandoned trolleys within our local government streets.
4. Retailers have a daily service of collecting abandoned trolleys which is clearly not solving the problem.

**21/19 RESOLVED** (*carried unanimously*)

1. Council consult with our solicitors to:
  - a. begin the process of section 96 of the *Protection of the Environment Operations Act 1997* and to provide direction to local retailers to install electronic restriction devices to shopping trolleys (locks on wheels of trolleys).
  - b. to allow trolley collection services to park and collect trolleys in restricted parking areas.
2. Council have Council Enforcement Officer's immediately impound trolleys that are in a dangerous location such as a roadway, obstructing walkways or public access ways.
3. Council modify the current Council policy for impoundment and infringement of trolleys from three days' notice to 36 hours and to provide notification after 30 days of impoundment.
4. Council raise the matter with Local Government NSW as this is a metropolitan issue.
5. Council write to the State Member notifying them of Council's resolution to raise a Parliamentary Bill and to raise this issue at the National Local Government Conference as a motion.

**NOTICES OF MOTION**

**(ITEM NM2/19) COMPLIANCE REVIEW WORKING GROUP**

File No: 19/10078

**Councillor Heather Crichton to move that:**

Increasingly I have been receiving representations from our residents about our compliance and enforcement practices, in particular in relation to the level of customer service related to such activities.

I believe that, instead of dealing with the growing number of regular complaints and representations from residents, a more strategic approach for Council to adopt is to undertake a thorough review of our compliance policies and procedures, with the intent of identifying ways to better align our practices with our Community Strategic Plan and community expectations.

I therefore recommend that Council approve the establishment of a Council Compliance Review Committee, comprising the Mayor and two Councillors, with the purpose of reviewing all compliance and regulatory enforcement related policies, corporate practices, procedures and guidelines, and potentially recommend amendments.

Given the complexity of the area of review, I would like to recommend that such a Review Committee be briefed and supported by relevant staff members, and that any review be conducted with clear identification of legislative frameworks, State policies and a comprehensive risk assessment.

Additionally I would like to recommend that any changes the Review Committee might recommend should be considered through Council's established processes for policy development and approval; and that a review of such potential amendments be conducted also by Council's Audit Risk and Improvement Committee, to provide a further layer of control and probity.

## **22/19 RESOLVED**

1. Council establish a Council Compliance Review Committee.
2. Two councillors be nominated to be part of the Review Committee, in addition to the Mayor.
3. Relevant staff be involved in briefing the Review Committee, in relation to applicable legislation, policies, corporate practices, procedures and guidelines.
4. Relevant staff conduct a risk assessment on any potential changes recommended by the Review Committee.
5. Any revised policy or procedure be reviewed through Council's established processes for policy development and approval.
6. Any revised policy or procedure be presented to Council's Audit Risk and Improvement Committee for comment and that matters for review be considered in a timely manner.
7. That Councillors Heather Crichton, George Mannah and the Mayor be appointed as Committee members.

(Moved Councillor Heather Crichton/Seconded Councillor Ernest Chan)

## **GENERAL BUSINESS**

### **(ITEM 14/19) PLANNING PROPOSAL TO AMEND CLAUSE 6.2(5) OF THE BURWOOD LOCAL ENVIRONMENTAL PLAN 2012 - DEFINITION OF FLOOD PLANNING LEVEL**

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File No: 19/4403

#### **Summary**

Council commissioned four Draft Overland Flood Studies that cover the Burwood Local Government Area (LGA). These studies were reported to Council on 26 June 2018, when it was resolved that a Planning Proposal (PP) be prepared to amend the flooding clause in the Burwood Local Environmental Plan 2012 (BLEP), for submission to the Department of Planning and Environment (DPE) for a Gateway Determination.

The PP was reported to the Burwood Local Planning Panel (BLPP) meeting of 13 November 2018. The BLPP recommended that the PP proceed to Gateway. In accordance with the relevant Ministerial Direction, this report seeks Council's consideration of the BLPP's advice. This report recommends that Council reiterate its earlier resolution to progress the PP.

### Operational Plan Objective

3.4.3 Environmentally sustainable developments which reduce impacts on the environment.

## 23/19 RESOLVED *(carried unanimously)*

1. That Council note the Burwood Local Planning Panel's advice concerning the Planning Proposal.
2. That Council reiterate its earlier resolution to submit the Planning Proposal to amend the flooding clause in the Burwood Local Environmental Plan 2012 to the Department of Planning & Environment for a Gateway Determination.
3. That Council reiterate its earlier resolution to place the Planning Proposal on public exhibition in accordance with the Gateway Determination, and report the outcomes of the public exhibition back to Council.

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

Councillors Heather Crichton and Ernest Chan 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 Crichton	
Councillor Chan	
Councillor Furneaux-Cook	
<b>Total (4)</b>	<b>Total (0)</b>

## (ITEM 15/19) INVESTIGATION OF POSSIBLE CHANGES TO THE DEFINITION OF FLOOR SPACE FOR DEVELOPMENT IN THE BURWOOD TOWN CENTRE

File No: 18/42544

### Summary

The current definition of Gross Floor Area (GFA) under the Burwood Local Environmental Plan 2012 (BLEP), as used in GFA calculations for development in the Burwood Town Centre (BTC) has been reviewed, in consideration of the possible exclusion of the following in new developments:

- 
- a. Hallways and walkways
  - b. Facilities such as gyms, common or music rooms
  - c. Car share parking spaces
  - d. Common rooms
  - e. Visitor parking

This report provides the outcome of the investigation into changing the definition of GFA

and recommends that, in relation to car share parking spaces, that this issue be addressed through the review and amendment of the Burwood Development Control Plan (BDCP) rather than the BLEP.

### **Operational Plan Objective**

5.1.3 - Encourage mixed use buildings – commercial and residential to maximise use of buildings in the Town Centre

#### **24/19 RESOLVED** *(carried unanimously)*

1. That Council notes the advice that no further action be taken regarding changing the definition of Gross Floor Area in the Burwood Local Environment Plan 2012, consistent with preliminary advice from NSW Department of Planning & Environment.
2. That the Burwood Development Control Plan be amended to include provisions requiring the supply of car share parking spaces and common rooms such as music and study rooms for certain developments in the Burwood Town Centre and Strathfield Town Centre.
3. That the current practice of monitoring the use of common rooms and visitor parking spaces in response to complaints continue.

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

#### **(ITEM 16/19) BUDDHIST VESAK DAY CELEBRATION, BURWOOD PARK**

File No: 19/4112

### **Summary**

The Chinese Buddhist Association of NSW Inc. has requested to hold a Buddhist Vesak Day Celebration event to celebrate the birth of Buddha in Burwood Park on Sunday, 19 May 2019.

The Organisation has also requested that Council assist with a donation to cover fees associated with the use of Burwood Park, including park hire fees, Council officers' costs and garbage removal costs.

#### **25/19 RESOLVED** *(carried unanimously)*

1. That Council donates \$3,932.00 from the Council Annual Donation Fund for Events and Initiatives, to the Chinese Buddhist Association of NSW Inc to cover fees associated with the use of Burwood Park for the Buddhist Vesak Day Celebration event to be held on Sunday, 19 May 2019.
2. That the location of the event be moved further back into the park away from the Memorial Arch.

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

#### **(ITEM 17/19) UPDATE ON WOODSTOCK REACTIVATION PLAN**

File No: 19/5943

### **Summary**

The Woodstock Reactivation Plan is aimed at improving the long term functionality and activation of the Woodstock Community Centre and Park (Woodstock). The Plan is submitted to Council for formal adoption and to extend the trial period of the Council initiatives.

### **Operational Plan Objective**

1.1.1 Provide a diverse range of strategies and initiatives that meet the needs of the community

#### **26/19 RESOLVED** *(carried unanimously)*

1. That Council adopt the final Capital Works Master Plan drawing for Woodstock.
2. That Council extends the trial of Mobile Play Van in its current format until the end of term two, 30 June 2020.
3. That Council extends the trial of Weekend Markets at Woodstock until 31 December 2019 to gauge interest from the community and providers.
4. That Council extends the trial of "Pop Up" food events at Woodstock until 31 December 2019 to gauge interest from the community and providers.

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

#### **(ITEM 18/19) ADOPTION - REVISED HIRE OF COMMUNITY FACILITIES POLICY**

File No: 19/7095

### **Summary**

Burwood Council owns and operates facilities which are available for use and hire by the community. The Hire of Community Facilities Policy provides guidance for staff and potential hirers to assess the grounds for Council awarding concessional hire to applicants and establishes common guidelines for the usage of Council facilities.

Compliance with the Policy ensures that there is flexibility and an opportunity for individuals, groups and organisations to be able to access the premises for various social, cultural, recreational and leisure activities that benefit the community.

The Policy has been reviewed to improve accessibility by senior groups and local community groups and is now presented for review and approval.

### **Operational Plan Objective**

1.1.4 Provide initiatives and facilities that encourage community participation and promote a healthy and harmonious lifestyle

#### **27/19 RESOLVED** *(carried unanimously)*

1. That Council adopts the revised Hire of Community Facility Policy.
2. That for a twelve month period, Council trials a variation in the requirement for 'Category C' (Burwood Community Groups), whereby the minimum participants that must be residents of Burwood LGA is to be reduced from 65% to 50%.

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

**(ITEM 19/19) ADOPTION - DRAFT CODE OF CONDUCT AND THE ADMINISTRATION OF THE CODE OF CONDUCT**

File No: 19/2425

**Summary**

On 18 December 2018 (circular 18-44) the Office of Local Government (OLG) issued the new Model Code of Conduct (the Model Code) and procedures for the administration of the Code of Conduct. Council is required to have its new Code, based on the prescribed Model Code and Procedures, in place by 14 June 2019.

The draft Code of Conduct and the Procedures for the Administration of the Code of Conduct are now submitted to Council for adoption.

**Operational Plan Objective**

2.1.3 Ensure transparency and accountability in decision making

**28/19 RESOLVED** *(carried unanimously)*

That Council adopts the draft Code of Conduct and the Procedures for the Administration of the Code of Conduct.

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

**(ITEM 20/19) ADOPTION - DRAFT CODE OF MEETING PRACTICE AND ADOPTION - REVISED COUNCILLOR INDUCTION, BRIEFINGS AND WORKSHOPS POLICY**

File No: 19/2433

**Summary**

The Office of Local Government (the Office) issued the new Model Code of Meeting Practice for Local Councils in NSW (the Model Code) on 18 December 2018 (circular 18-45). Council is required to have the new Model Code in place by 14 June 2019.

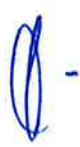
The draft Code of Meeting Practice (the draft Code) is now submitted to the Council for endorsement prior to placement on public exhibition.

The Councillor Induction, Briefings and Workshops Policy has also been reviewed in line with the Model Code and is also submitted to the Council for endorsement.

**Operational Plan Objective**

2.1.3 Ensure transparency and accountability in decision making

**29/19 RESOLVED** *(carried unanimously)*

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1. That Council endorse the draft Code of Meeting Practice for placement on public exhibition in line with the requirements of Section 361 of the *Local Government Act 1993*.
  2. That at the expiration of the 42 days, after the public comment period, a further report be tabled to Council for the adoption of the draft Code of Meeting Practice including the revised Councillor Induction, Briefings and Workshops Policy.

(Moved Deputy Mayor Lesley Furneaux-Cook/Seconded Councillor Heather Crichton)  
**(ITEM 21/19) NEW COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT REQUIREMENTS - CIRCULAR OFFICE OF LOCAL GOVERNMENT**

File No: 19/3543

**Summary**

On 18 December 2018 the Office of Local Government (OLG) issued a Circular (No. 18-46) which supports the amendments made to the *Local Government Act 1993* (the Act) by the *Local Government Amendment (Governance and Planning) Act 2016* in August 2016. Councillors now have the responsibility under Section 232 of the Act "to make all reasonable efforts to acquire and maintain the skill necessary to perform the role of a Councillor".

The OLG has prepared guidelines under Section 23A of the Act (Councillor Induction and Professional Development Guidelines) to assist councils with the development and delivery of induction and ongoing professional development activities for their Mayor and Councillors in compliance with the *Local Government (General) Regulation 2005* (the Regulation).

This report seeks Council's adoption of the Draft – Councillor Induction and Professional Development Policy as required by the Guidelines.

**Operational Plan Objective**

2.5.1 Provide strong leadership and advocacy on behalf of the community

**30/19 RESOLVED** *(carried unanimously)*

1. That Council adopts the draft – Councillor Induction and Professional Development Policy.
2. That Council allocates an annual budget to support the Induction and Professional Development Program.

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

**(ITEM 22/19) APPOINTMENT - CODE OF CONDUCT REVIEWERS - SOUTHERN SYDNEY REGIONAL ORGANISATION OF COUNCILS (SSROC) INCORPORATED**

File No: 19/2603

**Summary**

In December 2018 the Office of Local Government (the OLG) issued a new Model Code of Conduct (Model Code) together with the Procedures for the Administration of the Code of Conduct (Circular No. 18-44).

In line with the new Model Code councils are required to review their existing panels of conduct reviewers if they have not done so in the past for years. Burwood Council last appointed their Panel in 2013.

Southern Sydney Region of Councils (SSROC) called for Expressions of Interest (EOI) to review and reappoint a regional panel of Code of Conduct Reviewers with a range of skills that can meet the requirements. Burwood Council joined the EOI and Council is now being requested to appoint the Panel.

**Operational Plan Objective**

2.1.3 ensure transparency and accountability in decision making

**31/19 RESOLVED** *(carried unanimously)*

1. That Council receives and notes the recommendations from SSROC for the appointment of the Panel of Code of Conduct Reviewers.
2. That Council accepts the preferred suppliers listed below as the successful Preferred Suppliers for the Panel of Code of Conduct Reviewers, for a period of four years with no additional options:

Centium Group (Phil O'Toole)
Nemesis Consulting (Peter Moroney)
O'Connor Marsden (Andrew Marsden)
PKF Forensic & Risk (Wayne Gilbert)
Prevention Partners (Monica Kelly)
SINC Solutions (Kath Roach)
Train Reaction (Kathleen Thane)

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

**(ITEM 23/19) BUDGET REVIEW FOR QUARTER ENDING 31 DECEMBER 2018**

File No: 19/2328

**Summary**

The 2018-2019 Budget was adopted at the Council Meeting held on 26 June 2018 with a surplus of \$56,593. 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 2018, 2018-19 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 \$34,534 as at 31 December 2018 compared to the revised adopted forecast surplus of \$8,391 as at 30 September 2018 which was adopted at the November 2018 Council Meeting. The reasons for the net increase of \$26,143 are outlined in the report.

**Operational Plan Objective**

2.3.1 Identify and maintain additional revenue sources to ensure financial sustainability

**32/19 RESOLVED** *(carried unanimously)*

1. That the Budget Review Statement of the 2018-2019 Budget as at 31 December 2018, 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 2018-2019 surplus of \$34,534, 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 Heather Crichton)

#### **(ITEM 24/19) INVESTMENT REPORT AS AT 31 JANUARY 2019**

File No: 19/5222

##### **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*.

#### **33/19 RESOLVED** *(carried unanimously)*

1. That the investment report for 31 January 2019 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

(Moved Councillor Heather Crichton/Seconded Councillor Ernest Chan)

#### **(ITEM 25/19) INVESTMENT REPORT AS AT 28 FEBRUARY 2019**

File No: 19/8533

##### **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*.

#### **34/19 RESOLVED** *(carried unanimously)*

1. That the investment report for 28 February 2019 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

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

#### **(ITEM 26/19) LOCAL GOVERNMENT ELECTION - SEPTEMBER 2020**

File No: 19/7039

##### **Summary**

Council resolved at its meeting of 5 February 2019 to appoint the NSW Electoral Commission to conduct its September 2020 Election.

Since then Council received a circular (19-02) from the Office of Local Government (OLG) in relation to the administration of the September 2020 elections. The circular notifies Councils that the Government has appointed the Independent Pricing and Regulatory Tribunal (IPART) to conduct a review of the costs of running local government elections in NSW. The circular also provides for an extension of the deadline for councils to make a decision on the administration of their elections.

**Operational Plan Objective**

2.1.3 Ensure transparency and accountability in decision making

2.2.2 Develop strategic partnerships that will benefit the area and community

**35/19 RESOLVED** *(carried unanimously)*

1. That Council receives and notes this report.
2. That a further report be tabled to Council on the receipt of the IPART report and further direction by the Minister.

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

**(ITEM 27/19) 2019 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - CANBERRA**

File No: 19/8740

**Summary**

This report is to inform Council that the 2019 National General Assembly of Local Government (NGA19) will be held at the National Convention Centre in Canberra from 16 to 19 June 2019. Council may nominate one Voting Delegate, and Council is requested to consider the delegate and nominated observers to attend the NGA19.

The theme for the NGA19 is "Future Focused" to mark the 25<sup>th</sup> anniversary celebrating past achievements whilst firmly focused on the future.

NGA19 this year will consider what councils can do today to get ready for the challenges, opportunities and changes that pave the path ahead.

**Operational Plan Objective**

2.5.1 Provide strong leadership and advocacy on behalf of the community.

**36/19 RESOLVED** *(carried unanimously)*

1. That Council nominate the Mayor, or the Deputy Mayor, as the Voting Delegate for the 2019 National General Assembly of Local Government (NGA19) to be held from 16 to 19 June 2019 in Canberra.
2. That Council determines the attendance of Councillors and the General Manager as observers at the 2019 National General Assembly of Local Government (NGA19) from 16 to 19 June 2019 in Canberra.
3. That Councillors confirm to the General Manager by 12 April 2019 of their availability to attend.

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

**INFORMATION ITEMS****(ITEM IN7/19) PETITIONS**

File No: 19/7210

**Summary**

Petitions received are reported to Council on a monthly basis. Council has received one Petition since the November 2018 Council Meeting.

**Operational Plan Objective**

2.1.1 Provide opportunities for discussions and report decisions back to the community

**Background**

<b>Date Received</b>	<b>Petition Subject</b>	<b>No. of Households and Businesses within the LGA</b>	<b>No. of Households outside the LGA</b>	<b>Responsible Council Division</b>
21 January 2019	Residents objecting to BD.2018.133 for a five storey mixed use development at 197-197A Burwood Road Burwood	4	0	Land, Infrastructure and Environment

**Comments**

That Council notes that the Petition has been referred to the appropriate Council Officers for attention.

**No Decision – Information Item Only****(ITEM IN8/19) ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCIL MEETING OF 5 FEBRUARY 2019**

File No: 19/7301

**Summary**

At the Council Meeting of 5 February 2019 the following Questions without Notice (QWN) were submitted by Councillors. Council Officers responded to the QWN and Councillors were notified on 13 February 2019 of the outcome of the QWN.

**Operational Plan Objective**

2.1.3 Ensure transparency and accountability in decision making.

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

QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 5 FEBRUARY 2019	
Question	Response
<p><u>Councillor Joseph Del Duca</u></p> <p><b>Question 1:</b></p> <p>Can the Council be provided with a summary of previous conversations (last electoral cycle) between Council, Westfield, Coles and Woolworths in relation to the abandoned shopping trolleys?</p>	<p><u>Group Manager Compliance</u></p> <p>Council conducted several meetings with relevant trolley stakeholders trying to resolve the issue of trolleys being left on public roadways. The objective of the meetings was to obtain assistance from relevant trolley stakeholders in preventing the trolleys from leaving the shopping complex. The meetings were conducted between August 2017 and October 2017 and involved: The Mayor of Burwood, Burwood Council's General Manager, Burwood Council officers, and representatives from Coles, Woolworths, Westfield, Burwood Plaza and trolley collecting agencies. The meetings were discontinued as it became evident that the relevant trolley stakeholders (Coles, Woolworths, Westfield and Burwood Plaza) did not believe a firm enforcement would be the most beneficial strategy in relation to their customers' experience. As a result, Council opted to commence formal enforcement in December 2017.</p> <p>Other actions undertaken by Council to prevent the activity prior to enforcement include:</p> <ol style="list-style-type: none"> <li>1. 5000 informational letters sent to local residents living within the vicinity of the shopping centres</li> <li>2. Media articles in local papers such as the Inner West Courier, as well as a Daily Telegraph article featuring the Mayor and the State Member for Strathfield, in December 2018</li> <li>3. Relevant Trolley owners were given a "hotspot" list of known locations where trolleys are dumped in an effort for trolley collectors to conduct more frequent patrols</li> <li>4. Leaflets were handed to customers outside Westfield educating and informing shoppers to not dump trolleys on roadways and report people committing the act</li> <li>5. A letter was sent to four State Ministers seeking legislative amendments.</li> </ol>

<p><b><u>Councillor George Mannah</u></b></p> <p><b>Question 1:</b></p> <p>What can Council do to clean up existing graffiti from private buildings, State Government structures, Ausgrid, etc. i.e. on telegraph poles, traffic lights, railway bridge and other structures and shops etc in our centre?</p>	<p><b><u>Group Manager Operations</u></b></p> <p>Council is not authorised to remove graffiti from structures owned by other authorities such as Ausgrid, Roads &amp; Maritime Services and Sydney Trains. Council reports graffiti on other authorities' assets via their online reporting tools and via VandalTrak. Council has been advised previously that graffiti around road ways and train lines present access and safety issues, which is why it can take time for removal to occur.</p>
<p><b><u>Councillor George Mannah</u></b></p> <p><b>Question 2:</b></p> <p>What is the timeframe to clean graffiti reported on Council structures and other government agencies and non-government agencies, structures and private buildings?</p>	<p><b><u>Group Manager Operations</u></b></p> <p>The average turnaround time for the removal of graffiti from Council structures is seven days, unless it is deemed offensive, in which case it is removed within 24 hours of notification or observation.</p> <p>Council sought legal advice on the possibility of removing graffiti from privately owned homes and businesses in 2018. The advice received was that Council would be liable for any damage caused to brick work or paint work, regardless of whether the building owner consented to Council undertaking the cleaning works. Therefore, it is not considered advisable for Council to remove graffiti from structures that are not Council owned. Council is still working with its legal team to ascertain whether it is possible to produce an indemnity document for property owners to release Council from liability for inadvertent damage caused by the cleaning process. It cannot be confirmed whether this will be possible at this time.</p> <p>In good faith, Council does remove offensive graffiti from private property that is accessible from a public place, despite the liability risk. These removals are undertaken as quickly as possible (timeframe dependent on the matching of paint colours etc).</p>
<p><b><u>Councillor Heather Crichton</u></b></p> <p><b>Question 1:</b></p>	<p><b><u>Group Manager Strategic Planning, Heritage &amp; Place Planning</u></b></p>

<p>Has the General Manager considered implementing a peer review for the determination of our paint colour schemes for heritage properties?</p>	<p>A Councillor workshop on a number of Heritage items is scheduled for 23 April 2019. The topic of paint colours and schemes permitted on Heritage listed items and in Heritage Conservation Areas will be included.</p>
<p><b><u>Councillor Lesley Furneaux-Cook</u></b></p> <p><b>Question 1:</b></p> <p>Enfield Pool – please clarify if a Senior's Card is accepted as a concession to entry given that neighbouring Councils do? i.e Inner West/Canterbury.</p>	<p><b><u>Group Manager Community, Library and Aquatic Services</u></b></p> <p>Valid NSW Seniors Card and/or Centrelink issued Aged and Disability Pension cards are accepted for Pensioner Concession admission to the Enfield Aquatic Centre (EAC).</p>
<p><b><u>Councillor Lesley Furneaux-Cook</u></b></p> <p><b>Question 2:</b></p> <p>A resident has reported incidents of cars dropping off passengers at Burwood Station, exiting Deane Street against the one-way direction. Does Council patrol this area at morning peak hour?</p>	<p><b><u>Group Manager Compliance</u></b></p> <p>Council's Compliance Officers do patrol this location during the stated period, however, Council is only delegated to enforce parking offences. Vehicles driving down the street in the wrong direction is a traffic offence and the Police are the regulatory authority for these offences. Council has informed Burwood Police of the complaint with a request for increased patrols.</p>
<p><b><u>Councillor Lesley Furneaux-Cook</u></b></p> <p><b>Question 3:</b></p> <p>What communication strategies does Council have/use to highlight the maintenance of local Council nature strips and does Council communicate to investors (not owners) regarding the maintenance of local Council nature strips?</p>	<p><b><u>Group Manager Operations</u></b></p> <p>Burwood Council provides lawn mowing services to aged pensioners, people with medical conditions that prevent them from undertaking the task, and residents of homes with no other areas of lawn. Residents on corner blocks with two nature strips are also eligible for Council to mow the larger of the two nature strips.</p> <p>Council relies on the community spirit of residents to mow their nature strips so that Council resources can be directed to those who most need the service. This is an approach followed by the majority of Australian Councils use the same (or similar) approach, being that those who can are expected to mow their nature strips.</p>

	Council writes to residents in response to complaints about unkempt nature strips, however, this reactive correspondence is currently the only form of communication on this issue, given that it is a typical expectation Australia-wide.
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**No Decision – Information Item Only****CONFIDENTIAL ITEMS - CLOSED SESSION****37/19 RESOLVED** *(carried unanimously)*

That the meeting move into closed session in order to consider items 28/19, 29/19 and 30/19.

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

**(ITEM 28/19) SSROC REGIONAL MATTRESS COLLECTION CONTRACT**

File No: 18/43284

*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.*

**(ITEM 30/19) 2 & 2A COMER STREET BURWOOD - PROPOSED LEASE TO MONTESSORI ACADEMY GROUP PTY LTD**

File No: 19/4238

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

**(ITEM 29/19) TENDER FOR DOMESTIC KERBSIDE COLLECTION OF WASTE, RECYCLING, GARDEN WASTE AND CLEAN UP SERVICES**

File No: 19/9489

*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.*

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 7.45 PM THE PUBLIC AND PRESS EXCLUDED FROM THE MEETING.

CR JOHN FAKER LEFT THE MEETING, THE TIME BEING 7:46 PM

CR JOHN FAKER RETURNED TO THE MEETING, THE TIME BEING 7:47 PM

THE MEETING RESUMED IN OPEN SESSION AT 8.50 PM

**(ITEM 28/19) SSROC REGIONAL MATTRESS COLLECTION CONTRACT**

File No: 18/43284

*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.*

**Summary**

Council has participated in a tender process with the Southern Sydney Region of Councils (SSROC) for the collection and recycling of mattresses and the results are now presented to Council for acceptance of the recommended preferred suppliers.

**Operational Plan Objective**

3.2.2 Identify emerging waste management solutions – Actively seek and identify new processes and technology

3.2.3 Ensure a community wide increase in recycling and reduction in landfill

**38/19 RESOLVED** *(carried unanimously)*

1. That Council receives and notes the tender recommendation report from the Southern Sydney Region of Councils for the provision of mattress collection and processing services.
2. That Council accept the preferred suppliers, being:
  - Community Resources Limited trading as Soft Landings and
  - Renewable EnergyCorp Australia

as the successful tender respondents for the provision of mattress collection and processing services, for a period of three years with an option for two extensions of one year each.

3. That the General Manager be authorised to sign the preferred supplier commissioning agreement on behalf of Council (dependent on the final analysis of Council's waste contract tender).

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

**(ITEM 30/19) 2 & 2A COMER STREET BURWOOD - PROPOSED LEASE TO MONTESSORI ACADEMY GROUP PTY LTD**

File No: 19/4238

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

### **Summary**

To seek a determination from Council in respect to the leasing of 2 and 2A Comer Street Burwood to Montessori Academy Group Pty Ltd.

### **Operational Plan Objective**

2.3.1 Identify and maintain additional revenue sources to ensure financial sustainability

#### **39/19 RESOLVED** *(carried unanimously)*

1. Council acknowledges that extenuating circumstances within Section 55(3)(i) of the Local Government Act exist in dealing with this matter, based on Council's legal advice.
2. Council wishes to obtain further advice in respect of the possibility of MAG surrendering existing Lease 1 and proposing a new lease of premises 1 to match the lease term contained in Lease 2. Council believes extenuating circumstances under section 55(3)(i) would apply to the new lease as MAG is the lessee of the remaining portion of the premises pursuant to Lease 2. However Council is concerned to ensure it is not in breach of section 46A(3) of the Local Government Act and will instruct its legal representative to request MAG provide advice from senior counsel (at the expense of MAG) as to whether the provisions of Section 46A(3) and Section 55(3)(e) of the Local Government Act prevent the operation of section 55(3)(i) in relation to a lease of the subject premises which are community classified.
3. Council staff to further investigate safety nets to be built into any extended lease of the existing child care centre to maintain and make good the centre on termination of any lease.
4. That the matter be reported to Council at a further Council meeting.

*(Moved Councillor Heather Crichton/Seconded Councillor Ernest Chan)*

#### **(ITEM 29/19) TENDER FOR DOMESTIC KERBSIDE COLLECTION OF WASTE, RECYCLING, GARDEN WASTE AND CLEAN UP SERVICES**

File No: 19/9489

*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.*

### **Summary**

This report summarises the tender process undertaken in relation to the tender for domestic kerbside collection of waste, recycling, garden-waste and clean up services. It recommends that Council accept the tender from JJ Richards and Son in the amount specified in their tender submission, commencing 1 July 2019.

#### **40/19 RESOLVED** *(carried unanimously)*

1. That in relation to tender number T002-2018 for Domestic Kerbside Collection Services, the tender from JJ Richards and Son at the cost specified in their tender submission be accepted.
2. That the unsuccessful tenderers be advised of Council's decision.
3. That a letter of thanks be sent to Cleanaway for their service in managing waste collection in the past.
4. That authority is granted to the General Manager to sign the tender contract and any related documentation.

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

**CR JOHN FAKER LEFT THE MEETING, THE TIME BEING 8:53 PM**

**CR JOHN FAKER RETURNED TO THE MEETING, THE TIME BEING 08:56 PM**

### **QUESTIONS WITHOUT NOTICE**

The following Questions Without Notice were submitted at the Meeting:

#### **Cr Lesley Furneaux-Cook**

##### **Question 1:**

Does Council investigate (audit) resident bins and put stickers indicating if they are a recycling problem? Do staff have a list available of what can and can't be recycled for their information and that can be emailed to residents? Does Council communicate the recycling program in community languages?

##### **Question 2:**

What are the protocols for investigating alleged boarding houses that are raised by residents in objections to developments including those considered by Burwood Local Planning Panel?

##### **Question 3:**

Can Compliance Officers investigate the Kiddie Kapers signage on Burwood Girls fencing and in The Strand, which has not been removed?

#### **Cr Heather Crichton**

##### **Question 1:**

How do our residents find their way to our "Waste App", and where is it advertised? Is it referenced on Council's website?

##### **Question 2:**

The Healthy Communities Report published by the Australian Government in June 2017, reported postcode 2134 (being Burwood and Burwood North) as having the second lowest immunisation rates for five year olds in Australia. Can Council seek an update from our State Member and Minister for Health, asking how our immunisation rates for five year olds are tracking and what measures have been adopted locally to raise these rates?

This concluded the business of the meeting and Council rose at 8.58 pm.

Confirmed this Tuesday 16 April 2019.



**MAYOR**