



**Burwood** Inc.1874

Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

MINUTES OF THE EXTRAORDINARY MEETING OF THE COUNCIL OF BURWOOD held electronically on Monday 7 September 2020 commencing at 4:00pm.

**ATTENDANCE** Councillor John Faker (Mayor)  
Councillor Heather Crichton  
Councillor Joseph Del Duca  
Councillor Raj Dixit  
Councillor Lesley Furneaux-Cook  
Councillor George Mannah (Deputy Mayor)

Mr T Briscese, General Manager  
Mr P Brown, Acting Deputy General Manager Corporate, Governance and Community  
Mr M Jenner, Acting Deputy General Manager Land, Infrastructure and Environment  
Mr F Zincone, Group Manager - IT  
Mr H Gavrilis, Group Manager Environment and Health  
Ms T Whitmarsh, Consultant – Governance Specialist  
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**

There was no business for this item.

#### **APOLOGIES**

**93/20 RESOLVED** (*carried unanimously*)

Councillor Chan is an apology to the meeting.

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

#### **DECLARATIONS OF INTEREST**

There were no declarations of interests by Councillors.

#### **DECLARATIONS OF POLITICAL DONATIONS**

There were no declarations of political interests by Councillors.

#### **GENERAL BUSINESS**

**(ITEM 92/20) CLARIFICATION OF GENERAL MANAGER'S DELEGATIONS BY EXCEPTION AND RATIFICATION OF DECISIONS MADE BY GENERAL MANAGER**

File No: 20/42103

### **Summary**

This report aims to have the Council:

1. Clarify and confirm that the effect of each of the General Manager's Delegations and the General Manager's Delegations by Exception is that they list the functions of the Council that are not delegated to the General Manager and delegate all other functions of the Council to the General Manager;
2. Confirm that each of the General Manager's Delegations and the General Manager's Delegation by Exception were made pursuant to Section 377(1) of the *Local Government Act 1993 (the Act)*; and
3. Ratify, to the extent necessary, all decisions made by the General Manager pursuant to the General Manager's Delegations and the General Manager's Delegations by Exception as authorised by those delegations.

### **Operational Plan Objective**

- 2.1 - Community confidence in Council's decision making.
- 2.1.3 - Ensure transparency and accountability in decision making.

### **94/20 RESOLVED** *(carried unanimously)*

1. That the Council resolve to confirm that the effect of each of the General Manager's Delegations and the General Manager's Delegations by Exception endorsed or approved by the Council on 26 August 2013, 23 March 2015, 6 February 2018 and 24 September 2019 is that they list the functions of the Council that are not delegated to the General Manager and delegate all other functions of the Council to the General Manager.
2. That the Council resolve that each of the General Manager's Delegations and the General Manager's Delegations by Exception endorsed or approved by the Council on 26 August 2013, 23 March 2015, 6 February 2018 and 24 September 2019 were endorsed or approved pursuant to subsection 377(1) of the *Local Government Act 1993*.
3. That the Council resolve to ratify, to the extent necessary, all decisions made by the General Manager or Acting General Manager, of the Council pursuant to each of the General Manager's Delegations and the General Manager's Delegations by Exception endorsed or approved by the Council on 26 August 2013, 23 March 2015, 6 February 2018 and 24 September 2019 as authorised by those delegations.

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

### **CONFIDENTIAL ITEMS - CLOSED SESSION**

### **95/20 RESOLVED** *(carried unanimously)*

That the meeting move into closed session in order to consider item 93/20 – Contract between Burwood Council and VISY Recycling – Determination of Discrepancy or Inconsistency in Contract.

(Moved Councillor Joseph Del Duca / Seconded Councillor Lesley Furneaux-Cook)

**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 4:03PM AND THE PUBLIC EXCLUDED FROM THE MEETING.

THE MEETING RESUMED IN OPEN SESSION AT 4:12PM.

**MOTION**

**96/20 RESOLVED** (*carried unanimously*)

That Council move back into open session of the Council Meeting.

(Moved Councillor Raj Dixit / Seconded Councillor Joseph Del Duca)

**(ITEM 93/20) CONTRACT BETWEEN BURWOOD COUNCIL AND VISY RECYCLING - DETERMINATION OF DISCREPANCY OR INCONSISTENCY IN CONTRACT**

File No: 20/41720

*That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (g) of the Local Government Act, 1993, as the matter involves advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

**97/20 RESOLVED** (*carried unanimously*)

That the Council resolve to make a determination for the purpose of the Contract of Supply between Burwood Council and Visy Paper Pty Ltd atf The Southern Converters Trust dated October 2013 (**the Contract**) as follows:

- (a) Pursuant to clause 1.3.3 of the Contract, the discrepancy or inconsistency in the words "... at least that period stated in the Annexure..." in the second sentence of clause 2.2.3 of the Contract and the Annexure, is resolved by Council determining that those words are referring to the period for which the Contract may be extended in the Annexure to the Contract; and
- (b) Pursuant to clause 1.3.3 of the Contract, the discrepancy or inconsistency between clause 2.2.3 and the words "*The period prior to expiration of the initial Contract Term by which notice of extension must be given: Three months*" in the Annexure, is resolved by Council determining that clause 2.2.3 has precedence or priority over those words in the Annexure, so that notice of Council's intention to extend the operation of the Contract is to be given at any time prior to the expiration of the Initial Contract Term ie. by 30 September 2020.

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

This concluded the business of the meeting and Council rose at 4:15pm.

Confirmed this Tuesday 22 September 2020.



**MAYOR**