COUNCIL MEETING

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF BURWOOD held at the Council Chambers, First Floor, 2 Conder Street, Burwood, on Tuesday, 28 October 2003 commencing at 6.17pm.

ATTENDANCE
Councillor Chris Christogeorge (Deputy Mayor)
Councillor John Faker
Councillor Lesley Furneaux-Cook
Councillor David Weiley (Mayor)
Councillor Teresa West
Councillor Ernest Wong

Mr P Romano, General Manager
Mr C Clissold, Director Technical Services & Operations
Mr I Dencker, Director Planning & Environment
Ms J Hartshorn, Executive Manager - Administration
Mr L Hullick, Director Business and Corporate Services
Mr C Raneri, Manager Strategic Planning
Mr M Tse, Executive Manager – Finance
Mr D Baird, Maddocks Lawyers (legal advisor in relation to General Business Item 68)

OPENING OF MEETING

The Mayor opened the meeting with a Prayer.

OPEN FORUM

The following persons addressed the Council:

- Reverend Bill Zaydan (from the Faith Baptist Church) – seeking Council support for an upcoming community development project (and distributed correspondence at the meeting in relation to the project).
- Mr B Lloyd (resident/ratepayer) and Ms A Feilen (resident/ratepayer) addressed the Council in relation to General Business Item 69 later in the meeting (see page 9 of these Minutes).
APOLOGIES

An apology for unavoidable absence from the meeting and request for leave of absence from all meetings from 28 October 2003 until the first scheduled meeting in 2004 was received from Councillor Tannous due to work commitments and also overseas travel.

155 RESOLVED that the apology for unavoidable absence from the Council Meeting of 28 October 2003 be noted.

(Moved Councillor Faker/Seconded Councillor Furneaux-Cook)

156 RESOLVED that Councillor Tannous be granted a leave of absence from all Council and Committee Meetings for the remainder of this year (2003).

(Moved Councillor Faker/Seconded Councillor Furneaux-Cook)

DECLARATIONS OF INTERESTS

There were no declarations of interests by Councillors.

INFORMATION ITEMS

(A) COUNCIL/COMMITTEE MEETINGS

File No: C.0780.000

No decision – information item only.

(B) PETITIONS

File No: P.0865.000

No decision – information item only.

(C) QUESTIONS WITHOUT NOTICE STATUS REPORT

No decision – information item only.

CONFIRMATION OF MINUTES

157 RESOLVED that the Minutes of the following Meetings of Burwood Council:

A. Council Meeting held on Tuesday, 23 September 2003,
B. Extraordinary Council Meeting held on Tuesday 7 October 2003
as typed and circulated, be confirmed and signed as a true record of the proceedings of those meetings.

(Moved Councillor Faker/Seconded Councillor Furneaux-Cook)

**MAYORAL MINUTE**

(21/03) CROYDON PARK SHOPPING CENTRE CHRISTMAS PARTY SPONSORSHIP

File No: D.0080.0000

158 RESOLVED (Unanimously) that Council sponsor the Christmas function in the Croydon Park Shopping Centre to the value of $2,500.

(Moved Councillor Weiley (the Mayor))

**NOTICES OF MOTION – COUNCILLOR CHRISTOGEORGE**

(22/03) MULTICULTURAL & COMMUNITY RELATIONS COMMITTEE

File No: C.0140.000

159 RESOLVED (Unanimously) -

A. That the Council organises an event, up to the value of $2,000 (to be funded from the Multicultural Committee Budget allocation), that gives recognition of the Greek National Day which falls on 25 March each year.

B. That Council’s Multicultural & Community Relations Committee look at an appropriate event that represents all cultures in the Burwood Community. The theme of any event to be ‘celebration of cultures’.

(Moved Councillor Christogeorge/Seconded Councillor Faker)

**REPORTS OF COMMITTEE**

<table>
<thead>
<tr>
<th>Committee</th>
<th>Report No</th>
<th>Date</th>
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<tbody>
<tr>
<td>Local Traffic Committee</td>
<td>08/03</td>
<td>16 October 2003</td>
</tr>
<tr>
<td>Building &amp; Development Committee</td>
<td>19/03</td>
<td>7 October 2003</td>
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<tr>
<td>Services &amp; Policy Committee</td>
<td>20/03</td>
<td>14 October 2003</td>
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160 RESOLVED (Unanimously) that the recommendations of the Local Traffic Committee be endorsed and the Committee Reports, as distributed, be received and noted, subject to:
• Item No. 7 (Neich Parade, Burwood) on the Local Traffic Committee Report being DEFERRED to enable the concerned residents to be consulted prior to a review of car parking in Neich Parade.

• Item No.9 (Wychbury Avenue, Croydon) and Item 10 (Wychbury Lane, Croydon) on the Local Traffic Committee Report being reviewed by Council’s Manager Transportation after six (6) months with a view to establishing the adequacy of signage and enforcement.

• Item No. 13 (Wynne Avenue, Burwood) on the Local Traffic Committee Report being amended to include notification of Mr Soo in part 3 of the recommendation.

  (Moved Councillor Faker/Seconded Councillor Furneaux-Cook)

QUESTIONS WITHOUT NOTICE

The following Questions without Notice were submitted at the meeting:

Councillor Furneaux-Cook – Referred to an outstanding Question Without Notice from the 24 June Council Meeting in relation to costs associated with Council’s use of Consultants and asked when the information would be available. The Director Business & Corporate Services indicated that the Audit Report was now completed and that the information would be distributed within the next 6-7 weeks. [Responsible Officer: Director Business & Corporate Services].

Councillor Furneaux-Cook – Referred to the response to a Question Without Notice asked at the 14 October 2003 Services & Policy Committee Meeting in relation to the development of the Cheltenham Road Park and requested details of the scope of the Landscape Architect’s brief. The General Manager indicated that the Landscape Architect will review previous design work, liaise with Council’s communications consultant in relation to consultation with local residents and prepare options for discussion with the Councillors and the community.

Councillor West – Requested the General Manager to provide Councillors with information on the position with respect to the “BARK” Program and the security of the Animal Control Officer’s position. [Responsible Officer: Director Planning & Environment].

Councillor West – Referred to a Questions Without Notice asked at the 14 October 2003 Services & Policy Committee Meeting in relation to the tape recording of Council & Committee Meetings and indicated she believed that there should be no decision on the destruction of tapes until legal advice has been received on the process. Councillor West indicated that she had spoken to the Ombudsman’s Office in relation to this matter and that the advice was that the timeframe for destruction of tapes should be in accordance with the State Records Act, which was understood to be six (6) months. Councillor West asked whether legal advice had been received on the matter. [Responsible Officer: Director Business & Corporate Services].

Councillor West – Indicated that the Minister for Infrastructure and Planning and Minister
for Natural Resources has announced a task-force to review the Section 94 Contributions System and asked that a Council submission be prepared for the task-force. Councillor West indicated that submissions were due by 23 January 2004. The General Manager indicated that Council is currently conducting a review of its Section 94 Plans and has employed Dr L Taylor (Phillips Fox) to assist with the review. The General Manager, Director Planning & Environment and Dr Taylor recently met with Deputy Director General of the Department of Infrastructure Planning & Natural Resources on this issue.

Councillor Wong – Asked why Council’s waste collection takes place in the early hours of the morning and whether the collection time is able to be reviewed. [Responsible Officer: Director Planning & Environment].

Councillor Wong – Referred to the temporary accommodation of groups (displaced as a result of the recent fire at Council’s Fitzroy Centre) in the Burwood Park Bowling Club and asked how negotiations with the displaced groups were progressing. [Responsible Officer: Director Business & Corporate Services].

Councillor Weiley - Can the General Manager provide an update regarding the Burwood Park Bowling Club, bearing in mind that certain details are confidential. The General Manager indicated that late last week Council’s and the Club’s solicitors met and negotiated arrangements for the Bowling Club to vacate the premises and that the Club was vacated on Monday 27 October 2003. The site, however, is not fit for occupation and requires expenditure in excess of $150,000 to bring the building up to a state fit for use by the community. Repairs will be undertaken in consultation with the Minister for Lands. Options for the future use of the site will be presented to Council at a future date.

ITEMS OF CURRENT INTEREST

Councillor Weiley – Indicated that, after over 100 years, disabled access has finally been provided to the Mayor’s Office.

Councillor Faker – Indicated that he attended the Annual General Meeting of “Eurella” on 28 October 2003 and provided a brief overview of the outcomes of the meeting and indicated that he would arrange an inspection of the centre for Councillors.

GENERAL BUSINESS

(ITEM 62) PECUNIARY INTEREST RETURNS AND REGISTER

File No: C.0680.000

161 RESOLVED (Unanimously) that the Ordinary Pecuniary Interest Returns for the period 1 July 2002 to 30 June 2003 be noted and accepted as tabled.

(Moved Councillor Furneaux-Cook/Seconded Councillor Faker)
(ITEM 63) METROPOLITAN PUBLIC LIBRARIES ASSOCIATION NSW – NOMINATIONS FOR PRESIDENT/VICE PRESIDENT

File No: L.0155.000

162 RESOLVED (Unanimously) that the report be received and noted.

(Moved Councillor Faker/Seconded Councillor Furneaux-Cook)

(ITEM 64) OBTAINING INFORMATION FROM GOVERNMENT DEPARTMENTS OR AGENCIES IN RELATION TO MATTERS BEFORE COUNCIL (OR INVOLVING COUNCIL)

File No: C.0780.000

163 RESOLVED (Unanimously) that the report be received and noted.

(Moved Councillor Faker/Seconded Councillor Furneaux-Cook)

(ITEM 65) ADOPTION OF AUDITED FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 2003

File No: A.0070.000

164 RESOLVED (Unanimously) –

That in accordance with section 413(2)(c) of the Local Government Act and clause 22 of the Local Government (Financial Management) Regulation, Council make the following declaration that:-

A. 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; and the Australian Accounting Standards.

B. Council’s Special Purpose Financial Reports have been drawn up in accordance with the Local Government Code of Accounting Practice and Financial Reporting and the NSW Government Policy Statement “Application of National Competition Policy to Local Government” as well as the Department of Local Government Guidelines “Pricing & Costing for Council Business: A Guide to Competitive Neutrality”.

C. These reports present fairly the Council’s financial position and performance for the year.

D. These reports accord with the Council’s accounting and other records.
E. The signatories to these Financial Reports and Special Purpose Financial Reports know of nothing that would make these reports false or misleading in any way.

F. That the declaration signed by the Mayor, Deputy Mayor and the General Manager (as the Responsible Accounting Officer) be endorsed.

G. That the declaration be attached to the 2002/03 Financial Reports and the Auditor’s Reports.

H. That the 2002/03 Audited Financial Reports, Special Purpose Financial Reports and Auditor’s Reports which have been sent to the Department of Local Government before the due date (on 7 November 2003), be endorsed.

(Moved Councillor Faker/Seconded Councillor Wong)

(ITEM 66) BUDGET REVIEW FOR THE QUARTER ENDED 30 SEPTEMBER 2003

File No: B.0190.000

165 RESOLVED (Unanimously) that the review of the 2002/03 budget for the twelve months ended 30 September 2003 be received and noted.

(Moved Councillor Wong/Seconded Councillor Furneaux-Cook)

(ITEM 67) FINANCIAL RESTRUCTURING FOR LOANS

File No: L.0260/28/29/30.000

166 RESOLVED -

A. That the report be received and noted.

B. That Council supports Management’s loan financial restructuring strategy.

(Moved Councillor Faker/Seconded Councillor Wong)

Councillors Furneaux-Cook and Wong rose and demanded a DIVISION.

The DIVISION was then taken and the names of the Councillors voting Aye and No were as follows:
ITEM 68) PREPARATION OF DRAFT LOCAL ENVIRONMENTAL PLAN AND DRAFT DEVELOPMENT CONTROL PLAN FOR 1-17 ELSIE STREET AND 45-49 GEORGE STREET BURWOOD

167 RESOLVED -

A. That Council prepare a draft Local Environmental Plan for No. 1-17 Elsie Street and No. 45-49 George Street Burwood in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 and Regulation 2000 which will enable a mixed-use development on the subject land incorporating public car parking consistent with Council’s draft Burwood Strategic Planning Review and Town Centre Masterplan.

B. That the Department of Infrastructure Planning and Natural Resources be formally advised of the Council’s resolution under section 54 of the Environmental Planning and Assessment Act, 1979.

C. That the draft Local Environmental Plan be prepared in accordance with the document “LEPs and Council Land – Best Practice Guideline January 1997”.

D. That a draft Development Control Plan be prepared for No. 1 –17 Elsie Street and No. 45-49 George Street Burwood in accordance with the provisions of the Environmental Planning and Assessment Act, 1979.

E. That following Section 62 consultations and the issue of a Section 65 Certificate, the draft LEP (and DCP) be placed on public exhibition in accordance with Section 66 of the Environmental Planning and Assessment Act and Regulation and in accordance with the requirements of the document titled “LEPs and Council Land Best Practice Guideline” issued by the Department of Infrastructure Planning and Natural Resources.

F. That the lessee pay Council a one-off LEP preparation fee up to the amount of $10,000 upon presentation of an invoice.

G. That an independent planning consultant be engaged to assess the LEP and DCP and report back to Council following public exhibition.

(Moved Councillor Faker/Seconded Councillor Wong)
Councillors Wong and Furneaux-Cook rose and demanded a DIVISION.

The DIVISION was then taken and the names of the Councillors voting Aye and No were as follows:

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<tr>
<th>AYE</th>
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<tbody>
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<tr>
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<td>Councillor Wong</td>
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MATTER ARISING

1-17 ELSIE STREET, BURWOOD – LEASE AGREEMENT

File No. 077.09.B

168 RESOLVED that the General Manager has authority to discuss alternative and commercial options if raised by the lessee for future use of the site, and that he report to Council on progress in the matter, and in particular, any offer made by the lessee to restructure the existing lease and/or commercial arrangements.

(Moved Councillor Faker/Seconded Councillor Weiley)

Councillors Faker and Christogeorge rose and demanded a DIVISION.

The DIVISION was then taken and the names of the Councillors voting Aye and No were as follows:

<table>
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(ITEM 69) SALE OF COUNCIL-OWNED LAND IN PARNELL STREET, STRATHFIELD & EVERTON ROAD, STRATHFIELD

File: No. C.0900.000

The following persons addressed the Council in relation to General Business Item 69:
169 RESOLVED -

A. That a draft LEP be prepared to rezone 1–13 Parnell Street, Strathfield, to Residential 2(c2), incorporating special site specific development controls generally in accordance with the Centres Travelling Together Study.

B. That the proposal to prepare a draft LEP to rezone 14–26A Everton Road, Strathfield, to Residential 2(c2), incorporating special site specific development controls generally in accordance with the Centres Travelling Together Study, be DEFERRED to enable a Councillors’ workshop on the matter.

C. In preparing a draft LEP for 1–13 Parnell Street, a provision be drafted to ensure the presence of the same number of public car parking spaces that currently exists within the Parnell Street Public Carpark, within any future redevelopment of the site.

D. That DIPNR be advised of Council’s resolution to prepare draft LEP’s for these properties, under S.54 of the Environmental Planning and Assessment Act 1979, as amended.

E. That no environmental study is required and the draft LEP’s be placed on public exhibition in accordance with S.66 of the Environmental Planning & Assessment Act following the issue of a S.65 Certificate.

F. That the outcome of this matter be reported to Council in due course.

G. That the General Manager ensure proper notification of this decision to those residents/ratepayers deemed appropriate.

(Moved Councillor Faker/Seconded Councillor Wong)

Councillors Furneaux-Cook and Faker rose and demanded a DIVISION.

The DIVISION was then taken and the names of the Councillors voting Aye and No were as follows:

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CONFIDENTIAL ITEM

170 RESOLVED that General Business Item 70 (Mayoral Column and Advertising of Development Applications) be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2)(c) & (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature the disclosure of which would confer a commercial advantage on a person with whom the Council is conducting business and would not be in the public interest.

(Moved Councillor Wong/Seconded Councillor Faker)

CLOSED SESSION

Council then moved into Closed Session to consider General Business Item 70.

ITEM 70) MAYORAL COLUMN AND ADVERTISING OF DEVELOPMENT APPLICATIONS

File No: A.0150.000

171 RESOLVED (Unanimously) –

A. That Council accept the submission from the Inner Western Suburbs Courier (Option 4a) for a fortnightly advertising package comprising a Mayoral Column, list of development applications received and such other Council notices as may be appropriate, at an estimated cost in 2003/04 of $33,750 per annum.

B. That the proposal is subject to a review after six months of operation.

(Moved Councillor Faker/Seconded Councillor West)

(Note: Councillor Wong was not present at the meeting during the vote on the above decision).

172 RESOLVED that the meeting be resumed in Open Session and the business of the meeting be continued with.

(Moved Councillor Furneaux-Cook/Seconded Councillor West)

OPEN SESSION

Upon resuming in Open Session, the General Manager read out the Council resolution in relation to General Business Item 70 (see above).

This concluded the business of the meeting and the Council rose at 9.36pm.
Confirmed this 25th day of November 2003.

MAYOR

GENERAL MANAGER