



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 11 December 2018 commencing at 6.00 pm.

ATTENDANCE

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

Mr B Macdonnell, General Manager
Mr T Briscese, Deputy General Manager Corporate, Governance & Community
Ms K Everett, Deputy General Manager Land, Infrastructure & Environment
Mr J Inglese, Group Manager Assets & Design
Mr B Olsen, Group Manager Building & Development
Mr B Mortimer, Executive Manager Organisation Development
Mr W Armitage, Chief Finance Officer
Mr A Sonogo, Acting Executive Manager
Ms M Kucic, Acting Group Manager Strategic Planning, Heritage & Place Planning
Ms P Viney, Manager Governance

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

Councillor Ernest Chan was an apology.

DECLARATIONS OF INTEREST

Councillor L Furneaux-Cook declared a non-pecuniary interest in Item 123/18 Amended Planning Proposal - Burwood Place - 42-50 and 52-60 Railway Parade and Wynne Avenue Burwood as her property is in the near vicinity of the site and took no further part in debate or discussion.

DECLARATIONS OF POLITICAL DONATIONS

There were no declarations of political interests by Councillors.

CONFIRMATION OF MINUTES**162/18 RESOLVED** (*carried unanimously*)

That the minutes of the meeting of the Council of Burwood held on Tuesday 27 November 2018, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

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

ADDRESS BY THE PUBLIC ON AGENDA ITEMS

Name	Item
Sue Francis City Plan	Item 123/18 - Amended Planning Proposal – Burwood Place – 42-50 and 52-60 Railway Parade and Wynne Avenue Burwood

GENERAL BUSINESS**CR LESLEY FURNEAUX-COOK LEFT THE MEETING AT 6:03 PM.****(ITEM 123/18) AMENDED PLANNING PROPOSAL - BURWOOD PLACE - 42-50 AND 52-60 RAILWAY PARADE AND WYNNE AVENUE BURWOOD**

File No: 18/45385

Summary

Council considered a Planning Proposal (PP) for the Burwood Place site in May 2016, whereupon the Council resolved to submit the PP for a Gateway Determination. Council's resolution was contingent upon the further discussion of several matters, including the partial closure of Wynne Avenue, minimising traffic impacts, minimising impacts on Council's adjacent Library and Community Hub, and the negotiation of appropriate public benefits.

Following detailed discussions and negotiations that have been undertaken to date with Council, the applicant has submitted an Amended PP for additional height and additional floor space upon the site. A new or amended Gateway Determination is required.

Operational Plan Objective

4.4.2 Partner with key stakeholders to deliver major projects

4.5.2 Ensure independence and transparency in decision making on significant developments

163/18 RESOLVED

1. The Amended Planning Proposal (PP) for Burwood Place at Nos. 42-50 and 52-60 Railway Parade and Wynne Avenue Burwood be submitted for a Gateway Determination only after the associated Voluntary Planning Agreement (VPA) and site-specific Development Control Plan (DCP) have been finalised to the satisfaction of Council.
2. The Amended PP and supporting documents be updated to respond to the matters raised in the Cardno Assessment Report.

3. The Amended PP be publicly exhibited in accordance with the Gateway Determination, together with the associated VPA and site-specific DCP.
4. The outcomes of the public exhibition and consultation processes be reported back to Council for its consideration and determination of the Amended PP.
5. That the applicant be advised of Council's resolution.

(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	
Total (4)	Total (0)

CR LESLEY FURNEAUX-COOK RETURNED TO THE MEETING AT 6:04 PM.

(ITEM 124/18) INTEGRATED PLANNING AND REPORTING - RESOURCING STRATEGY

File No: 18/24467

Summary

The NSW State Government's Integrated Planning and Reporting framework requires that all councils develop a Resourcing Strategy to support and achieve the objectives identified in the Community Strategic Plan. The Resourcing Strategy includes Council's Long Term Financial Plan, Asset Management Plan and Workforce Plan, and is a critical link to translate strategic objectives into actions.

Operational Plan Objective

2.3.2. Develop, review and monitor a Resourcing Strategy including a Workforce Plan, Asset Management Plan and Long Term Financial Plan

164/18 RESOLVED *(carried unanimously)*

That Council adopts the Draft Resourcing Strategy with its three components - Long Term Financial Plan, Asset Management Plan and Workforce Plan with the following amendment:

- To outline the specific reason for use of the expenditure i.e. storm water management (pg LTFP 5)

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

CR JOSEPH DEL DUCA ARRIVED AT THE MEETING AT 6:20 PM.

(ITEM 125/18) LOAN BORROWING PROGRAMME FOR 2018-19 FINANCIAL YEAR

File No: 18/44301

Summary

To seek Council's approval of the interest rate to be charged for the 2018-2019 Loan Borrowing Programme of \$1 million to continue to address Council's infrastructure backlog.

165/18 RESOLVED *(carried unanimously)*

1. That Council accept the indicative interest rate of 3.33% from TCorp to fund Council's \$1 million 2018-2019 Infrastructure Loan Borrowing Programme.
2. That Council delegate to the General Manager the authority to accept a revised interest rate from TCorp up to a maximum difference of 0.5%, and report back to Council the revised interest rate accepted.

(Moved Deputy Mayor Lesley Furneaux-Cook/Seconded Councillor Raj Dixit)

(ITEM 126/18) REVISED DELIVERY PROGRAM 2018-2021 AND REVISED BUDGET 2018-2019 - ENDORSEMENT FOR PUBLIC EXHIBITION

File No: 18/43319

Summary

The *Local Government Act 1993* (the Act), requires all NSW Councils to produce a four year Delivery Program and an Annual Operational Plan detailing the principal activities to be undertaken by the Council to implement the strategies established by the Burwood2030 Community Strategic Plan.

As part of its extensive Community Strategic Plan consultation process, in November 2017 Council sought preliminary community feedback for a special variation, and funding scenarios were modelled on a possible three-year increase of 2% above rate peg.

Following further assessment and the development of Council's Asset Management Plan and Long Term Financial Plan, it is now recommended that Council models its potential special variation application scenario on a 2% increase above rate peg for four years, instead of three.

For these reasons, the Delivery Program 2018-2021 and Budget 2018-2022 have been revised to include a specific section on "Funding our Future" and to reflect the revised proposed funding scenarios.

The documents will once again be placed on public exhibition, and further consultation will be undertaken prior to a report being presented back to Council at its February meeting for a final decision in relation to a potential application to IPART.

166/18 RESOLVED *(carried unanimously)*

1. That Council endorse the revised Delivery Program 2018-2021 and revised Budget 2018-2022 and place the documents on public exhibition between 28 November 2018 and 16 January 2019.
2. That Notice of the public exhibition be published in relevant local newspapers

inviting public submissions, and copies of the revised Delivery Program 2018-2021 and revised Budget 2018-2022, be made available at Council's Customer Service Centre, Burwood Library and on Council's website.

3. That following the public exhibition period, a report, including all submissions received, be reported to Council for consideration and the adoption of the revised Delivery Program 2018-21, and revised Budget 2018-22, at the Council Meeting of 5 February 2019.

(Moved Councillor George Mannah/Seconded Councillor Raj Dixit)

MAYORAL MINUTES

(MM19/18 SAVE OUR RECYCLING)

File No: 18/48229

Summary

I am calling on Councillors to support Local Government NSW in its advocacy to all those contesting the State election to reinvest 100% of the waste levy collected each year into waste management, recycling and resource recovery in NSW.

The *Protection of the Environment Operations Act 1997* (POEO Act) requires certain licensed waste facilities in NSW to pay a contribution to the NSW Government for each tonne of waste received at the facility. Referred to as the 'waste levy', the contribution aims to reduce the amount of waste being landfilled and promote recycling and resource recovery.

The waste levy applies in the regulated area of NSW which comprises the Sydney metropolitan area, the Illawarra and Hunter regions, the central and north coast local government areas to the Queensland border as well as the Blue Mountains, Wingecarribee and Wollondilly local government areas.

In 2016/17, the NSW Government collected \$726 million from local government, community, businesses and industry via the waste levy, but only committed to use \$72 million through its Waste Less Recycle More initiative – or 10% - on waste minimisation and recycling in 2017-18.

Overall the NSW Government's *Waste Less Recycle More* initiative allocates \$801 million over 8 years (2013-2021) to waste and recycling, however the waste levy collected over that same period will be over \$4.62 billion.

At a local government level, just 18% of the \$300 million collected from the local government sector each year is reinvested in recycling and waste management.

Regardless of how you look at it, the principle remains the same – very little of the waste levy is currently used to support waste minimisation, recycling and resource recovery. The remainder is returned to NSW Government's consolidated revenue.

The reinvestment of the waste levy to support waste and resource recovery infrastructure, develop markets and innovative solutions, and undertake other initiatives to encourage reuse and recycling also offers wide-ranging benefits to our communities right across NSW. There is the potential for economic growth, new infrastructure, new technology and new jobs, particularly in our regional areas.

It should be noted that the following motion was unanimously endorsed at the Local Government NSW 2018 Conference:

That the NSW Government be called upon to ensure that 100% of the levy arising from Section 88 of the Protection of the Environment Operations Act 1997 be used for waste infrastructure and programs, predominantly by local government and the waste sector, for initiatives such as:

- *Development of regional and region-specific solutions for sustainable waste management (e.g. soft plastic recycling facilities, green waste, waste to energy).*
- *Support innovative solutions to reduce waste and waste transport requirements.*
- *Protect existing and identify new waste management locations.*
- *Local community waste recovery and repair facilities.*
- *Funding a wider range of sustainability initiatives, such as marketing and strategies, that promote and support a circular economy.*

This motion covered motions proposed by Blacktown City Council (Resource recovery locations); Central Coast Council (Waste levy revenues); Cessnock City Council (Recycling crisis - funding support); City of Ryde (Revenue raised by the waste levy); Federation Council (Waste resource); Gwydir Shire Council (Tyre recycling); Hornsby Shire Council (Increase in grant funding for waste levy program); Leeton Shire Council (Increase of waste levy distribution); and Shoalhaven City Council (POEO Levies). Related motions were also submitted by Tweed Shire Council (Recycled products and procurement); Lake Macquarie Council (Support for recycle end markets, reusable, recyclable or compostable packaging); and Orange City Council (Waste management).

As previously noted, this is not a party-political issue: the advocacy initiative calls on all parties and candidates to commit to the 100% hypothecation of the Waste Levy to the purpose for which it is collected.

I am recommending that we support this campaign by the NSW local government sector and Local Government NSW and call on all political parties to commit to the reinvestment of 100% of the Waste Levy collected each year by the NSW Government into waste management, recycling and resource recovery.

167/18 RESOLVED *(carried unanimously)*

1. Council endorse Local Government NSW's campaign, *Save Our Recycling*, to realise the reinvestment of a 100% of the Waste Levy collected each year by the NSW Government in waste minimisation, recycling and resource recovery.
2. Council make representation to the local State Member the Hon Jodi McKay MP, in support of this campaign objective - for the NSW Government to commit to reinvest 100% of the Waste Levy in waste minimisation, recycling and resource recovery.
3. Council write to the Premier, the Hon Gladys Berejiklian MP, the Opposition Leader, the Hon Michael Daley MP, the Minister for Local Government and the Minister for the Environment, the Hon Gabrielle Upton MP, and the Shadow Minister for the Environment and Heritage, Penny Sharpe MLC, seeking bipartisan support for the 100% reinvestment of the Waste Levy collected each year into waste minimisation, recycling and resource recovery.
4. Council take a lead role in activating the Local Government NSW *Save Our*

Recycling campaign locally.

1. Council endorse the distribution and display of the Local Government NSW *Save Our Recycling* information on Council premises, as well as involvement in any actions arising from the initiative.
2. Council formally advise Local Government NSW that Council has endorsed the *Save Our Recycling* advocacy initiative.

(MM20/18 SPEED CAMERAS WITHIN THE BURWOOD LGA

File No: 18/47893

Summary

A number of residents have raised concerns regarding the speed of vehicles travelling along streets within the Burwood Local Government Area (LGA). Of concern are streets which have high volume of pedestrian activity such as Burwood Road as well as State Roads which carry significantly high volumes of traffic.

Therefore I am proposing that Council write to the Roads and Maritime Services (RMS) requesting an investigation into the installation of speed cameras to be placed at the following locations;

- Burwood Road between Park Avenue and Victoria Street
- Burwood between Liverpool Road and Georges River Road
- Coronation Parade between Tangarra Street and Georges River Road

In addition to this I propose that Council undertake traffic speed and volume counts in each of these locations, and provided the data obtained to the Burwood Highway Patrol to monitor and enforce these areas in the times which are found to have the highest concentration of speeding vehicles.

Operational Plan Objective

4.1.5 - Work with RMS and Transport NSW in the development of integrated transport plans

168/18 RESOLVED *(carried unanimously)*

1. Council write to RMS requesting consideration be given to speed cameras to be placed on Burwood Road between Park Avenue and Victoria Street, Burwood Road between Liverpool Road and Georges River Road and on Coronation Parade between Tangarra Street and Georges River Road.
2. Council undertake traffic counts at these locations and provide the data to Burwood Highway patrol for enforcement.

(MM21/18) EXTERNAL PAINT COLOURS PERMITTED IN HERITAGE CONSERVATION AREAS

File No: 18/47421

Summary

I have received a number of representations from members of the community concerning Council's determination of exterior paint colour schemes permitted within Heritage Conservation Areas.

Operational Plan Objective

5.4.1 Preserve local heritage through relevant planning strategies.

169/18 RESOLVED *(carried unanimously)*

The General Manager investigates the current controls in place, along with the processes and development standards applied, in relation to external paint colour schemes permitted on Heritage listed properties and within Heritage Conservation Areas.

(MM22/18 DISCRETIONARY GRANTS – SMALL DONATIONS POLICY – DONATION FOR EVENTS THAT OCCUR FOR CHARITY PURPOSES

File No: 18/47038

Summary

I have received an invitation to attend the Mayor of Canada Bay Council's Christmas Reception where all gifts received will be donated to St Vincent's de Paul for Charity purposes.

Burwood Council is also hosting a Mayoral Christmas Reception where all gifts received will be donated to Saint Merkorious for Charity purposes.

Council has an adopted Discretionary Grants – Small Donations Policy, allowing one off donations to be made by the Mayor to organisations or individuals that predominantly reside or operate within the Burwood Local Government Area, to registered charitable organisations providing benefits to the residents of Burwood or at Mayoral humanitarian discretion.

The overall budget available under this Policy is \$15,000 per annum.

I would like to recommend that Council purchase a gift hamper for each event and a review the policy be undertaken to allow the Mayor when invited to an event that occurs for charity purposes, to make a donation which can be given as either a gift hamper or monetary (made via cheque to the charity) donation at the discretion of the Mayor to the value of \$150.00.

170/18 RESOLVED *(carried unanimously)*

1. That the General Manager undertakes a review of the Discretionary Grants – Small Donations Policy with the suggestion that the following amendments be made:

- a. an additional criterion be introduced to allow the Mayor, at his/her discretion, when invited to an event that occurs for charity purposes, to make a donation whether it be a gift hamper or monetary (made via cheque to the charity) donation to the value of up to \$150.00
 - b. Donations for all other categories to be capped at \$1,000 per donation
 - c. If an applicant has previously been granted a Burwood Community Grant through the Grants Program they should still be eligible for a Discretionary Grant subject to their claim being based on a different purpose
2. That the revised Discretionary Grants – Small Donations Policy be reported back to Council.
3. That Council purchase a gift hamper for the Mayor of Canada Bay's Christmas Reception to be donated to St Vincent's de Paul from the Mayor and Councillors of Burwood Council.
4. That Council purchase a gift hamper for the Burwood Council Christmas Reception to be donated to Saint Merkorious from the Mayor and Councillors of Burwood Council.

QUESTIONS WITHOUT NOTICE

The following Questions Without Notice were submitted at the Meeting:

Cr Heather Crichton

Question: 1

Are Council Officers talking to the State Government About the urgent need to upgrade and increase passenger capacity and access at Burwood Station?

Cr Lesley Furneaux-Cook

Question: 1

What would be the response time for a NSW fire brigade aerial appliance to a high rise building in Burwood on a Friday at 5.30 pm (peak time) bearing in mind the only high-rise aerial is at Glebe, Parramatta and Revesby?

Question: 2

Has Council corresponded in the Burwood Plaza and Westfield Managements regarding traffic management during the Xmas Period?

Question: 3

Has Council corresponded to "Kiddie Kappers" who have a number of advertising signs on the Strand fence and other fences owned by Council?

Cr George Mannah**Question: 1**

What do we as a Council do about buses continuing to speed down Devonshire Street, Croydon these buses are coming from Liverpool Road, Croydon? Last Sunday every bus travelling down Devonshire Street was speeding estimated at 80 kms per hour.

CONFIDENTIAL ITEMS - CLOSED SESSION**171/18 RESOLVED** *(carried unanimously)*

That the meeting move into closed session in order to consider (ITEM 127/18) Provision of Legal Services - Acceptance of Tender that the 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.

(Moved Councillor Joseph Del Duca/Seconded Councillor Heather Crichton)

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 7.19 PM THE PUBLIC AND PRESS EXCLUDED FROM THE MEETING.

(ITEM 127/18) PROVISION OF LEGAL SERVICES - ACCEPTANCE OF TENDER

File No: 18/44644

Summary

This report summarises the process undertaken in relation to the tender for the Provision of Legal Services and recommends that four legal firms be appointed to the Legal Panel for a period of three years with a one year extension option.

Operational Plan

2.1.3 Provide efficient and Transparent procurement and purchasing

172/18 RESOLVED *(carried unanimously)*

1. That Council appoint the following legal firms as Council's Legal Panel for the categories as stated, for a period of three years with an option to extend for a further one year at the discretion of Council:

Legal Firm
Houston Dearn O'Connor
Marsdens Law Group
Matthews Folbigg
Wilshire Webb Staunton Beattie

2. That authority be granted to the General Manager to administer matters dealing

with the Legal Panel including approving increases to their fee rates in accordance with their submissions and also to extend their services for an optional one year, subject to performance review.

(Moved Councillor Raj Dixit/Seconded Deputy Mayor Lesley Furneaux-Cook)

THE MEETING RESUMED IN OPEN SESSION AT 7.20 PM

This concluded the business of the meeting and Council rose at 7.23 pm.

Confirmed this Tuesday 5 February 2019

MAYOR