



# 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 25 September 2018 commencing at 6.10 pm.

### ATTENDANCE

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

Mr B Macdonnell, General Manager  
Mr T Briscese, Deputy General Manager Corporate, Governance & Community  
Mr J Inglese, Acting Director Engineering & Operational Services  
Mr B Olsen, Acting Director Planning & Environmental Services  
Mr R Teo, Senior Manager Property & Building Services  
Mr W Armitage, Chief Finance Officer  
Ms D Luo, Manager Strategic Planning  
Ms P Viney, Governance Co-ordinator  
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

#### 107/18 RESOLVED *(carried unanimously)*

Cr George Mannah was an apology.

(Moved Councillor Raj Dixit/Seconded Councillor Heather Crichton)

### DECLARATIONS OF INTEREST

The Mayor Cr John Faker declared an interest in Item 88/18 - Planning Proposal - 4 Mitchell Street Enfield (Former Vision Australia Site) as he is a member of the Sydney Eastern City Planning Panel and will excuse himself from the meeting otherwise Council will not be represented on the Panel.

The General Manager declared an interest in Item 88/18 - Planning Proposal - 4 Mitchell Street Enfield (Former Vision Australia Site) as he is a member of the Sydney Eastern City Planning

Panel and will excuse himself from the meeting otherwise Council will not be represented on the Panel.

### DECLARATIONS OF POLITICAL DONATIONS

There were no declarations of political interests by Councillors.

### ADDRESS BY THE PUBLIC ON AGENDA ITEMS

Name	Item
Paul Georgiades Senior Development Manager, Tian An	Item 88/18 - Planning Proposal - 4 Mitchell Street Enfield (Former Vision Australia Site)
Andrew Harvey Director, Urbis	Item 88/18 - Planning Proposal - 4 Mitchell Street Enfield (Former Vision Australia Site)
Tom Wheatley Traffic Engineer Bitzios Consulting	Item 88/18 - Planning Proposal - 4 Mitchell Street Enfield (Former Vision Australia Site)
Margaret Phillips	Item 88/18 - Planning Proposal - 4 Mitchell Street Enfield (Former Vision Australia Site)
Nicole Smeulders	Item 88/18 - Planning Proposal - 4 Mitchell Street Enfield (Former Vision Australia Site)
Nadia Cogavin	Item 88/18 - Planning Proposal - 4 Mitchell Street Enfield (Former Vision Australia Site)
Jeanne Smith	Item 88/18 - Planning Proposal - 4 Mitchell Street Enfield (Former Vision Australia Site)
Louise Ellis	Item 88/18 - Planning Proposal - 4 Mitchell Street Enfield (Former Vision Australia Site)
Nadine Uremovic Enfield Action Group	Item 88/18 - Planning Proposal - 4 Mitchell Street Enfield (Former Vision Australia Site)
Daniel Uremovic	Item 88/18 - Planning Proposal - 4 Mitchell Street Enfield (Former Vision Australia Site)
Allan Cheung	Item 88/18 - Planning Proposal - 4 Mitchell Street Enfield (Former Vision Australia Site)
Gerry Graham	Item 88/18 - Planning Proposal - 4 Mitchell Street Enfield (Former Vision Australia Site)
Joe Ilardo	Item 88/18 - Planning Proposal - 4 Mitchell Street Enfield (Former Vision Australia Site)

### MAYORAL MINUTE

#### **(ITEM MM18/18) PROPOSED INSTALLATION OF BOLLARDS AROUND WESTFIELD BURWOOD TO PREVENT ABANDONED TROLLEYS IN THE TOWN CENTRE**

File No: 18/35734

#### **Summary**

For over a year I have been leading the fight on behalf of our community against the abandonment of shopping trolleys in Burwood.

During this time, I have met with representatives from Burwood Westfield, Coles, Woolworths, and their respective trolley collection companies in an endeavor to minimise the amount of trolleys being left overnight in the area.

Recently, Council implemented a new initiative to tag all abandoned trolleys. Once tagged, the offending retailer has a short time frame to collect the trolley before an infringement notice is issued and the trolley is impounded. In the last three months, Council has reported and removed 420 trolleys.

With all good intentions, the abandoned trolleys continue and, have not only become an eyesore and repository of rubbish, they also are being used for unsociable behavior that causes damage.

I am aware of the work by staff in an effort to educate the community and take action against offending retailers however I believe there needs to be a change in the process to eradicate this problem.

Therefore, I am proposing that Council investigate the design and installation of bollards around Burwood Westfield in order to prevent trolleys being taken out of shopping centres.

### **Operational Plan Objective**

3.3.3 – Encourage the community to take pride in the cleanliness and maintenance of the area

5.3.2 – Maintain an attractive Burwood CBD

### **108/18 RESOLVED** *(carried unanimously)*

1. The General Manager investigates the design and installation of bollards around Burwood Westfield.
2. The General Manager consults with relevant stakeholders and the community.

## **PROCEDURAL MOTION**

### **109/18 RESOLVED** *(carried unanimously)*

That the order of business change to facilitate the Mayor's declaration of Interest on Item 88/18 - Planning Proposal - 4 Mitchell Street Enfield (Former Vision Australia Site). The Mayor also stated that he will not be returning to the meeting after his leaving the Chambers, due to a prior commitment.

(Moved Mayor John Faker/Seconded Deputy Mayor Lesley Furneaux-Cook)

## **NOTICE OF MOTION**

### **(ITEM NM3/18) REQUEST FOR DONATION FOR MULTICULTURAL FILM FESTIVAL 2019**

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File No: 18/35316

#### **Councillor Ernest Chan to move that:**

#### **Background**

The Multicultural Advisory Committee at their inaugural meeting identified a need for the local community to have opportunities to showcase the beautiful and colourful multicultural nature of Burwood.

One of the initiatives the Committee has been investigating is the delivery of a multicultural film event. The aim behind the initiative is to provide residents and frequent visitors access to short films that they wouldn't necessarily see in everyday cinemas, to bring them cultural experiences and insights that might allow them to look at people, communities and the world in perhaps a more interesting educated or enlightened way.

The Multicultural Advisory Committee proposes to hold a Multicultural Short Film Festival in conjunction with Harmony Day on Thursday 21 March 2019, held at Woodstock Park.

I think this is a worthwhile initiative as it encourages younger members of the multicultural community to get involved and foster the sense of coming together, as well as promoting the reactivation of Woodstock.

#### Operational Plan objective

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

1.4.3 Coordinate, facilitate and support inclusive cultural events and initiatives to celebrate community, diversity and cultural heritage

#### **110/18 RESOLVED** *(carried unanimously)*

That Burwood Council donates \$5000 to support the Multicultural Film Festival to be held on 21 March 2019 at Woodstock Park, from the recently adopted donations budget.

(Moved Councillor Ernest Chan/Seconded Councillor Raj Dixit)

### **CONFIRMATION OF MINUTES**

#### **111/18 RESOLVED** *(carried unanimously)*

That the minutes of the meeting of the Council of Burwood held on Tuesday 21 August 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 Heather Crichton)

### **GENERAL BUSINESS**

#### **(ITEM 86/18) ELECTION OF DEPUTY MAYOR - SECTION 231 (3) OF THE LOCAL GOVERNMENT ACT 1993**

File No: 18/25928

#### **Summary**

This report outlines the process and options for the election of a Burwood Council Deputy Mayor.

#### **112/18 RESOLVED** *(carried unanimously)*

1. That Council resolve to appoint a Deputy Mayor.
2. That Council elect a Deputy Mayor by open ballot, if more than a single nomination is received, or appoint a single nominee as Deputy Mayor.

3. One single nominee was received and Cr Lesley Furneaux-Cook was elected as Deputy Mayor.

(Moved Councillor Ernest Chan/Seconded Councillor Raj Dixit)

### **(ITEM 87/18) COUNCIL COMMITTEES - DETERMINATION OF COUNCILLOR REPRESENTATION**

File No: 18/25929

#### **Summary**

To determine the formation of Committees to assist Council in their decision making on various community, technical and planning issues as well as determine Council representation on such Committees.

#### **113/18 RESOLVED** *(carried unanimously)*

That Council approves the following Committees and appoints Councillors as Chairpersons, delegates and alternates for the term September 2017 to September 2018:

Committee/Board		Chairperson	Delegate(s)	Alternate(s)
1.	Burwood Anzac Commemorative Service Committee	Mayor Cr John Faker	N/A	Cr George Mannah
2.	Burwood Local Traffic Committee	Mayor Cr John Faker	N/A	Cr George Mannah
3.	General Manager's Contract Review Panel	Mayor Cr John Faker	Cr Lesley Furneaux-Cook  Cr George Mannah	Cr Heather Crichton
4.	Audit, Risk and Improvement Committee		Cr Lesley Furneaux-Cook  Cr Raj Dixit	
5.	Multicultural Advisory Committee	Cr Ernest Chan		Cr Joseph Del Duca
6.	National Servicemen's Association	Cr Heather Crichton	N/A	Cr Joseph Del Duca
7.	Sandakan Community Educational Committee	Cr Heather Crichton	N/A	Cr Ernest Chan
8.	Sydney Eastern City Planning Panel	N/A	Cr John Faker  General Manager	Cr George Mannah Cr Heather Crichton DGM CGC
9.	Southern Sydney Regional Organisation of Councils – Full Committee	N/A	Mayor Cr John Faker  Cr George Mannah	Cr Ernest Chan  Cr Heather Crichton

10.	Southern Sydney Regional Organisation of Councils – Sustainability Committee	N/A	Cr Raj Dixit  Cr Lesley Furneaux-Cook	
11.	Southern Sydney Regional Organisation of Councils – Program Delivery	N/A	Cr Joseph Del Duca  Cr Ernest Chan	

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

**(ITEM 89/18) DRAFT VOLUNTARY PLANNING AGREEMENT - 24 BURLEIGH STREET BURWOOD**

File No: 18/32745

**Summary**

**Applicant:** O.T.A.R Investments Pty Ltd  
**Owner:** O.T.A.R Investments Pty Ltd  
**Company Director(s):** Valery Musman and Osman Ordukava

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) prepared in connection with a Development Application (DA) for 24 Burleigh Street Burwood have been publicly notified in accordance with the relevant legislation. The draft VPA will provide the developer to pay a monetary contribution to Council in lieu of a shortfall in parking. Council's endorsement is now sought to enter into the VPA after the granting of development consent by the Land and Environment Court.

**Operational Plan Objective**

2.1.3 Ensure transparency and accountability in decision making.

**114/18 RESOLVED** *(carried unanimously)*

1. That Council enter into the VPA for 24 Burleigh Street, Burwood for the provision of a monetary contribution of \$297,000 towards public facilities in accordance with the condition of consent for DA BD.2017.056, which requires that the monetary contribution be paid to Council on or before the date of execution of the VPA and prior to issue of the Construction Certificate.
2. That Council authorise the General Manager to sign the VPA and any related documentation under his Power of Attorney.
3. That Council authorise the General Manager to endorse the minor revisions of the VPA documents prior to execution.

(Moved Councillor Ernest Chan/Seconded Councillor Raj Dixit)

Councillors Ernest Chan 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 Dixit	
Councillor Crichton	
Councillor Chan	
Councillor Furneaux-Cook	
<b>Total (5)</b>	<b>Total (0)</b>

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**(ITEM 90/18) ASSESSMENT OF AND RESPONSE TO STATE GOVERNMENT'S LOW RISE MEDIUM DENSITY HOUSING CODE**

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File No: 18/26086

**Summary**

The NSW State Government has introduced a planning reform package for the Low Rise Medium Density Housing Code (the Code). The reforms include allowing the approval of a number of development types via Complying Development Certificate (CDC) applications.

**Operational Plan Objective**

4.4 - Participate in regional planning and infrastructure projects to ensure the best outcomes for the community

**115/18 RESOLVED** *(carried unanimously)*

That the assessment of and response to State Government's Low Rise Medium Density Housing Code be deferred for further investigation on the implications of allowing subdivision of dual occupancies.

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

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**(ITEM 91/18) ADOPTION - REVISED HARDSHIP RESULTING FROM CERTAIN VALUATION CHANGES - SECTION 601**

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File No: 18/25976

**Summary**

Council's Revised Hardship Resulting from Certain Valuation Changes – Section 601 Policy has been reviewed and updated in accordance with Council's Policy Review Corporate Practice.

**Operational Plan Objective**

2.3.1. – Identify and maintain additional revenue sources to ensure financial sustainability

**116/18 RESOLVED** *(carried unanimously)*

That Council adopts the Revised – Hardship Resulting from Certain Valuation Changes – Section 601 Policy.

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

**(ITEM 92/18) ADOPTION - REVISED BACKDATING OF CLAIMS FOR PENSIONER REBATES POLICY**

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File No: 18/25998

**Summary**

To seek Council's adoption of the revised Backdating of Claims for Pensioner Rebates.

**Operational Plan Objective**

2.3.1. – Identify and maintain additional revenue sources to ensure financial sustainability

**117/18 RESOLVED** *(carried unanimously)*

That Council adopt the Revised – Backdating of Claims for Pensioner Rebates.

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

**(ITEM 93/18) INVESTMENT REPORT AS AT 31 AUGUST 2018**

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File No: 18/33553

**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*.

**118/18 RESOLVED** *(carried unanimously)*

1. That the investment report for 31 August 2018 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 Raj Dixit)

**CR JOSEPH DEL DUCA ARRIVED AT THE MEETING AT 6.30 PM.**

**(ITEM 94/18) PROPOSED ORGANISATION STRUCTURE - SECTION 333 RE-DETERMINATION AND REVIEW OF STRUCTURE - LOCAL GOVERNMENT ACT 1993**

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File No: 18/26418

**Summary**

Council is required under Section 333 of the *Local Government Act 1993* (the Act) to review, and may redetermine, the organisation structure within 12 months after any ordinary election of the council. There are further requirements under Sections 332 and 338 of the Act.

This report promotes a three divisional organisation structure being the Office of the General Manager, Corporate, Governance and Community, and Land, Infrastructure and Environment and provides the Elected Body with legislative requirements and rationale behind this structure.



**Operational Plan Objective**

2.3.2 Ensure the organisation is well led; staff can carry out their roles efficiently and effectively in line with the community's vision.

**119/18 RESOLVED** *(carried unanimously)*

1. That Council adopt the three division structure of the Office of the General Manager, Land, Infrastructure and Environment, and Corporate, Governance and Community in accordance with Sections 333 and 332 of the *Local Government Act 1993*.
2. That Council determine the Deputy General Manager positions of Land, Infrastructure and Environment, and Corporate, Governance and Community classified as Senior Staff under Section 332 of the *Local Government Act 1993*.
3. That Council provides the resources towards the employment of staff including wages, salaries, superannuation, workers' compensation insurance and training.

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

**REPORTS OF COMMITTEES****(ITEM RC8/18) BURWOOD LOCAL TRAFFIC COMMITTEE - SEPTEMBER 2018**

File No: 18/34890

**Summary**

Attached are the Minutes of the Burwood Local Traffic Committee from its meeting of September 2018. The Minutes are hereby submitted to the Ordinary Council Meeting for consideration and adoption by Council.

**Operational Plan Objective**

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

**120/18 RESOLVED** *(carried unanimously)*

That the minutes of the Burwood Local Traffic Committee of September 2018 be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

**(ITEM LTC18/18) ARTHUR STREET, CROYDON - NEW PEDESTRIAN CROSSING AND TRAFFIC CALMING DEVICES****Recommendations**

1. That Council approve the installation of a raised pedestrian crossing in Arthur Street Croydon including a kerb extension on the southern side and all relevant signs and linemarking per the plan in the report.
2. That Council approve the installation of two raised thresholds in Arthur Street along with all relevant signs, linemarking and plantings per the plan in the report.

**(ITEM LTC19/18) STANLEY STREET, BURWOOD - CHANGES TO PARKING**

**RESTRICTION ALONG THE CUL-DE-SAC****Recommendation**

That Council approves the installation of 'No Parking' restrictions along the cul-de-sac in Stanley Street Burwood as per the plan in the report.

(Moved Councillor Ernest Chan/Seconded Councillor Raj Dixit)

**CONFIDENTIAL ITEMS - CLOSED SESSION****121/18 RESOLVED** *(carried unanimously)*

That the meeting moved into closed session in order to consider the following item:

**(ITEM MM19/18) GENERAL MANAGER'S PERFORMANCE REVIEW**

*That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) of the Local Government Act 1993, as the matter involves personnel matters concerning particular individuals.*

(Moved Councillor Joseph Del Duca/Seconded Councillor Ernest Chan)

**THERE WERE NO REPRESENTATIVES FROM THE PUBLIC TO ADDRESS THE COUNCIL BEFORE THE RESOLUTION TO MOVE INTO CLOSED SESSION WAS CARRIED.**

**THE MEETING MOVED INTO CLOSED SESSION AT 6.45 PM THE PUBLIC AND PRESS EXCLUDED FROM THE MEETING.**

**122/18 RESOLVED** *(carried unanimously)*

That the meeting move into open session at 6.55 pm.

(Moved Councillor Joseph Del Duca/Seconded Councillor Ernest Chan)

**(ITEM MM19/18) GENERAL MANAGER'S PERFORMANCE REVIEW**

File No: 18/36726

**Summary**

Following the meeting of the Performance Review Panel held on 11 September 2018 which consisted of the Mayor, Cr John Faker, Deputy Mayor, Cr Leslie Furneaux-Cook and Cr George Mannah, with the support of council's Executive manager Organisation development, Brian Mortimer, who facilitated the Performance Review Panel meeting. The report details the outcomes of the discussions between the members of the Performance Review Panel and the General Manager, Bruce Macdonnell in relation to his Annual Review of Performance for 2017-2018. Cr Heather Crichton was also in attendance at the Performance Review Panel meeting as an observer for training purposes, as she is currently the alternate review panel member.

Detailed in the report are the agreed performance ratings arising from the Performance Review Panel's deliberations for each of the Strategic Objectives specified in the General Manager's Performance Agreement which was approved by Council. The report also included specific feedback from the Performance Review Panel to the General Manager on each of the Strategic Objectives, Key Performance Indicators and Organisational Values and Behaviours.

The Performance Review Panel's overall performance rating of the General Manager was 4.38% which represents a "Very Good to Outstanding" performance. The Performance Review Panel concluded that the General Manager has done an outstanding job in effectively leading and implementing Council's objectives, capital projects and instill a strong customer service culture since initially acting in the role from November 2017 and his subsequent appointment to the position of General Manager on 27 March 2018.

The Performance Review Panel unanimously agreed to recommend to Council that the General Manager be rewarded for his performance with an increase of the Total Remuneration Package as per the confidential Mayoral Minute effective from 1 July 2018.

**123/18 RESOLVED** *(carried unanimously)*

1. Council accepts the Performance Review Panel's determination of the General Manager's performance for the period ending 30 June 2018 and congratulates the General Manager on his performance.
2. Council approves the increase of the General Manager's Total Remuneration Package as per the confidential Mayoral Minute effective from the 1 July 2018.
3. That the Mayor be authorised to grant special leave to the General Manager for the purposes of Professional Development to be undertaken in 2018-2019 and to approve any of those identified activities in Part C of the Professional Development Plan for 2018-2019.
4. That the Mayor be authorised to consult with the General Manager and the Performance Review Panel to establish and approve the General Manager's Performance Plan for 2018-2019.

**CR JOHN FAKER LEFT THE CHAIR AT 6:56 PM**

**CR LESLEY FURNEAUX-COOK TOOK THE CHAIR AT 6:56 PM**

**CR JOHN FAKER LEFT THE MEETING AT 6:57 PM**

**THE GENERAL MANAGER, BRUCE MACDONNELL LEFT THE MEETING AT 6:56 PM**

**THE DEPUTY GENERAL MANAGER CORPORATE, GOVERNANCE AND COMMUNITY, TOMMASO BRISCESE ACTED AS GENERAL MANAGER AT 6:57 PM**

**(ITEM 88/18) PLANNING PROPOSAL FOR 4 MITCHELL STREET ENFIELD (FORMER VISION AUSTRALIA SITE)**

File No: 18/33478

**Summary**

The Planning Proposal (PP) for 4 Mitchell Street Enfield seeks to increase the maximum permitted building height from 8.5 metres to 18 metres and the maximum permitted floor space ratio (FSR) from 0.85:1 to 1.4:1, to facilitate a residential unit development. Also proposed are food and drink premises as an additional permitted use to assist in activating the edge to Henley Park. Assessment of the PP by Cardno (on Council's behalf) found that the PP could generally be supported. The Burwood Local Planning

Panel (BLPP) supported the PP by majority subject to conditions. It is recommended that the PP be submitted to the Department of Planning & Environment (DPE) for a Gateway Determination.

### Operational Plan Objective

4.5.3 - Encourage architectural integrity and aesthetically appealing buildings

4.5.4 - Provide assessment of development proposals as per the *Environmental Planning & Assessment Act*

### 124/18 RESOLVED *(carried unanimously)*

That the planning proposal be refused for 4 Mitchell Street, Enfield for the following reasons:

- a. The planning proposal does not demonstrate strategic merit to increase FSR and heights above the existing provisions of the current zoning.
- b. Enfield is not identified as a strategic nor district centre under the three metropolitan centres and Eastern City District Plans
- c. There has been no strategic study or report on the site to justify the increase of FSR or heights
- d. BLEP sets out a planned and orderly approach to planning with uplift encouraged in the BTC and STC in order to protect the lower density residential character and streetscape of the properties outside these Centres. Council is concerned that the approval of the PP will create a precedent for other similar sites or future consolidated sites in the R1 zone and undermine this planning principle.
- e. Under the current BLEP, Burwood is set to meet its housing targets as set out under the Eastern City District Plan and therefore the strategic merit of the PP to increase housing supply is not met.
- f. Appropriate increase housing supply that reflects orderly planning can be met under the existing zoning provisions for the site. Therefore there is no strategic merit in the PP.
- g. The current provisions under the zoning for the site would allow for greater housing choice. It is noted that the Burwood LGA has adequate supply of residential flat buildings of this scale; it however, lacks smaller style medium density developments that are allowed under the current zoning provisions.
- h. While the existing former Vision Australia site was a non-complaint use, this is not a planning justification to increase the density or heights greater than that allowed under the current provisions of the R1 Zone.
- i. The applicant's traffic report has not considered existing traffic congestion resulting from the nearby primary school and not considered the narrow carriage of the local streets which are reduced to one lane due to pressure of on street parking.
- j. The applicant's traffic report has only considered movements north/south and not movements to and from the site from Coronation Parade or to Georges River Road, via Portland Street.
- k. The PP is outside what is determined walkability to the Burwood train station being 2 km from the Burwood Town Centre and station. The site is close to one bus stop only.

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

Councillors Joseph Del Duca 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 Dixit	
Councillor Del Duca	
Councillor Crichton	
Councillor Chan	
Councillor Furneaux-Cook	
<b>Total (5)</b>	<b>Total (0)</b>

THE GENERAL MANAGER, BRUCE MACDONNELL, RETURN TO THE MEETING AT 8.13 PM

## INFORMATION ITEMS

### **(ITEM IN31/18) ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCIL MEETING OF 21 AUGUST 2018**

File No: 18/32167

#### **Summary**

At the Council Meeting of 21 August 2018 the following Questions without Notice (QWN) were submitted by Councillors. Council Officers responded to the QWN and Councillors were notified on 6 September 2018 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:

<b>QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 21 AUGUST 2018</b>	
<b>Question</b>	<b>Response</b>
<b><u>Cr Lesley Furneaux-Cook</u></b>  <b>Question 1</b>  Will Council seek funding for community projects under the Federal Government's "Stronger Communities" funding, and what grants under "Sports Australia" for sport related projects up to \$150,000 (which ends 14 September 2018)?	<b><u>Senior Landscape Architect &amp; Senior Manager Community and Library Services</u></b>  Council has already applied for and received funding under the NSW Government Stronger Communities Fund for upgrading of Henley Park facilities to include the following projects: <ul style="list-style-type: none"> <li>▪ Upgrading of sports field lighting to 100 Lux for Fields 1,2,3,4 and additional lighting for mini fields and a proposed synthetic Futsal field</li> <li>▪ Improvements to the drainage and turf of playing fields 3&amp;4</li> <li>▪ Design and installation of one synthetic Futsal field including fencing and drainage (subject to hydraulic investigation)</li> <li>▪ Upgrade to the existing amenities building including refurbishment of the canteen and additional storage area</li> </ul> Council has applied for NSW Government

	<p>Community Building Partnership Grants for the following projects also in Henley Park:</p> <ul style="list-style-type: none"> <li>▪ 3 x upgraded Cricket practice nets</li> <li>▪ 8 x upgraded fitness equipment stations</li> </ul> <p>Staff are currently investigating projects that might fit under the Sports Australia program.</p>
<p><b><u>Cr Lesley Furneaux-Cook</u></b></p> <p><b>Question 2</b></p> <p>What is the current zoning of the Council owned property in Russell Street? Has Council developed a timeline to add it into the park space as was intended by its purchase by a previous Council?</p>	<p><b><u>Senior Manager Property and Building Services</u></b></p> <p>The Russell street property is community land which is zoned as 1 (a) Open Space Recreation Zone/Reserve. The property is currently being rented out with comparable rental income of \$ 745 per week (\$38,740p.a). Council is in the stage of reviewing its Property Strategy in 2018/19. All considerations will be addressed which will to add the land into park space as was intended.</p>
<p><b><u>Cr Lesley Furneaux-Cook</u></b></p> <p><b>Question 3</b></p> <p>Has Council investigated the combination of green waste and food scraps as per other Councils such as Woollahra Council and is provided by Suez/Vello?</p>	<p><b><u>Manager Environmental and Health</u></b></p> <p>Council did investigate and consider the implementation of a food and garden organics (FOGO) collection service dating back to 2005. Council, together with other Inner West Councils called for tenders for a service provider to accept FOGO material. Tenders were evaluated and the contract was awarded to Remondis who were to establish a receival facility at Camellia. The contract was not commenced as Remondis was unable to gain approval from the Department of Planning to establish the facility at that time.</p> <p>Following on from that, Council resolved to join SSROC in a joint contract for waste disposal which included the recovery of organic material from the waste stream.</p> <p>After much development and deliberation Council, together with five other SSROC Councils, entered into a ten year contract with Veolia which commenced in July 2017. Council waste is delivered to the Veolia Woodlawn (near Goulburn) Mechanical Biological Treatment Plant (MBT) where it is treated through a series of processes to remove the organic part of the waste.</p>

	<p>The organic material is then able to be spread on land at the site as part of a mine rehabilitation process.</p> <p>Council through this process is diverting the organic material away from landfill as well recovering and diverting other recyclables through the treatment process from the red lidded bin.</p>
<p><b><u>Cr Heather Crichton</u></b></p> <p><b>Question 1</b></p> <p>Can the General Manager ensure Council's Customer Service Officers and Community Services staff are well informed of the new "On Demand" bus service and that, where appropriate, details are included on Council's social media feeds and websites.</p>	<p><b><u>Manager Customer Service and Records</u></b></p> <p>On Demand Bus service information is circulated to Customer Service, information has been placed on knowledge management system and website.</p>
<p><b><u>Cr Joseph Del Duca</u></b></p> <p><b>Question 1</b></p> <p>What facility and spaces does Council provide to local dog and pet owners?</p>	<p><b><u>Senior Landscape Architect</u></b></p> <p>There are dog off - leash areas and facilities in the following locations around the Burwood Local Government Area.</p> <ol style="list-style-type: none"> <li>1. Blair Park has a sign posted and marked out unfenced dog off- leash area with a dog watering facility, dog waste collection bins and seating</li> <li>2. Burwood Park has an unfenced dog off-leash area with dog waste collection bins</li> <li>3. Henley Park has a sign posted and marked out unfenced dog-off leash area with dog waste collection bins and watering facility</li> <li>4. Grant Park has two separate fenced dog off-leash areas with dog waste collection bins, tree plantings, lighting, seating, a covered shelter and a dog watering facility</li> </ol> <p>There are dog waste collection bins in Monash Reserve, Jackson Reserve, Jackett Reserve, Flockhart Park and Reed Reserve.</p>
<p><b><u>Cr Joseph Del Duca</u></b></p> <p><b>Question 2</b></p> <p>How many instances have there</p>	<p><b><u>Senior Manager Compliance</u></b></p> <p>This issue involves ongoing inspections and</p>

been over the past year of shop owners breaching our shop sign/awnings guidelines? How many fines (if any) were issued?

investigations due to the number of shops fronts along Burwood Road and the constant turnover of businesses. At present, 18 shops have complied with Councils written request for compliance and 4 shops have closed and changed ownership. However, there are still 22 shops not in compliance with the provisions and Council will now commence the Order process against these shops for compliance.

**No Decision – Information Item Only**

## MATTER OF URGENCY

**125/18** That Item IN33/18 NSW Government, Local Government Grants Commission – Financial Assistance Grants be heard as a matter of urgency as the guidelines will need to be included in the September 2018 budget review.

(Moved Deputy Mayor Lesley Furneaux-Cook/Seconded Cr Heather Critchon)

### **(ITEM IN33/18) NSW GOVERNMENT, LOCAL GOVERNMENT GRANTS COMMISSION - FINANCIAL ASSISTANCE GRANTS**

File No: 18/36755

#### **Summary**

Council received a letter from the NSW Government, Local Government Grants Commission on 23 August 2018 outlining the Commission's policy of providing information to councils by the way it calculates Financial Assistance Grants (FAGs). Attached to this letter is a summary of Council's 2018-2019 estimated FAG entitlement for tabling.

The Council's 2018-2019 FAG estimated entitlement compared to 2017-2018 final entitlement is as follows:

	Burwood Council			
Year	General Purpose	Local Roads	Total	
2017-2018	\$744,347	\$251,282	\$995,929	Change
2018-2019	\$813,374	\$268,134	\$1,081,508	8.6%

#### **Operational Plan Objective**

2.2.2 Develop strategic partnerships that will benefit the area and community.

2.3.1 Identify and maintain additional revenue sources to ensure financial sustainability.

An adjustment will be made to Council's budget at the September 2018 Budget Review incorporating the increase in Council's Financial Assistance Grants for 2018-2019.

**No Decision – Information Item Only**

## CONFIDENTIAL ITEMS - CLOSED SESSION

**126/18 RESOLVED** *(carried unanimously)*



That the meeting move into closed session in order to consider items:

**(ITEM IN32/18) USE OF CONTRACT PANELS**

*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 95/18) TENDER FOR PROVISION OF CIVIL WORKS BURWOOD COUNCIL**

*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 96/18) DISPOSAL OF LOT 11 HORNSEY STREET BURWOOD**

*That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (c) (d) (e) (g) 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; AND 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; AND information that would, if disclosed, prejudice the maintenance of law; AND advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

(Moved Councillor Joseph Del Duca/Seconded Councillor Ernest Chan)

**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 8.15 PM THE PUBLIC AND PRESS EXCLUDED FROM THE MEETING.**

**127/18 RESOLVED** *(carried unanimously)*

That the meeting move into open session at 8.30 pm.

(Moved Councillor Joseph Del Duca/Seconded Councillor Ernest Chan)

**(ITEM IN32/18) USE OF CONTRACT PANELS**

File No: 18/7284

**Summary**

Council's Purchasing and Contract Management Corporate Practice and Procedure has a requirement in place that allows for the rotation of suppliers on contract panels. The purpose of this is to ensure that work is allocated fairly between panel members. Council resolved on 17 February 2014 that an annual report on expenditure relating to these panels be presented to Council.

It is the responsibility of Council's Contract Managers and Council Officers that have been authorised to use contracts to ensure that this requirement is applied.

Southern Sydney Region of Councils (SSROC) panels has been included in this report. However, please note that since these panels are made up of 'preferred suppliers', Council Officers are still required to follow Council's Purchasing and Contract Management Corporate Practice and Procedure guidelines and seek a number of quotations from panel suppliers in order to make a purchasing decision. It would not be in Council's best interest for Council Officers to make this decision based on panel rotation alone. The process allows the use of Prescribed Agencies, under Section 55 of the Act, hence both Local Government Procurement (LGP) and Procurement Australia (PA) contracts can be utilised.

The attachment to this report, Attachment '1', includes information on each of Council's panel contracts and details the number of invoice transactions completed for each panel member during the current Financial Year. Contractor expenditure is also included.

### **Council's Internal Panel Contracts**

1. Provision of Civil Works – Contract Expires 28 February 2018 (currently being renewed)
2. Provision of Legal Services – Contract Expires 3 January 2019
3. Provision of Stormwater Drainage Maintenance – Contract Expires 30 June 2018 (currently being renewed)

### **SSROC Contracts**

1. Data Centre and Business Continuance Services
2. Fire Services
3. HVAC, Heat, Ventilation and Air Conditioning
4. Linemarking
5. Pest Control Services
6. Road signs and Traffic Control Equipment
7. Temporary Staff

### **128/18 RESOLVED** *(carried unanimously)*

That Council receive and note the Use of Contract Panels information report.

(Moved Councillor Ernest Chan/Seconded Councillor Joseph Del Duca)

### **(ITEM 95/18) TENDER FOR PROVISION OF CIVIL WORKS BURWOOD COUNCIL**

File No: 18/33993

### **Summary**

This report summarises the tender process undertaken in relation to the tender for the Provision of Civil Works, to determine a panel of appropriately experienced and qualified preferred contractors to carry out construction and maintenance works on roadways and footpaths within the Burwood Council Local Government Area (LGA) for an initial period of two years with a one year extension based on a review of each contractors performance. The tenderers were required to submit a schedule of Quality Assured rates for the services they could provide to Council.

The preferred contractors were established in accordance with the work areas or disciplines defined in Attachment "A" of the Tender Documents. These areas were: excavation and removal of material; concrete works; kerb and gutter works; segmental paving works; nature strip works; sub-grade and base course repairs; asphalt footpath

and road pavement; saw-cutting works; drainage works, traffic control and complete process.

During the tender assessment, the methodologies used to assess and score the contractor's submissions are defined in **Attachment "1"**. All the tenderers were selected for recommendation as a panel contractor and are included in this report.

### **Council's Operational Plan Objective**

2.2.2 Develop Strategic Partnerships that will benefit the area and the community

#### **129/18 RESOLVED** *(carried unanimously)*

1. That in relation to the Tender for the Provision of Civil Works, the proposed appointments of the Contractors (listed in the table contained in the **Conclusion** section of this report) be accepted and awarded as a Panel Source supplier in no order of preference to Burwood Council for the period of 1 October 2018 to 30 September 2020.
2. That a provision be allowed for a 12 month extension based on a satisfactory supplier performance which may take contract through to 30 September 2021.

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

### **(ITEM 96/18) DISPOSAL OF LOT 11 HORNSEY STREET BURWOOD**

File No: 18/33517

#### **Summary**

An offer to purchase Lot 11 in DP 790324 Hornsey Street, Burwood has been received from Anson Developments P/L.

This report seeks Council's resolution to:

1. Approve the sale of the land, known as Lot 11 (Hornsey Street, Burwood) in accordance with *Section 377 of the Local Government Act 1993*.
2. Authorise the General Manager to negotiate a sale price as outlined in the report.
3. Delegate the General Manager under Power of Attorney to sign all relevant documentation in accordance with *the Local Government Act 1993*.
4. Approve the proceeds of the sale to be placed in the Property Reserve for future major projects.

### **Operational Plan Objective**

2.4.2 - Investigate opportunities to expand revenue from commercial operations, property portfolio and other income generating assets.

#### **130/18 RESOLVED** *(carried unanimously)*

That in regard to Operational Land, Lot 11 DP 790324, known as Lot 11 Hornsey Street, Burwood (the land), Council:

1. Approve the sale of the land, known as Lot 11 in accordance with *Section 377 of the Local Government Act 1993*.

2. Authorise the General Manager to negotiate a sale price as per the terms included in this report.
3. Delegate the General Manager under Power of Attorney to sign all relevant documentation in accordance with *the Local Government Act 1993*.
4. Approve the proceeds of the sale to be placed in the Property Reserve for future major projects.

(Moved Councillor Ernest Chan/Seconded Councillor Raj Dixit)

### QUESTIONS WITHOUT NOTICE

The following Questions Without Notice were submitted at the Meeting:

#### **Cr Joseph Del Duca**

What avenues are available for local residents to have input and assurance that their voices are heard in relation to planning proposals.

This concluded the business of the meeting and Council rose at 8.38 pm.

Confirmed this 30 October 2018

**MAYOR**