



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 28 May 2019 commencing at 6.04 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)
Councillor George Mannah

Mr T Briscese, Acting General Manager
Ms K Everett, Deputy General Manager Land, Infrastructure & Environment
Mr W Armitage, Chief Finance Officer
Mr R Teo, Group Manager Property and Building Services
Ms M Thorogood, Property Management Co-ordinator
Mr A Patterson, Internal Ombudsman
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

There was no business for this item.

APOLOGIES

That there were no apologies.

DECLARATIONS OF INTEREST

Councillor John Faker declared a non-pecuniary interest in item 41/19 – Lease of 2 & 2A Comer Street Burwood – Corporate Ownership Transaction, as the owner is known to him through the community.

Councillor John Faker also declared a non-pecuniary interest in item 42/19 – Contravention of the Code of Conduct Requirements Applicable under Section 440 – Case Aries and took no part in the discussion.

DECLARATIONS OF POLITICAL DONATIONS

There were no declarations of political interests by Councillors.

CONFIRMATION OF MINUTES**48/19 RESOLVED** *(carried unanimously)*

That the minutes of the meeting of the Council of Burwood held on Tuesday 16 April 2019 and 22 May 2019, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

(Moved Councillor Heather Crichton/Seconded Councillor Raj Dixit)

ADDRESS BY THE PUBLIC ON AGENDA ITEMS

There was no business for this item.

(ITEM MM7/19) EMERGENCY SERVICES LEVY INCREASE

File No: 19/19939

Summary

Each year the NSW Government collects payments from councils and insurers to fund emergency services agencies in NSW, with councils required to pay 11.7% of the budget required by NSW Emergency Services. These charges are embedded in council rates and insurance premiums.

From 1 July 2019 the NSW Government plans to collect an additional \$160 million (in 2019-2020) from NSW councils, communities and those paying insurance premiums to provide better workers' compensation coverage for volunteer and career firefighters who are diagnosed with one of 12 specific work-related cancers.

Councils were sent bills with a letter from Revenue NSW in May 2019, saying NSW council contributions will increase by \$19 million in 2019-2020. The letter also foreshadowed increases in the following year, but not the amount.

Burwood Council received an invoice from Revenue NSW for \$715,382.00 for its emergency services levy contribution. This is \$101,368.00 more than last year's levy (a 16.5%) increase. This will mean Council will need to find additional funds and/or cut planned initiatives or services.

Council supports career and volunteer firefighters in NSW – as it does all emergency services workers and volunteers. Indeed, many NSW council staff and Councillors are volunteers. We also support the Bill passed in November 2018 to address what was a workers' compensation shortfall.

However, the sector was at no point advised that it would be required to cover the cost via significant increases to the emergency services levy, or what this cost would be.

In accordance with State Government increases, Burwood had allowed an increase of 2.5% within the 2019-2020 budget for increases to the Emergency Services Levy, the significant increase in the levy has led to an additional \$75,382.00 being asked to pay and the impact of this unplanned cost will certainly be felt by the community.

Local Government NSW is calling upon the NSW Government to fund the first 12 months of this extra cost and work with Local Governments to ensure the implementation of the funding mechanism is fairer into the future.

Notes

- a. That last December the NSW Government enacted laws to provide better workers compensation coverage for firefighters who are diagnosed with one of twelve specific work-related cancers.
- b. That in many areas of NSW, fire services are made up of elected and staff members of Local Government, and that Local Governments strongly support this expanded workers' compensation scheme.
- c. That as a result of these changes, the State Government has decided to implement the new scheme by charging local governments an increased Emergency Services Levy without consultation.
- d. That the expected increase in costs to local governments will be \$19m in the first year alone, and that there is little or no time to enshrine this charge in Council's 2019-2020 budgets.
- e. That Local Government NSW has long advocated for the Emergency Services Levy to be significantly modified to ensure it is transparent, equitable and accountable.

Operational Plan Objective

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

49/19 RESOLVED *(carried unanimously)*

1. That Burwood Council supports Local Government NSW's calls for:
 - a. The NSW Government to cover the initial additional \$19m increase to Local Governments for the first year.
 - b. the NSW Government to work with NSW Local Governments to redesign the funding mechanism for the scheme to ensure fairness into the future.
2. Requests that the General Manager liaise with Local Government NSW to provide information on:
 - a. The impact on Council's budget
 - b. Council advocacy actions undertaken
3. Requests that the Mayor:
 - a. Write to the NSW Premier and NSW Interim Opposition Leader, NSW Minister for Customer Services, NSW Minister for Emergency Services, Minister for Local Government and Shadow Minister for Local Government, and Local State Member to:
 - i. call upon the NSW Government to fund the 12 months of this extra cost rather than requiring councils to find the funds at short notice when budgets have already been allocated.
 - ii. explain how this sudden increase will impact council services/the local

community.

- iii. highlight that councils were not warned of the increased cost until May 2019, despite the new laws being passed in November 2018.
 - iv. explain that the poor planning and implementation of the increase is inconsistent with the Government's commitment to work in partnership with the sector.
 - v. ask the Government to work with local governments to redesign the implementation of the scheme to ensure it is fairer for councils and communities into the future.
- b. Copy the above letter to Local Government NSW.

GENERAL BUSINESS

(ITEM 34/19) PLANNING PROPOSAL TO RESTRICT THE SUBDIVISION OF DUAL OCCUPANCIES IN THE R2 ZONE

File No: 19/20268

Summary

The Planning Proposal (PP) to amend the *Burwood Local Environmental Plan 2012* (BLEP) to restrict the subdivision of dual occupancies in the R2 zone was reported to the Burwood Local Planning Panel (BLPP) meeting of 14 May 2019. The BLPP recommended that the PP proceed to Gateway. In accordance with the relevant Ministerial Direction, this report seeks Council's consideration of the recommendation of the BLPP and recommends that Council reiterate its earlier resolution to progress the PP.

Operational Plan Objective

5.5 – Activate village precincts and preserve the distinct characters of surrounding residential areas.

50/19 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 *Burwood Local Environmental Plan 2012* to restrict the subdivision of dual occupancies in the R2 zone 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 Heather Crichton)

Councillors Lesley Furneaux-Cook and Heather Crichton 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	
Total (5)	Total (0)

(ITEM 35/19) BUDGET REVIEW FOR QUARTER ENDING 31 MARCH 2019

File No: 19/15795

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 March 2019, in the 2018-2019 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 \$14,379 as at 31 March 2019 compared to the revised adopted forecast surplus of \$34,534 as at 31 December 2018 which was adopted at the March 2019 Council Meeting. The reasons for the net decrease of \$20,155 are outlined in the report.

Operational Plan Objective

2.3.1 Identify and maintain additional revenue sources to ensure financial sustainability

51/19 RESOLVED *(carried unanimously)*

1. That the Budget Review Statement of the 2018-2019 Budget as at 31 March 2019, 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 \$14,379, 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 Raj Dixit)

(ITEM 36/19) DRAFT OPERATIONAL PLAN AND BUDGET 2019-2020, DRAFT 2019-2020 STATEMENT OF REVENUE POLICY, DRAFT FEES AND CHARGES 2019-2020 - ENDORSEMENT FOR PUBLIC EXHIBITION

File No: 19/17021

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 in the Community Strategic Plan.

Every year the Delivery Program is reviewed and if there are significant changes it must be put on public exhibition and adopted by Council. This year the Delivery Program has been reviewed and there are no changes. Therefore it is not necessary to exhibit or go up to Council again for adoption.

The Draft Operational Plan 2019-2020, Draft Budget 2019-2020, and the Draft Statement of Revenue Policy including the Draft Fees and Charges 2019-2020, are now submitted to Council for endorsement for the purpose of public exhibition.

Once the Council considers the submissions, the final plans will be presented to Council at the 25 June 2019 meeting for adoption.

Operational Plan Objective

2.3.1 Identify and maintain additional revenue sources to ensure financial sustainability

52/19 RESOLVED *(carried unanimously)*

1. That Council endorse the Draft Operational Plan 2019-2020, Draft Budget 2019-2020 and place the documents on public exhibition between 29 May 2018 and 25 June 2019.
2. That Council endorse the Draft Statement of Revenue Policy for 2019-2020, incorporating the Draft Schedule of Fees and Charges 2019-2020, and place the document on public exhibition between 29 May 2018 and 25 June 2019.
3. That a notice of the public exhibition be published in relevant local newspapers inviting public submissions, and copies of the Draft Operational Plan 2019-2020, revised Draft Budget 2019-2023 and Draft Budget 2019-2020, Draft Statement of Revenue Policy for 2019-2020, incorporating the proposed Draft Schedule of Fees and Charges 2019-2020, be made available at Council's Customer Service Centre, Burwood Library & Community Hub and on Council's website.
4. That following the public exhibition period, a report, including all submissions received, be prepared for Council's consideration and adoption of the Draft Operational Plan 2019-2020, Draft Budget 2019-2020, Draft Statement of Revenue Policy 2019-2020, incorporating the Draft Schedule of Fees and Charges for 2019-2020 on 25 June 2018.

(Moved Councillor Ernest Chan/Seconded Councillor Heather Crichton)

CR JOSEPH DEL DUCA ARRIVED AT THE MEETING, THE TIME BEING 6:10 PM

(ITEM 37/19) TVB ANYWHERE CARNIVAL 2019 - EVENT SPONSORSHIP PROPOSAL

File No: 19/17049

Summary

Council received a proposal from TVB Anywhere Pty Ltd, a national Asian TV and online platform with over 60 Chinese and Vietnamese channels in Australia, to host the TVB Anywhere Carnival 2019 in Burwood Park on Saturday 17 August 2019.

TVB Australia is also seeking a contribution from Council to fund costs for hire of the Burwood Park Pavilion, Burwood Park Community Centre, audiovisual equipment and technician, garbage removal service on event day (staff, truck and related charges), park hire fees and other equipment-related fees.

The proposal is now submitted to Council for review and endorsement.

Strategic Plan Objective

- 1.4.3 Coordinate, facilitate and support inclusive cultural events and initiatives to celebrate community, diversity and cultural heritage
- 1.4.3.2 Seek to support events and activities within the area that celebrate diversity
- 1.4.3.2.1 Provide support or sponsorship to cultural events and activities within the community

53/19 RESOLVED *(carried unanimously)*

That Council approve a partial cash and in-kind contribution of up to \$15,000.00 in support of the partnership of the TVB Anywhere Carnival Event on 17 August 2019.

(Moved Councillor Ernest Chan/Seconded Councillor Heather Crichton)

(ITEM 38/19) NEW IMPRESSION MEDIA MOON FESTIVAL FAMILY FUN DAY 2019 EVENT

File No: 19/17836

Summary

Council received a proposal from New Impressions Media, an Australian based Chinese online digital marketing and events management company requesting to hold a Moon Festival Family Fun Day event at Burwood Park on Saturday, 14 September 2019.

New Impressions Media is seeking a cash and in-kind contribution to cover fees associated with the use of Burwood Park, Burwood Park Pavilion, Burwood Park Community Centre, including park hire fees, electricity usage, Council officers' costs and garbage removal costs.

The proposal is now presented to Council for assessment and endorsement.

Operational Plan Objective

- 1.4.3 Co-ordinate, facilitate and support inclusive cultural events and initiatives to celebrate community, diversity and cultural heritage
- 1.4.3.2 Seek to support events and activities within the area that celebrate diversity
- 1.4.3.2.1 Provide support or sponsorship to cultural events and activities within the community

54/19 RESOLVED *(carried unanimously)*

1. That Council resolve to make a cash and in-kind contribution of up to \$5,000.00 from the Council Annual Donation Fund for Events and Initiatives, to New Impressions Pty Ltd to partially cover fees associated with the use of Burwood Park for the Moon Festival event to be held on Saturday, 14 September 2019.
2. That Council authorise the General Manager to finalise negotiations with New

Impressions Media with regards to their in-kind media support offer.

(Moved Councillor Heather Crichton/Seconded Councillor Ernest Chan)

(ITEM 39/19) INVESTMENT REPORT AS AT 30 APRIL 2019

File No: 19/17094

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*.

55/19 RESOLVED (*carried unanimously*)

1. That the investment report for 30 April 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 Joseph Del Duca)

(ITEM 40/19) ADOPTION - DRAFT SHOPFRONT IMPROVEMENT PROGRAM POLICY

File No: 19/16968

Summary

The purpose of this report is to seek Council's adoption of the draft Shopfront Improvement Program Policy and to approve a \$50,000 budget allocation through Council's operational budget.

Operational Plan Objective

- 5.1.1 Stimulate the local economy and activate the Burwood CBD
- 5.2.2 Develop programs to strengthen and sustain local business

56/19 RESOLVED (*carried unanimously*)

1. That Council adopt the draft Shopfront Improvement Program Policy and associated Application Form.
2. That Council approve a \$50,000 budget allocation for the draft Shopfront Improvement Program through Council's operational budget.

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

MATTER OF URGENCY

57/19 PROPOSED POWER OF ATTORNEY FOR THE ACTING GENERAL MANAGER

As the previous General Manager, Bruce Macdonnell, ceased his contract with Burwood Council on 24 May 2019, it is recommended that the Acting General Manager, Tommaso Briscese, be granted the power of attorney if Council wishes to do so. It is also recommended that Council revoke the prescribed power of attorney granted to Bruce Macdonnell and register the revocation with NSW LRS that Council considers the matter as a Matter of Urgency.

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

PROPOSE POWER OF ATTORNEY FOR THE ACTING GENERAL MANAGER AND THE REVOCATION OF THE POWER OF ATTORNEY FOR THE PREVIOUS GENERAL MANAGER

Summary

Since 2011 Council has been granting power of attorney to the General Manager, allowing signing of documents following formal resolutions by Council. It is recommended that the current legal arrangement be continued to facilitate the timely implementation of decisions of Council.

The power of attorney is prescribed, and not irrevocable or an enduring power of attorney. That is, the power of attorney can be terminated, revoked or suspended by Council at any time. The power of attorney must be registered for any dealings affecting land with the NSW Land Registry Services (NSW LRS).

As the previous General Manager, Bruce Macdonnell, ceased his contract with Burwood Council on 24 May 2019, it is recommended that the Acting General Manager, Tommaso Briscese, be granted the power of attorney if Council wishes to do so. It is also recommended that Council revoke the prescribed power of attorney granted to Bruce Macdonnell and register the revocation with NSW LRS.

58/19 RESOLVED *(carried unanimously)*

1. That Council delegate to Tommaso Briscese, Acting General Manager, a prescribed power of attorney in accordance with the General Power of Attorney attached to the report.
2. That Council revoke the prescribed power of attorney granted to Bruce Macdonnell in accordance with the Revocation of Power of Attorney attached to the report.
3. That Council authorise the Mayor and Deputy Mayor to execute the General Power of Attorney and Revocation of Power of Attorney under Common Seal of Council.
4. That Council authorise the registration of the General Power of Attorney and Revocation of Power of Attorney with NSW LRS.
5. That the Acting General Manager report to Council every three months on all documents signed under the prescribed Power of Attorney.

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

REPORTS OF COMMITTEES

(ITEM RC2/19) BURWOOD LOCAL TRAFFIC COMMITTEE - MAY 2019

File No: 19/17563

Summary

Attached are the Minutes of the Burwood Local Traffic Committee from its meeting of May 2019. 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.

59/19 RESOLVED *(carried unanimously)*

That the minutes of the Burwood Local Traffic Committee of May 2019 be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

(ITEM LTC12/19) MOSELY STREET STRATHFIELD - INSTALLATION OF PEDESTRIAN REFUGE ISLAND**Recommendation**

That Council approves:

1. The installation of a concrete pedestrian refuge in Mosely Street, immediately south of Cooper Street, along with associated signs and linemarkings as detailed in the attached plan.
2. The adjustment of the ramp on the south eastern kerb return, to align it with the proposed pedestrian refuge.

(Moved Councillor Raj Dixit/Seconded Councillor Ernest Chan)

INFORMATION ITEMS**(ITEM IN12/19) SAFE & CLEAN TEAM - QUARTERLY PERFORMANCE REVIEW**

File No: 19/15908

Summary

This report provides performance information on the Safe & Clean Team for the third quarter of the 2018/19 period – the service is being provided by Quest Effect Pty Ltd.

The Safe & Clean Team operates on a daily basis between the hours of 10am to 6pm. The Safe & Clean Team patrols all main business streets in the Burwood Local Government Area including Burwood Road, Liverpool Road, The Boulevarde, The Strand and Georges River Road as defined in the contract. The Safe & Clean Team, like the name suggests, focuses on ensuring that the main business streets are always clean by removing light litter and providing light cleaning of infrastructure as well as reporting crime activity to Police and all local laws breaches to Council. The Safe & Clean Team provides a physical customer service presence for Council along main business streets. Below is a summary of their performance for the period:

Activity	January 2019	February 2019	March 2019	Total
Rubbish removed from roadway	1830 L 15 (120L bins)	2013 L 17 (120L bins)	2112 L 18 (120L bins)	5955 50 (120L bins)
Shopping trolleys reported and removed from main streets	89	260	273	622
Advertising posters removed	45	20	10	75

Report Graffiti on Council Property	1	0	0	1
Report crime	0	0	0	0
Small spill clean ups	60	34	40	134
Distribute information leaflets	0	0	0	0
Report Road Obstructions/local law breaches	3	10	25	38
Report maintenance issues	0	0	0	0

Note: The shopping trolleys left on the footpaths were reported to the relevant service provider and removed to a side street. The shopping trolley process has now changed and the Safe & Clean Team will report the trolleys to Council. These shopping trolleys only relate to ones which are sighted on the main business streets as defined in the contract.

The advertising posters were small handwritten signs/notes placed on poles by local residents and they were removed by the Team.

The Road Obstructions relate to illegal dumping sightings and these were reported to Council for investigation.

Rubbish removed from the roadway highlights that Burwood Road has the highest amount of light litter dumped on the street – highest pedestrian traffic.

Overall the presence of the Safe & Clean Team has made a huge impact towards beautification of the main streets and the safety of the local community.

Operational Plan Objective

- 1.1 A safe community for residents, workers and visitors
- 1.2 Maintain clean and attractive streets and public spaces

No Decision – Information Item Only

(ITEM IN13/19) ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCIL MEETING OF 16 APRIL 2019

File No: 19/16861

Summary

At the Council Meeting of 16 April 2019 the following Questions without Notice (QWN) were submitted by Councillors. Council Officers responded to the QWN and Councillors were notified on 30 April 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 16 APRIL 2019	
Question	Response
<p><u>Councillor Lesley Furneaux-Cook</u></p> <p>Question 1:</p> <p>When was the last time Council audited A frames on Burwood Road and surrounding streets, as I have had complaints about A frames blocking the footpath on Railway Parade and Burwood Road near the Uniting Church?</p>	<p><u>Group Manager Compliance</u></p> <p>Compliance conducted another street audit of A frames over the Easter weekend and several unlawful A frames were identified and warning letters were issued. Compliance will continue to monitor and enforce these activities.</p>
<p><u>Councillor Lesley Furneaux-Cook</u></p> <p>Question 2:</p> <p>Has Council considered applying for the Community Litter Grants through the EPA?</p>	<p><u>Group Manager Environment & Health</u></p> <p>Council has not applied for community litter grants through the EPA at this time. The Community and Council Litter Prevention grants heavily focus on the tagline 'Don't be a Tosser'. Council was previously successful in securing a litter grant, the campaign was relatively effective however we found the 'Don't be a Tosser' message didn't resonate with a large proportion of our residents. The NSW EPA has made available the campaign collateral and Council will utilise signage and other resources to implement a localised campaign suited to the Burwood LGA.</p>
<p><u>Councillor Heather Crichton</u></p> <p>Question 1:</p> <p>Can Council Officers inspect the condition of the bus stop at 25 Victoria Street Burwood, particularly the seat and garbage bin with a view to improving the presentation of this busy location?</p>	<p><u>Group Manager Assets & Infrastructure</u></p> <p>Council staff have investigated the matter and have organised the replacement of the existing bin and old bus seat with a new 240ltr stainless steel bin enclosure and a new bench seat.</p>

No Decision – Information Item Only

CONFIDENTIAL ITEMS - CLOSED SESSION

60/19 RESOLVED (*carried unanimously*)

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

1. (Item 41/19) 41/19 - Lease of 2 & 2A Comer Street Burwood - Corporate Ownership Transaction.



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.

2. (Item IN14/19) Contravention of the Code of Conduct Requirements Applicable under Section 440 - Case Leo

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.

3. (Item 42/19) Contravention of the Code of Conduct Requirements Applicable under Section 440 - Case Aries

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.

4. ITEM 43/19) Contravention of the Code of Conduct Requirements Applicable under Section 440 - Case OCM

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.

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

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 6.20 PM THE PUBLIC AND PRESS EXCLUDED FROM THE MEETING.

CR GEORGE MANNAH ARRIVED AT THE MEETING, THE TIME BEING 6:29 PM.

THE MEETING RESUMED IN OPEN SESSION AT 7:20 PM.

(ITEM 41/19) LEASE OF 2 & 2A COMER STREET BURWOOD - CORPORATE OWNERSHIP TRANSACTION

File No: 19/18682

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

Council has received a request for consent of a Corporate Ownership Transaction relating to Montessori Academy Group Pty Ltd (MAG) in relation to the Lease for 2 Comer Street, Burwood.

The details of the request and an assessment of options and possible implications are presented to Council for assessment and determination.

Operational Plan Objective

2.3.1 Identify and maintain additional revenue sources to ensure financial sustainability

61/19 RESOLVED *(carried unanimously)*

That Council grants consent to the proposed share transfers, subject to the Minister's approval and authorise the Acting General Manager to execute any required documents under his power of attorney but reserving Council's position on the proposed Lease 2 until the requested advice from Senior Counsel has been provided to Council.

(Moved Councillor Ernest Chan/Seconded Councillor Raj Dixit)

PROCEDURAL MOTION

62/19 RESOLVED *(carried unanimously)*

That Item 42/19 Contravention of the Code of Conduct Requirements Applicable under Section 440 - Case Aries be discussed as the last item due to Cr John Faker's declared conflict of interest.

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

(ITEM IN14/19) CONTRAVENTION OF THE CODE OF CONDUCT REQUIREMENTS APPLICABLE UNDER SECTION 440 - CASE LEO

File No: 19/18540

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) (i) of the Local Government Act 1993, as the matter involves personnel matters concerning particular individuals; AND alleged contraventions of any code of conduct requirements applicable under section 440.

No Decision – Information Item Only

(ITEM 43/19) CONTRAVENTION OF THE CODE OF CONDUCT REQUIREMENTS APPLICABLE UNDER SECTION 440 - CASE OCM

File No: 19/18544

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) (i) of the Local Government Act 1993, as the matter involves personnel matters concerning particular individuals; AND alleged contraventions of any code of conduct requirements applicable under section 440.

63/19 RESOLVED *(carried unanimously)*

1. That Council receives and notes the findings of the Final Investigation Report for Case OCM.
2. That the Acting General Manager create a mandatory governance training

program for all Council Officers which includes:

- a. Ethical leadership
- b. Multicultural awareness
- c. Bullying, harassment and discrimination
- d. Fraud and Corruption
- e. Code of Conduct
- f. Relationships between Council Officials
- g. Conflicts of interest
- h. Public Interest disclosures
- i. Delegations
- j. Provision of information
- k. Record keeping and handling/destruction of confidential documents
- l. Complaints handling
- m. Confidentiality and privacy
- n. Performance management
- o. Secondary employment
- p. Mental Health awareness
- q. Disability awareness

to ensure good governance practices in the organisation and a progress report be presented to Council on a six monthly basis.

3. That the Acting General Manager authorise the Internal Ombudsman to review the findings of the Final Investigation Report to assess and identify a potential need for further investigations, and to table a confidential report to the Council on such assessment at the June 2019 Council Meeting.

(Moved Councillor George Mannah /Seconded Councillor Raj Dixit)

**(ITEM 42/19) CONTRAVENTION OF THE CODE OF CONDUCT REQUIREMENTS
APPLICABLE UNDER SECTION 440 - CASE ARIES**

File No: 19/16355

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) (i) of the Local Government Act 1993, as the matter involves personnel matters concerning particular individuals; AND alleged contraventions of any code of conduct requirements applicable under section 440.

64/19 RESOLVED *(carried unanimously)*

1. That Council receives and notes the findings of the Final Investigation Report for Case Aries.
2. That the Acting General Manager create a mandatory governance training program for all Council Officers which includes:
 - a. Ethical leadership
 - b. Multicultural awareness
 - c. Mental and disability awareness
 - d. Bullying, harassment and discrimination
 - e. Fraud and Corruption Prevention
 - f. Code of Conduct
 - g. Conflicts of interest
 - h. Public Interest disclosures
 - i. Delegations

- j. Complaints handling
- k. Confidentiality and privacy
- l. Performance management
- m. Secondary employment
- n. Recruitment and selection procedures

to ensure good governance practices in the organisation and a progress report be presented to Council on a six monthly basis.

3. That the Acting General Manager authorise the Internal Ombudsman to review the findings of the Final Investigation Report to assess and identify a potential need for further investigations, and to table a confidential report to the Council on such assessment at the June 2019 Council Meeting.

(Moved Councillor Heather Crichton/Seconded Councillor George Mannah)

QUESTIONS WITHOUT NOTICE

The following Questions Without Notice were submitted at the Meeting:

Cr Lesley Furneaux-Cook

Question 1:

Following on from my last QWN, residents continue to notice A frames on Burwood Road - including mobile phone repairs, clairvoyant (corner of George Street and Burwood Road) and massage parlours.

- What notices have been sent?
- Like shopping trolleys, can these be confiscated?
- Do they have permits?

Question 2:

A resident has expressed concern that food delivery couriers are using Council's footpath, therefore endangering pedestrians. Can the General Manager investigate such situations?

Question 3:

Why are there no recycling bins at Henley and Wangal Parks?

Cr Joseph Del Duca

Question 1:

Roadworks to improve sewerage are currently occurring on Ann St, Enfield. Whilst these works are undoubtedly important, they are occurring during the morning peak time and blocking the entire road for up to 10 minutes at a time, making access for residents impossible. This is problematic at a time of the day when many local residents are rushing to meet morning deadlines. What measures are taken to balance the needs for Council Works Staff to access a site with the needs of local residents to meet their morning deadlines?

Question 2:


A Croydon resident has asked me to follow up on a Compliance report they first raised with Council on 12 November 2018 (#123327). This matter is still unresolved and the resident has not heard from Council since 5 March 2019. Can I get an update on the status of this investigation and an understanding as to why this process has taken so long?

Question 3:

I have received a number of comments from concerned residents about the lights at the intersection of Liverpool and Wentworth Rd in Enfield. Residents have told me that the signal allowing motorists to turn right onto Wentworth Rd has been significantly shortened in length. This has allegedly led to increased traffic congestion and frustration as cars try to cross over from the middle lane in order to make the lights, therefore putting drivers at risk. Have there been changes to the signal frequency at this intersection over the past 12 months and what effects have been noted? Could this right hand turn signal be referred to the relevant body for review?

This concluded the business of the meeting and Council rose at 7.29 pm.

Confirmed this Tuesday 25 June 2019.



MAYOR

