



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 5 February 2019 commencing at 6.03 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 B Mortimer, Executive Manager Organisation Development
Ms P Viney, Manager Governance
Ms R Gerges, Governance Officer
Mr A Sonego, Special Projects Officer
Mr T Cowan, Financial Operations Accountant
Mr B Adamopoulos, Manager Assets & Design
Mr A Yates, Internal Ombudsman

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

There were no declarations of interests by Councillors.

DECLARATIONS OF POLITICAL DONATIONS

There were no declarations of political interests by Councillors.

CONFIRMATION OF MINUTES

1/19 RESOLVED (*carried unanimously*)

That the minutes of the meeting of the Council of Burwood held on Tuesday 11 December 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 Raj Dixit)

ADDRESS BY THE PUBLIC ON AGENDA ITEMS

There was no business for this item.

NOTICES OF MOTION

(ITEM NM1/19) COUNCILLOR LESLEY FURNEAUX-COOK - HIGH RISE FIRE RESPONSE RISK

File No: 19/3130

Councillor Lesley Furneaux-Cook to move that:

Background

The NSW Government has identified Burwood as a strategic centre in the Inner West region. As a result Burwood is required to meet State targets to increase dwellings within the area by 2036.

Burwood Town Centre has seen unprecedented growth in high rise development, with more set to come on line with the Parramatta Road and surrounds rezoning as part of the Parramatta Rd revitalisation project by the State Government.

Many of the Burwood high rise developments are at least 20 storeys and recent Planning Proposals indicate the possibilities of double that height.

Living close to the town centre, I am acutely aware of the number of call outs that the fire brigade makes. Thankfully up until this time, there have been no fatalities.

As Councillors know, last year I asked a Question Without Notice which asked the response time for a NSW fire brigade aerial appliance to a high rise building fire or rescue 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. The response indicated between 19-23 minutes based on an average speed of 40 kph which is the estimate for peak times.

I understand that the aerial alliances or cherry pickers (Brontosaurus) are part of a second alarm and do not respond initially. This could mean up to 30 minutes or more to get an aerial on site, plus time to set up.

I believe that many residents would say that 30 minutes is not acceptable for an emergency response. A delay may put lives at risk. Moreover, there is only one unit available that has a 44m reach.

An appropriate aerial unit must be located, if not in Burwood, then closer to us.

I believe that if the government wishes to increase housing targets through increased high rise density, it must ensure the safety of its citizens by providing the appropriate emergency response infrastructure.

This motion aligns with the following strategic goals as articulated in the Burwood2030 Community Strategic Plan:

- A safe community for residents and workers
- Strong partnerships to benefit the community

- Public health and welfare
- Strong leadership and advocacy on behalf of the community

2/19 RESOLVED (*carried unanimously*)

I therefore move that:

1. The Mayor write, on behalf of Council, to the Minister for Police and Emergency Services, Hon Troy Grant, MP expressing concerns about the lack of an available and appropriate aerial unit for emergencies in Burwood Local Government Area.
2. The Mayor seek a meeting, on behalf of Council, with the Minister for Police and Emergency Services, Hon Troy Grant MP and Member for Strathfield, Hon Jodi McKay MP, to discuss options regarding improving the proximity of an appropriate aerial unit for emergencies in Burwood Local Government Area.

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

GENERAL BUSINESS

(ITEM 1/19) ADOPTION - INTEGRATED PLANNING AND REPORTING - RESOURCING STRATEGY

File No: 19/1644

Summary

The purpose of this report is to seek Council's adoption of the Resourcing Strategy 2018-2022.

Operational Plan Objective

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

3/19 RESOLVED (*carried unanimously*)

That Council adopt the Resourcing Strategy 2018-2022.

(Moved Councillor George Mannah/Seconded Councillor Raj Dixit)

(ITEM 2/19) ADOPTION - REVISED DELIVERY PROGRAM 2018-2021 AND REVISED BUDGET 2018-2022

File No: 19/1591

Summary

The purpose of this report is to seek Council's adoption of the Revised Delivery Program 2018-2021 and Revised Budget 2018-2022.

Operational Plan Objective

2.3.1.3 – Identify the community's capacity and willingness for additional sources of income and implement where appropriate or required

4/19 RESOLVED (*carried unanimously*)

That Council adopts the Revised Delivery Program 2018-2021 and Budget 2018-2022.

(Moved Councillor Ernest Chan/Seconded Councillor Heather Crichton)

(ITEM 3/19) APPLICATION FOR A SPECIAL RATE VARIATION UNDER SECTION 508A OF THE LOCAL GOVERNMENT ACT 1993

File No: 19/2060

Summary

Between December 2018 and January 2019 Council consulted with the community on its proposal to apply for a Special Rate Variation above the rate peg to continue to provide services in line with the community's vision for Burwood.

This report presents the results of the community engagement program and recommends that Council apply for a Special Rate Variation (s508A) to the Independent Pricing and Regulatory Tribunal by the deadline of 11 February 2019.

Operational Plan Objective

2.3.1.3 – Identify the community's capacity and willingness for additional sources of income and implement where appropriate or required

5/19 RESOLVED

1. That the information contained in this report be received and noted.
2. That in accordance with Section 508A of the *Local Government Act 1993*, Council forward to the NSW Independent Pricing and Regulatory Tribunal an application for a special rate variation in line with the *Improve* option detailed in this report, of 4.7% per annum (including rate peg) for the 2019-20 Financial year and 4.5% over the next three consecutive years based on IPART's assessment that the rate peg will be 2.5% for those years, and Council's ten year Long Term Financial Plan be adjusted to show these increases.
3. That a further report be provided to Council upon receipt of advice from the Independent Pricing and Regulatory Tribunal, following their review of the application.
4. That Council distributes a newsletter on a regular basis to ratepayers providing them with information on the progress of infrastructure projects and expenditure.

(Moved Councillor George Mannah/Seconded Councillor Ernest Chan)

(ITEM 4/19) ENDORSEMENT - DRAFT SHOPFRONT IMPROVEMENT PROGRAM

File No: 18/47035

Summary

At the Council Meeting of 24 April 2018, Mayoral Minute 8/18 was adopted in relation to the development of a Shopfront Improvement Program Policy. The policy has now been prepared and provides a framework for potential funding opportunities and a guide to making an application.

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

6/19 RESOLVED (*carried unanimously*)

1. That Council endorse the draft Shopfront Improvement Program Policy and associated Application Form to be placed on public exhibition for a period of 28 days.
2. That the draft Policy be made available to the public on Council's website, Burwood Library and Community Hub and at Council's Customer Service Centre for a period of 28 days.
3. That at the expiration of the 28 days, after the public comment period, a further report be tabled to the Council Meeting of 26 March 2019 for the adoption of the draft Shopfront Improvement Program Policy and associated Application Form.
4. That Council approve a \$50,000 budget allocation for the Shopfront Improvement Program to be funded through Section 94A.

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

(ITEM 5/19) ADOPTION - REVISED - COUNCILLORS' ACCESS TO INFORMATION AND INTERACTION WITH COUNCIL OFFICERS POLICY

File No: 18/44485

Summary

To seek the Council's adoption of the revised Councillors' Access to Information and Interaction with Council Officers Policy. The Policy provides advice to Councillors on how, in the course of exercising their civic duties, they are able to:

- access and use Council documents
- interact and receive advice from Authorised Council Officers
- access Council Buildings

Operational Plan Objective

2.1.3 Ensure transparency and accountability in decision making

7/19 RESOLVED (*carried unanimously*)

That Council adopt the revised Councillors' Access to Information and Interaction with Council Officers Policy as it conforms with the Code of Conduct and provides best governance practices and is in line with the requirement of the *Local Government Act 1993*.

(Moved Councillor George Mannah/Seconded Councillor Heather Crichton)

(ITEM 6/19) ENDORSEMENT - REVISED COUNCILLORS' EXPENSES AND



FACILITIES POLICY

File No: 19/1202

Summary

Section 252 of the *Local Government Act 1993* (the Act) requires Council to adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor (if there is one) and the other Councillors in relation to discharging the functions of civic office.

The Policy has been reviewed to reflect the Mayor's recommendation regarding the purchase of flowers/wreaths for the death of a resident and the discussions stemming from the Mayoral Minute MM22/18 on 11 December 2018.

Operational Plan Objective

2.1.3 Ensure transparency and accountability in decision making.

8/19 RESOLVED (*carried unanimously*)

That Council adopts the revised Councillors' Expenses and Facilities Policy.

(Moved Councillor Ernest Chan/Seconded Councillor George Mannah)

(ITEM 7/19) ADOPTION - REVISED DISCRETIONARY GRANTS - SMALL DONATIONS POLICY

File No: 19/1207

Summary

The Discretionary Grants – Small Donations Policy has been reviewed in light of Mayoral Minute MM22/18 submitted to Council on 11 December 2018. At the Meeting Council resolved to:

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 \$1,000.00 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

The Policy has been reviewed and Council's resolved amendments have been incorporated into the document.

Operational Plan Objective

2.1.3 Ensure transparency and accountability in decision making.

9/19 RESOLVED (*carried unanimously*)

That Council adopt the revised – Discretionary Grants – Small Donations Policy.

(Moved Councillor Heather Crichton/Seconded Councillor George Mannah)

(ITEM 8/19) PRIMARY DISCLOSURE OF INTEREST RETURNS - DESIGNATED PERSONS

File No: 18/49505

Summary

In accordance with Section 450A of the *Local Government Act 1993*:

- The General Manager must keep a Register of Pecuniary Interest Returns and the Returns must be available for inspection by members of the public.
- The General Manager must arrange for the tabling of the Returns at a Council Meeting.

10/19 RESOLVED (*carried unanimously*)

That the Primary Disclosures by Designated Officers be noted and accepted as tabled.

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

(ITEM 9/19) CODE OF CONDUCT STATISTICS REPORT DECEMBER 2018 - CLAUSE 12.1 AND 12.2 CODE OF CONDUCT

File No: 19/1358

Summary

Following the introduction of the Office of Local Government's Model Code of Conduct on 1 March 2013, Complaints Coordinators must report on a range of complaints statistics to the Council and to the Office of Local Government on a yearly basis.

The report for 1 September 2017 to 31 August 2018 was lodged with the Office of Local Government on 5 November 2018 and is now presented to Council for information.

Operational Plan Objective

2.1.3 Ensure transparency and accountability in decision making.

11/19 RESOLVED (*carried unanimously*)

That Council receives and notes the Code of conduct Statistics Report for the period 1 September 2017 to 31 August 2018.

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

(ITEM 10/19) PUBLIC INTEREST DISCLOSURES - STATISTICS REPORT 2018 - SECTION 6CA OF THE PUBLIC INTEREST DISCLOSURES ACT 1994

File No: 19/1375

Summary

Section 6CA of the *Public Interest Disclosures Act 1994* (PID Act) states that Council must provide statistical information to the NSW Ombudsman within 30 days after the end of the six month period in accordance with Section 6CA of the PID Act.

The report for 1 January 2018 – 31 December 2018 was lodged with the NSW Ombudsman on 25 July 2018 and the report for 1 July 2018 – 31 December 2018 was lodged with the NSW Ombudsman on 16 January 2019. Each is now presented to Council for information.

Operational Plan Objective

2.1.3 Ensure transparency and accountability in decision making.

12/19 RESOLVED *(carried unanimously)*

That Council receives and notes the Public Interest Disclosures Statistics Report for the period 1 July 2018 – 31 December 2018.

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

COUNCILLOR DEL DUCA ARRIVED AT THE MEETING AT 6.44PM.

(ITEM 11/19) INVESTMENT REPORT AS AT 30 NOVEMBER 2018

File No: 18/47609

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*.

13/19 RESOLVED *(carried unanimously)*

1. That the investment report for 30 November 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)

(ITEM 12/19) INVESTMENT REPORT AS AT 31 DECEMBER 2018

File No: 19/103

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*.

14/19 RESOLVED *(carried unanimously)*

1. That the investment report for 31 December 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)

INFORMATION ITEMS**(ITEM IN1/19) SAFE & CLEAN TEAM - QUARTERLY PERFORMANCE REPORT**

File No: 19/1030

Summary

This report provides performance information on the Safe & Clean Team for the second quarter of the 2018/2019 period.

The Safe & Clean Team, provided by Quest Effect Pty Ltd., operates on a daily basis between the hours of 10.00am to 6.00pm. The Team patrols all main business streets in the Burwood Local Government Area including Burwood Road, Liverpool Road, The Boulevard, The Strand and Georges River Road as defined in the contract.

The Team 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 law breaches to Council. The Safe & Clean Team provides a physical customer service presence for Council along the main business streets. Below is a summary of their performance for the period:

Activity	October 2018	November 2018	December 2018	Total
Rubbish removed from roadway	1920 16 (120L bins)	1988 16.5 (120L bins)	1894 15.7 (120L bins)	5802 48 (120L bins)
Shopping trolleys reported and removed from main streets	108	112	112	332
Advertising posters removed	23	33	10	66
Report Graffiti on Council Property	4	3	3	10
Report crime	0	0	0	0
Small spill clean ups	21	60	50	131
Distribute information leaflets	0	200	0	200
Report Road obstructions/local law breaches	1	1	0	2
Report maintenance issues	0	0	0	0

Note: The shopping trolleys left abandoned on the streets were reported to the relevant

service providers and removed on a daily basis. Council is noticing that trolley collectors are picking up trolleys once notified by Council and this process of constantly notifying trolley collectors is causing a strain on other services.

The advertising posters were small handwritten signs placed on poles which were removed by the Team.

Rubbish removed from the roadway highlights that Burwood Road has the highest amount of light litter dumped on the street which may be contributed by the high pedestrian traffic.

The team distribute leaflets on behalf of the customer service/media team relating to the markets at Woodstock.

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 IN2/19) ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCIL MEETING OF 27 NOVEMBER 2018

File No: 18/47461

Summary

At the Council Meeting of 27 November 2018 the following Questions without Notice (QWN) were submitted by Councillors. Council Officers responded to the QWN and Councillors were notified on 6 December 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:

QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 27 NOVEMBER 2018	
Question	Response
<p><u>Councillor Lesley Furneaux-Cook</u></p> <p>Question 1:</p> <p>I am aware that neighbouring councils (Inner West, Strathfield and Canada Bay) have signed an understanding with Service NSW “Easy to do Business Program”. Where is Burwood up to in its negotiations?</p>	<p><u>Acting Executive Manager</u></p> <p>Council has had preliminary discussions with Service NSW regarding supporting the program. At this stage, no agreement has been made</p>



<p><u>Councillor Lesley Furneaux-Cook</u></p> <p>Question 2:</p> <p>What are the obligations of Private Certifiers to give information to residents impaired by a development while being built?</p>	<p><u>Group Manager Building and Development</u></p> <p>The PCA must keep a written record of any complaint in accordance with clause 267A of the Environmental Planning and Assessment Regulation 2000.</p> <p>The record should include:</p> <ul style="list-style-type: none"> ▪ the name and contact details of the complainant ▪ the date the complaint was received ▪ the address and any identifying features of the property subject to the complaint ▪ the events surrounding the complaint from the complainant's view and as revealed by the investigation ▪ any response and action taken by the PCA <p>The PCA must keep the record for 10 years from the date the complaint was received. The Building Professionals Board web site advises that the PCA should tell the complainant that they are making a record and that the record may be requested by the Building Professionals Board.</p> <p>While accredited certifiers are public officials under the <i>Independent Commission Against Corruption Act 1988</i> and public authorities under the <i>Ombudsman Act 1974</i>, and are subject to the requirements of these Acts, in respect of providing general information to surrounding residents there is no legislative requirement other than mentioned above to provide such information. Complaints against PCA's in this regard must be referred to the Building Professionals Board for their investigation in the first instance.</p>
<p><u>Councillor Heather Crichton</u></p> <p>Question 1:</p> <p>In our conservation areas, what criteria is applied in selecting paint colour schemes?</p>	<p><u>Acting Group Manager Strategic Planning, Heritage and Place Planning</u></p> <p>Colour schemes are assessed against the DCP controls and Council's Fact Sheet 'Preparing a Heritage Paint</p>

	<p>Scheme'. Section 4.7, P45 of the DCP states that new paint and heritage colour schemes must reflect the most significant design period of the heritage property. The Fact Sheet cites useful sources of information on heritage colours, which are also regularly referenced by Council's Heritage Advisors in assessing schemes.</p>
<p><u>Councillor Heather Crichton</u></p> <p>Question 2:</p> <p>In our conservation areas, in selecting a paint colour scheme how is it decided? Is it one planner's decision?</p>	<p><u>Acting Group Manager Strategic Planning, Heritage and Place Planning</u></p> <p>The approval of paint colour schemes for heritage properties are generally made by one officer, either Council's Heritage Advisor or Council's Temporary Heritage Advisor (consultant position).</p>
<p><u>Councillor Heather Crichton</u></p> <p>Question 3:</p> <p>Where is the consistency with 7 Lea Street Croydon with the rest of the conservation area?</p>	<p><u>Acting Group Manager Strategic Planning, Heritage and Place Planning</u></p> <p>In approving the colour scheme for 7 Lea Street, Council's Heritage Advisor considered that there were already white painted components within the previous colour scheme, and that similar blue shades did indeed feature in traditional colour schemes from the Federation and Inter-War period (particularly into the later Federation period of 1909-1920 represented by the Malvern Hill Estate).</p> <p>Consideration was given to the character of the surrounding conservation area, with the Heritage Advisor finding that blue colours are used upon several houses in the Malvern Hill Heritage Conservation Area. It was determined that the more contemporary colour choices were acceptable given that the house is predominately face brick in construction, meaning that the painted elements would serve as minor "accents" rather than overly dominant colours.</p>

No Decision – Information Item Only

(ITEM IN3/19) ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCIL MEETING OF 11 DECEMBER 2018

File No: 19/38

Summary

At the Council Meeting of 11 December 2018 the following Questions without Notice (QWN) were submitted by Councillors. Council Officers responded to the QWN and Councillors were notified on 9 January 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 11 DECEMBER 2018																	
Question	Response																
<p><u>Cr Heather Crichton</u></p> <p>Question 1:</p> <p>Are Council Officers talking to the State Government about the urgent need to upgrade and increase passenger capacity and access at Burwood Station?</p>	<p><u>Manager Traffic and Transport</u></p> <p>The last formal meeting held between Council staff and various State Government Agencies and transport consultants aimed at assessing potential options to improve capacity to Burwood and Strathfield Stations was a few years ago. Unfortunately since then no further advice/information has been forthcoming.</p> <p>In 2013 the easy access upgrade of Burwood Station was completed.</p> <p>It should be noted that part of the upcoming Planned Precincts work will include Burwood, Strathfield and Homebush Railway Stations as part of the study area.</p>																
<p><u>Councillor Lesley Furneaux-Cook</u></p> <p>Question 1:</p> <p>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?</p>	<p><u>Group Manager Environment & Health</u></p> <p>The question was referred to NSW Fire and Rescue and they advise as follows:</p> <table border="1"> <thead> <tr> <th>Aerial Station</th> <th>Travel Time (estimate from FRNSW's CAD)</th> <th>Travel Time (estimate at 40kph)</th> <th>Travel Distance</th> </tr> </thead> <tbody> <tr> <td>Glebe</td> <td>13m 41s</td> <td>17m 40s</td> <td>9.11 km</td> </tr> <tr> <td>Parramatta</td> <td>14m 5s</td> <td>22m 1s</td> <td>12.01 km</td> </tr> <tr> <td>Revesby</td> <td>16m</td> <td>22m 18s</td> <td>12.2 km</td> </tr> </tbody> </table> <p>They have used 1-3 Railway Parade as a destination for the purpose of the calculations.</p>	Aerial Station	Travel Time (estimate from FRNSW's CAD)	Travel Time (estimate at 40kph)	Travel Distance	Glebe	13m 41s	17m 40s	9.11 km	Parramatta	14m 5s	22m 1s	12.01 km	Revesby	16m	22m 18s	12.2 km
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Revesby	16m	22m 18s	12.2 km														

	<p>The times in Column 1 are estimated from FRNSW's Computer Aided Dispatch System. The travel time in column 2 is based on an average speed of 40 kph which is the estimate for peak times.</p>
<p><u>Councillor Lesley Furneaux-Cook</u></p> <p>Question 2:</p> <p>Has Council corresponded with Burwood Plaza and Westfield Management regarding traffic management during the Christmas period?</p>	<p><u>Manager Traffic and Transport</u></p> <p>Westfield has engaged RMS to configure the traffic signals around the site on weekends and late night shopping to assist with traffic flow and improve travel times for vehicles exiting the centre car parks. Burwood Plaza has not identified any need for additional traffic management.</p> <p>Council staff are also investigating the impact of the existing on-street parking on the north side of Wilga Street on queueing lengths and delays for traffic heading west in Wilga Street as it approaches Shaftesbury Road in peak demand times.</p>
<p><u>Councillor Lesley Furneaux-Cook</u></p> <p>Question 3:</p> <p>Has Council corresponded with "Kiddie Kappers" who have a number of advertising signs on The Strand fence and other fences owned by Council?</p>	<p><u>Group Manager Compliance</u></p> <p>An Inspection of the fences along The Strand has revealed that the advertisement has been removed. Council's Compliance Team will monitor the location and take necessary action should any such advertisement return.</p>
<p><u>Cr George Mannah</u></p> <p>Question 1:</p> <p>What do we as a Council do about buses continuing to speed in Devonshire Street, Croydon (these buses are coming from Liverpool Road)? Last Sunday every bus travelling down Devonshire Street from Liverpool Road was speeding at an estimated 80 kilometres per hour.</p>	<p><u>Manager Traffic and Transport</u></p> <p>Traffic counts undertaken in July 2018 within Devonshire Street showed that 85th percentile speed of buses traveling north within the street was 54kph while the 85th percentile speed of buses travelling south was 50kph. Subsequently Council wrote to Transit Systems (formally STA) requesting that all drivers be made aware of the concerns raised by residents of the street and to monitor speeds.</p>

No Decision – Information Item Only

(ITEM IN4/19) MAYORAL DISCRETIONARY GRANTS - SMALL DONATIONS MADE FOR THE PERIOD ENDING 31 DECEMBER 2018

File No: 19/1204

Summary

The Discretionary Grants – Small Donations Policy was reviewed by Council and adopted on 12 December 2017. As part of the Policy requirements a list of donations made is to be reported to Council on a quarterly basis. The attached table details the Discretionary Grants for the quarter ending 31 December 2018.

No Decision – Information Item Only**(ITEM IN5/19) REPORTS APPROVED UNDER DELEGATED AUTHORITY - DURING THE 2018- 2019 RECESS PERIOD**

File No: 18/46754

Summary

Council, at its meeting of 27 November 2018, granted delegated authority to the Mayor and General Manager to deal with matters during the Council recess period as follows:

1. *That for the period from 12 December 2018 until 4 February 2019 Council delegates the following to both the Mayor and the General Manager:*
 - *Writing Off Accounts - to approve the writing off of accounts greater than \$5,000.*
 - *Writing Off Stores and Materials – to approve the writing off of items greater than \$5,000*
2. *That the Deputy Mayor be granted these delegations in the absence of the Mayor or the General Manager.*
3. *That all decisions made under the above delegations be subsequently reported for the information of Councillors at the 5 February 2019.*

Decisions Made During the Recess Period

No decisions were made under Delegated Authority during the Recess Period.

No Decision – Information Item Only**(ITEM IN6/19) POWER OF ATTORNEY FOR THE GENERAL MANAGER - OCTOBER 2018 TO FEBRUARY 2019**

File No: 19/1362

Summary

At the Council Meeting of 24 October 2017, Council resolved to delegate to Bruce Gordon Macdonnell, then Acting General Manager, a prescribed Power of Attorney. The prescribed Power of Attorney remains in place since Council appointed Bruce Gordon Macdonnell the General Manager at the Council Meeting of 27 March 2018.

The resolution included a request for a report to Council every three months on all

documents signed under the prescribed Power of Attorney.

Council notes that the following document was signed under Power of Attorney between October 2018 and February 2019:

- 26 Parnell Street Strathfield, Voluntary Planning Agreement between Burwood Council and Seiner Pty Limited, on 10 January 2019. Presented to Council on 24 April 2018.

Operational Plan Objective

2.1.3 Ensure transparent and accountability in decision making.

No Decision – Information Item Only

QUESTIONS WITHOUT NOTICE

The following Questions Without Notice were submitted at the Meeting:

Cr Joseph Del Duca

Question 1:

Can the Council be provided with a summary of previous conversations (last electoral cycle) between Council, Westfield, Coles and Woolworths in relation to the abandoned shopping trolleys?

Cr George Mannah

Question 1:

What can Council do to clean up existing graffiti from private buildings, State Government structures, Ausgrid, etc. i.e. on telegraph poles, traffic lights, railway bridge and other structures and shops etc in our centre?

Question 2:

What is the timeframe to clean graffiti reported on Council structures and other government agencies and non-government agencies, structures and private buildings?

Cr Heather Crichton

Question 1:

Has the General Manager considered implementing a peer review for the determination of our paint colour schemes for heritage properties?

Cr Lesley Furneaux-Cook

Question 1:

Enfield Pool – please clarify if a Senior's Card is accepted as a concession to entry given that neighbouring Councils do? i.e Inner West/Canterbury.

Question 2:

A resident has reported incidents of cars dropping off passengers at Burwood Station, exiting Deane Street against the one-way direction. Does Council patrol this area at morning peak hour?

Question 3:

What communication strategies does Council have/use to highlight the maintenance of local Council nature strips and does Council communicate to investors (not owners) regarding the maintenance of local Council nature strips?

MATTER OF URGENCY

15/19 That Council consider the appointment the NSW Electoral Commission to Conduct its 2020 Local Government Election in accordance with Section 296 of the *Local Government 1993* as a matter of urgency as a decision is required by 11 March 2019 and the Council's next scheduled meeting is on 26 March 2019.

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

CONDUCT OF THE LOCAL GOVERNMENT ELECTION - SEPTEMBER 2020

File 18/45537

Summary

To seek the Council's decision on who will administer the September 2020 Local Government Election in accordance with the *Local Government (Amendment) Elections Act 2011* and Section 296 of the *Local Government Act 1993*.

Operational Plan Objective

2.2.2 Develop strategic partnerships that will benefit the area and community

Background

The *Local Government (Amendment) Elections Act 2011* and Section 296 of the *Local Government Act 1993* (the Act) provide that Council Elections are able to be administered by the General Manager or the NSW Electoral Commission.

The Office of Local Government (OLG) issued guidelines in 2011 to assist Councils in understanding the level of service and accountability required of them so they are in a position to make an informed choice as to whether to conduct the elections themselves.

The NSW Electoral Commission (NSWEC) conducted the 2018 Burwood Council Election and the Popularly Elected Mayoral Poll.

Proposal

Council has two options in this regard. They can either appoint the NSWEC or the Election can be administered by the General Manager. A decision is required by 11 March 2019 in accordance with Section 296 (3) (a). It is noted that Councils are exempt from the tendering requirements if it engages the NSWEC.

It is recommended that Council engage the NSWEC to conduct the 2020 Local Government Elections in September. Council does not have the internal resources to

support the conduct of an in-house run election. Significantly, if Council engages the NSWEC all risk associated with the conduct and outcome of the Election is assumed by the NSWEC. This transference of risk is invaluable. Should Council conduct its own election then the General Manager bears all the risk including the cost of any legal challenges to the conduct of the Election.

Consultation

In previous years the NSWEC has provided Council with estimates which have been incorporated into the Council Report for the appointment. Council Officers have contacted the NSWEC and have been advised that the Department of Premier and Cabinet is making an announcement in relation to the 2020 Local Government Elections but were not able to provide any further information as to what the amendments might be. The NSWEC was advised not to proceed with sending the costings to Councils. It is not certain if the announcement is a change to the date, the Act, the process for appointing the Electoral Commission or the conduct of the Elections.

Planning or Policy Implications

Where Councils choose to use the NSWEC they must resolve to do so at least 18 months before the next ordinary election of Councillors that such an arrangement is to be entered into, and the arrangement is entered into no later than 15 months before the next ordinary election of councillors.

Unless Council resolves to engage the NSWEC by the prescribed deadline the default position is that all elections, referendums and polls will be administered by the General Manager in accordance with Section 296 of the Act.

Financial Implications

The direct financial impact for this matter will depend on the course of action taken by Council. In 2018 the cost of running the Election by the NSWEC was \$175,171.00. Should Council decide to conduct the Election itself, the financial impact would be similar, if not more, as there would be no opportunity to leverage the services provided by the NSWEC that are able to be distributed across multiple Councils.

The current allocated budget within Governance is \$200,000.

Conclusion

The NSW Electoral Commission has significant expertise and resources in conducting elections. Further all risk associated with conducting the Election will be assumed by the NSW Electoral Commission.

16/19 RESOLVED *(carried unanimously)*

1. That Council pursuant to Section 296 (2) and (3) of the *Local Government Act 1993*, that an election arrangement be entered into by contract for the NSW Electoral Commissioner to administer all elections of the Council.
2. That Council pursuant to Section 296 (2) and (3) of the *Local Government Act 1993*, as applied and modified by Section 18, that a Council poll arrangement be entered into by contract for the NSW Electoral Commissioner to administer all Council polls of the Council.

3. That Council pursuant to Section 296 (2) and (3) of the *Local Government Act 1993*, as applied and modified by Section 18, that a constitutional referendum arrangement be entered into by contract for the NSW Electoral Commissioner to administer all constitutional referenda of the Council.
4. That the General Manager notify the NSW Electoral Commission and the Chief Executive of the Office of Local Government of Council's decision.
5. That the General Manager be authorised to execute the contract and any other related documentation under his Power of Attorney.
6. That a progress report be tabled at the next Council Meeting advising the Council of the status of Department of Premier and Cabinet announcement and any costings issued by the NSW Electoral Commission.

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

This concluded the business of the meeting and Council rose at 7.12 pm.

Confirmed this Tuesday 26 March 2019.



MAYOR

