



# 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 27 August 2019 commencing at 6.17pm.

### 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  
Mr F Zincone, Acting Deputy General Manager Corporate, Governance & Community  
Ms K Everett, Deputy General Manager Land, Infrastructure & Environment  
Ms M Lazzaro, Acting Chief Finance Officer  
Ms M Kucic, Executive Strategic Planner, Heritage Advisor  
Ms P Viney, Manager Governance  
Ms V Karpowicz, Executive Support 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

**93/19 RESOLVED** (*carried unanimously*)

Councillor Joseph Del Duca as an apology.

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

**COUNCILLOR JOSEPH DEL DUCA ARRIVED AT THE MEETING AT 6.20PM**

### 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****94/19 RESOLVED** (*carried unanimously*)

That the minutes of the meeting of the Council of Burwood held on Tuesday 23 July 2019, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

(Moved Councillor George Mannah/Seconded Councillor Raj Dixit)

**MAYORAL MINUTES****(ITEM MM11/19) GREENER OPEN SPACES PILOT PROJECT**

File No: 19/39590

**Summary**

At the April 2019 Council meeting, Council passed a Mayoral Minute (MM4/19) authorising the General Manager to investigate a tree planting program including the allocation of \$100,000 to plant approximately 500 trees. In May, I wrote to Mr Jim Betts, Secretary of the Department of Planning, Industry and Environment (DPIE), informing him of the commitment and seeking a partnership with DPIE to advance and complement this commitment.

In May, the Premier of NSW established her Premier's Priorities including:

- Priority 11 – Greener Public Spaces
- Priority 12 – Greening Our City

Priority 11 – Greener Public Spaces aims by 2023 to increase by 10% the proportion of homes that are within a 10 minute walk of quality public space.

Consequently, the DPIE has selected Burwood as the pilot LGA to assist with the development of the State definition of public spaces. This will be followed by the development of the methodology to determine a baseline public spaces quantum to enable NSW to deliver on the priorities. Burwood's public spaces will be used to test and refine the methodology which will be rolled out to local governments and communities across NSW.

Council Officers have commenced this partnership working with a range of DPIE offices, including the Government Architect, Public Spaces Branch and the Open Space and Tree Canopy Branch. Burwood and DPIE will meet weekly for the next couple of months. Over the next two weeks, DPIE will be sending 10 officers to begin the assessment of 20 to 30 public spaces within Burwood.

**Operational Plan Objectives**

- 2.2 Strong partnerships to benefit the community
- 3.1 Maintain and enhance green and open spaces
- 4.4 Participate in regional planning and infrastructure projects to ensure the best outcomes for the community
- 5.1 Maximise Burwood's regional and strategic status within inner western Sydney
- 5.3 Enhance and foster the local identity

**RESOLVED** (*carried unanimously*)



1. Council endorses the Greener Public Spaces Pilot Project and Burwood's role in the project.
2. The Acting General Manager writes to the Secretary of the Department of Planning, Industry and Environment notifying him of Burwood's acceptance as the pilot LGA.
3. The Acting General Manager reports to the November Council meeting on the results of the project.
4. Councillor John Faker writes to the Premier to congratulate and thank her for Burwood's inclusion in the Greener Public Spaces Pilot Project.

**COUNCILLOR JOSEPH DEL DUCA ARRIVED AT THE MEETING AT 6.20PM**

### **ADDRESS BY THE PUBLIC ON AGENDA ITEMS**

There was no business for this item.

### **GENERAL BUSINESS**

#### **(ITEM 63/19) HERITAGE MATTERS**

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File No: 19/4405

#### **Summary**

Over the course of 2018 and 2019, the Council made a number of resolutions in respect to heritage matters. This report discusses aspects of Council's approach to heritage conservation and possible opportunities or initiatives going forward.

#### **Operational Plan Objective**

5.4.1 Preserve local heritage through relevant planning strategies

#### **95/19 RESOLVED** *(carried unanimously)*

1. That the Council note the current controls and processes in respect to heritage colours, and that the Acting General Manager investigate a process which would assist in the assessment and provision of advice.
2. That the Council note the current practices of Council aimed at promoting heritage, encouraging participation, or enhancing education, and make no immediate changes to same, with the exception of 5., 6., and 7. below.
3. That the Council note the comments made in respect to the Stage 1 assessment of potential heritage items, and not proceed with Stage 2.
4. That the Council approves the remaining budget allocation for the Comprehensive Heritage Review be directed to the engagement of heritage consultants (or similar resources) to assist with the assessment of heritage referrals, provision of expert advice to customers, development of a policy on the transfer of heritage floor

space, and the entering of updated inventory sheets into the NSW Heritage Database.

5. That the Acting General Manager investigate a process which would assist staff in making heritage-related decisions and in the provision of advice, and conduct a service review of Council's existing Heritage Advisor services in relation to capacity and workload.
6. That the Acting General Manager investigate opportunities for holding educational workshops for residents during Heritage Week about heritage issues in the Burwood Local Government Area.
7. That the Acting General Manager investigate opportunities for Council to promote local projects for the National Trust's annual heritage awards.

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

**(ITEM 64/19) ADOPTION - DRAFT PUBLIC INTEREST DISCLOSURES ACT 1994 - INTERNAL REPORTING POLICY AND PROCEDURE FOR ASSESSING PUBLIC INTEREST DISCLOSURES AND INVESTIGATIONS**

File No: 19/37627

**Summary**

To seek Council's approval of the draft *Public Interest Disclosures Act 1994* – Internal Reporting Policy and Procedure for Assessing Public Interest Disclosures and Investigations prior to the conduct of the Council approved Governance Training Program.

**Operational Plan Objective**

2.1.3 Ensure transparency and accountability in decision making

**96/19 RESOLVED** (*carried unanimously*)

1. That Council adopt the draft *Public Interest Disclosures Act 1994* – Internal Reporting Policy and the Procedure for Assessing Public Interest Disclosures and Investigations.
2. That Council delegate to the General Manager authority to amend the Procedure for Assessing Disclosures and Investigations where he/she deems appropriate.

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

**(ITEM 65/19) ADOPTION - REVISED COMPLAINTS MANAGEMENT POLICY**

File No: 19/37753

**Summary**

To seek Council's approval of the revised Complaints Management Policy prior to the conduct of the Governance Training Program.

The Policy ensures a clear and simple process is available for the community to submit complaints, and to introduce defined standards for Council Officers to address and respond to the community's feedback.

**Operational Plan Objective**

2.1.3 Ensure transparency and accountability in decision making

**97/19 RESOLVED** (*carried unanimously*)

1. That Council adopt the revised Complaints Management Policy.
2. That Council delegate to the General Manager authority to amend the Complaints Management Procedures where he/she deems appropriate.

(Moved Councillor Heather Crichton/Seconded Councillor Ernest Chan)

**(ITEM 66/19) ADOPTION - REVISED AUDIT, RISK AND IMPROVEMENT COMMITTEE CHARTER**

File No: 19/36539

**Summary**

This report seeks Council's adoption of the revised Audit, Risk and Improvement Committee Charter (the Charter). The Charter was last reviewed in February 2018. The Charter meets the Office of Local Government's Audit Committee Charter model.

**Operational Plan Objective**

2.1.3 Ensure transparency and accountability in decision making

**98/19 RESOLVED** (*carried unanimously*)

That Council adopts the revised Audit, Risk and Improvement Committee Charter.

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

**(ITEM 67/19) REFERRAL OF THE ANNUAL FINANCIAL REPORTS FOR 2018-2019 TO COUNCIL'S AUDITOR**

File No: 19/34830

**Summary**

Council's Financial Reports must be in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2005* (the Regulation), the Australian Accounting Standards, the Local Government Code of Accounting Practice and Financial Reporting and the Local Government Asset Accounting Manual. This is to ensure that the Financial Reports for each year fairly present the Council's operating result and financial position for the year.

In accordance with Section 413 of the Act, Council's Annual Financial Reports must be authorised for referral to the Auditor for audit.

**Operational Plan Objective**

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

**99/19 RESOLVED** (*carried unanimously*)

That in accordance with Section 413(2)(c) of the *Local Government Act 1993* and Clause



215 of the *Local Government (General) Regulation 2005*, Council resolve the following:

1. That authority is granted to the Mayor, the Deputy Mayor, the Acting General Manager and Responsible Accounting Officer to sign the Statements by Councillors and Management for the General Purpose Financial Reports and the Special Purpose Financial Reports for the Year Ended 30 June 2019.
2. That the signed statement be attached to the 2018-2019 Unaudited Annual Financial Reports and presented to Council's Auditor (NSW Audit Office) for the completion of the audit.
3. That the Auditor is invited to attend the Audit, Risk and Improvement Committee Meeting in October 2019 that will review the Annual Financial Reports and also to attend the Council Meeting that is to adopt the audited Annual Financial Reports.

(Moved Councillor Joseph Del Duca/Seconded Councillor George Mannah)

#### **(ITEM 68/19) INVESTMENT REPORT AS AT 31 JULY 2019**

File No: 19/36331

##### **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*.

##### **Operational Plan Objective**

2.3.1 Identify and maintain additional revenue sources to ensure financial sustainability

#### **100/19 RESOLVED** *(carried unanimously)*

1. That the investment report for 31 July 2019 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

(Moved Councillor Ernest Chan/Seconded Councillor Raj Dixit)

#### **(ITEM 69/19) REGISTER - TRIBUTES TO RESIDENTS - COUNCILLORS' EXPENSES AND FACILITIES POLICY**

File No: 19/36357

##### **Summary**

The Councillors' Expenses and Facilities Policy was amended via a Mayoral Minute on 16 April 2019 (MM 54/19) to include a \$2,500 budget for the Elected Body to offer wreaths, flowers or the equivalent including in the event of the passing of a resident.

##### **Operational Plan Objective**

2.1.3 Ensure transparency and accountability in decision making

#### **101/19 RESOLVED** *(carried unanimously)*

That Council receives and notes the tributes made to residents.

(Moved Councillor Heather Crichton/Seconded Councillor Ernest Chan)

**INFORMATION ITEMS****(ITEM IN23/19) DISCRETIONARY GRANTS - SMALL DONATIONS MADE FOR THE PERIOD 2018-2019**

File No: 19/36344

**Summary**

The Discretionary Grants – Small Donations Policy was reviewed by Council and adopted on 6 February 2018. 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 period 2018-2019.

**Operational Plan Objective**

2.1.3 Ensure transparency and accountability in decision making

**No Decision – Information Item Only****(ITEM IN24/19) PETITIONS**

File No: 19/36613

**Summary**

Petitions received are reported to Council on a monthly basis. Council has received one petition since the June 2019 Council Meeting.

**Operational Plan Objective**

2.1.1 Provide opportunities for discussions and report decisions back to the community

**Background**

Date Received	Petition Subject	No. of Households and Businesses within the LGA	No. of Households outside the LGA	Responsible Council Division
31 July 2019	Petition received in objection to development application BD.2015.125 Section 4.55 – 360-362 Georges River Road Croydon Park - Modification of Communal Open Space on Rooftop Barbeque Area.	18	0	Land, Infrastructure and Environment

**Comments**

That Council notes that the Petitions have been referred to the appropriate Council Officers for attention.

### **No Decision – Information Item Only**

## **(ITEM IN25/19) ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCIL MEETING OF 23 JULY 2019**

File No: 19/36684

### **Summary**

At the Council Meeting of 23 July 2019 the following Questions without Notice (QWN) were submitted by Councillors. Council Officers responded to the QWN and Councillors were notified on 6 August 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:

<b>QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 23 JULY 2019</b>	
<b>Question</b>	<b>Response</b>
<p><b><u>Councillor Lesley Furneaux-Cook</u></b></p> <p><b>Question 1:</b></p> <p>Following on from a previous Mayoral Minute relating to the Emergency Services Levy, what response have we had from the Minister for Emergency Services, the Hon David Elliott and the Minister for Local Government? I am aware that LGNSW is lobbying the Minister but he has not experienced pressure from councils.</p>	<p><b><u>Chief Finance Officer</u></b></p> <p>Letters were forwarded to the following Ministers and Shadow Ministers on 2 July 2019 under the Mayors signature:</p> <ul style="list-style-type: none"> <li>▪ Minister for Police and Emergency Services, the Hon David Elliott MP</li> <li>▪ Minister for Customer Service, the Hon Victor Dominello MP</li> <li>▪ Minister for Local Government, the Hon Shelley Hancock MP</li> <li>▪ Shadow Minister for Local Government and Communities, the Hon Peter Primrose</li> <li>▪ Shadow Minister for Environment and Heritage, the Hon Penelope Sharpe MLC</li> <li>▪ Member for Strathfield, Ms Jodi McKay MP</li> </ul> <p>On 19 June 2019 the Mayor wrote to the Hon Gladys Berejiklian, NSW Premier.</p> <p>As at 30 July 2019, Council has only received one response from the new Shadow Minister for Local Government, Shadow Minister for Veterans Affairs and</p>



	Shadow Minister for Western Sydney, Mr Greg Warren MP outlining his disapproval with the way the NSW Government has handled the changes to the Fire and Emergency Services Levy.
<p><b><u>Councillor Lesley Furneaux-Cook</u></b></p> <p><b>Question 2:</b></p> <p>Are there any updates from the Department of Planning on combustible cladding on buildings in our Local Government Area?</p>	<p><b><u>Acting General Manager</u></b></p> <p>Council has taken all appropriate action in relation to inspections and testing of the cladding material on buildings in Burwood and this has been reported to the Office of Local Government as required.</p> <p>In late 2018, and in relation to 1-17 Elsie Street, Burwood, Council received advice from the strata management agents that an initial sample of the cladding had been sent to the CSIRO for testing, which returned a result of Combustible Category A. However, the testing methodology and vetting system was indeterminate at that time. The Strata Manager has since arranged for a further report from Cladding Compliance Australia who tested a sample taken from the building on 14 March, 2019 and concluded that the product was Non-combustible Category D.</p> <p>Accordingly, the Strata Manager has now requested Cladding Compliance Australia to liaise with CSIRO to review their methodology of testing the product to confirm whether or not they agree on the cladding material being Non-combustible Category D.</p> <p>Both the Office of Local Government and NSW Fire &amp; Rescue are aware of the actions Council is taking. Council will continue to act as required when buildings are brought to our attention from the responsible authorities.</p>
<p><b><u>Councillor Lesley Furneaux-Cook</u></b></p> <p><b>Question 3:</b></p> <p>Has Council investigated sightlines for cars exiting the Flower Power site turning right onto Mitchell Street? This is a busy egress/ingress and is often dangerous.</p>	<p><b><u>Manager Traffic &amp; Transport</u></b></p> <p>A recent investigation of the exit onto Mitchell Street was undertaken which found unauthorised A-frames restricting sightlines for motorists. Council's</p> 

	Compliance team has been requested to contact Flower Power to have the signs removed immediately. Staff are also investigating traffic calming devices along Mitchell Street as part of the annual Federal Government Black Spot Funding Program to improve safety for road users.
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**No Decision – Information Item Only**

### **QUESTIONS WITHOUT NOTICE**

The following Questions Without Notice were submitted at the Meeting:

#### **Councillor Lesley Furneaux-Cook**

Question 1:

How many buildings in the Burwood Local Government Area have been identified by the NSW Cladding Taskforce that need rectification?

Question 2:

Is Council making a submission to the LGNSW/SSROC regarding State Government's review of boarding houses regulations?

Question 3:

Sport Fulltime Grants – Has Council made applications for these grants and, if so, what are these?

#### **Councillor Heather Crichton**

Question 1:

Can Council approach neighbouring Councils to seek support in sharing their library services with our residents during the proposed three month closure period of Burwood Library due to renovations?

This concluded the business of the meeting and Council rose at 6.52pm.

Confirmed this Tuesday 24 September 2019



**MAYOR**