

NEW CITY OF CANTERBURY BANKSTOWN

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 25 JULY 2017**

PRESENT: Administrator – Richard Colley

THE ADMINISTRATOR DECLARED THE MEETING OPEN AT 6.00 P.M.

REF: CONFIRMATION OF MINUTES

(466)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the minutes of the Ordinary Council Meeting held on 27 June 2017 be adopted.

SECTION 2: LEAVE OF ABSENCE

Nil

SECTION 3: DECLARATIONS OF PECUNIARY INTEREST OR NON-PECUNIARY CONFLICT OF INTEREST

Nil

SECTION 4: ADMINISTRATOR MINUTES

Nil

SECTION 5: PLANNING MATTERS

ITEM 5.1 CANTERBURY ROAD CORRIDOR REVIEW

(467)

MOVED AND RESOLVED BY THE ADMINISTRATOR

1. Council endorse the attached Canterbury Road Review report, attachments and recommendations endorsed by the Steering Committee for exhibition.
 2. The exhibition be undertaken as detailed in this report.
 3. A report be provided to Council after the exhibition period.
 4. To progress the resourcing recommendations as outlined in the report.
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ITEM 5.2 83–99 NORTH TERRACE AND 62 THE MALL IN BANKSTOWN

(468) MOVED AND RESOLVED BY THE ADMINISTRATOR

1. The planning proposal as shown in Attachment A be amended.
2. The planning proposal as outlined in this report be re-exhibited.

ITEM 5.3 UPDATE ON LOCAL AREA PLANS

(469) MOVED AND RESOLVED BY THE ADMINISTRATOR

1. Council note the Gateway Determination as shown in Attachment A.
2. Council delegate authority to the General Manager:
 - (a) To prepare and exhibit draft amendments to Bankstown Development Control Plan 2015.
 - (b) To prepare and exhibit draft amendments to the Section 94A Development Contributions Plan (Bankstown) as part of any future revisions.
3. The matter be reported to Council following the exhibition.

ITEM 5.4 DRAFT HOUSEKEEPING AMENDMENTS TO BANKSTOWN LEP 2015

(470) MOVED AND RESOLVED BY THE ADMINISTRATOR

1. Council delegate authority to the General Manager to prepare and submit a planning proposal to the Greater Sydney Commission to seek a Gateway Determination.
2. Council seek authority from the Greater Sydney Commission to exercise the delegation in relation to the plan making functions under section 59 of the Environmental Planning & Assessment Act 1979.
3. Subject to approval from the Greater Sydney Commission, Council exhibit the planning proposal, and the matter be reported to Council following the exhibition.

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ITEM 5.5

479 HENRY LAWSON DRIVE IN MILPERRA

(471)

MOVED AND RESOLVED BY THE ADMINISTRATOR

1. Council delegate authority to the General Manager to prepare and submit a planning proposal to the Greater Sydney Commission to seek a Gateway Determination.
2. Council seek authority from the Greater Sydney Commission to exercise the delegation in relation to the plan making functions under section 59 of the Environmental Planning and Assessment Act 1979.
3. Subject to approval from the Greater Sydney Commission, Council exhibit the planning proposal and the matter be reported to Council following the exhibition.

ITEM 5.6

30–46 AUBURN ROAD IN REGENTS PARK

(472)

MOVED AND RESOLVED BY THE ADMINISTRATOR

1. Council endorse the planning proposal to proceed with a maximum 1.75:1 FSR, consistent with the advice received from Architectus and Olsson & Associates Architects.
2. Council delegate authority to the General Manager:
 - (a) To prepare and exhibit draft amendments to Bankstown Development Control Plan 2015, consistent with the advice received from Architectus.
 - (b) To investigate an appropriate mechanism to deliver the infrastructure improvement works in a timely manner.
3. The matter be reported to Council following the exhibition.

ITEM 5.7

JOINT RESPONSE TO RIVERWOOD BEING DECLARED A PRIORITY PRECINCT BY THE MINISTER FOR PLANNING

(473)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That Council, in conjunction with Georges River Council, write to the Minister for Planning supporting the declaration of the Riverwood area as a Priority Precinct, subject to the following:

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- (a) high quality open space, community facilities, schools and transport infrastructure being provided to support the proposed growth;
- (b) development of the suburb being staged;
- (c) State and local funding mechanisms being agreed to and in place before development is allowed to occur; and
- (d) Planning being delegated to the respective Councils.

SECTION 6: REPORT OF THE GENERAL MANAGER

ITEM 6.1 SUMMARY OF PROGRESS AND ACHIEVEMENTS

(474) MOVED AND RESOLVED BY THE ADMINISTRATOR

That Council note the progress and achievements over the last year.

ITEM 6.2 LIVEABLE CENTRES PROGRAM

(475) MOVED AND RESOLVED BY THE ADMINISTRATOR

1. Council adopts the Liveable Centres Program for continual improvements of the public domain and infrastructure within the town centres across the newly formed Local Government Area (LGA).
2. Council adopts the priority list for the next three years (2018/19, 2019/20 and 2020/21).
3. The budget be determined as part of the development of next year's operational plan.

ITEM 6.3 COUNCIL POLICIES

(476) MOVED AND RESOLVED BY THE ADMINISTRATOR

1. Council endorse the Policies as outlined in the report.
2. Council carry out the relevant public exhibition and reporting process as outlined in the report.

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- ITEM 6.4** **ADOPTION OF THE LOCAL ORDERS POLICY**
(477) MOVED AND RESOLVED BY THE ADMINISTRATOR
1. Council adopt the Local Orders Policy 2017.
 2. Public Notice of the adopted policy be displayed in local Newspapers and Council's web page.
- ITEM 6.5** **EXPENSES AND FACILITIES POLICIES**
(478) MOVED AND RESOLVED BY THE ADMINISTRATOR
1. Council endorse the draft Councillor Expenses and Facilities Policy for public exhibition in accordance with the requirements of the Local Government Act 1993.
 2. Following public exhibition, of the policy any submissions received be reported to Council.
 3. Council adopt the Senior Staff Facilities Policy as outlined in this report.
 4. That the Mayor be delegated authority to amend the Senior Staff Facilities Policy as required and as recommended by the General Manager.
- ITEM 6.6** **UPDATE TO COUNCIL'S INSTRUMENT OF DELEGATIONS**
(479) MOVED AND RESOLVED BY THE ADMINISTRATOR
- The Instrument of Delegations, as attached to the report, be adopted.
- ITEM 6.7** **ADOPTION OF THE FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN FOR SUB-CATCHMENTS OF THE MID GEORGES RIVER**
(480) MOVED AND RESOLVED BY THE ADMINISTRATOR
1. The community consultation and input of the community and stakeholders to the study be noted.
 2. Council adopt the Floodplain Risk Management Study and Plan for the Mid Georges River, including the Waterways and Water Quality Improvement Plan (Attachment A).

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3. A future report on the LEP and DCP amendments be provided to Council.

ITEM 6.8 ALCOHOL FREE ZONE AND ALCOHOL PROHIBITED AREAS RENEWAL

(481) MOVED AND RESOLVED BY THE ADMINISTRATOR

That Council place the proposed Alcohol Free Zone and Alcohol Prohibited Area locations on public exhibition and that the matter be reported to Council to consider any submissions.

ITEM 6.9 CASH AND INVESTMENT REPORT AS AT 30 JUNE 2017

(482) MOVED AND RESOLVED BY THE ADMINISTRATOR

1. The Cash and Investment Report as at 30 June 2017 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

ITEM 6.10 RELEASE OF COVENANT - 23 UNDERCLIFFE ROAD, EARLWOOD

(483) MOVED AND RESOLVED BY THE ADMINISTRATOR

1. The release of the covenant on title to the property 23 Undercliffe Road Earlwood, requiring completion of landscaping works in accordance with the determination of DA-58/2005, be approved.
2. The Administrator and General Manager be delegated authority to sign all documents under the Common Seal of Council, as required.

ITEM 6.11 RELEASE OF EASEMENT TO DRAIN WATER AND RIGHT OF PUBLIC FOOTWAY AT 2 - 26 HALDON STREET, LAKEMBA

(484) MOVED AND RESOLVED BY THE ADMINISTRATOR

That Council consent to the release of the Easement to Drain Water 1.5m wide and Right of Public Footway 4.34m wide and variable width at 2 – 26 Haldon Street, Lakemba.

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ITEM 6.12 RIVERWOOD NORTH VPA - NEW LIBRARY/CAFE, COMMUNITY HUB AND ASSOCIATED CAR PARKING AREAS

(485) MOVED AND RESOLVED BY THE ADMINISTRATOR

1. In accordance with the Local Government Act 1993, public notice be given of the proposal to classify the land as operational, as detailed in the report.
2. At the conclusion of the public exhibition period, a further report be presented to Council with details of any submissions received.
3. The General Manager be given delegated authority to negotiate a lease for the café as detailed in the report.

ITEM 6.13 COUNCIL SUBMISSION TO THE SYDNEY WEST METRO CONSULTATION

(486) MOVED AND RESOLVED BY THE ADMINISTRATOR

1. Council provides a submission to the West Metro consultation outlining the concerns raised in this report.
2. Council continue to advocate for undergrounding of the metro and heavy rail line interchange at Bankstown Station.

ITEM 6.14 SYDENHAM TO BANKSTOWN URBAN RENEWAL CORRIDOR AND SOUTH WEST METRO LINE - STATUS REPORT

(487) MOVED AND RESOLVED BY THE ADMINISTRATOR

1. Council notes the status of the Sydenham to Bankstown Metro line and Urban Renewal Corridor projects.
2. Council allocate resources to respond to and plan for the metro and urban renewal corridor initiatives as outlined in this report.

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SECTION 7: COMMITTEE REPORTS

ITEM 7.1 MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD ON 28 JUNE 2017

(488) MOVED AND RESOLVED BY THE ADMINISTRATOR

That the recommendations contained in the minutes of the Audit and Risk Committee meeting held on 28 June 2017, be adopted.

ITEM 7.2 MINUTES OF THE UNIVERSAL ACCESS ADVISORY COMMITTEE MEETING HELD ON 29 JUNE 2017

(489) MOVED AND RESOLVED BY THE ADMINISTRATOR

That the minutes of the Universal Access Advisory Committee meeting held on 29 June 2017 be adopted.

ITEM 7.3 MINUTES OF THE FLOODPLAIN MANAGEMENT COMMITTEE MEETING HELD ON 29 JUNE 2017

(490) MOVED AND RESOLVED BY THE ADMINISTRATOR

That the minutes of the Floodplain Management Committee meeting held on 29 June 2017, be adopted.

ITEM 7.4 MINUTES OF THE CANTERBURY BRANCH AND BANKSTOWN BRANCH TRAFFIC COMMITTEE MEETINGS HELD ON 11 JULY 2017

(491) MOVED AND RESOLVED BY THE ADMINISTRATOR

That the recommendations contained in the minutes of the Canterbury Branch Traffic Committee and Bankstown Branch Traffic Committee meetings held on 11 July 2017, be adopted.

SECTION 8: NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

Nil

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SECTION 9: MATTERS FOR INFORMATION

ITEM 9.1 LGNSW COST SHIFTING REPORT FOR 2015/2016
(492) MOVED AND RESOLVED BY THE ADMINISTRATOR
That Council note the contents of the report.

ITEM 9.2 2017 LOCAL GOVERNMENT ELECTIONS - COUNCILLOR ONBOARDING AND
INDUCTION PROGRAM
(493) MOVED AND RESOLVED BY THE ADMINISTRATOR
That the information be received and noted.

SECTION 10: QUESTIONS FOR NEXT MEETING

SECTION 11: CONFIDENTIAL SESSION

(494) MOVED AND RESOLVED BY THE ADMINISTRATOR
That, in accordance with Section 10A(2) of the Local Government Act, 1993, the Public and the Press be excluded from the meeting to enable Council to determine Items 11.1, 11.2, 11.3, 11.4 in confidential session for the reasons indicated:

Item 11.1 Educational Establishment Proposal for Bankstown CBD

This report is considered to be confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Item 11.2 Proposed Acquisition of Property in Milperra

This report is considered to be confidential in accordance with Section 10A(2)(c) of the Local Government Act, 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Item 11.3 Proposed Closure, Sub-division and sale of part Permanent Avenue, Earlwood adjacent 33-35 Wardell Road, Earlwood

This report is considered to be confidential in accordance with Section 10A(2)(c) of the Local Government Act, 1993, as it relates to information

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that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Item 11.4 Staff Contractual Matter

This report is considered to be confidential in accordance with Section 10A(2)(a) of the Local Government Act, 1993, as it relates to personnel matters concerning particular individuals.

**COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 6.15 PM AND
REVERTED BACK TO OPEN COUNCIL AT 6.17 PM.**

**ITEM 11.1
(495)**

EDUCATIONAL ESTABLISHMENT PROPOSAL FOR BANKSTOWN CBD

MOVED AND RESOLVED BY THE ADMINISTRATOR

1. The General Manager be delegated authority to commence negotiations with the Western Sydney University on the basis set out in the report.
2. The Administrator and General Manager be delegated authority to enter into a Memorandum of Understanding (MOU) with Western Sydney University regarding the approach to the project.
3. A further report be submitted to Council on the outcomes of the negotiations.

**ITEM 11.2
(496)**

PROPOSED ACQUISITION OF PROPERTY IN MILPERRA

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the proposed actions as set out in the report, be authorised.

**ITEM 11.3
(497)**

**PROPOSED CLOSURE, SUB-DIVISION AND SALE OF PART PERMANENT AVENUE,
EARLWOOD ADJACENT 33-35 WARDELL ROAD, EARLWOOD**

MOVED AND RESOLVED BY THE ADMINISTRATOR

1. Council agrees in principle to part of Permanent Avenue, Earlwood being closed, a new lot being created and that lot being sold to the owner of 33-35 Wardell Road Earlwood subject to the conditions outlined in the report.
2. The Administrator and the General Manager be authorised to sign all documents under the Common Seal of Council, as required.

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**ITEM 11.4
(498)**

STAFF CONTRACTUAL MATTER

MOVED AND RESOLVED BY THE ADMINISTRATOR

1. Council receive and note the General Manager Performance Review Panel's Report.
2. Council note that the General Manager's performance is better than satisfactory and exceeds expectations, especially in the current merge environment where he has successfully led the creation of the largest Council in NSW.
3. Based on the reasons set out in item 2, the Council considers that a discretionary increase to the General Manager's Total Remuneration Package under the existing contract should be made and agrees to increase the Total Remuneration Package as recommended in the Performance Review Panel's Report.
4. The Administrator be delegated the authority to finalise the matter, including the determination of performance criteria for the General Manager's 2017/2018 Performance Agreement.

THE MEETING CLOSED AT 6.18 P.M

Minutes confirmed 22 AUGUST 2017

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Administrator