
AUBURN CITY COUNCIL

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS CIVIC PLACE, 1 SUSAN STREET, AUBURN ON WEDNESDAY, AUGUST 15, 2012 COMMENCING AT 6.30PM

PRESENT

His Worship the Mayor (Clr Oueik), Councillors Attie (except from 6.57pm to 6.58pm and from 7.11pm to 7.12pm), Di Paolo, Lam (from 6.38pm), Michels (except from 6.57pm to 6.58pm), Simms and Zraika (from 6.32pm and except from 6.53pm to 6.54pm).

IN ATTENDANCE

General Manager, Director Business & Finance, Director Planning & Environment, Director Works & Services, Director People & Places, Manager Administration, Manager Parks & Recreation, Manager Planning & Assessment, Manager Strategy, Senior Administration Officer and Administration Officer.

APOLOGIES

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Attie that an apology for the non attendance of Clr Curtin be noted.

155/12 Disclosure of Interests

C-27-08/03 JB : MW

In accordance with Council's Code of Meeting Practice, the Councillors listed below declared an interest in the matter as indicated:

- | | | |
|-------------|--------------|---|
| Item 158/12 | Clr Zraika | Clr Zraika declared a pecuniary interest as he is the owner of property within the Berala Town Centre. |
| Item 161/12 | Clr Attie | Clr Attie declared a non-pecuniary conflict of interest as he is a member of the Joint Regional Planning Panel (JRPP) – Sydney West, the consent authority for the subject development application. |
| Item 161/12 | Clr Michels | Clr Michels declared a non-pecuniary conflict of interest as she is an alternate member of the JRPP – Sydney West, the consent authority for the subject development application. |
| Item 166/12 | Clr Attie | Clr Attie declared a pecuniary interest as his family own some of the property subject to the planning proposal. |
| Item 179/12 | Clr Di Paolo | Clr Di Paolo declared a non-pecuniary conflict of interest that was less than significant, as she has a relative who lives in the vicinity of the development. |

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Attie that the report on the disclosures of interest be received.

156/12 Address by Invited Speakers

C-28-02/03 JB : MW

The following persons had made application to address the meeting of Council:

- | <u>Speaker</u> | <u>Item/Subject</u> |
|-----------------------|--|
| Mr. T. Constantinides | 158/12 – Notice of Rescission Motion – Draft Berala Village Study – Clr Simms, Clr Di Paolo & Clr Michels. |
| Mr R. Chan | 158/12 – Notice of Rescission Motion – Draft Berala Village Study – Clr Simms, Clr Di Paolo & Clr Michels. |

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Attie:

- 1. That the report on Invited Speakers be received and the information therein noted.***
- 2. That standing orders be varied to allow each item to be dealt with following the speaker's address.***

157/12 Confirmation of the Minutes of Previous Meeting
C-28-02/03 JB : MW

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Attie that the minutes of the previous Ordinary Meeting of Council held on July 18, 2012 be confirmed.

158/12 Notice of Rescission Motion - Draft Berala Village Study - Clr Simms, Clr Di Paolo & Clr Michels
S-57-17 JB : MW

Note: Clr Zraika declared a pecuniary interest in the matter and left the Chamber before the consideration of the matter and remained outside the Chamber during all of the discussions.

Mr R. Chan and Mr T. Constantinides each in turn, addressed the Council on this matter.

Moved Clr Simms, seconded Clr Di Paolo that the Council's resolution in Minute No. 142/12 relating to the Draft Berala Village Study, be rescinded.

The motion was put to the vote and declared lost on the casting vote of the Mayor.

For: Councillors Di Paolo, Michels and Simms.

Against: Councillors Oueik, Attie and Lam.

Note: Voting on the above motion was by way of a division.

159/12 Matters Determined without Further Debate
C-28-02/03 JB : MW

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Zraika:

- 1. That Council identify those matters to be dealt with by the exception method.**
- 2. That items 160/12, 161/12, 163/12, 164/12, 166/12, 174/12, 175/12 and 179/12 be dealt with individually and the remaining matters and the recommendations therein be adopted.**

160/12 361 Chisholm Road, Auburn
DA-300/2009/C GF : EG

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Attie:

- 1. That Section 96(1A) application DA-300/2009/C to delete conditions (numbered 20 and 21) regarding development contributions on land at 361 Chisholm Road, AUBURN, be approved as follows:**
 - a) Delete conditions "20" and "21"**

~~20. Auburn Development Contributions Plan 2007~~

~~Development Contributions are payable in accordance with Council's Auburn Development Contribution Plan 2007, which has been prepared under Section 94 of the Environmental Planning and Assessment Act 1979, as amended.~~

~~The amounts payable will be adjusted in accordance with the section titled Review of Contribution rates and are generally indexed on a quarterly basis by the Consumer Price Index CPI (all Groups Sydney) unless otherwise stated in the plan.~~

~~Contributions will be adjusted at the payment date in accordance with the plan and payment is to be made prior to the issue of a Construction Certificate.~~

~~Council's Development Contribution Plan 2007 is available for inspection at Council's Customer Services Centre, Civic Place, 1 Susan Street, Auburn or on line at www.auburn.nsw.gov.au.~~

~~Reason:- to ensure compliance with Council's Auburn Development Contributions Plan 2007.~~

~~[Condition no 20 deleted by Section 96 modification DA300/2009/C]~~

21. Employment-Generating Development

~~A sum of \$ 19,000.00 is to be paid to Council for the purpose of the provision of additional services and public facilities that is likely to generate from employment generating development with the Auburn LGA.~~

~~The above sum is broken down to the following items:~~

<u>Item</u>	<u>Amount</u>
Employment Generating Development	\$19,000.00
TOTAL	\$19,000.00

~~Reason:- to assist in the provision of additional services and public facilities that is likely to generate from employment generating development with the Auburn LGA.~~

~~[Condition no 21 deleted by Section 96 modification DA300/2009/C]~~

2. That Council refund a total amount of \$19,343.98 to the Islamic Dawah Centre of Australia.

For: Councillors Oueik, Attie, Di Paolo, Lam, Michels and Simms.

Against: Nil.

Note: Voting on the above motion was by way of a division.

161/12 8-14 Egerton Street, Silverwater

DA-318/2011/A GF : EG

Note: Cllr Attie and Cllr Michels each declared a non-pecuniary interest in the matter and left the Chamber before the consideration of the matter and remained outside the Chamber during all of the discussions and did not vote.

RESOLVED unanimously on the motion of Cllr Simms, seconded Cllr Lam that Council receive and note the information report for DA-318/2011/A regarding Section 96(2) modification to a data storage centre including minor modification to built form, amendments to staging and amendments to development contributions. on land at 8-14 Egerton Street, Silverwater.

For: Councillors Oueik, Di Paolo, Lam, Simms and Zraika.

Against: Nil.

Note: Voting on the above motion was by way of a division.

162/12 Monthly Performance Report - June 2012

C-29-39 JB : MW

RESOLVED unanimously on the motion of Cllr Simms, seconded Cllr Zraika:

- 1. The June 2012 Quarter Review of Operational Plan for 2011/2012 be hereby noted and approved.***
- 2. That the Monthly Performance Report for June 2012 be adopted.***

163/12 Report on Breach of Code of Conduct Complaint

A-44-01 JB : MW

RESOLVED unanimously on the motion of Cllr Simms, seconded Cllr Di Paolo:

- 1. That the report be received and noted.***
- 2. That Councillor Curtin provide an apology.***

164/12 NSW Government - Exhibition of Green Paper - A New Planning System for NSW

T-14-08/03 AK : EG

Moved Cllr Simms, seconded Cllr Di Paolo:

- 1. That the report be received and the information therein be noted as a preliminary outline of the Green Paper at Attachment 1.***
- 2. That should the Green Paper be progressed in the way it is proposed, that no Councillor sit on the Joint Regional Planning Panels (JRPP).***
- 3. That Council not support the proposed Independent Hearing and Assessment Panels (IHAP).***

Clr Simms with the support of Clr Di Paolo, withdrew the abovementioned motion.

RESOLVED unanimously on the motion of Clr Michels, seconded Clr Lam that further consideration of the matter be deferred until after the Council Election.

For: Councillors Oueik, Attie, Di Paolo, Lam, Michels, Simms and Zraika.

Against: Nil.

Note: Voting on the above motion was by way of a division.

**165/12 2011/12 Waste and Sustainability Improvement Payment Program –
Recovery of Dry Recyclables and Diversion of Food Organics Standard**
S-60-05/02 AK : EG

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Zraika:

- 1. That Council note the range of measures and related costs in the report to address the WaSIP Dry Recyclables and Food Organics Standards.***
- 2. That Council advise the Environment Protection Authority of this Council resolution and compliance with the 2011/12 WaSIP standard.***

166/12 Planning Proposal for 33 - 43 Cumberland Road, Auburn
PP-9/2011 AK : EG

Note: Clr Attie declared a pecuniary interest in the matter and left the Chamber before the consideration of the matter and remained outside the Chamber during all of the discussions.

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Lam:

- 1. That Council receive and note the legal advice obtained by the General Manager.***
- 2. That Council resolve to forward the attached Planning Proposal for 33 - 43 Cumberland Road, Auburn to the Department of Planning and Infrastructure pursuant to Section 55 of the Environmental Planning and Assessment Act 1979 to amend the Auburn Local Environmental Plan 2010 as follows:***
 - (a) Rezone the land from RE1 Public Recreation zone to R2 Low Density Residential zone;***
 - (b) Amend the Minimum Lot Size Map to apply the minimum lot size notation of 450m²;***
 - (c) Amend the Height of Buildings Map to apply the 9m Maximum building height notation;***
 - (d) Amend the land Reservation Acquisition Map to remove the yellow highlight 'Local open space (REI)' notation.***

For: Councillors Oueik, Di Paolo, Lam, Michels, Simms and Zraika.

Against: Nil.

Note: Voting on the above motion was by way of a division.

167/12 **Community Strategic Plan Review - End of Term Report 2008-2012**
S-57-23 AK : EG

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Zraika:

- 1. That the information within this report be received.**
- 2. That in accordance with the Local Government Act 1993 and Local Government General Regulations 2005, Council endorse the draft End of Term report.**

168/12 **Draft Upper Duck River Riparian and Wetland Plan of Management**
D-10-01/10 DS : TH

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Zraika:

- 1. That the draft Upper Duck River Riparian and Wetland Plan of Management be placed on public exhibition for a period of 42 days.**
- 2. That following the completion of the exhibition period a report be presented for Council's consideration that addresses submissions received.**

169/12 **Accountability Requirements for NSW Department of Ageing, Disability and Home Care Funding**
C-37-70-08 MD : PI

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Zraika:

That Council provides a letter to the Department of Ageing, Disability and Home Care (ADHC) confirming the following obligations:

- 1. That Council has reviewed and approved the Funding Agreement for execution;**
- 2. That Council is committed to the transition to a person centred approach to delivery of quality services, and**
- 3. That Council understands that future funding allocation will be driven by the individual centred approach to service delivery.**

170/12 **Investment Strategy and Portfolio Review**
A-05-01/05 HWH : MW

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Zraika that the Investment Strategy and Portfolio Review undertaken by Council's investment advisors Oakvale Treasury be noted and the recommendations contained therein adopted.

171/12 Long Service Awards - Elected Members
C-27-01/09 BC : PV

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Zraika:

- 1. That the Council nominate Clr Curtin, Clr Lam and those other eligible Councillors and former Councillors for Long Service Awards made by the Local Government Association of NSW.**
- 2. That the Mayor and General Manager be delegated authority to jointly identify and submit the nominations for Long Service Awards as above.**

172/12 Funding Proposal for NSW Emergency Services
L-22-01/07 BC : PV

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Zraika:

- 1. That the Council provide a submission to the Treasurer and the Minister for Police and Emergency Services on the proposal for the Funding of Emergency Services.**
- 2. That the Council's submission be based on the support for a property based levy across the whole community, subject to:-**
 - The additional levy not having any negative effect on a council's revenue raising capability under the current rate pegging legislative.**
 - Properties which are non-rateable pursuant to Section 555 and 556 of the Local Government Act 1993 being subject to the levy.**

173/12 Minutes of the Auburn Community Access Committee Meeting - 21 June 2012
C-29-21/03 BE : MW

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Zraika that the minutes of the Auburn Community Access Committee Meeting held on June 21, 2012 be received and the recommendations contained therein, adopted.

174/12 Minutes of the Internal Audit and Governance Committee Meeting - 12 July 2012
C-29-40 HC : MW

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Di Paolo:

- 1. That the minutes of the fifth meeting of the Governance Committee held on 12 July 2012 be adopted.**
- 2. That the Chairman's Report be adopted.**
- 3. That the attendance of Councillors at Council Committee meetings be reported quarterly to Council for the 2012/2016 period.**

175/12 Regents Park Railway Overbridge Widening - Progress Report

T-2011-016 GS : TH

Moved Clr Simms, seconded Clr Di Paolo:

1. That the report be received and the information therein noted.
2. That Council not enter into any contract to construct the Regents Park Railway Overbridge until the joint Department of Planning and Infrastructure and Council Study on the Regents Park Town Centre is completed.

Amendment

An amendment was moved Clr Attie, seconded Clr Zraika that the report be received and the information therein noted.

The amendment was put to the vote and declared carried and became the motion.

For: Councillors Oueik, Attie, Lam, Michels and Zraika.

Against: Councillors Di Paolo and Simms.

The motion was put to the vote and declared carried.

RESOLVED on the motion of Clr Attie, seconded Clr Zraika that the report be received and the information therein noted.

For: Councillors Oueik, Attie, Lam, Michels and Zraika.

Against: Councillors Di Paolo and Simms.

176/12 Report on the Progress of the Auburn Town Centre Upgrade

T-2012-010 MC : TH

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Zraika that the report be received and the information therein noted.

177/12 Progress Report on the Upgrade of the Ruth Everuss Aquatic Centre

T-2010-006 MC : TH

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Zraika that the report be received and the information therein noted.

178/12 NSW Treasury Corporation Assessment of Financial Sustainability

L-29-05/02 BC : MW

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Zraika that the report be received and the information therein noted.

179/12 1A/1B Queen Street Auburn - Planning Proposal referred to Planning and Assessment Commission

PP-2/2010 AK : MW

RESOLVED unanimously on the motion of Clr Di Paolo, seconded Clr Simms:

- 1. That the report be received and noted.***
- 2. That Council make representations to the Planning Assessment Commission (PAC) stating that Council believes that Council is the appropriate authority to determine the Planning Proposal.***
- 3. That Council advise the PAC that Council notes the strong community opposition to the proposal, based on a range of issues including traffic, loss of employment, amenity and appropriateness of the development in relation to adjoining land uses.***
- 4. That further to the above, Council unanimously support the community in its opposition to this proposal.***

For: Councillors Oueik, Attie, Di Paolo, Lam, Michels, Simms and Zraika.

Against: Nil.

Note: Voting on the above motion was by way of a division.

180/12 Response from Parliamentary Secretary for Treasury and Finance - Removal of Radioactive Waste to the Lidcombe Storage Facility

N-04-05 JB : MW

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Zraika that the report be received and the information therein noted.

The Councillors present, each in turn took the opportunity to express messages of appreciation and best wishes to fellow Councillors and others on the conclusion of the 2008/2012 quadrennial term.

There being no further matters, the meeting was closed at 7.40pm.

CONFIRMED: _____

MAYOR

DATE: _____