

STRATHFIELD COUNCIL

# COUNCIL MEETING

## AGENDA

Tuesday 8 October 2024

6:30pm

Council Chambers

65 Homebush Road, Strathfield



# Statement of Ethical Obligations

In accordance with clause 3.23 of the Model Code of Meeting Practice, released by the NSW Office of Local Government, Councillors are reminded of their Oath or Affirmation of Office made under section 233A of the Act and their obligations under Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

## Oath or Affirmation of Office

The Oath or Affirmation is taken by each Councillor whereby they swear or declare to undertake the duties of the office of Councillor in the best interests of the people of Strathfield and Strathfield Council and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the *Local Government Act 1993* or any other Act to the best of their ability and judgment.

## Conflicts of Interest

All Councillors must declare and manage any conflicts of interest they may have in matters being considered at Council Meetings in accordance with the Council's Code of Conduct. All declarations of conflicts of interest and how the conflict of interest was managed will be recorded in the minutes of the meeting at which the declaration was made.

Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with Council's Code of Conduct. Where a Councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the Councillor's audio-visual link to the meeting will be suspended or terminated for the time during which the matter is being considered or discussed by Council, or at any time during which Council is voting on the matter.

Councillors should ensure that they are familiar with Parts 4 and 5 of the Strathfield Council Code of Conduct in relation to their obligations to declare and manage conflicts of interests.

## Recording of Council Meetings

Persons in the gallery are advised that under the *Local Government Act 1993* a person may NOT tape record the proceeding of a meeting of a Council or committee without the authority of the Council or committee.

**“Tape record” includes a video camera and an** electronic device capable of recording speech.

Mobile phones must be turned off so as not to disrupt the meeting. Anyone, including Councillors, found using a mobile phone will be told to leave the meeting immediately and for the duration of the said meeting.

An audio recording of this meeting will be taken for minute taking purposes as authorised by the *Local Government Act 1993*.

This meeting is live streamed on Council’s website to allow the community to follow Council debates and decisions without the need to attend meetings in person. Members of the public attending or speaking at a meeting agree to have their image, voice and personal information (including name and address) recorded and publicly broadcast. Strathfield Council does not accept liability for any defamatory remarks or inappropriate comments that are made during the course of a meeting. Any part of the meeting that is held in closed session will not be streamed.

---

TABLE OF CONTENTS

Item	Page No.
1. Moment of Reflection	
2. Recognition of Traditional Custodians	
3. Apologies and Application for Leave of Absence	
4. Disclosures of Interests (Nature of interest to be disclosed)	
5. CCS1 Oath / Affirmation of Office .....	5
6. CCS2 Election of the Mayor - Method of Voting .....	7
7. CCS3 Election of the Deputy Mayor - Method of Voting .....	16
8. CCS4 Election of Mayor .....	18
9. CCS5 Election of the Deputy Mayor .....	21
10. Acknowledgements	
11. CCS6 Ordinary Council Meeting 13 August 2024 - Minutes .....	24
12. CCS7 Method to fill Casual Vacancies .....	51
13. CCS8 Council Committees .....	54
14. Conclusion of the Meeting	

CATHY EDWARDS-DAVIS  
**ACTING** GENERAL MANAGER

---

CCS1                      OATH / AFFIRMATION OF OFFICE  
AUTHOR:                David McQuade, Senior Governance Officer  
APPROVER:             Kristy Watts, Director Corporate and Community

---

## RECOMMENDATION

1. That in accordance with the requirements of the Local Government Act 1993 it be minuted that all Councillors present at the Ordinary Meeting of Council on 8 October 2024 have undertaken the Oath / Affirmation of Office at this first meeting of the Council.
2. That in accordance with the requirements of the Local Government Act 1993 it be minuted if there were any Councillors who were unable to be present at the Ordinary meeting of Council on 8 October 2024 and have undertaken the Oath / Affirmation of Office before this first meeting of the Council.

## PURPOSE OF REPORT

For newly elected Councillors to take an Oath or Affirmation of Office at or before the first Council Meeting as per section 233A of the *Local Government Act 1993*.

## REPORT

Under the *Local Government Act 1993*, Councillors are required to take an Oath or Affirmation of Office at or before the first Council meeting.

The Oath or Affirmation of Office is conducted by the General Manager. Section 233A of the *Local Government Act 1993* states:

- (1) A Councillor must take an Oath of Office or make an Affirmation of Office at or before the first meeting of the Council after the Councillor is elected.
- (2) The oath or affirmation is to be made before the General Manager of the Council, an Australian legal practitioner or a justice of the peace and was in the following form:

### Oath

I [*name of councillor*] swear that I will undertake the duties of the office of councillor in the best interests of the people of [*name of council area*] and the [*name of council*] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [\*Local Government Act 1993\*](#) or any other Act to the best of my ability and judgment.

**Affirmation**

I [*name of councillor*] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of [*name of council area*] and the [*name of council*] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.

- (3) A Councillor who fails, without a reasonable excuse, to take the Oath of Office or make an Affirmation of Office in accordance with this section is not entitled to attend a meeting as a Councillor (other than the first meeting of the Council after the Councillor is elected to the office or a meeting at which the Councillor takes the oath or makes the affirmation) until the Councillor has taken the oath or made the affirmation.
- (4) Any absence of a Councillor from an ordinary meeting of the Council that the Councillor is not entitled to attend because of this section is taken to be an absence without prior leave of the Council.
- (5) Failure to take an Oath of Office or make an Affirmation of Office does not affect the validity of **anything done by a Councillor in the exercise of the Councillor's functions.**
- (6) The General Manager must ensure that a record is to be kept of the taking of an oath or the making of an affirmation (whether in the minutes of the Council meeting or otherwise).
- (7) The recommendation is to formally note in the minutes of Council that Councillors have taken the Oath/Affirmation of Office prior to this the first meeting of Council.

**FINANCIAL IMPLICATIONS**

There are no financial implications.

**ATTACHMENTS**

There are no attachments for this report.

---

CCS2                      ELECTION OF THE MAYOR - METHOD OF VOTING

AUTHOR:                David McQuade, Senior Governance Officer

APPROVER:            Kristy Watts, Director Corporate and Community

---

RECOMMENDATION

That Council conduct the election of the Mayor by open voting.

PURPOSE OF REPORT

Section 290(1) of the *Local Government Act 1993* provides that the election of the Mayor shall take place within three (3) weeks after the ordinary election, if it is the first election after an ordinary election of Councillors.

Under section 230(1) of the *Local Government Act 1993*, a Mayor elected by Councillors holds the office of Mayor for two (2) years (to September 2026), subject to the *Local Government Act 1993*.

The election process is governed by the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*. The process for the election of Mayor by Councillors is set out in Clause 394 and Schedule 7 of the *Local Government (General) Regulation 2021*.

The General Manager is the Returning Officer and administers the election process. Should there be more than one (1) nomination for the position of the Mayor, prior to the election taking place, Council must determine whether the method of voting for electing the Mayor is to be by way of open voting, ordinary ballot, or preferential ballot.

REPORT

Election of the Mayor

Section 282(2) of the *Local Government Act 1993* provides that the Council shall elect one of its members to be Mayor.

Role of the Mayor

Section 226 of the *Local Government Act 1993* provides the role of the Mayor is as follows:

- (a) To be the leader of the Council and a leader in the local community,
- (b) To advance community cohesion and promote civic awareness,
- (c) To be the principal member and spokesperson of the governing body, including representing the views of the Council as to its local priorities,
- (d) To exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council,
- (e) To preside at meetings of the Council,
- (f) To ensure that meetings of the Council are conducted efficiently, effectively and in accordance with this Act,
- (g) To ensure the timely development and adoption of the strategic plans, programs and policies of the Council,

- (h) To promote the effective and consistent implementation of the strategic plans, programs and policies of the Council,
- (i) To promote partnerships between the Council and key stakeholders,
- (j) To advise, consult with and provide strategic direction to the General Manager in relation to the implementation of the strategic plans and policies of the Council,
- (k) In conjunction with the General Manager, to ensure adequate opportunities and mechanisms for engagement between the Council and the local community,
- (l) To carry out the civic and ceremonial functions of the mayoral office,
- (m) To represent the Council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- (n) In consultation with the Councillors, to lead performance appraisals of the General Manager, and
- (o) To exercise any other functions of the Council that the Council determines.

Procedure for the Mayoral Election - *Local Government (General) Regulation 2021 - Schedule 7*

- The General Manager (or a person appointed by the general manager) is the Returning Officer.
- A councillor may be nominated without notice. The nomination is to be made in writing by two (2) or more councillors, one (1) of whom may be the nominee. Nomination forms can be obtained from the Returning Officer. The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- The nomination is to be delivered or sent to the Returning Officer.
- The Returning Officer is to announce the names of the nominees at the Council meeting at which the election is to be held.
- If only one Councillor is nominated, that Councillor is elected.
- If more than one Councillor is nominated, council must resolve whether the election is to proceed by:
  - i. preferential ballot, or
  - ii. ordinary ballot, or
  - iii. open voting.
- Preferential ballot and ordinary ballot will be secret ballots, open voting means voting by show of hands or similar means.
- If the election is to be held by ordinary or preferential ballot it shall be conducted by the preparation, marking and counting of the ballot papers in the presence of the Council. Clause 5 of Schedule 7 of the Regulation provides:

*“If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot papers.”*

(Usual practice is to place a one (1) in the square opposite the name of your favoured candidate).
- Clause 6 of Schedule 7 deals with an election involving two (2) candidates and provides:
  - (1) *If there are only 2 candidates, the candidate with the higher number of votes is elected.*
  - (2) *If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.*

**NOTE:** To choose a candidate by lot, the names of the candidates who have equal numbers are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the



names being seen, the slips are mixed and one (1) is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is chosen (Clause 12).

- Clause 7 of Schedule 7 deals with an election involving three (3) or more candidates and provides:

**Count – three (3) or more candidates**

- (1) *If there are three (3) or more candidates, the one with the lowest number of votes is to be excluded.*
- (2) *If three (3) or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.*
- (3) *If, after that, three (3) or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only two (2) candidates remain.*
- (4) *A further vote is to be taken of the two (2) remaining candidates.*
- (5) *Clause 6 of Schedule 7 then applies to the determination of the election as if the two (2) remaining candidates had been the only candidates.*
- (6) *If at any stage during a count under subclause (1) or (2), two (2) or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.*

The attached Fact Sheet, 'Election of Mayor and Deputy Mayor by Councillors' issued by the Office of Local Government advocates for the open voting method as being the most transparent least bureaucratic method of voting at Council Meetings. It allows the community to see and understand the voting that has occurred.

It is proposed that Council follows the process for electing the Mayor in accordance with the legislative requirements being the process contained within both the *Local Government Act 1993 – Schedule 7* and *Local Government (General) Regulation 2021*.

## FINANCIAL IMPLICATIONS

There are no financial implications.

## ATTACHMENTS

1. [NSW Office of Local Government Election of Mayor and Deputy Mayor by Councillors Fact Sheet](#)

## Fact Sheet

ELECTION OF MAYOR AND DEPUTY  
MAYOR BY COUNCILLORS

## Summary

Councillors must elect a mayor from among their number every two years unless they have a popularly elected mayor.

Councillors may also elect a deputy mayor. The deputy mayor may be elected for the mayoral term or a shorter term.

The election of the mayor and the deputy mayor must be conducted in accordance with clause 394 and Schedule 7 of the *Local Government (General) Regulation 2005* (the Regulation).

The purpose of this document is to assist councils to conduct mayoral and deputy mayoral elections in accordance with these requirements. It includes scripts for key activities to help returning officers exercise their functions. These scripts are provided in the text boxes inserted in the relevant parts of this document.

## How can councils use this document?

Electing a mayor is an important activity. It is vital that the process is smooth, open and easy to follow and not rushed or confusing. Where necessary, it may be appropriate to stop and provide clarification for the benefit of councillors, staff or the gallery.

Returning officers can circulate this document prior to the meeting to help councillors understand the election process.

Election of a mayor after an ordinary election  
of councillors

An election for mayor must be held within three weeks of the declaration of the ordinary election at a meeting of the council.

The returning officer is to be the general manager or a person appointed by the general manager.

As no mayor or deputy mayor will be present at the start of the meeting, the first business of the meeting should be the election of a chairperson to preside at the meeting. Alternatively, the returning officer may assume the chair for the purpose of conducting the election.

## Mid-term election of a mayor

A mayor elected by councillors holds office for two years. A mid-term mayoral election must be held in the September two years after the ordinary election of councillors or the first election of a new council following its establishment.

## Procedures

## Prior to the meeting

Before the council meeting at which the election is to be conducted, the returning officer will give notice of the election to the councillors.

The notice is to set out how a person may be nominated as a candidate for election as chairperson.

*As returning officer, I now invite nominations for the position of mayor/deputy mayor for [name of council] for a two year period.*

*In accordance with the Local Government (General) Regulation 2005, two or more councillors may nominate a councillor (one of whom may be the nominee) for the position of mayor/deputy mayor. Nominations must be in writing and the nominee must consent to their nomination in writing.*

A councillor may be nominated without notice for election as mayor or deputy mayor. The nomination is to be made in writing by two or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The returning officer checks the nomination forms and writes the nominees' names on a candidates' sheet.

## At the meeting

At the start of the first meeting after an ordinary election, in the absence of a chairperson, the returning officer assumes the chair and announces that the first item of business is to be the election of a mayor.

If a chairperson is present, they announce that the first item of business is the election of the mayor then vacates the chair for the returning officer who will then conduct the election.

The returning officer reads out the names of the nominees and seeks confirmation that the nominee has accepted the nomination.

If only one councillor has been nominated for the position of mayor/deputy mayor, the nominee is elected.

*As there is only one nominee for the role of mayor/deputy mayor, I declare that [name of successful candidate] is elected as mayor/deputy mayor for the ensuing two years.*

If more than one candidate has been nominated, the council must determine by resolution, the method of voting for the position of mayor/deputy mayor, by way of one of the following methods:

- Open voting – i.e. by show of hands
- Ordinary ballot – i.e. a secret ballot (place an "X" against the candidate of their choice)
- Preferential ballot – i.e. place 1, 2, 3 etc. against each candidate.

The returning officer must ask for a motion to be put to the meeting by one of the councillors on the preferred method of voting for the election of a chairperson. This must then be seconded and voted on by the councillors.

**Note:** In the event of a tie, if there is a chairperson, they may use their casting vote. If there is a tie and no chairperson, an election for the role of chairperson should be conducted. Then the election for mayor resumes.

### Open voting (show of hands)

Open voting is the most transparent method of voting. It is also the least bureaucratic method and reflects normal council voting methods.

The returning officer will advise the meeting of the method of voting and explains the process.

*It has been resolved that the method of voting for the position of mayor/deputy mayor will be by show of hands.*

*Each councillor is entitled to vote for only one candidate in each round of voting.*

*I will now write each candidate's name on a slip of paper and deposit it in a barrel. The first name out of the barrel will be written first on the tally sheet, with second name out being written second on the tally sheet, etc.*

When all candidates' names have been written on the tally sheet, the returning officer announces the names of the candidates and, commencing with the first candidate, states the following:

*Would those councillors voting for [name of candidate] please raise your hand.*

The returning officer records the number of votes for each successive candidate on the tally sheet and announces the number of votes received for each candidate.

The minute taker records the vote of each councillor.

The returning officer should check with the minute taker that each councillor has voted. If a councillor has not voted it should be confirmed that they are abstaining (an informal vote).

#### Two candidates

If there are only two candidates for the position of mayor/deputy mayor and the voting is higher for one candidate than another (number of formal votes recorded on the tally sheet), the returning officer then announces the result.

*[Name of candidate] has the higher number of formal votes and as a result I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

In the event of a **tied vote**, the returning officer will advise the meeting of the following process.

*In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the*

*names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

*I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

#### Three or more candidates

If there are three or more candidates, the candidate with the lowest number of votes for the position of mayor/deputy mayor is excluded.

*[Name of candidate], having the lowest number of votes, is excluded.*

The voting continues as above until there are only two candidates remaining (see voting for **two candidates** above).

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

*In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

*I declare that [name of candidate] is excluded.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

### Ordinary ballot – (secret ballot)

The returning officer advises the meeting of the method of voting and explains the process.

*It has been resolved that the method for voting for the position of mayor/deputy mayor will be by ordinary ballot, in other words by placing an "X" against the candidate of the councillor's choice.*

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

It will be necessary to have a number of blank papers as this process may require more than one round of voting.

The returning officer writes the names on one set of the ballot papers and initials the front of each ballot paper.

A staff member distributes the ballot papers and collects them into the ballot box when completed and gives it to the returning officer who counts the votes and records them on the tally sheet.

The returning officer announces the results.

*[Name of candidate], having the lowest number of votes, is excluded.*

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

*In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

*I declare that [name of candidate] is excluded.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

The returning officer writes the names of the remaining candidates on a further set of the ballot papers and initials the front of each ballot paper.

The staff member distributes ballot papers listing the remaining candidates and collects them into the ballot box when completed and gives it to the returning officer who again counts the votes and records them on the tally sheet and announces the results.

The process continues until two candidates remain, where a final vote takes place.

*[Name of candidate] has the higher number of votes and I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

In the event of a **tied vote** between the two remaining candidates, the returning officer makes the following statement and announces the process.

*The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel.*

*Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

*I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

## Preferential ballot

The returning officer explains the process.

*It has been resolved that the method for voting for the position of mayor/deputy mayor will be by preferential ballot, i.e. placing 1, 2 and so on against the candidate of the councillor's choice in order of preference for all candidates.*

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each candidate's name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

The returning officer writes the names on the ballot papers and initials the front of each ballot paper. This method of voting requires only one set of ballot papers.

A staff member distributes the ballot papers and collects them when completed and gives them to the returning officer who counts the first preference votes and records them on the tally sheet.

If a candidate has an absolute majority of first preference votes (more than half), the returning officer declares the outcome.

*[Name of candidate], having an absolute majority of first preference votes, is elected as mayor/deputy mayor for the ensuing two years.*

If no candidate has the absolute majority of first preference votes, the returning officer excludes the candidate with the lowest number of first preference votes.

*[Name of candidate], having the lowest number of first preference votes, is excluded.*

The preferences from the excluded candidate are distributed. This process continues until one candidate has received an absolute majority of votes, at which time the returning officer announces the result.

*[Name of candidate], having an absolute majority of votes, is elected as mayor/deputy mayor for the ensuing two years.*

In the event of a **tied vote** where there are only two candidates remaining in the election, the returning officer explains the process.

*The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel. The returning officer then draws a name out of the barrel and shows the meeting.

*I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

In the event that the **lowest number of votes are tied** and where there are three or more candidates remaining in the election, the returning officer advises the meeting of the process.

*In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded and their preferences distributed.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

*I declare that [name of candidate] is excluded and any votes cast for them will be distributed by preference.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

## Schedule 7 - Election of Mayor by Councillors

### Part 1 Preliminary

#### 1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

#### 2 Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

#### 3 Election

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this clause:  
*ballot* has its normal meaning of secret ballot.  
*open voting* means voting by a show of hands or similar means.

### Part 2 Ordinary ballot or open voting

#### 4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

#### 5 Marking of ballot-papers

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
- (2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

#### 6 Count—2 candidates

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

#### 7 Count—3 or more candidates

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

**Part 3 Preferential ballot****8 Application of Part**

This Part applies if the election proceeds by preferential ballot.

**9 Ballot-papers and voting**

- (1) The ballot-papers are to contain the names of all the candidates. The Councillors are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

**10 Count**

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter’s preference is repeated until one candidate has received an absolute majority of votes. That candidate is elected.
- (4) In this clause, “**absolute majority**”, in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

**11 Tied candidates**

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

**Part 4 General****12 Choosing by lot**

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

**13 Result**

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

- a) to be declared to councillors at the council meeting at which the election is held by the returning officer, and
- b) to be delivered or sent to the Departmental Chief Executive and to the Chief Executive of Local Government New South Wales.

---

CCS3                      ELECTION OF THE DEPUTY MAYOR - METHOD OF VOTING

AUTHOR:                David McQuade, Senior Governance Officer

APPROVER:            Kristy Watts, Director Corporate and Community

---

RECOMMENDATION

That the Council conduct the election of the Deputy Mayor by open voting.

PURPOSE OF REPORT

Section 290(1) of the *Local Government Act 1993* provides that the election of the Deputy Mayor shall take place within three (3) weeks after the ordinary election, if it is the first election after an ordinary election of Councillors.

Under Section 231 of the *Local Government Act 1993*, Councillors may elect a person from among their number to be the Deputy Mayor and the person may be elected for the mayoral term (to September 2026) or a lesser term.

The election process is governed by the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*. The process for the election of Deputy Mayor by Councillors is set out in Clause 394 and Schedule 7 of the *Local Government (General) Regulation 2021*.

The General Manager is the Returning Officer and administers the election process. Should there be more than one nomination for the position of the Deputy Mayor, prior to the election taking place, Council must determine whether the method of voting for electing the Deputy Mayor is to be by way of open voting, ordinary ballot, or preferential ballot.

REPORT

Background:

Section 231 of the *Local Government Act 1993* provides:

1. The Councillors may elect a person from among their number to be the Deputy Mayor.
2. The person may be elected for the Mayoral term or shorter term.
3. The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if there is a casual vacancy in the office of the Mayor.
4. The Councillors may elect a person among their number to act as Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no Deputy Mayor has been elected.

The process of electing the Deputy Mayor is similar to that for the election of Mayor, described in Schedule 7 of the *Local Government (General) Regulation 2021*.



In accordance with the Regulation, Council would need to determine the method of voting to elect the Deputy Mayor in case there is more than one (1) candidate.

### Voting process options:

There are three (3) options in relation to the method of voting and they are:

1. Open voting (which is by a show of hands).
2. **Ordinary ballot (which is a secret ballot and a formal vote requires an "X" to be placed against the candidate of the voters choice).**
3. Preferential ballot (which is a secret ballot but a formal vote requiring the voter to place a number starting from 1 (and then 2, 3 etc) against each candidate in the order of voter preference.

The attached Fact Sheet, 'Election of Mayor and Deputy Mayor by Councillors' issued by the Office of Local Government advocates for the Open Voting method as being the most transparent least bureaucratic method of voting at Council Meetings. It allows the community to see and understand the voting that has occurred.

It is proposed that Council follows the process for electing the Deputy Mayor in accordance with the legislative requirements being the process contained within both the *Local Government Act 1993 – Schedule 7* and *Local Government (General) Regulation 2021*.

### FINANCIAL IMPLICATIONS

There are no financial implications.

### ATTACHMENTS

1. [1.1](#) NSW Office of Local Government Election of Mayor and Deputy Mayor by Councillors Fact Sheet – See Attachment 1 Report *CCS2 – Election of the Mayor – Method of Voting*

---

CCS4                      ELECTION OF MAYOR  
AUTHOR:                David McQuade, Senior Governance Officer  
APPROVER:            Kristy Watts, Director Corporate and Community

---

## RECOMMENDATION

That Council elect the Mayor for the term October 2024 until September 2026

## PURPOSE OF REPORT

Section 225 and 227 of the *Local Government Act 1993* provide that an area must have a Mayor who is elected by the Councillors of the area.

In accordance with Section 230 of the *Local Government Act 1993*, a Mayor elected by the Councillors holds the office of Mayor for two (2) years until September 2026.

Should there be more than one (1) nomination, the method of voting to elect the Mayor will be as determined by Council at this meeting.

All nominations must be in writing and per the attached nomination form.

The General Manager is the Returning Officer and administers the election process.

## REPORT

### Background:

Schedule 7 of the *Local Government (General) Regulation 2021 (the Regulation)* and the Office of Local Government's Fact Sheet, 'Election of Mayor and Deputy Mayor by Councillors' outlines the process for the election including the nomination of candidates, election of Councillors and method of voting amongst other procedural requirements.

### Nominations:

The following is noted in regards to nominations:

- The General Manager (or nominee) is the Returning Officer.
- Nominations are to be in writing by two (2) or more Councillors and the nominee must indicate consent to the nomination in writing.
- Where only one (1) Councillor is nominated, the Returning Officer will declare that Councillor elected.
- Where there is more than one (1) Councillor nominated, the Council must determine by resolution, the method of voting for the position of Mayor (as previously determined by Council at this meeting).

Tied votes are decided by choosing by lot.

#### FINANCIAL IMPLICATIONS

The Mayoral fee will be paid to the Mayor elect from the beginning of the day following the election of the Mayor.

#### ATTACHMENTS

1. [Election of Mayor - Nomination Form](#)



## NOMINATION FORM

## MAYOR

---

**Nomination of the Mayor**

Under Schedule 7 of the *Local Government (General) Regulation 2021*, a Councillor may be nominated without notice for election as Mayor. Nominations must be made in writing and the nominee must consent to their nomination in writing.

We, Councillor

Signed

Date

And

Councillor

Signed

Date

Hereby nominate:

Councillor \_\_\_\_\_

For the Office of: **Mayor**

I accept the nomination:

Councillor

Signed

Date

---

CCS5                      ELECTION OF THE DEPUTY MAYOR  
AUTHOR:                David McQuade, Senior Governance Officer  
APPROVER:            Kristy Watts, Director Corporate and Community

---

## RECOMMENDATION

That Council elect the Deputy Mayor for the term October 2024 until September 2026 or a lesser term.

## PURPOSE OF REPORT

Section 231 of the *Local Government Act 1993* empowers the Council to elect a Deputy Mayor. The process for election of Deputy Mayor by Councillors is set out in Schedule 7 of the *Local Government (General) Regulation 2021*.

Should there be more than one (1) nomination, the method of voting to elect the Deputy Mayor will be as determined by Council at this meeting. All nominations must be in writing and per the attached Nomination Form.

The General Manager is the Returning Officer and administers the election process.

## REPORT

### Background:

Schedule 7 of the *Local Government (General) Regulation 2021 (the Regulation)* and the Office of Local Government's Fact Sheet, 'Election of Mayor and Deputy Mayor by Councillors' outlines the process for the election including the nomination of candidates, election of Councillors and method of voting amongst other procedural requirements.

### Nominations:

It should be specifically noted that:

- The General Manager (or nominee) is the Returning Officer.
- Nominations are to be in writing by two (2) or more Councillors and the nominee must indicate consent to the nomination in writing
- Where only one (1) Councillor is nominated, the Returning Officer will declare that Councillor elected.
- Where there is more than one (1) Councillor nominated, the Council must determine by resolution, the method of voting for the position of Deputy Mayor (as previously determined by Council at this meeting).

Tied votes are decided by choosing by lot.

#### FINANCIAL IMPLICATIONS

There are no financial implications.

#### ATTACHMENTS

1. [Election of Deputy Mayor - Nomination Form](#)



## NOMINATION FORM

## DEPUTY MAYOR

---

**Nomination of the Deputy Mayor**

Under Schedule 7 of the *Local Government (General) Regulation 2021*, a Councillor may be nominated without notice for election as Deputy Mayor. Nominations must be made in writing and the nominee must consent to their nomination in writing.

We, Councillor

Signed

Date

And

Councillor

Signed

Date

Hereby nominate:

Councillor \_\_\_\_\_

For the Office of: Deputy Mayor

I accept the nomination:

Councillor

Signed

Date

---

CCS6            ORDINARY COUNCIL MEETING 13 AUGUST 2024 - MINUTES

AUTHOR:       David McQuade, Senior Governance Officer

APPROVER:    Kristy Watts, Director Corporate and Community

---

#### RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 13 August 2024, a copy of which has been furnished to each Councillor, be taken as read and confirmed as a true and correct record of that meeting and that the Chairperson and General Manager be authorised to sign such Minutes.

#### ATTACHMENTS

1. [Ordinary Council Meeting 13 August 2024 - Minutes](#)



## STRATHFIELD COUNCIL

# COUNCIL MEETING

# MINUTES

Tuesday 13 August 2024

6:30pm

Council Chambers

65 Homebush Road, Strathfield

Minutes of the Council Meeting of Strathfield Municipal Council held on 13 August 2024, in the Council Chambers, 65 Homebush Road, Strathfield.

**COMMENCING:** There was no quorum present at 6:30 pm, the advertised starting time of the meeting. Clause 5:20 of the Code of Meeting Practice requires there to be a quorum within half an hour of the designated time for the meeting.

Those present waited and one became possible within the half an hour and the meeting commenced at 6:50 pm.

**PRESENT:** Deputy Mayor Sandy Reddy  
Councillor Benjamin Cai  
Councillor Nella Hall  
Councillor Sharangan Maheswaran

**STAFF:** Michael Mamo, General Manager  
Kristy Watts, Director Corporate and Community  
Clare Harley, Director Planning and Environment  
Cathy Edwards-Davis, Director Engineering and Operations  
David Vien, Manager, Digital, Information and Customer  
Melissa Mallos, General Counsel  
Dylan Porter, Manager, Planning and Place  
Rodney Sanjivi, Chief Financial Officer  
Paul Reid, Manager, Resilience, Compliance & Commercial  
Amanda Rutherford, Manager Governance and Procurement  
David McQuade, Senior Governance Officer  
Gina Nobrega, Governance and Corporate Support Officer

1. **MOMENT OF REFLECTION:** The Prayer was read.
2. **RECOGNITION OF TRADITIONAL CUSTODIANS:** The Recognition was read.
3. **APOLOGIES AND APPLICATION FOR LEAVE OF ABSNECE**

- An apology was received from Mayor Karen Pensabene.

No leave of absence or apology was received by Councillor Blackmore and he did not attend the meeting.

#### 4. DISCLOSURES OF INTEREST (NATURE OF INTEREST TO BE DISCLOSED)

Councillor Maheswaran declared a Non-Pecuniary/Significant conflict of interest for item *PE1 Council Submissions - Homebush Transport Oriented Development (TOD) Masterplan, Explanation of Intended Effect and the Proposed Changes to State Significant Development (SSD) Assessment Pathways* and managed the Conflict of Interest by leaving the meeting during discussion and voting on this item. Councillor Maheswaran declared he currently acts in his professional capacity for a charity engaged in litigation. The Director of the charity owns land in the scoping area covered in the submission.

Councillor Maheswaran declared a Non-Pecuniary/Significant conflict of interest for item *PE2 Draft Electrical Vehicle Charging Infrastructure Policy* and managed the Conflict of Interest by leaving the meeting during discussion and voting on this item. Councillor Maheswaran declared he has a close personal friend who had had a managerial role in a company mentioned in previous reports associated with this matter when it was before Council.

Councillor Maheswaran declared a Non-Pecuniary/Significant conflict of interest for item *PE4 Draft Infrastructure Contributions Plan* and managed the Conflict of Interest by leaving the meeting during discussion and voting on this item. Councillor Maheswaran declared he had not reviewed the attachments to the report but same conflict as PE1.

Councillor Maheswaran declared a Non-Pecuniary/Significant conflict of interest for item *PE6 Draft Planning Proposal : Strathfield Medium Density Housing Strategy* and managed the Conflict of Interest by leaving the meeting during discussion and voting on this item. As with PE4, Councillor Maheswaran declared he had not reviewed papers to this report but thought he would likely have the same conflict as PE1.

Councillor Cai declared a Non-Pecuniary/Significant conflict of interest for item *PE1 Council Submissions - Homebush Transport Oriented Development (TOD) Masterplan, Explanation of Intended Effect and the Proposed Changes to State Significant Development (SSD) Assessment Pathways* and managed the Conflict of Interest by leaving the meeting during discussion and voting on this item. Councillor Cai declared his residential address is in the zoning area covered in the submission.

Councillor Hall declared a Non-Pecuniary/Significant conflict of interest for item *PE1 Council Submissions - Homebush Transport Oriented Development (TOD) Masterplan, Explanation of Intended Effect and the Proposed Changes to State Significant Development (SSD) Assessment Pathways* and managed the Conflict of Interest by leaving the meeting during discussion and voting on this item. Councillor Hall declared she has property leased in the zoning area covered in the submission.

## **5. ACKNOWLEDGEMENTS**

### **5.1 Acknowledging the General Manager and Councillors during Council term – Councillor Sandy Reddy**

First of all, I would like to acknowledge the General Manager and all the Directors throughout the term. This being our last meeting for this term. Thank you for your support and I would like to thank my fellow Councillors as well. It's been a wonderful term being with you. Learning from you and having discussions with you. A special thanks to David McQuade for keeping up with amendments and changes every second minute.

Thank you for everything. Thank you for your support.

### **5.2 Thanking Councillors, Staff and Residents during Council term – Councillor Nella Hall**

It has been a privilege getting to know Councillors especially Madam Chair for today, Councillor Maheswaran and of course, my running mate, Councillor Benjamin Cai. Thank you to the staff and for supporting me especially Kristy Watts. Mr General Manager, it was the right decision to pick you and you've done a great job. To the residents, thank you so much for your support in electing me for a second term. I really appreciate the residents supporting me as much as you have. It's been overwhelming and I hope I have done as well as I possibly can and good luck for the next term everybody.

Councillor Datta arrived at the meeting, the time being 7:01pm.

### **5.3 Misinformation Campaign Relating to Strathfield Council Rate Rise – Councillor Sarangan Maheswaran**

In the last week, residents received a robocall and are asked, "would you be more or less likely to vote for the existing Council given the 'rate rise'? This appears to be push polling to colour the impression of the voter rather than genuinely ascertain information.

NSW Liberals have launched their campaign with "Stop Labor's Rate Increase" and published a website promising to cut rates and offer more investment into roads and parks. The last Council was dominated by Liberals and the Strathfield Independents and Council increased garbage levies by almost 50%. We have slashed them. In their last year they decreased capital spending by \$7m – almost 30% and Council entered into an operational deficit. If we continued on this path, Council would have gone bankrupt. Labor councillors refused to accept these financial accounts while Liberals and Independents voted to accept them.

Labor councillors present opposed the special rate variation and the only Liberal councillor here supported it despite the fact they hid their rate increases in the garbage levy. It's a rate rise necessary because the Liberals underfunded our roads and infrastructure. And it's a rate rise opposed by Labor and supported by the Liberals – and they want to call the Labor rate rise.

---

**5.4 Advisory Note Against the Weaponisation of ICAC Complaints – Councillor Sarangan Maheswaran**

I would like to acknowledge the note sent to all Councillors in the State by the Commission warning against the weaponisation of the Commission for political advantage. Council can be a particularly vicious place. I have tips on what to do when you are faced with a false and malicious campaign of innuendo waged by your local political opponents. First, is the direct approach and second, the legal approach where you document everything, ask for statements, ask people to screenshot and forward instant messages or file note the conversation yourself.

Be ready if you want to run for public office for these sorts of campaigns to be waged. I hope that in the election that people do adhere to the rules, and I very much enjoyed reading the advisory note that was circulated.

**5.5 Thanking Councillors and Staff during Council term – Councillor Benjamin Cai**

As nearly three years as a Councillor I have learnt a lot, not just personally but in many ways. You know I have made a lot of friends in the Council like my running mate, Councillor Hall, in the new term, also the Deputy Mayor, Sandy Reddy and of course Councillors Datta and Maheswaran. Thank you to all my colleagues who have given me lots of support in the last three years.

Also, I would like to thank the management team and also the General manager that we chose. I think we made the right decision to have you. We also want to thank the directors like Clare Harley who is great and Melissa Mallos, Kristy Watts and Cathy Edwards-Davis. Very important things that all those directors would find out.

Ok, there is a lot to say about this journey but there is one thing to conclude and that is thank you all.

**5.6 Thanking Councillors, Staff and Residents during Council term - Councillor Raj Datta**

This is the last Council meeting of this term; I would like to acknowledge some of the good events that I attended over the last weekend. The science exhibition with 50 students showcasing some of the scientific discoveries with many dignitaries in attendance. It shows that our community is growing and people from diverse backgrounds are coming forward, inspiring our young scientists and building our future generation for all Australians. That was excellent.

I would also like to acknowledge the Indian Australian Idol celebration. It shows how communities from diverse backgrounds are coming and joining the many street activities. For example, singing, dancing and all those things. It gives me immense pleasure to see how things have improved over the last 37 years that I have been here. Also, the Indian Australian Association celebrating India's Independence Day, attended by about 400 people, including the Council General of India. It was an excellent event showcasing the increasing

closeness between these two countries and how the bilateral relationship between India and Australia is evolving. Having lived in Australia and in particular, Strathfield, for over 37 years there is not one street I have not walked on.

When somebody calls me about a concern I do not see that person as a nameless person. I do not come here to make a living. If I could not change things there is no point for me being here. So, I have pushed as much as I could and so that has been my basic motivation.

I had a role in employing this General Manager. There was some competition and I'm very glad that he was successfully employed. I have always done what is in the interest of the broader community without fear of failure. In doing so I have received a lot of support from officers, including the General Manager. I thank you and thank you all the directors who have supported and helped me over these years. Many of the residents I've known for many years. I have nothing but gratitude for having the opportunity in serving the Council since 2012. I definitely acknowledge all of your help and particularly my colleague, Councillor Sharangan Maheswaran. Thank you.

#### **5.7 Thanking Residents during Council term - Councillor Benjamin Cai**

I think lastly, I want to thank all those citizens of our community who voted me as councillor. I think if not for their support and their good opinions on how to improve our community I wouldn't be able to last until today so thank you all. Also to my neighbours I say thank you.

#### **5.8 Thank You during Council term - Councillor Sharangan Maheswaran**

In the general nature for the end of the term I would like to just apologise for the many occasions where I've been quite difficult and thank you for your forbearance in that respect as well as your support, especially Councillor Datta as well as the Mayor Karen Pensabene and each of the councillors here and all of the Council staff.

The employment of the General Manager was one of the best decisions of this Council. It really has been and all the decisions flown from that have been substantially better for the residents in this area and I mean that sincerely.

So I would like to say thank you to each and every one of you. I felt that the mandate that was given in the 2021 election was one of serious reform, and as a councillor, to ask serious questions and that's what I regarded my job to be. I thought that was what my constituent had asked for and that is what I had hoped I had delivered. There may have been hurt feelings and there may have been terse words but also a lot of fond memories. Thank you all and especially Councillor Datta for your kind words.

**5.9 Thank You to the Mayor and Deputy Mayor - Councillor Nella Hall**

I don't know if Mayor Karen Pensabene is watching. Mayor Pensabene, you have done an amazing job. We started our journey I think in 2012 and you got to be Mayor and I'm very proud of you and you have done a great job. Good luck next term and all the best and I will see you around.

As for the current Deputy Mayor, you have been put in the hot spot a couple of time in the Chair and you've done a great job. All of those who have been Deputy Mayor as for yourself, have done a great job. This term I've decided to not to do the Deputy Mayor and let the new guys do it and I'll be watching your guys in the next term.

**6. CONFIRMATION OF MINUTES**

**192/24**

**RESOLVED:** (Hall / Datta)

That the Minutes of the Ordinary Council Meeting held on 23 July 2024, a copy of which has been furnished to each Councillor, be taken as read and confirmed as a true and correct record of that meeting and that the Chairperson and General Manager be authorised to sign such Minutes.

For the Motion: Councillors Cai, Datta, Hall, Maheswaran and Reddy

Against the Motion: Nil

**7. MAYORAL MINUTE(S)**

**7.1 Mayoral Minute 06/24 – Australian Red Cross 110th Birthday Celebration**

**193/24**

**RESOLVED:** (Datta / Hall)

That the Council notes the support being provided in response to the request received from the Chair, NSW Divisional Advisory Board of the Australian Red Cross, for Council to light up the Council Chambers Building in red lights to acknowledge the 110<sup>th</sup> birthday milestone of the Australian Red Cross.

For the Motion: Councillors Cai, Datta, Hall, Maheswaran and Reddy

Against the Motion: Nil

## 8. ITEMS BY EXCEPTION

### Items by Exception

194/24

**RESOLVED:** (Datta / Maheswaran)

That in accordance with Section 13 of Council's Code of Meeting Practice the items below be dealt with by exception and that they be adopted as recommended by a single Motion:

- 10.1 Review of Tree Management Policy – Councillor Raj Datta
- 10.2 Proposal for Strathfield (Bay) Run along the Cooks River – Councillor Nella Hall
- 10.3 Legal Advice for the Amendment of Council Minutes – Councillor Nella Hall
- 10.5 Naturalising the Cooks River, improving water quality, and opening new open space – Councillor Sharangan Maheswaran
- 10.6 Rate Variation and Infrastructure Communication – Councillor Sharangan Maheswaran
- CCS1 Current Status of Council Resolutions
- CCS2 Tenders Advertised and Awarded July 2024
- CCS3 Councillor Workshop 6 August 2024
- CCS4 Councillor Workshop 7 August 2024
- CCS8 Investment Report – July 2024
- CCS9 Draft Customer Experience (CX) Strategy
- PE3 Building Certification
- PE7 Hudson Park Golf Driving Range – Extension of Hours Update
- EO1 Automated External Defibrillators in Strathfield

For the Motion: Councillors Cai, Datta, Hall, Maheswaran and Reddy

Against the Motion: Nil

### 10.1 Review of Tree Management Policy – Councillor Raj Datta

195/24

**RESOLVED:** (Datta / Maheswaran)

That Council prepares a report articulating specific changes in the Council Tree Management Policy, defining



specific steps Council would take to address and mitigate the following and other similar felt needs of the community members and table it at the October Council Meeting:

1. Allocation of Council officers/resources on a priority basis to help and guide residents with application and resolution where the tree pruning or removal is related to serious safety and security of residents, e.g. falling branches from a tree is causing physical injury or serious damage to a property and progressing the matter, with a sense of urgency is required for eliminating these risks.
2. Mediation between neighbours where pruning of a tree is necessary for safety and security of residents.
3. Defining processes/procedures, amends the relevant forms and application process, as appropriate so that landowners could apply to undertake appropriate actions and works to manage, prune, remove a tree encroaching or overhanging onto a property without prior approval of the owner of the property on which the tree might be located, where the tree in question has been identified to be a serious safety concern or causing major damage to properties.
4. Enabling landowners/residents to undertake works within their own land on elements of a tree which encroaches onto their land from a neighbouring property, without formal approval/permission of the owner of the land on which the tree is located, where the tree in question has been identified to be a serious safety concern or causing major damage to properties.

**COUNCIL OFFICERS' NOTE:**

The recommendations proposed by this Notice of Motion were addressed in the report to Council on the 28 May 2024 titled "Strathfield Urban Forest – Strategies to Increase Tree Canopy" as per the attached.

***RESOLVED BY EXCEPTION***

**10.2 Proposal for Strathfield (Bay) Run along the Cooks River – Councillor Nella Hall**

**196/24**

**RESOLVED:** (Datta / Maheswaran)

That Council prepares a feasibility report to create a Strathfield (Bay) Run in the area of the Cooke River cycle way and pedestrian walkway.

***RESOLVED BY EXCEPTION***

**10.3 Legal Advice for the Amendment of Council Minutes – Councillor Nella Hall**

**197/24**

**RESOLVED:** (Datta / Maheswaran)

That:

1. Council seeks external legal advice on the actions taken of motion CCS2 moved at the 28 May 2024 meeting of Strathfield Council.
2. The advice be presented to Council in a Councillor Workshop.

***RESOLVED BY EXCEPTION***

**10.5 Naturalising the Cooks River, Improving Water Quality, and Opening New Open Space – Councillor Sharangan Maheswaran**

**198/24**

**RESOLVED:** (Datta / Maheswaran)

That Council resolves to:

1. Support and consider funding the proposal subject of Council report EO3 presented at the 2 May 2023 Council meeting being a feasibility study, and
2. provide a report to the October 2024 Council Meeting on the cost of implementing the feasibility study.

***RESOLVED BY EXCEPTION***

**10.6 Rate Variation and Infrastructure Communication – Councillor Sharangan Maheswaran**

**199/24**

**RESOLVED:** (Datta / Maheswaran)

That Council resolves to write to all residential addresses within the Local Government Area as soon as possible setting out, in summary:

- a. The unfunded infrastructure backlog which required the special rate variation
- b. The persistent operating deficits of Council between 2017 to 2021

- c. Cuts to Council expenditure to improve Council's financial position
- d. The new rating model and its impact so far on bills
- e. The reduction in garbage levies
- f. New infrastructure and works have been funded by Council because of the special rate variation
- g. Council's auditors' comments on the improvement of Council's financial position

***RESOLVED BY EXCEPTION***

**CCS1 Current Status of Council Resolutions**

**200/24**

**RESOLVED:** (Datta / Maheswaran)

That the report on the status of Council resolutions be noted.

***RESOLVED BY EXCEPTION***

**CCS2 Tenders Advertised and Awarded July 2023**

**201/24**

**RESOLVED:** (Datta / Maheswaran)

That Council tenders advertised and awarded in July 2024 be received and noted.

***RESOLVED BY EXCEPTION***

**CCS3 Councillor Workshop 6 August 2024**

**202/24**

**RESOLVED:** (Datta / Maheswaran)

That the report be received and noted.

***RESOLVED BY EXCEPTION***

**CCS4 Councillor Workshop 7 August 2024**

**203/24**

**RESOLVED:** (Datta / Maheswaran)

That the report be received and noted.

***RESOLVED BY EXCEPTION***

**CCS8 Investment Report - July 2024**

**204/24**

**RESOLVED:** (Datta / Maheswaran)

That the record of cash investments as at 31 July 2024 be received and noted.

***RESOLVED BY EXCEPTION***

**CCS9 Draft Customer Experience (CX) Strategy**

**205/24**

**RESOLVED:** (Datta / Maheswaran)

That Council resolve for the Draft Customer Experience (CX) Strategy to proceed to public exhibition for 28 days and should Council receive negligible feedback, that Council delegate for the General Manager to finalise the Draft Customer Experience (CX) Strategy.

***RESOLVED BY EXCEPTION***

**PE3 Building Certification**

**206/24**

**RESOLVED:** (Datta / Maheswaran)

1. That Council endorses the existing Building Certification process that is currently offered to residents.
2. That a review of the 2024/2025 Fees and Charges relating to Building Certification and related building compliance services be reviewed and brought back to Council for consideration, after the election.
3. That the project budget of \$5,000 be endorsed for inclusion in the Quarter 1 Budget Review to support

the development of updates to Council's website relating to Building Certification services and customer information.

***RESOLVED BY EXCEPTION***

**PE7 Hudson Park Golf Driving Range - Extension of Hours Update**

**207/24**

**RESOLVED:** (Datta / Maheswaran)

1. That Council notes the extension of trading hours at the Hudson Park Golf Driving Range is considered successful as:
  - a. additional services were provided to the community with no known negative amenity impacts
  - b. revenue was increased
2. That Council confirm that the extended trading hours trial be made permanent.
3. That Council staff continue to monitor the commercial operations of the driving range to ensure positive financial outcomes for the extended hours
4. That Council staff are authorised to make changes to closing times if required in the future.

***RESOLVED BY EXCEPTION***

**EO1 Automated External Defibrillators in Strathfield**

**208/24**

**RESOLVED:** (Datta / Maheswaran)

1. That the report be received and noted.
2. That the Mayor write to all NSW State Members and Legislative Council Members requesting they consider the introduction of legislation to mandate the installation of defibrillators in new businesses and high rise developments.

***RESOLVED BY EXCEPTION***

**9. PUBLIC FORUM**

**9.1 Homebush Transport Oriented Development (TOD) in relation to Welfare Street Heritage Conservation Area - Mr Kurt Cornell**

Mr Cornell addressed the meeting to discuss zoning changes regarding the new TOD Program and the relation to Welfare Street Heritage Conversation Area.

During the address Councillor Maheswaran declared a Non-Pecuniary/Non-Significant conflict of interest in relation to the address by Mr Kurt Cornell. Councillor Maheswaran declared that he knew Mr Cornell as he is a member of the local Labor Party and managed his conflict by remaining in the meeting during Mr Cornell's address to Council.

**9.2 Building Compliance in Strathfield Area – Mr David Star**

Mr Star addressed the meeting to express his concern that due to the increase of new development in the Strathfield area, there is a lack of policing to check developers are adhering to building compliance and safety.

**10. NOTICES OF MOTION**

**10.4 Adequate Remuneration for Local Government Representatives – Councillor Sharangan Maheswaran**

**209/24**

**RESOLVED:** (Maheswaran / Cai)

That:

1. Council writes to the Minister for Local Government, drawing attention to this motion and calling for the Minister to:
  - a. Change the standards by which local government remuneration is set to expressly recognise the need to provide sufficient remuneration to attract people with the skills, expertise and time required to undertake the role of a councillor, and
  - b. Provide for a sliding scale of remuneration to account for councillors that treat their role as a primary form of employment against those that do not.
2. Council officers provide a report at a Councillor Workshop on the provision of remuneration for the position of Deputy Mayor.

For the Motion: Councillors Datta, Maheswaran and Reddy

Against the Motion: Councillors Cai and Hall

**11. REPORTS TO COUNCIL**

**CCS5 Request for a Report to Establish new Friendship Cities with Strathfield Council**

**RECOMMENDATION:**

That a report be prepared for the incoming Council suggesting that, should they wish to explore Friendship City relationships, then these two (2) cities were recommended by the outgoing Council:

1. Taormina or S. Teodoro, Sicily
2. Nan' An, Fujian, China

**MOTION:** (Hall / Cai)

That Council adopt the following cities as Friendship Cities and write to the Friendship City Council to formalise a mutual agreement:

1. Taormina, Sicily
2. Nan'An, Fujian, China
3. Kiwirok, West Papua

210/24

**RESOLVED:** (Hall / Cai)

That Council adopt the following cities as Friendship Cities and write to the Friendship City Council to formalise a mutual agreement:

1. Taormina or S. Teodoro, Sicily
2. Nan' An, Fujian, China
3. Kiwirok, West Papua

For the Motion: Councillors Cai, Datta, Hall, Maheswaran and Reddy

Against the Motion: Nil

**CCS6 Council Protocol**

**RECOMMENDATION**

That Council adopts the Draft Council Protocol 2024

**MOTION:** (Datta / Hall)

That Council adopts the Draft Council Protocol 2024 subject to the amendment to **clause 10 Council Publications to read as follows:**

Mayoral letters from the Mayor in their official capacity are to display images of the Mayor only where appropriate.

Operational communications to residents for example letters that inform them of traffic implications for an event, will come from Council staff and will not contain images or names of councillors or the Mayor. Councillors shall be emailed copies of general operational communication sent to residents for their information only.

Operational communications to residents including all policies for exhibition, upcoming events (e.g. printed and eNewsletters) will contain images and names of all councillors.

**211211/24**

**RESOLVED:** (Hall / Datta)

That Council adopts the Draft Council Protocol 2024 subject to the amendment to clause **10 Council Publications to read as follows**

Mayoral letters from the Mayor in their official capacity are to display images of the Mayor only where appropriate.

Operational communications to residents for example letters that inform them of traffic implications for an event, will come from Council staff and will not contain images or names of councillors or the Mayor. Councillors shall be emailed copies of general operational communication sent to residents for their information only.

Operational communications to residents including all policies for exhibition, upcoming events (e.g. printed and eNewsletters) will contain images and names of all councillors.

For the Motion: Councillors Cai, Datta, Hall, Maheswaran and Reddy

Against the Motion: Nil

**CCS7 Amendment of Minutes for Council Meeting on 6 December 2022 and Review of Minutes for Council Meetings 7 March 2022 and 7 March 2023 and Councillor Workshop 14 May 2024**

#### **RECOMMENDATION**

That the Minutes of the Council Meeting of 7 March 2022 be amended so that the Declarations of Interest for Councillor Cai read:

Councillor Cai declared a Non-Significant, Non-Pecuniary interest for item *8.1 Mayoral Minute 3/22 - Lions*



*Club Celebrating 75 Years*

**MOTION:** (Maheswaran)

That the Minutes of the Council Meeting of 7 March 2022 be amended so that the Declarations of Interest for Councillor Cai read:

Councillor Cai declared a Non-Significant, Non-Pecuniary interest for item *8.1 Mayoral Minute 3/22 - Lions Club Celebrating 75 Years*

The Motion had no seconder and after consideration Councillor Maheswaran then withdrew the Motion.

Therefore, as a result the item lapsed.

**PEI Council Submissions - Homebush Transport Oriented Development (TOD) Masterplan, Explanation of Intended Effect and the Proposed Changes to State Significant Development (SSD) Assessment Pathways**

Councillor Maheswaran declared a Non-Pecuniary/Significant conflict of interest for item *PEI Council Submissions - Homebush Transport Oriented Development (TOD) Masterplan, Explanation of Intended Effect and the Proposed Changes to State Significant Development (SSD) Assessment Pathways* and managed the Conflict of Interest by leaving the meeting during discussion and voting on this item. Councillor Maheswaran declared he currently acts in his professional capacity for a charity engaged in litigation. The Director of the charity owns land in the scoping area covered in the submission.

Councillor Cai declared a Non-Pecuniary/Significant conflict of interest for item *PEI Council Submissions - Homebush Transport Oriented Development (TOD) Masterplan, Explanation of Intended Effect and the Proposed Changes to State Significant Development (SSD) Assessment Pathways* and managed the Conflict of Interest by leaving the meeting during discussion and voting on this item. Councillor Cai declared his residential address is in the zoning area covered in the submission.

Councillor Hall declared a Non-Pecuniary/Significant conflict of interest for item *PEI Council Submissions - Homebush Transport Oriented Development (TOD) Masterplan, Explanation of Intended Effect and the Proposed Changes to State Significant Development (SSD) Assessment Pathways* and managed the Conflict of Interest by leaving the meeting during discussion and voting on this item. Councillor Hall declared she has property leased in the zoning area covered in the submission.

Councillors Cai, Hall and Maheswaran left the meeting, the time being 8:00pm

---

**RECOMMENDATION**

1. That a detailed Submission for Council consideration will be provided as a Supplementary Report, to be tabled at the 13 August Council meeting is noted.
2. That Council endorses the content of this report, for the Homebush Transport Oriented Development (TOD) Masterplan.
3. That the TOD Masterplan and proposed changes to the Strathfield Local Environmental Plan 2012 are anticipated to increase the total population of the entire precinct to 22,900 dwellings (of which 12,540 dwellings will be in Strathfield and 10,360 will be in Canada Bay) is noted.
4. That Council authorises the General Manager to sign and submit Councils' submission for the Homebush TOD to the NSW Government by 5pm on 16 August 2024.
5. That Council requests that the Minister for Planning and Public Spaces allow the Department of Planning, Housing and Infrastructure extends the NSW Governments announced deadline (November 2024) for the making of the proposed amendments to the Strathfield Local Environmental Plan 2012 (via a self-repealing State Environmental Planning policy) so that all matters are adequately investigated and reflected in the proposed changes.
6. That Council notes that the key issues outlined in the Submission (refer to Supplementary Report) including, but not limited to, concerns that the Masterplan does not adequately address:
  - a. Need for quality open space, including training and sporting needs given Councils playing fields are already at capacity
  - b. Impacts of stormwater issues
  - c. Provision of public transport, including the area where Council currently provides a bus service as no other public transport is provided by the NSW government
  - d. Transformation of Parramatta Road
  - e. Provision of public open space near the Old Theatre site and other areas within the Precinct
  - f. Future planning controls that will provide clear and efficient guidance to achieve quality development in the precinct
  - g. Links to recreation and economic opportunities at Olympic Park
  - h. A methodology for land acquisition for open space
  - i. The practical allocation of s7.12 contribution plan funds across the two local government areas
  - j. Environmental impacts
  - k. Key statutory requirements for changes to environmental planning instruments, including s9.1 Ministerial Directions

- l. Adequate and timely provision of state social infrastructure including schools and hospital beds
7. That Council delegates authority to the General Manager to advise the Minister for Planning and Public Spaces to make a s7.12 Local Infrastructure Contributions Plan for the Homebush TOD
8. That Council confirms to the Minister for Planning and Public Spaces and the Secretary Department of Planning, Housing and Infrastructure that Council seeks a s7.12 rate for the Homebush TOD which properly reflects the cost of local infrastructure to be delivered.
9. That Council notes that a submission that has been provided to the NSW Government in relation to the Explanation of Intended Effects 'Pathway of change to support Transport Orientated Development', on the 9 August 2024 and that Council endorse the content of the submission (**Attachment 1**) so that a final version can be supplied to the Department.

Due to a lack of quorum the item was declared lapsed.

Councillors Cai, Hall and Maheswaran returned to the meeting, time being 8:01pm.

#### **PE2 Draft Electrical Vehicle Charging Infrastructure Policy**

Councillor Maheswaran declared a Non-Pecuniary/Significant conflict of interest for item *PE2 Draft Electrical Vehicle Charging Infrastructure Policy* and managed the Conflict of Interest by leaving the meeting during discussion and voting on this item. Councillor Maheswaran declared he has a close personal friend who had had a managerial role in a company mentioned in previous reports associated with this matter when it was before Council.

Councillor Maheswaran left the meeting, the time being 8:01pm

#### **RECOMMENDATION**

1. That Council places the draft Electrical Vehicle Charging Infrastructure Policy (Attachment 1) on public exhibition.
2. After public exhibition, that should there be negligible feedback, Council delegate to the General Manager to finalise the Electrical Vehicle Charging Infrastructure Policy.

#### **MOTION (Cai / Datta)**

1. That Council places the draft Electrical Vehicle Charging Infrastructure Policy (Attachment 1) on public exhibition.
2. After public exhibition, that should there be negligible feedback, Council delegate to the General

Manager to finalise the Electrical Vehicle Charging Infrastructure Policy.

212/24

**RESOLVED:** (Cai / Datta)

1. That Council places the draft Electrical Vehicle Charging Infrastructure Policy (Attachment 1) on public exhibition
2. After public exhibition, that should there be negligible feedback, Council delegate to the General Manager to finalise the Electrical Vehicle Charging Infrastructure Policy.

For the Motion: Councillors Cai, Datta, Hall and Reddy

Against the Motion: Nil

Councillor Maheswaran returned to the meeting, the time being 8:02pm.

Councillor Cai left the meeting, the time being 8:02pm.

#### **PE4 Draft Infrastructure Contributions Plan**

Councillor Maheswaran declared a Non-Pecuniary/Significant conflict of interest for item *PE4 Draft Infrastructure Contributions Plan* and managed the Conflict of Interest by leaving the meeting during discussion and voting on this item. Councillor Maheswaran declared he had not reviewed the attachments to the report but same conflict as PE1.

Councillor Maheswaran left the meeting, the time being 8:02pm.

Councillor Cai returned to the meeting, the time being 8:04pm.

#### **RECOMMENDATION**

1. That Council endorses the draft Strathfield Local Infrastructure Contributions Plan 2024 be placed on Public Exhibition.
2. That Council authorises the General Manager to make technical updates prior to Public Exhibition to the draft Strathfield Local Infrastructure Contributions plan 2024 (including changes to apportionment costs in the work schedule), to ensure alignment with the draft Homebush Local Infrastructure Contributions Plan.
3. That Council authorises the lodgement of the draft Strathfield Local Infrastructure Contributions Plan 2024 with NSW Government for assessment and approval of a higher rate section 7.12 contribution plan
4. That a report outlining public consultation feedback prior to adoption of the plan is received.

**MOTION: (Datta / Cai)**

1. That Council endorses the draft Strathfield Local Infrastructure Contributions Plan 2024 be placed on Public Exhibition.
2. That Council authorises the General Manager to make technical updates prior to Public Exhibition to the draft Strathfield Local Infrastructure Contributions plan 2024 (including changes to apportionment costs in the work schedule), to ensure alignment with the draft Homebush Local Infrastructure Contributions Plan.
3. That Council authorises the lodgement of the draft Strathfield Local Infrastructure Contributions Plan 2024 with NSW Government for assessment and approval of a higher rate section 7.12 contribution plan.
4. That a report outlining public consultation feedback prior to adoption of the plan is received.

**213/24**

**RESOLVED: (Datta / Cai)**

1. That Council endorses the draft Strathfield Local Infrastructure Contributions Plan 2024 be placed on Public Exhibition.
2. That Council authorises the General Manager to make technical updates prior to Public Exhibition to the draft Strathfield Local Infrastructure Contributions plan 2024 (including changes to apportionment costs in the work schedule), to ensure alignment with the draft Homebush Local Infrastructure Contributions Plan.
3. That Council authorises the lodgement of the draft Strathfield Local Infrastructure Contributions Plan 2024 with NSW Government for assessment and approval of a higher rate section 7.12 contribution plan
4. That a report outlining public consultation feedback prior to adoption of the plan is received.

For the Motion: Councillors Cai, Datta, Hall and Reddy

Against the Motion: Nil

Councillor Maheswaran returned to the meeting, the time being 8:04pm

**PE5 Delegation to General Manager regarding Council Submissions - Homebush Transport Oriented Development (TOD) Masterplan, Explanation of Intended Effect and the Proposed Changes to State Significant Development (SSD) Assessment Pathways**

**RECOMMENDATION**

In the event of a lack of quorum in relation to item PE1 - Council submissions on *Homebush Transport Oriented Development (TOD) Masterplan, Explanation of Intended Effect and the Proposed Changes to State Significant Development (SSD) Assessment Pathways* due to Pecuniary or Significant Non-pecuniary interests being declared by Councillors, that Council delegates responsibility to the General Manager to:

1. Endorse the content of the report, report addendum and draft submission letter for the Homebush Transport Oriented Development (TOD) Masterplan attached to Item PE1.
2. Sign and submit Council's submission for the Homebush TOD to the NSW Government by 5pm on 16 August 2024.
3. Authorise the Minister of Planning and Public Spaces to make a Local Infrastructure Contributions Plan for the Homebush TOD.
4. Note that a draft submission has been provided to the NSW Government in relation to the Explanation of Intended Effects 'Pathway of change to support Transport Orientated Development', on the 9 August 2024 and that Council endorse the content of the submission as included in item PE1.

**MOTION: (Hall / Datta)**

In the event of a lack of quorum in relation to item PE1 - Council submissions on *Homebush Transport Oriented Development (TOD) Masterplan, Explanation of Intended Effect and the Proposed Changes to State Significant Development (SSD) Assessment Pathways* due to Pecuniary or Significant Non-pecuniary interests being declared by Councillors, that Council delegates responsibility to the General Manager to:

1. Endorse the content of the report, report addendum and draft submission letter for the Homebush Transport Oriented Development (TOD) Masterplan attached to Item PE1.
2. Sign and submit Council's submission for the Homebush TOD to the NSW Government by 5pm on 16 August 2024.
3. Authorise the Minister of Planning and Public Spaces to make a Local Infrastructure Contributions Plan for the Homebush TOD.
4. Note that a draft submission has been provided to the NSW Government in relation to the Explanation of Intended Effects 'Pathway of change to support Transport Orientated Development', on the 9 August 2024 and that Council endorse the content of the submission as included in item PE1.

**214/24**

**RESOLVED: (Hall / Datta)**

In the event of a lack of quorum in relation to item PE1 - Council submissions on *Homebush Transport*

*Oriented Development (TOD) Masterplan, Explanation of Intended Effect and the Proposed Changes to State Significant Development (SSD) Assessment Pathways* due to Pecuniary or Significant Non-pecuniary interests being declared by Councillors, that Council delegates responsibility to the General Manager to:

1. Endorse the content of the report, report addendum and draft submission letter for the Homebush Transport Oriented Development (TOD) Masterplan attached to Item PE1.
2. Sign and submit Council's submission for the Homebush TOD to the NSW Government by 5pm on 16 August 2024.
3. Authorise the Minister of Planning and Public Spaces to make a Local Infrastructure Contributions Plan for the Homebush TOD.
4. Note that a draft submission has been provided to the NSW Government in relation to the Explanation of Intended Effects 'Pathway of change to support Transport Orientated Development', on the 9 August 2024 and that Council endorse the content of the submission as included in item PE1.

For the Motion: Councillors Cai, Datta, Hall, Maheswaran and Reddy

Against the Motion: Nil

#### **PE6 Draft Planning Proposal : Strathfield Medium Density Housing Strategy**

Councillor Maheswaran declared a Non-Pecuniary/Significant conflict of interest for item *PE6 Draft Planning Proposal : Strathfield Medium Density Housing Strategy* and managed the Conflict of Interest by leaving the meeting during discussion and voting on this item. Councillor Maheswaran declared he had not reviewed papers to this report but thought he would likely have the same conflict as PE1.

Councillor Maheswaran left the meeting, the time being 8:06pm.

#### **RECOMMENDATION**

1. That Council notes the advice provided by the Strathfield Local Planning Panel on 1 August 2024 regarding the drafting of a Planning Proposal in relation to the Strathfield Medium Density Housing Strategy.
2. That Council supports the intent of proposed amendments to the Strathfield Local Environmental Plan 2012 to facilitate medium density housing consistent with the NSW Low and Mid-Rise Housing Policy and Council's Medium Density Housing Strategy, as outlined in the body of the report and resolves to incorporate the proposed amendments into a Planning Proposal.
3. That Council endorses the draft Planning Proposal **Attachment 1** for lodgement with the

Department of Planning, Housing and Infrastructure for Gateway determination.

4. That Council delegates authority to the General Manager to make necessary amendments to the Planning Proposal and supporting documents arising from a Gateway Determination and prior to public exhibition.
5. That should a Gateway Determination be issued which enables public exhibition, a further report is to be presented to Council following the exhibition period. The report is to address any submissions received. A further update on the progress of the Planning Proposal is to be provided at that time.
6. That the Strathfield Development Control Plan (DCP) be reviewed and updated concurrently with the Planning Proposal to ensure consistency with the objectives and controls contained in the Planning Proposal.
7. That a report be presented to Council which outlines the proposed amendments to the DCP prior to public exhibition.
8. That a further report be brought back to Council to seek endorsement of the proposed amendments to the Strathfield Local Environmental Plan 2012 and the adoption of amendments to the Strathfield Development Control Plan, following public exhibition.

**MOTION: ( Datta / Cai )**

1. That Council notes the advice provided by the Strathfield Local Planning Panel on 1 August 2024 regarding the drafting of a Planning Proposal in relation to the Strathfield Medium Density Housing Strategy.
2. That Council supports the intent of proposed amendments to the Strathfield Local Environmental Plan 2012 to facilitate medium density housing consistent with the NSW Low and Mid-Rise Housing Policy and Council's Medium Density Housing Strategy, as outlined in the body of the report and resolves to incorporate the proposed amendments into a Planning Proposal.
3. That Council endorses the draft Planning Proposal **Attachment 1** for lodgement with the Department of Planning, Housing and Infrastructure for Gateway determination.
4. That Council delegates authority to the General Manager to make necessary amendments to the Planning Proposal and supporting documents arising from a Gateway Determination and prior to public exhibition.
5. That should a Gateway Determination be issued which enables public exhibition, a further report is to be presented to Council following the exhibition period. The report is to address any submissions received. A further update on the progress of the Planning Proposal is to be provided at that time.



6. That the Strathfield Development Control Plan (DCP) be reviewed and updated concurrently with the Planning Proposal to ensure consistency with the objectives and controls contained in the Planning Proposal.
7. That a report be presented to Council which outlines the proposed amendments to the DCP prior to public exhibition.
8. That a further report be brought back to Council to seek endorsement of the proposed amendments to the Strathfield Local Environmental Plan 2012 and the adoption of amendments to the Strathfield Development Control Plan, following public exhibition.

215/24

**RESOLVED:** (Datta / Cai)

1. That Council notes the advice provided by the Strathfield Local Planning Panel on 1 August 2024 regarding the drafting of a Planning Proposal in relation to the Strathfield Medium Density Housing Strategy.
2. That Council supports the intent of proposed amendments to the Strathfield Local Environmental Plan 2012 to facilitate medium density housing consistent with the NSW Low and Mid-Rise Housing Policy and Council's Medium Density Housing Strategy, as outlined in the body of the report and resolves to incorporate the proposed amendments into a Planning Proposal.
3. That Council endorses the draft Planning Proposal **Attachment 1** for lodgement with the Department of Planning, Housing and Infrastructure for Gateway determination.
4. That Council delegates authority to the General Manager to make necessary amendments to the Planning Proposal and supporting documents arising from a Gateway Determination and prior to public exhibition.
5. That should a Gateway Determination be issued which enables public exhibition, a further report is to be presented to Council following the exhibition period. The report is to address any submissions received. A further update on the progress of the Planning Proposal is to be provided at that time.
6. That the Strathfield Development Control Plan (DCP) be reviewed and updated concurrently with the Planning Proposal to ensure consistency with the objectives and controls contained in the Planning Proposal.
7. That a report be presented to Council which outlines the proposed amendments to the DCP prior to public exhibition.
8. That a further report be brought back to Council to seek endorsement of the proposed amendments to the Strathfield Local Environmental Plan 2012 and the adoption of amendments to the Strathfield Development Control Plan, following public exhibition.

For the Motion: Councillors Cai, Datta, Hall and Reddy

Against the Motion: Nil

Councillor Maheswaran returned to the meeting, the time being 8:08pm.

**12. REPORTS FROM COMMITTEES**

Nil

**13. QUESTION WITH NOTICE**

Nil

**14. MATTERS OF URGENCY**

Nil

**15. CONFIDENTIAL MATTERS**

Nil

**16. CONCLUSION OF THE MEETING**

**THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 8:09PM.**

The foregoing Minutes were confirmed at the meeting of the Council of the Municipality of Strathfield on 22 October 2024.

Chairman \_\_\_\_\_

General Manager \_\_\_\_\_

---

CCS7                      METHOD TO FILL CASUAL VACANCIES  
AUTHOR:                Amanda Rutherford, Manager, Governance & Procurement  
APPROVER:             Kristy Watts, Director Corporate and Community

---

## RECOMMENDATION

That Council select one (1) of the options below:

1. That Council determine whether or not to declare how any casual vacancies in the office of a Councillor that occurs within 18 months after the date of the last ordinary election of Councillors for the area is to be filled by a countback of votes cast at the last election held for that office. If this option is selected that the General Manager be required to inform the NSW Electoral Commission . **within seven (7) days of the Council's decision.**

Or,

2. That any casual vacancies which occur in the office of a Councillor for this term will be filled through the holding of a by-election.

## PURPOSE OF REPORT

Council has, pursuant to section 291A(1) of the *Local Government Act 1993* the option of using a countback of votes cast at the last ordinary election. This report seeks Council's consideration of its preferred method to fill any casual vacancies occurring in the office of a Councillor within 18 months of the election.

## REPORT

Council has an option to use the countback method in the event of a Councillor vacancy within 18 months of the last ordinary election (for example, due to resignation). This is the second time this option has been provided to Councils.

In accordance with section 291A of the *Local Government Act 1993*, to take up this option Council must, by resolution, declare that any casual vacancy that occurs in the office of a Councillor within 18 months of the date of the last ordinary election of the Councillors for the area is to be filled by a countback of votes cast at the last election of Councillors. If Council resolves to fill casual vacancies using a countback the General Manager is required under Section 393C of the *Local Government (General) Regulation 2021* to notify the Returning Officer, NSW Electoral Commission within seven (7) days of the resolution.

If Council does not resolve to fill casual vacancies using a countback at its first meeting after the ordinary election it will be required to fill casual vacancies using a by-election.

Countbacks are not available to fill casual vacancies in the office of a Councillor where:

- The Councillor who vacated office was elected at an election using the optional preferential voting system (i.e. elections where only one civic office is required to be filled such as the election of popularly elected mayors), or

- the Councillor was elected at an uncontested election.

A by-election must be used to fill these types of vacancies.

This report puts forward two (2) options for Council to consider. Council is requested to select one (1) of these options.

### **Countback elections**

The NSW Electoral Commission provides the following information regarding countback elections.

1. The Electoral Commissioner is notified of a casual vacancy, within seven (7) days of it occurring.
2. A Returning Officer is appointed within 14 days of the notification of the vacancy.
3. Casual vacancy notices are issued 2 to 14 days from the appointment of the Returning Officer.
4. Where a candidate is interested, they must submit a formal application to the Returning Officer. The application period closes after 10 days of the notices being issued.
5. The countback is conducted within 14 days of the vacancy notices being issued.
6. It may take up to a month for the results to be declared.

A countback election must be completed within 49 days, and applications for candidates to participate is open for 10 days. If there are no eligible candidates, an attendance by-election must be held.

If there is only one (1) eligible candidate, that candidate is elected. If there are multiple eligible candidates, a countback election is conducted. In a countback election, the returning officer:

- Uses preference data from ballot papers from the previous local government ordinary election.
- Uses the same proportional representation method used in the original election.
- Effectively re-runs the election making the vacating Councillor ineligible and distributing each of their ballot papers to the next preference on the ballot paper.
- If a non-eligible candidate would be elected, the election is re-run with that candidate's ballot papers also distributed to their next preference on the ballot paper.
- Re-runs the countback until an eligible candidate is elected.

At a countback election, a sitting Councillor cannot be unelected, and non-eligible candidates cannot be elected.

### **FINANCIAL IMPLICATIONS**

In the event of a casual vacancy in the office of Councillor there will be costs associated with either the use of a countback election or conducting a by-election. Those costs would need to be funded from existing operational budgets through a re-allocation process. It is anticipated the cost of using the countback method could be lower than a by-election.

Indicative costs provided by the NSW Electoral Commission are that typical costs are:

- Small by-election > \$50,000
- Large metro by-election > \$500,000

- Countback election > \$6,000 - \$10,000

#### ATTACHMENTS

There are no attachments for this report.

---

**CCS8 COUNCIL COMMITTEES**

**AUTHOR:** Amanda Rutherford, Manager, Governance & Procurement

**APPROVER:** Kristy Watts, Director Corporate and Community

---

**RECOMMENDATION**

That Council:

1. Appoint a Councillor (who is not the Mayor) to the Audit, Risk and Improvement Committee as a non-voting member.
2. Appoint a Councillor as a voting member and an alternate representative to the Cooks River Alliance Management Committee.
3. Appoint a Councillor as a voting member of the Parramatta River Catchment Group.
4. Note that the Mayor is a voting member, and the Deputy Mayor is an alternate voting member, of the Southern Sydney Regional Organisation of Councils (SSROC).
5. Note that interested Councillors can attend meetings of the local Traffic Committee and must nominate a Councillor to Chair the meetings and be voting delegate.
6. Note discussion papers will be prepared and presented to a Councillor Workshop on options for the Multi-Cultural Advisory Committee and Local Economic Development Committee.

**PURPOSE OF REPORT**

To confirm the Councillor representatives for committees and working groups following the appointment of the newly elected Council, Mayor and Deputy Mayor.

To note that community member appointments to Council's Committees and working groups have been appointed for the term of this Council so this report has no effect on Council's previous resolution to appoint.

**REPORT**

The Mayor and Deputy Mayor's appointments to several Committees identifies them by position.

Audit, Risk and Improvement Committee (ARIC)

The objective of Strathfield's ARIC is to provide independent assurance to Strathfield by monitoring, reviewing, and providing advice about the Council's governance processes, compliance, risk management and control frameworks, external accountability obligations and overall performance.

Under Clause 5.0 *Composition and tenure* of the 2024 Terms of Reference for the ARIC, the committee consists of an independent chairperson and two (2) independent members who have voting rights and one non-voting councillor (cannot be the Mayor), as required under the *Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023*.

The ARIC meets quarterly, or as needed, throughout the year during business hours.

#### Cooks River Alliance

The Cooks River Alliance is a partnership of four (4) councils – Bayside, Canterbury-Bankstown, Inner West, and Strathfield and Sydney Water, who are working together with communities for a healthy Cooks River Catchment. The Alliance is hosted by the City of Canterbury-Bankstown.

The Cooks River is a unique urban waterway located in the inner South West of Sydney. It runs through some of the most heavily urbanised and industrialised areas in Australia, but many parts of the river and its foreshores offer beautiful riverside walkways and cycle paths, wonderful parks and facilities and an abundance of native flora and fauna. Over recent years, the condition of the river has improved considerably, due in large part to the efforts of stakeholders and the local community, however it remains a heavily polluted river with much more to be done.

Council is represented on the Management Committee by one (1) voting member and Council needs to appoint one (1) Councillor and an alternate should they be unavailable to attend.

The Cooks River Alliance meets quarterly online in the evening, generally from 6.30pm.

#### Parramatta River Catchment Group

The Parramatta River Catchment Group (PRCG) is an alliance of local and State Government agencies and community groups. They are working to create a healthy, liveable and sustainable river catchment for wildlife and the community to thrive. The PRCG works closely with a broad group of local and State Government agencies and community organisations that are committed to achieving the mission to make Parramatta River swimmable again by 2025.

Council has one (1) voting membership and needs to appoint a Councillor, noting the Manager Resilience, Compliance, and Commercial attends as an alternate delegate.

Meetings are monthly as agreed by the group executive and voting members and are normally from 5:30 pm.

#### SSROC

The Southern Sydney Regional Organisation of Councils (SSROC) is an incorporated association of 12 local councils, originally established in 1986. Strathfield joined SSROC in the last term of Council.

SSROC provides a forum through which our member councils can interact, exchange ideas, and work collaboratively to solve regional issues and contribute to the future sustainability of the region. They advocate on behalf of our region to ensure that the major issues are addressed by all levels of government.

SSROC meets quarterly in the evening, generally from 6:00pm.

#### Traffic Committee

Council confirmed at their meeting on 6 September 2022 that the Local Traffic Advisory Committee is a technical committee of Council set up to provide advice to the Council on the technical merits of a proposal. Should Council wish to debate the merits of a proposal then this should be undertaken in the Council Meeting Forum.

The formal composition of the Strathfield Local Traffic Advisory Committee has four (4) voting members, along with the inclusion of additional informal (non-voting members), as required, subject to the items up for discussion. The Council nominated Chair is a voting member with the other voting members being the Police, Transport for NSW and the Local State MP.

Generally, informal advisors are not required to attend every Local Traffic Advisory Committee Meeting. Their attendance is only required when items appear on the Agenda that affect their area of expertise. Informal advisors are not entitled to a vote.

Other Interested Councillors may attend in person as observers only in the Traffic Committee Meeting Process.

Meetings take place on the third Tuesday of each month during business hours.

#### Multicultural Advisory Committee

The purpose of the Multicultural and Diversity Advisory Committee is to inform Council of issues that may be affecting Strathfield's multicultural community and to advise Council of recommendations to improve. Members of the Multicultural and Diversity Advisory Committee were appointed for the duration of the 2021 – 2024 Council term.

Council has identified a need to review and refresh the Terms of Reference that were adopted in March 2022 to clarify membership, and roles and responsibilities. This presents an opportunity to also review the operation and effectiveness of the committee.

It is therefore recommended that membership decisions be delayed until a paper can be prepared and discussed at a Councillor Workshop

#### Local Economic Development Committee

The inaugural meeting took place on 30 November 2022, but no further meetings have been conducted since. Again, this is an opportunity to review the committee purpose and effectiveness, and a paper is recommended to be brought to a future Councillor Workshop.

### **FINANCIAL IMPLICATIONS**



There are no financial implications.

#### **ATTACHMENTS**

There are no attachments for this report