



# **STRATHFIELD COUNCIL**

**ORDINARY MEETING OF THE COUNCIL OF THE  
MUNICIPALITY OF STRATHFIELD  
HELD IN THE COUNCIL CHAMBERS  
65 HOMEBUSH ROAD, STRATHFIELD  
ON TUESDAY, 4 AUGUST 2009**

## **ORDER OF BUSINESS**

### **OPEN FORUM**

**COMMENCING AT 7.00PM**

Open Forum is held prior to each Council Meeting to enable any person to address Council without notice on any matter NOT included in the Agenda of the meeting.

Speakers must give their name and address and are permitted 5 minutes to address council.

Speakers are not permitted to ask questions of Councillors or staff.

All comments made in Open Forum are recorded.

### **COUNCIL MEETING COMMENCING AT THE CONCLUSION OF OPEN FORUM**

Please refer to Agenda attached

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

1. Prayer
2. Declaration of Pecuniary or Conflict of Interest (nature of interest to be disclosed)
3. Confirmation of Minutes

Ordinary Council Meeting 7 July 2009

4. Apologies
5. Deferred/Outstanding matters awaiting report

Nil.

6. Planning and Development Matters

Nil.

7. Mayoral Minute(s) in accordance with Council's Code of Meeting Practice
8. Councillors' Questions to the Mayor (submitted in writing in accordance with Council's Code of Meeting Practice)

9. Reports from Committees

Traffic Committee Meeting 21 July 2009

10. Motions Pursuant to Notice

Notices of Motion signed by Councillor Lim

1. 'Get Behind Bowel Screening' Cancer Council Australia Campaign
2. Pedestrian Crossing – Homebush Road, Strathfield
3. Distribution and Dissemination of Newsletters from the State Member for Strathfield
4. Strathfield Chamber of Commerce
5. Tree Removal and Pruning Under Council's TPO
6. Section 149 Planning Certificates
7. Commercial Developments within National Parks
8. Local Government Election Expenditure

9. Heritage Advisory Service
  10. Federal Disability Discrimination Law Changes
  11. Cost of Ageing Study
  12. Interim Construction Noise Guideline
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11. General Business
    1. 2009 Strathfield Spring Fair
    2. Strathfield Council Cooks River Fun Run
    3. Arts Funding
    4. Flemington Chamber of Commerce Moon Festival
    5. Regular Users of Council Halls and Meeting Rooms
    6. Investment Report as at 30 June 2009
    7. Request for Financial Assistance
    8. Code of Meeting Practice Review
    9. Councillors Expenses and Facilities Policy
    10. Rate Payment Methods
    11. Bankstown Sanitary Depot
    12. Overseas Delegations
    13. Investment Policy Review
    14. Code of Conduct Review
    15. Delegations Register
    16. Strathfield Business Representative Groups
    17. Draft Strathfield Economic Development Plan
    18. Street Name Signs in Commercial and Industrial Zones
    19. Alcohol Free Zones
    20. Naming of Public Road, Greenacre
    21. Roads and Traffic Authority Delegation to Council for the Regulation of Traffic
  
  12. Matters of Urgency in Accordance with Clause 241 of the Local Government General Regulation, 2005
  
  13. Matters for Decision (for consideration and/or determination)  
  
Nil.
  
  14. Closed Session  
  
Nil.

I endorse the recommendations contained herein.

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General Manager

**MOTIONS PURSUANT TO NOTICE**

A. Notices of Motion signed by Councillor Lim

**1. 'GET BEHIND BOWEL SCREENING' CANCER COUNCIL AUSTRALIA CAMPAIGN**

I MOVE:

THAT Strathfield Municipal Council resolves to call on the Australian Commonwealth Government to extend bowel cancer screening to all Australians over fifty (50) years of age, AND THAT, consequently, Council resolves to make representations to the Prime Minister of Australia, the Honourable Kevin Michael Rudd MP, the Australian Commonwealth Government, and the Leader of the Federal Opposition, the Honourable Malcolm Bligh Turnbull MP, and the Federal Opposition, and the Federal Member for Lowe, the Honourable John Paul Murphy MP, the Federal Member for Reid, the Honourable Laurie Donald Thomas Ferguson MP, Parliamentary Secretary for Multicultural Affairs and Settlement Services, the Federal Member for Blaxland, Mr Jason Dean Clare MP, and Senator Concetta Anne Fierravanti-Wells, Senator for New South Wales.

***Rationale:** According to Professor Ian Olver, Chief Executive Officer of Cancer Council Australia, Bowel Cancer is 'Australia's second biggest cancer killer, yet nearly all cases can be cured if found early.'*

*'We know the current National Bowel Cancer Screening Program is saving lives but it is grossly underfunded and limited to those turning 50, 55 or 65. That means more than five million Australians are currently missing out on a simple test which could save their lives,' Prof Olver argues.*

*Professor Olver further posits that according to conservative estimates, the Federal Government could save the lives of more than 30 Australians each week by expanding the programme to include all Australians fifty (50) years of age and over. Further delays in program expansion would lead to 'more unnecessary deaths. One in 12 Australians will get bowel cancer, so the [g]overnment should not waste any time in implementing this vital program,' according to Prof Olver.*

**2. PEDESTRIAN CROSSING – HOMEBUSH ROAD, STRATHFIELD**

I MOVE:

THAT Strathfield Municipal Council resolves to refer to Council's Traffic Committee, for investigation, the installation of a pedestrian crossing on Homebush Road, Strathfield, at Strathfield Park.

***Rationale:** To ensure the safety of park users who cross the road from the eastern side of Homebush Road, Strathfield, and, in particular, older residents, as well as younger residents, parents with prams and strollers, and less mobile residents.*

**3. DISTRIBUTION AND DISEMMINATION OF NEWSLETTERS FROM THE STATE MEMBER FOR STRATHFIELD**

I MOVE:

THAT Strathfield Municipal Council resolves to cease the distribution and dissemination of newsletters and other material from the State Member for Strathfield, the Honourable Dianne Virginia Judge MP, Minister for Fair Trading, Minister for Citizenship, and Minister Assisting the Premier on the Arts, from all Council facilities and, in particular, all customer service areas.

***Rationale:** To ensure that publications and other material which may be contrary to the interests of the Council and Community of Strathfield are not distributed or disseminated from ratepayer funded premises and, in particular, to ensure that Council is not seen to be endorsing the views held by the State Member for Strathfield, the Honourable Dianne Virginia Judge MP, Minister for Fair Trading, Minister for Citizenship, and Minister Assisting the Premier on the Arts, or the Government of the State of New South Wales, which are contrary to Council's resolutions on numerous issues, including, but not limited to, the lack of state government funding in various policy areas, policing, the resourcing of policing and the 'police station' in the Strathfield local government area, the lack of access to Homebush and Flemington train stations, and the decisions to approve the Enfield Intermodal Logistics Centre or the V8 Supercar Championship Series Sydney 500.*

**4. STRATHFIELD CHAMBER OF COMMERCE**

I MOVE:

1. THAT Strathfield Municipal Council resolves, in respect of the 'Strathfield Chamber of Commerce', as follows:
  - (a) Council notes with concern the partisan political activities of the 'Strathfield Chamber of Commerce' and a number of its members, and, in particular, the activities which have the potential to bring into disrepute the local business community of Strathfield; and
  - (b) Council does not recognise the 'Strathfield Chamber of Commerce' as a legitimate voice on behalf of the local business community of Strathfield; and
  - (c) Council shall, under no circumstances, take part in any activities of the 'Strathfield Chamber of Commerce'; and
  - (d) Council shall, under no circumstances, permit the 'Strathfield Chamber of Commerce' to take part in any Council activities; and
  - (e) Council shall, under no circumstances, provide any funding or other support to the 'Strathfield Chamber of Commerce'.

2. THAT Strathfield Municipal Council resolves to call on the State Member for Strathfield, the Honourable Dianne Virginia Judge MP, Minister for Fair Trading, Minister for Citizenship, and Minister Assisting the Premier on the Arts, and, in particular, in her capacity as the Minister for Fair Trading, to immediately withdraw consent for the 'Strathfield Chamber of Commerce' to exist as a registered entity utilising the name 'Chamber of Commerce'.

**Rationale:** *To ensure that representations made to Council on behalf of the local business community of Strathfield are legitimate, and to ensure that Council only provides funding and other support to bona fide organisations.*

**5. TREE REMOVAL AND PRUNING UNDER COUNCIL'S TPO**

I MOVE:

THAT Strathfield Municipal Council resolves to review the process of tree removal and pruning under Council's Tree Preservation Order, AND THAT the General Manager be authorised to prepare a report to Council accordingly.

**Rationale:** *To ensure clarity and efficiency for all stakeholders in Council's tree removal and pruning application process.*

**6. SECTION 149 PLANNING CERTIFICATES**

I MOVE:

THAT Strathfield Municipal Council resolves to review all the information contained on Council's Section 149 Planning Certificates, including, but not limited to, incorporating the new legislative requirements under the *Contaminated Lands Management Amendment Act 2008 (NSW)*, AND THAT the General Manager be authorised to prepare a report to Council accordingly.

**Background Information:** *Section 149 Planning Certificates are issued in accordance with the Environmental Planning and Assessment Act 1979 (NSW). The certificates contain information on how a property may be used and the restrictions on development.*

*A person may request a Section 149 certificate to obtain information about his or her own property. But, generally, a Section 149 certificate will be requested when a property is to be redeveloped or sold.*

*When land is bought or sold, the Conveyancing Act 1919 (NSW) requires that a Section 149 Planning Certificate be attached to the 'Contract for Sale'.*

**Current Planning Certificates:** *Strathfield Municipal Council Planning Certificates are issued under Section 149 (2) and Section 149 (5) of the Environmental Planning and Assessment Act 1979 (NSW).*

*A separate request can be made for a Section 149 (2) Certificate which confirms whether complying development may be carried out under the State Environmental Planning Policy 2008 (Exempt and Complying Development).*

*Information to be disclosed on a Section 149 (2) Planning Certificate is specified under Schedule 4 of the Environmental Planning and Assessment Regulation 2000 (NSW) and includes the following information, where relevant:*

- (1) names of relevant planning controls, such as SEPP's, LEPs, and DCP's; and*
- (2) declared state significant developments; and*
- (3) zoning and land uses under the planning control; and*
- (4) critical habitat; and*
- (5) heritage Information; and*
- (6) land reserved for acquisition; and*
- (7) coastal protection; and*
- (8) mine subsidence; and*
- (9) road widening and road realignment; and*
- (10) Council and other public authority policies on hazard risk restrictions; and*
- (11) Section 94 contributions plans; and*
- (12) matters arising under the Contaminated Land Management Act 1997 (NSW).*

*A Section 149 (2) Planning Certificate contains the above information.*

*A Section 149 (5) Planning Certificate provides information on the last approved use.*  
**New Legislative Requirements:** *Changes to Section 149 (2) Planning Certificates have been made under the Contaminated Lands Management Amendment Act 2008 (NSW) (hereinafter 'the Amending Act') which commenced on Wednesday, July 1st, 2009.*

*The Amending Act changed the matters that need to be specified in a Section 149(2) Planning Certificate by amending Section 59 (2) of the Contaminated Land Management Act 1997 (NSW) (hereinafter 'the CLM Act').*

*From Wednesday, July 1st, 2009, Section 59 (2) of the CLM Act prescribes the following matters to be specified in a Section 149 (2) Planning Certificate:*

- (a) that the land to which the certificate relates is significantly contaminated land – if the land (or part of the land) is declared to be significantly contaminated land at the date when the certificate is issued; and*

- (b) *that the land to which the certificate relates is subject to a management order – if it is subject to such an order at the date when the certificate is issued; and*
- (c) *that the land to which the certificate relates is the subject of an approved voluntary management proposal – if it is the subject of such an approved proposal at the date when the certificate is issued; and*
- (d) *that the land to which the certificate relates is subject to an ongoing maintenance order – if it is subject to such an order at the date when the certificate is issued; and*
- (e) *that the land to which the certificate relates is the subject of a site audit statement – if a copy of such a statement has been provided at any time to the local authority issuing the certificate.*

*The Amending Act also repealed Item 10 to Schedule 4 of the Environmental Planning and Assessment Regulation 2000 (NSW) relating to contaminated land, replacing it with a note at the end of the schedule.*

*Local councils, like Strathfield, should include the information required by Section 59 (2) of the CLM Act in Section 149 (2) Planning Certificates after the information relating to Item 16 – Site Compatibility Certificates.*

## **7. COMMERCIAL DEVELOPMENTS WITHIN NATIONAL PARKS**

### I MOVE:

1. THAT Strathfield Municipal Council resolves to express Council's opposition to the permissibility of commercial developments within National Parks.
2. THAT Strathfield Municipal Council resolves to call on the Premier of New South Wales, the Honourable Nathan Rees MP, and the New South Wales State Government, and the Leader of the New South Wales Opposition, Mr Barry Robert O'Farrell MP, and the New South Wales Opposition, and the State Member for Strathfield, the Honourable Dianne Virginia Judge MP, Minister for Fair Trading, Minister for Citizenship, and Minister Assisting the Premier on the Arts, the State Member for Auburn, the Honourable Barbara Mazzel Perry MP, Minister for Local Government, and Minister Assisting the Minister for Health (Mental Health), the State Member for Drummoyne, Ms Angela D'Amore MP, Parliamentary Secretary Assisting the Minister for Police, the State Member for Bankstown, Mr Anthony Paul Stewart MP, and the Honourable Donald Thomas Harwin MLC, Opposition Whip in the Legislative Council, to oppose the proposal by the New South Wales State Government to amend the *National Parks and Wildlife Act 1974 (NSW)* to permit commercial developments within National Parks.
3. THAT Strathfield Municipal Council resolves to express Council's support for Ashfield Municipal Council Resolution No 271/09.

**Rationale:** *Refer to the correspondence from His Worship the Mayor of Ashfield, Councillor Edward Cassidy PSM, of Monday, July 6th, 2009, as circulated on the 'Greens' Information for Councillors dated Friday, July 17th, 2009.*

**8. LOCAL GOVERNMENT ELECTION EXPENDITURE**

I MOVE:

1. THAT Strathfield Municipal Council resolves to express concern at the significant increase in expenditure to Council for conducting the Strathfield Municipal Council Elections – from \$80,000 in March 2004 to \$136,000 in September 2008 (conducted by the New South Wales Electoral Commission).
2. THAT Strathfield Municipal Council resolves to make representation to the Premier of New South Wales, the Honourable Nathan Rees MP, and the New South Wales State Government, and the Leader of the New South Wales Opposition, Mr Barry Robert O'Farrell MP, and the New South Wales Opposition, and the State Member for Strathfield, the Honourable Dianne Virginia Judge MP, Minister for Fair Trading, Minister for Citizenship, and Minister Assisting the Premier on the Arts, the State Member for Auburn, the Honourable Barbara Mazzel Perry MP, Minister for Local Government, and Minister Assisting the Minister for Health (Mental Health), the State Member for Drummoyne, Ms Angela D'Amore MP, Parliamentary Secretary Assisting the Minister for Police, the State Member for Bankstown, Mr Anthony Paul Stewart MP, and the Honourable Donald Thomas Harwin MLC, Opposition Whip in the Legislative Council, to express concern at the significant increase in expenditure for conducting the Strathfield Municipal Council Elections, AND THAT, additionally, a motion from Council to that effect be submitted to the 2009 Local Government Association Conference at Tamworth.

**9. HERITAGE ADVISORY SERVICE**

I MOVE:

THAT Strathfield Municipal Council resolves to undertake an educational and informational campaign to promote Council's free Heritage Advisory Service, including, but not limited to, a message on Council's rates notice, as well as information in Council's press columns, newsletters and other publications.

**Rationale:** *Council currently provides a free heritage advisory service to the owners of heritage properties in the Strathfield local government area.*

*The purpose of this free service is to ensure that the quality of advice given to the owners of heritage properties is of a standard that would ensure that heritage properties within the Strathfield council area maintain their heritage significance.*

*The provision of free heritage advisory services may also reduce the overall cost of conservation work, making conservation work more feasible for the owners of heritage properties and, consequently, providing a conservation incentive.*

*However, additional opportunities exist whereby Council can better promote this valuable resource for residents and ratepayers.*

**10. FEDERAL DISABILITY DISCRIMINATION LAW CHANGES**

I MOVE:

THAT Strathfield Municipal Council resolves to authorise the General Manager to prepare a report on the federal disability discrimination law changes under the *Disability Discrimination and Other Human Rights Legislation Amendment Act 2009 (Cth)*, including, but not limited to, their impact on the Strathfield local government area.

**Rationale:** *The new Disability Discrimination and Other Human Rights Legislation Amendment Act 2009 (Cth) (hereinafter 'the Act') introduced significant changes to the Disability Discrimination Act 1992 (Cth) (hereinafter 'the DDA'), including, but not limited to:*

- (a) *clarifying that 'disability' includes a genetic predisposition to a disability and behaviour that is a symptom or manifestation of a disability; and*
- (b) *providing that discrimination on the basis that a person has a carer is discrimination on the basis of disability; and*
- (c) *amending the definition of 'direct discrimination', to make it explicit that a refusal to make reasonable adjustments for people with a disability may also amount to discrimination; and*
- (d) *amending the definition of 'indirect discrimination', so that there is now a need to prove that the condition or requirement imposed would disadvantage someone with the same disability; and*
- (e) *amending the definition of 'unjustifiable hardship' so that all the relevant circumstances of the particular case may be taken into account in determining whether a defence of unjustifiable hardship is established – the onus of proving unjustifiable hardship falls on the person relying on the defence; and*
- (f) *a new section that makes the defence of unjustifiable hardship available in relation to all unlawful discrimination on the grounds of disability, except harassment and victimisation; and*
- (g) *a new section that extends the defence of inherent requirements so that it is available to employers in a wider range of situations.*

*Other key amendments of the Act include:*

- (a) *amending the Age Discrimination Act 2004 (Cth), to remove the 'dominant reason' test – the amendment provides instead that discrimination occurs if a person's age is just one of the reasons for taking discriminatory action that disadvantages them; and*
- (b) *changing the name of the Human Rights and Equal Opportunity Commission to the Australian Human Rights Commission; and*

- (c) *extending from twenty eight to sixty days the period in which a person can take a complaint to the federal court or federal magistrates court after it is terminated by the Australian Human Rights Commission.*

*Notwithstanding that local councils, like Strathfield, have been de-corporatised, the aforementioned amendments will still apply, as they cover corporations and non-corporations alike.*

*This is due to the fact that these amendments were enacted through the Commonwealth's foreign affairs power and rely on International Labour Organization (ILO) Convention 111 Discrimination (Employment and Occupation) Convention.*

## **11. COST OF AGEING STUDY**

### I MOVE:

THAT Strathfield Municipal Council resolves to authorise the General Manager, on behalf of Council, to take part in the cost of ageing study by the University of Western Sydney Urban Research Centre to investigate the cost of ageing on local councils, like Strathfield.

***Rationale:*** *The University of Western Sydney – in conjunction with the Local Government and Shires Associations – is conducting a study to investigate the cost of ageing on local councils, like Strathfield.*

*Addressing the ageing population requires a multi-government approach – and, while there has been a strong focus on the impacts on federal and state governments in the past, the ageing population will also have a significant effect on local government and, in particular, local councils, like Strathfield.*

*Dr Peter Phibbs, from the Urban Research Centre at the University of Western Sydney, was successful in submitting a proposal to the New South Wales Department of Ageing, Disability and Home Care's research grant programme.*

*Dr Phibbs' study will attempt to quantify the impact of the ageing population in various aspects of local government including finances, staffing, service demand and facilities.*

*The research project will result in a set of analytical tools which will help local councils, like Strathfield, highlight ageing issues when developing long term strategic plans.*

*The project will further develop an original scoping study on the cost of ageing which was undertaken in Fairfield and Richmond Valley councils late in 2008.*

*The study would like to cover a range of council types, including, but not limited to:*

- (a) *large metropolitan councils; and*
- (b) *small metropolitan councils, like Strathfield, with a high population from culturally and linguistically diverse backgrounds; and*

- (c) *urban fringe councils; and*
- (d) *regional councils; and*
- (e) *rural councils with a high indigenous population; and*
- (f) *remote councils; and*
- (g) *large north coast councils; and*
- (h) *small south coast councils.*

*Council's participation in the project will involve some discussions with financial and management staff, as well as allowing the researchers to collect both quantitative and qualitative data.*

*The study will be conducted over the next six months.*

## **12. INTERIM CONSTRUCTION NOISE GUIDELINE**

### I MOVE:

THAT Strathfield Municipal Council resolves to authorise the General Manager to prepare a report on the new Interim Construction Noise Guideline, including, but not limited to, its impact on, applicability to, and use in, the Strathfield local government area.

***Rationale:*** *The Interim Construction Noise Guideline was released by the New South Wales State Government on Tuesday, July 21st, 2009.*

*Although the guideline is aimed at construction sites regulated by the New South Wales Department of Environment and Climate Change, local councils, like Strathfield, may find the guideline useful in regulating construction activities for which they have development consent.*

*The guideline describes the steps to be followed in managing construction noise and focuses on using best work practices to minimise noise impacts.*

*It provides a comprehensive list of work practices from which specific practices appropriate to particular sites and types of construction activity may be chosen.*

*The guideline also describes a simplified method of noise assessment suitable for many council regulated construction sites.*