



AGENDA FOR THE EXTRAORDINARY MEETING

13 September 2022

EXTRAORDINARY MEETING OF COUNCIL

The following items are submitted for consideration -

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1 MAYORAL MINUTES

The following item is submitted for consideration -

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Mayoral Minutes - 13 September 2022

ITEM 1.1 Her Majesty Queen Elizabeth II

Councillors,

Tonight, we pay tribute to Elizabeth Alexandra Mary, or as we all lovingly know her as Her Majesty Queen Elizabeth II.

Born April 21, 1926 in London, she sadly passed away at her Balmoral Castle, Aberdeenshire, Scotland on September 8, 2022.

She was the longest serving monarch in British history - dedicating 70 years on the throne.

Her ascension to the throne was thrust on her at a very early age following the death of her late father King George VI on February 6, 1952.

Her Majesty was without doubt an inspirational and much-loved leader during her reign.

Quietly spoken, measured and a peacemaker over the ages. She lived through countless conflicts, survived 15 British Prime Ministers, including the very first of her reign, Sir Winston Churchill, and during this period was a loving mother, grandmother and great grandmother.

If you can just imagine for one moment what her dedication to public duty meant - her life was no longer private, she would always have to be immaculately presented, no strolling to the shops in her trackies, no frolicking at the beach, her words needed to be well chosen and crafted, and you could say she always had to keep a stiff upper lip. The Queen and her family would be constantly in the public gaze and face scrutiny at every turn. Her life was an open book shared by more than 2.6 billion people around the world.

Her Majesty has been an institution and a pillar of strength over many years. Her grace and dignity bringing nations together, no matter their religious beliefs or economic circumstances. There were many occasions her words solidified and brought together nations but none more so than after the September 11 terror attacks. Her words were not of vengeance but of peace. She simply said: *"grief is the price to pay for love"*.

Councillors, our City was fortunate enough to have welcomed Her Majesty and Prince Phillip when Bankstown was proclaimed a City on May 27, 1980. A day many will remember, as thousands of locals and school children lined the streets to make them feel at home.

It is only fitting we honour and pay tribute to the Queen by broadcasting the National memorial Service at 11am on Thursday 22 September on our social and digital media platforms. As a further mark of respect, we will set aside an area at the Bankstown Knowledge Centre with photos and headlines of her visit, including the official visitors book she signed all those years ago.

I will also write to King Charles III on behalf of our City congratulating him and offering our condolences and thank his late mother for her interest in our City.

I will also extend an invitation for him to follow in his late mother's footsteps and visit our City, an opportune time would be in 2024 if he accepts an invitation to attend the 200-year anniversary of the NSW Legislative Council.

A piece of our City's history which should never be forgotten.

I know ask you to stand for a minute's silence to remember Her Majesty Queen Elizabeth II.

2 GOVERNANCE AND ADMINISTRATION MATTERS

The following items are submitted for consideration -

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| 2.1 | Code of Meeting Practice - Amendment to 2022 Schedule of Meetings | 9 |
| 2.2 | Business Case for the De-amalgamation of the City of Canterbury Bankstown | 13 |

Governance and Administration Matters - 13 September 2022

ITEM 2.1 **Code of Meeting Practice - Amendment to 2022 Schedule of Meetings**

AUTHOR **Corporate**

PURPOSE AND BACKGROUND

To amend the adopted 2022 Schedule of Council Meetings.

ISSUE

Having regard to the unavailability of some Councillors, it is proposed to reschedule Council's September 2022 Ordinary Meeting from Tuesday, 27 September to Thursday, 29 September 2022.

RECOMMENDATION That -

1. The 2022 Schedule of Council Meetings be amended – whereby the September 2022 Ordinary Meeting of Council be rescheduled from Tuesday, 27 September 2022 to Thursday, 29 September 2022.
2. Council agrees to the temporary administrative changes, as outlined in the report.

ATTACHMENTS

Nil

POLICY IMPACT

The report presents no policy impacts.

FINANCIAL IMPACT

The report has no financial impacts.

COMMUNITY IMPACT

The report does not present any significant impacts for the community.

DETAILED INFORMATION

Issue

As a precaution – and being mindful that some Councillors will be unavailable to attend the Ordinary Council meeting on 27 September 2022, it is proposed that the September 2022 Ordinary Meeting be rescheduled to Thursday 29 September 2022, to ensure the majority of Councillors can be in attendance to meet the requirements of a quorum as detailed in Council's Code of Meeting Practice.

Proposed Changes

In considering the matter, temporary administrative changes will need to be applied to ensure that Council observes relevant provisions of the Local Government Act 1993 and Code of Meeting Practice requirements, in terms of preparing and distributing the Agenda and Business Paper.

The proposed changes are as follows:

Description	Date
Councillors to submit proposed Notice of Motions or Questions with Notice	By 11:00am on Thursday, 22 September
Distribution of Notice of Ordinary Meeting, Agenda and Business Paper to Councillors	Friday, 23 September
Public access to Agenda and Business Paper	Friday, 23 September
Request from Public to speak at Public Forum	Prior to 12 noon on Thursday, 29 September
Public Forum – subject to receiving any requests	6:00pm on Thursday, 29 September
September 2022 Ordinary Meeting	No earlier than 6:30pm on Thursday, 29 September

The above temporary changes are not considered substantial nor do they significantly depart from Council's current provisions of the Code – and as such may be adopted for the purposes conducting the September 2022 Ordinary Meeting.

The above administrative requirements/time-frames will revert to Council's standard Code of Meeting Practice provisions for all future meetings.

Governance and Administration Matters - 13 September 2022

ITEM 2.2 **Business Case for the De-amalgamation of the City of Canterbury Bankstown**

AUTHOR **City Future**

PURPOSE AND BACKGROUND

At its Ordinary Meeting in July 2022, Council unanimously resolved that:

1. Council prepare and submit a Business Case to the Minister for Local Government to restore the former Canterbury City Council and Bankstown City Council to their pre-amalgamation status and boundaries by de-amalgamating the current Canterbury Bankstown Council and that the NSW Government fund both the upfront and ongoing/recurrent costs of such a de-amalgamation.
2. The Business Case be reported back at or before Council's September Ordinary Meeting 2022.
3. The de-amalgamation be in place for the next Local Government Ordinary Election, due in September 2024.
4. The Business Case is to include that Council and Councillors oversee the transition process and that no Administrator be appointed to govern the City.

The purpose of this report is to consider the draft Business Case, and subject to its agreement, submit the proposal to the Minister for Local Government for consideration.

ISSUE

This report presents the draft Business Case for consideration and endorsement. In accordance with Council's resolution on the 26 July 2022 (Attachment A), the draft Business Case (Attachment B) and this report:

- Provides the case for de-amalgamation;
- Includes the requirement that the NSW Government fund both the upfront and ongoing/recurrent costs of such a de-amalgamation;
- Notes that the de-amalgamation be in place for the next Local Government Ordinary Election, due in September 2024; and
- Includes the requirement that Council and Councillors oversee the transition process and that no Administrator be appointed to govern the City.

The draft Business Case for de-amalgamation has been prepared in accordance with Section 218CC and the parameters as set out in Section 263 of the *Local Government Act 1993*.

If approved, the Business Case will be submitted to the Minister for Local Government.

RECOMMENDATION That -

1. Council endorse the Business Case for the De-amalgamation of the City of Canterbury Bankstown
2. The Mayor and Chief Executive Officer be delegated to finalise and submit the Business Case to the Minister for Local Government.

ATTACHMENTS [Click here for attachments](#)

- A. July 2022 Report to Council and Resolution
- B. Draft Business Case for the De-amalgamation of the City of Canterbury Bankstown

POLICY IMPACT

The draft Business Case has been prepared in accordance with the 26 July 2022 Council resolution and Sections 218CC and 263 of the *Local Government Act 1993*.

FINANCIAL IMPACT

While there are no immediate financial impacts associated with Council's decision, the draft Business Case does foreshadow that the NSW Government be required to fund both the upfront and ongoing / recurrent costs associated with de-amalgamating.

COMMUNITY IMPACT

As noted in the July 2022 Council Report on the matter, Council has spent the last 6 years establishing a sound and sustainable financial future which addressed both the former Councils' long-term financial pressures. It has also set about reviewing and improving both the management of its assets and delivery of services. This has been achieved in the face of significant unforeseen challenges such as COVID-19.

The above demonstrates that the City of Canterbury Bankstown is now financially well-placed if there is a decision to proceed with a demerge. A fully funded Business Case provides the opportunity for the new councils to capitalise on the financial advantages generated since amalgamating and would ensure that services are continued at the same level to the community.

While there is no immediate impact from the report as written, if the Minister supports the de-amalgamation proposal as submitted, the former Council areas would be reconstituted, and new Councillors elected. Naturally, Council will be guided by the Minister's decision and/or proclamation, which will outline the relevant transition plan that must be followed. Engaging with our community on the preparation of new long-term community strategic plans would occur and each new Council would determine future service levels and budget requirements to continue their long-term financial sustainability.

DETAILED INFORMATION

Background

At its Ordinary Meeting in July 2021, Council considered a motion concerning the merits of a proposal to de-amalgamate the City of Canterbury Bankstown and reconstitute the former Canterbury City Council and Bankstown City Council.

Following investigation and further consideration of the matter at its Ordinary Meeting in July 2022, Council unanimously resolved that:

1. Council prepare and submit a Business Case to the Minister for Local Government to restore the former Canterbury City Council and Bankstown City Council to their pre-amalgamation status and boundaries by de-amalgamating the current Canterbury Bankstown Council and that the NSW Government fund both the upfront and ongoing/recurrent costs of such a de-amalgamation.
2. The Business Case be reported back at or before Council's September Ordinary Meeting 2022.
3. The de-amalgamation be in place for the next Local Government Ordinary Election, due in September 2024.
4. The Business Case is to include that Council and Councillors oversee the transition process and that no Administrator be appointed to govern the City.

Preparation of the Business Case

The draft Business Case for de-amalgamation has been prepared in accordance with Section 218CC and the parameters as set out in Section 263 of the *Local Government Act 1993*.

As outlined in the attached draft Business Case, Council's proposal considers each of the key factors that will be regarded by the Local Government Boundaries Commission.

A comprehensive assessment of the financial impact of de-amalgamation reveals that Council has capitalised on its scale and capacity and has been able to deliver several economic benefits – particularly through:

- Articulating a clear vision for the City – through the Community Strategic Plan (CBCity 2036) and Local Strategic Planning Statement (Connective City 2036);
- Understanding important issues facing the City and having clear priorities for the Council term, established via the Delivery Program (CBCity 2025), to ensure that services continue to meet community expectations in terms of quality and value for money;
- Developing detailed resourcing strategies, being our Financial/LTFP, Asset Management and Workforce strategies;
- Developing a detailed Strategic Planning Framework, providing clear strategic intent and direction for a diversity of issues facing the City;
- Reviewing, reforming and expanding operations;
- Realising efficiencies and savings where possible; and
- The Special Rate Variation being approved to deal with the former councils' constraints.

As a result of these outcomes, Council is financially well placed to de-amalgamate, and set a good course for the asset and financial management of any new council areas.

In resolving to develop a Business Case to de-amalgamate the City of Canterbury Bankstown, the resolution did not specifically include a recommendation for community engagement. This was because Councillors felt:

- They had a mandate as a result of running on de-amalgamation in their election campaigns; and
- That the community sentiment was well established in both the former and current council areas and therefore there would be no need to further consult on the matter.

It is to be noted that the Boundary Commission may wish to undertake its own community engagement if it is resolved to proceed.

Notwithstanding this, there were a number of stakeholders that had advocated to Councillors to have their evidence submitted in support of the proposal. To facilitate this, a dedicated website, Have Your Say page (including a survey to structure feedback in line with the requirements of the Boundaries Commission), phone line and email address were set up to provide a mechanism for this feedback to be collected and collated. This was to ensure that Councillors could consider key stakeholder perceptions and feedback regarding proposed de-amalgamation.

Local Government Boundaries Commission Process

The Minister for Local Government ultimately makes the final decision on any proposal to de-amalgamate, after being informed of the recommendation of the Boundaries Commission. It should be noted however, that the Minister can decide to approve or not approve the Business Case regardless of the recommendation of the Boundaries Commission.

In examining the proposal to de-amalgamate, the Boundaries Commission will consider the following factors as outlined in Section 263 of the *Local Government Act 1993*:

- a) The financial advantages or disadvantages (including the economies or diseconomies of scale) of any relevant proposal to the residents and ratepayers of the areas concerned;
 - b) The community of interest and geographic cohesion in the existing areas and in any proposed new area;
 - c) The existing historical and traditional values in the existing areas and the impact of change on them;
 - d) The attitude of the residents and ratepayers of the areas concerned;
 - e) The requirements of the area concerned in relation to elected representation for residents and ratepayers at the local level, the desirable and appropriate relationship between elected representatives and ratepayers and residents and such other matters as it considers relevant in relation to the past and future patterns of elected representation for that area;
- e1) The impact of any relevant proposal on the ability of the councils of the areas concerned to provide adequate, equitable and appropriate services and facilities;
 - e2) The impact of any relevant proposal on the employment of the staff by the councils of the areas concerned; and

- f) such other factors as it considers relevant to the provision of efficient and effective local government in the existing and proposed new areas.

Note that factors e3-e5 were excluded as were not applicable to a Metropolitan de-amalgamation.

Recent De-amalgamation Proposals

In 2016, the NSW Government, through the Minister for Local Government, announced a suite of proposals involving amalgamations of local government areas across metropolitan, regional and rural New South Wales as part of their Fit for the Future Local Government Reforms.

In May 2021, the NSW Government passed amendments to the *Local Government Act 1993*, giving amalgamated councils the opportunity to build a Business Case for de-amalgamation. Since this announcement, a number of newly formed councils have either applied to the Minister to de-amalgamate or have commenced the preparation of Business Cases.

Recently the Minister for Local Government, Wendy Tuckerman MP, announced that Cootamundra-Gundagai Regional Council were successful in their application to de-amalgamate. The Local Government Boundaries Commission recommended council elections for the de-amalgamated shires be held as early as feasible. The Cootamundra-Gundagai Regional Council submission stipulated that recurrent costs of the de-amalgamation would be borne by the outgoing and incoming councils and this was not contested by the Boundaries Commission. It should be noted however that the Cootamundra-Gundagai Regional Council Business Case as submitted states *“De-amalgamation will not immediately fix all of the problems that currently afflict the local government area. There will still likely be a need for increases to rates and charges to mitigate the financial problems that the community now faces”* (p1 Executive summary).

It is to be noted that the draft Business Case before Council includes the requirement that the NSW Government fund both the upfront and ongoing/recurrent costs of de-amalgamation as resolved by Council in July 2022. This aligns with Section 218CC (6) of the *Local Government Act 1993* which states that *“The Minister is, by making grants under section 620 or using money otherwise appropriated by Parliament for the purpose, to ensure that the cost of any de-amalgamation of the new area resulting from a business case submitted under this section is fully funded.”*

Next Steps

If Council resolves to proceed with the Business Case, the following steps will be undertaken.

1. The Business Case is submitted to the Minister in accordance with Section 218CC of the *Local Government Act 1993*.
2. The Minister must, within 28 days, refer the proposal to the NSW Local Government Boundaries Commission with a direction that it conduct an inquiry and report on the proposal.
3. The Boundaries Commission may in its report recommend that—
 - a) The de-amalgamation proposal be supported; or
 - b) The de-amalgamation proposal be rejected; or
 - c) A different de-amalgamation proposal be supported.

Note: There is no legislative timing stipulation on the Boundary Commission's advice to the Minister

4. The Minister publicly releases the report of the Local Government Boundaries Commission within 48 hours.
5. The Minister, within 28 days of receiving the report of the Local Government Boundaries Commission, provides a written response to the Council setting out:
 - a) Whether or not the de-amalgamation proposal is supported or a different de-amalgamation proposal recommended by the Boundaries Commission;
 - b) The reasons for the decision; and
 - c) If supported, the anticipated time frame for giving effect to the proposal.

