

# *The NEW* City of **CANTERBURY BANKSTOWN**

.....

Agenda for the  
**Ordinary Meeting**

**6 December 2016**



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11.19	T29-17 Roundabout and Associated Works at South Terrace and Scott Street - Bankstown	
11.20	T32-17 Hector Street Traffic Improvement	
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11.22	Execution of Documents - Riverwood North Project	
11.23	Administrator's Minute – Legal Matter	

## **1            CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

The following minutes are submitted for confirmation -

1.1	Minutes of the Ordinary Meeting of Council of 22 November 2016 .....	7
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**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN COUNCIL CHAMBERS  
ON 22 NOVEMBER 2016**

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**PRESENT:** Administrator – Richard Colley  
General Manager – Matthew Stewart  
Director Planning – Scott Pedder  
Director Corporate – Ken Manoski  
Director Operations – Anthony Vangi  
Director Community Services – Graeme Beattie  
Director City Future – James Carey  
Executive Director – Simon Manoski  
Director People & Performance – Simone Cook  
Manager Governance – Brad McPherson  
Manager Spatial Planning – Mitch Noble

**APOLOGIES** Nil

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**THE ADMINISTRATOR DECLARED THE MEETING OPEN AT 6.00 PM.**

**REF: CONFIRMATION OF MINUTES**

**(229)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the minutes of the Ordinary Council Meeting held on 25 October 2016 be adopted.

**SECTION 2: LEAVE OF ABSENCE**

Nil

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

Nil

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**SECTION 4: ADMINISTRATOR MINUTES**

**ITEM 4.1 CANTERBURY CORRIDOR COLLABORATION**

**(230)** That the Administrator's Minute be received.

**PUBLIC ACCESS**

**(231)** MOVED AND RESOLVED BY THE ADMINISTRATOR

That permission be granted to those people who have made the necessary application to address Council for five minutes.

**SECTION 5: PLANNING MATTERS**

**ITEM 5.1 CANTERBURY ROAD CORRIDOR: UPDATE ON PLANNING PROPOSALS**

MS BARBARA COOREY ADDRESSED COUNCIL.

MR TODD NEAL (ON BEHALF OF COLIN BIGGERS & PAISLEY LAWYERS) ADDRESSED COUNCIL.

**(232)** MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. Council note the status of the review of planning controls along Canterbury Road and the revised timeframe to complete the work.
2. Council act on the planning proposals and sites along the Canterbury Road Corridor as outlined in Table 2 of the report.
3. A further update be provided to Council in February 2017.

**SECTION 6: REPORT OF THE GENERAL MANAGER**

**ITEM 6.1 2015-16 ANNUAL FINANCIAL STATEMENTS - FORMER BANKSTOWN AND CANTERBURY COUNCILS**

MR DENNIS BANICEVIC (PRICEWATERHOUSECOOPERS, COUNCIL'S EXTERNAL AUDITOR) ADDRESSED COUNCIL.

**(233)** MOVED AND RESOLVED BY THE ADMINISTRATOR



**NEW CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN COUNCIL CHAMBERS  
ON 22 NOVEMBER 2016**

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That

1. Council note the 2015/16 Annual Financial Reports and Auditors Report for the former Bankstown City Council and the former Canterbury City Council.
2. Any submissions received and proposed actions relating to those submissions will be reported back to Council at the next Ordinary Meeting, if required.

**ITEM 6.2                      QUARTERLY BUDGET REVIEW - PERIOD ENDING 30 SEPTEMBER 2016**

**(234)**                      MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. Council adopt the September 2016 Quarterly Budget Review, as outlined in the report.
2. Council note the allocation of funding from its New Council Implementation Fund and estimated savings in costs due to the amalgamation, as outlined in the report.

**ITEM 6.3                      CODE OF CONDUCT FRAMEWORK - SUPPORTING POLICIES**

**(235)**                      MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. In principle, Council adopt the Councillor and Staff Interaction Policy, Gifts and Benefits Policy, Statement of Business Ethics, Public Interest Disclosures Policy and Public Interaction and Meeting Disclosures Policy as attached to this report.
2. The policies be referred to the Independent Commission Against Corruption for comment.
3. Following the Independent Commission Against Corruption Commission's review and subject to there being no suggested changes, the policies be adopted and implemented.
4. Further reports be prepared to consider other subsequent policies that support the Code of Conduct Framework, as required.

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**ITEM 6.4                      REVIEW OF COUNCIL PARTICIPATION IN CATCHMENT MANAGEMENT COMMITTEES**

**(236)**                      MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. Council continue as financial member of the Parramatta River Catchment group.
2. Council continue as financial member of the Georges River Combined Councils Committee subject to the inclusion of Salt Pan Creek and a funding reduction for all members as outlined in the report.
3. A further report be presented to Council on its role in the Cooks River Alliance (CRA) based on the issues outlined in the report.
4. The General Manager be authorised to determine appropriate staff representatives as voting delegates to all Catchment Committees, as required.

**ITEM 6.5                      REQUESTS FOR FINANCIAL ASSISTANCE AND DONATIONS**

**(237)**                      MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. A donation of \$500.00 be made to Nicole Samsa of Greenacre on her selection to represent Australia at the World Junior and Under 23 Bocce Championships which are being held in Monaco from 28 November to 3 December 2016.
2. A donation to the value of \$361.00 (equivalent to the hire fee for the use of Buchanan Oval, Bankstown) be made to Creating Chances for their summer soccer program for boys and girls aged 12-20 years held every Monday Night from 4.00 to 6.00 pm during October 2016 to March 2017.
3. A donation of \$69.00 (equivalent to the hire fee for the use of Court House Reserve) be made to the City of Bankstown RSL Sub-Branch who held a Remembrance Day Service on 11 November 2016.
4. A donation of \$327.00 (equivalent to the hire fee for the use of the Panania Senior, Citizens' Centre) be made to the Panania-East Hills Orchid Society for their 64th Annual Spring Show which was held at the Panania Senior Citizens' Centre on 9 and 10 September 2016.

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**ITEM 6.6                      OPEN SPACE STRATEGY FOR THE FORMER CITY OF CANTERBURY**

**(238)**                      MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1.     The Open Space Strategy for the former City of Canterbury be placed on Public Exhibition.
2.     A further report be submitted to Council at the conclusion of the exhibition period to consider any submissions.

**ITEM 6.7                      JIM RING RESERVE PLAN OF MANAGEMENT**

**(239)**                      MOVED AND RESOLVED BY THE ADMINISTRATOR

That the Jim Ring Reserve Plan of Management 2016 (attachment A) be adopted by Council.

**ITEM 6.8                      PREPARATION OF MASTERPLAN AND PLAN OF MANAGEMENT TO GUIDE THE  
FUTURE USE OF PARRY PARK, PUNCHBOWL**

**(240)**                      MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1.     Council commence the preparation of a site specific Master Plan for Parry Park, Punchbowl.
2.     Further reports be submitted to Council regarding the matter, as required.

**ITEM 6.9                      EXHIBITION OF MASTER PLAN OPTIONS FOR GOUGH WHITLAM PARK AND  
WATERWORTH PARK**

**(241)**                      MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1.     Council endorses and places on public exhibition the Master Plan options as outlined in the report for Gough Whitlam Park and Waterworth Park.
2.     A further report be submitted to Council at the conclusion of the exhibition period to consider any submissions.

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**ITEM 6.10**

**PEST ANIMAL MANAGEMENT**

**(242)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. The information be noted.
2. Council in conjunction with the Invasive Species Animals Cooperative Research Centre participate in the 2017 national release of the new strain of Calicivirus.
3. Further reports be submitted to council regarding the matter, as required.

**ITEM 6.11**

**DRAINAGE RESERVE LICENCE FOR 37 BRUCE AVENUE, BELFIELD**

**(243)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. A new licence be granted to the owner of Unit 5, 17-18 Bruce Avenue, Belfield, to permit the use and occupation of part 37 Bruce Avenue Belfield as outlined in the report.
2. The Administrator and the General Manager are delegated authority to sign all documents under the common seal of Council, as required.

**ITEM 6.12**

**EXECUTION OF LEASE TO RIVERWOOD COMMUNITY CENTRE LIMITED - 151  
BELMORE ROAD NORTH, RIVERWOOD**

**(244)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. A lease be entered into with the Riverwood Community Centre Limited on the terms as outlined in the report.
2. The Administrator and General Manager are delegated authority to sign all documents under the common seal of council, as required.

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**ITEM 6.13  
(245) RELEASE OF TWO DRAINAGE EASEMENTS - 105 WATTLE STREET, PUNCHBOWL**  
MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. Council consent to the release of the two easements for drainage at 105 Wattle Street, Punchbowl.
2. The Administrator and General Manager be delegated authority to execute all documents, under the common seal of council, as required for Subdivision Certificate Application No. SUB 324/2016.

**ITEM 6.14  
(246) CASH AND INVESTMENT REPORT AS AT 31 OCTOBER 2016**  
MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. The Cash and Investments Report as at 31 October 2016 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.
3. In accordance with the Local Government Act 1993 – Investment Order, the former Canterbury Council’s Cash and Investment Policy be amended to permit deposits or investments in an Hour-Glass Investment Facility with the NSW Treasury Corporation, as outlined in the report.

**SECTION 7: COMMITTEE REPORTS**

**ITEM 7.1  
(247) MINUTES OF THE COUNCIL ADVISORY GROUP MEETING HELD ON 25 OCTOBER 2016**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the Minutes of the Council Advisory Group Meeting held on 25 October 2016 be adopted.

**SECTION 8: NOTICE OF MOTIONS & QUESTIONS WITH NOTICE**

Nil

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**SECTION 9: MATTERS FOR INFORMATION**

**ITEM 9.1 CODE OF CONDUCT COMPLAINTS REPORT**

**(248)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the information be noted.

**ITEM 9.2 MINUTES OF THE WSROC ANNUAL GENERAL MEETING HELD ON 20 OCTOBER, 2016 AND MINUTES OF THE WSROC BOARD OF DIRECTORS MEETING HELD ON 20 OCTOBER, 2016.**

**(249)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. The Minutes of the WSROC Annual General Meeting held on 20 October 2016 be noted.
2. The Minutes of the WSROC Board of Directors Meeting held on 20 October 2016 be noted.

**ITEM 9.3 DEVELOPMENT APPLICATIONS DETERMINED BY THE INDEPENDENT HEARING AND ASSESSMENT PANEL**

**(250)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the report be noted.

**ITEM 9.4 REPORT ON DEVELOPMENT APPLICATIONS AND SECTION 96 APPLICATIONS DETERMINED AND TO ADVISE OF THE STATUS OF VARIOUS DA RELATED LEGAL MATTERS RELATED FOR OCTOBER 2016.**

**(251)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the contents of this report be noted.

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**MINUTES OF THE  
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**SECTION 10: QUESTIONS FOR NEXT MEETING**

Nil

**SECTION 11: CONFIDENTIAL SESSION**

**(252) MOVED AND RESOLVED BY THE ADMINISTRATOR**

That, in accordance with Section 10A(2) of the Local Government Act, 1993, the Public and the Press be excluded from the meeting to enable Council to determine Items 11.1, 11.2, 11.3, 11.4, 11.5, 11.6, 11.7, 11.8 in confidential session for the reasons indicated:

Item 11.1 Property Matter - 50 Macauley Avenue, Bankstown

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

Item 11.2 Compulsory Acquisition of Land for the Purpose of Constructing an Extension to the M5 Motorway

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

Item 11.3 T68-2016 - Tender for Civil Improvement Works in Pacific Street, Kingsgrove

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

Item 11.4 T12-17 Tender for the Provision of Debt Recovery Services

*This report is considered to be confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that*

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**MINUTES OF THE  
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*would, if disclosed, prejudice the commercial position of the person who supplied it.*

- Item 11.5 T17-17 - Tender for Lake Gillawarna (North) Water Quality and Natural Area Improvement Project

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

- Item 11.6 T18-17 English St Rehabilitation between Wilberforce Rd to Pivetta St, Revesby

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

- Item 11.7 T27-17 Provision of Food & Beverage for Council's Leisure, Aquatic, Fitness and Golf Facilities

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

- Item 11.8 Property Matter - The Mall Bankstown

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

**COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 6.38 PM AND  
REVERTED BACK TO OPEN COUNCIL AT 6.40 PM.**



**NEW CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN COUNCIL CHAMBERS  
ON 22 NOVEMBER 2016**

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**ITEM 11.1                      PROPERTY MATTER - 50 MACAULEY AVENUE, BANKSTOWN**

**(253)**                      MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. Council agrees to acquire 50 Macauley Avenue, Bankstown in accordance with the details as outlined in the report.
2. The Administrator and General Manager be delegated authority to sign all documents under the common seal of Council, as required.
3. Funding for the acquisition and required works to made available from Council's 94A Contributions Reserves and accordingly be reflected as part of the appropriate Quarterly Budget Review process.

**ITEM 11.2                      COMPULSORY ACQUISITION OF LAND FOR THE PURPOSE OF CONSTRUCTING AN  
EXTENSION TO THE M5 MOTORWAY**

**(254)**                      MOVED AND RESOLVED BY THE ADMINISTRATOR RESOLVED that

1. The Summary of Proposed Action, as detailed in the report, be adopted.
2. The General Manager be delegated authority to continue negotiations and resolve the matter as outlined in the report.
3. Subject to item 2, the Administrator and General Manager be delegated authority to sign all documents under the common seal of Council, as required.

**ITEM 11.3                      T68-2016 - TENDER FOR CIVIL IMPROVEMENT WORKS IN PACIFIC STREET,  
KINGSGROVE**

**(255)**                      MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. Council accepts the tender received from KK Consultants Pty Ltd for an amount of \$489,480.00 (excluding GST) for Pacific Street, Earlwood – Civil Improvement Works.
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.

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3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

**ITEM 11.4  
(256)**

**T12-17 TENDER FOR THE PROVISION OF DEBT RECOVERY SERVICES**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. Council accepts the tender received from Recoveries & Reconstruction (Aust.) Pty Ltd for a period of three years, with the option to extend the contract by two further periods each of up to one year in duration, subject to satisfactory performance of the contractor as determined by the General Manager, for the provision of Debt Recovery Services.
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

**ITEM 11.5  
(257)**

**T17-17 - TENDER FOR LAKE GILLAWARNA (NORTH) WATER QUALITY AND NATURAL AREA IMPROVEMENT PROJECT**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. Council accepts the tender received from Civil Constructions Pty Ltd for an amount of \$875,250.85 (excluding GST) for Lake Gillawarna (North) Water Quality and Natural Area Improvement Project.
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

**ITEM 11.6  
(258)**

**T18-17 ENGLISH ST REHABILITATION BETWEEN WILBERFORCE RD TO PIVETTA ST, REVESBY**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That

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1. Council accepts the tender received from Platinum Civil Pty Ltd for an amount of \$160,729.50 (excluding GST) for the provision of roadworks associated with the rehabilitation of English Street between Wilberforce Road and Pivetta Street, Revesby.
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

**ITEM 11.7                      T27-17 PROVISION OF FOOD & BEVERAGE FOR COUNCIL'S LEISURE, AQUATIC, FITNESS AND GOLF FACILITIES**

**(259)**                      MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. Council accepts the tenders received from Coca Cola Amatil, Peter's and Daily Fresh Food Services for the provision of Food & Beverages at Council's Leisure, Aquatic, Fitness and Golf Facilities as outlined in the report for a period of 3 years, with the relevant options to extend the contract, subject to satisfactory performance as determined by the General Manager.
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

**ITEM 11.8                      PROPERTY MATTER - THE MALL BANKSTOWN**

**(260)**                      MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. In principle, Council endorse the proposal to proceed to assess the matter, as outlined in the report.
2. The General Manager be delegated authority to pursue the matter, as outlined in the report.
3. A further report(s) be provided to Council regarding matter, as required.

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**MINUTES OF THE  
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**THE MEETING CLOSED AT 6.42 PM.**

Minutes confirmed 6 DECEMBER 2016

.....  
Administrator

## **2 LEAVE OF ABSENCE**



**3        DECLARATIONS OF PECUNIARY INTEREST OR NON-  
PECUNIARY CONFLICT OF INTEREST**





## **4 ADMINISTRATOR MINUTES**

There were no items submitted for this section at the time the Agenda was compiled.



## **5 PLANNING MATTERS**

The following items are submitted for consideration -

5.1	15-33 Brighton Avenue, Croydon Park - Planning Proposal	29
5.2	308-310, 312-320 Canterbury Road and 6-8 Canton Street, Canterbury: Draft Voluntary Planning Agreement	35
5.3	702-704 Canterbury Road, Belmore: Draft Voluntary Planning Agreement	41
5.4	Draft Canterbury Development Control Plan 2012	45
5.5	Bankstown DCP 2015 (Amendment No. 6)	53
5.6	Draft Medium Density Housing Code and Design Guide to Expand Complying Development to include Medium Density Housing	55



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## Planning Matters - 6 December 2016

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**ITEM 5.1**                      **15-33 Brighton Avenue, Croydon Park - Planning Proposal**

**AUTHOR**                      **Planning**

### **ISSUE**

To consider a revised planning proposal for the site at 15-33 Brighton Avenue, Croydon Park, and to seek a revised gateway determination from the Department of Planning and Environment.

### **RECOMMENDATION** That -

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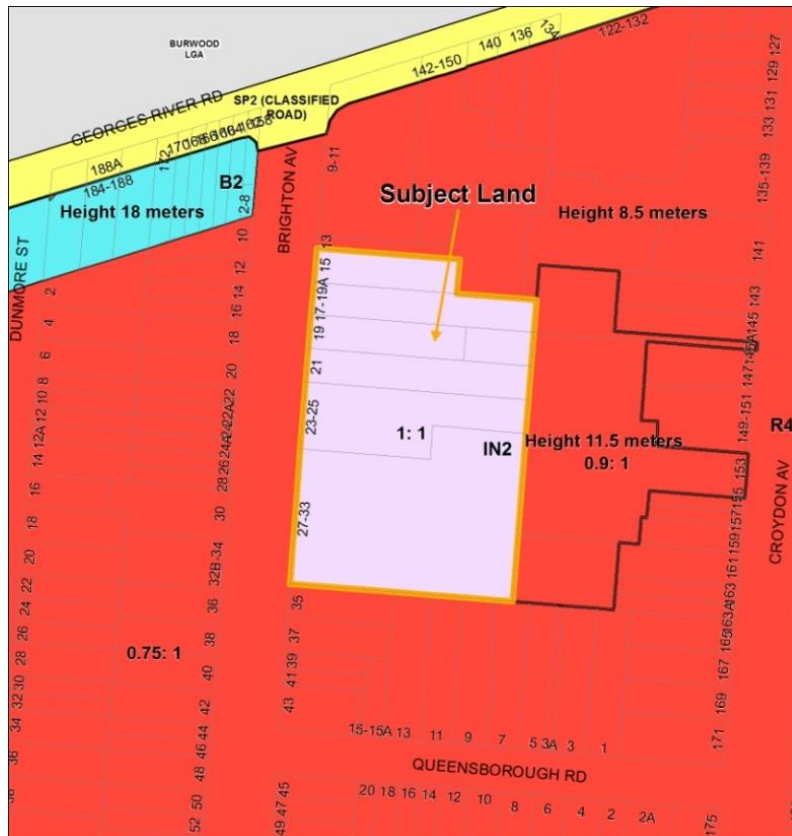
1. The planning proposal for land at 15-33 Brighton Avenue, Croydon Park, be revised to specify a maximum floor space ratio of 1.4:1 across the site with maximum building heights of four storeys across the Brighton Avenue frontage and five storeys across the rear of the site (with corresponding numeric heights in metres to be determined following further detailed design work);
2. The revised planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination.

### **BACKGROUND**

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In August 2013 a planning proposal was received for land at 15-33 Brighton Avenue, Croydon Park, from Dickson Rothschild & Dyldam.

The land is currently zoned IN2 Light Industrial under Canterbury Local Environmental Plan (CLEP) 2012. Under this LEP the floor space ratio is 1:1 (see map below). It contains industrial / warehousing uses consistent with the current zoning.



The planning proposal, as submitted, initially sought rezoning of the land to R4 High Density Residential, with a maximum building height of 26 metres, and a floor space ratio (FSR) of 2.5:1.

The planning proposal was referred to SGS Economics and Planning for an independent assessment and reporting.

The SGS report concluded that the planning proposal could be conditionally supported as this light industrial precinct is relatively isolated in terms of serving as a business and/or employment hub and has experienced recent decline in this context.

While the site was deemed suitable for residential development, the SGS report further concludes that new development should be considered in line with the surrounding built form and character. Preferred locations for high density and high rise development are close to railway stations, which this site is not.

In terms of built form controls, the SGS report recommended a FSR of 0.9:1 and height of 11.5 metres (as per the adjoining land). SGS advised that based on modelling undertaken, this would result in feasible development occurring.

A report on this planning proposal was submitted to the Council Meeting of 11 December 2014.

The following officer recommendation was made:

*THAT:*

- 1. The conclusions and recommendations of the SGS report to rezone land at 15-33 Brighton Avenue, Croydon Park to R4 High Density Residential, set the maximum floor space ratio at 0.9:1 and the maximum building height at 11.5 metres, be supported.*
- 2. A planning proposal be prepared as an amendment to Canterbury Local Environmental Plan 2012 and forwarded to the Department of Planning for Gateway determination and subsequent public exhibition.*

Council resolved the following:

*THAT:*

- 1. The land at 15-33 Brighton Avenue, Croydon Park be rezoned to R4 High Density Residential.*
- 2. The maximum floor space ratio be set at 2:1 and the maximum building height be set at 15.0 metres as the site has the capacity to accommodate increased development densities and will contribute to the achievement of strategic planning goals to provide higher density housing in an accessible location.*
- 3. A planning proposal be prepared as an amendment to Canterbury Local Environmental Plan 2012 and forwarded to the Department of Planning for Gateway determination and subsequent public exhibition.*

### **Gateway Determination**

A planning proposal was submitted to the Department of Planning and Environment in accordance with the Council resolution.

The Department issued a Gateway Determination on 18 September 2015. It advised of the following:

*As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to variations as outlined by the conditions in the attached Gateway determination.*

*The intent of the proposal to rezone fragmented industrial land that is within a medium-high density residential area and facilitate development of the site for residential purposes close to public bus routes, local services and facilities, is supported. However, the Department has concerns with the extent of the development potential sought by Council.*

*Therefore, prior to the commencement of public exhibition, Council is to update the planning proposal to reflect the planning controls (height of 15 metres and FSR of 0.9:1) recommended in the Council Report and supported by Council's peer review of the planning proposal by SGS (2014).*

*It is considered that these controls are more appropriate for the site, and will allow flexibility in the application of the maximum building height given the FSR control of 0.9:1, having regard to adjoining development. Further, Council is requested to integrate an area of public open*

*space within the site given the density of R4 zoned land within this locality and existing availability of informal recreation spaces for local residents.*

The Gateway Determination also required a preliminary investigation of the land be carried out in accordance with the contaminated land planning guidelines, to meet requirements under State Environmental Planning Policy 55 - Remediation of Land (SEPP 55), prior to public exhibition.

### **Progression since Gateway Determination**

The planning proposal has not been progressed to public exhibition since the Gateway Determination was issued. This is predominantly due to a request by the applicant to review controls for the site.

The applicant wrote to Council with a supporting urban design report, and has advised of the following:

- The proposed 0.9:1 FSR and public open space are an unreasonable imposition on the site
- Envelopes within a height of 15 metres can comfortably achieve a FSR of 1.9:1, whilst complying with State Environmental Planning Policy No. 65 and the Apartment Design Guide (ADG)
- Environmental, social and urban benefits can be achieved through well designed communal open space which would be utilized by residents within the development rather than dedicating land to Council to be zoned public recreation
- Croydon Park currently has a good provision of open space as per Council's Open Space Needs Review.
- The site is within close proximity to a network of linear open space that links Botany Bay to Homebush through cycle networks and parkland adjacent to the Cooks River.
- As the site is not located in an area that requires additional open space it would be unreasonable to burden the development with this requirement.

Council staff sought a peer review of this proposal to establish whether it had merit and this is discussed further below.

### **Height and FSR considerations**

As noted previously in this report, the Gateway Determination from the Department of Planning and Environment allowed for a 15 metre height limit and 0.9:1 FSR over the subject land. This compares with the Canterbury Council resolution for the land that had a combination of 15 metres height and 2:1, and also the SGS recommendation of 11.5 metres height and 0.9:1 FSR.

The maximum FSR (of 0.9:1) conditioned in the Gateway Determination is one which generally applied to three storey residential flat development in the former Canterbury LGA. As a higher built form outcome which achieves compliance with the ADG can be achieved on this site, and that the Gateway Determination proposed to allow 15 metre high buildings, it is considered that an increased FSR on this site can be supported.



Council engaged an independent urban design consultant, Olsson & Associates, to review the proponent's most recent development scenario. The outcome of that review concluded that the site is capable of supporting an increased density achieving a floor space ratio in the range of 1.35:1 – 1.45:1 (approximating across the entire site) with building heights varying between four storeys (along the Brighton Avenue frontage) and five storeys (across the rear of the site).

In this regard it is recommended that the maximum floor space ratio be averaged out to 1.4:1.

Further design work will be undertaken to determine the most appropriate numerical height control expressed in metres that will facilitate four and five storey buildings and these will be incorporated into the planning proposal.

### **Public Open Space requirement**

The review also concluded that the condition in the Gateway Determination to provide publicly accessible open space with the site is onerous and unnecessary. In general terms the concept of publicly accessible open spaces on privately owned land is not supported. It raises ongoing maintenance and liability issues and in this particular case it is considered there is sufficient public open space in the immediate locality to service the needs of this particular rezoning proposal. This position is supported by Council's Open Space Needs Review and draft Open Space Strategy

### **Development Control Plan**

Along with the proposed change to zoning and planning controls for the land, it will also be necessary to prepare an accompanying Development Control Plan (DCP). In particular DCP controls will need to specify the following:

- Site amalgamation requirements
- Communal open space courtyards
- Built form controls, including building envelope controls

If the terms of preparing a revised planning proposal as recommended in this report are endorsed (maximum building heights and floor space ratio), the site specific DCP controls will be prepared and exhibited concurrently with the planning proposal.

### **Conclusion**

Through a lengthy review process to consider suitable design outcomes Council staff have reached a position where a sustainable development outcome can be achieved for this site. While the terms of the original Gateway Determination were considered onerous and overly restrictive, the outcomes sought by the applicant were considered excessive given the constraints of the site and its locality.

The outcomes now recommended present an opportunity for a balanced and sustainable design outcome for this site. The revised recommended controls are supported by the applicants.

## **POLICY IMPACT**

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This report supports our Community Strategic Plan long term goal of Balanced Development.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

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This report has no implications for the Budget.

## **RECOMMENDATION** That -

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1. The planning proposal for land at 15-33 Brighton Avenue, Croydon Park, be revised to specify a maximum floor space ratio of 1.4:1 across the site with maximum building heights of four storeys across the Brighton Avenue frontage and five storeys across the rear of the site (with corresponding numeric heights in metres to be determined following further detailed design work);
2. The revised planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination.

## **ATTACHMENTS**

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Nil

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## Planning Matters - 6 December 2016

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### **ITEM 5.2                      308-310, 312-320 Canterbury Road and 6-8 Canton Street, Canterbury: Draft Voluntary Planning Agreement**

**AUTHOR                      Planning**

### **ISSUE**

This report seeks Council's endorsement of a Voluntary Planning Agreement for 308-310 and 312-320 Canterbury Road and 6-8 Canton Street, Canterbury, subject to the amendments.

### **RECOMMENDATION    That -**

1.     The exhibited draft Voluntary Planning Agreement for 308-310 and 312-320 Canterbury Road and 6-8 Canton Street, Canterbury be endorsed, subject to the amendments outlined in this report, and the necessary steps taken to execute the relevant document.
2.     The General Manager be given delegation to make minor mapping and wording changes to the document necessary to satisfy legal requirements, so long as these do not alter the intent or substance of the Deed.
3.     The naming of the open space as Canton Street Park be endorsed and the developer advised of this naming.

## **BACKGROUND**

### **Background**

A report on a development application at 308-320 Canterbury Road and 6-8 Canton Street, Canterbury was submitted to the former Canterbury City Development Committee (CDC) meeting on 3 December 2015. The application was for the construction of additional levels on an approved mixed use development and to provide additional basement parking.

The CDC resolved at this meeting to approve the application. One of the approval conditions was as follows:

*A Voluntary Planning Agreement be prepared by the Applicant that requires the communal open space located on 6-8 Canton Street to be burdened by a Section 88B instrument in favour of Council to allow the general public access to the space. The Voluntary Planning Agreement shall be executed prior the issuing of a Construction Certificate. Furthermore the S88b instrument shall be registered with the Land Titles Office prior to the issue of an Occupation Certificate. The developer shall prepare the Voluntary Planning Agreement at no cost to Council which provides the management*

*conditions of this open space at no cost to Council. The deed shall include but not be limited to the following:*

- *Times to which the space will be available to the public*
- *Maintenance shall be undertaken by the strata at no cost to Council*
- *The fixtures within the open space shall be of a quality to be suitable for the use by the general public*
- *Measures to reduce the opportunities for crime*
- *Details of boundary fencing*
- *Public indemnity insurance at no cost to Council.*

The development is currently under construction.

## REPORT

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### Details of the draft Voluntary Planning Agreement (VPA)

The focus of the VPA is the provision of publicly accessible open space, the location of which is shown on the map below. The open space also forms part of the communal open space of the development. A copy of the landscape plan for the park is included as part of the VPA. The park area is approximately 1470m<sup>2</sup>.



The open space will include paving, landscaping, a water fountain, barbecue, shelter sheds, seating, playground, and shade structure. The works are to be provided before the issue of any occupation certificate for the development.

The space will be available to the public at all times. Maintenance shall be undertaken by the strata at no cost to Council.

Further to these aspects is that the park has been designed to appear separate from the adjoining development so it invites general public usage. The park provision will also not result in an offset of Section 94 contributions.

Council's Community Safety Officer reviewed the park plans in consultation with NSW Police and in accordance with CPTED principles. The Community Safety Officer had no objection to the proposal subject to:

- Ensuring that landscaping does not obstruct sight lines or cast shadows, and that it is maintained. This will assist with improving natural surveillance within the park.
- Removal of proposed seating at the rear of the park.

The VPA will require the maintenance of landscaping, to ensure sight lines into the park are maintained, in clause 21.2 (d) (ii). The VPA plans have been amended to remove the rear seating.

The former City of Canterbury had a Lighting of Public Spaces Policy with an aim to light public areas in accordance with the Australian/New Zealand Standards for Lighting.

The applicant's lighting consultant has certified that pursuant to the provisions of clause A2.2 of the Building Code of Australia 2015, the design is in accordance with normal engineering practice and meets the requirements of the Building Code of Australia 2015, and relevant Australian Standards listed. It complies with Lighting for roads and public spaces AS1158.3.1: 2005 Lighting Category – P7.

The future owners of the site will be responsible for any costs associated with the lighting of the park.

The Community Safety Officer consultation with NSW Police referred to above resulted in the ground level lights being introduced in the park, and pole lighting operating on sensor between 5pm and 5am.

Council's Landscape Architect has reviewed details of boundary fencing aspect of the VPA. The park will be bordered by 1.8 metre high lapped and capped timber fencing where it meets adjoining properties.

The park will be open to the street to allow for unrestricted public access.

Public indemnity insurance is a requirement of the VPA in clause 21.2 (b) (d) (iii).

### **Report to 23 August 2016 Council Meeting**

The draft VPA was reported to the Council meeting on 23 August 2016. Council resolved as follows:

THAT

1. *The draft Voluntary Planning Agreement for 308-320 Canterbury Road and 6-8 Canton Street, Canterbury be placed on public exhibition.*
2. *After the conclusion of the public exhibition period the outcomes be reported to Council.*
3. *The concept of naming the open space be supported, with options to be presented in the post exhibition Council report.*

#### **Public exhibition of draft VPA**

In accordance with the Council resolution on 23 August 2016, the draft VPA was placed on public exhibition for comment. Surrounding property owners were advised in writing about the exhibition. Further consultation occurred with NSW Police. The exhibition period was from 13 September until 11 October 2016. No submissions were received from the community.

Comments from NSW Police were received and are outlined below:

- 1) *Lights should be placed along the pedestrian footpaths i.e. Trojan lights to assist with pedestrians travelling through the park.*
- 2) *Garden lights placed in the corners to illuminate the dark garden beds, preventing someone from hiding in the bushes.*
- 3) *Police to conduct another assessment at the completion of the build.*
- 4) *Garbage bins to be locked securely, to prevent them being used as ladders.*
- 5) *Letter boxes to be placed inside secured area, with opening only accessible by residents. So the letter boxes to be built into the foyer and the slots only on the outside of the building.*
- 6) *CCTV to be placed in the foyer facing the letter boxes and entry.*
- 7) *Commercial and Residential Parking to be separate.*
- 8) *Commercial and Residential Lifts to be separate.*

The comments were reviewed by Council's Community Safety Officer. It was considered that the proposed lighting met Points 1 and 2.

In relation to Point 3 it is considered appropriate that this occurs. The developer has agreed to the following:

*Upon completion of Works within the park, NSW Police will make a further inspection of same and the Owner will take into account any reasonable changes required by the Police and will implement those changes which are appropriate in all the circumstances acting reasonably.*

Points 4 to 8 relate to other aspects of the development not relevant to the park, and therefore were not applicable to the VPA.

#### **Further amendments to the VPA**

Some further amendments to the VPA that will refine this document are also recommended. These are as follows:

1. Including a provision that allows Council to undertake a final inspection of the park to ensure it complies with the VPA. This has been a requirement of other recent VPAs.

The requirement will read as follows:

*All works shall be carried out in accordance with the plans and specifications identified in clause 21.1 of the Schedule hereto to the reasonable satisfaction of Council, which satisfaction shall be evidenced by a letter in writing from Council. Practical Completion of the works shall not be achieved unless and until Council has issued such a letter. If so satisfied, Council must promptly issue such a letter upon completion of the works in accordance with the said plans.*

2. Requiring that the playground be certified by a suitably qualified playground certifier. The requirement will read as follows:

*Prior to Council's issuance of a letter of satisfaction, the developer is to provide Council with a certificate from a playground equipment certifier about the proper installation of the playground equipment.*

3. Requiring that the bollards be switched on all night, along with the low level lights. The VPA is silent about their usage.

These amendments are considered to be minor in nature and would not warrant re-exhibition of the VPA. The developer has agreed to these amendments.

### **Naming of the open space**

The initial report to Council in August 2016 discussed the issue of park naming. It was considered appropriate for this open space to have a name, both to give it identity and also to provide a means of identification for emergency services and other authorities.

Council supported the concept of naming the open space, with options to be presented in this report.

Two options are put forward for Council's consideration:

1. Canton Street Park. This name reflects the location of the park in Canton Street. There are no other parks in Canton Street, and this name will provide a clear identifier to the park location.
2. Bowermans Park. This name reflects the long standing and prominent Canterbury Road business that was previously on the development site. Previous experience indicates that Council would however need to obtain the permission of Bowermans to use its name for the park, which may not be forthcoming. The association with Bowermans to the park also may not be immediately obvious.

The Geographical Names Board (GNB) has been consulted and advised of the following:

*The proposal to name 'Canton Street Park' was considered by the Geographical Names Board at its meeting held on the 22 November 2016.*

*The Board resolved that it does not name privately owned reserves. The GNB names reserves that are proclaimed by government legislation to be a public reserve.*

*If the chosen name of the reserve is approved by Council and abides by the GNB's naming guidelines, the name can be added to the Spatial Services topographic map as a name in use.*

*The GNB Secretariat cannot see any issues with the proposed name 'Canton Street Park'.*

*The proposed name 'Bowermans Park' does not fit the GNB's place name guidelines as commercial and business names shall not be used for geographical names. Particularly where the name can be construed to be promoting a business. However, business names no longer in use which promote the heritage of an area are acceptable.*

In the light of this it is recommended that Canton Street Park be the endorsed name for the park. The VPA allows for sign posting of the park name.

## **Conclusion**

The VPA will create a public benefit by providing publicly accessible private open space as part of an existing redevelopment. There has been no public objection to the VPA. It is recommended that, with the amendments referred to above, the VPA be endorsed by Council.

## **POLICY IMPACT**

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This report supports our Community Strategic Plan long term goal of Balanced Development.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

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This report has no implications for the Budget.

## **RECOMMENDATION** That -

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1. The exhibited draft Voluntary Planning Agreement for 308-310 and 312-320 Canterbury Road and 6-8 Canton Street, Canterbury be endorsed, subject to the amendments outlined in this report, and the necessary steps taken to execute the relevant document.
2. The General Manager be given delegation to make minor mapping and wording changes to the document necessary to satisfy legal requirements, so long as these do not alter the intent or substance of the Deed.
3. The naming of the open space as Canton Street Park be endorsed and the developer advised of this naming.

## **ATTACHMENTS**

[Click here for attachment](#)

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Attachment A – Voluntary Planning Agreement



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## Planning Matters - 6 December 2016

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### **ITEM 5.3                      702-704 Canterbury Road, Belmore: Draft Voluntary Planning Agreement**

**AUTHOR                      Planning**

### **ISSUE**

The report outlines a proposal for a Voluntary Planning Agreement relating to land at 702-704 Canterbury Road, Belmore to provide for the dedication of land and construction of a laneway on this land to allow for the potential future extension of Timothy Lane.

### **RECOMMENDATION    That -**

1.    The draft Voluntary Planning Agreement for land at 702-704 Canterbury Road, Belmore, be placed on public exhibition in accordance with the Environmental Planning and Assessment Act, 1979.
2.    After the conclusion of the public exhibition period the outcomes be reported to Council.

### **BACKGROUND**

On 12 December 2014 the Land and Environment Court considered an appeal relating to the deemed refusal of a proposed mixed use development at 702-704 Canterbury Road, Belmore.

As part of the Court proceedings, the applicant made an offer to enter into a Voluntary Planning Agreement (VPA) with the former Canterbury City Council. This involved the applicant dedicating land to Council to extend Timothy Lane at the rear of the site.

The Land and Environment Court upheld the appeal, and required that the applicant enter into a VPA with Council to dedicate the above land, as a deferred commencement condition necessary for the consent to become operative.

The applicant advised that the original offer made to the Land and Environment Court has not been able to be found. Since the court case the property has changed ownership, and the current applicant was not part of the original proceedings. The applicant has provided a new letter of offer to Council, as required under the Voluntary Planning Agreement Policy of the former Canterbury City Council. The offer was to dedicate land to allow for the extension of Timothy Lane, but did not include laneway construction.

The developer was advised that while there was support for dedicating the land for the laneway extension, the laneway also needed to be constructed as it provided access to the proposed development. The developer would also need to meet all costs associated with the

dedication. A revised offer and draft VPA document was submitted by the developer to meet these requirements. These are attached to this report.

## REPORT

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### Details and Assessment of the VPA Offer

The developer is offering to dedicate land measuring 6.095m by 6.095m (approximately 37.15m<sup>2</sup> in area) for the future extension of Timothy Lane. The developer will also construct the laneway on the land in accordance with Council's specifications. This will potentially enable a connection with Joan Lane to the east and ultimately a continuous vehicular access between Nelson Avenue and Liberty Street.

The land involved, and the indicative future laneway extension, is shown on the map below:



A photo of the dedication land is also shown below:



While the extension would be conditional on the redevelopment of the land in between, the dedication allows for this potentiality to occur. The provision of an extension was an issue raised by Council as part of the Land and Environment Court appeal, which led to the VPA offer.

The developer was advised by Council of a number of specific criteria that were required in the VPA. These criteria, and the response of the developer, is outlined below:

1. The developer also constructing the laneway on the dedicated land.

The developer has agreed to this and it is included in the VPA. It is noted that the dedicated land will provide access to his development site, therefore construction of the laneway is necessary.

2. Providing a suitable means of enforcement.

Providing a suitable means of enforcement for a VPA is a requirement of Section 93F(3) (g) of the Environmental Planning and Assessment Act, 1979. The developer is proposing to achieve this through registration of the VPA on title, which Council's lawyer has advised is acceptable.

3. Road to be designed as per the specifications of Canterbury-Bankstown Council

The developer is to comply with the relevant current specifications for design and construction within the former Canterbury City Council area.

## **Conclusion**

The draft VPA to dedicate land and construct the laneway on the dedication land at 702-704 Canterbury Road, Belmore for the future extension of Timothy Lane is supported for the purposes of public exhibition. It will provide "future proofing" of the potential to extend this

lane to Joan Lane and create continuous vehicular access between Nelson Avenue and Liberty Street, and as such has the potential to provide future public benefit.

Following the conclusion of the public exhibition the outcomes will be further reported to Council.

## **POLICY IMPACT**

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There is no policy impact.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

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This report has no implications for the Budget.

## **RECOMMENDATION** That -

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1. The draft Voluntary Planning Agreement for land at 702-704 Canterbury Road, Belmore, be placed on public exhibition in accordance with the Environmental Planning and Assessment Act, 1979.
2. After the conclusion of the public exhibition period the outcomes be reported to Council.

## **ATTACHMENTS** [Click here for attachments](#)

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- A. Draft VPA Offer 702-704 Canterbury Road, Belmore
- B. Plan of Dedicated Land

### **ITEM 5.4                      Draft Canterbury Development Control Plan 2012**

**AUTHOR                      Planning**

### **ISSUE**

This report outlines the results of the exhibition of the draft Canterbury Development Control Plan 2012, including details of submissions received during the exhibition period.

### **RECOMMENDATION**

That the draft Canterbury Development Control Plan 2012 be adopted and made effective in accordance with the *Environmental Planning and Assessment Regulation 2000*.

### **BACKGROUND**

The former Canterbury City Council resolved on 23 October 2014 to restructure the Canterbury Development Control Plan 2012 (CDCP 2012) to a format based on development types (dwelling houses, dual occupancies, residential flat buildings, etc.). The aim of this was for users to be able to locate key objectives and controls for their proposed development.

Council's resolution in full is as follows:

- 1) Section 2 of CDCP 2012 be separated into different chapters; that is one chapter for each of the following:
  - a) Dwelling Houses and Semi Detached Dwellings;
  - b) Outbuildings;
  - c) Boarding Houses;
  - d) Dual Occupancies;
  - e) Multi Dwelling Housing and attached dwellings;
  - f) Residential flat buildings in R4 Zones.
- 2) Section 3 of CDCP 2012 be separated into different chapters that is one chapter for each of the following zones and developments:
  - a) B2 Local Centre and B1 Neighbourhood Centre;
  - b) B5 Business Developments;
  - c) B6 Enterprise Corridor;
  - d) SP2 - Roselands car park and landscape area;
  - e) Major developments in the commercial zones along Canterbury Road and New Canterbury Road.

- 3) To assist applicants and assessing officers, each of these chapters is to also have the following information:
  - a) A reference to all other relevant parts of CDCP 2012;
  - b) A schedule of the relevant statutory controls;
  - c) A compliance table or a check list for each of the relevant statutory controls in a similar manner as presented to Council in DA assessments.

In accordance to Council's resolution, a comprehensive review of the structure of the CDCP 2012 was undertaken and a draft CDCP 2012 was prepared for Council's consideration in April this year. It is noted that some urgent and minor policy issues requiring amendments to the CDCP 2012 were also included in the review, as well as some refinements and the clarification of a number of controls. Many of these changes were as a result of internal comments sought from Council staff. The resulting draft CDCP 2012 document is easier to read, navigate and understand than the current CDCP 2012.

Council considered a report on the draft CDCP 2012 on 26 July 2016 and resolved to place the draft CDCP 2012 on exhibition. The exhibition was held from 23 August to 7 October 2016. Some minor changes to the draft CDCP 2012 were made as a result of submissions received during the exhibition. Some minor edits of no consequence to the intent of the draft CDCP 2012 were also made. These amendments are discussed in the body of this report and in the attachment.

The draft CDCP 2012 needs to be endorsed by Council so that it can be brought into force under the *Environmental Planning and Assessment Regulation 2000* (Regulation). Once in force, it will be required to be considered in assessing development applications.

A revised copy of the draft CDCP 2012 for endorsement is provided under separate cover.

## **REPORT**

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### **Legislative framework**

A draft amendment to a DCP is made effective as per the requirements of the Regulation. The requirements include placing a draft amendment to a DCP on public exhibition for a minimum of 28 days. To bring a draft amendment to a DCP into force following exhibition, a Council must consider any submissions made during the exhibition period in relation to the amendment and resolve to endorse the amendment to be effective in accordance to the Regulation. To make a draft amendment effective under the Regulation, an advertisement is required to be placed in the local papers. Once effective, the existing controls of a DCP are repealed and the controls of the amendment to the DCP will be effective for the purpose of assessing development applications.

### **Submissions received during exhibition**

During the exhibition period, two submissions were received in letter form. Another submission was received a month after the exhibition period.



The following table is a breakdown of the main issues raised in submissions received:

**Table: Issues raised in submissions**

<b>CDCP 2012 Control</b>	<b>Submission Comments</b>	<b>Consideration and recommendation</b>
Part B1.2.3 Traffic Impact Assessment – C1  <i>and</i>  B1.5.5 Traffic Maneuverability – C1	A traffic impact assessment or traffic maneuverability report should not be required where more than 10 dwelling are proposed. It is too onerous. Both controls should state the reports are only required when there are more than 40 dwellings instead.	These controls have not been altered as any change would require considerable review and evaluation. If appropriate in the circumstances of a case, Council may vary these controls during the assessment of an application.  As the focus of this review is to achieve a better structure and not review major policy issues, a review of these controls is recommended in a future review of the CDCP.
B1.4.2 Visitor Parking – C1	Contrary to the current and proposed CDCP 2012 controls, visitor parking spaces should be able to be located behind security grills and in other areas not easily accessible to the public. For legal reasons, unwanted vehicles cannot be towed away from visitor spaces in front of security grills. This causes problems for strata management, body corporates and the police in attempting to remove unwanted vehicles from spaces put aside for visitors.  Spaces outside of security grill often also create hiding places for undesirable social elements and are contrary to the crime and safety guidelines in the CDCP 2012.	These controls have not been altered as any change would require considerable review and evaluation. If appropriate in the circumstances of a case, Council may vary these controls when assessing a development application.  As the focus of this review is to achieve a better structure of the DCP and not review major policy issues, a review of this control is recommended in a future review of the CDCP.
B2 Landscape	The controls in this section are over prescriptive and may be outside Council's jurisdiction.	As the focus of this review is to achieve a better structure and not review policy issues, a review of these controls is recommended in a future review of the CDCP.
C2.2.1 Minimum Lot Size and Frontage  <i>and</i>  C2.3.3 Setbacks	Minor edits to the controls are required to be more precise and less confusing.	The changes recommended do not change the intent of the controls and the CDCP 2012 has been amended.
C2.2.3 Private Open Space	The controls are overly prescriptive. The control requiring private open spaces to be designed to	These controls have not been altered as any change would require considerable review and evaluation by Council's planning staff.

<b>CDCP 2012 Control</b>	<b>Submission Comments</b>	<b>Consideration and recommendation</b>
	prevent overlooking from neighbouring buildings and public spaces is odd. Applications with such issues from an external source would be refused.	If appropriate in the circumstances of a case, Council may vary these controls during the assessment of an application. As the focus of this review is to achieve a better structure and not review policy issues, a review of these controls is recommended in a future review of the CDCP.
C2.3.2 Height	The height controls are not suitable for sloping sites. It was noted that the controls for retaining walls and cut and fill make allowance for steeply sloping sites.	These controls have not been altered as any change would require considerable review and evaluation by Council's planning staff. If appropriate in the circumstances of a case, Council may vary these controls during the assessment of an application. As the focus of this review is to achieve a better structure and not review policy issues, a review of these controls is recommended in a future review of the CDCP.
2.3.3 Setbacks	The side setback for the dwelling of a corner site dual occupancy development fronting the secondary street frontage is required to be 3.5m. This can result in the internal amenity of that dwelling being compromised with the dwelling being too narrow. The private open space area created by the setback also has limited amenity being too narrow as well. A 1.2m side setback would result in a better result for both spaces.	These controls have not been altered as any change would require considerable review and evaluation by Council's planning staff. If appropriate in the circumstances of a case, Council may vary these controls during the assessment of an application. As the focus of this review is to achieve a better structure and not review policy issues, a review of these controls is recommended in a future review of the CDCP.
B2.3.5 Landscape Structures and Maintenance – C16	Requiring space for composting, mulching and worm farms on site can be problematic when a development is not maintained by caretakers or residents (vermin and cockroaches).	These controls have not been altered as any change would require review and evaluation by Council's environment officers. If appropriate in the circumstances of a case, Council may vary these controls during the assessment of an application.  As the focus of this review is to achieve a better structure and not review policy issues, a review of these controls is recommended in a future review of the CDCP.
B2.4 Environment and Biodiversity – C9	Requiring small ponds to provide habitat and water in developments is dangerous both to small children and because of	The safety and health of residents and visitors to a building is considered to be an immediate concern for Council and as such the



CDCP 2012 Control	Submission Comments	Consideration and recommendation
	<p>the potential for water borne diseases.</p> <p>Requiring nesting holes in trees for birds and possums may result in trees becoming structurally unsound.</p> <p>The statement 'Tree branches provide safe perching place for birds' is not necessary as it states the obvious.</p> <p>The controls of this section resulted in a Council officer requiring a vegetable garden to be provided in a residential flat building development. Such inappropriate whims of officers are being allowed because of this control.</p>	<p>control has been amended to take out the reference to a small pond.</p> <p>The statement regarding nesting holes refers to existing trees and the control has been amended to reinforce this and a clarification made that such trees are required to be structurally sound.</p> <p>The control regarding trees providing safe perching places for birds is unnecessary. A review of all the requirements of this control is recommended in a future review of the CDCP.</p>
C3.3.4 Building Depth (Multi Dwelling Housing)	<p>Under control C3.3.4, building depth for a development in the R4 zone may be increased from 25m to 35m provided, in part, that facades incorporate deep solid courtyards that are parallel to side boundaries (or have an orientation that is generally parallel to side boundaries) provided that the facades will incorporate deep soil courtyards that each have a minimum area 6m by 6m and will each accommodate at least one major canopy tree.</p> <p>This control is resulting in dumb-bell shape building footprints. Such formula type controls do not result in appropriate outcomes on all sites and innovative solutions are not encouraged.</p>	<p>These controls have not been altered as any change would require considerable review and evaluation by Council's planning staff. If appropriate in the circumstances of a case, Council may vary these controls during the assessment of an application.</p> <p>As the focus of this review is to achieve a better structure and not review major policy issues, a review of these controls is recommended in a future review of the CDCP.</p>

### Minor edits and amendments to exhibited CDCP 2012

While it was on exhibition, Council staff made some minor edits to the draft CDCP 2012 including typos, clarifications and structural changes that did not change the intent of the controls of the CDCP 2012.

Information regarding the merger of the former Canterbury and Bankstown Councils is included as a clarification. References to 'Canterbury City Council' have also been updated to

‘Canterbury-Bankstown Council’ and discussion regarding the viewing of development applications includes all of the libraries under the new council.

### **Need to proceed with CDCP 2012**

As controls will be easier to find as a result of the restructure, the main benefits of draft CDCP 2012 include:

- Reducing the need for staff to request additional information at the development application (DA) stage;
- The saving of time whilst preparing applications via ease of use for applicants;
- Reducing Council staff resources as staff will not need to field as many enquiries; and
- Improving public confidence in the DCP.

The proposed minor policy changes would result in fewer variations to controls and a reduced need for IHAP and/or Council reports. This is because minor controls have been altered where they are not working to reflect current assessment outcomes.

The revised structure of the draft CDCP 2012 will make combining the CDCP 2012 and the Bankstown Development Control Plan 2015 more straightforward.

### **Exhibition of draft CDCP 2012**

In accordance with the requirements set out in the Regulation, the draft CDCP 2012 was placed on public exhibition for a period of at least 28 days. Given its complexity and breadth, the exhibition period was extended to a period of six weeks.

Exhibition consisted of notices being placed in local newspapers, information on Council websites and copies of relevant documentation being made available in the libraries of the new combined Council and at both customer service centres.

The following documents were included as part of the exhibition:

- Draft CDCP 2012;
- Current CDCP 2012;
- Audit of proposed changes to CDCP 2012;
- Current and draft CDCP 2012 control comparison table document (to assist with finding the location of the existing controls in the draft CDCP 2012); and
- List of minor policy changes.

### **Conclusion and Next Steps**

The restructure of the CDCP 2012 has been undertaken in accordance to Council’s resolution with the main purpose to make the CDCP 2012 less complicated to navigate through and easier to work out which controls are to be applied in what circumstances. Other necessary changes were made to make the DCP consistent with CLEP 2012, Australian Standards, legislation and government agency guidelines. Duplicate controls, conditions of consent and unnecessary information were removed. Minor policy changes were also made.

The revised structure of the draft CDCP 2012 will make combining the CDCP 2012 and the Bankstown DCP easier.

For the above reasons, it is recommended that draft CDCP 2012 be endorsed and brought into effect as soon as possible.

## **POLICY IMPACT**

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This report supports the Community Strategic Plan long term goal of Balanced Development.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

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This report has no implications for the Budget.

## **RECOMMENDATION**

---

That the draft Canterbury Development Control Plan 2012 be adopted and made effective in accordance with the *Environmental Planning and Assessment Regulation 2000*.

## **ATTACHMENTS**

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[Click here for attachment](#)

- A. Canterbury Development Control Plan 2012



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## Planning Matters - 6 December 2016

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### **ITEM 5.5                      Bankstown DCP 2015 (Amendment No. 6)**

**AUTHOR                      City Future**

### **ISSUE**

This report summarises the exhibition of Bankstown Development Control Plan 2015 (Amendment No. 6).

### **RECOMMENDATION    That -**

1. Council adopt Bankstown Development Control Plan 2015 (Amendment No. 6) as shown in Attachment A and B.
2. Bankstown Development Control Plan 2015 (Amendment No. 6) will come into effect on the date specified in the public notice and will apply to any development applications lodged on or after this date.

### **BACKGROUND**

At the Ordinary Meeting of 25 October 2016, Council resolved to exhibit certain changes to the Bankstown Development Control Plan 2015, namely:

1. Insert a new Chapter – Part B13 – Waste Management and Minimisation (Attachment B)
2. Delete former waste provisions in certain other parts of the DCP (Attachment A)

Additionally, a supporting document ‘Waste Management Guide for New Developments’ (Attachment C) and a new template ‘Waste Management Plan’ (Attachment D) was exhibited.

The Council report shown in Attachment E outlines the proposed amendments in more detail.

### **REPORT**

Public exhibition took place from 1 November 2016 to 29 November 2016 and included:

- Displays at Council’s Customer Service Centres (both Bankstown and Campsie Branches);
- Council’s ‘Have Your Say’ website; and
- Public notices in the local newspapers (1/2 November and 15/16 November 2016).

Council received no submissions in response to the exhibition.

It is recommended that Council adopt the proposed amendments.

## **POLICY IMPACT**

---

The proposed amendments will supersede Council's current development controls related to waste management and will ensure it meets the needs of the community.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

This matter has no financial implications for Council.

## **RECOMMENDATION** That -

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1. Council adopt Bankstown Development Control Plan 2015 (Amendment No. 6) as shown in Attachment A and B.
2. Bankstown Development Control Plan 2015 (Amendment No. 6) will come into effect on the date specified in the public notice and will apply to any development applications lodged on or after this date.

## **ATTACHMENTS** [Click here for attachments](#)

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- A. Amendments to Bankstown DCP 2015
- B. Part B13 Bankstown DCP 2015
- C. Waste Management Guide for New Developments
- D. Template Waste Management Plan
- E. Council Report - October Ordinary Meeting 2016

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## Planning Matters - 6 December 2016

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**ITEM 5.6**                      **Draft Medium Density Housing Code and Design Guide to Expand Complying Development to include Medium Density Housing**

**AUTHOR**                      **Planning**

### ISSUE

This report outlines Council's submission to the Department of Planning & Environment's proposal to expand complying development to include medium density housing such as dual occupancies, manor houses and multi dwelling housing (terraces). The proposal has the potential to significantly impact on the character and amenity of the city's suburban neighbourhoods.

### RECOMMENDATION

That Council endorses the submission to the Department of Planning and Environment Draft Medium Density Housing Code and Draft Medium Density Design Guide as shown in Attachment A.

### BACKGROUND

#### Exhibition of Discussion Paper

At present, the State Environmental Planning Policy (Exempt and Complying Development) 2007 allows houses, outbuildings and alterations/additions to existing residential development to be assessed as complying development under a fast track approval system. Council or private certifiers can approve complying development.

In November 2015 to March 2016, the Department of Planning & Environment exhibited a Discussion Paper, which proposed to expand the range of residential development that can be undertaken as complying development across NSW. It proposed to expand complying development to include medium density housing such as dual occupancies, manor houses and multi dwelling housing (villas, terrace houses and townhouses).

At the Ordinary Meeting of 15 December 2015, Council endorsed a submission on the Discussion Paper. The submission did not support the proposal to expand complying development to include medium density housing.

## **Exhibition of Draft Medium Density Housing Code and Design Guide**

In October 2016, the Department of Planning & Environment commenced the exhibition of a Draft Medium Density Housing Code and Design Guide.

### **Draft Medium Density Housing Code**

The Draft Code proposes to expand complying development to include medium density housing, specifically dual occupancies (attached–side by side), dual occupancies (attached–one dwelling over the other), dual occupancies (detached), manor houses and multi dwelling housing (terraces).

According to the Draft Code, the intended outcomes are to provide an efficient mode of delivery for low–rise medium density housing, remove existing obstacles to delivering this form of housing, and providing a variety of housing choice across NSW in areas that are zoned for medium density housing.

The Draft Code will apply to Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone RU5 Village. The Draft Code will not apply to Zone R4 High Density Residential, heritage conservation areas or draft heritage conservation areas.

The Draft Code will also provide principal development standards for complying development such as floor space ratio, building height, lot size, landscaped area, setbacks and subdivision.

### **Draft Medium Density Design Guide**

The Draft Medium Density Design Guide may apply to both complying development and development applications.

In relation to complying development, the Draft Guide requires the designer to submit a design verification statement. The statement must provide evidence of compliance with the design criteria if it is to be issued with a complying development certificate. The design criteria includes solar access, visual privacy, private open space, dwelling size, car parking, ancillary development and other design matters.

In relation to development applications, Council will have the option to adopt the Draft Guide by reference within a development control plan. Should Council decide to take this option, it must adopt the Draft Guide in its entirety and the requirement for a design verification statement will apply. Proposed development can comply with the design criteria or use an alternate solution that satisfies the objectives.

Attachment B contains a summary of the exhibition of the Draft Medium Density Housing Code and Design Guide. Council has until 12 December 2016 to make a submission.



## REPORT

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Following a review of the Draft Medium Density Housing Code and Design Guide, Council does not support the proposal to expand complying development to include medium density housing for the following key reasons:

1. The proposed development controls will result in medium density housing that is incompatible with the prevailing low density character and amenity of the suburban neighbourhoods in the City of Canterbury–Bankstown.
2. Complying development does not take into consideration the unique characteristics and issues within the various suburbs in the City of Canterbury–Bankstown, and is not designed to customise solutions to address potential impacts.
3. Private certifiers are not qualified to assess the architectural merits of medium density housing to ensure it meets community expectations, particularly in the suburban neighbourhoods of the City of Canterbury–Bankstown.
4. Complying development does not provide the community with the opportunity to comment on medium density housing proposals in the same way as development applications.
5. The Draft Medium Density Housing Code does not recognise Council’s demonstrated record that it can fast track the supply of medium density housing via the development assessment process.
6. The Draft Medium Density Housing Code does not recognise current state and local strategic planning which already delivers medium density housing in the City of Canterbury–Bankstown. The Draft Code also pre-empts the Draft District Plans prepared by the Greater Sydney Commission, in particular the requirement for councils to prepare local housing strategies to identify the best positions for medium density housing in the city.

Attachment A discusses these key reasons in more detail.

## POLICY IMPACT

---

Council has a demonstrated record of efficiently delivering medium density housing, removing existing obstacles to delivering this form of housing, and providing a variety of housing choice in areas that are zoned for medium density housing.

Firstly, Council adopted Local Area Plans to identify the best positions for medium density housing across the city, consistent with the Metropolitan Plan *‘A Plan for Growing Sydney’* and the Draft South District Plan. This occurred in consultation with the community, industry, state agencies and other key stakeholders. Consistent with community and market expectations, the best positions are located in areas that are well serviced by infrastructure and community facilities, and have access to good public transport. The zoning and planning control changes have been or are in the process of being incorporated in Council’s LEP and DCP.

As a result, Canterbury–Bankstown Council delivered 1,853 new dwellings in 2014/15 and 1,572 new dwellings in 2015/16. Around half of the new dwellings are in the form of medium density housing.

Secondly, the Environmental Planning & Assessment Act 1979 provides an appropriate development assessment process to consider and determine medium density housing proposals, particularly within Zone R2 Low Density Residential.

The development assessment process must consider Council's LEP and DCP, which have been adopted in consultation with the community, industry, state agencies and other key stakeholders. The development assessment process must also consider the likely impacts of development, the suitability of the site for the development, any submissions made during the notification period and the public interest.

Council has a demonstrated record that it can manage the development assessment process within the required 40 day period under the Act. In the 2014/15 financial year, the median time for determining development applications was 36 days and in 2015/16, the median time for determining development applications was 35 days.

The concern with the complying development process is it does not take into account the above matters, which are important to ensure medium density housing is compatible with the prevailing low density character and amenity of the suburban neighbourhoods in the City of Canterbury–Bankstown.

In addition, the requirement for design verification statements does not provide an adequate safeguard to ensure complying development will deliver better quality building designs that respond appropriately to the character of the area, landscaped setting and surrounding built form. Private certifiers are not qualified to assess the architectural merits of medium density housing to ensure it meets community expectations.

Council therefore does not support the Department of Planning & Environment's proposal to expand complying development to include medium density housing.

It is noted the proposal to expand complying development to include medium density housing pre-empts the proposed actions under the Draft District Plans, prepared by the Greater Sydney Commission. These include the requirement to complete the Sydenham to Bankstown Urban Renewal Corridor Strategy and the requirement for Council to prepare a local housing strategy to identify the best positions for medium density housing in the city.

If strategic planning is to occur in a coordinated and orderly manner in NSW, Council should first be given the opportunity to complete the above strategic planning. Once Council demonstrates that it can continue to efficiently deliver medium density housing in the city, it should also be given the opportunity to be exempt from the Draft Medium Density Housing Code (similar to the exemption granted under the former State Environmental Planning Policy No. 53, which aimed to stimulate medium density housing in targeted areas).

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

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The Draft Medium Density Housing Code does not discuss the process for the collection of Section 94A Development Contributions or subdivision costs for complying development proposals.

## **RECOMMENDATION**

---

That Council endorses the submission to the Department of Planning and Environment Draft Medium Density Housing Code and Draft Medium Density Design Guide as shown in Attachment A.

## **ATTACHMENTS**

[Click here for attachments](#)

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- A. Council's Submission
- B. Exhibition Summary–Draft Medium Density Housing Code and Design Guide



## **6 REPORT OF THE GENERAL MANAGER**

The following items are submitted for consideration -

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## Report of the General Manager - 6 December 2016

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### **ITEM 6.1                      Stronger Communities Fund**

**AUTHOR                      City Future**

### **ISSUE**

To endorse projects for implementation under the NSW Government Stronger Communities Fund, including the \$1 million Community Grant Program and the \$9 million Major Projects Program.

### **RECOMMENDATION    That**

---

1. Council fund 27 applications totaling \$985,326 recommended by the Assessment Panel under the SCF Community Grant Program.
2. Council note the progress of the Stronger Communities Fund - Major Projects Program and endorse the shortlisted Major Projects for immediate implementation.
3. Required funding be made available and be reflected in Council's forthcoming Quarterly Budget Review process.

### **BACKGROUND**

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The Stronger Communities Fund (SCF) was established by the NSW Government to provide newly merged Councils with funding to kick start the delivery of projects that improve community infrastructure and services. The City of Canterbury Bankstown has been allocated \$10 million funding as a result of the two councils merging. Councils are to consult with their community to allocate the SCF through two programs:

- A Community Grants Program – Allocating up to \$1 million in grants of up to \$50,000 to incorporated not-for-profit community groups, for projects that build more vibrant, sustainable and inclusive local communities; and
- A Major Projects Program – Allocating all remaining funding to larger scale priority infrastructure and services projects that deliver long term economic and social benefits to communities.

In accordance with the Guidelines issued by the Department of Premier and Cabinet, Council needed to establish a Stronger Communities Fund Assessment Panel with responsibility to assess projects and make recommendations to council for funding. The Panel must consider the Community Grant Program submissions as well as those developed and nominated by

Council for funding under the major projects program. Membership of the Stronger Communities Fund Assessment Panel includes:

- Administrator, or delegate;
- State Members of Parliament or representative whose electorate falls within the new City of Canterbury Bankstown;
- Regional Coordinator of the Department of Premier and Cabinet, or delegate;
- An independent probity adviser, appointed by the Administrator to advise the Panel on their deliberations and assessment process; and
- Other members, appointed by the Administrator, as required.

The Stronger Communities Fund Sub-Committee was also established, with the purpose of providing guidance and representation of the community on this matter.

## **REPORT**

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### **Community Grants Program**

Community engagement was undertaken in July and August 2016 that involved network discussions, an online forum and a community workshop. The purpose of the engagement was to familiarise key stakeholders with the Stronger Communities Fund criteria and process and to determine community agreed priorities. The priority outcomes from this consultation were:

1. Build community harmony, inclusiveness, safety and social cohesion through events and programs;
2. Build the capacity of local not for profit organisations to service the Canterbury Bankstown community; and
3. Increase participation in arts, leisure, recreation, sport and volunteering.

Community groups were invited to apply for projects addressing one or more of the above priorities from 24 August – 3 October 2016. During this time, 87 applications were received seeking a total of \$3,442,566.

An Assessment Panel Meeting was held on 4 November 2016 to consider all applications and recommend projects for approval to Council. The Meeting was well attended and the Regional Coordinator from the Department of Premier and Cabinet commended Council on the implementation of the grants process. The Assessment Panel endorsed the list of projects recommended for funding by staff and recommended that the Administrator be briefed on questions raised about specific applications.

A meeting of the Stronger Communities Fund Sub-Committee was held on 16 November 2016. The Sub-Committee referred its comments to the Administrator for consideration in the allocation of funding for the Community Grants Program.

On 28 November 2016 the Administrator held a meeting with the independent probity adviser and representative from the Department of Premier and Cabinet. The Administrator was briefed on all questions raised by the Assessment Panel and the Sub-Committee for consideration along with staff recommendations.



As a result of this process, a total of 27 applications totaling \$985,326 is recommended to Council for consideration. The list of these applications can be found in Attachment A. A list of unsuccessful applicants is detail in Attachment B.

Subject to Council's consideration, an event to distribute the Community Grants is planned for December.

### **Major Projects Program**

Under the Major Projects Program, councils must fund projects that deliver new or improved infrastructure or services to the community. Council is required to notify the Office of Local Government (OLG) of their three year plan for allocating the SCF by December 2016.

A shortlist of projects suitable for implementation in the Canterbury Bankstown LGA has been prepared through:

- Analysing community responses collected as part of recent satisfaction and branding surveys;
- Internal staff engagement;
- Reviewing unfunded forward works programs, plans and strategies; and
- Assessing potential projects against criteria released by the Department of Premier and Cabinet (DPC) and criteria developed internally.

To gain momentum for the Major Projects Program, high priority projects have been identified ready to announce in December 2016. These projects have already been subject to internal scoping and can commence in 2017. The high priority projects which total approximately \$3.6 million, are:

#### **1. Regional Sports Framework – Multipurpose synthetic surface – Jensen Park**

The project is the first stage of implementing the Regional Sports Framework. The Framework provides guidelines around the provision and future development of sporting facilities across the City. This project will convert the existing Jensen Inner Field to a city-first full-scale multipurpose synthetic grass pitch, maximising use and flexibility of the site by catering for a range of sports, physical activity and recreational opportunities.

#### **2. Bankstown City Gardens – All Abilities Playground Stage 2**

The City of Canterbury-Bankstown is currently preparing a detailed design for the all-abilities inclusive play space at Bankstown City Gardens. This project will create a regional destination park and playground located within the heart of the Bankstown CBD and identified CBD growth area. The project will place The Gardens as a premier regional-destination park with amenities and playground providing for all ages and abilities, and for long-stay visitation.

### 3. Regional Cycleway Connection – Canterbury Road Underpass

The Cooks River Regional Cycleway is a significant off-road path that provides links from Homebush Bay to Botany Bay and is approximately 34km in length. It also provides connections to many local bike routes. Currently, the cycleway passes under Canterbury Road alongside the Cooks River. This project aims to upgrade the existing underpass to provide a wider path and more vertical clearance for the cycleway as it passes under Canterbury Road.

### 4. Wiley Park – Parklands renewal to reinvigorate, and improve accessibility, safety and activation as a regional destination

The Canterbury Playground and Playspaces Study and Open Space Strategy has identified Wiley Park a facility of significant proportion and uniqueness servicing city wide and regional needs. The project will improve access for all users of the park, activate greater areas of the site through interactive play spaces and public art installations, improve safety, improve environmental outcomes and upgraded aesthetic values.

The remainder of the Major Projects Program, \$5.4 million, will be announced in 2017, following additional community consultation associated with the preparation of the new Community Strategic Plan.

It should be noted that an independent probity advisor was engaged from O'Connor Marsden to oversee this process. In the Probity Report, it is written that: *"OCM is not aware of any matter to indicate that the application assessment procedures carried out by Council for the Community Grant Program and the assessment of the initial Major Projects, were not compliant with the probity principles described in the Scope in all material respects."*

## **POLICY IMPACT**

---

Applications for funding under the Stronger Communities Fund Community Grants Program have been considered in accordance with the guidelines prepared by the Department of Premier and Cabinet and in accordance with the Terms for Reference adopted by Council on 23 August 2016.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

A budget of \$50,000 has been allocated under Council's Implementation Fund to help cover the expenses associated with the approach outlined in this report. Expenditure will be captured and reported to Council and in accordance with the Office of Local Government reporting requirements.

In total, \$4.6M has been allocated of the Stronger Community Fund.

Further complimentary funding (such as Section 94 and Section 94A funds) will also need to be made available in implementing these projects and be reflected in the forthcoming Quarterly Budget Review process.

## **RECOMMENDATION** That

---

1. Council fund 27 applications totaling \$985,326 recommended by the Assessment Panel under the SCF Community Grant Program.
2. Council note the progress of the Stronger Communities Fund - Major Projects Program and endorse the shortlisted Major Projects for immediate implementation.
3. Required funding be made available and be reflected in Council's forthcoming Quarterly Budget Review process.

## **ATTACHMENTS**

[Click here for attachments](#)

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- A. Stronger Communities Fund - Community Grants - summary of successful applications
- B. Stronger Communities Fund - Community Grants - summary of unsuccessful applications



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## Report of the General Manager - 6 December 2016

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### **ITEM 6.2                      Drainage Reserves Disposal Policy**

**AUTHOR                      Corporate**

### **ISSUE**

To consider Council's new Drainage Reserves Disposal Policy which will replace the two former Councils policies.

### **RECOMMENDATION    That -**

---

1.    In principle, the Draft Drainage Reserves Disposal Policy be endorsed and placed on public exhibition.
2.    A further report be submitted to Council to consider any submissions or alternatively, the Policy be adopted should no submissions be received.

### **BACKGROUND**

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As part of Council's ongoing review of policies of the former Canterbury and Bankstown Councils', a revised Drainage Reserves Disposal Policy has been drafted to replace the two existing policies and align relevant procedures to effectively administer the issue across the local government area.

Given the number of ongoing requests and matters currently awaiting its review, the Policy is being submitted for Council's consideration and proposed public exhibition for comment by the Community.

### **REPORT**

---

Council has a significant number of drainage reserves situated throughout its local government area, sites which are largely no longer required for operational purposes. Given their size, issues around access, anti-social behaviour and poor amenity, a large number of them present a broad range of complex operational and/or maintenance issues for Council.

In certain cases, various reserves have been formally licensed to adjoining owners, in which case, the licensee is required to manage/maintain any issues with the site and provide Council access to the reserve, as required.

From time to time, Council receives requests from adjoining owners to acquire certain reserves with the view to create added private open space, facilitate the re-development of their property or simply eradicate any nuisances associated with the site.

As a result of some of the issues noted above, Council has proposed a considered approach to managing such requests, so as to ensure that it meets relevant legislative requirements and above all ensures appropriate transparency and overall good governance.

It should be noted this policy only addresses reserves which have been classified as “Operational Land” under the Local Government Act 1993. All drainage reserves which are classified as “Community Land” can only be assessed as part of Council’s broader Local Area Planning (LAP) and Local Environmental Planning (LEP) processes.

Attached is a Draft Policy, which largely reflects the former Council’s existing approach to managing the issue.

In essence, the policy outlines:

- the broader principles, regulations and approach to determining the disposal of Council owned drainage reserves throughout our local government area,
- the broader parameters and associated Strategies & Policies needed to be taken into consideration when determining whether a site may be sold, and
- provide a framework by which Council will be able to consistently assess each request and accordingly advise relevant adjoining owners of the process, as required.

In each case, a proposed sale must be approved by way of resolution of Council. It is intended that a specific report be periodically submitted to Council to consider such requests, as required.

Given the nature of the issue, it is proposed that the draft policy be publicly exhibited for comment and reported back to Council following this process, if required.

## **POLICY IMPACT**

---

The Drainage Reserves Disposal Policy complies with legislative requirements for their disposal and supports Council’s commitment to good governance practices. The adoption of this Policy supersedes the previous policies adopted by the former Bankstown and Canterbury Councils.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

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This recommendation has no direct implications for the budget.

## **RECOMMENDATION** That -

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1. In principle, the Draft Drainage Reserves Disposal Policy be endorsed and placed on public exhibition.
2. A further report be submitted to Council to consider any submissions or alternatively, the Policy be adopted should no submissions be received.

## **ATTACHMENTS**

[Click here for attachments](#)

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- A. Drainage Reserves Disposal Policy





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## Report of the General Manager - 6 December 2016

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### **ITEM 6.3**                      **Code of Conduct Framework - Supporting Policy**

**AUTHOR**                      **Corporate**

### **ISSUE**

To adopt the Complaints Management Policy in support of Council's Code of Conduct Framework.

### **RECOMMENDATION**    That -

---

1.    In principle, Council adopt the Complaints Management Policy as attached to this report.
2.    The Complaints Management Policy be referred to the Independent Commission Against Corruption and the NSW Ombudsman for comment.
3.    Following the Independent Commission Against Corruption Commission and NSW Ombudsman's review and subject to there being no suggested changes, the policies be adopted and implemented.
4.    Further reports be prepared to consider other subsequent policies that support the Code of Conduct Framework, as required.

### **BACKGROUND**

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At the Ordinary Meeting of 25 October 2016, Council adopted its Code of Conduct and Procedures for the Administration of the Code of Conduct at the October Council Meeting to form the foundation of its Code of Conduct Framework.

Subsequent to this, a number of supporting policies to the Code of Conduct Framework including the Councillor and Staff Interaction Policy, Gifts and Benefits Policy, Statement of Business Ethics, Public Interest Disclosures Policy and Public Interaction and Meeting Disclosures Policy were adopted in principle at the November Council Meeting.

### **REPORT**

---

The Complaints Management Policy provides a framework to facilitate a consistent, fair and equitable resolution to customer complaints. The Policy encompasses elements of both former Council's Complaints Management Policies as well as the former Bankstown City Council's Unreasonable Complainants Conduct Policy.

This Policy also incorporates advice from the NSW Ombudsman and Office of Local Government on managing complaints and the unreasonable conduct of complainants, and outlines:

- the types of complaints that Council receives,
- how the complaint process will be managed, and
- the types of circumstances where a complainant's access to service may be restricted.

The Policy is supported by the Complaints Management Guidelines and Unreasonable Complainants Conduct Guidelines. Operational processes will subsequently be aligned to ensure compliance with the Complaints Management Policy, and also a unified approach to managing complaints.

## **POLICY IMPACT**

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Adoption of the Complaints Management Policy supplements the provisions of Council's Code of Conduct and ensures compliance with Council's legislative obligations.

Furthermore, this new policy supersedes the previous complaints management policies adopted by the former Bankstown and Canterbury Councils.

This policy will be submitted to the Independent Commission Against Corruption and NSW Ombudsman for review.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

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There are no financial impacts associated with this report.

## **RECOMMENDATION** That -

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1. In principle, Council adopt the Complaints Management Policy as attached to this report.
2. The Complaints Management Policy be referred to the Independent Commission Against Corruption and the NSW Ombudsman for comment.
3. Following the Independent Commission Against Corruption Commission and NSW Ombudsman's review and subject to there being no suggested changes, the policies be adopted and implemented.
4. Further reports be prepared to consider other subsequent policies that support the Code of Conduct Framework, as required.

## **ATTACHMENTS**

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[Click here for attachment](#)

- A. Complaints Management Policy

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## Report of the General Manager - 6 December 2016

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### ITEM 6.4                      Free Car Parking Agreement - Woolworths Campsie

**AUTHOR**                      Planning

### ISSUE

Council received a Report on 27 September 2016 (Item 6.4) which detailed a proposal to enter into a Free Car Parking Agreement with Woolworths Campsie supermarket, to monitor and manage car parking. This report details the exhibition process since this time.

### RECOMMENDATION    That -

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1. Council adopt the classification of No. 68 Evaline St, Campsie (Woolworths Supermarket Campsie) as Operational Land in accordance with s.650 of the Local Government Act 1993, only for the purposes of allowing a Free Car Parking Agreement.
2. Council approve entering into a Free Car Parking Agreement as per s.650 (6) of the Local Government Act 1993, with Woolworths Campsie, as per the terms detailed in this Report.
3. Council delegate to the General Manager and Administrator authority to finalise and sign the Free Car Parking Agreement, under the common seal of Council as required.

### BACKGROUND

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The Council report on 27 September 2016 detailed the proposal to enter into a Free Car Parking Agreement with Woolworths Campsie, to monitor and manage their car parks. At the meeting Council resolved to:

*“publicly exhibit the proposal to classify No. 68 Evaline St, Campsie as Operational Land in accordance with s.650 of the Local Government Act 1993, and Guidelines issues by the Office of Local Government, for the purposes of administering a Free Car Parking Agreement”.*

This report outlines the outcomes of this exhibition.

## REPORT

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### Exhibition

The exhibition of the proposed classification was undertaken from Tuesday 25 October 2016 to Wed 23 November 2016 (30 days). Public notification occurred via:

- Council's website,
- Online community forum (Have Your Say),
- The Torch and Express Newspapers,
- Administration Centre, Beamish St Campsie, and
- Campsie Library.

During the public exhibition period, Council did not receive any submissions.

### Next steps

Now that Council has completed the public exhibition process for this site with no submissions, Council is required to formally adopt that the land be classified as Operational Land for the purposes of entering into a Free Car Parking Agreement. One of the recommendations of this report formalises this process.

Once Council has completed this process, the agreement can be entered into. It is proposed that the agreement be for a period of up to five (5) years, and it to end at the end of a financial year, which aligns will all other similar agreements. It is also recommended that the agreement have a five (5) year option on the initial period, again similar to all other free car parking agreements.

## POLICY IMPACT

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The proposal to enter into a Free Car Parking Agreement is consistent with the requirements set out under the Local Government Act 1993 and the Director General's Free Parking Area Agreement Guidelines (1998).

## FINANCIAL IMPACT OF RECOMMENDATIONS

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All costs associated with manufacturing of any signage will be borne by the land owners before Council will commence regulatory services on that site.

Council will provide the necessary staff to undertake the patrolling of both the sites, however this cost will be offset by any PIN's issued for the violation of parking restrictions, as detailed under the Local Government and Roads Act.

## RECOMMENDATION That -

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1. Council adopt the classification of No. 68 Evaline St, Campsie (Woolworths Supermarket Campsie) as Operational Land in accordance with s.650 of the Local Government Act 1993, only for the purposes of allowing a Free Car Parking Agreement.

2. Council approve entering into a Free Car Parking Agreement as per s.650 (6) of the Local Government Act 1993, with Woolworths Campsie, as per the terms detailed in this Report.
3. Council delegate to the General Manager and Administrator authority to finalise and sign the Free Car Parking Agreement, under the common seal of Council as required.

## **ATTACHMENTS**

[Click here for attachment](#)

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- A. Council Report - 26 April 2016 Item 6.4



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## Report of the General Manager - 6 December 2016

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### ITEM 6.5                      Dunc Gray Velodrome Options Paper

**AUTHOR**                      City Future

### ISSUE

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This report provides a review of options on the future of the Dunc Gray Velodrome.

### RECOMMENDATION    That -

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1. The information be noted.
2. Council undertake a broader Landuse and Facility Study of The Crest of Bankstown which would include consideration of the various options for the Dunc Gray Velodrome, as outlined in this report.
3. Once complete, the Landuse and Facility Study be reported back to Council for consideration and when appropriate, exhibited for public comment.
4. Council to continue to discuss the matter, including possible funding options for the facility, with both the Federal and NSW Government.

### BACKGROUND

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Council at its Ordinary Meeting on 27 September 2016 resolved to call for an '*Options Report on the future of the Dunc Gray Velodrome*'. The following report responds to this request.

### REPORT

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#### The Site

The Crest of Bankstown and associated reserves are a group of 9 reserves situated in Bass Hill, in the Local Government Area of Bankstown and includes the Olympic velodrome.

The site is a prominent sporting and recreation precinct serving local, district and regional users. The entire 71 hectare site is classified community land owned by Canterbury Bankstown City Council and is zoned RE1 – Public Recreation in the Bankstown Local Environment Plan (LEP).

Located adjacent to the Hume Highway the Crest caters for the sports of rugby, soccer, cricket, hockey, cycling and athletics. The site contains the Dunc Gray Velodrome, an international standard facility constructed for the Sydney 2000 Olympics. The adjacent athletics track was also funded by the Olympics Co-ordination Authority (OCA) as a training facility and maintains

International Association of Athletics Federation (IAAF) certification enabling the facility to host major athletics events.

The Crest of Bankstown represents a significant asset investment for Council and is recognised by the community as a major regional sporting precinct for the city.

### ***The Dunc Gray Velodrome***

The Velodrome is a landmark building and dominant central feature of The Crest. The purpose built facility is 11,000m<sup>2</sup> in area and features a 250m long cycling track, seating for 3,000 spectators and at grade car parking for 236 vehicles and remains Sydney's only enclosed velodrome. The site is also supported by an adjacent criterion track in Louisa Reserve, a requirement to host major cycling events.

Construction of the velodrome was funded by the State Government, at a cost of \$42 million. The velodrome is situated on land leased to the OCA. Council subleases the velodrome from OCA and in turn it is sub-leased to the Bankstown District Sports Club. This lease expires in 2019.

Under arrangements with the OCA, the velodrome must be maintained to reflect its Olympics legacy for the period of the lease from which point on, the management of the facility solely rests with Council.

The velodrome is recognised by community and cycling associations as the elite cycling venue for Sydney and NSW. The second major facility for cycling in Sydney is Canterbury Velodrome at Tempe. Issues such as utilisation, community benefits, asset condition, lease arrangements and the inter dependence of these facilities to cater for cycling across the region have not yet been considered.

### **Summary of Key Issues**

#### ***Operation and Maintenance:***

In May 2019 operational responsibility for the velodrome reverts back to Canterbury Bankstown City Council. A lease agreement sinking fund under the current lease requires Bankstown Sports Club and Bankstown City Council to contribute \$20K per annum for the 20 year lease plus an annual CPI adjustment to contribute to outstanding maintenance requirements of the facility. This would equate to \$1 million in today's dollars. In 2010 Council engaged consultants to develop an *Asset Maintenance Plan* which indicates \$4 million in outstanding works to comply fully with the works requirements listed in the plan.

The current operational model realises a deficit of approximately \$400K – \$450K per annum. This figure includes all associated costs including electricity \$70K, water \$20K, security \$70K and an income of around \$100K predominantly through rent for office accommodation.



***Sports Utilisation:***

Currently the facility has extremely low utilisation catering primarily for elite cycling programs conducted under Cycling NSW. Minimal use of the infield is also catering for uncommon sports such as roller derby.

The facility was known to provide little or no sports benefit to the residents of the former City of Bankstown and this is also likely to continue to apply if retained in its current form.

**Options for Consideration*****Do nothing Option:***

As noted above retaining the current building configuration, including the cycle track has annual operational costs conservatively put at \$402K with capital costs for maintenance of \$1.08 million for the next 4 years. This is a significant cost for a facility that has low utilisation and benefit to the broader Canterbury Bankstown community.

***Capacity for Adaptive Re-Use:***

In order to understand future use options Council commissioned an architectural consultant to undertake an *Adaptive Re-Use Study*. Phase one of the study was for alternative sports other than track cycling and to identify what measures need to be considered in order to achieve this objective by retaining, modifying or removing the cycling track. The following sports were considered.

- Futsal Courts;
- Netball Courts;
- Badminton Courts;
- Martial Arts & Boxing;
- Volleyball Courts;
- Hockey Courts;
- Tennis Courts;
- Gymnastics Court;
- Little Athletics Track.

Internal reconfiguration to accommodate an athletics track and retain the cycle track would require capital costs of \$3.5 million. Alternatively removal of the cycle track, an additional 1,000 seats and expansion and reconfiguration of the infield to accommodate the above mentioned sports could range from \$5.85 million - \$6.86 million.

All options investigated would still require the investment of \$1.08 million per year for the next 4 years to undertake the structural maintenance of the facility.

Further investigation and financial feasibility is required to understand the possible income generation as a result of converting the velodrome in to a multiuse facility.

***Commercial Utilisation:***

The Handle Bar Tavern was originally constructed as a means to cross subsidise the facility however the Tavern was not able to perform as a financially viable business. Despite investment by Bankstown Sports club, it was eventually closed in 2010. From time to time offers of interest to operate the Handle Bar Tavern as a café and child care centre have been received however this has only recently been taken up with a short term lease as a function

centre. It should be noted that any use must be consistent with the Plan of Management for the site.

In addition to the Tavern there are other spaces located in the facility that have had varied users. There has not been a concerted effort to explore alternative commercial opportunities for these spaces such as the introduction of non-sports uses to the perimeter of the building to enhance the interface of the building and the park.

Further investigation and financial feasibility is required to understand the possible commercial utilisation of the space and income generation options.

***Closure and Demolition:***

Despite other Olympic legacy sites such as the Archery Centre, Sydney International Regatta Centre and the Sydney International Equestrian Centre being financially supported by State Government, no commitment to contribute either operational funding or capital funding to the Velodrome despite several requests from Council. More recently the velodrome is not considered in the NSW Stadia Strategy.

Given the limited use for cycling, the inability of potential amateur sports users to pay appropriate fees for use, poor design for alternate sports uses without major cost and limited benefit to residents, closure and demolition has been considered as an option. Alternatively this option could involve demolition of the bulk of the Velodrome and retaining the podium, upper concourse and tavern areas. These facilities could provide a range of commercial and operational opportunities to assist in activating the site and acknowledging the Olympic site legacy.

The cost of demolition and construction of a new sports field with tiered seating has been estimated to range from \$8.4 million to \$9.4 million if the site is replaced with a new sports field with a synthetic surface field. This option would have lower ongoing operational costs and provide increased flexibility of future uses of the site.

***Broader landuse options:***

In addition to the review of the future of the Velodrome, there is a need to understand the longer term options for the entire Crest of Bankstown site. The Regional Sports Framework adopted by Council identifies the Crest as an important local, district and regional sports facility. Being such an important site there are significant opportunities to further improve its functioning, accessibility and activation. In addition there are opportunities to better utilise and operate the existing sportsgrounds as well as explore alternative landuse options for underutilised areas within the Crest area.

**CONCLUSION**

This report provides a review of options on the future of the Dunc Gray Velodrome. It identifies:

1. The cost of maintaining the current facility and its current underutilisation
2. The cost of an adaptive reuse of the facility
3. The cost of demolition and replacement of the facility

The financial position indicates the following:

- \$4 Million in outstanding asset maintenance
- \$5-7 Million to reconfigure the facility to multiuse
- \$0.5M current annual operation deficit

The initial assessment indicates that continuing to operate the facility under the current arrangement does not provide best value to the community. While adaptive reuse improves the community benefit, this comes at a significant cost. It is not known at this stage how much of these costs can be offset. While demolition has a significant upfront cost, ongoing operational costs of maintaining a synthetic field would be less than a large building while providing increased access to quality sporting fields required by the community.

Prior to making a final decision on the options for the Velodrome it is proposed that a broader Landuse and Facility Study of The Crest of Bankstown be undertaken which would include possible closure and demolition of the Dunc Gray Velodrome, alternative recreational opportunities and future land use options surrounding the site. This would identify the possible income and commercial opportunities for an adaptive reuse of the facility and other land use opportunities in the area. The exhibition of the Study would also allow for feedback from the community and stakeholders on the various options and the costs and benefits to the community of Canterbury Bankstown.

Separately, Council will continue to discuss the future options with Federal and NSW State Government including possible funding options for the facility.

## **POLICY IMPACT**

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The proposed Landuse and Facility Study of The Crest of Bankstown will provide Council with various options for its consideration to inform the eventual future way forward for the site.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

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There are no immediate financial implications of this report however any recommendations out of the Landuse and Facility Study of The Crest of Bankstown will have both upfront capital and ongoing operational costs. These will be considered further in a future report to Council.

## **RECOMMENDATION** That -

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1. The information be noted.
2. Council undertake a broader Landuse and Facility Study of The Crest of Bankstown which would include consideration of the various options for the Dunc Gray Velodrome, as outlined in this report.
3. Once complete, the Landuse and Facility Study be reported back to Council for consideration and when appropriate, exhibited for public comment.

4. Council to continue to discuss the matter, including possible funding options for the facility, with both the Federal and NSW Government.

## **ATTACHMENTS**

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Nil

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## Report of the General Manager - 6 December 2016

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### **ITEM 6.6                      Requests for Financial Assistance and Donations**

**AUTHOR                      Corporate**

### **ISSUE**

To consider requests for financial assistance from community groups, local schools and individuals.

### **RECOMMENDATION**

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That a donation of \$250.00 be made to Klayton Kilpatrick of Revesby on his selection to the U15's Metro Team (NSW) to compete in the Australian Regional Softball Championship in Brisbane from 15 - 21 January, 2017.

### **REPORT**

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#### **Section 1 – Requests from Sporting Individuals/Groups**

- Klayton Kilpatrick of Revesby has been selected to the Metro Team to compete at the 2017 Australian Regional Championships being held in Brisbane from 15 -21 January, 2017.

#### **Section 2 – Requests from and Donations to Non-Profit Organisations**

Nil.

#### **Section3 – Requests from Schools**

Nil.

### **POLICY IMPACT**

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The former Bankstown City Council adopted a revised Grants and Donations Policy in April 2009 with the following funding criteria:

#### **Individuals**

- (i) Financial assistance to individuals will be assessed as follows:

\$100 for events held in NSW  
\$250 for events held interstate  
\$500 for events held overseas

## **Not-for-profit Groups and Organisations**

- (i) Financial assistance to not-for-profit groups and organisations for specific projects for programs will be limited to \$750, (\$300 for general school fundraising efforts) with Council having discretion toward a higher amount in special circumstances.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

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This report recommends donations totaling \$250.00 and those funds be made available from Council's Section 356 Financial Assistance Budget.

## **RECOMMENDATION** That -

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That a donation of \$250.00 be made to Klayton Kilpatrick of Revesby on his selection to the U15's Metro Team (NSW) to compete in the Australian Regional Softball Championship in Brisbane from 15 - 21 January, 2017.

## **ATTACHMENTS**

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Nil

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## Report of the General Manager - 6 December 2016

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### **ITEM 6.7                      Membership of Western Sydney Regional Organisation of Councils (WSROC)**

**AUTHOR                      Corporate**

### **ISSUE**

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To review Council's ongoing membership of the Western Regional Organisation of Councils (WSROC).

### **RECOMMENDATION    That**

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1. Council ends its membership of Western Sydney Regional Organisation of Councils (WSROC) in accordance with the provisions of the WSROC's Constitution.
2. The General Manager advise WSROC of Council's decision, for the reasons outlined in the report.

### **BACKGROUND**

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By way of a brief background, WSROC was formed in 1973, principally to represent the councils and communities of Western Sydney, as well as developing resource sharing and other co-operative projects between member councils.

WSROC members currently include Blacktown, Blue Mountains, Cumberland, Fairfield, Hawkesbury, Liverpool, Parramatta, Penrith and Canterbury-Bankstown Councils (CBC).

The former Bankstown City Council originally joined WSROC in 2002 and continues to be a member following the proclamation.

At its Ordinary Meeting in May 2016, Council resolved to confirm its membership of Southern Sydney Regional Organisation of Councils (SSROC) and WSROC, however also resolved to review its ongoing membership of WSROC.

### **REPORT**

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As Council is aware, the strength of all established regional organisations of councils (ROC's) throughout NSW is their approach to formulating agreed policy positions and advocacy on behalf of the broader region, particularly in vital issues such as transport, employment and regional planning.

WSROC covers/represents a significant geographic area and largely represents around 60% of Sydney's population growth. Graphically, the area is depicted in the attached map.

#### *Current WSROC Member Councils*



Whilst WSROC continues to advocate on behalf of member councils on significant issues such as transport, population growth and land use planning, particularly throughout existing suburbs, there is a strong focus/emphasis also being placed on addressing other high priority issues, including:

- The proposed development of the Western Sydney Airport at Badgerys Creek;
- Construction of a north-south rail link between Hawkesbury and Campbelltown, connecting the North West and South West Priority Growth Areas and Western Sydney Employment Lands at Badgerys Creek;
- Ongoing growth and development of various greenfield sites throughout Western Sydney and the pressure it will place on infrastructure, particularly transport;
- Establishing various rail lines and links to the various priority growth areas; and
- Flooding mitigation measures in the Hawkesbury Nepean Valley;

Whilst Council acknowledges both the importance and necessity of focusing on emerging challenges throughout the broader Western Sydney region, we too face a number of prevailing issues, which are more central and/or largely impact Council's metropolitan neighbouring council's, particularly those based within SSROC.

Like WSROC, councils in Central / Southern Sydney similarly face various challenges associated with broader transport, planning and growth, particular to the region. Issues of affordable housing, ageing infrastructure, traffic congestion, open space and stormwater management are among some of the broader issues needing to be appropriately planned for.



One of the region's major initiatives, particularly affecting CBC, will be planning for the proposed Sydenham to Bankstown Urban Renewal Corridor, and proposed population growth, which will require a significant focus in the coming years.

Furthermore, the NSW Government's Department of Planning and Environment have recently announced six (6) new Districts that form the metropolitan area. CBC has been placed in the South District, which also includes Georges River and Sutherland Councils.

As Council will be aware, the district plans will set priorities for each region, particularly to build on current economic, community and environmental relationships between the associated councils.

As it stands, both the Central and South Districts form the current SSROC and as such CBC's ongoing involvement with this regional group of Council's remains important for our local government area.

That said, subject to Council's consideration, it is proposed that CBC formally notify WSROC that they will be ending their membership. It should be noted that in accordance with the provisions of the WSROC Constitution, Council is required to provide WSROC six (6) months' notice of its intention to end its membership.

## **POLICY IMPACT**

---

There is no direct policy impact resulting from this recommendation.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

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Support of the report's recommendation will provide an annual saving of around \$70K per annum.

## **RECOMMENDATION** That

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1. Council ends its membership of Western Sydney Regional Organisation of Councils (WSROC) in accordance with the provisions of the WSROC's Constitution.
2. The General Manager advise WSROC of Council's decision, for the reasons outlined in the report.

## **ATTACHMENTS**

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Nil



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## Report of the General Manager - 6 December 2016

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**ITEM 6.8**                      **Release of Easement for Overland Flow Path 3.66m Wide at 139 Horsley Rd, Panania.**

**AUTHOR**                      **Operations**

### **ISSUE**

To consider the release of a redundant Easement for Overland Flow Path at 139 Horsley Road, Panania.

### **RECOMMENDATION** That -

1. Council consent to the release of the Easement for Overland Flow Path at 139 Horsley Road, Panania.
2. The Administrator and General Manager be delegated authority to execute all documents, under the common seal of Council, as required

### **BACKGROUND**

Development Application No. DA 636/2015 was issued on 26 February 2016 for the *"Construction of a Two Story 40 Place Child Care Centre..."* at 139 Horsley Road, Panania.

The development was proposed over an Easement for Overland Flow Path 3.66 metre wide which traversed along the western boundary of the property. Prior to proposing the development, the developer requested Council consider the ramifications of building over the easement or releasing it altogether.

Investigations established that 139A Horsley Road was known as a disused Drainage Reserve. Council negotiated the sale of the land to the adjoining property owner at 139 Horsley Road and in 1995 139A was consolidated with 139 Horsley Road as part of the sale of the land.

The Drainage Reserve was not needed for drainage infrastructure nor required for the overland flow of stormwater. However, Council decided to retain the Easement for Overland Flow Path over the Drainage Reserve.

Council has since performed catchment based flood studies which indicate the effective area of the overland flow path is within the road reserve of Wilson Road with minor break out flooding over several of the properties in the vicinity. The area reserved for the Easement for Overland Flow Path at 139 Horsley Rd is not needed for the purposes of conveying stormwater as shown in the flood studies.

Council staff agreed to allow the release of the Easement subject to the developer agreeing to ensure the front setback area of any development on the lot be constructed to allow for the overland flow of stormwater to run along the existing drainage easement in the front corner of the site. The development consent gave approval to the construction of the Child Care Centre over the easement with a condition to release the Easement for Overland Flow Path.

## **REPORT**

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The development is in the preliminary stages of construction which renders the Easement for Overland Flow Path 3.66m wide redundant. The redundant easement is highlighted in Attachment A.

Subdivision Certificate Application SUB 353/2016 has been submitted to Council and proposes releasing the Easement for Overland Flow Path 3.66m wide.

As the existing easement is now redundant, it is recommended the Easement be released.

## **POLICY IMPACT**

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This matter has no policy impact.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

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This matter has no financial implications to Council as costs will be covered by the applicant.

## **RECOMMENDATION** That -

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1. Council consent to the release of the Easement for Overland Flow Path at 139 Horsley Road, Panania.
2. The Administrator and General Manager be delegated authority to execute all documents, under the common seal of Council, as required

## **ATTACHMENTS** [Click here for attachment](#)

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- A. Release of Easement for Overland Flow Path Plan

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## Report of the General Manager - 6 December 2016

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### **ITEM 6.9                      SSROC Street Lighting Improvement (SLI) Program Update**

**AUTHOR                      Operations**

#### **ISSUE**

To advise Council of street lighting improvement initiatives coordinated through the SSROC's Street Lighting Improvement Program including an offer by the National Carbon Bank Australia (NCBA) for the creation and sale of Energy Saving Certificates (ESC) and Ausgrid Light Emitting Diode (LED) pricing proposal.

#### **RECOMMENDATION    That -**

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1.    The information of the SSROC's Street Lighting Improvement (SLI) Program be noted;
2.    The offer by National Carbon Bank Australia (NCBA) for the creation and sale of Energy Saving Certificates on behalf of Council be accepted;
3.    Council nominates Option 2a with a repayment period of 10 years for Ausgrid's proposed pricing schedule for new LED luminaires (for residential, intermediate and main roads, including LED main road trial pricing);
4.    Council participates in the LED main road lighting trial.

#### **BACKGROUND**

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Canterbury Bankstown Council is member of the SLI Program (35 Councils prior to Council amalgamations), which is sponsored by Southern Sydney Regional Organisation of Councils (SSROC). In total 30 of 33 councils that Ausgrid serves are now part of the SSROC SLI Program. The Program encompasses more than 95% of all the street lights in the Ausgrid region.

Council's initiatives through the SLI Program has remained focused on cost savings, reduction in greenhouse gas emissions and improved street lighting service provision. In recent years, the deployment of long-life, less-maintenance-intensive and proven street lighting technologies is considered the best way to achieve these multiple objectives.

In April 2016, the NSW Government introduced a new method under the NSW Energy Savings Scheme to encourage the rollout of energy efficient street lighting by making it easier for Councils to access the benefits of the Scheme. Council has received an offer for the creation and sale of Energy Saving Certificates by National Carbon Bank of Australia (NCBA). This initiative is supported by SLI Program.

Networks NSW, a joint venture of Ausgrid, Endeavour Energy and Essential Energy, has completed a street lighting equipment tender. As a result of this tender, Ausgrid has recently sent Council a revised pricing proposal for a range of new LED street lights for Council's endorsement. As this change is happening outside of the normal 5 yearly regulatory pricing review by the Australian Energy Regulator, such changes must be by joint agreement of the parties.

The above and other initiatives pursued through the SLI Program is reported below.

## **REPORT**

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### **National Carbon Bank Australia (NCBA) Offer for the Creation and Sale of ESCs**

In April 2016, the NSW Government introduced a new method under the NSW Energy Savings Scheme to encourage the rollout of energy efficient street lighting by making it easier for Councils to access the benefits of the Scheme. For every old inefficient street light replaced with new energy efficient light an Energy Savings Certificate (ESC) can be created and sold on the energy market creating revenue for Council. For every 80W mercury vapour luminaire upgraded to a 22W LED, approximately four ESCs can be created and may earn Council \$80 in the current ESC market. This revenue from ESCs can be claimed for spot replacements and is expected to make a vital contribution to the business case for the accelerated replacements of old inefficient street lights.

In September 2016 the Independent Pricing and Regulatory Tribunal (IPART) approved NCBA's accreditation under the new Public Lighting Method (PLM). This is the first and currently the only accreditation for NSW ESCs under the new PLM. NCBA has also signed a detailed Memorandum of Understanding with Ausgrid that establishes the provisions for NCBA to collect, validate and quality check all the documentation to be used as evidence with IPART.

Following this, NCBA has approached Council and offered to create and sell ESC that can be made from public lighting upgrades in our LGA. In order to start this process Council needs to give authority for NCBA to work with Ausgrid to collect the required information and sign the nomination form and agreement with NCBA.

The Terms of engaging NCBA as Council's Accredited Certificate Provider for public lighting upgrades have been created through consultation with SSROC and Councils with key features listed below.

- It is a three year contract however it is flexible and can be terminated by Council at any time after giving 30 days' notice.
- During the term of contract Council can enter into alternative arrangements with other providers.
- There are no upfront fees. The service fee of \$4.50 + GST per ESC is payable from the revenue generated from the creation and sale of ESCs.
- NCBA will sell the Certificates directly to an electricity provider or via a broker within 90 days from registration which will be completed on a monthly basis.
- NCBA will pay the Council the proceeds from the sale of each Certificate less the Service Fee within 14 days of completion of the sale.

- Providing full transparency for Councils with NCBA maintaining an open book policy for all records so any authorised officer of the Council may inspect the records for their own Council and undertake their own due diligence at any time

Based on the above and considering that at this time NCBA is the only Accredited Certificate Provider for NSW ESC under the new PLM, it is recommended that we enter into an agreement with NCBA without first inviting quotes or tenders. Furthermore, based on the scale of lighting replacements in previous years the value of the contract over three years may not reach tender the threshold of \$150,000 (GST inc.).

It is important that we enter into the agreement with NCBA as soon as possible as it is anticipated that Ausgrid will shortly make a proposal regarding the accelerated replacement of twin fluorescent 20W (TF2\*20) street lighting with LED street lighting. This will enabling us to receive revenue from the sale of ESCs to offset some of the costs of replacement.

### **Revised Ausgrid LED Street Lighting Pricing Proposal**

Following extensive discussions between Ausgrid, SSROC and Councils, Ausgrid have distributed a revised LED pricing proposal for councils to consider. In its proposal, Ausgrid has presented a number of pricing options for Councils based on repaying capital costs over 10, 12 or 14 years and based on three different risk sharing approaches which can be broadly summarised as follows:

- 1) **Option 1** - Council bearing the financial risk of failures not otherwise covered by warranty
- 2) **Option 2a** – Ausgrid bearing the financial risk of failures not otherwise covered by warranty
- 3) **Option 2b** - Council and Ausgrid sharing the financial risk of failures not otherwise covered by warranty

SSROC's SLI Program has recommended Councils accept Option 2a with capital repayment over a 10 year period. While selecting this option SLI Program took the following into consideration:

- Ausgrid takes on full responsibility for bearing the financial risk of failures not otherwise covered by warranty. In general, risk should rest with the party best able to manage it.
- The overall financial risks for Council are minimal at this stage as the budgetary impact is low.
- The shorter the repayment period, the lower the net present value of total costs for council.
- 10 years aligns with the equipment warranty period secured in the Networks NSW tender,
- LEDs, smart controls and smart city technology are evolving so rapidly so a shorter repayment period will allow Councils to accommodate future technology changes without as much risk of large price shocks.

Ausgrid will select the Option and repayment period selected by the majority of councils in their catchment.

## **Participation of Council in a trial of LED street lighting on main roads**

Ausgrid is proposing a number of LED trials on main roads to validate performance and identify any installation issues before adoption as a standard option planned for 2017/18. Ausgrid is seeking expressions of interest from Councils to participate in the trial which aim to replace current 400W and 250W Mercury Vapour lighting with LED aiming for energy savings exceeding 50%. If a suitable site can be identified. It is recommended Council participate in the trial should a suitable location be found.

## **Review of NSW Public Lighting Code**

The Department of Industry - Energy & Resources Division recently convened a meeting of the Public Lighting Forum (including ROCs, LGNSW, RMS & the utilities). The Department has made an initial proposal about amendments to the NSW Public Lighting Code. The SSROC SLI Program is reviewing these and will submit comments to the Department over the coming weeks. As per previous advice, the Department's stated view is that the Code should be made mandatory and that a variety of new reporting requirements and penalties for non-performance should be introduced. These are important reforms that councils have been seeking for some time and would be strongly welcomed if enacted.

## **NSW Climate Change Policy Framework**

The NSW Government has recently released the NSW Climate Change Policy Framework. The policy framework contains four key proposals related to street lighting for comment:

- Expanding the role of Accredited Service Providers in upgrading and maintaining public lighting.
- Setting minimum performance standards and reporting requirements in the NSW Public Lighting Code.
- Other measures, such as targeted grants to accelerate replacement of inefficient fittings that have a long remaining economic life and high residual capital value.
- A program to support councils to access specialist services and build capacity to upgrade public lighting.

SSROC will be reviewing the Framework, discussing it with the Department and submitting comments.

## **IPWEA Street Lighting & Smart Controls Programme**

The SSROC SLI Program has been invited to join the Technical Advisory Group of the recently launched IPWEA Street Lighting & Smart Controls (SLSC) Programme. This two-year, government-supported programme involves joint industry efforts to secure street lighting policy reform across the National Electricity Market, developing industry standard documentation and delivering a comprehensive education programme. The SLSC has the backing of the Commonwealth Government, several capital cities, major associations (including ALGA, the Lighting Council Australia and the Energy Networks Association) and almost all leading players in the street lighting industry. SSROC has contributed a number of detailed policy reform suggestions to an SLSC Programme Roadmap currently in preparation based on SSROC's experience with street lighting and regulatory pricing reviews over recent years.



## **POLICY IMPACT**

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The information and actions proposed by the SLI Program in this report are consistent with Council's Public Lighting Strategy.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

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Accepting NCBA's offer for the creation and sale of ESCs for Council will generate an income through replacement of old inefficient street lights with new energy efficient LEDs. This will help Council to offset some of the costs of replacement of TF2\*20 luminaires once the accelerated replacement program is introduced in the near future.

The recommended Ausgrid pricing proposal option by SSROC for would have only minimal impact on Council's overall street lighting budget.

Participating in the main roads LED trial, Council may pay a higher price for LED luminaires than they would be in the future, due to the low volume purchase. However, any modest upfront costs are likely to be offset by energy and maintenance cost savings.

## **RECOMMENDATION** That -

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1. The information of the SSROC's Street Lighting Improvement (SLI) Program be noted;
2. The offer by National Carbon Bank Australia (NCBA) for the creation and sale of Energy Saving Certificates on behalf of Council be accepted;
3. Council nominates Option 2a with a repayment period of 10 years for Ausgrid's proposed pricing schedule for new LED luminaires (for residential, intermediate and main roads, including LED main road trial pricing);
4. Council participates in the LED main road lighting trial.

## **ATTACHMENTS**

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Nil



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## Report of the General Manager - 6 December 2016

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### **ITEM 6.10                      Cash and Investment Report as at 30 November 2016**

**AUTHOR                      Corporate**

### **ISSUE**

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This report details Council's cash and investments as at 30 November 2016.

### **RECOMMENDATION    That -**

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1.        The Cash and Investment Report as at 30 November 2016 be received and noted.
2.        The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

### **BACKGROUND**

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In accordance with clause 212 of the Local Government (General) Regulation 2005, the Responsible Accounting Officer must provide the council with a written report each month, which sets out the details of all money that council has invested under section 625 of the Local Government Act 1993.

Council's investments continue to be managed in accordance with the former Council's investment policies. The report below provides a consolidated summary of Council's total cash investments.

### **REPORT**

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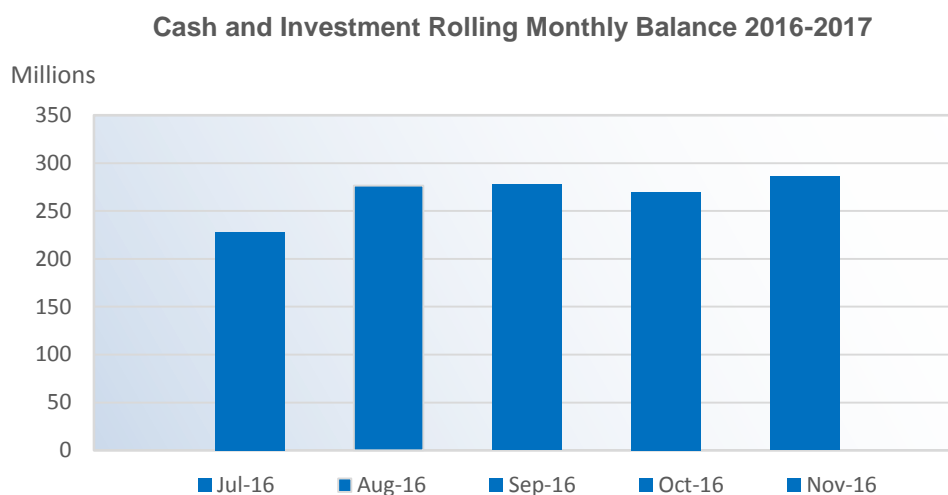
#### **Cash and Investment Summary – as at 30 November 2016**

In total, Council's Cash and Investments holdings as at 30 November 2016 is as follows:

<b>Cash and Investments</b>	<b>\$</b>
<b>Cash at Bank</b>	7,187,751
<b>Deposits at Call</b>	53,350,534
<b>Term Deposits</b>	199,763,000
<b>Floating Rate Notes</b>	26,001,485
<b>Total Cash and Investments</b>	<b>286,302,770</b>



Council's level of cash and investments varies from month to month, particularly given the timing of Council's rates and collection cycle, its operations and carrying out its capital works program. The following graph outlines Council's closing cash and investment balance for each month.



A summary of Council's investment interest income earned for the period to 30 November 2016 is as follows:

Interest Income	November 2016 \$	Year-to-date Nov 2016 \$
<b>Budget</b>	513,501	2,567,505
<b>Actual Interest</b>	630,754	3,133,150
<b>Variance</b>	117,253	565,645
<b>Variance (%)</b>	22.83%	22.03%

Year to date investment interest is tracking above budget. This is mainly due to higher than anticipated cash and investment balances as at end November. As noted above Council's level of cash and investments varies from month to month which is also reflected in fluctuations in monthly interest income.

Council is also required to ensure that its portfolio has an appropriate level of diversification and maturity profile. This is to ensure that funds are available when required and where possible to minimise any re-investment risk.



The tables below outline Council's portfolio by maturity limits and investment type:

<b>Overall Portfolio Maturity Limits</b>	
	<b>Actual % of Portfolio</b>
<b>Portfolio % &lt;= 1 Year</b>	62
<b>Portfolio % &gt;1 Year &lt;=3 Years</b>	26
<b>Portfolio % &gt;3 Years &lt;=5 Years</b>	12
<b>Portfolio % &gt;5 Years</b>	
<b>Total Cash and Investments</b>	100%

<b>Overall Portfolio by Investment Type</b>	
	<b>Actual % of Portfolio</b>
<b>Cash at Bank</b>	2
<b>Deposits at Call</b>	19
<b>Term Deposits</b>	70
<b>Floating Rate Notes</b>	9
<b>Total Cash and Investments</b>	100%

At present, the former Council's existing Investment Strategies and Policies continue to apply. Council has recently finalised a quotation process for the selection of a single Investment Advisor. The transition to the single investment advisor will occur during December and a single Cash Investment Policy will be developed. It is anticipated that the draft policy will be presented to council for consideration early in the New Year.

A detailed analysis of each former Councils (Branches) Cash and Investments is attached for your information.

## **CERTIFICATION OF INVESTMENTS - RESPONSIBLE ACCOUNTING OFFICER**

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The Responsible Accounting Officer certifies that the cash and investments detailed in this report have been invested in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005, the Minister's Investment Order, the Division of Local Government's Investment Policy Guidelines and the former Council's Cash Investments Policy.

## **POLICY IMPACT**

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Council's investments are maintained in accordance with legislative requirements and its Cash and Investment Policy's.





## **FINANCIAL IMPACT OF RECOMMENDATIONS**

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Interest earned for this period has been reflected in Council's financial operating result for this financial year. Council's annual budget will be reviewed, having regard to Council's actual returns, as required.

## **RECOMMENDATION** That -

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1. The Cash and Investment Report as at 30 November 2016 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

## **ATTACHMENTS** [Click here for attachments](#)

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- A. Canterbury Branch Cash and Investments Summary November 2016
- B. Bankstown Branch Cash & Investments Report November 2016
- C. CPG Research & Advisory Bankstown Branch Cash & Investments Report November 2016



## **7 COMMITTEE REPORTS**

The following items are submitted for consideration -

- |     |  |     |
|-----|--|-----|
| 7.1 | Minutes of the Canterbury Traffic Committee meeting held on<br>21 November 2016 and Bankstown Traffic Committee meeting held on<br>22 November 2016. | 101 |
| 7.2 | Minutes of the Stronger Communities Fund Sub-Committee Meeting<br>held on 16 November 2016   | 103 |



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## Committee Reports - 6 December 2016

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**ITEM 7.1**                      **Minutes of the Canterbury Traffic Committee meeting held on 21 November 2016 and Bankstown Traffic Committee meeting held on 22 November 2016.**

**AUTHOR**                      **Operations**

### **ISSUE**

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Recommendations of the Canterbury and Bankstown Traffic Committee meetings.

### **RECOMMENDATION**

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That the recommendations contained in the minutes of the Canterbury Traffic Committee meeting held on 21 November 2016 and the Bankstown Traffic Committee meeting held on 22 November 2016, be adopted.

### **BACKGROUND**

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Attached are the minutes of the Canterbury Traffic Committee meeting held on 21 November 2016 and the Bankstown Traffic Committee meeting held on 22 November 2016.

The Committees have been constituted to advise and make recommendations in relation to traffic activities. They have, however, no delegated authority and cannot bind Council.

The recommendations of the Committees are in line with the objectives of the Committees and with established practices and procedures.

### **FINANCIAL IMPACT OF RECOMMENDATIONS**

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Potential costs arising out of recommendations of the Traffic Committees are detailed in future Works Programs for Roadworks/Traffic Facilities.

### **RECOMMENDATION**

---

That the recommendations contained in the minutes of the Canterbury Traffic Committee meeting held on 21 November 2016 and the Bankstown Traffic Committee meeting held on 22 November 2016, be adopted.

## **ATTACHMENTS**

[Click here for attachments](#)

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- A. Minutes of the Canterbury Traffic Committee Meeting held on 21 November 2016.
- B. Minutes of the Bankstown Traffic Committee meeting held on 22 November 2016

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## Committee Reports - 6 December 2016

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**ITEM 7.2**                      **Minutes of the Stronger Communities Fund Sub-Committee Meeting held on 16 November 2016**

**AUTHOR**                      **Corporate**

### **ISSUE**

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Minutes of the Stronger Communities Fund Sub-committee.

### **RECOMMENDATION**

---

That the minutes of the Stronger Communities Fund Sub-committee meeting held on 16 November 2016 be adopted.

### **REPORT**

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On 14 June 2016, Council resolved to establish the Stronger Communities Fund Sub-committee. The Sub-committee has powers to make recommendations but not decisions. Attached are the minutes from its meeting held on 16 November 2016.

### **FINANCIAL IMPACT OF RECOMMENDATIONS**

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This report has no financial implications.

### **RECOMMENDATION**

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That the minutes of the Stronger Communities Fund Sub-committee meeting held on 16 November 2016 be adopted.

### **ATTACHMENTS**

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[Click here for attachment](#)

- A. Minutes of the Stronger Communities Fund Sub-Committee meeting held on 16 November 2016.





## **8 NOTICE OF MOTIONS & QUESTIONS WITH NOTICE**

There were no items submitted for this section at the time the Agenda was compiled.



## **9            MATTERS FOR INFORMATION**

The following item is submitted for consideration -

9.1    Draft South District Plan

109



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## Matters For Information - 6 December 2016

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### ITEM 9.1                      Draft South District Plan

**AUTHOR**                      Planning

### ISSUE

This report provides a preliminary summary of the Draft South District Plan on exhibition.

### RECOMMENDATION

That the information be noted.

### BACKGROUND

In November 2016, the Greater Sydney Commission commenced the exhibition of a Draft Amendment to the Metropolitan Plan '*A Plan for Growing Sydney*' together with Draft District Plans. The intended outcome is to set out the vision, priorities and actions for the six districts that make up the Greater Sydney Region.

Up until November and prior to the Council mergers, the former Bankstown City Council was part of the West Central District and the former Canterbury City Council was part of the South District.

In an Order published in the Government Gazette of 11 November 2016, Canterbury–Bankstown Council was placed in the South District, together with the Georges River Council and Sutherland Shire Council. Attachment A contains an overview of the Draft South District Plan. Council has until March 2017 to make a submission.

### REPORT

#### Key Issues

A preliminary review of the Draft South District Plan identifies certain key issues relevant to Canterbury–Bankstown Council, namely:

1. Council does not support the proposed dwelling target for the City of Canterbury–Bankstown without upfront infrastructure support from the State Government

Council's current planning framework, together with the Sydenham to Bankstown Urban Renewal Corridor Strategy, provides sufficient capacity to meet housing needs to 2036. Housing growth will be staged over 20 years to align with infrastructure provision and to address complex renewal issues affecting the city.

However, the Draft South District Plan requires Canterbury–Bankstown Council to deliver 13,250 new dwellings within the next 5 years (2016/17–2020/21). This equates to 2,650 new dwellings constructed per year (including this financial year).

This is the 4<sup>th</sup> highest housing target out of the 32 councils that make up the Greater Sydney Region. Attachment B contains an overview of the housing targets for all councils.

Top 5 councils	Housing target to be delivered in the next 5 years
Parramatta	21,650
Sydney	18,300
Blacktown	13,950
<b>Canterbury–Bankstown</b>	<b>13,250</b>
Camden	11,800

It is unclear, having completed a preliminary assessment of the Draft South District Plan, how the Greater Sydney Commission arrived at the housing target for Canterbury–Bankstown Council. Without demonstrating the planning work required to arrive at the short term target, Council would be concerned that the target is unfeasible at best.

In addition, there are no details as to which state or local programs informed the housing target. For example:

- The Draft Sydenham to Bankstown Urban Renewal Corridor Strategy is to be re-exhibited. The dwelling capacity is currently under investigation and the Draft South District Plan should not rely on that capacity without the significant planning work required to resolve how that can be appropriately delivered.
- The Land and Housing Corporation, in consultation with Council and other state agencies, is working on a State Significant Precinct Study, which will decide the future directions for the Riverwood social housing estate. The dwelling capacity is currently under investigation.
- Council and the Department of Planning & Environment are reviewing the Canterbury Road Corridor. The dwelling capacity is currently under investigation.
- There is no reference to Council's Local Area Plans.

The proposal to accelerate the delivery of an increased housing target over the next 5 years is therefore ambitious, and would require both significant upfront infrastructure support from the State Government and a review of the economic levers that influence both the housing market and land costs.

It is important for the State Government to address these issues prior to finalising the Draft South District Plan to better inform the housing target.

2. Council does not support the downgrade of Bankstown and Bankstown Airport in the centres hierarchy

The Metropolitan Plan 'A Plan for Growing Sydney' currently identifies the Bankstown CBD as a strategic centre and Bankstown Airport as a transport gateway. This hierarchy informs the State Government's infrastructure priorities.

The Draft South District Plan is proposing to retain Kogarah as a strategic centre, and to downgrade Bankstown and Bankstown Airport to district centres. The other district centres are Campsie, Hurstville, Miranda and Sutherland.

According to the Draft Plan, Kogarah is the only health and education super precinct to qualify as a strategic centre. As a result, Bankstown will not feature in an economic development strategy to be prepared for the Eastern City (comprising the North, Central and South Districts).

However, a comparison indicates the other districts contain more than one strategic centre to support economic growth:

District	Number of strategic centres	Strategic centres
Central	6	Sydney City, Sydney Airport, Green Square, Randwick, Port Botany, Rhodes
North	5	Macquarie Park, North Sydney, St Leonards, Chatswood, Northern Beaches Hospital
West Central	4	Parramatta, Sydney Olympic Park, Norwest, Blacktown
South West	2	Liverpool, Campbelltown
West	1	Penrith

It is important for the Draft South District Plan to recognise Bankstown as a strategic centre and the Bankstown Airport as a transport gateway. This is consistent with the findings of state and local strategic planning, and the economic role of Bankstown and Bankstown Airport in servicing south–west Sydney.

It is considered the South District is capable of accommodating more than one strategic centre. The examples above indicate the role of strategic centres is not limited to health and education super precincts.

### 3. The Draft Plan does not identify infrastructure improvements to support population growth or the job / housing targets in the City of Canterbury–Bankstown

The Draft South District Plan does not indicate a link between the job and housing targets with state infrastructure improvements.

The biggest challenge is to fund the replacement of ageing state infrastructure to support growth. This includes having accessible stations, enhancing centres, supporting employment precincts, land acquisition, road network improvements, and regional stormwater drainage improvements.

This challenge also includes the replacement of ageing state infrastructure to support the proposed Sydney Metro (Sydenham to Bankstown). This includes the Campsie by-pass, improved access over the railway line in Campsie, land acquisition for new open space, and providing mixed use development opportunities at the Bankstown railway station and surrounding surplus land.

At present, the State Government and Council rely mainly on development contributions to fund these works at a regional and local level. However, this process cannot keep pace with population growth. The financial impact is it will place pressure on Council and existing communities to find ways to fund or lobby the provision and maintenance of essential regional infrastructure and services.

Whilst the Draft South District Plan raises the issue of value capture, this is subject to further work with no timetable for completion. It is important for the State Government to link the job and housing targets with state / regional infrastructure improvements prior to finalising the Draft South District Plan.

4. The Draft Plan does not identify major north–south transport improvements in the City of Canterbury–Bankstown

The Draft South District Plan appears to reinforce existing east–west transport connections to Sydney City such as the proposed Sydney Metro (Sydenham to Bankstown) and WestConnex. It does not address the infrastructure gaps to support regional north–south transport connections to Parramatta and the West Central District. These include:

- The Fairford Road / Stacey Street widening between the M5 and the Hume Highway.
- The Hume Highway / Stacey Street grade separation.
- Investigation of a light rail connection to Parramatta.
- Inclusion of the Duck River Corridor as part of the green grid and open space network.

It is important for the State Government to commit to the delivery of these major transport infrastructure upgrades prior to finalising the Draft South District Plan, particularly given the aim to provide accessible jobs and services within 30 minutes of homes.

5. The Draft Plan does not identify how the State Government will guide the planning for the Bankstown Airport / Milperra Specialised Centre

The Draft South District Plan identifies the Bankstown Airport / Milperra Specialised Centre as providing capacity for up to 20,000 new jobs to 2036. However, no information is provided on how this will be achieved.

It is important for the Draft Plan to outline how the State and Commonwealth Government will address the coordination and funding of the required transport and infrastructure for the Bankstown Airport / Milperra Specialised Centre.

## **Other Issues**

The Draft South District Plan proposes certain other actions, which will have implications for Council. These include:

- The introduction of a precautionary approach to rezoning employment and urban support lands. This includes industrial zones and business zones that permit a number of industrial uses. The Greater Sydney Commission emphasises the value of employment and urban support lands, underpinned by the economic contribution they make and strong demand for this comparatively scarce resource and which is supported.



- The introduction of an Affordable Rental Housing Target (i.e. 5% to 10% of new floor space) to be secured by Council at the rezoning stage and passed onto a registered Community Housing Provider to manage.
- The introduction of maximum car parking rates to address housing affordability (i.e. more cost effective building approaches).
- The suggestion that Council should consider the inclusion of planning mechanisms such as floor space bonuses to incentivise the provision of walkable neighbourhoods with good walking and cycling connections to railway stations, parks and schools. It is noted the Department of Planning & Environment did not support Council's proposal to include such a mechanism in the recent planning proposal for Auburn Road, Regents Park.
- The proposal to collaborate with government schools to access school facilities and open space.
- The proposal to protect, enhance and extend the urban tree canopy, and the suggestion that Council should include green cover and shade tree planting along major transport corridors.

Council will provide a response to these and other issues when it prepares its submission in early 2017.

## **POLICY IMPACT**

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The Greater Sydney Commission requires Council to consider the Draft South District Plan when preparing planning proposals. The Draft Plan will also inform the State Government's infrastructure priorities.

As soon as practicable after the South District Plan is made, section 75A of the Environmental Planning & Assessment Act 1979 requires Council to review the local environmental plans to give effect to the District Plan. Council will need to monitor the delivery of the housing target and report to the Greater Sydney Commission.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

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At this stage, this matter has no financial implications for Council.

## **RECOMMENDATION**

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That the information be noted.

## **ATTACHMENTS**

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[Click here for attachments](#)

- A. Overview—Draft South District Plan
- B. Information Note—Dwelling Targets



## **10        QUESTIONS FOR NEXT MEETING**



## **11        CONFIDENTIAL SESSION**

- 11.1     Disposal of Drainage Reserve - 11A Angus Crescent, Yagoona
- 11.2     Property Matter - Council Land at 1A, 1Z and Part 1B Donovan Street, Revesby Heights
- 11.3     Footbridge between East Hills and Voyager Point
- 11.4     Various Property Matters
- 11.5     Contract for Illuminated Advertising Signs
- 11.6     EOI 03-16 - Bankstown Occasional Care, 24 Jacobs St Bankstown.
- 11.7     T71-16 - Tender for Wolli Creek Foreshores Improvement Works in Waterworth Park, Earlwood
- 11.8     T76-16 - Tender for Rotary Park Stage 2 Civil and Landscape Works at 150 Belmore Road, Riverwood
- 11.9     T38-16 - On-Call Clean Up Collection Service
- 11.10    T39-16 - Collection of Garden Organics
- 11.11    T02-17 - Receipt and Processing of Domestic Garden Organics
- 11.12    T04-17 Bennett Street Stormwater Drain Upgrade
- 11.13    T06-17 Provision of Community and Recreational Programs for the Greenacre Community Centre

- 11.14 T10-17 Picnic Point Bank Stabilisation
- 11.15 T15-17 Construction of Roundabout at Intersection of Townsend Street and Mitchell Street, Condell Park
- 11.16 T16-17 Brodie Street and Albury Street Roundabout, Yagoona
- 11.17 T25-17 Raised Pedestrian Crossing Thresholds at Marco Avenue and Selems Parade, Revesby
- 11.18 T28-17 Supply and Delivery of Swimming Merchandise and Accessories at Leisure, Aquatic & Fitness Centres
- 11.19 T29-17 Roundabout and Associated Works at South Terrace and Scott Street - Bankstown
- 11.20 T32-17 Hector Street Traffic Improvement
- 11.21 T33-17 Pavement Rejuvenation using Slurry Sealing - Micro Surfacing Treatments
- 11.22 Execution of Documents - Riverwood North Project
- 11.23 Administrator's Minute – Legal Matter

# **General Manager's Statement**

## **Confidentiality**

Councillors and staff are reminded of their obligations in respect to the need for confidentiality and not disclose or otherwise misuse the information which is about to be discussed, failure to do so could result in a reference to the NSW Civil and Administrative Tribunal and/or result in a prosecution in accordance with Sec. 664 of the Act for which the maximum penalty is \$5,500.

## **CONFIDENTIAL SESSION**

Section 10A(2) of the Local Government Act, 1993 provides that Council may, by resolution, close to the public so much of its meeting as comprises the receipt or discussion of matters as listed in that section, or for any matter that arises during the course of business during the meeting that should be treated as confidential in accordance with Section 10(2) of the Act.

Council's Agenda for this meeting contains reports that meet the criteria specified in Section 10A(2) of the Act. To consider these reports in confidential session, Council can adopt the following recommendation:

### **RECOMMENDATION**

That, in accordance with Section 10A(2) of the Local Government Act, 1993, the Public and the Press be excluded from the meeting to enable Council to determine Items 11.1, 11.2, 11.3, 11.4, 11.5, 11.6, 11.7, 11.8, 11.9, 11.10, 11.11, 11.12, 11.13, 11.14, 11.15, 11.16, 11.17, 11.18, 11.19, 11.20, 11.21, 11.22 in confidential session for the reasons indicated:

#### **Item 11.1 Disposal of Drainage Reserve - 11A Angus Crescent, Yagoona**

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

#### **Item 11.2 Property Matter - Council Land at 1A, 1Z and Part 1B Donovan Street, Revesby Heights**

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

#### **Item 11.3 Footbridge between East Hills and Voyager Point**

*This report is considered to be confidential in accordance with Section 10A(2)(g) of the Local Government Act, 1993, as it relates to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

#### **Item 11.4 Various Property Matters**

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



Item 11.5 Contract for Illuminated Advertising Signs

*This report is considered to be confidential in accordance with Section 10A(2)(d)(ii) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council.*

*This report is considered to be confidential in accordance with Section 10A(2)(g) of the Local Government Act, 1993, as it relates to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

Item 11.6 EOI 03-16 - Bankstown Occasional Care, 24 Jacobs St Bankstown.

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

Item 11.7 T71-16 - Tender for Wolli Creek Foreshores Improvement Works in Waterworth Park, Earlwood

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

Item 11.8 T76-16 - Tender for Rotary Park Stage 2 Civil and Landscape Works at 150 Belmore Road, Riverwood

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

Item 11.9 T38-16 - On-Call Clean Up Collection Service

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

Item 11.10 T39-16 - Collection of Garden Organics

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

Item 11.11 T02-17 - Receipt and Processing of Domestic Garden Organics

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

Item 11.12T04-17 Bennett Street Stormwater Drain Upgrade

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

Item 11.13T06-17 Provision of Community and Recreational Programs for the Greenacre Community Centre

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

Item 11.14T10-17 Picnic Point Bank Stabilisation

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

Item 11.15T15-17 Construction of Roundabout at Intersection of Townsend Street and Mitchell Street, Condell Park

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

Item 11.16T16-17 Brodie Street and Albury Street Roundabout, Yagoona

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

Item 11.17T25-17 Raised Pedestrian Crossing Thresholds at Marco Avenue and Selems Parade, Revesby

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

Item 11.18T28-17 Supply and Delivery of Swimming Merchandise and Accessories at Leisure, Aquatic & Fitness Centres

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

Item 11.19T29-17 Roundabout and Associated Works at South Terrace and Scott Street  
- Bankstown

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

Item 11.20T32-17 Hector Street Traffic Improvement

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

Item 11.21T33-17 Pavement Rejuvenation using Slurry Sealing - Micro Surfacing Treatments

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

Item 11.22 Execution of Documents - Riverwood North Project

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

Item 11.23 Administrator's Minute – Legal Matter

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

*This report is considered to be confidential in accordance with Section 10A(2)(e) of the Local Government Act, 1993, as it relates to information that would, if disclosed, prejudice the maintenance of law.*

*This report is considered to be confidential in accordance with Section 10A(2)(g) of the Local Government Act, 1993, as it relates to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*