

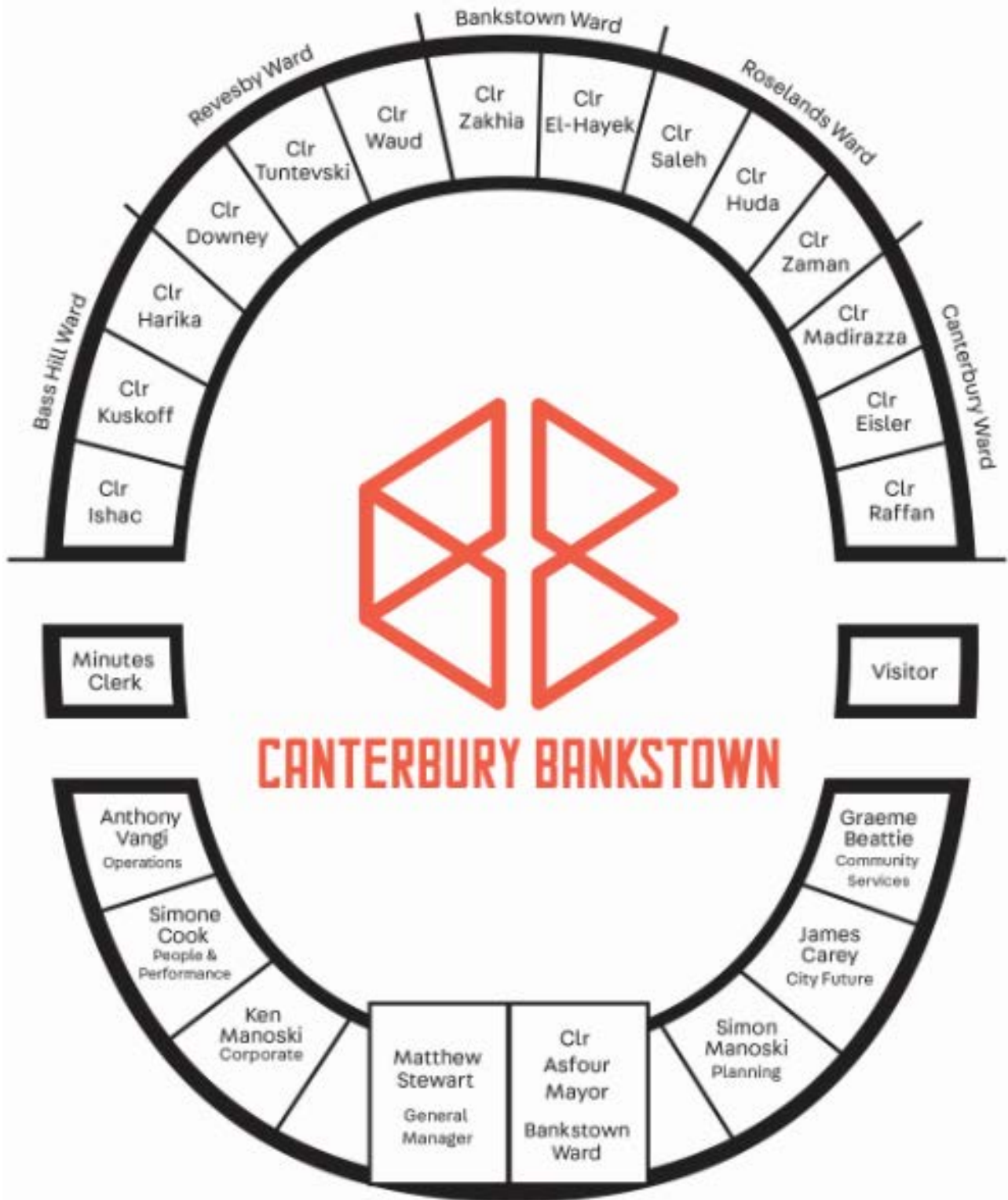


AGENDA FOR THE ORDINARY MEETING

12 December 2017



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1 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The following minutes are submitted for confirmation -

1.1 Minutes of the Ordinary Meeting of Council of 28 November 20177

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
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PRESENT: His Worship the Mayor, Councillor Asfour,
Councillors Downey, Eisler, El-Hayek, Harika, Huda, Ishac, Kuskoff, Madirazza,
Raffan, Saleh, Tuntevski, Zakhia, Zaman

APOLOGIES Clr Waud

HIS WORSHIP THE MAYOR DECLARED THE MEETING OPEN AT 6.01 PM.

REF: CONFIRMATION OF MINUTES

(35) CLR. EL-HAYEK:/CLR. HARIKA

RESOLVED that the minutes of the Ordinary Council Meeting held on 24 October 2017 be adopted.

- CARRIED

SECTION 2: LEAVE OF ABSENCE

(36) CLR. ISHAC:/CLR. TUNTEVSKI

RESOLVED that Leave of Absence be granted to Clr Waud for health reasons.

- CARRIED

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

In respect of Items 5.1 and 5.2 Clr Zakhia declared a Pecuniary Conflict of Interest as he owns properties in the vicinity of the Sydenham to Bankstown rail corridor which is the subject of these reports and indicated he would not participate in considering the matters and would vacate the chamber.

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In respect of Item 5.2 Clrs Raffan, Eisler, Zaman, Huda and Saleh declared a Pecuniary Conflict of Interest in accordance with Section 451 of the Local Government Act, 1993 as the submission may lead to the making of a principal environmental planning instrument that would apply to a significant part of the Council's area and that the Pecuniary Conflict of Interest may arise in respect of their principal place of residence. In accordance with Section 451 of the Local Government Act, 1993 they propose to participate in considering the matter and remain in the Chamber as it would not affect the way they vote.

SECTION 4: MAYORAL MINUTES

ITEM 4.1 BANKSIA ROAD PRIMARY SCHOOL TRAGEDY
(37) CLR. ASFOUR

RESOLVED that Council offers its condolences and sincere sympathies to the families of those involved in the Banksia Road Primary School tragedy.

- CARRIED

ALL THOSE PRESENT STOOD FOR ONE MINUTES SILENCE IN MEMORY OF THE CHILDREN INVOLVED IN THE BANKSIA ROAD PRIMARY SCHOOL TRAGEDY.

ITEM 4.2 COMMUNITY VOICE PANELS
(38) CLR. ASFOUR

RESOLVED that the Mayoral Minute be noted and Council trials two 'Community Voice Panels' for the Sydenham to Bankstown Metro and Sydenham to Bankstown Urban Renewal Strategy.

- CARRIED

ITEM 4.3 SETTING THE RECORD STRAIGHT
(39) CLR. ASFOUR

RESOLVED that the Mayoral Minute be noted.

- CARRIED

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ITEM 4.4 **AUSTRALIA DAY AWARDS**
(40) **CLR. ASFOUR**
RESOLVED that the Mayoral Minute be noted.
- CARRIED

ITEM 4.5 **REVIEW OF COUNCIL'S MAJOR EVENTS PROGRAM**
(41) **CLR. ASFOUR**
RESOLVED that Council review its major events program and brief Councillors on potential opportunities.
- CARRIED

ITEM 4.6 **BANGLADESH FESTIVAL**
(42) **CLR. ASFOUR**
RESOLVED that Council support the request for financial assistance from the Association of Bangladesh Voice Australia and waive the ground hire fee and associated charges of \$1,294 for the Bangladesh Festival and these funds be made available from Council's Community Grants and Sponsorship budget.
- CARRIED

ITEM 4.7 **ZONTA CLUB OF SYDNEY WEST**
(43) **CLR. ASFOUR**
RESOLVED that Council support the request for financial assistance from the Zonta Club of Sydney West and donate \$250.00 towards one of the awards and these funds be made available from Council's Community Grants and Sponsorship budget.
- CARRIED

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ITEM 4.8 ST SAVIOUR'S ANGLICAN CHURCH CEMETERY

(44) CLR. ASFOUR

RESOLVED that Council support the request from the Reverend Greg Inglis and provide in kind support to the value of \$550 for urgent maintenance work and these funds be made available from Council's Community Grants and Sponsorship budget.

- CARRIED

PUBLIC ADDRESS

(45) CLR. DOWNEY:/CLR. EL-HAYEK

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

- CARRIED

SECTION 5: PLANNING MATTERS

**ITEM 5.1 SUBMISSION ON THE SYDENHAM TO BANKSTOWN METRO ENVIRONMENTAL
IMPACT STATEMENT (METRO EIS)**

CLR ZAKHIA DECLARED A PECUNIARY CONFLICT OF INTEREST AS HE OWNS PROPERTIES IN THE VICINITY OF THE SYDENHAM TO BANKSTOWN RAIL CORRIDOR WHICH IS THE SUBJECT OF THIS REPORT AND INDICATED HE WOULD NOT PARTICIPATE IN CONSIDERING THE MATTER AND WOULD VACATE THE CHAMBER.

CLR ZAKHIA LEFT THE CHAMBER AT 6.20 PM.

MS KATE LUMLEY ADDRESSED COUNCIL.

(46) CLR. EISLER:/CLR. HARIKA

RESOLVED that an extension of two minutes be given to Ms Lumley to address Council.

- CARRIED

MS BARBARA COOREY ADDRESSED COUNCIL.

(47) CLR. RAFFAN:/CLR. EISLER

RESOLVED that an extension of two minutes be given to Ms Coorey to address Council.

- CARRIED

(48) CLR. DOWNEY:/CLR. HARIKA

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RESOLVED that an extension of two minutes be given to Ms Coorey to address Council.

- CARRIED.

MOTION

CLR. DOWNEY:/CLR. RAFFAN

That –

1. Given the lack of detailed justification Council does not support the NSW Governments decision to proceed with the Sydenham to Bankstown Metro.
2. In the event that the Government proceeds with the Sydenham to Bankstown Metro that the Government respond and amend the project to address the matters raised in Council’s submission.
3. The Government undertake extensive consultation that targets our diverse community and provide adequate time for the community to respond and have their voice heard.
4. Council endorse the submission on the Sydenham to Bankstown Environmental Impact Statement (EIS) subject to the following:
 - Clr Downey tabled a document containing the “Preamble” to be included into the submission.

THE FOLLOWING AMENDMENTS PROPOSED BY CLR EISLER WERE ACCEPTED BY CLR DOWNEY AND RAFFAN AND INCLUDED IN THE MOTION.

- a) That any extension of the metro beyond Sydenham should go to suburbs not currently serviced by rail.
- b) That Duntroon Street, Hurlstone Park is inappropriate as a pedestrian priority street and that the location of the pedestrian crossing and footpath remain.

(49)

CLR. DOWNEY:/CLR. RAFFAN

RESOLVED that

1. Given the lack of detailed justification Council does not support the NSW Governments decision to proceed with the Sydenham to Bankstown Metro.
2. In the event that the Government proceeds with the Sydenham to Bankstown Metro that the Government respond and amend the project to address the matters raised in Council’s submission.
3. The Government undertake extensive consultation that targets our diverse community and provide adequate time for the community to respond and have their voice heard.

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4. Council endorse the submission on the Sydenham to Bankstown Environmental Impact Statement (EIS) subject to the following:
- a) Clr Downey tabled a document containing the "Preamble" to be included into the submission.
 - b) That any extension of the metro beyond Sydenham should go to suburbs not currently serviced by rail.
 - c) That Duntroon Street, Hurlstone Park is inappropriate as a pedestrian priority street and that the location of the pedestrian crossing and footpath remain.

- CARRIED

ITEM 5.2

SUBMISSION TO THE SYDENHAM TO BANKSTOWN URBAN RENEWAL CORRIDOR STRATEGY

CLR ZAKHIA DECLARED A PECUNIARY CONFLICT OF INTEREST AS HE OWNS PROPERTIES IN THE VICINITY OF THE SYDENHAM TO BANKSTOWN RAIL CORRIDOR WHICH IS THE SUBJECT OF THIS REPORT AND INDICATED HE WOULD NOT PARTICIPATE IN CONSIDERING THE MATTER AND WOULD VACATE THE CHAMBER.

CLRS RAFFAN, EISLER, ZAMAN, HUDA AND SALEH DECLARED A PECUNIARY CONFLICT OF INTEREST IN ACCORDANCE WITH SECTION 451 OF THE LOCAL GOVERNMENT ACT, 1993 AS THE SUBMISSION MAY LEAD TO THE MAKING OF A PRINCIPAL ENVIRONMENTAL PLANNING INSTRUMENT THAT WOULD APPLY TO A SIGNIFICANT PART OF THE COUNCIL'S AREA AND THAT THE PECUNIARY CONFLICT OF INTEREST MAY ARISE IN RESPECT OF THEIR PRINCIPAL PLACE OF RESIDENCE. IN ACCORDANCE WITH SECTION 451 OF THE LOCAL GOVERNMENT ACT, 1993 THEY PROPOSE TO PARTICIPATE IN CONSIDERING THE MATTER AND REMAIN IN THE CHAMBER AS IT WOULD NOT AFFECT THE WAY THEY VOTE.

CLR TUNTEVSKI TEMPORARILY RETIRED FROM THE MEETING AT 7.10 PM AND RETURNED AT 7.12 PM.

CLR KUSKOFF TEMPORARILY RETIRED FROM THE MEETING AT 7.30 PM AND RETURNED AT 7.32 PM.

MS KATE LUMLEY ADDRESSED COUNCIL.

MS BARBARA COOREY ADDRESSED COUNCIL.

(50)

CLR. HUDA:/CLR. DOWNEY:

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RESOLVED that an extension of two minutes be given to Ms Coorey to address Council.

- CARRIED.

MS MARINA ROBINSON ADDRESSED COUNCIL.

MR JOHN CUNNANE ADDRESSED COUNCIL.

(51) CLR. RAFFAN:/CLR. MADIRAZZA

RESOLVED that an extension of two minutes be given to Mr John Cunnane to address Council.

- CARRIED.

(52) CLR. DOWNEY:/CLR. HARIKA

RESOLVED that

1. Council endorse the submission to the Draft Sydenham to Bankstown Urban Renewal Corridor Strategy as outlined in this report subject to the following amendments to be included:

Executive Summary

Page 2 – 3rd Paragraph – remove the words “at this time”

Page 37 – The Draft Strategy should mandate an Affordable Rental Housing Target of 15% private ownership and 25% public ownership.

2. Council seek amendments to the Draft Sydenham to Bankstown Urban Renewal Corridor Strategy as outlined in this report, in particular:
 - (a) The Department of Planning and Environment remove the proposed Ministerial (117) Direction as it will result in ad-hoc planning proposals to implement the Strategy.
 - (b) The Department of Planning and Environment commence the planning process for the priority precincts without the presumption of any height controls that have been exhibited to date. The Department also establish a governance structure that ensures the community and councillors have a greater say in the planning process and are given the opportunity to regularly provide direct input into the Project Control Group.
 - (c) Council undertake the proposed changes outside the priority precincts, and lead the preparation of planning proposals to implement the Strategy within the balance of the corridor.
 - (d) The Department of Planning and Environment commit to funding corridor-wide investigations to address infrastructure funding and

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delivery, open space, transport and traffic, new schools, hospital upgrades, urban design, heritage, affordable housing and other fundamental issues outlined in this report. These investigations must guide renewal within the Sydenham to Bankstown corridor including the priority precincts.

- CARRIED

ITEM 5.3 PLANNING PROPOSAL - VARIOUS AMENDMENTS TO CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

CLR ZAKHIA RETURNED TO THE CHAMBER AT 8.05 PM.

(53) CLR. EL-HAYEK:/CLR. MADIRAZZA

RESOLVED that the planning proposal to amend the Canterbury LEP 2012, as amended, be approved for finalisation and making as a Local Environmental Plan under Section 59 of the EPA Act, 1979.

- CARRIED

For:- Clrs Asfour, Downey, Eisler, El-Hayek, Harika, Huda, Ishac, Kuskoff, Madirazza, Raffan, Saleh, Tuntevski, Zakhia and Zaman

Against:- Nil

ITEM 5.4 913-925 PUNCHBOWL ROAD AND 21 CANTERBURY ROAD, PUNCHBOWL

(54) CLR. ISHAC:/CLR. MADIRAZZA

RESOLVED that

1. Council prepare and submit a planning proposal to the Greater Sydney Commission to seek a Gateway Determination that will:
 - (a) Rezone the properties at 913 to 921B Punchbowl Road in Punchbowl from Zone R2 Low Density Residential to Zone B1 Neighbourhood Centre, subject to determining whether any retail or commercial uses are necessary for the area north of the drainage easement section of the site along Punchbowl Road (noting that residential flat buildings are permissible in the B1 zone).
 - (b) Permit a maximum 17 metre building height and a maximum 1.8:1 FSR. This should include a consideration of different height levels

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across the site, in association with relevant FSRs across the site (but achieving the same potential yield), including specific treatment of the zone interface between the northern part of the site and the R2 zoning to address adverse amenity impacts.

- (c) Do not apply the Lot Size Map to the properties at 913–921B Punchbowl Road as the Lot Size Map does not apply to Zone B1 Neighbourhood Centre (if the site was to have a residential zoning which allowed residential flat buildings).
2. Subject to approval from the Greater Sydney Commission, Council exhibit the planning proposal, and the matter be reported to Council following the exhibition – outlining any submissions received and the way forward.
 3. Council prepare and exhibit DCP amendments to support the planning proposal, and the matter be reported to Council prior to exhibition.
 4. Council delegate authority to the General Manager to complete the actions outlined in the recommendations of this report.

- CARRIED

For:- Clrs Asfour, Kuskoff, El-Hayek, Ishac, Madirazza, Zakhia and Zaman

Against:- Clrs Downey, Eisler, Harika, Huda, Saleh, Raffan and Tuntevski

THE MAYOR USED HIS CASTING VOTE AND VOTED FOR THE MOTION.

ITEM 5.5 EXHIBITION OF BANKSTOWN DCP 2015 PART B11 - TREE MANAGEMENT ORDER AND CANTERBURY DCP PART B3 - TREE MANAGEMENT ORDER

(55) CLR. KUSKOFF:/CLR. DOWNEY

RESOLVED that

1. Council adopt Bankstown Development Control Plan 2015 Part B11 – Tree Management Order as shown in Attachment A.
2. Council adopt Canterbury Development Control Plan 2012 Part B3 – Tree Management Order as shown in Attachment B.

- CARRIED

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For:- Clrs Asfour, Downey, Eisler, El-Hayek, Harika, Huda, Ishac, Kuskoff, Madirazza, Raffan, Saleh, Tuntevski, Zakhia and Zaman

Against:- Nil

SECTION 6: POLICY MATTERS

ITEM 6.1 HELICOPTERS ON COUNCIL LAND
(56) CLR. ISHAC:/CLR. TUNTEVSKI

RESOLVED that

1. Council revoke the former Canterbury City Council 'Helicopters on Council Land' Policy.
2. A new policy in relation to Helicopter landings be developed and reported to Council in 2018.
3. In the interim, any request for helicopter landings on Council owned and controlled land be considered on individual merit for community benefit.

- CARRIED

SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS

ITEM 7.1 QUARTERLY REVIEW OF THE 2017/18 OPERATIONAL PLAN TO 30 SEPTEMBER
2017 AND SEPTEMBER 2017 QUARTERLY BUDGET REVIEW
(57) CLR. DOWNEY:/CLR. TUNTEVSKI

RESOLVED that

1. Council endorse the quarterly review of its 2017/18 Operational Plan to 30 September 2017.
2. Council adopt the September 2017 Quarterly Budget Review, as outlined in the report.

- CARRIED

ITEM 7.2 PROPERTY MATTER - LEASE - 10 GASCOIGNE ROAD, BIRRONG
(58) CLR. TUNTEVSKI:/CLR. ISHAC

RESOLVED that

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1. Council grant a lease of Council's land at 10 Gascoigne Road, Birrong to Bankstown Sports Bowling Club, for a period of 21 years.
2. The Mayor and General Manger be authorised to sign all relevant documentation, including affixing the common seal of council, as required.

- CARRIED

ITEM 7.3 **PROPERTY MATTER - LEASE ASSIGNMENT - 2 MAXWELL AVE, MILPERRA**
(59) **CLR. ISHAC:/CLR. DOWNEY**

RESOLVED that

1. In accordance with the relevant provisions, Council consent to assigning its current lease with The Ultimate Skirmish Pty Ltd to Heartbreak Ridge Paintball Pty Ltd, as outlined in the report.
2. The Mayor and General Manager be authorised to sign all relevant documentation, including affixing the common seal of council, as required.

- CARRIED

ITEM 7.4 **PROPERTY MATTER - RIVERWOOD NORTH - LIBRARY/CAFE, COMMUNITY HUB**
(60) **AND ASSOCIATED CAR PARKING AREA - PROPOSED PUBLIC LAND**
CLASSIFICATION
CLR. ZAKHIA:/CLR. DOWNEY

RESOLVED that at the completion of the acquisition process, the land at the corner of Washington Avenue and Kentucky Road Riverwood (Lot 2 DP 1228475), being Council's new library/café, community hub and associated car parking component of the "Trinity" building, be classified as Operational Land.

- CARRIED

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ITEM 7.5 **PROPERTY MATTER - BELMORE SPORTSGROUND - TEMPORARY LICENCE**
(61) **CLR. MADIRAZZA:/CLR. EL-HAYEK**

RESOLVED that

1. Council enter into a short-term licence agreement (12 months) with Bulldogs Rugby League Club Ltd for the vacant office space (Lot 1 DP 1181276) situated at Belmore Sportsground.
2. The General Manager be authorised to negotiate suitable terms and conditions and sign all relevant documentation, as outlined in the report.

- CARRIED

ITEM 7.6 **CODE OF CONDUCT COMPLAINTS REPORT**
(62) **CLR. ISHAC:/CLR. HARIKA**

RESOLVED that the information be noted.

- CARRIED

ITEM 7.7 **CASH AND INVESTMENT REPORT AS AT 31 OCTOBER 2017**
(63) **CLR. EL-HAYEK:/CLR. MADIRAZZA**

RESOLVED that

1. The Cash and Investment Report as at 31 October 2017 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

- CARRIED

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SECTION 8: SERVICE AND OPERATIONAL MATTERS

ITEM 8.1 RELEASE OF DRAINAGE EASEMENT FOR 56 WILLIAM STREET, CONDELL PARK AND 12 CARSON STREET, PANANIA

(64) CLR. ISHAC:/CLR. ZAKHIA

RESOLVED that

1. Council consent to the release of the Easement to Drain Water 2.44m wide at 56 William Street, Condell Park and Drainage Easement 1.83m wide at 12 Carson Street, Panania.
2. The Mayor and General Manager be authorised to sign all relevant documentation, under the common seal of council, as required.

- CARRIED

SECTION 9: COMMITTEE REPORTS

Nil

SECTION 10: NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

ITEM 10.1 QUESTIONS WITH NOTICE

(65) CLR. EL-HAYEK:/CLR. EISLER

RESOLVED that the information be noted.

- CARRIED

ITEM 10.2 ANALYSIS INTO LONG TERM HOUSING SOLUTIONS FOR SENIORS AND DISABLED

(66) CLR. TUNTEVSKI:/CLR. DOWNEY

RESOLVED that Council undertake an analysis and provide a detailed briefing to Council on opportunities available to improve design standards for people with disabilities and the aged to better prepare and enable our community to age in place and support families and individuals with disabilities.

- CARRIED

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ITEM 10.3 COUNCIL MEETINGS

(67) CLR. RAFFAN:/CLR. EISLER

RESOLVED that the City of Canterbury Bankstown prepares a feasibility report into holding a set number of Council meetings (to be determined) at Council's Administration Building in Beamish Street, Campsie. This report should contain the costs and logistics involved in holding said meetings.

- CARRIED

SECTION 11: QUESTIONS FOR NEXT MEETING

REF: DUNC GRAY VELODROME

Clr Kuskoff enquired if there are any future plans for the use of Dunc Gray Velodrome.

REF: YAGOONA COMMUNITY CENTRE

Clr Kuskoff requested an update on the old Yagoona Community Centre site.

The General Manager responded that a confidential report on the matter will be submitted to a future meeting of Council.

REF: PANANIA LIBRARY

Clr Downey requested that in future years flag raising be undertaken at Panania Library on Remembrance Day.

SECTION 12: CONFIDENTIAL SESSION

(68) CLR. DOWNEY:/CLR. ISHAC

RESOLVED 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 12.1, 12.2, 12.3, 12.4 in confidential session for the reasons indicated:

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Item 12.1 T58-17 Bushland Management 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 would, if disclosed, prejudice the commercial position of the person who supplied it.

Item 12.2 T04-18 Tender for the Supply and Installation of CCTV Cameras at Civic Precinct, Fetherstone Street and The Appian Way, 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 12.3 T12-18 - Mid Georges River and Prospect Creek Catchments Pipe and Pit Condition Assessment and Reporting

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 12.4 Property Matter - Proposed Sale of Drainage Reserve - 819A Canterbury Road, Lakemba

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.

- CARRIED

COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 8.30 PM AND REVERTED BACK TO OPEN COUNCIL AT 8.37 PM

CLR DOWNEY TEMPORARILY RETIRED FROM THE MEETING AT 8.30 PM.

ITEM 12.1
(69)

T58-17 BUSHLAND MANAGEMENT SERVICES

CLR. TUNTEVSKI:/CLR. MADIRAZZA

RESOLVED that

1. Council accepts the tender received from The National Trust of Australia for a period of three years for the provision of bushland services at the eight

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specific sites, 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 above mentioned services.

2. Council accept the tenders received from the following companies to establish a panel of contractors for the provision of bushland management services for non-specific sites:
 - The National Trust of Australia (NSW)
 - Total Earth Care Pty Ltd
 - Toolijooa
 - Ecohort Pty. Ltd.
3. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.
4. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

- CARRIED

ITEM 12.2

T04-18 TENDER FOR THE SUPPLY AND INSTALLATION OF CCTV CAMERAS AT CIVIC PRECINCT, FETHERSTONE STREET AND THE APPIAN WAY, BANKSTOWN

(70)

CLR. EL-HAYEK:/CLR. HARIKA

RESOLVED that

1. In accordance with clause 178 (1) (b) of the Local Government (General) Regulation 2005, Council declines to accept the submission received for the proposed contract.
2. In accordance with clause 178(3) (b) of the Local Government (General) Regulation 2005, Council invites, pursuant to clause 167, fresh tenders based on a revised scope of works.
3. Council notifies the unsuccessful tenderer in writing, thanking them for tendering.

- CARRIED

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HELD IN COUNCIL CHAMBERS
ON 28 NOVEMBER 2017

ITEM 12.3 **T12-18 - MID GEORGES RIVER AND PROSPECT CREEK CATCHMENTS PIPE AND PIT
CONDITION ASSESSMENT AND REPORTING**

(71) **CLR. TUNTEVSKI:/CLR. ISHAC**

RESOLVED that

1. Council declines to accept any of the tenders received as per clause 178(1)(b) of the Local Government (General) Regulation 2005.
2. In accordance with clause 178(3) (b) of the Local Government (General) Regulation 2005, Council invites, pursuant to clause 167, fresh tenders based on a revised scope of works.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

- CARRIED

CLR DOWNEY RETURNED TO THE MEETING AT 8.32 PM.

ITEM 12.4 **PROPERTY MATTER - PROPOSED SALE OF DRAINAGE RESERVE - 819A
CANTERBURY ROAD, LAKEMBA**

(72) **CLR. ZAKHIA:/CLR. ISHAC**

RESOLVED that

1. Council agree to sell its drainage reserve at 819a Canterbury Road, Lakemba (Lot 294), as outlined in the report;
2. The Mayor and General Manager be authorised to sign all relevant documentation including affixing the common seal of Council, as required.

- CARRIED

THE MEETING CLOSED AT 8.38 PM.

Minutes confirmed 12 DECEMBER 2017

.....
Mayor

2 LEAVE OF ABSENCE

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

4 MAYORAL MINUTES

The following items are submitted for consideration -

- | | | |
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| 4.2 | Free Pool Entry for Children in January | 33 |
| 4.3 | Bankstown Poetry Slam – Grand Slammers 2017 | 34A |

Mayoral Minutes - 12 December 2017

ITEM 4.1 Recoding Canterbury Bankstown

On 1 June this year, Premier Berejiklian announced a package of measures aimed at improving housing affordability in Sydney. Importantly, this included a promise of up to \$2.5 million for each of ten 'priority councils' to update their local environmental plans to reflect the district plans within two years of their finalisation by the Greater Sydney Commission.

Planning for our future must be based on evidence, demonstrate best practice and have the interest and aspirations of our community at the centre. Meaningful and ongoing engagement with our community, stakeholders and other levels of government will be essential so that we can successfully reset our planning framework and so that it implements our vision for the City of Canterbury Bankstown.

The Government has removed the role of Councillors in decision making on development applications, requiring independent panels to step into our shoes. This has been exacerbated by the ever-increasing level of complying development and push toward private certification which is destroying the local character of our residential areas and centres.

I want to see Council focus its attention on how we can best serve our community by providing it with a planning framework that revisits all aspects of land use planning across our city. A framework that is contemporary and will be recognised as industry leading. This is the most effective way can we work with our community toward shaping our city and avoid the spread of poor quality development outcomes where attractive public spaces and resident amenity have been lost.

To date, the ten priority councils have yet to be announced, I put it to the Premier and Minister for Planning that the City of Canterbury Bankstown should be at the top of the list for this funding.

Our city has significant growth pressures and the facts simply cannot be ignored by the State Government:

- Three quarters of the NSW Government's Sydenham to Bankstown Urban Renewal Corridor, that is eight of eleven stations, and Sydney Metro Southwest project are within our area.
- There are six Priority Precincts about to commence within our area, which is more than a quarter of the 21 priority precincts across Sydney.
- We have a five year dwelling target of 13,250, which is the highest in the South District and amongst the highest in Sydney.
- We are home to extensive employment lands including Chullora and Milperra, which serve valuable economic and employment roles for Sydney.

- The State Government expects Canterbury Bankstown to accommodate a majority of the South District's 20 year dwelling target of 83,500 new dwellings by 2036.

Our current planning framework is outdated and does not match well with our various controls which is a source of confusion for the community, frustration for industry and leads to inconsistent planning and development outcomes. This is not a sustainable position to be in and does not reflect a modern planning system for our area it's time to work with our community and reset our development controls.

I am looking to a fresh start for our new City and want to see an accelerated approach taken in shaping the future of our area and to put it at the forefront for living, working and recreating. In this regard, I am happy to commit our Council to the two year timeframe demanded by the State, which is ambitious, but possible with funding being made available.

There is little doubt that Canterbury Bankstown is a 'priority council' area. For clarity, I will write to the Premier seeking confirmation of our status and that funding will be made available for Council to deliver the next generation of local plans for our great City.

Mayoral Minutes - 12 December 2017

ITEM 4.2 Free Pool Entry for Children in January

As Mayor of this great City, I am very proud of the level of service we provide to its more than 350,000 residents. But, as the largest Council in NSW, by population, the challenge isn't to maintain that standard, it's to improve what we do. That has always and continues to be my commitment.

An area where we have certainly raised the bar to levels other councils throughout Australia are aspiring to achieve, is in Leisure and Aquatics, particularly in our Swim School program. More than 26,000 people are currently enrolled in this program, while in excess of 700,000 people visited our Leisure and Aquatic Centres last year.

Our Swim School program is comprehensive in its approach to learning how to swim, and water safety, and is delivered by a team of more than 100 instructors and supervisors, who are fully accredited by AUSTSWIM.

To celebrate our success and to support families enjoy the summer holidays in our wonderful city, I am proposing Council waives the entry fee to all of its Leisure and Aquatics facilities, for all local children up to the age of 14 years, on each Sunday in the month of January 2018. They will also receive a free drink. The only condition is, each child must be accompanied by a paying adult, because it's always the responsibility of parents and guardians to keep children under observation at all times, while they are in a pool.

I am sure many parents will take advantage of this offer in what is, traditionally, a very warm month and I would expect in excess of 5,000 children to enjoy the benefits of council's initiative.

I also expect to see children jump at the chance to participate in our Beach and Surf Education programs as part of our annual Bus to Beach program. This year there will be a Learn to Surf Program offered through the Bus to Beach program on Thursday 11 January 2018. This is subsidised with a \$10 fee with numbers are limited to 30 participants so get in quick bookings can be taken online.

In regards to Surf awareness there is a two day Surf Survival Course being offered on 21 and 22 December. This is a free initiative in consultation with the Twilight Sports participants. Numbers again are limited and registrations are open online now.

We will also be providing free buses to Cronulla Beach for our young people and their parents/guardians on the following days:

- Tuesday 9 January;
- Thursday 11 January;
- Tuesday 16 January; and
- Thursday 18 January.

Buses will depart from 9am at various pick-up points, including Sefton, Greenacre, Bankstown, Panania, Revesby, Padstow, Riverwood, Canterbury, Belmore and Campsie. The return buses will depart Cronulla at 3pm. Bookings are essential as spaces on the buses will be limited. Any families interested are encouraged to book early so that council can obtain the necessary permissions and waivers and also plan to meet demand. Further information can be found at cb.city/bustobeach.

To accommodate these great initiatives, council's budget will accordingly be adjusted as part of the next quarterly review process.

Mayoral Minutes - 12 December 2017

ITEM 4.3 Bankstown Poetry Slam - Grand Slammers 2017

I was recently approached by the co-founder of the Bankstown Poetry Slam (BPS) to provide financial assistance for the staging of its showcase event – Grand Slammers 2017 – which is being held tonight. The annual event is being staged at Sydney Town Hall this year, due to the number of attendees.

The BPS began in 2013 and has actor Bryan Brown as its patron. Its monthly events are held in Bankstown Arts Centre, where youths are empowered to express themselves through performance poetry, in front of audiences of up to 500 people. I have attended a number of the BPS events and encourage our local residents, if they haven't already done so, to do so. I can assure them, they will not be disappointed.

PBS is now the largest of its kind in Australia and, last year, was awarded the Pemulwuy Prize by the Prime Minister, for making outstanding contributions to Western Sydney. It was also recognized at this year's ZEST awards for its high school poetry programs.

In 2016, the BPS ran a five-week spoken word program for youth called 'Real Talk' which was facilitated by a trained mentor and involved Year 10 students from seven schools including Bankstown Girls High, Sir Joseph Banks High and Birrong Boys High. It was designed to promote youth engagement with a range of topics including identity, gender, racism and bullying.

Tonight, top scoring poets from the nine BPS competition events held during the year, will be battling it out for the title of Grand Slammers. The judging panel will be headed up by internationally-acclaimed spoken word artist, Rudy Fransisco, as well as Project Rokit co-founder, Lucy Thomas, and indigenous poet and activist, Evelyn Arulen.

In lieu of the above and the important role this great group of young Canterbury-Bankstown youth plays in our City, I recommend Council donates \$1,500 to help cover the costs of staging the Grand Slammers 2017.

5 PLANNING MATTERS

The following items are submitted for consideration -

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Planning Matters - 12 December 2017

ITEM 5.1 **Planning Controls for Boarding Houses**

AUTHOR **Planning**

PURPOSE AND BACKGROUND

To seek Council's approval to prepare a planning proposal and associated Development Control Plan amendments to align the planning controls for boarding houses in the City of Canterbury-Bankstown.

ISSUE

There is a need to align controls for boarding houses that currently apply in the former Bankstown and Canterbury Councils to create consistency for this form of development.

There has been significant growth in the number of boarding house room approvals since 2009 since the introduction of the Affordable Rental Housing State Environmental Planning Policy (SEPP) by the NSW Government. In particular in the former Canterbury Council, which relies upon the controls in the SEPP without any additional controls in its planning instruments, there have been poor development outcomes with this form of housing.

RECOMMENDATION That -

1. Council resolve to prepare a planning proposal to align the planning controls of the former Canterbury Council with those of the former Bankstown Council in relation to boarding houses.
2. Controls be introduced into the Canterbury Development Control Plan 2012 for boarding houses that generally accord with those in the Bankstown Development Control Plan 2015.
3. The planning proposal be submitted to the Greater Sydney Commission for a Gateway Determination once prepared.
4. A further report be prepared to Council after the response from the Greater Sydney Commission is received.

ATTACHMENTS [Click here for attachment](#)

- A. Examples of boarding house approvals under ARH SEPP

POLICY IMPACT

The proposed changes would result in an alignment of boarding house controls between the two former Councils.

FINANCIAL IMPACT

There is no financial impact.

COMMUNITY IMPACT

The amendments to boarding house controls proposed would result in a positive community impact. This would occur through better amenity outcomes for both future residents of boarding houses, and for existing development within close proximity to boarding houses.

DETAILED INFORMATION

Background

Boarding houses are intended to provide low cost housing for a diversity of residents including younger persons, couples, students and key workers.

In 2009 the NSW Government introduced a State Policy to make planning controls for boarding houses and other affordable housing types more flexible. This is known as the Affordable Rental Housing State Environmental Planning Policy (SEPP).

Following the introduction of this SEPP the number of approvals for boarding house has increased significantly in Canterbury-Bankstown, with nearly 700 rooms approved since 2009.

The former Canterbury Council has no specific controls for boarding house development, and relies on controls contained within the SEPP. The former Bankstown Council has more specific controls for this form of development in both the Bankstown Local Environmental Plan (LEP) 2015 and Bankstown Development Control Plan (DCP) 2015.

Sole reliance on the controls in the SEPP present limitations for Council to achieve appropriate development form, which has resulted in significant issues with boarding house development in the former Canterbury. In particular, boarding houses are not subject to the provisions of the Apartment Design Guide, which has often resulted in very poor development outcomes.

Given the current non-alignment and disparity of controls and the issues with boarding house development in the former Canterbury, it is appropriate to now align the current controls to create consistency for this form of development across both LEP's of Canterbury Bankstown Council.

Planning framework for boarding houses

The planning policies and controls that apply to boarding houses in Canterbury-Bankstown are:

- Affordable Rental Housing SEPP 2009
- Canterbury LEP 2012
- Bankstown LEP 2015
- Bankstown DCP 2015

Boarding houses are buildings that:

- Are wholly or partly let in lodgings.
- Provide lodgers with a principal place of residence for three months or more.
- May have shared facilities, such as a communal living room, bathroom, kitchen or laundry.
- Have rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers.

Affordable Rental Housing SEPP 2009

The SEPP is the principal legislation that permits boarding houses. It firstly allows boarding houses in most residential zones, including all of the residential zoned areas within Canterbury-Bankstown Council. It also permits this form of development in some business zones.

The SEPP provides a number of development standards of which (when complied with), cannot be used to refuse consent. Many of these override Council's own controls in favour of less restrictive controls. These standards are:

Standard	Description
Floor Space Ratio (FSR)	<ul style="list-style-type: none">• The maximum FSR for residential accommodation in LEP.• If in a zone in which residential flat buildings are permitted :<ul style="list-style-type: none">— The existing maximum FSR plus<ul style="list-style-type: none">- 0.5:1, if maximum FSR is 2.5:1 or less, or- 20% of the maximum FSR is greater than 2.5:1.
Building Height	<ul style="list-style-type: none">• The maximum building height in LEP.
Landscaped area	<ul style="list-style-type: none">• Landscape Treatment – in front setback area being compatible with the streetscape
Solar access	<ul style="list-style-type: none">• Communal Living Room – receives at least 3 hours direct sunlight between 9am and 3pm
Private open space	<ul style="list-style-type: none">• One area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers.• If accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation
Parking	<ul style="list-style-type: none">• 0.2 parking spaces for each boarding room if in an accessible area.• 0.4 parking spaces for each boarding room if not in an accessible area.• Not more than one space for each person employed in connection with the development.
Accommodation size	Gross Floor Area of Boarding Room – being at least 12m ² if to be used by single lodger, or at least 16m ² in any other case

The SEPP also outlines a range of minimum development standards for boarding houses that must be complied with, such as size of boarding rooms, maximum occupancy rates for boarding rooms, adequate bathroom and kitchen facilities, requirement for a boarding house manager and parking requirements. In addition to development standards, the SEPP also requires consideration of the impact of proposals on local character.

The SEPP encourages both the traditional form of boarding houses, being those with shared facilities as well as new generation boarding houses which consist of self-contained rooms.

Canterbury LEP 2012 and Bankstown LEP 2015

Consistent with the SEPP, boarding houses are also permitted with consent in the following zones in both LEPs: R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, B1 Neighbourhood Centre, and B2 Local Centre. They are also permitted in the B4 Mixed Use zones in Bankstown LEP 2015. In both LEPs this permissibility is mandated in these zones under the NSW Standard Instrument template.

Bankstown LEP 2015 includes a provision requiring a minimum lot size and width for boarding houses in the residential zones. These provisions are set out under Clause 4.1B 'Minimum lot sizes and special provisions for certain dwellings'. This clause is a local provision which is specific to the former Bankstown LGA. It has been included by Council to assist with amenity impacts and retention of character in low density residential areas.

These controls are as follows:

4.1B Minimum lot sizes and special provisions for certain dwellings

(b) *The width of the lot at the front building line is equal to or greater than the width specified for that purpose and shown opposite in Column 4 of the table.*

Column 1	Column 2	Column 3	Column 4
Multi dwelling housing and boarding houses	Zone R2 Low Density Residential	1,200 square metres	20 metres
Multi dwelling housing and boarding houses	Zone R3 Medium Density Residential	1,000 square metres	20 metres
Multi dwelling housing and boarding houses	Zone R4 High Density Residential	1,000 square metres	20 metres
Multi dwelling housing and boarding houses	Zone B6 Enterprise Corridor	5,000 square metres	n/a

The benefit of this provision is it restricts boarding houses, particularly in residential zones, to sites that have sufficient width and area to accommodate this form of development. In the former Canterbury, which does not benefit from this provision, boarding houses are frequently proposed on much smaller sites including a site of 10m wide. Critically, the SEPP does not provide minimum site width or area standards.

Canterbury LEP 2012 has no additional LEP provisions in relation to boarding houses. It is worth noting that the former Council did prepare a planning proposal to include a local provision to restrict the permissibility of boarding houses in the R2 zone and to limit the capacity in the R2 and R3 zones. This proposal was not supported by the Department of Planning as it was not consistent with the SEPP. The former Canterbury also prepared draft controls for boarding houses, aimed to manage the potential impacts of boarding houses in residential zones. These controls were considered but not adopted by the former Canterbury Council.

Canterbury DCP 2012 and Bankstown DCP 2015

The Bankstown DCP contains a specific section of controls for boarding houses relating to residential and visual impacts associated with boarding houses, internal amenity for occupants, and open space and sunlight access.

There are no specific boarding house controls in Canterbury DCP 2012.

These controls again help ensure that a range of amenity issues arising from boarding house development not covered in the SEPP are considered in assessing applications.

It is important to note that Councils cannot amend and/or override a State Government planning policy that would be inconsistent with the SEPP. However where controls are not identified in the SEPP they can be included in the LEP and DCP.

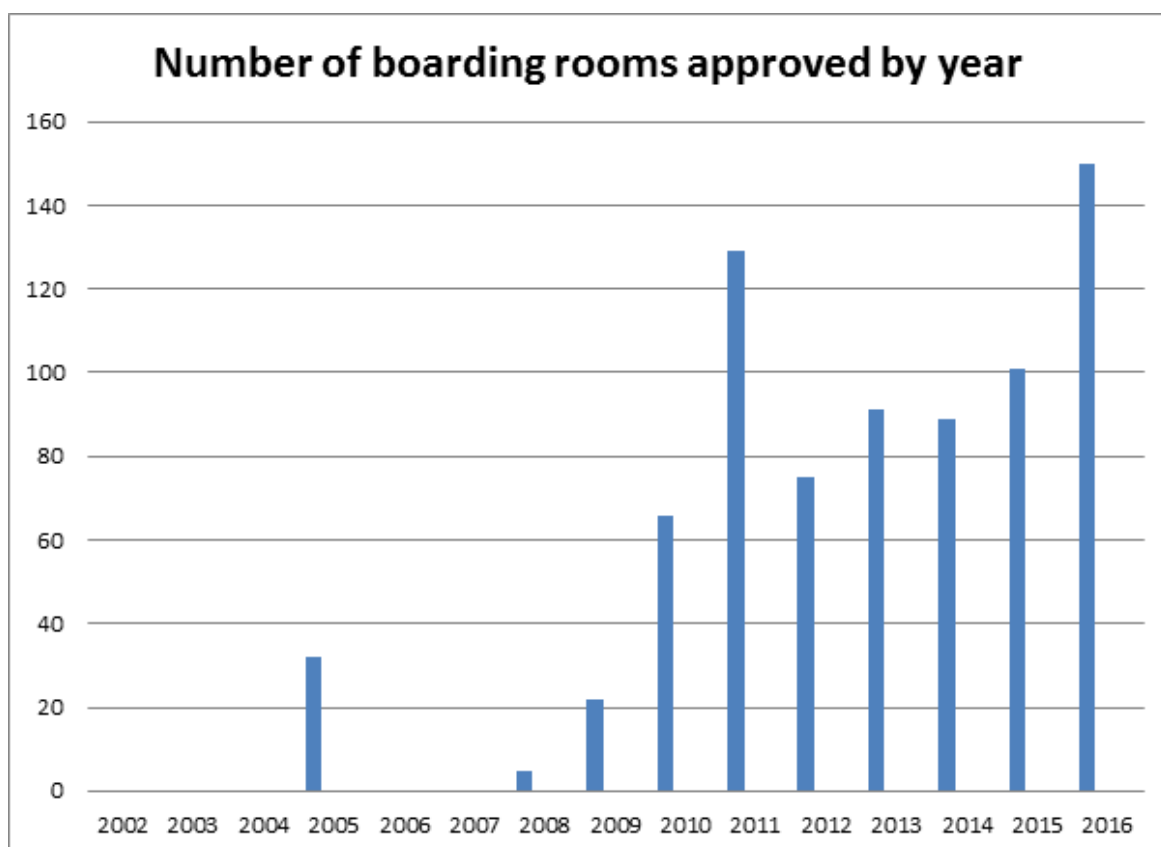
Trends in Boarding House Applications

Following the introduction of SEPP the number of approvals for boarding house rooms has increased significantly in Canterbury-Bankstown.

In the period 2000-2009 before the introduction of the SEPP, there were twelve boarding houses approved in Canterbury-Bankstown with a total of 58 rooms.

Post introduction of the SEPP, from 2010 to 2017, the number of boarding houses approved in Canterbury-Bankstown increased to 35, with a total of 696 rooms.

The trend is illustrated in the graph below:



These figures not only show a numerical increase, but that the size of boarding houses has increased. The number of rooms per boarding house has increase on average from 4.8 to 19.8. Obviously this means boarding houses are now buildings of a more significant scale to accommodate this number of rooms.

Key issues with Boarding House development

Outlined below is a summary of the key issues arising from boarding house development particularly in the former Canterbury Council area which relies upon the ARHSEPP for development controls.

- Lack of minimum frontage and area requirements

As mentioned earlier in this report, the SEPP has no requirements for site frontage or area. In the former Canterbury, this has led to numerous applications on sites with

frontages twelve metres or less. This compares with controls for similar forms of development such as residential flat buildings and multi dwelling housings which require a 20 metre frontage.

Sites of a narrow frontage result in very limited design options available to provide adequate landscaping, solar access, and ventilation. The building form also becomes quite narrow and compressed. Overall the result is poor design and amenity outcomes.

The specific Bankstown LEP frontage and area controls for boarding houses are consistent with those for more intense development forms and will result in much better design outcomes.

- Lack of minimum side and rear setback requirements

The SEPP has no requirements for minimum side and rear setbacks. In the former Canterbury, this has resulted in two and three storey buildings being located close to neighbouring boundaries. The resultant outcome has been a loss of privacy, overshadowing and adverse impact on neighbouring properties.

The Bankstown DCP has minimum setback controls to deal with this issue.

- Visual privacy controls

The SEPP also does not have specific visual privacy controls. This can result in overlooking between habitable rooms if the SEPP is the only means of providing control in this area, with resultant adverse amenity impacts.

The Bankstown DCP has controls in this regard which should be also applicable to the former Canterbury to provide an acceptable level of amenity.

- Solar access

The SEPP only has solar access controls for the communal room. However most proposals are for 'new generation' boarding houses, meaning rooms are generally self-contained.

The resultant outcomes can be lack of solar access to rooms when relying on the SEPP controls. Again the Bankstown DCP contains controls in this area which should be applied to the former Canterbury. These controls also relate to ensuring adequate solar access to adjoining properties.

- Isolation of adjoining allotments

Allowing boarding house development on narrow lots can result in the isolation of adjoining land, restricting or preventing its ability to be developed for other purposes. This is particularly an issue in the R4 High Density Residential zone. The outcome can be a single dwelling house surrounded by much higher development resulting in very poor amenity. The Bankstown DCP has controls to prevent this situation occurring.

- Appeals in Land and Environment Court

Over the past year, Council has refused a substantial number of boarding houses or requested applicants make significant design changes to reduce the building height and number of rooms proposed by boarding houses to 'fit in' with the character of the street.

However because the SEPP and Canterbury Development Control Plan 2012 do not have any building controls, many boarding houses have been appealed by the developer to the Land and Environment Court. The lack of controls appears to encourage developers to challenge any application that is refused (and also where Council requests significant design changes), with some developers achieving success over the past year as shown in the examples attached to this report.

As a result, Council has invested significant resources and funds to defend numerous appeals. Currently, the Council is defending seven boarding house appeals in the Court.

An attachment to this report contains recent examples of boarding house development that illustrate the issues that are occurring with reliance on the SEPP controls only.

Next Steps

To address the issues with boarding house developments in the former Canterbury area it is proposed to develop a set of aligned and consistent controls for boarding houses for the Canterbury Bankstown LGA. It is recommended a planning proposal be prepared and associated DCP amendments be made to include boarding house provisions in the CLEP 2012 and CDCP 2012 so that they generally align with those in the Bankstown LEP 2015. This will result in a significant improvement to the design and amenity consideration for this type of development.

If Council resolves to proceed it is proposed that the next time this matter would be reported to Council when a response from the Greater Sydney Commission is received.

Planning Matters - 12 December 2017

ITEM 5.2 **680-682 Canterbury Road, Canterbury - Draft Voluntary Planning Agreement**

AUTHOR **Planning**

PURPOSE AND BACKGROUND

To seek Council's endorsement and approval to exhibit a draft Voluntary Planning Agreement for laneway widening at 680-682 Canterbury Road, Canterbury.

ISSUE

The need to enter into a Voluntary Planning Agreement for this site arises from a deferred commencement condition imposed by the NSW Land and Environment Court.

RECOMMENDATION That -

1. The draft Voluntary Planning Agreement as shown in Attachment A be placed on exhibition in accordance with the Environmental Planning and Assessment Act, 1979.
2. The General Manager be given delegation to make minor mapping or wording amendments.
3. The matter to be reported to Council following the public exhibition.

ATTACHMENTS [Click here for attachment](#)

- A. Draft VPA

POLICY IMPACT

There is no Policy Impact.

FINANCIAL IMPACT

There is no Financial Impact. The dedication of land, and design and construction of the laneway widening will be met by the developer. No offset from the payment of Section 94 development contributions is to be provided.

COMMUNITY IMPACT

The approved development relies on the approved laneway widening to provide vehicle access into the site and provide a sufficient road width for waste collection and safe vehicle passing areas. Further, the widened laneway will also allow for adjoining sites to provide a functional laneway along this portion of Canterbury Road when redeveloped. The proposed land dedication by the developer results in a broader public benefit.

DETAILED INFORMATION

BACKGROUND

On 30 March 2017, a deferred commencement consent was issued by the NSW Land and Environment Court following a Section 34 Conciliation Conference for the construction of a five storey mixed used development containing 19 residential apartments at 680-682 Canterbury Road, Belmore (DA 258/2015).

The consent orders contained five deferred commencement conditions; the first condition detailing the applicant would enter into a Voluntary Planning Agreement (VPA) to dedicate land for the widening of Joan Lane and to carry out all construction works associated with widening the lane. The second deferred commencement condition requires the applicant to provide a detailed design of the laneway and driveway and vehicular access. The other three conditions relate to providing suitable car parking, driveway access and bicycle facilities which do not relate to this planning agreement.

As part of the court process, the applicant amended the proposed development to comply with the Council's key planning controls, including the maximum overall building height limit. No additional height or floor space was approved in exchange for the laneway widening or draft VPA.

Council's current position is that all laneway dedication is to be provided at no cost to Council, designed and constructed to the developer's expense, and full payment of Section 94 development contributions by the developer. This position represents the best interest of the community and broader public interest so that the developer is responsible for the facilities required to ensure their development functions properly.

Council's policy on laneway dedication

At the Council meeting on 25 July 2017, the draft Canterbury Road Corridor Review was endorsed and has since been publicly exhibited. Relevantly, the draft Review identifies the provision of a continuous network of rear lanes as a key recommendation to be achieved in the short term.

Council's current position regarding laneways is that all land to be dedicated for laneway widening needs to meet the following pre-conditions:

- Dedication of land to Council free of cost.
- Design and construction of the laneway at the developer's cost.
- No offset from the payment of Section 94 development contributions.

The draft VPA meets the above pre-conditions and the applicant has agreed to the terms of the draft VPA.

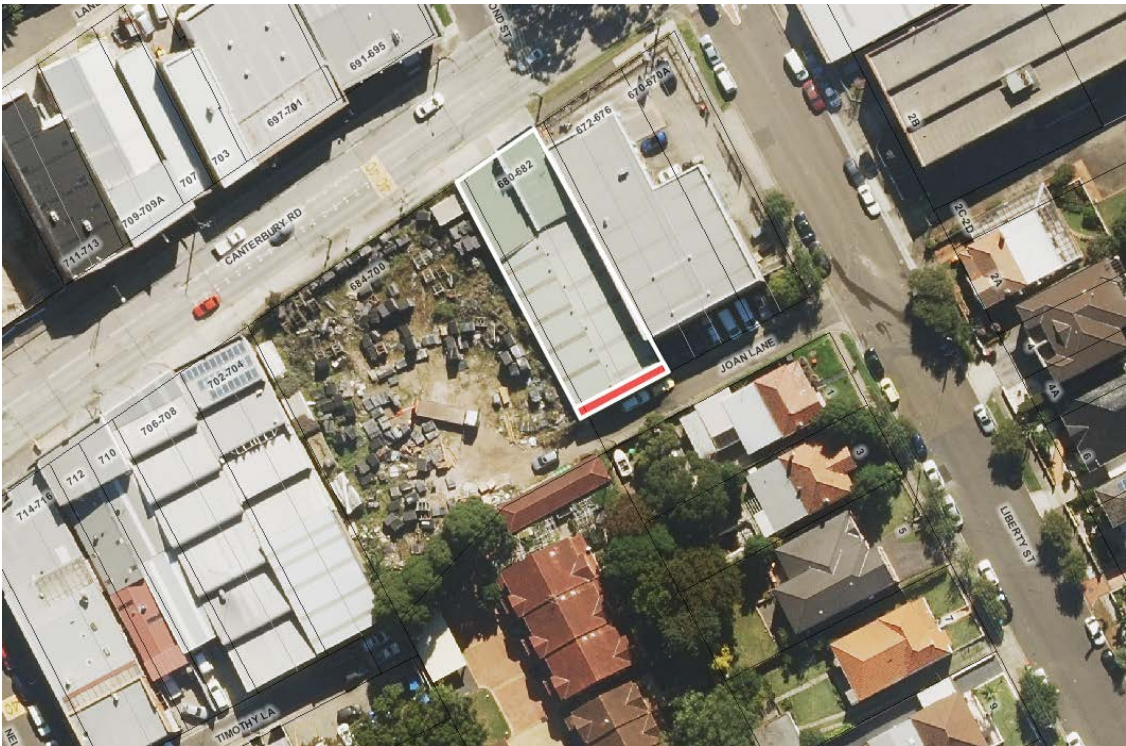
Details of the draft VPA offer

The dedication of land as detailed in the court consent and draft VPA will result in the widening of Joan Lane. The widening of this laneway is integral to the functionality of Joan Lane to service the increased density sought under the Canterbury Local Environmental Plan 2012.

The draft VPA (attachment A) reflects the commitment of the applicant as consented by the Court within DA 258/2015. The deferred commencement conditions and operational conditions require that the applicant is responsible for:

- Dedication of an area of land measuring 1.5m (depth) × 14.6m (width) to Council.
- All costs associated with the construction of this portion of the site for lane widening.
- Undertaking the design work for the widened road sections immediately adjacent to the site to Council’s specifications.
- Construction of the laneway, including integration with the existing road, re-sheeting of the laneway if required, and appropriate transition road works with the adjoining site.
- Relocation of any services affected by the laneway at the applicant’s cost.

The land to be dedicated is shown in red on the site plan below:



Council’s solicitor has reviewed the draft VPA and associated documents subject of this report and has endorsed them as being legally sound for the purpose of public exhibition. The draft VPA has been prepared in accordance with Council’s Voluntary Planning Agreement’s policy and it meets legislative requirements in relation to planning agreements.

CONCLUSION

The draft VPA to dedicate land and construct the laneway on the dedication land at 680-682 Canterbury Road, Belmore for the future extension of Joan 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.

Planning Matters - 12 December 2017

ITEM 5.3 **297-299 Canterbury Road, Canterbury - Draft Voluntary Planning Agreement**

AUTHOR **Planning**

PURPOSE AND BACKGROUND

To seek Council's adoption of a draft Voluntary Planning Agreement (VPA) for laneway widening at 297-299 Canterbury Road, Canterbury. Council previously resolved to adopt the draft VPA for public exhibition at its meeting of 24 October 2017. The draft VPA has now been exhibited, and the report outlines the outcomes of the public exhibition period and the next steps forward.

The implication of not proceeding with the draft VPA is that Council ultimately would need to compulsorily acquire the land to achieve the necessary laneway widening. This could only happen following identification of the land required for acquisition in Council's LEP and Development Contributions Plan. This would be a lengthy and potentially costly exercise, relative to the amount of the Section 94 offset sought, which cannot be prevented at this time as outlined in Attachment A.

ISSUE

The need to enter into a Voluntary Planning Agreement for this site arises from a deferred commencement condition imposed by the NSW Land and Environment Court. Council's endorsement is required to progress the VPA.

RECOMMENDATION That -

1. Council endorse the exhibited draft Voluntary Planning Agreement in respect of land at 297-299 Canterbury Road, Canterbury, relating to the dedication of land required for laneway widening, and necessary steps be undertaken to execute the relevant document.
2. The General Manager be given delegation to make minor mapping and wording amendments.

ATTACHMENTS [Click here for attachments](#)

- A. Council report 24 October 2017 and resolution
- B. Deed of Agreement Draft VPA 297-299 Canterbury Road, Canterbury

POLICY IMPACT

There is no policy impact.

FINANCIAL IMPACT

The Section 94 Contributions for this development are \$259,000.

The offset of \$150,000 sought will be countered by Council not being placed in a position of having to potentially compulsorily acquire the land, design and construct a laneway at the subject site as approved by the Land and Environment Court.

Council's valuation, undertaken by a Certified Practising Valuer, has provided an estimated land value of \$188,000 to \$200,000 for the dedication offered by the developer.

COMMUNITY IMPACT

The approved development relies on the approved laneway widening to provide vehicle access into the site and provide a sufficient road width for waste collection and safe vehicle passing areas. Further, the widened laneway will also allow for adjoining sites to provide a functional laneway along this portion of Canterbury Road when redeveloped. The proposed land dedication by the developer results in a broader public benefit.

DETAILED INFORMATION

BACKGROUND

On 28 November 2016 a deferred commencement consent was issued by the NSW Land and Environment Court following a Section 34 Conciliation Conference for the construction of a five storey mixed use development at 297-299 Canterbury Road, Canterbury.

As part of the court process, the applicant amended the proposed development to comply with the Council's key planning controls, including the maximum overall building height limit. No additional height or floor space was approved in exchange for the laneway widening or draft VPA.

The deferred commencement conditions and operational conditions require that the applicant is responsible for:

- Dedication of an area of land measuring three metres (depth) x 15.405 metres (width) to Council.
- All costs associated with the construction of this portion of the site for lane widening.
- Undertaking the design work for the widened road sections immediately adjacent to the site to Council's specifications.
- Construction of the laneway, including integration with the existing road, re-sheeting of the laneway if required, appropriate transition road works with the adjoining site.
- Relocation of any services affected by the laneway at the applicant's cost.

On 24 October 2017 Council considered a report (Attachment A) on a draft VPA in relation to the deferred commencement consent issued by the Land and Environment Court. Council resolved to adopt the draft VPA for purposes of public exhibition. A copy of the draft VPA is attached. (Attachment B).

Public Exhibition

The draft VPA and Explanatory Note was placed on public exhibition from 7 November 2017 to 5 December 2017.

No submissions were received. No amendments to the exhibited draft VPA are proposed.

CONCLUSION

The draft VPA has been prepared in accordance with Council's Voluntary Planning Agreement's policy and it meets legislative requirements in relation to planning agreements.

The draft VPA to dedicate land and construct the laneway on the dedication land at 297-299 Canterbury Road, Canterbury for the future extension of Clunes Lane is supported. It will provide future proofing of the potential to widen this section of the lane between Wonga Street and Gould Street.

Planning Matters - 12 December 2017

ITEM 5.4 **Submission to the Draft Greater Sydney Region Plan and Draft South District Plan**

AUTHOR **Planning**

PURPOSE AND BACKGROUND

This report outlines Council's submission to the Draft Greater Sydney Region Plan and Draft South District Plan as shown in Attachment A.

ISSUE

Council's submission identifies key issues that the Greater Sydney Commission should address prior to finalising the Draft Greater Sydney Region Plan and Draft South District Plan. The intended outcome is to ensure metropolitan planning delivers well-located housing; public places with a clear focus on high amenity; efficient transport; local infrastructure, services and facilities; and planning outcomes that are people focused.

RECOMMENDATION

That Council endorse the submission to the Draft Greater Sydney Region Plan and Draft South District Plan as outlined in this report.

ATTACHMENTS [Click here for attachments](#)

- A. Council Submission
- B. Greater Sydney Commission – Draft Greater Sydney Region Plan (Overview)
- C. Greater Sydney Commission – Draft South District Plan (Overview)

POLICY IMPACT

Council will be required to prepare a new housing strategy to give effect to the South District Plan. The Greater Sydney Commission will work with Council to define the six to ten year and 20 year dwelling targets that will inform the housing strategy.

Concurrently, Council will need to prepare a single consolidated local environmental plan to implement the recommendations of the housing strategy. The new local environmental plan will need to be completed within three years of the South District Plan being finalised or within two years if the Greater Sydney Commission selects Council to receive funding under the 'Priority Councils' initiative.

FINANCIAL IMPACT

Council will need to provide adequate resources to prepare the housing strategy, the new local environmental plan and corresponding updates to the development control plans and local contributions plans.

COMMUNITY IMPACT

At this stage, this matter has no community implications for Council. However, a detailed community and stakeholder strategy will be prepared as part of the housing strategy and LEP / DCP development process.

DETAILED INFORMATION

Draft Greater Sydney Region Plan and Draft South District Plan

The State Government established the Greater Sydney Commission in 2015.

The Commission is an independent agency responsible for leading metropolitan planning in Sydney. The Commission does not fund or build infrastructure, and does not have the legislative ability to require state agencies to do so. Its role is to coordinate a whole-of-government approach that can provide the appropriate infrastructure in the right places to support Sydney's growth.

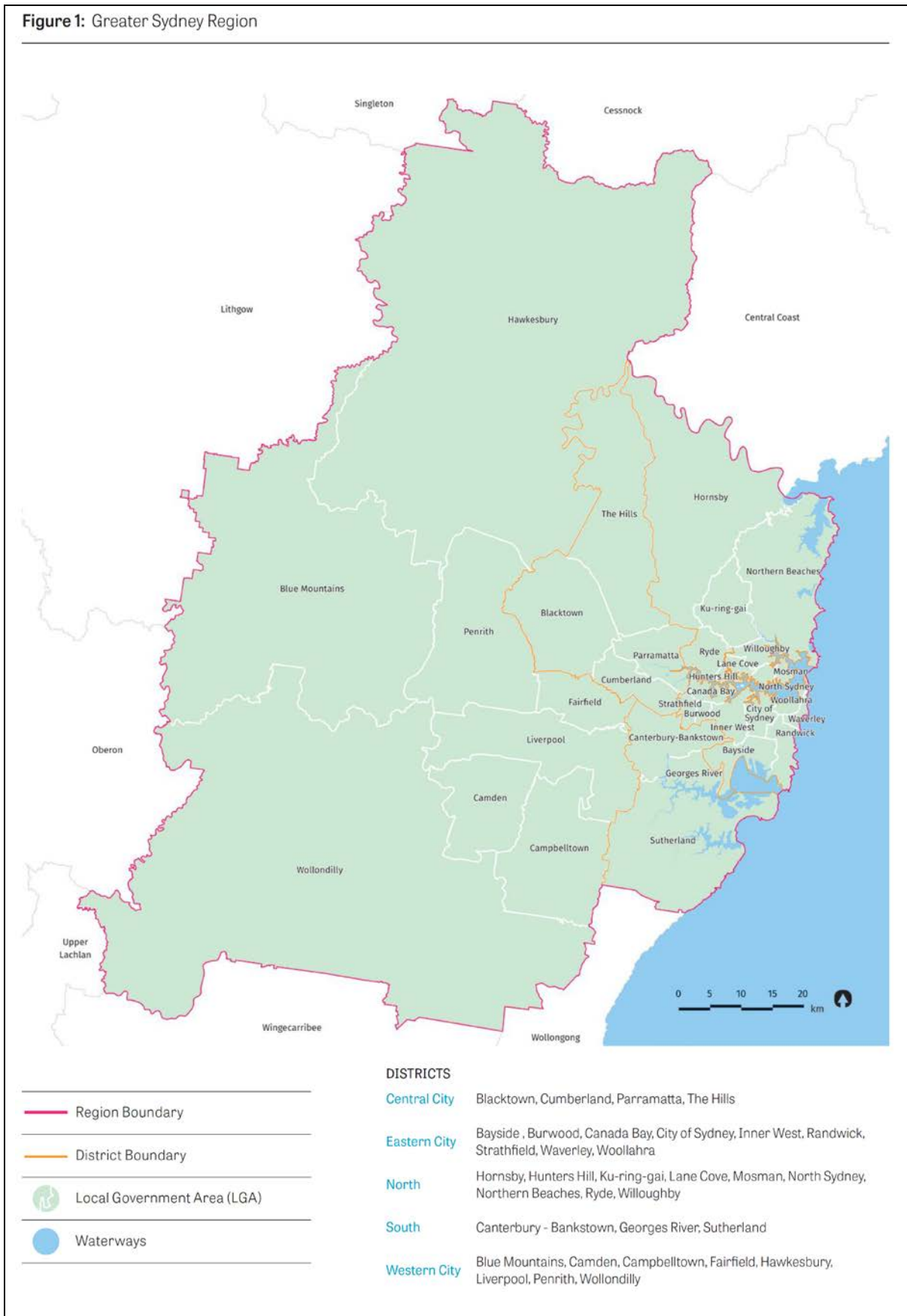
A key function of the Commission is to prepare the Draft Greater Sydney Region Plan and District Plans for the State Government to consider. The purpose of the Draft Plans are to:

- Set a 40 year vision (up to 2056) and establish a 20 year plan to manage Sydney's growth in the context of economic, social and environmental matters.
- Inform government-led urban renewal projects, local housing strategies, local environmental plans and planning proposals.
- Assist infrastructure agencies to plan and deliver for growth.
- Inform the private sector of the vision for Sydney and the infrastructure requirements to manage growth.

The Draft Greater Sydney Region Plan applies to the Greater Sydney Region, as shown in Figure 1 and sets the planning framework for the five districts which make up the region. The local government areas for the five districts are listed in Figure 1.

The Canterbury-Bankstown Local Government Area forms part of the South District, together with the Georges River and Sutherland Local Government Areas.

Figure 1: Greater Sydney Region



Source: Draft Greater Sydney Region Plan (page 17)

The Draft South District Plan applies a five year dwelling target (13,250 new dwellings) to the Canterbury–Bankstown Local Government Area. This represents 60% of the South District forecast growth during this period. This target is also the 4th highest dwelling target out of the 33 local government areas that make up the Greater Sydney Region.

Top 5 Local Government Areas	Dwelling target to be delivered in the next 5 years (2016–2020)	Source of growth
Parramatta	21,650	Central City CBD
Sydney	18,300	Eastern City CBD
Blacktown	13,950	North West Growth Centre
Canterbury–Bankstown	13,250	Current construction activity, in particular the Canterbury Road Corridor
Camden	11,800	South West Growth Centre

The Department of Planning and Environment met with Council in March 2017 to outline the assumptions that informed the five year dwelling target.

It appears the dwelling target is not a target but a ‘business as usual’ scenario based on current development controls i.e. a combination of actual constructions and an assumption that development applications either approved or currently under assessment will be constructed sometime in the next five years. Construction activity along the Canterbury Road Corridor is the primary contributor to the supply figure.

Following the finalisation of the Draft South District Plan, the Greater Sydney Commission will work with Council to define the six to ten year and 20 year dwelling targets to inform Council’s new housing strategy and consolidated local environmental plan.

Exhibition

The Greater Sydney Commission placed the Draft Greater Sydney Region Plan and Draft South District Plan on exhibition from 22 October to 15 December 2017.

Attachment B contains an overview of the Draft Greater Sydney Region Plan and Attachment C contains an overview of the Draft South District Plan.

Council’s Submission

Following a review, Council raises the following key issues that the Greater Sydney Commission should address prior to finalising the Draft Greater Sydney Region Plan and Draft South District Plan:

- Council does not support the Draft Sydenham to Bankstown Urban Renewal Corridor Strategy due to the significant number of unresolved issues, particularly concerning infrastructure, open space, urban design and funding.
- Council does not support a proposed dwelling target without upfront infrastructure support from the State Government.
- The Draft Plans must deliver quality open spaces of appropriate scale to support growth.
- The Draft Plans must review the proposed mechanisms to deliver affordable housing.

- The Draft Plans must improve transport connections within the South District, and to the West Central District and key employment centres such as Macquarie Park and Norwest.
- The Draft Plans must confirm Bankstown as a Priority Collaboration Area to commence immediately.

Next Steps

Following the exhibition, the Greater Sydney Commission will forward the Draft Greater Sydney Region Plan to the State Government for endorsement. The Commission will finalise the Draft South District Plan.

The implementation of the Draft Plans will occur through government-led urban renewal projects, Council's housing strategy and planning instruments, planning proposals and development applications.

Planning Matters - 12 December 2017

ITEM 5.5 **Submission to the Future Transport Strategy 2056**

AUTHOR **City Future**

PURPOSE AND BACKGROUND

This report outlines Council's submission to the Future Transport 2056 suite of documents released by Transport for NSW for comment as shown in Attachment A.

Transport for NSW exhibited the Draft Strategy and supporting documents from 31 October to 3 December 2017. Council was granted an extension to 15 December 2017.

ISSUE

Council's submission provides key issues and opportunities of importance to Canterbury Bankstown which have not been considered or discussed in the Future Transport suite of documents.

The strategy and supporting documents lack the vision and pathway towards a best practice transport network. Council's submission includes a request to consider our endorsed submission on the Sydenham to Bankstown Metro Upgrade including the undergrounding of Bankstown Station to future proof the metro network for future links identified in the strategy. Council also reiterates calls for road network improvements to Stacey Street and Henry Lawson Drive.

Council's feedback on the strategy reflects our particular challenges and opportunities given the type of transport infrastructure within, or proposed for, our City and the volume of growth expected from local and State Government driven redevelopments and precinct urban renewal.

RECOMMENDATION

That Council endorse the submission to the Future Transport 2056 suite of documents as outlined in this report.

ATTACHMENTS [Click here for attachment](#)

- A. Future Transport Strategy Submission

POLICY IMPACT

Should the Draft Strategy be approved and implemented it will have significant policy implications for Council as outlined in this report. This primarily relates to the change in approach towards transport infrastructure and planning.

FINANCIAL IMPACT

Should the Draft Strategy be approved and implemented it will have significant financial implications for Council as outlined in this report. This primarily relates to the impacts of future transport infrastructure projects on Council assets.

COMMUNITY IMPACT

Should the Draft Strategy proceed, it will bring transformative change to how the State and Council plans for, and support, transport infrastructure.

DETAILED INFORMATION

Council's submission responds to the suite of Future Transport documents being:

- **The Draft Future Transport Strategy** which sets the 40 year vision, directions and outcomes framework for customer mobility in NSW, which will guide transport investment over the longer term. It will be delivered through a series of supporting plans.
- **The Draft Services and Infrastructure Plans** which sets out the customer outcomes for Greater Sydney and Regional NSW for the movement of people and freight to meet customer needs and deliver responsive, innovative services. The plans will define the network required to achieve the service outcomes.
- **The Draft Road Safety Plan 2021** that will set new priorities and work towards the State Priority target of a 30 per cent reduction in road fatalities by 2021, and the longer-term aspirational goal to move Towards Zero as part of Future Transport.

Council is the closest level of government to the community. This means we are intimately aware of our community's concerns in relation to transport network matters. We are beginning the journey with our Councillors and the community to reframe the conversation around transport and its role in moving people and goods. We look to State Government to drive the delivery of best practice transport networks that our communities can depend on.

Our feedback is focused on the City's transport challenges, how these challenges are addressed in the suite of documents and suggested amendments to the strategy to assist Councils and State Government to deliver a world-class transport network.

Council provides the following opportunities and recommendations that should inform a revised Future Transport Strategy:

1. **Revise the Sydenham to Bankstown Metro project based on Council's recommendations.** The Metro project is part of Australia's biggest public transport project. Unfortunately the project as it currently stands, lacks the vision and commitment needed to provide economic, social and infrastructure opportunities for the people of Canterbury-Bankstown. Whilst the provision of much needed infrastructure to service the growing needs of our community is welcomed, Council has significant concerns that the project, as planned, will have detrimental outcomes for our community and key opportunities are not being realised. Council has developed a detailed submission with recommendations to improve the outcomes for our community and City.
2. **Engage in a genuine collaboration with Local Government** moving forward, there should be meaningful engagement with Council's about the outcome of submissions received and options to address these issues. We also need to be involved in the design of transport infrastructure to ensure that impacts and opportunities are properly considered.
3. **Develop a stronger vision** with a focus on service-oriented transport systems informed by best practice transport hierarchies and the governance framework to deliver it.

4. **Recognise the strategic role of Bankstown CBD** underground the metro at Bankstown Station to future proof links to strategic centres of Liverpool, Kogarah, Parramatta and Western Sydney Airport. We look to TfNSW to recognise the benefits of this approach towards delivering the identified Sydney-wide initiatives that will have a lasting impact on our community.
5. **Partner with Council to make active transport a more attractive option** through promotion the significant health and economic benefits of modal shift and delivery of safe and good quality infrastructure.
6. **Deliver people oriented/traffic calmed streets in centres** by mediating and resolving competing demands on high movement/high place streets to get the best place outcome.
7. **Embed design and placemaking principles in all transport infrastructure projects** based on the State Government adopted *Better Placed* policy and TfNSW's *Sustainable Design Guidelines*.
8. **Progress necessary improvements to the CB City transport network** including Stacey Street widening and enhancement of the road network to Parramatta and the duplication of Henry Lawson Drive within short term.
9. **Develop tools to assist the community to transition to future transport options** informed by detailed engagement programs.
10. **Improve the funding of transport infrastructure** by developing a transparent process where costing for infrastructure and ongoing maintenance costs are understood up front.
11. **Develop robust targets and evaluation processes** that align to it's the objectives contained in the strategy, to provide a benchmark to measure actual achievement.
12. **Development controls on narrow residential streets** through appropriate parking guidelines for medium density development.
13. **Renew commitment to increase freight via rail rather than roads.**

Our submission identifies where these opportunities should be addresses in the documents placed on exhibition.

Planning Matters - 12 December 2017

ITEM 5.6 **Report on Development Applications and Section 96 Applications Determined for the 2017/18 Financial Year to Date and Summary of Planning Related Court Matters for the 2017 Calendar Year**

AUTHOR **Planning**

PURPOSE AND BACKGROUND

This report has been prepared to provide Council with information regarding the number of development applications and Section 96 applications (amendments to approved development applications) determined since July 2017.

This report also provides an update on the status of planning related legal matters for 2017.

RECOMMENDATION

That the contents of this report be noted.

ATTACHMENTS [Click here for attachment](#)

- A. Current Court Appeal Listing as of 1 December 2017

POLICY IMPACT

This report has no policy implications.

FINANCIAL IMPACT

This report has no financial implications.

COMMUNITY IMPACT

This report has no community implications.

DETAILED INFORMATION

Development Applications and Section 96 Applications

The attached report shows that in the 5 months since the commencement of the 2017/18 financial year, a total of 690 Development Applications and 228 Section 96 applications were determined.

The process of aligning Council's planning functions commenced in November 2017 and significant improvements in processing times have been achieved since that process commenced. At the time of amalgamation, the median determination time for the former Canterbury Council area was 124.5 days with the median determination time for the former Bankstown Council area being 35 days.

The gross median determination time for the processing of development applications for the financial year to date is currently 43 days with a total value of work determined of \$718,244,553.00.

Council has however continued to receive applications that continue to disregard planning and development controls such as height and floor space with applicants opting to have their matters determined by the Court instead of complying with current controls. This has been in part related to planning controls that do not reflect contemporary planning or community expectations or are non-existent.

To encourage orderly development across the City, council will soon commence the process of modernising its planning and development controls that will be based on robust strategies, shaped by community input and drive high quality public and private domain outcomes. A separate report to Council will be prepared in early 2018 mapping out this process.

Planning related legal matters

The attached report indicates that there are currently 37 active planning related legal matters, although some of these are awaiting finalisation of judgements or Section 34 agreements.

The active matters relate to refused development applications, or "deemed refused" matters, where Council has requested modifications to a proposal to bring about an acceptable development and the applicant has sought approval through the Court rather than amend the development.

In 2017, there were 31 matters where Council was successful in defending its decision on development applications. These appeals were either dismissed, withdrawn, or the applicant agreed to amend the proposal at the Section Conciliation 34 stage. Some of these matters proceeded to a hearing but only after Council's key contentions were satisfied by the applicant.

In total four appeals were however lost by Council during 2017.

Council's position in upholding established core planning controls has been justified in the majority of cases as Council has been successful in defending a significant number of appeals, with the Court agreeing with Council's position in most cases. It is important to demonstrate the number of matters that Council has been successful as each matter reflects an improved development outcome that is generally consistent with Council's strategic planning and development controls, will result in an improved development outcome for the locality and better protect future and existing resident amenity.

The following outlines outcomes of planning appeals defended by Council in 2017.

47-51 Chapel Street, Roselands Appeal – Refused by Sydney South Planning Panel and Dismissed by the Court

On 9 March 2016, Development Application No.104/2016 was lodged for the demolition of existing structures and construction of twenty townhouses (including ten 'affordable' townhouses) under State Environmental Planning Policy (Affordable Rental Housing) 2009.

Council requested for the Applicant to withdraw the application as the proposal was outside the 'accessible area' required under the State Policy, as well as concerns relating to the overdevelopment of the site including breaches to the building height and FSR, setbacks, solar access, excavated ground floor living areas, building depth and envisaged character which could not be supported. The Sydney South Planning Panel unanimously supported Council's assessment and refused the DA on 31 January 2017.

The Applicant, Katerinis, lodged a Class 1 Appeal against Council and the Sydney South Planning Panel's refusal of the application (case no.2016/283742).

The hearing was held on 18-19 July 2017. Commissioner Gray agreed with Council and found that the State Policy did not apply and the proposal was inconsistent with the desired character of the area. The Judgement of 5 September 2017 considered that the building depth and height of the three storey townhouses was unsatisfactory and the Applicant's Clause 4.6 written request to the floor space ratio standard should be refused. On this basis, the Court dismissed the appeal.

1552-1560 Canterbury Road, Punchbowl - Section 34 Agreement after applicant agreed before the Court to comply with Council's key controls

On 6 September 2016, Development Application No.406/2016 was lodged for the demolition of existing structures and construction of a six storey mixed use development comprising two ground floor commercial premises and 76 residential units over 2 levels of basement car parking containing 125 car spaces.

During the assessment process, a number of design issues were resolved as requested by Council. However the key issue of the breach to the building height remained outstanding. The Applicant was repeatedly advised that the breach to the building height remained a key issue and would not be supported.

On 21 April 2017 the Applicant, City Projects & Developments Pty Ltd, lodged a Class 1 Appeal against Council's deemed refusal of the application (case no.2017/119765).

At the Section 34 conference, the Applicant agreed to remove the sixth storey (including deletion of 10 apartments) and fully comply with the 18m height limit as per Council's original request during the DA assessment.

222 William Street, Kingsgrove – Appeal withdrawn by the Applicant following Court Section 34 Conference

On 10 December 2015, Development Application No.612/2015 was lodged for alterations and additions to the existing principal dwelling and secondary dwelling and conversion into a 16 room boarding house.

On 7 March 2017, Council refused the DA, with 13 reasons for refusal including breach to the FSR, poor communal living areas, compatibility with the character of the local area, overdevelopment of the site and amenity impacts to residents.

On 6 April 2017 the Applicant, Spiro Kapsanis, lodged a Class 1 Appeal (case no.2017/104297). At the Section 34 conference, the Applicant was unable to resolve the majority of Council's issues.

Following the Section 34 conference, the Applicant withdrew the Appeal.

548 Canterbury Road, Campsie – 2 Appeals Dismissed by the Court

This matter related to two separate but related appeals against the refusal of two applications to modify an approved mixed use development at 548-568 Canterbury Road, Campsie. The development comprises 5 buildings. The separate modification applications relate to the same building but address modifications on Levels 1 to 6 (Appeal No. 2017/73548) and Levels 7 and 8 (Appeal No. 2017/73549), individually.

Prior to amalgamation of Canterbury & Bankstown City Council's, the following approvals were issued:

- 20 November 2014 – approval of Development Application DA-509/2013 for "*Demolition of existing site structures and construction of a mixed use development comprising ground floor commercial/retail units, 254 residential units and associated basement car parking*". The six storey development was considered by the Joint Regional Planning Panel with Notice of Determination of Development issued by the council.
- 15 March 2016 – approval of Modification (Development Application DA-509/2013/A) to Development Application DA-509/2013 for "*Modification to approved mixed use building including additional basement parking*" by the council.
- 15 March 2016 – approval of Development Application DA-592/2014 for "*Construction of additional two levels to approved six storey mixed use building comprising additional residential apartments*" by the council. The application provided for a further 70 units for a total of 324 units.

The Court made mention that the approved height is a 60% variation on the 18m height limit that applies to the site.

Following amalgamation, the following applications were determined:

- Modification Application No. 592/2014/A proposed internal and external modifications to Development Consent No. DA 592/2014 on Level 7 and Level 8 of the approved building. This application was refused by Canterbury- Bankstown Council.
- Modification Application No. 509/2013/B proposes internal and external modifications to Development Consent No. DA 509/2013/A on Levels 1 to Level 6 of the approved building. This application was refused by Canterbury- Bankstown Council.

The proposed changes had the effect of increasing floor area, reducing setbacks and separation distances, and reducing communal open space areas and deep soil zones.

The appeal was heard by Commissioner Brown on 27 June 2017. In handing down his decision on 22 August 2017, Commissioner Brown in dismissing both appeals stated “the question of whether the proposed development is an overdevelopment of the site must be answered in the positive”.

570 Canterbury Road, Campsie – Appeal Dismissed by the Court

On 13 August 2015, the former Canterbury City Council approved DA-591/2014 to demolish all existing structures, remediate the land and construct a mixed-use development comprising 81 residential units, 5 commercial units over 6 levels and 3 levels of basement parking for 154 cars on the site.

Development Application No. 510/2015 sought consent for the construction of two additional residential levels comprising 4x1 bedroom apartments, 13 x 2 bedroom apartments and 1 x 3 bedroom apartments with roof top terrace areas, above the approved 6 storey mixed use development. If approved, the development will comprise an 8 storey building, with 3 levels of basement car parking, 5 ground level commercial tenancies, and 7 levels of residential apartments comprising 101 units with rooftop terrace areas. The development application was refused by Canterbury- Bankstown City Council.

In the proceedings, Council maintained that the proposal would result in excessive height, overdevelopment and character impacts, inadequate setbacks and building separation, excessive bulk and scale, overshadowing, poor waste management facilities, and cumulative traffic impacts.

In refusing consent to the development, Commissioner Brown found the applicant had not justified the contravention of the height development standard by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

118 Duntroon Street and 36 Floss Street, Hurlstone Park – Appeal Dismissed by the Court

The appeal of Vasiliades v Canterbury-Bankstown Council was lodged in response to the deemed refusal by Council of consent for a four storey mixed use development. The proposed building comprises ground floor retail, basement parking and three levels of boarding rooms.

The applicant was granted leave by the Court to rely on amended plans and documentation in June 2017. At the commencement of the proceedings the applicant sought, and was granted leave, for a further set of amended plans.

Council maintained the applications should be refused for the following reasons:

1. The proposal is not compatible with the character of the local area;
2. The building is out of context with the proposed heritage conservation area;
3. The proposal exceeds the height limit for the site under the new local environmental plan controls; and
4. The access, parking and loading area will affect the amenity of adjoining properties.

The fundamental issue for determination in this appeal was whether the proposed development is appropriate for its context and compatible with the current and desired future character and streetscape of Duntroon and Floss Streets.

The appeal was heard by Commissioner Dickson on 4 & 5 September 2017 and judgement was handed down on 20 September. The Commissioner found that the development is not compatible and that the application warrants refusal on the grounds the development has a detrimental impact on the current and desired future character of the locality.

1-3 Weyland Street, Punchbowl- Appeal dismissed by the Court

Development Application DA295/2016 was lodged with Council in July 2016 and sought approval for a 6 storey mixed use development comprising retail tenancies at ground level with 45 apartments at the upper levels. Two levels of basement parking with a third level mezzanine were proposed containing 63 car parking spaces, bicycle parking and storage. Drainage and landscaping works were also proposed.

On September 30, 2016 the application was refused with 30 grounds for refusal ranging from excess height to inadequate parking and access arrangements. Many of the grounds referenced poor design outcomes in terms of the quality of the proposed apartments and open space areas as well as inadequate application documentation.

Commissioner Smithson heard the appeal on 25 & 26 September 2017 and handed down judgement in the matter on 21 November 2017.

In refusing the application, the Commissioner wrote "With little, if any, exception I agree with the Council that the grounds for refusal remain valid grounds not to grant consent....In summary, I agree with the Council that the proposal in this application is manifestly an overdevelopment of the site....Overall, I find little if anything to commend this application".

27 Fletcher Street, Campsie- Appeal upheld by the Court after the Applicant altered the design to remove the contentions related to key matters

This appeal was been lodged in response to the refusal by Council of consent for a residential flat building to be utilised in part for affordable housing. The applicant sought approval for a three storey building containing nine residential units.

Following the termination of the conciliation and the joint conferencing of the planning experts, the applicant made amendments to the proposed development. The applicant was granted leave by the Court to rely on amended plans and documentation on 1 August 2017. These plans entailed the following main changes:

1. a reduction in the gross floor area of the proposal by some 650m²;
2. an amendment to the design of the proposal to provide a two storey, pitched roof appearance to the street;
3. an increase in the front setback;
4. an increase in the provision of deep soil areas;
5. amendments to the design of the onsite detention tank; and
6. removal of the mechanical car stackers.

Further changes were made on each day of the proceedings in order to resolve Council's concerns such that agreement was able to be reached that the development now satisfied Council's key concerns. Following agreement being reached, the Court allowed the development to proceed and required the Applicant to pay part of Council's costs in the matter due to design changes that were considered to be more than minor in order to bring about a suitable form of development.

433-437 Canterbury Road, Campsie – Appeal Dismissed by the Court

On 22 December 2016, Development Application No. 592/2016 was lodged for the demolition of existing structures and the construction of a four storey hotel comprising 112 guest rooms, 119m² restaurant, 70 m² commercial tenancy, two levels of basement car parking and associated landscaping.

As part of the assessment, Council raised concerns relating to compliance with the State Environmental Planning Policy (Infrastructure) 2007, Canterbury Local Environmental Plan 2012 (CLEP 2012) (specifically in regards to the characterisation of the proposal and maximum building height), compliance with the relevant provisions of Canterbury Development Control Plan 2012 (CDCP 2012) (specifically in regards to number of stories, floor to ceiling heights, setbacks and general design) as well as matters raised by Council's Development Engineer, Team Leader – Traffic and Transportation and Environmental Health Officer.

On 9 March 2017 the Applicant, Sheesha Pty Ltd, lodged a Class 1 Appeal against Council for the deemed refusal of the development application (case no. 2017/73880).

The hearing was held on 30-31 October 2017 before Commissioner Dickson. The judgement of 21 November 2017 considered that the maximum building height standard specified within CLEP 2012 and the maximum number of storeys control in CDCP 2012 for the site are consistent and envisage a maximum 3 storey development on the site.

Commissioner Dickson also agreed with Council that there was insufficient information to determine whether the proposed lift design would exceed the maximum building height standard. It was found that the variation sought to the 3m floor to ceiling height requirement specified within CDCP 2012 was unwarranted and limited the possibility of the rooms being retrofitted to another permissible use given their limited floor area and range of interval levels within each room. In terms of whether the development was appropriate in the streetscape, Commissioner Dickson agreed with Council that the front façade had insufficient articulation

and variation and the sub-floor design of the hotel foyer and commercial space did not promote pedestrian activity. On this basis, the Court dismissed the appeal.

18-22 Northcote Street, Canterbury – Appeal Dismissed by the Court

On 4 April 2016, Development Application No. 148/2016 was lodged for the demolition of two existing dwellings, retention of the existing residential flat building and the construction of 11 multi-dwellings over a single level basement car park.

The application was refused, under delegated authority, on 24 October 2016.

On 11 January 2017 the Applicant lodged a Class 1 Appeal against the refused development application (case no. 2017/9722).

The hearing was held on 26-27 September 2017 before Judge Robson. The judgement of 27 November 2017 found that the applicant did not adequately demonstrate that the existing residential flat building located on No. 18 Northcote Street benefitted from existing use rights. In regards to the proposed variation to the floor space ratio development standard, Judge Robson found that the applicant's justification within the Clause 4.6 variation was not well-founded, did not provide adequate justification for such variation and noted that the site was free of any constraints that would warrant such variation. Judge Robson determined that the additional bulk proposed within the design of the development adversely impacted on the amenity of future residents as well as existing adjoining properties. On this basis, the Court dismissed the appeal.

702-704 Canterbury Road, Belmore - Appeal Upheld by the Court

On 2 June 2016 Section 96 Modification Application No. 559/2013/A was lodged to modify the Land and Environment Court's consent for a mixed use development. The modification sought to reconfigure the apartments to include two additional one bedroom apartments and associated car parking through a car stacker arrangement.

The modification application was refused by Council on the basis of insufficient car parking, proposed encroachments into the setbacks, undersized apartment layout and engineering matters. The Applicant, Roger Nasr, lodged a Class 1 Appeal (case no. 2016/47142) on 14 February 2017.

Over the course of the appeal, the planning issues were resolved. At the Hearing of 9 October 2017, the issues were only related to use of the car stackers. On 17 October 2017, the Commissioner found that the Section 96 Application had been lodged prior to the commencement of the new Canterbury Development Control Plan 2012 and therefore the use of car stackers was satisfactory in accordance with the now repealed DCP. The Appeal was upheld.

13-17 Sixth Avenue, Campsie - Section 34 Agreement after applicant agreed before the Court to comply with Council's key controls

On 15 July 2016, Development Application No. 359/2016 was lodged for the demolition of existing structures and construction of an eight storey mixed use development comprising 61 residential apartments and six commercial tenancies above basement car parking.

The Sydney South Planning Panel were briefed on the 15 February 2017. Concerns relating to substantial breaches to the maximum building height, setbacks, building footprint, façade design and privacy were raised, with the Panel requesting for the application to be withdrawn or reported back for refusal.

On 2 March 2017, the Applicant, Rad 1 Services Limited, commenced Class 1 proceedings against Council and the Panel's deemed refusal of the application (case no. 2016/66252).

During the Section 34 Conciliation Conference, the Applicant agreed to remove one storeys from the building and comply with the 21m height control. Major amendments to the overall design, including increased setbacks, solar access and façade changes were also made by the Applicant to meet Council's controls.

386-398 Beamish Street, Campsie - Appeal Upheld following significant modifications to address Council's initial concerns

On 30 September 2016, Development Application No. 452/2016 was lodged for construction of a seven storey mixed use development comprising 80 residential apartments, seven retail tenancies and 10 SOHO work/live studios above basement car parking.

On 16 December 2016 the Applicant, Lippmann Partnership Pty Ltd, commenced Class 1 proceedings against Council's deemed refusal of the application (case no. 2016/377470).

Throughout the proceedings, Council raised concerns relating to permissibility of the ground floor SOHO/residential component, substantial breaches to the maximum building height, setbacks, building separation, general design issues and solar access. Several sets of plans were provided which resolved the key issues raised including removal of a storey to comply with the maximum height limit, deletion of the prohibited SOHO element and substantial redesign to meet Council's design controls. At the Hearing of 16 October 2017, the remaining issue related to submission of a contamination report to meet the requirements of *State Environmental Planning Policy 55 - Remediation of Land*.

On 27 October 2017 the Commissioner agreed with Council's position that the contamination report was required prior to determination of the application. Approval of the DA has been delayed until the Applicant undertakes the report requested by Council.

610-618 New Canterbury Road, Hurlstone Park – Appeal Dismissed by the Court

On 7 November 2016, a Section 96 Modification Application was lodged with Council to modify Development Application No. 533/2012 to construct an additional level of residential accommodation (sixth storey) and associated car parking.

On 21 December 2016 the Applicant, Innerwest 888 Pty Ltd lodged a Class 1 Appeal against Council's deemed refusal of the application (case no.2016/380489).

Council's key contentions with the application revolved around the additional bulk from the sixth storey above the maximum height limit and the application not being substantially the same as that approved.

The hearing was held on 6, 7 and 21 April 2017. On 16 May 2017, Commissioner Morris found that the application was not substantially the same as approved. Essential elements described in the assessment of the application (and included as conditions of consent) included a reduction in height to achieve a compliant five storey built form. The Court found that the building height formed a critical element of Council's determination and dismissed the appeal.

45 Cornelia Street, Wiley Park – Appeal Upheld after key contentions in relation to height limits were satisfied

On 10 October 2016, Development Application No. 464/2016 was lodged for the demolition of existing structures and construction of 3 and 4 storey boarding houses (in two blocks, containing 33 rooms and a manager room) with underground basement parking.

A deemed refusal Class 1 Appeal was lodged by the Applicant, 45 Cornelia St Pty Ltd, on 9 March 2017 (case no. 2017/00073901).

Following the terminated Section 34 Conciliation Conference, the Applicant made several amendments to the proposal resulting in a reduction of overall height (to 3 storeys) to comply with the maximum height limit, reduction in boarding rooms (to 24 plus a managers room) and increased setbacks and common space as requested by Council.

The Appeal proceeded to a hearing on 19 October 2017 before Commissioner Dickson. The Order to approve the application was made by the Court on 3 November 2017.

52-54 Eighth Avenue, Campsie – Appeal Dismissed by the Court

On 1 July 2016, a Section 96AB Modification Application Review was lodged with Council to review Council's refusal of Development Application No. 523/2014/A to construct a fourth floor comprising a single two bedroom unit.

Council requested for the Applicant to withdraw the application as the breaches to the building height, FSR controls and envisaged character could not be supported. The application was refused on 1 November 2016.

On 30 November 2016 the Applicant, Ozzy States Pty Ltd, lodged a Class 1 Appeal against Council's refusal of the application (case no.2016/358999).

The hearing was held on 20 June 2017. Consistent with 610-618 New Canterbury Road, Hurlstone Park, Commissioner Gray found that the proposed additional fourth floor would not result in a development that was substantially the same as that approved. The judgement of 8 August 2017 considered that the essential element that formed the granting of consent was the three storey built form, which was consistent with Council's desired future character. On this basis, the Court found that the proposed fourth storey was not substantially the same and the appeal was dismissed.

6-6A Charles Street, Canterbury- Section 34 Agreement after applicant agreed before the Court to comply with Council's key controls

On 18 July 2016 Development Application DA-304/2016 was lodged with Council to demolish existing buildings on the site and construct a seven (7) storey shop top housing development

comprising five (5) commercial tenancies at ground floor level and 35 residential units over two levels of basement car parking. The development was configured as two towers: a seven storey tower at the Charles Street frontage and a four storey tower at the rear of the site.

On 24 February 2017 the applicant appealed the deemed refusal of the development application to the Land and Environment Court.

A s34 Conciliation Conference was held in respect of the appeal on 21 July 2017. Revised plans were provided by the Applicant and discussed at the conciliation conference.

The conciliation conference was adjourned to enable to the Applicant to make a number of further changes to the amended plans. Amongst other amendments an upper level was deleted from the riverfront building, which improved solar access to 4 Charles Street.

Following this amendment to address Council's concerns, the Court approved the development.

6 Broughton Street, Canterbury- Section 34 Agreement after applicant agreed before the Court to comply with Council's key controls

On 18 July 2016 Modification Application DA-165/2012/C was lodged with Council to modify a consent (originally granted on 14 November 2013) for the construction of a 6-storey residential flat building containing 28 units over two levels of basement car parking. The modifications application sought to amend the layout of all apartments, increase the number of units from 28 to 35, amend the mix of units to increase the number of one and two bedroom units, adjust the façade, change the basement parking layout and amend the building footprint.

On 24 February 2017 the applicant appealed the deemed refusal of the modification application to the Land and Environment Court.

During the conciliation the parties discussed at length the floor space ratio, solar access to units, adequacy of the communal open space and waste holding room.

The conciliation conference was adjourned to enable to the Applicant to make a number of changes to the plans, including resolving the communal open space and waste issues, reducing the proposed floor space ratio and improving solar access to units.

Following this amendment to address Council's concerns, the Court approved the development.

11-17A Burwood Road, Belfield – Section 34 Agreement after applicant agreed before the Court to comply with Council's key controls

On 10 December 2015, Development Application No. 604/2015 was lodged for the demolition of existing structures (retaining two facades) and construction of a four storey shop top housing development comprising 31 residential apartments and commercial tenancies above basement car parking.

As part of the assessment, Council requested amended plans, with key changes including a reduction of building height (including deletion of the fifth storey) and widening of the rear laneway. On 11 November 2016 the application was refused.

On 1 December 2016 the Applicant, CC United Developments, lodged a Class 1 Appeal against Council's refusal of the application (case no. 2016/360387).

At the Section 34 Conciliation Conference held on 26 April 2017, the Applicant agreed to remove the fifth storey and dedicate land to extend the rear laneway. The Court issued consent orders shortly after the Section 34 Conference.

251-257 and 259-267 Canterbury Road, Canterbury – 2 x Appeals withdrawn by the Applicant following Court Section 34A Conference

On 19 August 2016, Development Application No's. 277/2016 and 278/2016 were lodged for:

DA-277/2016 – Demolition of existing structures and construction of a part six, part eight storey mixed use development with 54 residential apartments and commercial space over three levels of basement car parking.

DA-278/2016 – Demolition of existing structures and construction of a part five, part six storey residential flat building with 48 residential apartments over four levels of basement car parking.

On 6 September 2016, Council requested for both applications to be withdrawn based on the significant breaches to the applicable floor space ratio, building height and setbacks; amongst other issues. Amended plans were received for both DA's on 10 October 2016, which included a reduction from eight storeys to six storeys and deletion of the commercial spaces for DA-277/2016.

On 14 November 2016 the Applicant, Combined Projects, lodged Class 1 Appeals against Council's deemed refusal of the applications (case no. 2016/336125 and 2016/336124).

At the Section 34 Conciliation Conference held on 15 March 2017, Council reiterated that the substantial breaches to the building height, FSR and setback controls would not be supported. Following Council's feedback at the Section 34 Conciliation Conference, the Applicant sought leave from the Court to discontinue the proceedings; and withdrew both appeals on 1 June 2017.

1262-1270 Canterbury Road, Roselands – Section 34 Agreement after applicant agreed before the Court to comply with Council's key controls

On 4 December 2015, Development Application No. 597/2015 was lodged for the demolition of existing structures and construction of a mixed use development comprising residential apartments and commercial tenancies above basement car parking.

During the assessment of the application, Council requested for a reduction in overall building height, compliance with the ADG and DCP setback controls, compliance with the solar access requirements; amongst other issues. On 30 September 2016, the application was refused.

On 4 November 2016 the Applicant, Josephine Russo, lodged a Class 1 Appeal against Council's deemed refusal of the application (case no. 2016/330229).

At the Section 34 Conciliation Conference held on 17 February 2017, the Applicant agreed to reduce the building height to comply with the height limit, amend the proposal to comply with the required setbacks and other design changes.

146-148 Haldon Street, Lakemba – Appeal Dismissed by the Court

On 9 June 2016, Development Application No. 241/2016 was lodged for the demolition of existing structures and construction of a mixed use development comprising 28 residential apartments with ground floor pub and bottle shop above basement car parking.

On 26 July 2016 the Applicant, Lakemba Hotel Pty Ltd, lodged a Class 1 Appeal against Council's deemed refusal of the application (case no. 2016/224857).

Following the termination of the Section 34 Conciliation Conference on 15 November 2016, the Appeal proceeded to a hearing on 1-2 and 23 June 2017 before Commissioner Dickson.

The Commissioner found that the proposed development's breach to the building height did not have sufficient planning grounds to justify the variation. Further, the proposal did not provide reasonable internal amenity with respect to sunlight, natural ventilation and outlook. On this basis, the application was dismissed.

10 and 12 Tempe Street, Earlwood – Two x Appeals Upheld

On 26 September 2016, Development Application No's. 432/2016 and 433/2016 were lodged for the demolition of existing structures and construction of a dual occupancy development with Torrens Title. Council advised the Applicant that neither application was supported based on both site's inability to meet the minimum subdivision lot size. The applications were refused on 20 January 2017.

On 3 March 2017 the Applicants, Ray Saad and Ramzi Srour, lodged a Class 1 Appeal against Council's refusal of the applications (case no's. 2017/67557 and 2017/67558).

The Appeal proceeded to a hearing on 28 June 2017 before Commissioner Smithson. The Order to approve the applications was made by the Court on 29 June 2017.

11 Rhonda Avenue and 86 Shorter Avenue, Narwee – Section 34 Agreement after applicant agreed before the Court to comply with Council's key controls

On 26 October 2016, Development Application No. 500/2016 was lodged for the demolition of existing structures and construction of eighteen townhouses with basement car parking and strata title subdivision under State Environmental Planning Policy (Affordable Rental Housing) 2009.

As part of the assessment of the application, Council requested for dedication of the land to create a nature strip and footpath for residents. On 21 March 2017, the application was refused. On 22 March 2017 the Applicant, Shorter Developments Pty Ltd, lodged a Class 1 Appeal against Council's refusal of the application (case no. 2017/87922).

At the Section 34 Conciliation Conference held on 17 July 2017, the Applicant agreed to dedicate land to create a footpath and nature strip at the front of the site. The Court issued consent orders shortly after the Section 34 Conference.

749-757 Canterbury Road, Belmore – Section 34 Agreement after applicant agreed before the Court to comply with Council’s key controls

On 1 November 2016, Development Application No. 506/2016 was lodged for the demolition of existing structures and construction of a six storey residential flat building with 46 apartments above basement car parking.

On 12 January 2017 the Applicant, Bella Ikea Pty Ltd, lodged a Class 1 Appeal against Council’s deemed refusal of the application (case no. 2016/11170).

At the Section 34 Conciliation Conference held on 16 June 2017, the Applicant agreed to reduce the height of the building to comply with the height limit in addition to the dedication of land to widen two laneways and other design changes to satisfy Council’s requirements.

717-727 Canterbury Road, Belmore – Section 34 Agreement after applicant agreed before the Court to comply with Council’s key controls

On 2 December 2014, Development Application No. 566/2014 was lodged for the demolition of existing structures and construction of a 6 storey shop top housing development comprising 233 residential apartments, commercial tenancies, communal facilities and basement car parking.

The application was referred to the Sydney East Joint Regional Planning Panel (JRPP), where the application was amended to a part 5, part 6 storey shop top housing development containing 170 residential units and 9 commercial tenancies over basement car parking with associated Voluntary Planning Agreement. After several deferrals, the JRPP refused the application on 17 November 2016.

On 1 December 2016 the Applicant, Belmore 88 Pty Ltd, lodged a Class 1 Appeal against the JRPP’s refusal of the application (case no. 2016/359087).

At the Section 34 Conciliation Conference held on 5 June 2017, the Applicant agreed to further reduce the height of the development to comply with the height limit and amended the design to achieve acceptable solar access to the apartments.

1-7 Haldon Street, Lakemba – Section 34 Agreement after applicant agreed before the Court to comply with Council’s key controls

On 24 June 2016, Development Application No. 265/2016 was lodged for the demolition of existing structures and construction of a mixed use development comprising a ground floor medical centre and pharmacy and residential apartments above basement car parking.

On 2 November 2016 the Applicant, Radwan Elmetsalem, lodged a Class 1 Appeal against Council’s deemed refusal of the application (case no. 2016/326964).

At the Section 34 Conciliation Conference held on 26 May 2017, the Applicant agreed to meet Council's requirements and reduced the height of the development to comply with the height limit; amongst other design changes.

29 Trafalgar Street, Belmore – Section 34 Agreement after applicant agreed before the Court to comply with Council's key controls

On 23 May 2016, Development Application No. 216/2016 was lodged for the construction of a single storey childcare centre for 38 children and 6 staff.

As part of the assessment, Council requested for the Applicant to provide additional outdoor play area to meet the minimum requirements for the number of child care spaces proposed or reduce the number of child care spaces sought in the application from 38 to 35.

In response, Council received a deemed refusal Class 1 Appeal from the Applicant, Oxford Number 1 Pty Ltd on 14 December 2016 (case no. 2016/374434).

At the Section 34 Conciliation Conference held on 5 April 2017, the Applicant agreed to increase the outdoor play space to meet Council's requirements. Consent orders were issued by the Court on 2 May 2017.

285 Canterbury Road, Canterbury – Appeal Upheld

On 28 August 2015, Development Application No. 384/2015 was lodged for the demolition of existing structures and construction of a mixed use development containing ground floor commercial and 41 boarding rooms.

A deemed refusal Class 1 Appeal was lodged by the Applicant, FFS Canterbury Pty Ltd, on the 31 August 2016 (case no. 2016/261808).

Following the terminated Section 34 Conciliation Conference, the Applicant made several amendments to the proposal resulting in a reduction of overall height to comply with the maximum height limit, reduction in boarding rooms and increased building separation as requested by Council.

The Appeal proceeded to a hearing on 16 and 17 March 2017 before Commissioner Dickson. The Order to approve the application was made by the Court on 29 March 2017.

269 Canterbury Road, Canterbury – Appeal Upheld

On 5 May 2016, a Section 96AA was lodged for Development Application No.220/2012/A for use of the premises as a brothel. The Section 96AA sought to delete Condition 6 of the consent which stipulated that "this consent is for a limited period three (3) years only".

On 10 August 2016 the Applicant, Jenny Wang, lodged a Class 1 Appeal to the Land and Environment Court for the deemed refusal of the application (case no. 2016/212231). The Appeal was scheduled for a Hearing instead of a Section 34 Conciliation Conference. Between the lodgement of the Class 1 Appeal and the Hearing, the Applicant amended the application from deletion of Condition 6 to seeking a limited period of ten (10) years.

The hearing took place on 7 November 2016. On 10 March 2017, Senior Commissioner Martin upheld the appeal; and found that the premises had operated for over ten years with minimal impacts and would likely continue to do so on the basis of the limited complaints before the Court.

680-682 Canterbury Road, Belmore - Section 34 Agreement after applicant agreed before the Court to comply with Council's key controls

On 18 June 2015, Development Application No. 258/2015 for the demolition of existing structures and construction of a six storey mixed use development with 26 residential units, ground floor commercial tenancies and associated works.

The application was refused on 1 September 2016. The key reasons for refusal included a breach to the permitted building height, insufficient car parking and laneway dedication.

The applicant, transferred from CD Architects to Samir and Linda Touma, lodged a Class 1 Appeal to the Land and Environment Court on 7 November 2016 (case no. 2016/332371).

As part of the Section 34 Conciliation Conference held on 15 February 2017, the applicant agreed to reduce the height of the building to comply with the maximum height limit, provide the required car parking and dedicate part of the site to widen the rear laneway; amongst other design changes. Council agreed to enter into an agreement on this basis and consent orders were issued on 30 March 2017.

113 Lincoln Street, Belfield – Section 34 Agreement after applicant agreed before the Court to comply with Council's key controls

On 7 March 2016, Development Application No. 95/2016 was lodged, proposing demolition of existing structures, construction of a two storey dwelling and detached secondary dwelling.

During the course of assessment, Council requested various changes to the proposal; including deletion of the secondary dwelling from the proposed development as the site was undersized as per State Environmental Planning Policy (Affordable Rental Housing) 2009.

On 20 October 2016, the Applicant Anthony Oddo, lodged a Class 1 Appeal to the Land and Environment Court against Council's deemed refusal of the application (case no. 2016/290497).

During the Section 34 Conciliation Conference proceedings, amended plans were submitted which deleted the secondary dwelling and demonstrated compliance with the FSR development standard as required by Council. Consent orders were issued on 22 February 2017.

326 Marion Street, Condell Park- Appeal Dismissed by the Court

The development application DA-865/2015 proposing Internal alterations to existing premises for use as a nine room boarding house was refused on 14 October 2015 on the grounds of minimum lot size and width. The subject site has a 15.25m frontage to Marion Street and a site area of 557.4m². Clause 4.1B(2) of BLEP 2015 requires that boarding houses occur on lots that have a minimum width and area of twenty (20) metres and 1200m² respectively.

An appeal was lodged by Sofia Karahalios Case No, 2016/151901 was heard by Commissioner Dixon in the Land and Environment Court on 14 December 2016. The appeal was dismissed on 4 April 2017.

754A Henry Lawson Drive, Picnic Point- Appeal Dismissed by the Court

DA-575/2016 was refused under delegation on 21 December 2016, due to unresolved issues around the design and the proposed removal of substantial trees on site. The DA was for the demolition of all structures and construction of an attached dual occupancy with Torrens title subdivision.

The proposal was integrated development in that it required General Terms of Approval to be issued by NSW Rural Fire Service. Case No. 2017/0019916 was heard on the 1 and 2 May 2017 by Commissioner Smithson.

The Court upheld Councils refusal and asserted in the ruling that it is not the responsibility for Council or the court to demonstrate if alternative designs could accommodate both the trees and a dual occupancy development, and agreed with Councils position that a dual occupancy development on the site is not a development right.

1 Cambridge Avenue, Bankstown- Appeal Dismissed by the Court

DA-381/2016 was for the construction of a 4 storey shop top housing development containing a ground floor retail premises and 4 x 2 bedroom apartments. The application was refused on 20 July 2016 as the site did not achieve a lot area of 1500m² and a width at the front building line of 30 metres as required for shop top housing development in the R4 – High Density Residential zone under BLEP 2015.

An appeal was lodged and heard by Commissioner Smithson in the Land and Environment Court (Reference: [2017] NSWLEC 1234 or 2016/340406) on 3 and 4 April 2017. The appeal was dismissed on 11 May 2017.

6 POLICY MATTERS

The following item is submitted for consideration -

6.1 Draft Heritage Incentives Policy

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ITEM 6.1 Draft Heritage Incentives Policy

AUTHOR Planning

PURPOSE AND BACKGROUND

On 23 May 2017 Council considered a report on heritage incentives. This report sought to establish common heritage incentives for Canterbury-Bankstown Council, to create a package of heritage incentives that incorporates the best of both former Councils. The intention was for Canterbury-Bankstown Council to provide a modern holistic approach to valuing and protecting its heritage.

As part of these incentives it was resolved at this meeting to establish a heritage fund covering the entire Canterbury-Bankstown area, and to exempt heritage listed properties from development application fees (subject to specific criteria). A new policy for both these initiatives was to be prepared and submitted to Council.

This has now been undertaken and the draft policy is before Council for endorsement to be placed on public exhibition. The Heritage Reference Group will also be briefed on the draft policy and outcomes of the public exhibition.

ISSUE

To consider the endorsement of a new policy for heritage incentives for public exhibition applying to the entire Canterbury-Bankstown area.

RECOMMENDATION That -

1. The draft Heritage Incentives Policy be endorsed by Council and placed on public exhibition.
2. The Heritage Reference Group be briefed on the draft policy and outcomes of the public exhibition.
3. The outcomes of the public exhibition period be reported back to Council including any recommendations of the Heritage Reference Group.

ATTACHMENTS [Click here for attachment](#)

- A. Draft Heritage Incentives Policy

POLICY IMPACT

The report is recommending the endorsement of a new policy for heritage incentives. The provisions of sections 356 and 377 of the Local Government Act 1993, have been taken into account when preparing this Policy.

It is intended that the new policy will replace the following policies covering heritage incentives that currently exist:

- Bankstown Heritage Fund Policy
- Canterbury Policy 53-043 - Heritage Issues

Council will consider any recommendation of the Heritage Reference Group when the matter is reported back to Council.

FINANCIAL IMPACT

The proposed increase in the Heritage Grant Fund of \$25,600 will come from previous rate reductions applying to heritage listed properties in the former Canterbury Council area, so the outcome will be revenue neutral. The total grant fund available for the 2017-2018 financial year will be \$60,600.

COMMUNITY IMPACT

The draft policy will have a positive community impact through encouraging restoration of heritage listed properties.

DETAILED INFORMATION

Introduction and Background

Canterbury-Bankstown Council has approximately 200 heritage listed items and one heritage conservation area (HCA) within the City area. Council also resolved on 18 April 2017 to place a planning proposal on exhibition that will add a further 29 heritage items and seven HCAs in Hurlstone Park.

The two former Councils had a range of heritage incentives to help conserve heritage items and relieve the financial burden which can occur. In summary these incentives were:

Former Bankstown Council

- A Heritage Grant Fund offering up to \$5,000 funding per heritage listed property on a yearly basis which included conservation, restoration and repair of heritage properties, preparation of management strategies, and heritage plaques.

Former Canterbury Council

- A rate reduction for residential heritage listed properties.
- A waiver on development application fees for residential heritage listed properties.
- Free heritage advisory service that benefitted the owners of heritage listed properties.

On 23 May 2017 Council considered a report on heritage incentives. It sought to establish common heritage incentives for Canterbury-Bankstown Council, creating a package of heritage incentives that incorporates the best of both former Councils. The intended outcome was for Canterbury-Bankstown Council to provide a modern holistic approach to valuing and protecting its heritage.

A copy of this report is attached.

The report was also written in the context that one of the heritage incentives applying in the former Canterbury Council, a rate reduction for residential heritage listed properties, was to be wound up. This was because the Local Government Act 1993 did not make any provision for it to exist.

Arising from this report Council resolved the following:

1. *Council provides in principle support to:*
 - 1.1 *Establishing a heritage fund covering the entire Canterbury-Bankstown Council area.*
 - 1.2 *Heritage listed properties in Canterbury-Bankstown being exempt from development application and notification/advertising fees subject to the criteria outlined in this report.*
2. *Subject to Item 1, a relevant policy addressing the above be prepared and submitted to Council for its consideration.*

The policy will complement other recently endorsed heritage incentives by Council consisting of a minor works application process for heritage listed properties, and the extension of the heritage advisory service to cover the whole Canterbury-Bankstown Council area.

Preparation of a Heritage Incentives Policy

A draft Heritage Incentives Policy has now been prepared. In line with the May 2017 resolution it provides guidelines and criteria for:

1. A Heritage Fund applying to Canterbury-Bankstown and the operation of this fund.
2. Exemptions from Development Application and notification/advertising fees for heritage listed properties.

A copy of the draft Policy is attached. A summary of the main attributes is outlined below.

Heritage Fund

This draws largely on the previously established Heritage Grant Fund that operated in the former Bankstown Council area. Key features of the proposed heritage fund are as follows:

1. Funding applies to heritage listed properties only. Depending on take up this can be reviewed in the future to extend to Heritage Conservation Areas.
2. Funding of up to \$5,000 per property. This is on a dollar for dollar basis and cannot exceed more than 50% of the cost of the approved works. In exceptional circumstances Council can consider an increase in the maximum grant amount.
3. Only one application can be submitted per financial year.
4. A round of funding to occur annually between February and April. Owners of heritage listed properties will be contacted in writing and invited to apply. This approach is used in other granting funding programs and allows Council to collectively assess the relative merit of all the applications.
5. Eligible projects include heritage management strategies and/or studies on adaptive reuse, conservation and restoration of heritage items, repainting of items in an approved heritage colour scheme, repairs to elements that are an integral part or characteristic of a heritage item, and installing a heritage plaque to promote the significance of a heritage item.
6. Ineligible projects include new additions to heritage buildings which do not have heritage significance, new internal fittings such as kitchens and bathrooms, repairs to sections of heritage buildings which do not have heritage significance, works that have already been completed without prior funding approval, and works that do not add value to the significance of the heritage property.

7. Applications are proposed to be assessed by the new Council Heritage Reference Group with a recommendation to Council. Council will then make a final decision on the applications and advises applicants of the outcomes.

The proposed budget allocation for the 2017-2018 financial year is \$60,600. This is drawn from the previous \$35,000 allocation that previously applied to the Bankstown Heritage Grant Fund, and \$25,600 comprising the savings from the discontinued rate rebate for residential heritage listed properties within the former Canterbury Council.

Exemptions from Development Application and notification/advertising fees

Often the stricter legislative requirements for heritage items require the submission of a Development Application for work that would not have been required if the property had not been heritage listed.

This incentive seeks to provide a fee waiver in such situations, and where the work is seeking the conservation of the heritage item. However if the work would have ordinarily involved a Development Application, then a fee will be charged.

The specific criteria in the policy is as follows:

<i>Development Scenario</i>	<i>Degree of exemption</i>
Where the development would be Exempt or Complying Development if the property were not heritage listed.	100% DA fee exemption
Where the development would require a DA if the property were not heritage listed.	No DA fee exemption

Waiving of notification and advertising fees will also occur where DA fees are waived.

Other application criteria are:

- In all instances, the waiver being at the discretion of Council.
- Includes non-residential buildings only where conservation of the original building is being achieved.
- The development complies with Council's DCP controls or recognised heritage criteria, and does not propose demolition of the original building fabric.
- Does not apply to new independent structures or buildings proposed on the property.

Heritage Reference Group

The formation of the Council Heritage Reference Group is proposed to occur in early 2018. Part of the terms of reference of this group includes making recommendations on heritage grants. It is appropriate that the draft policy, after it has finished public exhibition, be referred to this group at its first meeting for consideration. After this it will be submitted to Council for a final decision regarding adoption.

7 GOVERNANCE AND ADMINISTRATION MATTERS

The following items are submitted for consideration -

- | | | |
|-----|---|----|
| 7.1 | 2016/17 Annual Financial Reports | 91 |
| 7.2 | Quarterly Update on the Implementation of the Stronger Communities Fund | 99 |

Governance and Administration Matters - 12 December 2017

ITEM 7.1 2016/17 Annual Financial Reports

AUTHOR Corporate

PURPOSE AND BACKGROUND

Councillors will recall considering Council's Unaudited 2016/17 Annual Financial Reports at its Ordinary Meeting in October 2017 and resolving to refer them to our Auditor in finalising the year-end process.

Having completed the audit, in accordance with Sections 418 and 419 of the Local Government Act 1993, Council's 2016/17 Audited Annual Financial Reports, including the Auditors Report, were publicly exhibited and are now being presented to Council for information.

ISSUE

These financial reports are the first set of accounts for Canterbury-Bankstown Council since amalgamating. Given the date of proclamation being 12 May 2016, these reports have been prepared for a slightly longer period being 13 May 2016 till 30 June 2017.

Council's External Auditor has expressed an "Unmodified Opinion", on Council's 2016/17 general purpose financial statements, meaning that our statements reflect a true and fair view of our financial performance and position for the year.

In brief, Council's performance for the year was considered sound and stable. A detailed assessment of Council's results is noted further in the report.

Section 420 of the Act also allows for any person to make submissions to Council with respect to the audited financial or Auditor's Reports, which must be received by Council within seven (7) days of the public meeting.

The Act requires that Council assess all submissions and take such action as it considers appropriate in addressing the matter. In the event that Council receives any submissions, details of the issues and proposed actions will be reported back to Council at the next Ordinary Meeting of Council.

Council's Auditor, being the NSW Audit Office, will be in attendance this evening to address Council on the 2016/17 Audited Annual Financial Reports.

RECOMMENDATION That -

1. Council note the 2016/17 Annual Financial Reports and Auditors Report.
2. Any submissions received and proposed actions relating to those submissions will be reported back to Council at the next Ordinary Meeting, if required.

ATTACHMENTS

[Click here for attachment](#)

- A. 2016/17 Audited Annual Financial Reports

POLICY IMPACT

Council has met all related legislative requirements as set out in the Local Government Act 1993, associated Regulations and Local Government Code of Accounting Practice and Financial Reporting.

FINANCIAL IMPACT

Whilst this report does not present any direct financial impact for Council, it does convey that Council's 2016/17 financial reports present a sound and stable financial position for Council.

COMMUNITY IMPACT

There is no direct community impact resulting from this report.

DETAILED INFORMATION

Executive Summary

Broadly, Council's financial performance and position as at 30 June 2017 was considered sound and stable. Council's overall position is well regarded and forms a sound base for future planning for our new City.

Whilst the financial reports provide a detailed assessment of Council's performance and position, overall, some of the more pertinent details are as follows:

- Total combined Net Operating Result of \$41.0M, and a Net Result before Grants and Contributions of (\$2.9M);
- Capital Expenditure for the year of \$74.1M, and total infrastructure asset base of \$3.4B;
- Total Cash and Investment of \$273.6M, of which \$13M is unrestricted;
- Total Liabilities of around \$100.9M, which are largely of an employee nature; and
- A combined outstanding debt balance of only \$0.9M.

It should be noted that Council's financial performance is somewhat distorted, given the longer reporting period (longer by seven weeks due to timing of amalgamation). This, together with the treatment of certain accounting transactions (processing of rating income) at the time of proclamation have meant that Council's results reflect a partial position and will vary somewhat when compared with Council's 2017/18 results when delivered at the end of this financial year.

Notwithstanding Council's positive results, addressing Council's combined level of annual asset maintenance and infrastructure backlog will be one of Council's most pressing financial issue, going forward. In total, Council's combined backlog figure is estimated at around \$91.8M.

This issue, together with Council's ongoing operational funding requirements will further be assessed when Council prepares its new Long Term Financial Plan and Asset Management Strategy.

Financial Performance

Overall, Council's financial position as at 30 June 2017 is considered sound and stable. A summary of Council's financial performance for the reporting period is as follows:

Canterbury-Bankstown Council
Financial Performance – Year Ending 30 June 2017

Description	\$,000
INCOME FROM CONTINUING OPERATIONS	
Rates and Annual Charges	214.5
User Charges and Fees	23.8
Interest and Investment Revenue	9.7
Other Revenues	20.5
Grants and Contributions - Operating	42.2
Grants and Contributions - Capital	44.0
Net Gain from Disposal of Assets	0.4
Total Income from Continuing Operations	355.1
EXPENSES FROM CONTINUING OPERATIONS	
Employee Benefits and On-costs	131.1
Borrowing Costs	0.5
Materials and Contracts	78.6
Depreciation and Amortisation	61.3
Other Expenses	42.6
Total Expenses from Continuing Operations	314.1
OPERATING RESULT	41.0
Net Operating Result for the period before grants and contributions provided for capital purposes	(2.9)

Once adjusted for specific capital grants and contributions (eg. Section 94), Council's Net Operating Result was a deficit of \$2.9M. This is primarily due to:

- additional amalgamations grants received and transitional costs incurred throughout the reporting period;
- the longer accounting period (13.5 months); and
- no corresponding rates income for the period (ie. Council only reflected 12 months of rates income despite incurring costs for 13.5 months).

Financial Position

Broadly, Council's financial position reflects the following balances:

Canterbury-Bankstown Council Statement of Financial Position – as at 30 June 2017

Description	\$M
FINANCIAL POSITION	
Current Assets	162
Non-Current Assets	3,545
Total Assets	3,707
Current Liabilities	83
Non-Current Liabilities	18
Total Liabilities	101
Net Assets / Equity	3,606
CASH & INVESTMENTS	
External Restrictions	131
Internal Restrictions	130
Unrestricted Cash	13
Total Cash & Investments	274

Council's financial position as at 30 June 2017 is considered stable. Importantly, Council is well placed to commence planning for our new Council, particularly to accommodate the pressures we face in terms of cost escalations and expected growth throughout the local government area.

Council's has a sound level of liquidity (cash and investments) to deal with ongoing operational requirements, including preserving specific cash and investments for future asset replacement programs, protecting its liabilities and satisfying Council's statutory obligations.

In terms of assets, Council capitalised a further \$74.1M in new assets throughout the period. Primarily, most funds were allocated to replacing/renewing Council's infrastructure assets, such as roads (\$26M), parks and reserves (\$5M), stormwater management (\$4M), footpaths (\$7M) and buildings (\$6M).

Council is similarly well placed to meet its short and long term obligations (current and non-current liabilities), such as employee entitlements, payments to its creditors and finalising its outstanding loan debts (\$0.9M) within the coming financial year.

Performance Ratios

NSW councils are required to report their performance against certain set ratios and benchmarks set by the Government. Notwithstanding the varied scale and size of all councils, the ratios provide a basis to annually compare all councils on a consistent basis.

A summary of Council's performance ratios, when compared to the benchmarks is as follows:

Ratio	Industry B/Mark	CBC	B/Mark
Operating performance	>0%	(1.2%)	No
Own source operating Revenue	>60%	75.7%	Yes
Unrestricted current	>150%	291%	Yes
Debt service cover	>2X	18X	Yes
Rates and annual charges outstanding	<5.0	4.0%	Yes
Cash expense (months)	>3.0	11.9	Yes
Building & infrastructure renewals	>100%	75.8%	No

As at 30 June 2017, Council's exceeded all operational related benchmarks with the exception of the operating performance ratio. The benchmark is slightly below the benchmark level, largely given the varied reporting period (13.5 months) and processing of rates income at the time of amalgamations. Council expects this ratio to improve this coming financial year.

Separately, Council's building and infrastructure renewals ratio is quite low when compared to expected industry levels, an issue which has been discussed with Councillors at our finance briefing sessions.

Whilst not having any major immediate consequences, this issues must be addressed as part of Council's long term financial and asset planning requirements. This will form part of Council's broader discussions in preparing its integrated planning and reporting requirements.

Annual Financial Reports

A complete set of Council's 2016/17 financial reports are attached, for Council's information. As indicated earlier, Council's Auditor will be in attendance to address Council on the matter and provide a more detailed assessment of Council's results.

Governance and Administration Matters - 12 December 2017

ITEM 7.2 Quarterly Update on the Implementation of the Stronger Communities Fund

AUTHOR City Future

PURPOSE AND BACKGROUND

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 was allocated \$10 million funding as a result of the two councils merging. Councils were required 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.

The SCF is overseen by an Assessment Panel, the role of which is to assess and recommend projects for funding. As per the Department of Premier and Cabinet (DPC) Guidelines for the SCF, the Panel is made up of the Mayor or delegate, State Members of Parliament, a representative from DPC, and an independent probity advisor.

ISSUE

In accordance with SCF Guidelines developed by the Department of Premier and Cabinet (DPC), Council is required to provide quarterly progress reports to an ordinary Council meeting on the expenditure and outcomes of the SCF. This report covers the period September 2017 to November 2017.

RECOMMENDATION

That Council note the progress of the implementation of the Stronger Communities Fund.

ATTACHMENTS

Nil

POLICY IMPACT

This report is tabled in accordance with the SCF Guidelines developed by Department of Premier and Cabinet.

FINANCIAL IMPACT

In total, \$987,546 of the \$1 million provided for the Community Grants Program has been allocated. It is proposed that the remaining \$12,454 be allocated through council's annual community grant program.

Under the Major Projects Program, the remaining \$5.4M in funds will be allocated in early 2018.

COMMUNITY IMPACT

All projects delivered under the SCF must deliver social, cultural, economic or environmental benefits to the community. Major Projects are for the delivery of new or improved infrastructure or services to the community.

Community engagement is compulsory, and to date nearly 11,000 residents have had their say on the big ideas or their priorities for the City.

DETAILED INFORMATION

Community Grants Program

Following the guidelines issued by the DPC, and a community workshop and application process, a list of applications recommended for funding went to the December 2016 Council meeting for endorsement. A ceremony was held to recognize the recipients of Community Grants, where a total of \$987,546 was presented to 27 different community groups.

Community Grants Program – Implementation

All 27 funding projects have commenced with some projects already delivering new and improved services to the community. All Community Grant recipients were required to submit a progress report on 30 November 2017. Of the 27 projects funded, five have been completed; another 14 have submitted progress reports and four others have negotiated extensions. The remaining projects have been contacted and requested to complete outstanding reports.

Highlights include:

Organisation & Project	Update
<i>BMYS Joint Services Youth Outreach</i>	<ul style="list-style-type: none"> • Outreach youth service provided to Riverwood, Campsie, Lakemba, Belmore, Greenacre, Bankstown over the year. • Street arts programs were held on the last week of each month with a total of 10 sessions delivered as part of a monthly street concert. • Formal partnerships were developed with Barnardos Streetwork program, Greenacre Area Community Centre, TAFE and Marrickville Legal Service providing an established framework that youth workers without an outreach can access. • Providing 49 young people with hospitality industry experience through the Humanity United Food Truck increasing the employ-ability of young people. • Use of the Humanity Food truck for events across the LGA including a joint project with TAFE which also involved students redesigning the graphic wrapping of the Food Truck. • Provision of brokerage funds to assist young people in need meet casework and other life goals was conducted through the Joint Agency Co-Case Management committee.
<i>Justice Connect – Capacity Building for Local Non Profit Organisations</i>	<ul style="list-style-type: none"> • Provided free legal training for local community organisations on the topics of governance, legal issues in managing volunteers, social enterprises and privacy law. • Allows the organisations to devote more time to their missions, and less time trying to understand and deal with legal issues.
<i>Chinese Australia Services Society -</i>	<ul style="list-style-type: none"> • Created a safe garden for juniors to seniors to introduce sustainability education and practices.

<i>Garden Learning: Green Loving</i>	<ul style="list-style-type: none"> Seniors from the activity groups together with the children from the child care centre worked together to plan the garden and its maintenance. A compost bin has been incorporated into the area to demonstrate a positive practice to minimise waste going into general rubbish. The vegetables will be used for the groups in the activity, as well as the children at the child care centre.
<i>Probashi Bangladeshi Women's Association in Australia - Capacity Building Project for CALD Women</i>	<ul style="list-style-type: none"> Completed 10 driving lessons for 18 women from various backgrounds such as Bangladesh, India, Pakistan, Yemen, Afghanistan and Sudan while 6 or more are currently enrolled. 2 women have got their drivers licence.

Major Projects Program – Stage 1

In December 2016, Council adopted and endorsed the support of four high priority projects and associated funding under the Major Projects Program. These projects will continue to progress in 2017-18 and are reflected in the City of Canterbury Bankstown Operational Plan 2017-18. The funding for the four projects totaled \$3.6 million and included:

Project	Progress
Regional Sports Framework – Multipurpose synthetic surface at Jensen Park	Several layout options have been developed and costed. Consultation has occurred with stakeholders to determine any issues and timing.
All Abilities Playground – Bankstown City Gardens Stage 2	Detailed designs have been completed, with construction expected to commence in late 2017.
Regional Cycleway Connection – Canterbury Road Underpass	Concept designs have been developed and have received approval from RMS and Sydney Water. Detailed designs are expected to be complete by September 2017.
Parkland upgrade and renewal – Masterplanning and works at Wiley Park	Initial scoping underway with funds available to complete Masterplanning identified for 2017-18.

Major Projects Program – Stage 2

The remaining \$5.4 million of projects to be funded under the Major Projects Program will come to Council for endorsement in early 2018. This follows extensive community engagement with over 11,000 residents identifying their big ideas and priorities for the City, including:

- Gap analysis of 500 responses to the 2016 Statewide Community Satisfaction Surveys;
- Over 1,000 respondents to Council's Brand survey (2016) provided big ideas for the City;
- 50 Seniors Week participants providing their big ideas for the City in early 2017; and
- Engagement with over 7,650 residents at pop up events across the City; over 275 participants at recent Visioning, stakeholder and panel meetings; and 1,620 survey responses during engagement for Council's new Community Strategic Plan.

Council also wrote to all local Members of Parliament seeking their feedback on projects or ideas from their constituents to also be considered alongside the feedback above.

Consultation with residents to develop the new Community Strategic Plan revealed 7 key directions for the City's future. All of the above consultation is being considered alongside Council's strategic planning documents to provide a shortlist of recommended projects under each direction to the Assessment Panel for expenditure of the remaining \$5.4M.

The Assessment Panel's recommendation will then come to Council for endorsement in early 2018 and projects will be incorporated into the 2018-19 capital works program.

8 SERVICE AND OPERATIONAL MATTERS

The following items are submitted for consideration -

8.1 Household Garbage Bin Replacement Program	107
8.2 Hurlstone Park Bowling Club / Hurlstone Memorial Reserve Community Engagement	111
8.3 Draft Parry Park Masterplan for Public Exhibition	115
8.4 Outdoor Dining Pilot Project	121

ITEM 8.1 Household Garbage Bin Replacement Program

AUTHOR City Future

PURPOSE AND BACKGROUND

By 2020, we aim to have all components of the household waste collection services aligned. One of the first elements to be addressed is the standardisation of the garbage bin size.

The standard household garbage bin size differs across the Local Government Area (LGA). Houses in the former Bankstown area are provided a 120L garbage bin and houses in the former Canterbury are provided a 140L bin.

The purpose of this report is to advise the Council how we propose to align the household garbage bin size. The report will also outline the other elements that need to be addressed with the proposed timeframes.

ISSUE

The standardisation of bin sizes and garbage capacity across the LGA is essential to prepare for further alignment decisions for the household waste service. This includes, an alignment of the two different Development Control Plans, the Domestic Waste Management Charge, the fees for additional services, the additional services, bin stock management and replacements and education and promotional materials.

A number of factors were considered to determine the preferred standard bin size for the LGA. These included the current bin usage, number of services, costs to change the bins, impacts from potential changes to waste composition and impacts on the community.

RECOMMENDATION That -

1. The 120L household garbage bins in the Bankstown Service Area will be replaced with a 140L bin in the months of May to August 2018.
2. The bin replacement program will be tendered, via an open tender with the option for the provision of bins.

ATTACHMENTS

Nil

POLICY IMPACT

The 140L bin size aligns with the NSW EPA Bin Practice Guidelines and the bin changeover will not impact on any current Council policies. This change will allow for the alignment of waste operational policies, including the waste additional services.

FINANCIAL IMPACT

The bin replacement program is for the replacement of approximately 52,000 bins in the Bankstown service area. This will be funded from the Bankstown Domestic Waste Reserve and will be spread over two financial years.

COMMUNITY IMPACT

All the houses in the Bankstown, Revesby and Bass Hill wards with a 120L red lid garbage bin will have their bin replaced. The benefits to the community will include, an additional 20L capacity each week for household waste. This should help to reduce the number of overfull bins, which in turn will help to reduce bin spills and litter. It will also align the garbage bin size across the LGA.

The changeover will take place over the winter months, traditionally when the waste volumes are at their lowest. A communications plan will be developed to ensure that all residents are aware of the replacement program and a detailed plan will be developed to ensure a smooth replacement.

DETAILED INFORMATION

With the waste collection contracts expiring in 2020, Council is working to align all elements of the household waste services by 2020. To achieve this alignment, there are a number of actions that can take place prior to 2020, to ensure the best outcome for the community with least disruption. The first action required is the alignment of the bin sizes for houses.

Three options were considered to align the bin sizes for houses. These included;

1. The new standard bin size is a 120L bin. This would require replacing the 140L garbage bins in the Canterbury and Roselands wards with a smaller 120L bin
2. The new standard bin size is a 140L bin. This would require replacing the 120L garbage bins in the Bankstown, Bass Hill and Revesby wards to a larger bin
3. Have two different bin sizes. No changes made.

There are a number of factors that have been considered to determine the preferred standard bin size for the LGA. These include the current bin usage, number of services, costs to change the bins, and impacts from potential changes to waste composition.

To understand the current bin usage, a review of the 2015 Waste Audit was undertaken. This audit was undertaken by the same audit company, using the same standard methodology, for both former councils. The audit identified that 73% of the bins presented were between 75% and 100% full or over full in the Bankstown service. Only 64% of bins in the Canterbury service area were between 75% and 100% full or over full.

Houses	Bankstown – 120L	Canterbury – 140L
Bin Capacity - 100% full or more	52%	47%
Bin Capacity - 75% to 99% full or more	21%	17%
Bin Capacity - 75% to 100% full or more	73%	64%

An assessment of bin design was also undertaken. Both bins are of the same height at 930mm. It's the bin width and depth that is different. The 120L bin is 480mm X 540mm and the 140L bin is 530 X 610mm. The 140L bin has a larger footprint, making the bin more stable.

The impacts of full and overfull bins include windblown litter and rubbish escaping from bins, ending up on our streets, gutters and in our stormwater system. Replacing the 120L bins with a 140L bin which has a larger footprint and is more stable, will not only provide additional capacity for households, it will also help to address the litter issue.

There are more garbage bins in the former Bankstown area, however to change the bins in the Canterbury service area will not be significantly cheaper. This is because the changeover of bins falls under the current contracts. The initial analysis found that the cost are comparable to replace the bins in each service area. Therefore cost alone is not a factor to determine the standard bin size.

Consideration was given to the potential impacts of future changes in the waste stream. The Container Deposit Scheme (CDS) which commenced on 1 December 2017 will have minimal impact on the garbage stream given most containers are in the recycling bins. However, if Council introduces a Food Organic and Garden Organic (FOGO) service there will be an impact on the generation rates and bin capacity.

A recent benchmarking study has indicated that FOGO could potentially reduce waste generation by an average 1 kg per garbage bin per week in houses (not units). However, because of the dense nature of food waste this will result in only a minor reduction in required capacity. Given the information known at the present time, this is not a strong enough argument to make the standard bin size 120L.

Doing nothing at the moment or simply replacing the bins via natural attrition will have the least amount of impact on resourcing, such as costs, staffing and on call centre. However this option will not standardise the bin size for at least 7 years and will not assist with standardisation of DWMC, waste policies or education messages.

The case is stronger to increase bin capacity for houses in the former Bankstown area to a 140L bin, based on customer needs and costs.

Following the standardisation of the garbage bin size, a number of other key elements can be addressed to align the waste collection services by 2020. These key elements are as follows;

Services provided to units

The allocation of garbage bins and recycling bins for units is also different across the LGA resulting in different allocation of bin capacity per unit. This allocation is determined by the current DCPs of the former councils. To standardize services a new standard Waste Management Guidelines for new developments needs to be developed.

Processing Contracts

The processing and disposal contracts for garbage, recycling, organics and clean up, all expire in 2019. Typically the terms of a processing contract are between 7 and 10 years, and the term for a disposal (to landfill) contract is 5 years, as mandated by the NSW EPA.

Tenders for these services will be released via an open market in the first 5 months in 2018. This will allow adequate time to assess the tenders and provide recommendations to Council.

Waste Collection Service Model

Currently the collection of the three bins and the Clean-Up service is different. In the Canterbury service area, all services are provided by a single contractor. In the Bankstown service area, staff collect the Garbage Bins (red lid) and Recycling Bins (yellow lid), and contractors collect the Garden Organics Bins (green bin) and Clean-Up service. Collection contracts are typically 7 to 10 years.

The Waste Collection Service model needs to be determined by May 2018, as this will allow adequate time to prepare tenders and release tenders to the open market 12 months prior to expiry date. A business case is currently in development to explore the waste collection service model options.

ITEM 8.2 **Hurlstone Park Bowling Club / Hurlstone Memorial Reserve
Community Engagement**

AUTHOR **City Future**

PURPOSE AND BACKGROUND

Hurlstone Park Bowling Club is located at 10 Marcia Street, Hurlstone Park. The site is adjacent to Hurlstone Memorial Reserve. A report to Council on 28 March 2017 identified the decision of the bowling club to cease operations and the need to demolish the building due to the significant amount of works required to make the building safe.

The report also proposed that:

- in the first instance to broadly engage with the community seeking input in formulating the long term plan/outcome for the site;
- subject to the outcome of this process and Council's consideration, a formal Expression of Interest (EOI) process will then be conducted tailored to again engage with the broader market to seek interest in delivering on Council's agreed expectations / intentions for the site; and
- further reports to be provided to Council, as required.

This report outlines the process and outcomes of the community consultation.

ISSUE

Since the cessation of trading of the Hurlstone Park Bowling Club council undertook a comprehensive building assessment and determined the building will be demolished. In accordance with the Council resolution, community engagement for the future of the site has been completed.

The consultation was conducted in the form of an online survey from 24 October to 20 November 2017 and a community consultation session at the site on Saturday 4 November 2017. It was estimated that there were over 150 visitors on the day with Council staff available to talk to the community about their ideas for the future of the site and to talk through any concerns they may have had about the removal of the bowling club use and associated building. A total of 236 surveys were completed.

Key consultation feedback included:

- Strong desire for a community facility / amenity;
- High level of support for a community gathering space; and
- High level of support for open space, park embellishments and a community based garden.

Council will commence the preparation of a concept master plan based on the community feedback for the future of the Hurlstone Memorial Reserve for further / future consultation with community.

RECOMMENDATION

That Council endorse the development of a concept master plan for Hurlstone Memorial Reserve.

ATTACHMENTS

Nil

POLICY IMPACT

There is no policy impact as a result of this report.

FINANCIAL IMPACT

Funds for the next stage of planning for this project are available in current operational budget.

COMMUNITY IMPACT

The development of a master plan for the site will be based on engagement outlined in the report. The development of a master plan will include further community engagement.

DETAILED INFORMATION

As a result of the closure of the Hurlstone Park Bowling Club, the need for consultation with the community about the future use of the site was identified.

The consultation was conducted in the form of an online survey from 24 October to 20 November 2017 and a community consultation session at the site on Saturday 4 November 2017.

It was estimated that there were over 150 visitors on the day with Council staff available to talk to the community about their ideas for the future of the site and to talk through any concerns they may have had about the removal of the bowling club use and associated building. A total of 236 surveys were completed (includes 49 surveys from the consultation session).

Written submissions were also received from the Hurlstone Park Association (HPA) Inc., the Canterbury Hurlstone Park RSL and one resident of the adjoining unit building at 27-31 Crinan Street, these suggestions were incorporated into overall survey findings.

A summary of the survey results are provided below:

- 96% of respondents would like to see a new community facility at the site. With 61% indicating that they use other community facilities in the area on a regular basis.
- The top 5 desired embellishments if the park were to expand include:
 - Community garden (51%)
 - Trees (43%)
 - Upgraded playground (41%)
 - Grassed areas (40%)
 - Landscaping (30 %)
- The reasons respondents and their families use their nearest local park include:
 - Walk / Exercise (87 %)
 - Use play equipment (44%)
 - Picnic (30%)
 - Walking the dog (28 %)
 - Ball games (20 %)
 - Other (13%)
- The family household of survey respondents varied with the 'married /de facto couple with children living in the home' being the largest response group making up 138 of the 236 respondents.
- 11% of respondent's cared for children who did not live in their household (e.g. grand children).

The results of the consultation will form the basis of the concept master plan for the site for further community consultation.

ITEM 8.3 Draft Parry Park Masterplan for Public Exhibition

AUTHOR City Future

PURPOSE AND BACKGROUND

The purpose of this report is to present the draft Parry Park master plan to be placed on public exhibition. The draft plan has been prepared to consider current community needs and respond to Council's adopted strategies and draft strategies for Community and Cultural Facilities, Play Grounds and Play Spaces, Open Space and Aquatics and Leisure Facilities.

On 22 November 2016 Council resolved to commence the preparation of a site specific master plan for Parry Park, Lakemba and that further reports to Council be submitted as required.

ISSUE

The Canterbury Open Space Strategy adopted in February 2017 identifies a significant gap in open space provision and quality in the Lakemba area and identifies the potential for Parry Park to be enhanced to become a major recreation destination park and quality sports hub.

The draft plan has been developed for Parry Park which has considered current and proposed uses as well as recommendations from Council's strategies and plans. Internal and external consultation has been undertaken to contribute to the development of the draft plan.

RECOMMENDATION That -

1. The draft Parry Park master plan be placed on public exhibition.
2. A further report on the findings of the consultation be presented to Council following the exhibition period.

ATTACHMENTS [Click here for attachment](#)

- A. Parry Park draft master plan report

POLICY IMPACT

There is no policy impact from this report.

FINANCIAL IMPACT

There is no financial impact from this report.

COMMUNITY IMPACT

The public exhibition of the Parry Park draft master plan has no community impact.

DETAILED INFORMATION

On 22 November 2016 a report to Council advised that a master plan was required for Parry Park which considered stakeholder feedback and strategic direction provided by the Canterbury Open Space Strategy, the Canterbury Community and Cultural Facilities Strategy and the draft Canterbury Bankstown Leisure and Aquatics Strategic Plan.

Council resolved that:

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

During 2017 consultation for the design of Parry Park was conducted with key stakeholders to contribute to the formation of the draft plan. Identified stakeholders included the State Member for Lakemba, representatives of the United Muslims of Australia and Lebanese Muslim Association, Lakemba Sports and Recreation Club, Australian National Sports Club, Canterbury District Cricket Association and the operators of the Kikoff Soccer Centre.

The following Council strategies have also guided the master plan:

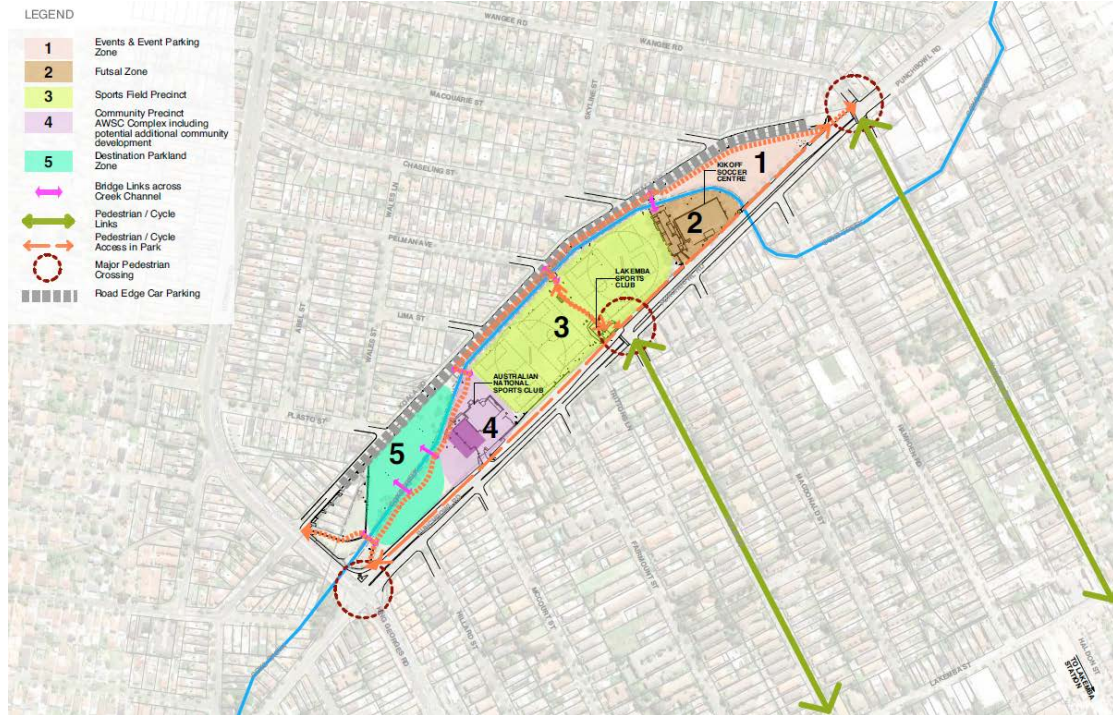
- The Canterbury Playgrounds and Play Spaces Study 2014.
- Draft Canterbury Bankstown Playgrounds and Play Spaces Strategic Plan.
- The Canterbury Community Facilities Strategy 2016.

The draft Canterbury Bankstown Leisure and Aquatics Strategic Plan has also considered the need for an aquatic facility in the area and the suitability of Parry Park for such a facility concluding that elements of free water play would be more suitable in Parry Park.

The design principles developed to guide the draft master plan include:

1. Develop shared access spine along and across park.
2. Connect shared access spine and feeder paths to secondary cross site corridors.
3. Link cross site corridors to signalised intersections and bridge crossings.
4. Recognise cycle and pedestrian corridors linking to rail services.
5. Improve quality of access along Punchbowl Road in particular at signalised intersections.
6. Multi-purpose grassed space – events and event parking – potential for enhanced event parking management.
7. Provide channel intervention to improve water quality, provide habitat and improve visual amenity.
8. Take advantage of wetland environment with adjoining play and informal use areas.
9. Provide increased canopy and potential understorey to residual areas.
10. Community precinct complex including potential additional community development.
11. Formalise on street parking along Koala Road.

Five precincts are identified as part of the master planning principles. These precincts reflect the consultation findings and enable continuation of current uses which are working well.



The Precincts are:

Precinct 1 – Events and event parking

Precinct 2 – Futsal

Precinct 3 – Sports field precinct

Precinct 4 – Community precinct (with allocated area for any additional community facilities)

Precinct 5 – Destination parkland (including playground, fitness activities and potential water playzone)



Key elements of the masterplan include:

- Provide a shared walking and cycling path network throughout the park.
- Maximise opportunity for street parking along Koala Road with formalized parking bays with tree and understorey planting and water sensitive urban design.
- Provide a continuous path along Punchbowl Road and improve circulation at the signalised intersections.
- Create a destination park with a playspace, picnic area and exercise equipment (investigate opportunity for water play to be incorporated).
- Naturalise a section of the Sydney Water canal to create an environmental zone and wetland for water quality treatment (seek assistance through Sydney Water “Water Health Improvement Program” funding).
- Eastern green with event space and overflow parking area.

It is recommended that the draft plan is placed on public exhibition to allow the community and stakeholders to provide comment and following the exhibition period a further report presented to Council.

ITEM 8.4 Outdoor Dining Pilot Project

AUTHOR City Future

PURPOSE AND BACKGROUND

The purpose of this report is to gain Council's support to expand the pilot area of NSW Government's Outdoor Dining Project, and to consider future business improvement initiatives with the Office of the NSW Small Business Commissioner (OSBC) and Service NSW.

Council endorsed the local hosting of the pilot program at the 22 August 2017 Council meeting and following public exhibition, the opportunity was launched in the Belfield Town Centre. This Report proposes to expand the outdoor pilot area south of the original pilot area into Belmore.

ISSUE

The Office of the NSW Small Business Commissioner (OSBC) invited councils to develop a statewide position on outdoor dining the aim of which was to streamline the outdoor dining application process and user guide, develop a consistent Statewide policy, whilst implementing a trial to test and validate the initiative across participating Councils.

The OSBC and Service NSW have also expressed an interest in working with Council on initiatives in the future, designed to make it easier for businesses to operate in Canterbury Bankstown City.

RECOMMENDATION That -

1. Council agrees that businesses operating in the Belmore Town Centre be added to the trial area of the outdoor dining pilot project.
2. In accordance with Section 610E of the Local Government Act, Council publicly exhibit the waiving of outdoor dining fees during the trial period for the Belmore Town Centre.
3. Subject to Item 3, and there being no submissions, Council proceed to implement the waiving of the fees following the public exhibition period.
4. Council delegate to the General Manager to consider, and where appropriate, partner with OSBC and Service NSW in the delivery of business improvement initiatives in the City of Canterbury Bankstown.

ATTACHMENTS

Nil

POLICY IMPACT

The outcomes of this pilot project will assist to inform a future Outdoor Dining policy.

FINANCIAL IMPACT

A loss of outdoor dining application fees for applications received in these town centres. This will be minimal.

COMMUNITY IMPACT

The café, restaurant and food service industry plays a key role in the Canterbury Bankstown lifestyle for the Community.

The pilot currently being hosted by OSBC and Council provides us (Council) with the unique opportunity to directly introduce local traders in the project area to an opportunity to grow their respective business at minimal cost and with little extra administration; our traders will be allowed to expand their business footprint with the introduction of outdoor dining furniture complementing their current offerings.

The project allows for increased passive surveillance in the areas where they are located, creates active places that people want to visit and generates economic activity.

DETAILED INFORMATION

Outdoor dining makes a significant contribution towards the vibrancy and quality of public spaces. Through high quality design and placement outdoor dining areas can help add character and visual excitement to the streetscape and provide extended trading opportunities for local businesses and support the prosperity of the local economy.

The objective of this trial policy is to develop a policy and regulatory framework whilst seeking to reduce the administrative burden and compliance costs for small business operators i.e. an online and self-determining application approach.

Council endorsed the local hosting of the pilot program at the 22 August 2017 Council meeting and following public exhibition, the opportunity was launched in the Belfield Town Centre. This Report proposes to expand the outdoor pilot area south of the original pilot area into Belmore.

Belmore Town Centre is a fine grain main street and is not affected by excessive heavy traffic, and has good access to public transport, community centres and local schools. Furthermore, Belmore has a good mix of food businesses which includes Korean, Greek, Chinese, Thai, Vietnamese, Lebanese café/restaurants, many of which are not currently offering outdoor dining. Council staff working with OSBC have identified this as a good opportunity for the hosting of the pilot program.

This outdoor dining project strengthens Council's standing as the key economic development agent in the Canterbury Bankstown region and aligns with the City's long-term vision of building the economic capacity of local businesses.

MOVING FORWARD

The outdoor dining pilot project area be expanded to the area south of the Belfield Town Centre and the initiative be actively promoted to food service sector businesses in Belmore and the pilot period continue to 30 June 2018. At the conclusion of this pilot program, the evaluation of the trial will be conducted and reported to Council for review.

The OSBC and Service NSW have also expressed an interest in working with Council on initiatives in the future, designed to make it easier for businesses to operate in Canterbury Bankstown City. It is proposed that the General Manager consider, and where appropriate, enter in initiatives together with OSBC and Service NSW with this objective.

9 COMMITTEE REPORTS

The following item is submitted for consideration -

- 9.1 Minutes of the Canterbury Bankstown Traffic Committee Meeting held on 28
November 2017 127

Committee Reports - 12 December 2017

ITEM 9.1 **Minutes of the Canterbury Bankstown Traffic Committee Meeting held on 28 November 2017**

AUTHOR **Operations**

PURPOSE AND BACKGROUND

Attached are the minutes of the Canterbury Bankstown Traffic Committee meeting held on 28 November 2017.

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.

ISSUE

Recommendations of the Canterbury Bankstown Traffic Committee meeting.

RECOMMENDATION

That the recommendations contained in the minutes of the Canterbury Bankstown Traffic Committee meetings held on 28 November 2017 be adopted.

ATTACHMENTS [Click here for attachment](#)

- A. Traffic Committee Meeting Minutes 28 November 2017

POLICY IMPACT

This matter has no policy implications to Council.

FINANCIAL IMPACT

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

COMMUNITY IMPACT

The recommendations will improve road safety for the community whilst minimising the adverse impacts on residential amenity. Community consultations have been carried out where required.

10 NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

The following items are submitted for consideration -

10.1 Questions with Notice	131
10.2 Free WiFi in the CBD	133
10.3 Motion of Condolence to the Hon. Linda Burney	135
10.4 Environmental Issues	137

Notice of Motions & Questions With Notice - 12 December 2017

ITEM 10.1 **Questions with Notice**

AUTHOR **Corporate**

ISSUE

The attached schedule provides information to questions raised at Council's previous meeting.

RECOMMENDATION

That the information be noted.

ATTACHMENTS [Click here for attachment](#)

A. Questions with Notice Table

Notice of Motions & Questions With Notice - 12 December 2017

ITEM 10.2 Free WiFi in the CBD

I, Councillor Philip Madirazza hereby give notice that at the next Ordinary Meeting of Council I will move the following motion:-

“That staff provide a briefing to Council on the current implementation of free WiFi in the CBD. The briefing should include an assessment of the costs to install and operate, usage / take up rates, speed / level of service, coverage area, measurement of performance, marketing undertaken and any other factors to understand its effectiveness. Subject to the outcomes of this review the briefing should also provide recommendations on either improvements or expansion to other centres in the City especially in high traffic areas such as Campsie CBD and Earlwood CBD.”

Notice of Motions & Questions With Notice - 12 December 2017

ITEM 10.3 Motion of Condolence to the Hon. Linda Burney

I, Councillor Clare Raffan hereby give notice that at the next Ordinary Meeting of Council I will move the following motion:-

“That the City of Canterbury Bankstown pays tribute to the former Member for Canterbury and current Member for Barton, the Honourable Linda Burney for her public address in the Federal Parliament on Tuesday 5 December 2017, honouring her late son Binni Kirkbright-Burney.”

BACKGROUND

Anyone who has lost a person that they love knows how difficult it is to continue in their life with that person no longer in their life. It is difficult to grieve in private when you are a public figure and I ask that the City of Canterbury Bankstown write to the Honourable Linda Burney expressing our support for Ms Burney and condolence for her loss.

Ms Burney is a much loved and well respected former representative of our community, and as a gesture of solidarity, it is my wish that the City of Canterbury Bankstown let Ms Burney know that she is in our thoughts and hearts.

Notice of Motions & Questions With Notice - 12 December 2017

ITEM 10.4 Environmental Issues

I, Councillor Linda Eisler hereby give notice that at the next Ordinary Meeting of Council I will move the following motion:-

“Residents have raised a number of environmental concerns with me (tabled in background below). Once established, I propose that these issues be referred to Council’s Environmental Sustainability Committee for its consideration and that the matter be subsequently report to Council.”

BACKGROUND

I am seeking that the issues raised by residents be referred to Council’s Environmental Sustainability Committee, once it is established, for consideration and a report back to Council.

The issues are:

Plastic Pollution

Regarding the amount of plastic pollution in the rivers and streets, it is requested that council investigates and prepares a report on the litter hotspots in the area and develops a Litter Reduction Strategy. As well as reducing litter, the strategy should cover reducing the production of unnecessary plastic. Suggested actions to be included in the strategy include:

1. Bins

Improved public bins, public recycling and street cleaning to be installed .The bins need to be bigger, be bird proof and need to be emptied more regularly.

2. Water fountains and an anti-water bottle campaign

Water fountains/bubblers to be installed in many locations (eg parks and playing fields, shopping precincts) and a council campaign to discourage the use of bottled water.

3. Promotion of re-usable shopping bag messages in shopping precincts

At every council car park at shopping precincts signs could be installed reminding people to bring their reusable bags.

4. Work with other councils and the state government to reduce plastic pollution

Council be a regional leader on issues such as a statewide ban on single use plastic bags, plastic-lined coffee cups, polystyrene packaging and plastic drinking straws.

Greener spaces

It is also requested that council investigate how to make CBC a greener place with more native plants and animals in the parks, streets and private gardens. The following actions are suggested:

1. Open Space

Plant out natural areas of native trees and shrubs in all open spaces across Canterbury Bankstown to create habitat and encourage the return of native animals. Where native trees already exist, stop mowing/poisoning around them and allow a transition to a more natural bush-like setting.

2. Streetscapes

Greening of the streets eg plant more native trees and low growing natives along streets and on traffic islands/roundabouts.

3. Culture and plants

Some streets or parks in each suburb to be planted with edible fruit trees to honour the migrant heritage of the areas. Identify where there is public land suitable for a community garden, and support communities to start them.

Planning

Finally, Council plan better for the future in the following ways:

1. Urban Heat

The temperatures in this part of Sydney are expected to rise significantly in the future and we urgently need to be planting trees now to ensure our suburbs are liveable into the future. The council could tackle the Urban Heat Island Effect by planting more street trees.

2. Setbacks

Investigate wider setbacks (ie nature strips between buildings and the road or neighbouring buildings) to allow a leafier environment despite the many multistorey developments planned for our suburbs.

11 QUESTIONS FOR NEXT MEETING

12 CONFIDENTIAL SESSION

12.1 T20-14 Sale of Council Land, 176 Cooper Road, Yagoona

12.2 T53-17 Panel of Minor Civil Works

12.3 T55-17 Bankstown City Gardens - All Abilities Playground

12.4 T07-18 Bankstown Meals on Wheels

12.5 Property Matter - Proposed Ground Lease - 74 Rickard Road, Bankstown

12.6 "Lighting The Way Program" - Accelerated Replacement of Ausgrid Residential Road Street Lights

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 12.1, 12.2, 12.3, 12.4, 12.5, 12.6 in confidential session for the reasons indicated:

Item 12.1 T20-14 Sale of Council Land, 176 Cooper Road, 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 12.2 T53-17 Panel of Minor Civil Works

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 12.3 T55-17 Bankstown City Gardens - All Abilities Playground

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 12.4 T07-18 Bankstown Meals on Wheels

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 12.5 Property Matter - Proposed Ground Lease - 74 Rickard Road, 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 12.6 "Lighting The Way Program" - Accelerated Replacement of Ausgrid Residential Road Street Lights

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.