



# AGENDA FOR THE ORDINARY MEETING

18 April 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 March 2017 .....7



**NEW CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN COUNCIL CHAMBERS  
ON 28 MARCH 2017**

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**PRESENT:** Administrator – Richard Colley

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

**REF: CONFIRMATION OF MINUTES**

**(352)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the minutes of the Ordinary Council Meeting held on 28 February 2017 be adopted.

**SECTION 2: LEAVE OF ABSENCE**

Nil

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

Nil

**SECTION 4: ADMINISTRATOR MINUTES**

**ITEM 4.1 NEW CITY BRAND**

**(353)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That Council endorse the new City brand.

**PUBLIC ACCESS**

**(354)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

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

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**SECTION 5: PLANNING MATTERS**

**ITEM 5.1 SUBMISSION TO THE DRAFT SOUTH DISTRICT PLAN AND THE DRAFT AMENDMENTS TO THE METROPOLITAN PLAN 'A PLAN FOR GROWING SYDNEY'**

MS BARBARA COOREY ADDRESSED COUNCIL.

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

That -

1. Council note the submissions received and the proposed updates to Council's submission as outlined in this report.
2. Council endorse the submission to the Draft South District Plan and the Draft Amendments to the Metropolitan Plan '*A Plan for Growing Sydney*' as outlined in this report.

**ITEM 5.2 SUBMISSION TO THE DRAFT AMENDMENTS TO THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

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

That Council endorse the submission to the Draft Environmental Planning & Assessment Amendment Bill 2017 as outlined in this report.

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

**ITEM 6.1 CBD RENEWAL STRATEGY - OLD LIBRARY SITE**

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

That -

1. The information be noted.
2. The General Manager be delegated authority to continue to both negotiate and/or finalise the matter, as required.
3. The Administrator and the General Manager be delegated authority to sign all documents under the common seal of Council, as required.
4. Further reports regarding the matter be provided to Council, as required.



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**ITEM 6.2                    MANAGEMENT OF THE BLAKC CAFE**

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

That -

1. Council does not invite fresh tenders for the lease of the BLaKC as resolved at its meeting on 28 February, 2017.
2. In accordance with Section 178 (3) of the Local Government (General) Regulation 2005, Council carry out the requirements of the proposed contract itself.

**ITEM 6.3                    COMMUNITY ENGAGEMENT POLICY**

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

That Council adopt the Community Engagement Policy.

**ITEM 6.4                    SEASONAL SPORT FIELD ALLOCATION POLICY**

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

That Council adopt the Seasonal Allocation of Sporting Grounds Policy.

**ITEM 6.5                    UPDATE TO COUNCIL'S INSTRUMENT OF DELEGATIONS**

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

That the Instrument of Delegations, as attached to this report, be adopted.

**ITEM 6.6                    PROPOSED SUB-TENANCIES AT BELMORE BOWLING CLUB –  
1A LEYLANDS PARADE, 1B EDISON LANE AND 1C EDISON LANE, BELMORE**

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

That -

1. Council agrees in principle to Belmore Bowling and Recreation Club Limited entering two sub-tenancies on terms as outlined in this report.

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2. Council seek approval from Minister for Lands, where required.
3. Subject to item 2 (where applicable) the Administrator and the General Manager are delegated authority to finalise the matter and sign all documents under the common seal of Council, as required.

**ITEM 6.7                    IMPACTS OF M5 EXPANSION / WEST CONNEX AT KINGSGROVE**

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

That -

1. Council write to Transport for NSW identifying the concerns as outlined in this report.
2. Council request WestConnex undertake further community engagement regarding the matters raised.

**ITEM 6.8                    REQUEST FOR FINANCIAL ASSISTANCE AND DONATIONS**

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

That -

1. A donation of \$250 be made to Bankstown Sports Swimming Club in support of Thomas Hargreaves of Panania who will be competing at the 2017 Australian Age Championships in Brisbane from 16-21 April, 2017.
2. A donation of \$998 be made to Trilogy Schools (equivalent to the waiving of the hire and waste fees for the use of Playford Park, Padstow) in support of their Mega Fete which is being held at Playford Park on 2 April 2017.

**ITEM 6.9                    PROPOSAL TO BECOME RESERVE TRUST MANAGER OF CROWN RESERVE 63565  
(PICNIC POINT RESERVE)**

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

That -

1. Council authorise the Application to the Minister responsible for the administration of the Crown Lands Act, to appoint Canterbury Bankstown Council as Reserve Trust Manager for Crown Reserve 63565 at Picnic Point.

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2. The General Manager and Administrator be authorised to sign any relevant documentation, and affix the common seal of Council, as required.

**ITEM 6.10**

**RENEWAL OF LEASE OVER GREENACRE HOTEL CAR PARK**

**(366)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council authorise the Administrator and General Manager to enter into a variation of lease to extend the current lease for the Greenacre Hotel Car Park for a further period of five years, to 30 June 2022.
2. The Administrator and General Manager be delegated the authority to sign all documentation under the common seal of Council, as required.

**ITEM 6.11**

**BELMORE OVAL SPORTS PRECINCT**

**(367)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council in principle, support Canterbury Bulldogs application to the State Government to fund the upgrade to the Belmore Sports Complex as outlined in this report.
2. Subject to confirmation of funding, Council work with Canterbury Bulldogs on further project evaluation, final costing and review of community outcomes.
3. Council write to the Crown outlining the project and seek their support.
4. Council commence the preparation of a masterplan for the Belmore Sports and Community Precinct to identify a shared vision and future social and community opportunities.
5. Further report(s) be provided to Council as required.

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**ITEM 6.12  
(368)**

**PROPERTY MATTER - HURLSTONE PARK BOWLING CLUB**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council endorse to proceed with the matter as outlined in the report.
2. The General Manager be delegated authority to carry out the required steps and finalise relevant documentation as outlined in the report.

**ITEM 6.13  
(369)**

**INVESTIGATION INTO A DISABILITY RESPITE CENTRE**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. The report on the investigation into the potential establishment of a Disability Respite Centre be noted.
2. Council continues to advocate for additional respite facilities and services to be provided by the NSW Government for Canterbury-Bankstown.

**ITEM 6.14  
(370)**

**COUNCIL PARTICIPATION IN COOKS RIVER CATCHMENT COMMITTEE**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council pay the 2016-17 membership fee.
2. Council budget and contribute to the 2017- 18 Cooks River Alliance membership, subject to the review and final agreement of fees.
3. Council submit an Expression of Interest for hosting the Alliance beyond 2017.

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**ITEM 6.15 CASH AND INVESTMENT REPORT AS AT 28 FEBRUARY 2017**

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

That -

1. The Cash and Investment Report as at 28 February 2017 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

**MATTER OF URGENCY**

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

That urgency be permitted and Item 6.16 – Amendments to Fees and Charges be considered.

**ITEM 6.16 AMENDMENTS TO FEES AND CHARGES**

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

That Council adopt the proposed fees and charges for the Morris lemma Indoor Sports Centre.

**SECTION 7: COMMITTEE REPORTS**

**ITEM 7.1 MINUTES OF THE COUNCIL ADVISORY GROUP MEETING HELD ON 1 MARCH 2017**

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

That the Minutes of the Council Advisory Group Meeting held on 1 March 2017 be adopted.

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**ITEM 7.2                    MINUTES OF THE CANTERBURY BRANCH AND BANKSTOWN BRANCH TRAFFIC  
COMMITTEE MEETINGS HELD ON 14 MARCH 2017**

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

That the recommendations contained in the minutes of the Canterbury Branch Traffic Committee and Bankstown Branch Traffic Committee meetings held on 14 March 2017, be adopted.

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

Nil

**SECTION 9:                MATTERS FOR INFORMATION**

**ITEM 9.1                    MINUTES OF THE SSROC MEETING OF 16 FEBRUARY, 2017**

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

That the minutes of the SSROC Meeting of 16 February, 2017 be noted.

**ITEM 9.2                    QUARTERLY PROGRESS REPORT ON THE STRONGER COMMUNITIES FUND**

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

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

**SECTION 10:              QUESTIONS FOR NEXT MEETING**

Nil

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**SECTION 11: CONFIDENTIAL SESSION**

**(378)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

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

Item 11.1 T05-17 Grahame Thomas Practice Wicket Upgrade

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

Item 11.2 T35-17 Minor Civil Maintenance Works Panel

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

Item 11.3 T38-17 Chapel Road South Rehabilitation (McCauley Avenue to Cambridge Avenue) & Footpath Reconstruction

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

Item 11.4 T42-17 Rickard Road & Jacobs St Streetscape Upgrade

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

Item 11.5 T44-17 Design Supply and Installation of Heat Pumps System at Max Parker Leisure and Aquatic Centre

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

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

- Item 11.6 T45-17 Pedestrian Safety Improvement in South Terrace at East and West Terraces- Bankstown

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

- Item 11.7 Electrical Service Selective Tender

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

**COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 6.22 PM AND  
REVERTED BACK TO OPEN COUNCIL AT 6.23 PM.**

**ITEM 11.1  
(379)**

**T05-17 GRAHAME THOMAS PRACTICE WICKET UPGRADE**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council note that no tender submissions were received for the Grahame Thomas Oval Practice Wicket Area.
2. In accordance with Clause 178(3) (a) of the Local Government (General) Regulation 2005, Council cancel the proposal for the contract.
3. New contracts be prepared and quotations be invited to carry out the works as outlined in the report.



**NEW CITY OF CANTERBURY BANKSTOWN**

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**ITEM 11.2 T35-17 MINOR CIVIL MAINTENANCE WORKS PANEL**

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

That -

1. Council accepts the tenders received to form a panel of contractors for the provision of minor civil maintenance works for one year, with the option to extend the contract by a further one year, subject to satisfactory performance of the contractors as determined by the General Manager, for the provision of T35-17. The Panel of contractors is as follows:
  1. Adams Concreting and Constructions Pty Ltd
  2. DTE Management Pty Ltd
  3. KJ Civil & Paving Pty Ltd
  4. Stateline Asphalt Pty Ltd
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

**ITEM 11.3 T38-17 CHAPEL ROAD SOUTH REHABILITATION (MCCAULEY AVENUE TO CAMBRIDGE AVENUE) & FOOTPATH RECONSTRUCTION**

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

That -

1. Council accepts the tender received from Ally Civil Pty Ltd for an amount of \$398,541.50 (excluding GST) for Chapel Road Rehabilitation Macauley Avenue to Cambridge Avenue.
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

**NEW CITY OF CANTERBURY BANKSTOWN**

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ORDINARY MEETING OF COUNCIL  
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**ITEM 11.4 T42-17 RICKARD ROAD & JACOBS ST STREETScape UPGRADE**

**(382)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council accepts the tender received from KJ Civil & Paving Pty Ltd for an amount of \$660,413.00 (excluding GST) for the Rickard Road and Jacobs Street Streetscape Upgrade.
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

**ITEM 11.5 T44-17 DESIGN SUPPLY AND INSTALLATION OF HEAT PUMPS SYSTEM AT MAX PARKER LEISURE AND AQUATIC CENTRE**

**(383)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council accepts the tender received from Sunlover Heating Pty Ltd for an amount of \$196,250.00 (excluding GST) for the supply, installation, testing and commissioning of heat pump system at Max Parker Leisure and Aquatic Centre.
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

**ITEM 11.6 T45-17 PEDESTRIAN SAFETY IMPROVEMENT IN SOUTH TERRACE AT EAST AND WEST TERRACES- BANKSTOWN**

**(384)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. Council accepts the tender received from Planet Civil Pty Ltd. for an amount of \$439,243.00 (excluding GST) for the Pedestrian Safety Improvement in South Terrace at East and West Terraces- Bankstown.

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2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

**ITEM 11.7  
(385)**

**ELECTRICAL SERVICE SELECTIVE TENDER**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That -

1. In accordance with Section 169 of the Regulations, and pursuant to the legal advice received, Council conducts a selective tender to create a panel of service providers, for the provision of Electrical Services to cover the former Canterbury Branch LGA.
2. A report on the outcome of the selective tender be brought back to Council for determination.

**THE MEETING CLOSED AT 6.23 P.M**

Minutes confirmed 18 APRIL 2017

.....  
Administrator



**2 LEAVE OF ABSENCE**



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





## **4 ADMINISTRATOR MINUTES**

The following item is submitted for consideration -

- 4.1 Planning Proposals in the Sydenham to Bankstown Urban Renewal Corridor 27



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## Administrator Minutes - 18 April 2017

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### ITEM 4.1                      **Planning Proposals in the Sydenham to Bankstown Urban Renewal Corridor**

In July 2016 I issued a minute directing Council to defer planning proposals relying on the Draft Sydenham to Bankstown Corridor Strategy for justification, until that work is finalised. This position remains unchanged until after all of the necessary strategic work has been completed. However given that a re-exhibition of a revised strategy may be imminent, I would like to clarify our approach to applications for planning proposals once the strategy is finalised.

The draft strategy covers some 13.5 kilometres, and proposes changes to development controls to facilitate over 30,000 additional dwellings. This requires Council to broaden its approach to applications in order to achieve orderly development along the corridor.

In the past, Council has received applications for planning proposals that don't look beyond the boundaries of the site to consider how the proposed development fits into the context of the block and neighbourhood. Often these proposals will only seek changes to planning controls for land owned by the applicant, which can be as little as one lot, and don't consider sites beyond that. In this way, opportunities for linking open space, cycleways and pedestrian connections can be overlooked.

Moving forward, I ask that applicants and Council staff ensure that any requests for the preparation of planning proposals must address the desired future character of not just the site but also the block and the neighbourhood. In some cases this may mean applying planning proposals beyond land owned by the applicant so that the broader vision for the area can be achieved.

This approach is consistent with the Department of Planning and Environment's *Apartment Design Guide*, which refers to the need for proposal to consider the 'neighbourhood scale', and the principles of State Environmental Planning Policy 65.

I have asked that the Spatial Planning Team advise potential applicants of this direction as necessary, particularly at pre-lodgement meetings.



## **5 PLANNING MATTERS**

The following items are submitted for consideration -

- |     |   |    |
|-----|---|----|
| 5.1 | Hurlstone Park Heritage Assessment Study Implementation | 31 |
| 5.2 | Submission to the Draft Education and Child Care SEPP   | 45 |



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## Planning Matters - 18 April 2017

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### **ITEM 5.1                    Hurlstone Park Heritage Assessment Study Implementation**

**AUTHOR                    Planning**

#### **ISSUE**

This report seeks Council's approval to exhibit a planning proposal listing various heritage items and heritage conservation areas in Hurlstone Park. It also recommends exhibition of draft amended heritage DCP controls, revised building height and zoning controls, and other measures to support the making of heritage controls in Hurlstone Park.

#### **RECOMMENDATION** That -

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1. The planning proposal be submitted to the Department of Planning and Environment for a revised Gateway Determination as outlined in the report.
2. Upon receiving a revised gateway determination, the planning proposal be placed on public exhibition.
3. Draft amendments to Chapter B8 Heritage of the Canterbury Development Control Plan 2012 also be exhibited once a revised Gateway Determination is received.
4. Canterbury-Bankstown Interim Heritage Order No. 1 applying to properties in Hurlstone Park continue to remain in force.
5. Council make an Order to be published in the Government Gazette under section 57(3) of the Heritage Act, 1977 to grant exemption from the need to obtain approval under section 60 of the Heritage Act, 1977; in relation to Canterbury-Bankstown Interim Heritage Order No. 1, as outlined in this report.
6. The General Manager be given delegated authority to make minor amendments to the Draft Heritage Items and Heritage Conservation Area State Inventory Sheet forms, and to the mapping and wording of the Development Control Plan controls as required.
7. The making of an application process for the carrying out of minor works to heritage items, within a heritage conservation area, or to other identified places of heritage significance be endorsed.
8. A further report be submitted to Council following the conclusion of the public exhibition period.

## BACKGROUND

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Hurlstone Park is one of the oldest established suburbs in the Canterbury-Bankstown Council area. It developed as a suburban area after the railway station opened there in 1895, on the then new railway line between Sydenham and Belmore.

Hurlstone Park contains many quality examples of Federation (1890-1915) and Inter-War (1915-1940) period buildings arising from its original suburban development. However, only a relatively small number of these buildings are protected by existing heritage controls contained in the Canterbury Local Environmental Plan (CLEP) 2012.

In 2015 the NSW Department of Planning and Environment released the draft Sydenham to Bankstown Urban Renewal Corridor Strategy (Corridor Strategy). The strategy proposed significant increases in density around the railway stations within the corridor, including Hurlstone Park.

The former Canterbury Council considered the implications of this strategy in a report to the Council meeting on 25 February 2016. Because of concerns relating to the impact the Corridor Strategy would have on the heritage of Hurlstone Park, Council resolved that:

*The Department of Planning and Environment be advised that the existing heritage items in Belmore are to be retained, and that increases in density proposed for Hurlstone Park are not supported until a study has been undertaken of the Heritage Conservation Area potential of Hurlstone Park.*

A specialist heritage consultant Paul Davies Pty Ltd (Paul Davies) was appointed to prepare a Heritage Assessment Study of Hurlstone Park in May 2016.

This study was completed then reported to Council on 27 September 2016. Council resolved as follows:

- 1. Stage 1 of the Hurlstone Park Heritage Assessment Study is endorsed, noting that community consultation will occur as part of the exhibition of the planning proposal.*
- 2. Stages 2 and 3 of the Hurlstone Park Heritage Assessment Study involving preparation of inventory sheets, consultation strategy and Development Control Plan controls be undertaken.*
- 3. A planning proposal be prepared for the listing of the identified heritage items and heritage conservation areas in Hurlstone Park, and submitted to the Department of Planning and Environment under Section 56 of the EPA Act for a gateway determination.*
- 4. A report be submitted to Council prior to public exhibition of the planning proposal.*
- 5. Council make Interim Heritage Orders (IHOs) in accordance with Section 25 of the Heritage Act 1977 for the potential heritage items identified by the Hurlstone Park Heritage Assessment Study and listed in Attachment B.*

All of the required work identified in this resolution has now been undertaken. Accordingly it is now possible to embark on the public exhibition of the planning proposal and draft development control plan (DCP) amendments, subject to Council endorsement.



## REPORT

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This report outlines the further work that has been undertaken in regard to the Council resolution of 27 September 2016, and the proposed implementation process to follow.

### Review of potential heritage items (Stage 2 work)

Stage 1 of the Hurlstone Park Heritage Assessment Study anticipated that there would be a further investigative review of the potential heritage items that were identified.

This was referred to as Stage 2 of this project. As part of this work, State Heritage Inventory (SHI) forms were also to be prepared. These forms give a detailed description of the listing, a statement of heritage significance for the property, and the reasons for the listing.

Paul Davies was engaged to carry out this work and commenced Stage 2 in November 2016. The work is now complete. As part of this work, Paul Davies has prepared a report justifying the conclusions that were reached as part of the review process. A copy of this report is attached, along with copies of the SHI forms for each item or Heritage Conservation Area (HCA) proposed for listing. These forms are part of the Stage 2 report, but for the purposes of convenience have been split into separate attachments.

The recommendations for the potential heritage items are outlined in the table below.

No.	Potential item(s) – all subject to an Interim Heritage Order except where otherwise noted	Address	Recommended for listing
1	Weatherboard cottage	40 Acton Street	No – but identified in a potential HCA
2	Inter war School buildings “Edgeware Special School” <b>Note:</b> Not subject to Interim Heritage Order due to State Government ownership.	6-20 Burnett Street	Yes
3	Federation weatherboard house	4 Canberra Street	No – but identified in a potential HCA
4	Pair of Federation houses	22 and 24 Canterton Street	No – but identified in a potential HCA
5	Weatherboard cottage	49 Church Street	No
6	Pair of Federation Period shops with original shopfronts ( <b>Note:</b> Court appeal on these properties due to IHO)	13 and 15 Crinan Street	No – but identified in a potential HCA
7	Group of late Victorian and Federation houses	66, 68, 70, 72, 76 and 78 Crinan Street	Yes
8	Former corner shop	81 Crinan Street	No
9	Federation house “Stratford”	96 Crinan Street	Yes
10	Victorian weatherboard house	101 Crinan Street	Yes
11	Group of Federation houses	38, 40, 42, 44 and 46 Dunstaffenage Street	No – but identified in a potential HCA

No.	Potential item(s) – all subject to an Interim Heritage Order except where otherwise noted	Address	Recommended for listing
12	Pair of Federation houses	27 and 29 Duntroon Street	27 Duntroon Street – Yes 29 Duntroon Street – No
13	Pair of Federation semi detached houses	37 and 39 Duntroon Street	Yes
14	Pair of Federation houses	44 and 46 Duntroon Street	No – but identified in a potential HCA
15	Federation house	58-60 Duntroon Street	No – but identified in a potential HCA
16	Pair of Federation houses	82 and 84 Duntroon Street	No – but identified in a potential HCA
17	Victorian house	90 Duntroon Street	Yes
18	Victorian house	92 Duntroon Street	Yes
19	Federation house	109 Duntroon Street	No – but identified in a potential HCA
20	Federation house	113 Duntroon Street	No – but identified in a potential HCA
21	Federation house	128 Duntroon Street	Yes
22	Federation Urban Park	2C and 2D Euston Road	Yes
23	Federation house	29 Fernhill Street	Yes
24	Federation house	31 Fernhill Street	Yes
25	Federation building “Electricity Substation 57” <b>Note:</b> Not subject to Interim Heritage Order because is in State Government ownership.	12 Floss Street	Yes
26	Federation house (Former Station Master’s Residence)	44-46 Floss Street	Yes
27	Federation house “Dalraida”	79 Floss Street	Yes
28	Victorian house “Ellesmere”	42 Garnet Street	Yes
29	Former Children’s Home	50 Garnet Street	No
30	Quarry faces	76-80 Garnet Street	Yes
31	Pair of Federation semi detached houses	15 and 17 Gower Street	Yes
32	Inter War House	21 Kilbride Street	Yes
33	Federation and Inter War Church buildings “Hurlstone Park Uniting Church”	8 Melford Street	Yes
34	Federation House “Fern Hill”	104 Melford Street	Yes
35	Federation and Inter War Church Buildings and exterior of child care centre east of the	648-668 New Canterbury Road	Yes

No.	Potential item(s) – all subject to an Interim Heritage Order except where otherwise noted	Address	Recommended for listing
	existing church “St Stephanos Greek Orthodox Church”		

A map showing the changes proposed is attached.

In summary, of the 51 properties originally proposed for heritage listing, 29 are recommended to proceed and the other 22 were not recommended to proceed for listing.

However of the 22 properties not proposed for listing, the majority of these (19) fall within proposed heritage conservation areas. The proposed HCA controls will ensure these properties are afforded protection to their external form including prevention of demolition. The remaining three properties will not have any heritage status.

The Stage 2 report also makes further recommendations regarding Items 22, 26 and 35, as summarized below.

For item 22 “Euston Reserve”, it is proposed to add an area of road that has been closed and is part of the reserve, and also an Ausgrid electricity substation site that is within the reserve (2D Euston Road). Ausgrid will be notified as part of the exhibition of the planning proposal.

For item 26 (44-46 Floss Street) the original listing comprised 46 Floss Street only. 44 Floss Street is within the same ownership as 46 Floss Street, and contains the driveway to this property. As 44 Floss Street is an integral part of the property, it is proposed to add this to the heritage listing.

In relation to item 35 “St Stephanos Greek Orthodox Church” the consultants have recommended that the Inter War building on the site east of the existing church that contains a child care centre also be listed. This building was constructed in 1928 and is a locally rare example of the Romanesque style. This listing only applies to the exterior, the interior has been heavily altered.

#### **Draft Heritage Conservation Areas**

Seven Heritage Conservation Areas were also proposed in the Stage 1 report. These are as follows:

- Crinan Street shops HCA
- Duntroon Street HCA
- Floss Street HCA
- Hampden Street HCA
- Melford Street HCA
- Melford Street North HCA
- Tennent Parade HCA

Analysis of the proposed HCAs occurred as part of the Stage 1 report. These are proposed to proceed for formal listing, with the boundaries of these areas also remaining unchanged from those previously proposed. Maps showing the location of these areas are included in the draft DCP controls.

## **Planning Proposal**

To give the proposed heritage items and HCAs statutory protection, it is necessary to list them in Schedule 5 of Canterbury Local Environmental Plan (CLEP) 2012. This requires going through the planning proposal process. Council resolved on 27 September 2016 to commence this process.

A planning proposal to list the proposed heritage items and HCAs in Schedule 5 of CLEP 2012 was prepared, and submitted to the Department of Environment and Planning on 7 November 2016. The planning proposal also noted that the proposed items and heritage conservation areas (HCAs) were still under review and that the final listings might change prior to exhibition. A copy of the planning proposal is attached.

A Gateway Determination to enable exhibition of the planning proposal was granted by the Department on 14 December 2016. This was conditional on:

1. Consistency with the Stage 2 work of the Hurlstone Park Heritage Assessment Study, entailing the review of potential items and preparation of inventory sheets identified in Stage 1.
2. Updating the planning proposal to demonstrate consistency with the draft District Plan for the South Region. (Note: The draft District Plan was released after the planning proposal was submitted to the Department of Environment and Planning, hence the need for updating).
3. Inclusion of current and proposed LEP maps (finalisation of this work was contingent on the review of potential items being completed).

There are no objections to the Gateway Determination conditions.

In relation to the planning proposal it is also recommended that Council make two amendments to zoning and height controls relevant to the proposed Heritage Conservation Areas.

Most of the proposed Heritage Conservation Areas within Hurlstone Park are zoned R3 Medium Density Residential. This is with exception of a small area of R4 High Density Residential zoned land at the southern corner of Marcia Street and Duntroon Street within the Hampden Street HCA; and some commercial areas that are zoned B2 Local Centre the Crinan Street shops HCA and part of the Floss Street HCA. There is also some open space zoned RE1 Public Recreation within these areas.

It is proposed to rezone all of the R3 Medium Density Residential and R4 High Density Residential zoned land in the HCAs to R2 Low Density Residential.

The reason for this is that the R3 and R4 zones, as is implied in their name, allows for medium density housing forms such as multi dwelling housing (town houses and villas) and attached dwellings in the case of R3 zone, and higher density housing forms such as residential flat buildings in the R4 zone. This form of development is inconsistent with the prevailing residential character of these conservation areas, which predominantly comprise single dwelling houses.

In the Ashbury HCA, this approach to zoning was undertaken when the conservation area came into effect. The previous R3 equivalent zone was made an R2 zone to prevent inappropriate development forms being permitted. Adopting a similar approach to the R3 and R4 zones in the proposed Hurlstone Park HCAs will also ensure consistency occurs.

The other amendment proposed relates to the B2 Local Centre zones within the proposed HCAs, comprising most of the commercial area around Hurlstone Park station. While this zoning is appropriate for the conservation areas it is in, the current height control of 14 metres is not in keeping with the scale and form of development envisaged for these areas.

The prevailing height of buildings in these areas is generally 1-2 storeys. A 14 metre height limit will allow up to 4 storey development, which is incompatible in scale with these buildings, particularly if upper level extensions are proposed to existing shops.

It is recommended that the height limit be reduced to 11 metres. This will allow three storey development, which is of a scale that can be integrated into the existing built form of the areas involved.

To effect these amendments, the Department of Planning and Environment would need to issue a revised Gateway Determination. It is therefore recommended that Council seek approval from the Department for these changes to be made to the planning proposal.

It is recommended to enable statutory protection of identified potential heritage items and HCAs in Hurlstone Park, that the planning proposal be publicly exhibited once the changes outlined have been made, and a revised gateway determination issued.

### **Consultation Strategy (Stage 3 work)**

Because of the large number of proposed heritage listings in Hurlstone Park, it is important for Council to have a well considered consultation strategy.

So far the consultation process has involved the following:

- Advising all property owners in Hurlstone Park of the report going to the 27 September 2016 meeting.
- Advising all property owners in Hurlstone Park of the outcomes of the 27 September 2016 meeting.
- Advising owners who had an Interim Heritage Order placed on their properties.
- Placing the Hurlstone Park Heritage Assessment Study on the Council website.
- Meetings with affected owners at their request.

There has been a range of responses both in support and opposition to some listings/Interim Heritage Order, and a Land and Environment Court appeal against two properties subject to the IHO (this will be discussed further in this report). However despite the widespread nature of the existing consultation, only a relatively small number of residents have contacted Council about the heritage related issues.

The consultation strategy is outlined below.

1. The planning proposal and amended DCP controls is intended to be exhibited in May-June 2017 (subject to revised gateway determination). It is proposed to have an exhibition period of 4-5 weeks. The original planning proposal contemplated a 6 week exhibition period. After consultation with the Hurlstone Park Association, it is considered that a 4-5 period is more appropriate. The Gateway Determination also only requires a 28 day period.
2. All property owners in Hurlstone Park will be advised in writing of the exhibition of the planning proposal. These letters will be specifically customised into the following groupings:
  - Owners of a property that is proposed for heritage listing.
  - Owners of a property that was initially proposed for heritage listing but that is no longer proceeding.
  - Owners of a property that is proposed for inclusion in a heritage conservation area.
  - All other property owners in Hurlstone Park.
3. Owners of a property that is proposed for heritage listing will also be sent a copy of the relevant State Heritage Inventory (SHI) form which gives the reason for listing. The original planning proposal contemplated also sending a copy of the area character statement for listing (which would apply to HCAs). After considering the logistics of this, it is proposed instead to provide a website link to this information in the exhibition letter to be sent out.
4. The planning proposal and draft amended DCP controls will be placed in the “Have Your Say” section of the Council website. All information relating to the planning proposal including supporting documentation will also be made available on-line and at the two Council customer service centres.
5. The planning proposal and draft amended DCP controls will be advertised in the Council column of local newspapers.
6. A poster advertising the exhibition will be placed in prominent community locations in Hurlstone Park including the Council Community Information board.
7. Three drop in sessions are proposed to be held in the local area during the exhibition period at the following indicative times:
  - A Saturday morning between 10am-12pm (to be held outdoors in the vicinity of the station and shopping centre car park)
  - A Monday afternoon between 4pm-6pm (at the Immanuel Community Church at 67 Duntroon Street, Hurlstone Park near the station)
  - A Thursday lunch time between 11am-1pm (to be held outdoors in the vicinity of the station and shopping centre car park)
8. The opportunity for affected owners to directly meet with the consultant and/or staff if necessary.

### **Interim Heritage Orders**

The Council resolution of 27 September 2016 required the making of Interim Heritage Orders (IHOs) under Section 25 of the Heritage Act 1977, for potential heritage items identified in the Hurlstone Park Heritage Assessment Study.

Shortly prior to the September 2016 Council meeting three properties in Hurlstone Park had been demolished that contributed to the heritage character of the area. An IHO provides temporary protection to prevent harm occurring to a property that has been identified as having heritage significance, but is not currently protected.

The process for the making of an IHO in relation to the potential heritage items was undertaken immediately after the Council resolution of 27 September 2016, with Canterbury-Bankstown Interim Heritage Order No. 1 (IHO 1) coming into effect on 30 September 2016. The order was made over 49 properties. During the implementation process it was found that Council did not have the delegation to impose IHOs on properties owned by the NSW Government. Accordingly two potential heritage items, Edgeware Special School at 6-20 Burnett Street, and Electricity Substation 57 at 12 Floss Street, were unable to be included. These properties were not under threat and are still intact.

An IHO provides an initial period of protection for a six month period. A further six month period can be granted if Council has made a resolution to place the item on the heritage schedule of a local environmental plan. As Council already had made a resolution to this effect at the 27 September 2016 meeting, the IHO is in effect for 12 months.

Legal advice obtained by Council indicates that the current IHO (IHO 1) should remain for the full 12 month period or until the LEP listing the heritage items is gazetted. The reason for this is that once an IHO is removed, there is no protection available to the potential heritage items. The remaining assessment process still includes exhibition of the planning proposal, and the IHO will allow protection to occur in the event new information comes to light through the exhibition process which might alter future recommendations.

Also in relation to the IHO, a Land and Environment Court appeal was lodged against the imposition of the IHO on two properties at 13 and 15 Crinan Street. This appeal has not yet been heard by the Court. A conciliation conference was held at the site on 8 March 2017, and a hearing date has been set down for 21 June 2017.

As part of this appeal the appellant provided a heritage report on these two properties. Paul Davies has reviewed this report as part of the Stage 2 work. The Stage 2 report recommends that these two properties not proceed for further heritage listing. The two properties are, however, proposed as part of the Crinan Street Shops HCA and will be afforded protection through inclusion in this HCA.

### **Exemptions for Minor Works**

An issue that has arisen through Council dealing with the practical application of the IHO is the consent requirements it entails.

Section 57(1) of the Heritage Act requires in effect that all works proposed for an IHO listed property need consent under section 60 of this Act. This includes minor works such as repairs, painting, maintenance, and restoration. In addition the Heritage Act also stipulates that the consent requirements of any other legislation also apply. This has been confirmed by legal advice obtained by Council.

For relatively minor works this can be an onerous imposition on an applicant. However section 57(3) of the Heritage Act allows for Council to grant exemptions from section 57(1) requirements. Section 57(3) is quoted below:

*A council may, by order published in the Gazette, grant an exemption from subsection (1) or such of the provisions of that subsection as are specified in the order in respect of the engaging in or carrying out of such activity or class of activities by such person or class of persons in such circumstances as may be so specified. Such an exemption has effect only in respect of an interim heritage order made by the council concerned.*

Legal advice obtained indicates Council should utilise this provision and publish an order in the Government Gazette that grants exemptions for minor works. This will make the assessment process much easier for applicants and Council. It is proposed to use the Standard Exemptions prepared by the Heritage Council for this purpose. A copy of these exemptions is attached, along with some suggested wording for the order. This wording may undergo modification after final legal review has occurred prior to publication.

### **Amendment to Canterbury Development Control Plan 2012 (Stage 3 work)**

Chapter B8 of Canterbury Development Control Plan (CDCP) 2012 contains controls for heritage that apply in the former Canterbury City area.

This chapter of the DCP is divided into four parts:

1. General Objectives
2. Analysis and Documentation
3. Design Principles
4. Ashbury Heritage Conservation Area

Draft revised controls have been prepared encompassing the first three sections of this DCP (albeit with different section headings), and a set of new controls specifically for Hurlstone Park. The controls for Ashbury Heritage Conservation Area at this stage will remain unchanged.

A newly revised chapter B8 is attached to this report (excluding the existing Ashbury controls).

The main changes from the current controls are listed as follows:

1. The scope of this chapter has been widened to include:
  - Draft heritage Items, draft Archaeological Sites, draft Aboriginal Heritage Sites and draft Heritage Conservation Areas that are included in a planning proposal that has been publicly exhibited.
  - Properties included in an interim heritage order.
  - Properties included in a State Government Heritage Register under section 170 of the Heritage Act, 1977.



This change will mean this section of the DCP encompasses all of the different scenarios where a heritage assessment is applicable.

2. The deletion of an existing objective – *to ensure that the location of garages and carports do not detract from heritage significance*. This objective was considered to be far too specific and already sufficiently covered by existing DCP controls.
3. Inclusion of general information about heritage resources to assist applicants.
4. A far more comprehensive and specific set of controls is now proposed to generally apply to heritage items in Canterbury. These will cover the following areas or building types:
  - External form and setting.
  - Interior elements.
  - Roofs, dormers, chimneys, and skylights.
  - Verandahs, porches, and balconies.
  - Driveways, garages and carports.
  - Fences.
  - Landscape elements.
  - Outbuildings.
  - Windows and Doors.
  - Building materials, finishes and colour.
  - Retail and commercial buildings.
  - Apartments and residential flat buildings.
  - Adaptive Reuse.
  - Subdivision and lot consolidation.
  - Demolition.
5. A new set of controls for the seven proposed Hurlstone Park HCAs have been developed. These controls also cover the areas or building types outlined in Point 4 above. In addition there have been comprehensive Area Character Statements developed for each of the draft HCAs. These provide more specific guidance as to the type of development Council is seeking in the draft HCAs, based on maintaining the elements and form that make up the existing original character.

The revised general controls for heritage items will apply to all such items within the former Canterbury LGA, and not just existing or newly proposed listed properties in Hurlstone Park.

It is noted that the existing controls for the Ashbury Heritage Conservation Area do not follow the same format as the draft Hurlstone Park HCA controls. There are differences in the way that buildings are ranked, and the Ashbury controls do not utilize the more specific Area Character Statements developed for Hurlstone Park. The Ashbury controls were also originally developed over 10 years ago, and are in need of a more comprehensive review.

It is considered that the Ashbury controls should be revised to make them more compatible with the draft Hurlstone Park HCA controls. This work will be the subject of a future report to Council.

Also noted is that the current Bankstown Development Control Plan 2015 has no specific controls for heritage listed properties within the former Bankstown City area. It is proposed that the draft DCP controls developed as part of the Hurlstone Park work will form the basis of a similar set of heritage controls for the Bankstown DCP. This will be the subject of a future report to Council. One significant exception is that there are no HCAs in the former Bankstown, so the controls relating to these will not need to be included.

### **Minor Works Application**

Generally speaking, most forms of development relating to a heritage item or within a HCA requires the consent of Council. However subclause 5.10 (3) of CLEP 2012 allows for the waiving of development consent for works relating to a heritage item or within a HCA in certain circumstances. Of particular note is 5.10 (3) (a) which reads as follows:

*However, development consent under this clause is not required if:*

*(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:*

*(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*

*(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area.*

The development referred to here are commonly known as minor works. Specifically such works may include repainting, repairs, minor internal building alterations such a bathroom and kitchen renovations of non original fabric, skylights and the like.

Many Councils have a specific minor works application process that sets out the information requirements and types of works that typically fit the minor works category.

Canterbury-Bankstown however does not have a minor works process. It is considered that Council could considerably benefit from having this as it would provide clarity to applicants and home owners about what comprises minor works, and also simplify the process in respect of gaining permission for low impact types of development.

It is recommended that Council implement the making of such a process including preparation of an application form as part of the heritage initiatives proposed within this report.

### **Other heritage Incentives**

Currently there is a range of other heritage incentives that apply in both the former Bankstown and Canterbury Councils. These include a heritage grant fund (Bankstown); and a partial rate rebate and a waiving of development application fees for residential properties (Canterbury).

It is proposed that a report on heritage incentives be presented to the Council meeting on 23 May 2017. It will present options to enable streamlining of the current situation regarding incentives so that a common approach can occur. This timing will mean that Hurlstone Park residents who may benefit from such incentives can be made aware of them during the public exhibition process.

### **Conclusion**

The proposed introduction of comprehensive heritage controls for Hurlstone Park is outlined in this report. As can be seen, there are a number of elements involved that require consideration.

In respect of these elements, in summary this report seeks Council's approval to:

- Seek a revised gateway determination from the Department of Planning and Environment to make changes to planning and zoning controls to the planning proposal.
- Exhibit the planning proposal once it has been given a revised gateway determination.
- Exhibit at the same time the draft amended Chapter B8 Heritage of Canterbury Development Control Plan 2012 that provide new heritage controls to support the planning proposal.
- Endorse the making of an exemption for the need to gain approval under the Heritage Act, 1977 for certain works in relation to Canterbury- Bankstown Interim Heritage Order No.1.
- Endorse a community consultation strategy in respect of the exhibition of the planning proposal and associated development control provisions.
- Endorse a minor works application process applying to heritage items or works within a heritage conservation area, or to other identified places of heritage significance.

A further report will be submitted to Council following the conclusion of the public exhibition period addressing any issues that have been raised.

### **POLICY IMPACT**

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There are no policy implications arising from this report.

### **FINANCIAL IMPACT OF RECOMMENDATIONS**

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There are no financial implications arising from this report.

### **RECOMMENDATION** That -

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1. The planning proposal be submitted to the Department of Planning and Environment for a revised Gateway Determination as outlined in the report.
2. Upon receiving a revised gateway determination, the planning proposal be placed on public exhibition.
3. Draft amendments to Chapter B8 Heritage of the Canterbury Development Control Plan 2012 also be exhibited once a revised Gateway Determination is received.

4. Canterbury-Bankstown Interim Heritage Order No. 1 applying to properties in Hurlstone Park continue to remain in force.
5. Council make an Order to be published in the Government Gazette under section 57(3) of the Heritage Act, 1977 to grant exemption from the need to obtain approval under section 60 of the Heritage Act, 1977; in relation to Canterbury-Bankstown Interim Heritage Order No. 1, as outlined in this report.
6. The General Manager be given delegated authority to make minor amendments to the Draft Heritage Items and Heritage Conservation Area State Inventory Sheet forms, and to the mapping and wording of the Development Control Plan controls as required.
7. The making of an application process for the carrying out of minor works to heritage items, within a heritage conservation area, or to other identified places of heritage significance be endorsed.
8. A further report be submitted to Council following the conclusion of the public exhibition period.

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

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- A. Map showing recommended heritage items
- B. Stage 2 report - SHI inventory sheets separately attached.
- C. Heritage Item SHI Inventory forms
- D. HCA SHI Inventory forms
- E. Planning Proposal (subject to revision) and Gateway Determination
- F. Proposed IHO Exemptions
- G. Draft Part B8 Heritage DCP controls

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## Planning Matters - 18 April 2017

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**ITEM 5.2**                      **Submission to the Draft Education and Child Care SEPP**

**AUTHOR**                      **Planning**

### **ISSUE**

This report outlines Council's submission to the Draft Education and Child Care SEPP and supporting documents.

### **RECOMMENDATION**

That Council endorse the submission to the Draft Education and Child Care SEPP and supporting documents as outlined in this report.

### **BACKGROUND**

In February 2017, the Department of Planning & Environment commenced the exhibition of the Draft Education and Child Care SEPP and supporting documents. The intended outcome is to make it easier for child care providers, schools, TAFEs and universities to build new facilities and improve existing facilities.

The draft documents on exhibition include:

- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017: The intended outcomes of the Draft SEPP are to implement the National Quality Framework for Early Childhood Education and Care Facilities into the NSW planning system; to transfer the planning provisions for schools and tertiary institutions from the Infrastructure SEPP; and to broaden the range of development that can be undertaken as exempt and complying development.
- Environmental Planning and Assessment Amendment (Schools) Regulation 2017: The intended outcomes of the proposed amendments to the Environmental Planning and Assessment Regulation 2000 are to prescribe non-government schools as public authorities; to require the RMS to assess the traffic impacts of complying schools development prior to the lodgement of an application for a complying development certificate; and to require complying schools development proposals to be verified by designers before a complying development certificate can be issued.

- Child Care Planning Guideline: The Draft Guideline contains matters to be considered by consent authorities when assessing development applications for child care centres under the Draft SEPP. It also sets out design criteria. If a development application for a child care centre satisfies the design criteria, a consent authority cannot refuse consent on the basis of design.
- Better Schools Design Guideline: The Draft Guideline contains design quality principles to be considered by consent authorities when assessing development applications for schools under the Draft SEPP.
- NSW Code of Practice for Part 5 Activities: The Draft Code will apply to non-government schools when assessing and carrying out development without consent under clause 31 of the Draft SEPP.
- Planning Circular to Regulate the Expansion of Schools: The Department of Planning & Environment recommends that consent authorities apply certain principles when considering whether it is necessary to place a condition on a consent that will impose a numerical limit on student and staff numbers at the school site. For state significant development applications, the Department will apply these principles before making recommendations to the Minister on the determination (and subsequent conditioning) of the applications.
- Standard Instrument (Local Environmental Plans) Amendment Order (No 2) 2016: The intended outcome is to mandate child care centres as a permissible land use within Zone IN2 Light Industrial and Zone R2 Low Density Residential.

## REPORT

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Following a review, Council raises the following key issues that the Department of Planning & Environment should address prior to finalising the Draft Education and Child Care SEPP and supporting documents:

1. Council does not support the proposal to mandate child care centres as a permissible land use within Zone IN2 Light Industrial.

The Standard Instrument (Local Environmental Plans) Amendment Order (No 2) 2016 proposes to mandate child care centres as a permissible land use within Zone IN2 Light Industrial.

Council does not support this proposal as it is inconsistent with the Greater Sydney Commission's Draft District Plans, in particular the priority to protect and support industrial employment lands.

The Commission is taking a precautionary approach to the conversion of industrial employment lands in the absence of a district wide assessment of their value and objectives. As part of the precautionary approach, the Commission will work with Council to prepare appropriate planning controls to protect, support and enhance the economic function of industrial employment lands. The concern with the proposal is it pre-empts this work to be undertaken by the Commission and Council.

If strategic planning is to occur in a coordinated and orderly manner in NSW, Council should first be given the opportunity to complete the district wide assessment of the industrial employment lands in accordance with the Draft District Plans.

The proposal is also inconsistent with Council's policy to prohibit child care centres in the industrial zones. It is important to ensure industries do not pose a health or safety risk to children, staff or visitors. Vice versa, it is important to ensure sensitive land uses such as child care centres do not inhibit or restrict the operation of industries.

The Department of Planning & Environment endorsed Council's policy to prohibit child care centres in the industrial zones by approving the former Bankstown City Council's Standard Instrument Principal Local Environmental Plan in March 2015.

Based on the above, it is recommended not to mandate child care centres as a permissible land use within Zone IN2 Light Industrial.

2. Council does not support the proposal to allow existing non-government schools to expand as complying development.

The Draft Education and Child Care SEPP proposes to allow existing schools to expand as complying development.

The issue with this proposal is the City of Canterbury-Bankstown's population is projected to grow to 2036. The city is seeing an increase in the number of non-government schools. Non-government schools tend to draw from a regional catchment area which means greater reliance on cars. This has led to traffic congestion in streets and increased demand for on-street parking. Insufficient lot sizes to accommodate enrolment numbers have also led to excessive building sizes and lack of play areas.

Council's statutory responsibility is to manage the orderly development of schools, in a way that addresses community expectations and provides students with positive learning environments. The intended outcome is to secure best practice outcomes for students, parents and communities. As part of this responsibility, Council must consider the many planning issues relating to schools if it is to better manage this type of development and address community expectations.

Council therefore does not support the proposal to allow existing non-government schools to expand as complying development for the following reasons:

- The complying development process enables schools to contravene development consents.
- The complying development process does not require an overall concept or masterplan to identify the guiding principles to the development of schools.
- The complying development process does not consider planning issues that are important to local communities.

- Private certifiers are not qualified to assess the merits of schools to ensure it meets community expectations, particularly in the suburban neighbourhoods of the City of Canterbury–Bankstown.

Based on the above, it is recommended to allow existing non–government schools to expand (i.e. new buildings and classrooms) subject to development consent.

3. Council does not support site compatibility certificates.

The Draft Education and Child Care SEPP proposes to use site compatibility certificates to facilitate the disposal of surplus educational sites. The site compatibility certificates would permit school sites to adopt the zoning of adjoining land.

Council does not support this proposal as it is inconsistent with state environmental planning policies, and it does not provide the community with the opportunity to comment in the same way as spot rezoning proposals under the Gateway process.

Based on the above, it is recommended that where spot rezoning proposals seek to facilitate the disposal of surplus educational sites, these proposals must follow the Gateway process.

4. Other recommended amendments to the Draft Education and Child Care SEPP.

Other recommended amendments include:

Proposal	Recommended Amendment
<p><b>Child Care Centres:</b> The Draft SEPP proposes a clause which would prevent Council from refusing a development application on the basis of site area, site coverage or site dimensions.</p>	<p>Allow Council to continue to apply a minimum lot width requirement for child care centres.</p> <p>Reason: The minimum lot width requirement ensure sites are of sufficient size to provide for buildings, parking spaces, driveways, vehicle manoeuvring areas, pedestrian access, open space, landscaping and the like.</p>
<p><b>Child Care Centres:</b> The Draft SEPP proposes a clause which would prevent Council from applying open space requirements.</p>	<p>Allow Council to require child care centres in the suburban neighbourhoods to provide natural outdoor environments.</p> <p>Reason: According to Council’s Children Services, recent proposals in the suburban neighbourhoods do not provide natural outdoor environments. There is national and international research that highlights children need to explore and learn from natural outdoor environments for their emotional, social, cognitive and physical well–being and development.</p>



Proposal	Recommended Amendment
<p><b>Child Care Centres:</b> The Draft SEPP proposes a clause which would prevent Council from requiring operational or management plans.</p>	<p>Allow Council to continue to request management plans.</p> <p>Reason: From experience, management plans ensure the good long term operation and management of child care centres. This helps to ensure development continues to harmoniously co-exist with the surrounding residential amenity.</p>
<p><b>Schools:</b> The Draft SEPP proposes to allow the removal of trees as exempt development if the trees pose a risk to safety or damage to infrastructure.</p>	<p>Review this proposal to ensure consistency with the proposed Vegetation SEPP.</p> <p>Reason: School sites contain significant tree cover, which contribute to the green grid. The proposal may conflict with the Draft District Plans and the proposed Vegetation SEPP, which seek to enhance tree cover within the green grid.</p>

Attachment A outlines Council’s submission to the Draft Education and Child Care SEPP and supporting documents in more detail.

## POLICY IMPACT

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This matter has policy implications as the Draft Education and Child Care SEPP will prevail over Council’s LEP and DCP in the assessment of development applications for schools and child care centres. It will also broaden the range of development that can be undertaken as exempt and complying development.

## FINANCIAL IMPACT OF RECOMMENDATIONS

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This matter has no financial implications for Council.

## RECOMMENDATION

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That Council endorse the submission to the Draft Education and Child Care SEPP and supporting documents as outlined in this report.

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

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- A. Submission to the Draft Education and Child Care SEPP and supporting documents



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

The following items are submitted for consideration -

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## Report of the General Manager - 18 April 2017

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**ITEM 6.1**                      **2017 Local Government Elections - 9 September 2017**

**AUTHOR**                      **Corporate**

### **ISSUE**

The purpose of this report is to provide an update on the 2017 Local Government Elections to be held on Saturday, 9 September 2017.

### **RECOMMENDATION** That -

---

1. In accordance with S296 (7) of the Local Government Act 1993, Council notes that the 2017 Local Government Election will be administered by the NSW Electoral Commission.
2. Council assist the NSW Electoral Commission to both administer and promote the Election, as outlined in the report.
3. Required funding be reflected in Council's 2017/18 budget.

### **BACKGROUND**

---

On 12 May 2016, the former Canterbury City and Bankstown City Councils amalgamated to form Canterbury Bankstown Council.

Administrators were appointed to all merged Councils to undertake the responsibilities of Council until the Local Government Elections are held. Councils that were not a part of the merger proposals held Local Government Elections on 10 September 2016.

The remaining merged Councils, including Canterbury Bankstown Council, will conduct Local Government Elections on Saturday, 9 September 2017.

### **REPORT**

---

#### Administration of the 2017 Local Government Elections

In accordance with s296(7) of the Local Government Act 1993, the NSW Electoral Commission (NSW EC) is required to administer the Local Government Elections for all newly proclaimed entities. The relevant section of the Act indicates that:

*“(7) The Electoral Commissioner is to administer the first election for an area after its constitution. Expenses incurred by the Electoral Commissioner (including the remuneration of election officials) in connection with such an election are to be*

*met by the council and are recoverable from the council as a debt owed to the Electoral Commissioner.”*

In accordance with agreed service levels, the NSW EC will administer the 2017 Ordinary Election as follows:

#### *Enrolment*

The NSW EC will create electoral rolls in accordance with legislation, including street lists for the wards concerned.

#### *Data Management*

The NSW EC will create and manage databases of electors, polling places, returning and pre-poll offices, declared institution venues, polling place and returning office staffing and elector participation projections.

#### *Election Staffing*

The NSW EC will determine polling place and returning office staffing requirements.

#### *Financial Services*

The NSW EC will undertake all financial transactions in order to administer the Ordinary Elections.

#### *Venue Procurement*

The NSW EC will identify and secure all polling places, returning office location, pre-poll venues, declared institutions and returning office security. It is noted that the same number of polling places and to the greatest extent, the same venues used for previous elections will be used.

#### *Postal Voting*

The NSW EC will manage all postal vote applications and process and mail all postal vote packs.

#### *Counting and Results*

The NSW EC will undertake the counting and determination of final results for the Ordinary Election.

#### *Logistics*

The NSW EC will manage and undertake all necessary logistical requirements for the returning office and polling places, including supply of hire furniture and warehousing services, mailing and distribution services for the election material.

#### *Media, communications and advertising*

The NSW EC will undertake statutory advertising as required for the elections, including: enrolment, nominations, notice of election / uncontested election and results. In addition to local advertising, a State-wide advertising campaign to support the election through the press, radio and online will also be conducted.

Council will separately promote the Election through its normal communication channels which may include its website, social media, Council's Column in the local papers and other broader correspondence/communication, as required.

The NSW EC will also respond to media enquiries concerning the administration of the 2017 Ordinary Election.

#### *IT Infrastructure and Applications Support*

The NSW EC will be responsible for all IT infrastructure and support required for the Ordinary Election.

#### *Call Centres*

The NSW EC will manage a call centre for the Ordinary Election.

#### *Ballot Paper Production, Allocation and Distribution*

The NSW EC will design, develop and print all ballot papers and process and secure delivery of ballot papers to Returning Officers.

#### *Nominations & How-to-Vote*

The NSW EC will process candidate nominations, provide a candidate enquiry line, register how-to-vote material and provide Candidate Information presentations online.

#### *External Reporting and Evaluation*

The NSW EC will undertake post-election surveys of election stakeholders.

#### *Virtual Tally Room*

The NSW EC will manage, test and support a Virtual Tally Room.

#### *Sydney Town Hall*

A multi LGA pre-poll centre will be available at the Sydney Town Hall. The NSW EC will manage the operation of this facility for the Ordinary Election.

#### *Election Management*

The NSW EC will provide a cost to Council for the administration of the Ordinary Election, in line with cents per elector model calculated independently by PricewaterhouseCoopers. This cost will be reported to Council once received.

#### Caretaker Period

Councils are expected to assume a “caretaker” role during periods leading up to an Ordinary Election to ensure that major decisions are not made which may limit the actions of an incoming Council.

The caretaker period is a period of four (4) weeks preceding the date of an Ordinary Election. The caretaker period for the 2017 Ordinary Elections commences on Friday, 11 August 2017 and ends on Saturday, 9 September 2017.

In accordance with clause 393B of the Local Government (General) Regulation 2005, the Administrator, General Manager or any other delegate of the Council (other than a Joint Regional Planning Panel), must not exercise the following functions during the caretaker period:

- Enter into a contract or undertake expenditure or the receipt by the Council of an amount equal to or greater than \$150,000 or 1% of the Council's revenue from rates in the preceding financial year (whichever is the larger).
- Determine controversial development applications, except in the case where:
  - A failure to make a determination would give rise to a deemed refusal under Section 82 of the Environmental Planning and Assessment Act 1979 or
  - Such a deemed refusal arose before the commencement of the caretaker period.
- The appointment or reappointment of a period as the Council's General Manager (or the removal of a person from that position), other than:
  - An appointment of a person to act as General Manager under Section 336(1) of the Act.
  - A temporary appointment of a person as General Manager under Section 351(1) of the Act.

### Polling Places

Discussions are underway with the NSW EC in relation to the location of polling places for the 2017 Ordinary Elections. The NSW EC have provided a preliminary list of 97 proposed polling places to be located within the City of Canterbury Bankstown, with an additional 29 proposed declared institutions and four (4) proposed pre-poll locations.

Details of the confirmed polling places will be promoted on Council's website as part of the promotion of the 2017 Local Government Elections.

### Non-Residential Rolls

Persons who wish to make a claim for inclusion in the Roll of Non-Resident Owners of Rateable Land or the Roll of Occupiers and Ratepaying Lessees may do so by making an application to Council.

Council is responsible for preparing the list of claims for inclusion on the Non-Residential Rolls. Following the preparation and certification by the General Manager, the lists will be forwarded to the NSW EC for confirmation of inclusion in the Roll.

There are two types of applications for inclusion in the Non-Residential Roll, these are:

- *Individual Claim*  
Claim for inclusion on the Roll of Non-Resident Owners of Rateable Land or the Roll of Occupiers and Ratepaying Lessees to be used by sole owners / occupiers of rateable land.
- *Nomination Claim*  
Claim for inclusion on the Roll of Non-Resident Owners of Rateable Land or the Roll of Occupiers and Ratepaying Lessees to be used if rateable land is jointly / severally owned, or owned by a corporation.



Claims for inclusion on the Non-Residential Roll must be made on the prescribed application form available at Council's office. Applications for inclusion in the Non-Residential Roll close at 6pm on Monday, 31 July 2017.

### Term of the Administrator

In accordance with the Local Government (Council Amalgamations) Proclamation 2016 ("Proclamation"), the Administrator of a new Council is appointed for an "initial period", and has the functions of the Council and the Mayor of the Council. The initial period is defined by the Proclamation as "... the period commencing on the amalgamation day and ending immediately before the first meeting of the new council held after the first council elections for the council".

In this regard, the term of the Administrator for the City of Canterbury Bankstown Council will conclude on the day before the first meeting of the new Council.

### 2017 Election Calendar

The NSW EC has developed a calendar for the 2017 Local Government Elections, which will be updated with further information as it becomes available. Key dates from the calendar include:

Description	Dates
Close of Elector Rolls	31 July 2017
Close of Nominations	9 August 2017
Caretaker Period	11 August 2017 to 9 September 2017
Pre-Poll Voting Period	28 August 2017 to 8 September 2017
Election Day	9 September 2017

A copy of the Election Calendar is included as an attachment to this report.

## **POLICY IMPACT**

---

There are no policy impacts for Council associated with this matter.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

An estimated cost of \$1.3M, being the cost to conduct the former Councils' Ordinary Elections, is provided for in the 2017/2018 Budget.

## **RECOMMENDATION** That -

---

1. In accordance with S296 (7) of the Local Government Act 1993, Council notes that the 2017 Local Government Election will be administered by the NSW Electoral Commission.
2. Council assist the NSW Electoral Commission to both administer and promote the Election, as outlined in the report.

3. Required funding be reflected in Council's 2017/18 budget.

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

---

- A. 2017 Local Government Election Calendar

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## Report of the General Manager - 18 April 2017

---

**ITEM 6.2**                      **Code of Conduct Framework - Adoption of Supporting Policies**

**AUTHOR**                      **Corporate**

### **ISSUE**

---

To adopt the remaining policies in support of Council's Code of Conduct Framework.

### **RECOMMENDATION** That -

---

1. Council adopt the Complaints Management Policy, Public Interest Disclosures Policy and Fraud and Corruption Prevention Policy as attached to this report.
2. Subsequent to Council's adoption of the Supporting Policies within the Code of Conduct Framework, a further review be carried out following organisational implementation, as outlined in the Report.

### **BACKGROUND**

---

In accordance with the *Local Government Act 1993*, Council adopted a new Code of Conduct and Procedures for the Administration of the Model Code at the Ordinary Meeting on 25 October 2016. To support its implementation Council developed a Code of Conduct Framework to provide a basis for good governance and transparency within Council, which comprises supporting governance documents on aspects of ethical behaviour.

At the Ordinary Meeting of 28 February 2017, Council adopted four supporting policies to its Code of Conduct Framework, the Councillor and Staff Interaction Policy, Gifts and Benefits Policy, Public Interaction and Meeting Disclosures Policy, and Statement of Business Ethics.

### **REPORT**

---

This report recommends the adoption of the remaining policies that support the Framework following their endorsement by Council and independent review.

#### **Complaints Management Policy**

The Complaints Management Policy provides a framework to facilitate a consistent, fair and equitable resolution to customer complaints and also encompasses the unreasonable conduct of complainants. The Policy is supported by the Complaints Management Guidelines and Unreasonable Complainants Conduct Guidelines.

Minor administrative changes have been made to clarify the Policy scope and its applicability to Council officials who reside in the Canterbury-Bankstown Local Government Area.

### **Public Interest Disclosures (PID) Policy**

This Policy ensures Council's compliance with the requirements of the *Public Interest Disclosures Act 1994*, by having the appropriate mechanisms in place to support and protect staff and Councillors making protected disclosures in accordance with the Act.

Following feedback, the PID Policy has been updated to enhance the definition of corrupt conduct, provide clarity around the timeframes to provide feedback to staff who report wrongdoing, and to reflect the recent Gazettal of the Law Enforcement Commission to replace the Police Integrity Commission as an external investigating authority

### **Fraud and Corruption Prevention Policy**

The Fraud and Corruption Prevention Policy outlines the expectations and responsibilities of all Council employees and other people who perform functions on behalf of Council, and provides the mechanism for reporting suspected fraud, misconduct and corrupt conduct. Clarification has been provided in the policy around which agencies certain matters should be reported.

Importantly, the Policy will be supported by the development and implementation of a Fraud and Corruption Prevention Plan. This Plan will assist in ensuring Council has in place the appropriate systems to detect and deter such activities.

### **Operation**

Following their independent review, the abovementioned policies will now be implemented throughout the organisation through standard training programs with all staff.

In addition and as required, a further review of these policies may be undertaken to ensure that their practical implementation within Council is effective and meets the overarching requirements of good governance within Council.

## **POLICY IMPACT**

---

Adoption of the policies subject of this report supplement the provisions of Council's Code of Conduct and ensures compliance with Council's legislative obligations.

Furthermore, these new policies supersede the previous policies adopted by the former Bankstown and Canterbury Councils.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

There are no financial impacts associated with this report.

### **RECOMMENDATION** That -

---

1. Council adopt the Complaints Management Policy, Public Interest Disclosures Policy and Fraud and Corruption Prevention Policy as attached to this report.

2. Subsequent to Council's adoption of the Supporting Policies within the Code of Conduct Framework, a further review be carried out following organisational implementation, as outlined in the Report.

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

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- A. Complaints Management Policy
- B. Public Interest Disclosures Policy
- C. Fraud and Corruption Prevention Policy



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## Report of the General Manager - 18 April 2017

---

### **ITEM 6.3                      Requests for Financial Assistance and Donations**

**AUTHOR                      Corporate**

#### **ISSUE**

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

#### **RECOMMENDATION    That –**

---

1.    A donation of \$278 equivalent to the hire fees for Edward Reserve, Panania be made to the Panania RSL Sub-Branch for their upcoming Annual ANZAC Day Remembrance March on 23 April 2017 and the Dawn Service on 25 April 2017.
2.    A donation of \$750 in kind be made to the Greek Orthodox Parish and Community of Belmore & District – All Saints in support of the Greek Orthodox Palm Sunday held on 9 April 2017.
3.    A donation of \$400 (equivalent to the hire fee for the use of Parry Park, Lakemba) be made to the Campsie LAC who in partnership with the Bankstown PCYC held a Harmony Family Fun Day on Tuesday 11 April 2017.
4.    A donation of \$300 be made to Panania Public School Parents and Citizens Association for the Panania Mania Mega Fete on the school grounds on Sunday 21 May 2017.

#### **REPORT**

---

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

Nil.

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

- The Panania RSL Sub-Branch are hosting their Annual Anzac Day Remembrance March and Service at the Memorial at Edwards Reserve, Panania and are requesting that Council waive the hire fee of \$278 (in total) for the use of the park. The Remembrance March is being held on Sunday, 23 April, 2017 and the ANZAC Day Dawn Service is being held on Tuesday, 25 April, 2017. It is recommended that a donation of \$278.00 be made to the Panania RSL Sub-Branch.

- The Greek Orthodox Parish and Community of Belmore & District – All Saints are requesting a donation from Council in support of the Greek Orthodox Palm Sunday. It is recommended that a donation of \$750 in kind be made to The Greek Orthodox Parish and Community of Belmore & District – All Saints.
- The Campsie LAC in partnership with the Bankstown PCYC held a Harmony Family Fun Day at Parry Park, Lakemba on Tuesday, 11 April 2017 and the organisers are requesting that Council waive the \$400 hire fee for the use of Parry Park. On the day there were sports clinics, jumping castles and a petting zoo. It is recommended that a donation of \$400 (equivalent to the hire fee for the use of Parry Park, Lakemba) be made to The Campsie LAC in partnership with the Bankstown PCYC.

### **Section 3 – Requests from Schools**

- The Panania Public School Parents and Citizens Association are hosting the Panania Mania Mega Fete on the school grounds on Sunday, 21 May 2017. They will have over 20 stalls including food, toys, crafts, books, trash and treasure and the mega chocolate wheel, jumping castle, rides and the main stage will be showcasing different acts from the school and local community. It is recommended that a donation of \$300 be made to The Panania Public School Parents and Citizens Association.

## **POLICY IMPACT**

---

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

### **Individuals**

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

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

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

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

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

This report recommends donations totaling \$1,728 and those funds be made available from Council's Section 356 Financial Assistance Budget.



## **RECOMMENDATION** That –

---

1. A donation of \$278 equivalent to the hire fees for Edward Reserve, Panania be made to the Panania RSL Sub-Branch for their upcoming Annual ANZAC Day Remembrance March on 23 April 2017 and the Dawn Service on 25 April 2017.
2. A donation of \$750 in kind be made to the Greek Orthodox Parish and Community of Belmore & District – All Saints in support of the Greek Orthodox Palm Sunday held on 9 April 2017.
3. A donation of \$400 (equivalent to the hire fee for the use of Parry Park, Lakemba) be made to the Campsie LAC who in partnership with the Bankstown PCYC held a Harmony Family Fun Day on Tuesday 11 April 2017.
2. A donation of \$300 be made to Panania Public School Parents and Citizens Association for the Panania Mania Mega Fete on the school grounds on Sunday 21 May 2017.

## **ATTACHMENTS**

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Nil



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## Report of the General Manager - 18 April 2017

---

### **ITEM 6.4                      Promotional Materials of the Former Bankstown and Canterbury City Councils**

**AUTHOR                      Executive**

#### **ISSUE**

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Council consider the distribution of obsolete promotional material associated with the former Councils.

#### **RECOMMENDATION    That -**

---

1. Council agrees to write-off all obsolete promotional material associated with the former Councils.
2. The General Manager carryout an open invitation process to distribute the promotional material to interested non-for-profit and/or charitable institutions, as required.

#### **REPORT**

---

With the proclamation of our new City, all of the former Council's promotional materials ceased to be used throughout the community. The promotional material is minor in nature (water bottles, hats, etc) and of minimal value.

Notwithstanding their minor value, the material may be of interest to various non-for-profit and/or charitable institutions, particularly for distribution to much needed communities overseas.

This reports seeks Council's agreement to write-off the promotional material which no longer can be distributed throughout our community and/or internally used by staff, and that the material be donated to interested organisations.

It is proposed that Council invite interested non-for-profit and/or charitable institutions based on an open invitation process. Indeed, a condition of distribution will be to ensure that the material does not conflict with any of Council's new programs.

An appropriate evaluation process will be developed to ensure that its distribution is carried out in an equitable manner.

#### **POLICY IMPACT**

---

There is no direct policy impact resulting from the recommendation.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

The promotional material is insignificant and largely has no resale value.

## **RECOMMENDATION** That -

---

1. Council agrees to write-off all obsolete promotional material associated with the former Councils.
2. The General Manager carryout an open invitation process to distribute the promotional material to interested non-for-profit and/or charitable institutions, as required.

## **ATTACHMENTS**

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Nil

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## Report of the General Manager - 18 April 2017

---

**ITEM 6.5**                      **Riverlands Golf Course - Removal of Caveat**

**AUTHOR**                      **Corporate**

### **ISSUE**

That Council consent to the removal of the redundant caveat, associated with Riverlands Golf Course.

### **RECOMMENDATION** That -

1. Council consent to the removal of the Caveat and payment of costs by Abacus Funds Management Ltd, as outlined in the report.
2. The Administrator and General Manager be delegated authority to sign all relevant documentation and execute under the Common Seal of Council, as required.

### **BACKGROUND**

On 21 August 1990 Council made an LEP to rezone land, comprising the then Riverlands Golf Course, to allow the development of an 18 hole championship golf course thereon.

Concurrently with the decision on the requested rezoning, Council secured the undertaking of the land's then owner, Pros Chiyoda, to:

- dedicate the site's Georges River foreshore to Council.
- carry out a range of works on the land to be dedicated to render it suitable for the intended purpose.

To record the terms of this undertaking, a formal Deed of Agreement was entered into between Council and Pros Choyida on 30 August 1990. Council also registered a caveat on the titles of the land comprising the golf course, based on the terms of the agreement, as both a form of security for the undertakings given and as a notice of the existence of the undertakings to parties intending to deal with the titles to the land.

In 2003, the golf course land was acquired by its current owner Demian Holdings Pty Ltd (Demian). At the time the land was transferred to Demian (and since) neither the agreed land dedication nor the associated works provided for by the Deed of Agreement have been effected.

In 2015, Demian applied for a rezoning of the site to permit its redevelopment for residential purposes. Associated with this rezoning request, Demian also entered into a VPA with Council which provided for, among other things, a continuation of the land dedication and works obligations contained in the 1990 Deed of Agreement. The VPA also provides for the consequential termination of the 1990 deed and the obligations therein expressed, once the requested rezoning became operative.

The VPA is now duly registered on the titles of the land in the former golf course and the rezoning was effected by the gazettal of Bankstown Local Environmental Plan Amendment No 4, on 7 October 2016, thereby becoming operative. There is, as a consequence, no longer any legal or equitable basis for the maintenance of the Caveat on the titles of the land.

## **REPORT**

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The current owners mortgagee are seeking to register on title to Demian's land a transfer of mortgage to one of its subsidiaries Abacus Finance Pty Ltd, and require either Council's consent as caveator to the registration of the transfer, or the caveat's complete withdrawal (thereby obviating the need for Council's consent).

Having regard to what are the obligations on Council now with the redundancy of the caveat on title to bring about its withdrawal as a preliminary to what are expected to be Demian's future dealings with the land and the requirements of Demian's mortgagee relative to their desired mortgage transfer, agreement has been reached to have what otherwise would have been Council's costs in releasing the caveat, borne by the mortgagee of Demian's land.

The Caveat applies to the following land parcels: 21/749985, 22/749985, 1/813007, 231/805826, 27/7304, 1/813006, Auto Consol 15521-109 and Auto Consol 8643-24.

Subject to Council's consent, Council's solicitors will in turn lodge an application with the office of Land and Property Information (LPI) to have the Caveat removed from the titles for the above mentioned land parcels.

Council's lawyers have confirmed that the VPA which replaces this Deed is now registered on the Golf Course titles. The lawyers have also reviewed the matter and have confirmed that the removal of the Caveat is acceptable as the Deed upon which it is founded is now terminated and no longer relevant.

## **POLICY IMPACT**

---

There are no policy implications.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

The recommendation has no financial implications for Council as Abacus Funds Management Ltd have agreed to reimburse Council for the costs incurred regarding to this matter.

## **RECOMMENDATION** That -

---

1. Council consent to the removal of the Caveat and payment of costs by Abacus Funds Management Ltd, as outlined in the report.
2. The Administrator and General Manager be delegated authority to sign all relevant documentation and execute under the Common Seal of Council, as required.

## **ATTACHMENTS**

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Nil





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## Report of the General Manager - 18 April 2017

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**ITEM 6.6**                      **Campaign to Restore the Financial Assistance Grants Indexation**

**AUTHOR**                      **Corporate**

### **ISSUE**

---

The Australian Local Government Association (ALGA) and Local Government NSW (LGNSW) have requested Councils support the campaign to restore the indexation of Financial Assistance Grants.

### **RECOMMENDATION** That -

- 
1. Council acknowledges the importance of Financial Assistance Grants in its provision of infrastructure and delivery of services to the community.
  2. Council continues to advocate for the restoration of the indexation of Financial Assistance Grants.
  3. Council write to local Federal Members of Parliament seeking their support of the campaign to restore the indexation of Financial Assistance Grants.

### **BACKGROUND**

---

The Commonwealth Financial Assistance Grants to Local Government are currently provided for under the *Local Government (Financial Assistance) Act 1995*. The Grants comprise two components – a general purpose component and local roads component. While these are paid through each state's Local Government Grants Commission, the funding originates with the Federal Government.

### **REPORT**

---

Financial Assistance Grants are a vital funding source for Local Government nationally, and are used to maintain a wide range of infrastructure including local roads, bridges, recreation facilities, libraries, cultural facilities and deliver a variety of services to the community.

As part of the 2014-15 Federal Budget, the Federal Government imposed a freeze on the indexation of Financial Assistance Grants for 2014-15 through to 2016-17. Based on Government figures, the decision not to take into account CPI equates to a \$925million cut to Councils nationwide over three years.

The practical effect of the freeze on indexation has amounted to a real cut in funding to Local Government. Consequently, the restoration of the indexation to the Financial Assistance Grants has been a driving issue for Australian Local Government Association (ALGA) and Local Government NSW (LGNSW).

ALGA and LGNSW have recently instigated a campaign to lobby the Federal Government in the lead up to the 2017/18 Budget for a commitment it will restore the indexation of Financial Assistance Grants.

Both former Bankstown and Canterbury Councils have historically supported campaigns to restore adequate funding levels to Local Government to enable continued high quality services for our community.

As Council is in the process of developing its budget for 2017-18, it is timely to consider the impact continued indexation of the Financial Assistance Grants would have on Canterbury-Bankstown.

It is therefore recommended that Council supports this campaign and write to its local Federal Members to seek their support in restoring the indexation of Financial Assistance Grants.

By way of background, the national principles for the allocation of grants under the Local Government (Financial Assistance) Act 1995 state that:

*Where two or more local governing bodies are amalgamated into a single body, the general purpose grant provided to the new body for each of the four years following amalgamation should be the total of the amounts that would have been provided to the former bodies in each of those years if they had remained separate entities.*

In 2016-17 Canterbury-Bankstown Council received \$11,227,723 in funding.

## **POLICY IMPACT**

---

Council's advocacy on this issue is aligned with Council's strategic objectives

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

There are no financial impacts associated with Council supporting this request.

## **RECOMMENDATION** That -

---

1. Council acknowledges the importance of Financial Assistance Grants in its provision of infrastructure and delivery of services to the community.
2. Council continues to advocate for the restoration of the indexation of Financial Assistance Grants.
3. Council write to local Federal Members of Parliament seeking their support of the campaign to restore the indexation of Financial Assistance Grants.

**ATTACHMENTS**

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Nil



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## Report of the General Manager - 18 April 2017

---

**ITEM 6.7**                      **Gough Whitlam Park and Waterworth Park Masterplan**

**AUTHOR**                      **City Future**

### **ISSUE**

A single masterplan has been developed for Gough Whitlam Park and Waterworth Park in Earlwood. The masterplan was developed in consultation with the community and will guide the development of a future Plan of Management (PoM) for the parks.

### **RECOMMENDATION** That -

---

1. Council adopts the masterplan for Gough Whitlam Park and Waterworth Park (Attachment A).
2. Council supports the development of a future Plan of Management for the parks as outlined in the masterplan.
3. Further reports be submitted to Council as required.

### **BACKGROUND**

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The former Canterbury City Council had resolved to complete a PoM for Gough Whitlam Park and Waterworth Park. Upon reviewing the previous resolutions, the newly formed Canterbury Bankstown Council determined the PoM be postponed. Alternatively, a masterplan be prepared and publicly exhibited for the purpose of gaining community feedback on the future uses of the sites.

### **REPORT**

---

Gough Whitlam Park and Waterworth Park make up an open space precinct at the eastern end of the local government area at Earlwood, located along the Cooks River and Wolli Creek. The parks are well-used areas of open space which contain passive areas of open space, natural areas, sporting fields, playgrounds, a café and the Canterbury velodrome.

In November 2016 Council resolved to place a single masterplan for Gough Whitlam Park and Waterworth Park on public exhibition. The exhibition was held from 30 January to 28 February 2017 and included:

- Two on-site consultation sessions on Saturday 11 February and Tuesday 21 February 2017.
- Hard copies were available at Council's customer service centres and Earlwood Library.
- An online survey was available on Councils Have Your Say web page.

The exhibited draft masterplan included a range of options and improvements to maintain appropriate safety and improve the amenity available to the community. These works included upgrading the existing café and play area, upgrading the existing car parks and realigning the sportfields at Waterworth Park to facilitate multi-sport use and increased use.

Over 500 people visited the website, the online survey was completed by 97 people and three email/letter submissions were received, and these resulted in minor adjustments, including changes to appropriate type.

As part of the consultation Council sought community feedback on a number of options. A summary of the survey results are outlined below:

<b>QUESTION</b>	<b>Very supportive</b>	<b>Supportive</b>	<b>Not very supportive</b>	<b>Not at all supportive</b>	<b>No opinion</b>
How supportive are you of: Junior bike path (Gough Whitlam Park)	42%	33%	8%	15%	3%
Re-aligning or removing the cricket fence to allow for multipurpose field configuration for cricket and soccer	33%	24%	18%	15%	10%
Archery within the velodrome	18%	22%	13%	25%	21%
A new car park to support amenities building (Waterworth Park)	26%	36%	11%	18%	10%
Enlargement of the touch football field (Waterworth Park)	31%	37%	11%	9%	13%
Tree removal (and replacement)	35%	42%	8%	7%	9%

Key consultation feedback:

- There was a high level of support for the inclusion of a junior bike path within the playground area at Gough Whitlam Park.
- There was a high level of support for the realignment and extension of some sports areas to accommodate additional and multipurpose use.
- The community overwhelmingly supported the proposal to replace any necessary tree losses at a rate of 10:1.
- Modifications to the existing car parks and the option to provide a new car park to assist in conducting activities at the amenities and club house at Waterworth Park were supported.
- Increasing the allocated active sport available was supported.

The proposal to allow Archery within the velodrome as opposed to alternate locations on the site, received a level of community support. This will continue to be considered in future planning of the site however has been omitted from the final masterplan.

Following review and consideration of all community feedback a final masterplan has been developed to guide the long term planning of the site. A PoM will be developed at a later date to support the masterplan.

## **POLICY IMPACT**

---

There is no policy impact from this report. The site is Crown Land and a specific Plan of Management is not a requirement.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

There is no financial impact from the recommendations of this report.

## **RECOMMENDATION** That -

---

1. Council adopts the masterplan for Gough Whitlam Park and Waterworth Park (Attachment A).
2. Council supports the development of a future Plan of Management for the parks as outlined in the masterplan.
3. Further reports be submitted to Council as required.

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

---

- A. Gough Whitlam Park and Waterworth Park Master Plan April 2017
- B. Submission Table for Gough Whitlam Park and Waterwork Park draft masterplan





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## Report of the General Manager - 18 April 2017

---

**ITEM 6.8**                      **Draft Disability Inclusion Action Plan**

**AUTHOR**                      **Community Services**

### **ISSUE**

---

The report seeks approval for public exhibition of the Draft Disability Inclusion Action Plan.

### **RECOMMENDATION**

---

That the Draft Disability Inclusion Action Plan be supported in principle and placed on public exhibition for a period of 28 days.

### **BACKGROUND**

---

The City of Canterbury Bankstown is developing a Disability Inclusion Action Plan (DIAP). The Plan is a requirement of the NSW Disability Inclusion Act, 2014 (DIA) and must be in place by 1 July 2017.

The plan must address four Focus Areas; Attitudes and Behaviours, Liveable Communities, Employment and Systems and Processes.

A copy must be provided to the NSW Disability Council.

### **REPORT**

---

In 2016, Canterbury Bankstown Council committed to the development of a disability inclusion action plan by 1 July 2017 in line with the Disability Inclusion Act, 2014.

A reference group made up of former Canterbury and Bankstown Access Advisory Committee's members was established, and they assisted in providing feedback and guidance to the plan throughout the duration of the planning process.

Priorities and recommendations for the plan were gathered through surveys and community consultations. Surveys were made available in three formats- Adult and Youth, Parents and Children and an Easy Read version for people with intellectual disability. The survey was available for 6 weeks via our website and in paper.

Community consultation took place over a four week period, with morning and evening sessions held across all five wards. Additional sessions were held for one on one meetings and specific cultural groups.

Department Managers were involved throughout the planning process and were asked to provide feedback about access and inclusion issues affecting their work. As actions were identified, Managers had the opportunity to provide direct input into the plan.

## **FINDINGS**

The findings from consultations indicated four priority areas to be addressed within the plan

- Buildings
- Attitudes to disability
- Parks and gardens
- Employment, Training, Volunteering

Feedback from the consultations about the focus areas form the basis of the draft Action Plan.

## **POLICY IMPACT**

---

The adopted Disability Inclusion Action Plan will become the policy direction for Council in regards to Universal Access in the City.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

There are no financial implications resulting from adoption of this reports recommendations.

## **RECOMMENDATION**

---

That the Draft Disability Inclusion Action Plan be supported in principle and placed on public exhibition for a period of 28 days.

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

---

- A. Draft Disability Inclusion Action Plan

---

## Report of the General Manager - 18 April 2017

---

**ITEM 6.9**                      **Ramadan 2017 Activities in Lakemba**

**AUTHOR**                      **City Future**

### **ISSUE**

During the month of Ramadan Lakemba has become a popular destination as a part of the nightly breaking of fast. In order to better manage the impacts of the activities in Lakemba this report suggest improvements to deliver a sustainable experience.

### **RECOMMENDATION** That -

---

1. Council adopt in principle the increase for the cost of the Ramadan street stall application fee from \$400 to \$1,000 to deliver the required improvements.
2. A further report be provided to Council following the exhibition of Council's fees and charges for the Ramadan street stall application.

### **BACKGROUND**

---

Ramadan is the Holy Month on the Islamic calendar. During this time Lakemba has become a popular destination for the local community. This year, Ramadan will commence on Saturday 27 May and continue until Sunday 25 June 2017.

In 2013 it became evident to the former Canterbury City Council that there were certain issues associated with the trading on footways and the activities occurring during this month. While some improvements were introduced, including the introduction of an application process for street stalls, there has been ongoing issues with waste management and health and food handling.

### **REPORT**

---

A review has been undertaken of Ramadan activities in Lakemba which examined the following issues:

- Dumped waste
- Grease on footway from use of BBQ's
- Improper food handling practices
- Leaving stall equipment after trading
- Open flame BBQs on footway
- Unauthorised street vendors
- Noise complaints
- Crowd control in the Town Centre

- Traffic congestion
- Resources required from across the entire organisation

As a result of this review the following improvements are proposed for the 2017 event:

### **Waste Services**

Council will implement a coordinated approach and management process for street cleaning and servicing of garbage and recycling services. This will include regular street waste collections, daily street cleansing and provision of organic waste bins and a temporary cardboard recycling bin.

### **Regulatory and Environmental Health Services**

Daily patrolling of the town centre will be conducted by Council Rangers and Environmental Health Inspectors over the month to ensure safe food handling practices are exercised by the food vendors. It is proposed that all stallholders attend a Safe Food Handling workshop prior to receiving their stall permits.

Separately Council will engage with the Local Area Command to assist in ensuring an appropriate presence exists. This cost will be partially offset by an increase in the stall permits.

### **Fees and Charges**

The application fee in previous years has been \$400, as well as a cleaning bond of \$1,000.

Due to costs from increased service levels, it is recommended that the application fee be increased to \$1,000 in addition to a \$1,000 cleaning deposit fee. Any shortfall will be covered within Council's existing operational budget.

A report back to Council following the exhibition of Council's fees and charges for the Ramadan street stall application will be provided.

## **POLICY IMPACT**

---

Subject to the adoption of Council the recommendations within this report will require a change to the fees and charges.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

It is estimated that the income received from the stall application fee will be \$50,000. This will largely offset the additional costs of Police patrols of approximately \$65,000 over the 30 day event. All other costs associated with these improvements will be covered within Council's existing operational budget.

## **RECOMMENDATION** That -

---

1. Council adopt in principle the increase for the cost of the Ramadan street stall application fee from \$400 to \$1,000 to deliver the required improvements.
2. A further report be provided to Council following the exhibition of Council's fees and charges for the Ramadan street stall application.

## **ATTACHMENTS**

---

Nil



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## Report of the General Manager - 18 April 2017

---

### ITEM 6.10                      **Cash and Investment Report as at 31 March 2017**

**AUTHOR**                      **Corporate**

### **ISSUE**

---

This report details Council's cash and investments as at 31 March 2017.

### **RECOMMENDATION** That -

---

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

### **BACKGROUND**

---

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

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

### **REPORT**

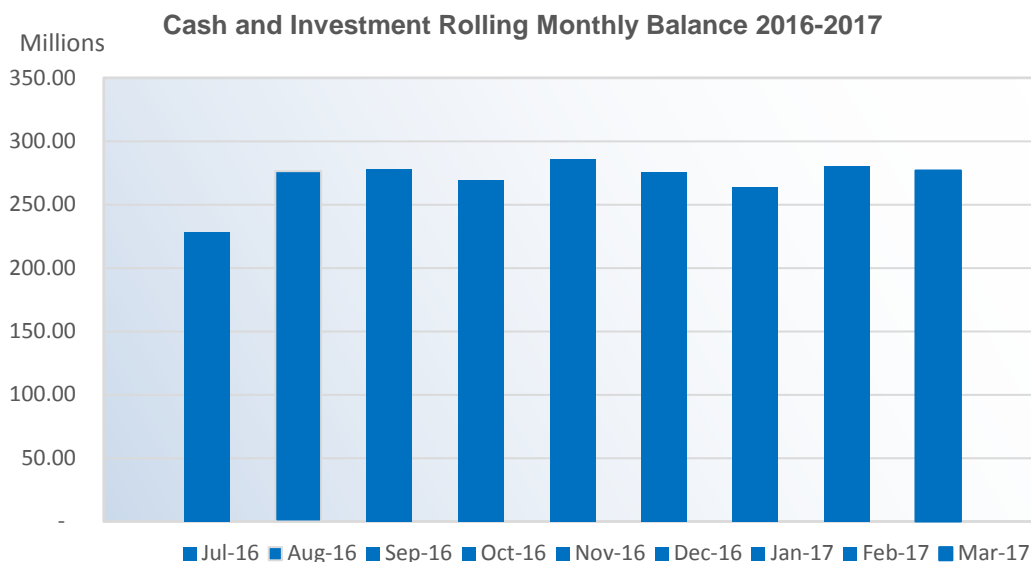
---

#### **Cash and Investment Summary – as at 31 March 2017**

In total, Council's Cash and Investments holdings as at 31 March 2017 is as follows:

<b>Cash and Investments</b>	<b>\$</b>
<b>Cash at Bank</b>	8,703,017
<b>Deposits at Call</b>	36,975,926
<b>Term Deposits</b>	205,263,000
<b>Floating Rate Notes</b>	26,001,485
<b>Total Cash and Investments</b>	<b>276,943,428</b>

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



A summary of Council’s investment interest income earned for the period to 31 March 2017 is as follows:

Interest Income	March 2017 \$	Year-to-date March 2017 \$
<b>Budget</b>	577,066	5,193,595
<b>Actual Interest</b>	683,594	5,818,459
<b>Variance</b>	106,528	624,864
<b>Variance (%)</b>	18.46%	12.03%

Year to date investment interest is tracking well above budget. It is mainly due to higher than anticipated cash and investment balances and achieving higher than budgeted portfolio returns each month. The budget figures have been amended to reflect the revised budget from the December quarterly review adopted at the February meeting.

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

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



<b>Overall Portfolio Maturity Limits</b>	
	<b>Actual % of Portfolio</b>
<b>Portfolio % &lt;= 1 Year</b>	55
<b>Portfolio % &gt;1 Year &lt;=3 Years</b>	34
<b>Portfolio % &gt;3 Years &lt;=5 Years</b>	11
<b>Portfolio % &gt;5 Years</b>	-
<b>Total Cash and Investments</b>	100%

<b>Overall Portfolio by Investment Type</b>	
	<b>Actual % of Portfolio</b>
<b>Cash at Bank</b>	3
<b>Deposits at Call</b>	14
<b>Term Deposits</b>	74
<b>Floating Rate Notes</b>	9
<b>Total Cash and Investments</b>	100%

At present, the former Council's existing Investment Strategies and Policies continue to apply. A single Cash and Investment Policy has been developed and is being presented to Council at this Council meeting.

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

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

---

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

## **POLICY IMPACT**

---

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

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

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

## **RECOMMENDATION** That -

---

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

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

---

- A. Canterbury Branch Cash & Investments Report March 2017
- B. Bankstown Branch Cash & Investments Report March 2017
- C. CPG Research & Advisory Bankstown Branch Investments Report March 2017
- D. CPG Research & Advisory Canterbury Branch Investment Report March 2017

---

## Report of the General Manager - 18 April 2017

---

**ITEM 6.11**                      **Property Matter - 2-26 Haldon Street, Lakemba**

**AUTHOR**                      **Corporate**

### **ISSUE**

---

Consideration be given to the sale of part of the Lakemba Street road reservation which adjoins 2-26 Haldon Street, Lakemba.

### **RECOMMENDATION** That -

---

1. Council agrees in principle to the sale of part of Lakemba Street road reserve, subject to the terms outlined in the report and subject to carrying out the required statutory road closure process in accordance with the Roads Act 1993.
2. As part of the process, Council classify the subject land to operational land in accordance with the Local Government Act 1993.
3. The Administrator and General Manager be delegated authority to carry out all necessary functions in relation to item 1 and 2 and sign all required documentation, under the common seal of Council, as required.
4. The General Manager be delegated authority to grant land owner's consent to Buildform Structural Systems Pty Ltd as part of the road closure application.

### **REPORT**

---

Buildform Structural Systems Pty Ltd is the current owner of 2-26 Haldon Street, Lakemba. A small portion of their site located on the Lakemba Street frontage totalling approximately 32.5 sqm, incorporates a public road.

The area of road was created on the registration of Deposited Plan 791007 on 8 November 1989. The land was dedicated as public road by the then-developer and was used for the siting of an electricity substation serving the development.

FIGURE 1: Photo showing 2-26 Haldon Street Lakemba with the small portion of public road fronting Lakemba Street highlighted



More recently, the owners are in the process of completing their development. In doing so, they are required to formally acquire the road reserve.

The road reserve is:

- considered unnecessary for public purposes.
- its closure would have no adverse effect on existing or future public safety, convenience nor amenity.
- it is not required for pedestrian or vehicular access to public or private land other than the private land in the larger site itself.
- there are no other adjoining owners whose property/s rely on this section of road for legal frontage.
- there was no public formation or improvement of the road by Council throughout the period of its existence.
- does not contain any Council services.

It is understood a land surveyor acting on behalf of Buildform Structural Systems Pty Ltd has already lodged with the NSW Department of Industry and Lands an application for the subject road portion to be closed and sold to the owner of the site.

In the circumstances where a road's closure is proposed by a third party, Council has the option of supporting the closure by deferring to the proponent to act as the applicant for the closure.

Subject to Council's consideration and support, the above approach is considered appropriate in this instance.

## **POLICY IMPACT**

---

There is no policy impact associated with this report. That said, the road closure will be subject to the normal statutory process as outlined under the Roads Act 1993.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

The relevant sale value will also be determined by an independent valuer whilst all associated costs associated with the closer will be met by the Buildform Structural Systems Pty Ltd.

## **RECOMMENDATION** That -

---

1. Council agrees in principle to the sale of part of Lakemba Street road reserve, subject to the terms outlined in the report and subject to carrying out the required statutory road closure process in accordance with the Roads Act 1993.
2. As part of the process, Council classify the subject land to operational land in accordance with the Local Government Act 1993.
3. The Administrator and General Manager be delegated authority to carry out all necessary functions in relation to item 1 and 2 and sign all required documentation, under the common seal of Council, as required.
4. The General Manager be delegated authority to grant land owner's consent to Buildform Structural Systems Pty Ltd as part of the road closure application.

## **ATTACHMENTS**

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Nil



## **7 COMMITTEE REPORTS**

The following items are submitted for consideration -

7.1	Minutes of the Youth Advisory Committee meeting held on 13 March 2017	89
7.2	Minutes of the Universal Access Advisory Committee meeting held on 23 March 2017	91
7.3	Minutes of the Community Safety Advisory Committee meeting held on 27 March 2017	93
7.4	Minutes of the Integrated Planning and Reporting Sub-Committee Meeting held on 29 March 2017	95
7.5	Minutes of the Aboriginal and Torres Strait Islander Advisory Committee meeting held on 30 March 2017	97
7.6	Minutes of the Canterbury Branch and Bankstown Branch Traffic Committee meetings held on 4th April 2017	99
7.7	Minutes of Audit and Risk Committee Meeting held on 29 March 2017	101





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## Committee Reports - 18 April 2017

---

**ITEM 7.1**                      **Minutes of the Youth Advisory Committee meeting held on 13 March 2017**

**AUTHOR**                      **Corporate Services**

### **ISSUE**

---

Minutes of Youth Advisory Committee.

### **RECOMMENDATION**

---

That the minutes of the Youth Advisory Committee meeting held on 13 March 2017 be adopted.

### **REPORT**

---

On 25 October 2016, Council resolved to re-establish the Youth Advisory Committee. This Community Advisory Committee has powers to make recommendations but not decisions. Attached are the minutes from its meeting held on 13 March 2017.

### **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

This report has no financial implications.

### **RECOMMENDATION**

---

That the minutes of the Youth Advisory Committee meeting held on 13 March 2017 be adopted.

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

---

A.     Minutes of the Youth Advisory Committee meeting held on 13 March 2017



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## Committee Reports - 18 April 2017

---

**ITEM 7.2**                      **Minutes of the Universal Access Advisory Committee meeting held on 23 March 2017**

**AUTHOR**                      **Corporate Services**

### **ISSUE**

---

Minutes of Universal Access Advisory Committee.

### **RECOMMENDATION**

---

That the minutes of the Universal Access Advisory Committee meeting held on 23 March 2017 be adopted.

### **REPORT**

---

On 25 October 2016, Council resolved to re-establish the Universal Access Advisory Committee. This Community Advisory Committee has powers to make recommendations but not decisions. Attached are the minutes from its meeting held on 23 March 2017.

### **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

This report has no financial implications.

### **RECOMMENDATION**

---

That the minutes of the Universal Access Advisory Committee meeting held on 23 March 2017 be adopted.

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

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A.     Minutes of the Universal Access Advisory Committee meeting held on 23 March 2017



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## Committee Reports - 18 April 2017

---

**ITEM 7.3**                      **Minutes of the Community Safety Advisory Committee meeting held on 27 March 2017**

**AUTHOR**                      **Corporate Services**

### **ISSUE**

---

Minutes of Community Safety Advisory Committee.

### **RECOMMENDATION**

---

That the minutes of the Community Safety Advisory Committee meeting held on 27 March 2017 be adopted.

### **REPORT**

---

On 25 October 2016, Council resolved to re-establish the Community Safety Advisory Committee. This Community Advisory Committee has powers to make recommendations but not decisions. Attached are the minutes from its meeting held on 27 March 2017.

### **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

This report has no financial implications.

### **RECOMMENDATION**

---

That the minutes of the Community Safety Advisory Committee meeting held on 27 March 2017 be adopted.

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

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A.     Minutes of the Community Safety Advisory Committee meeting held on 27 March 2017



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## Committee Reports - 18 April 2017

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**ITEM 7.4**                      **Minutes of the Integrated Planning and Reporting Sub-Committee Meeting held on 29 March 2017**

**AUTHOR**                      **Corporate**

### **ISSUE**

---

Minutes of the Integrated Planning and Reporting Sub-Committee meeting.

### **RECOMMENDATION**

---

That the minutes of the Integrated Planning and Reporting Sub-Committee meeting held on 29 March 2017 be adopted.

### **BACKGROUND**

---

On 14 June 2016, Council resolved to establish the Canterbury-Bankstown Integrated Planning and Reporting Sub-Committee. The Council advisory sub-committee has powers to make recommendations but not decisions. Attached are the minutes from its meeting held on 29 March 2017.

### **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

This report has no financial impacts.

### **RECOMMENDATION**

---

That the minutes of the Integrated Planning and Reporting Sub-Committee meeting held on 29 March 2017 be adopted.

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

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- A. Minutes of the Integrated Planning and Reporting Sub-Committee meeting held on 29 March 2017





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## Committee Reports - 18 April 2017

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**ITEM 7.5**                      **Minutes of the Aboriginal and Torres Strait Islander Advisory Committee meeting held on 30 March 2017**

**AUTHOR**                      **Corporate Services**

### **ISSUE**

---

Minutes of Aboriginal and Torres Strait Islander Advisory Committee.

### **RECOMMENDATION**

---

That the minutes of the Aboriginal and Torres Strait Islander Advisory Committee meeting held on 30 March 2017 be adopted.

### **REPORT**

---

On 25 October 2016, Council resolved to re-establish the Aboriginal and Torres Strait Islander Advisory Committee. This Community Advisory Committee has powers to make recommendations but not decisions. Attached are the minutes from its meeting held on 30 March 2017.

### **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

This report has no financial implications.

### **RECOMMENDATION**

---

That the minutes of the Aboriginal and Torres Strait Islander Advisory Committee meeting held on 30 March 2017 be adopted.

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

---

- A. Minutes of the Aboriginal and Torres Strait Islander Advisory Committee meeting held on 30 March 2017



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## Committee Reports - 18 April 2017

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### **ITEM 7.6**                      **Minutes of the Canterbury Branch and Bankstown Branch Traffic Committee meetings held on 4th April 2017**

**AUTHOR**                      **Operations**

#### **ISSUE**

---

Recommendations of the Canterbury Branch and Bankstown Branch Traffic Committee meetings.

#### **RECOMMENDATION**

---

That the recommendations contained in the minutes of the Canterbury Branch Traffic Committee and Bankstown Branch Traffic Committee meetings held on 4 April 2017, be adopted.

#### **BACKGROUND**

---

Attached are the minutes of the Canterbury Branch Traffic Committee and Bankstown Branch Traffic Committee meetings held on 4 April 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.

#### **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

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

#### **RECOMMENDATION**

---

That the recommendations contained in the minutes of the Canterbury Branch Traffic Committee and Bankstown Branch Traffic Committee meetings held on 4 April 2017, be adopted.

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

---

- A. Minutes of the Canterbury Branch Traffic Committee meeting held on 4th April 2017
- B. Minutes of the Bankstown Branch Traffic Committee meeting held on 4th April 2017

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**Committee Reports - 18 April 2017**

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## Committee Reports - 18 April 2017

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**ITEM 7.7**                      **Minutes of Audit and Risk Committee Meeting held on 29 March 2017**

**AUTHOR**                      **Corporate**

### **ISSUE**

---

Recommendations of the Audit and Risk Committee.

### **RECOMMENDATION**

---

That the recommendations contained in the minutes of the Audit and Risk Committee meeting held on 29 March 2017, be adopted.

### **BACKGROUND**

---

That the recommendations contained in the minutes of the Audit and Risk meeting held on 29 March 2017, be adopted.

### **REPORT**

---

Attached are the minutes of the Audit and Risk Committee held on 29 March 2017. This was the second committee meeting for the newly formed Audit and Risk Committee for the City of Canterbury Bankstown.

The resolutions commendations of the Committee are in line with the scope and objectives outlined in the Terms of Reference.

### **RECOMMENDATION**

---

That the recommendations contained in the minutes of the Audit and Risk Committee meeting held on 29 March 2017, be adopted.

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

---

- A.     Minutes of the Audit and Risk Committee Meeting held on 29 March 2017



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

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





## **9           MATTERS FOR INFORMATION**

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



**10        QUESTIONS FOR NEXT MEETING**



## **11 CONFIDENTIAL SESSION**

The following item is submitted for consideration –

11.1 Property Matter – 176 Cooper Road, Yagoona

# **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 Item 11.1 in confidential session for the reasons indicated:

Item 11.1 Property Matter – 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.*

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