



# AGENDA FOR THE ORDINARY MEETING

22 August 2017





---

# ORDER OF BUSINESS

---

|          |  |           |
|----------|--|-----------|
| <b>1</b> | <b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....</b>   | <b>5</b>  |
| 1.1      | Minutes of the Ordinary Meeting of Council of 25 July 2017   | 7         |
| <b>2</b> | <b>LEAVE OF ABSENCE.....</b>   | <b>19</b> |
| <b>3</b> | <b>DECLARATIONS OF PECUNIARY INTEREST OR NON-PECUNIARY CONFLICT OF INTEREST.....</b>                   | <b>21</b> |
| <b>4</b> | <b>ADMINISTRATOR MINUTES .....</b>   | <b>23</b> |
| 4.1      | Transition Overview  | 25        |
| <b>5</b> | <b>PLANNING MATTERS .....</b>  | <b>27</b> |
| 5.1      | Draft Sydenham to Bankstown Urban Renewal Corridor Strategy  | 29        |
| <b>6</b> | <b>REPORT OF THE GENERAL MANAGER.....</b>  | <b>37</b> |
| 6.1      | Review of the Operational Plan to 30 June 2017 and June 2017 Quarterly Budget Review.                  | 39        |
| 6.2      | 2017-18 Community Grants & Event Sponsorship Program   | 49        |
| 6.3      | Outdoor Dining Project   | 51        |
| 6.4      | Related Party Disclosures Policy   | 55        |
| 6.5      | Tree Preservation Order  | 59        |
| 6.6      | Adoption of Council Policies   | 63        |
| 6.7      | Local Government NSW - Annual Conference and Consideration of Motions                                  | 65        |
| 6.8      | Property Matter: Classification of Council Land at 28 Homedale Road Bankstown                          | 69        |
| 6.9      | Proposed New Licence to Trinity Grammar School for use of Canterbury Park Tennis Complex               | 73        |
| 6.10     | Salt Pan Creek Reserve II Status Update  | 75        |
| 6.11     | Strategic Issues Facing the City   | 79        |
| 6.12     | South West Metro - Alternatives for Bankstown  | 83        |
| 6.13     | Code of Meeting Practice - Amendment to Standing Orders of Business                                    | 87        |
| 6.14     | Cash and Investment Report as at 31 July 2017  | 89        |
| 6.15     | Proposed Filming Request – Use of Council Property   | 92A       |
| <b>7</b> | <b>COMMITTEE REPORTS .....</b>   | <b>93</b> |
| 7.1      | Minutes of the Aboriginal and Torres Strait Islander Advisory Committee meeting held on 26 July 2017   | 95        |
| 7.2      | Minutes of the Community Safety Advisory Committee meeting held on 12 July 2017                        | 97        |
| 7.3      | Minutes of the Canterbury Branch and Bankstown Branch Traffic Committee meetings held on 8 August 2017 | 99        |

|           |   |            |
|-----------|---|------------|
| <b>8</b>  | <b>NOTICE OF MOTIONS &amp; QUESTIONS WITH NOTICE .....</b>  | <b>101</b> |
| <b>9</b>  | <b>MATTERS FOR INFORMATION .....</b>  | <b>103</b> |
| 9.1       | Report on Development Applications and Section 96 Applications Determined for June and July 2017 and update on the status of planning related legal matters | 105        |
| <b>10</b> | <b>QUESTIONS FOR NEXT MEETING.....</b>  | <b>115</b> |
| <b>11</b> | <b>CONFIDENTIAL SESSION.....</b>  | <b>117</b> |
| 11.1      | EX0077 - Legal Services Tender  |            |
| 11.2      | T49-17 - Provision of Pound Services - Holding Facilities   |            |

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

The following minutes are submitted for confirmation -

1.1 Minutes of the Ordinary Meeting of Council of 25 July 2017 .....7



**NEW CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN COUNCIL CHAMBERS  
ON 25 JULY 2017**

---

**PRESENT:** Administrator – Richard Colley

---

**THE ADMINISTRATOR DECLARED THE MEETING OPEN AT 6.00 P.M.**

**REF: CONFIRMATION OF MINUTES**

**(466)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the minutes of the Ordinary Council Meeting held on 27 June 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**

Nil

**SECTION 5: PLANNING MATTERS**

**ITEM 5.1 CANTERBURY ROAD CORRIDOR REVIEW**

**(467)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

1. Council endorse the attached Canterbury Road Review report, attachments and recommendations endorsed by the Steering Committee for exhibition.
  2. The exhibition be undertaken as detailed in this report.
  3. A report be provided to Council after the exhibition period.
  4. To progress the resourcing recommendations as outlined in the report.
-

**NEW CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN COUNCIL CHAMBERS  
ON 25 JULY 2017**

---

**ITEM 5.2                    83–99 NORTH TERRACE AND 62 THE MALL IN BANKSTOWN**

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

1.     The planning proposal as shown in Attachment A be amended.
2.     The planning proposal as outlined in this report be re-exhibited.

**ITEM 5.3                    UPDATE ON LOCAL AREA PLANS**

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

1.     Council note the Gateway Determination as shown in Attachment A.
2.     Council delegate authority to the General Manager:
  - (a)    To prepare and exhibit draft amendments to Bankstown Development Control Plan 2015.
  - (b)    To prepare and exhibit draft amendments to the Section 94A Development Contributions Plan (Bankstown) as part of any future revisions.
3.     The matter be reported to Council following the exhibition.

**ITEM 5.4                    DRAFT HOUSEKEEPING AMENDMENTS TO BANKSTOWN LEP 2015**

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

1.     Council delegate authority to the General Manager to prepare and submit a planning proposal to the Greater Sydney Commission to seek a Gateway Determination.
2.     Council seek authority from the Greater Sydney Commission to exercise the delegation in relation to the plan making functions under section 59 of the Environmental Planning & Assessment Act 1979.
3.     Subject to approval from the Greater Sydney Commission, Council exhibit the planning proposal, and the matter be reported to Council following the exhibition.



**NEW CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN COUNCIL CHAMBERS  
ON 25 JULY 2017**

---

**ITEM 5.5**

**479 HENRY LAWSON DRIVE IN MILPERRA**

**(471)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

1. Council delegate authority to the General Manager to prepare and submit a planning proposal to the Greater Sydney Commission to seek a Gateway Determination.
2. Council seek authority from the Greater Sydney Commission to exercise the delegation in relation to the plan making functions under section 59 of the Environmental Planning and Assessment Act 1979.
3. Subject to approval from the Greater Sydney Commission, Council exhibit the planning proposal and the matter be reported to Council following the exhibition.

**ITEM 5.6**

**30–46 AUBURN ROAD IN REGENTS PARK**

**(472)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

1. Council endorse the planning proposal to proceed with a maximum 1.75:1 FSR, consistent with the advice received from Architectus and Olsson & Associates Architects.
2. Council delegate authority to the General Manager:
  - (a) To prepare and exhibit draft amendments to Bankstown Development Control Plan 2015, consistent with the advice received from Architectus.
  - (b) To investigate an appropriate mechanism to deliver the infrastructure improvement works in a timely manner.
3. The matter be reported to Council following the exhibition.

**ITEM 5.7**

**JOINT RESPONSE TO RIVERWOOD BEING DECLARED A PRIORITY PRECINCT BY THE MINISTER FOR PLANNING**

**(473)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That Council, in conjunction with Georges River Council, write to the Minister for Planning supporting the declaration of the Riverwood area as a Priority Precinct, subject to the following:

**NEW CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN COUNCIL CHAMBERS  
ON 25 JULY 2017**

---

- (a) high quality open space, community facilities, schools and transport infrastructure being provided to support the proposed growth;
- (b) development of the suburb being staged;
- (c) State and local funding mechanisms being agreed to and in place before development is allowed to occur; and
- (d) Planning being delegated to the respective Councils.

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

**ITEM 6.1 SUMMARY OF PROGRESS AND ACHIEVEMENTS**

**(474)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That Council note the progress and achievements over the last year.

**ITEM 6.2 LIVEABLE CENTRES PROGRAM**

**(475)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

1. Council adopts the Liveable Centres Program for continual improvements of the public domain and infrastructure within the town centres across the newly formed Local Government Area (LGA).
2. Council adopts the priority list for the next three years (2018/19, 2019/20 and 2020/21).
3. The budget be determined as part of the development of next year's operational plan.

**ITEM 6.3 COUNCIL POLICIES**

**(476)**

MOVED AND RESOLVED BY THE ADMINISTRATOR

1. Council endorse the Policies as outlined in the report.
2. Council carry out the relevant public exhibition and reporting process as outlined in the report.

**NEW CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN COUNCIL CHAMBERS  
ON 25 JULY 2017**

---

- ITEM 6.4**                      **ADOPTION OF THE LOCAL ORDERS POLICY**  
**(477)**                              MOVED AND RESOLVED BY THE ADMINISTRATOR
1. Council adopt the Local Orders Policy 2017.
  2. Public Notice of the adopted policy be displayed in local Newspapers and Council's web page.
- ITEM 6.5**                      **EXPENSES AND FACILITIES POLICIES**  
**(478)**                              MOVED AND RESOLVED BY THE ADMINISTRATOR
1. Council endorse the draft Councillor Expenses and Facilities Policy for public exhibition in accordance with the requirements of the Local Government Act 1993.
  2. Following public exhibition, of the policy any submissions received be reported to Council.
  3. Council adopt the Senior Staff Facilities Policy as outlined in this report.
  4. That the Mayor be delegated authority to amend the Senior Staff Facilities Policy as required and as recommended by the General Manager.
- ITEM 6.6**                      **UPDATE TO COUNCIL'S INSTRUMENT OF DELEGATIONS**  
**(479)**                              MOVED AND RESOLVED BY THE ADMINISTRATOR
- The Instrument of Delegations, as attached to the report, be adopted.
- ITEM 6.7**                      **ADOPTION OF THE FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN FOR SUB-CATCHMENTS OF THE MID GEORGES RIVER**  
**(480)**                              MOVED AND RESOLVED BY THE ADMINISTRATOR
1. The community consultation and input of the community and stakeholders to the study be noted.
  2. Council adopt the Floodplain Risk Management Study and Plan for the Mid Georges River, including the Waterways and Water Quality Improvement Plan (Attachment A).

**NEW CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN COUNCIL CHAMBERS  
ON 25 JULY 2017**

---

3. A future report on the LEP and DCP amendments be provided to Council.

**ITEM 6.8 ALCOHOL FREE ZONE AND ALCOHOL PROHIBITED AREAS RENEWAL**

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

That Council place the proposed Alcohol Free Zone and Alcohol Prohibited Area locations on public exhibition and that the matter be reported to Council to consider any submissions.

**ITEM 6.9 CASH AND INVESTMENT REPORT AS AT 30 JUNE 2017**

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

1. The Cash and Investment Report as at 30 June 2017 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

**ITEM 6.10 RELEASE OF COVENANT - 23 UNDERCLIFFE ROAD, EARLWOOD**

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

1. The release of the covenant on title to the property 23 Undercliffe Road Earlwood, requiring completion of landscaping works in accordance with the determination of DA-58/2005, be approved.
2. The Administrator and General Manager be delegated authority to sign all documents under the Common Seal of Council, as required.

**ITEM 6.11 RELEASE OF EASEMENT TO DRAIN WATER AND RIGHT OF PUBLIC FOOTWAY AT 2 - 26 HALDON STREET, LAKEMBA**

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

That Council consent to the release of the Easement to Drain Water 1.5m wide and Right of Public Footway 4.34m wide and variable width at 2 – 26 Haldon Street, Lakemba.

**NEW CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN COUNCIL CHAMBERS  
ON 25 JULY 2017**

---

**ITEM 6.12 RIVERWOOD NORTH VPA - NEW LIBRARY/CAFE, COMMUNITY HUB AND ASSOCIATED CAR PARKING AREAS**

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

1. In accordance with the Local Government Act 1993, public notice be given of the proposal to classify the land as operational, as detailed in the report.
2. At the conclusion of the public exhibition period, a further report be presented to Council with details of any submissions received.
3. The General Manager be given delegated authority to negotiate a lease for the café as detailed in the report.

**ITEM 6.13 COUNCIL SUBMISSION TO THE SYDNEY WEST METRO CONSULTATION**

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

1. Council provides a submission to the West Metro consultation outlining the concerns raised in this report.
2. Council continue to advocate for undergrounding of the metro and heavy rail line interchange at Bankstown Station.

**ITEM 6.14 SYDENHAM TO BANKSTOWN URBAN RENEWAL CORRIDOR AND SOUTH WEST METRO LINE - STATUS REPORT**

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

1. Council notes the status of the Sydenham to Bankstown Metro line and Urban Renewal Corridor projects.
2. Council allocate resources to respond to and plan for the metro and urban renewal corridor initiatives as outlined in this report.

**NEW CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN COUNCIL CHAMBERS  
ON 25 JULY 2017**

---

**SECTION 7: COMMITTEE REPORTS**

**ITEM 7.1 MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD ON 28 JUNE 2017**

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

That the recommendations contained in the minutes of the Audit and Risk Committee meeting held on 28 June 2017, be adopted.

**ITEM 7.2 MINUTES OF THE UNIVERSAL ACCESS ADVISORY COMMITTEE MEETING HELD ON 29 JUNE 2017**

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

That the minutes of the Universal Access Advisory Committee meeting held on 29 June 2017 be adopted.

**ITEM 7.3 MINUTES OF THE FLOODPLAIN MANAGEMENT COMMITTEE MEETING HELD ON 29 JUNE 2017**

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

That the minutes of the Floodplain Management Committee meeting held on 29 June 2017, be adopted.

**ITEM 7.4 MINUTES OF THE CANTERBURY BRANCH AND BANKSTOWN BRANCH TRAFFIC COMMITTEE MEETINGS HELD ON 11 JULY 2017**

**(491)** 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 11 July 2017, be adopted.

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

Nil

**NEW CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN COUNCIL CHAMBERS  
ON 25 JULY 2017**

---

**SECTION 9: MATTERS FOR INFORMATION**

**ITEM 9.1 LGNSW COST SHIFTING REPORT FOR 2015/2016**  
**(492)** MOVED AND RESOLVED BY THE ADMINISTRATOR  
That Council note the contents of the report.

**ITEM 9.2 2017 LOCAL GOVERNMENT ELECTIONS - COUNCILLOR ONBOARDING AND**  
**INDUCTION PROGRAM**  
**(493)** MOVED AND RESOLVED BY THE ADMINISTRATOR  
That the information be received and noted.

**SECTION 10: QUESTIONS FOR NEXT MEETING**

**SECTION 11: CONFIDENTIAL SESSION**

**(494)** 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 in confidential session for the reasons indicated:

Item 11.1 Educational Establishment Proposal for Bankstown CBD

*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 Proposed Acquisition of Property in Milperra

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

Item 11.3 Proposed Closure, Sub-division and sale of part Permanent Avenue, Earlwood adjacent 33-35 Wardell Road, Earlwood

*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*

**NEW CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN COUNCIL CHAMBERS  
ON 25 JULY 2017**

---

*that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

Item 11.4 Staff Contractual Matter

*This report is considered to be confidential in accordance with Section 10A(2)(a) of the Local Government Act, 1993, as it relates to personnel matters concerning particular individuals.*

**COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 6.15 PM AND  
REVERTED BACK TO OPEN COUNCIL AT 6.17 PM.**

**ITEM 11.1  
(495)**

**EDUCATIONAL ESTABLISHMENT PROPOSAL FOR BANKSTOWN CBD**

MOVED AND RESOLVED BY THE ADMINISTRATOR

1. The General Manager be delegated authority to commence negotiations with the Western Sydney University on the basis set out in the report.
2. The Administrator and General Manager be delegated authority to enter into a Memorandum of Understanding (MOU) with Western Sydney University regarding the approach to the project.
3. A further report be submitted to Council on the outcomes of the negotiations.

**ITEM 11.2  
(496)**

**PROPOSED ACQUISITION OF PROPERTY IN MILPERRA**

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the proposed actions as set out in the report, be authorised.

**ITEM 11.3  
(497)**

**PROPOSED CLOSURE, SUB-DIVISION AND SALE OF PART PERMANENT AVENUE,  
EARLWOOD ADJACENT 33-35 WARDELL ROAD, EARLWOOD**

MOVED AND RESOLVED BY THE ADMINISTRATOR

1. Council agrees in principle to part of Permanent Avenue, Earlwood being closed, a new lot being created and that lot being sold to the owner of 33-35 Wardell Road Earlwood subject to the conditions outlined in the report.
2. The Administrator and the General Manager be authorised to sign all documents under the Common Seal of Council, as required.



**NEW CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN COUNCIL CHAMBERS  
ON 25 JULY 2017**

---

**ITEM 11.4  
(498)**

**STAFF CONTRACTUAL MATTER**

MOVED AND RESOLVED BY THE ADMINISTRATOR

1. Council receive and note the General Manager Performance Review Panel's Report.
2. Council note that the General Manager's performance is better than satisfactory and exceeds expectations, especially in the current merge environment where he has successfully led the creation of the largest Council in NSW.
3. Based on the reasons set out in item 2, the Council considers that a discretionary increase to the General Manager's Total Remuneration Package under the existing contract should be made and agrees to increase the Total Remuneration Package as recommended in the Performance Review Panel's Report.
4. The Administrator be delegated the authority to finalise the matter, including the determination of performance criteria for the General Manager's 2017/2018 Performance Agreement.

**THE MEETING CLOSED AT 6.18 P.M**

Minutes confirmed 22 AUGUST 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 Transition Overview

25





---

## Administrator Minutes - 22 August 2017

---

### ITEM 4.1                      Transition Overview

As this is scheduled to be my final Ordinary Meeting of Council as Administrator here at Canterbury-Bankstown, I would like to take this opportunity to thank the community for its regular feedback and support. My affinity with Canterbury-Bankstown goes back many years and this is a period I am very proud of and will always look back on fondly.

Like any major city, we have and will always have challenges to tackle, but those challenges are due to the success of a developing and progressive city. Over the past 18 months, I have worked hard, together with the General Manager Matthew Stewart and his great staff, to lead the transition of the new City of Canterbury Bankstown. I am very confident we have laid solid foundations for our cities new Councillors who will be elected at the 9 September election.

These include:

- The introduction of a new Code of Conduct, and Fraud and Corruption Prevention Policies, reviewed by the Independent Commission Against Corruption (ICAC) prior to implementation;
- Introduction of a city-wide Independent Hearing and Assessment Panel (IHAP), which determines development applications submitted by Council, a Councillor, a Council Officer, subject to a Voluntary Planning Agreement with Council, or can't be determined by Council officers under their delegated authority; and
- A thorough review of developments proposed for land along the Canterbury Road Corridor, including a list of recommendations to be considered by the new Council.

These actions are all aimed at restoring trust and providing consistency and greater transparency for the community. Whilst these are extremely significant actions which will help guide the future operation of our city, there are hundreds of improvements that have also been introduced, aimed at the delivery of even better services for our 350,000 residents. Everything from a more streamlined and faster online development lodgment procedure, to free first aid courses for pool owners.

I anticipate that the new Councillors will continue to support the Council's advocacy, on behalf of local residents, to ensure the NSW Government meets its infrastructure responsibilities, as it looks for Canterbury-Bankstown to absorb thousands of new residents over the next 20 years. Councils cannot meet this challenge alone. It requires the support and commitment of millions of dollars from all levels of government. Future planning must address the essential new facilities, assets and services required, before housing numbers and targets are set.

It is time we started to plan for people first, then buildings, not the other way around. If we do that, Canterbury-Bankstown will be in a position to play its part in accommodating a portion of Sydney's growing population, and continue to be a liveable and sustainable city into the future.

That said, one of my final administrative duties will be to call and set a date for Council's first meeting at which the Councillors will be required to take an oath or affirmation of office and elect Canterbury Bankstown's inaugural Mayor. Whilst somewhat subject to the timing of the declaration, I anticipate that this important ceremonious occasion will be conducted on Tuesday, 26<sup>th</sup> of September, 2017.

## **5 PLANNING MATTERS**

The following item is submitted for consideration -

- 5.1 Draft Sydenham to Bankstown Urban Renewal Corridor Strategy 29



---

## Planning Matters - 22 August 2017

---

**ITEM 5.1**                      **Draft Sydenham to Bankstown Urban Renewal Corridor Strategy**

**AUTHOR**                      **Planning**

### **ISSUE**

---

This report provides a summary of the Draft Sydenham to Bankstown Urban Renewal Corridor Strategy currently on exhibition and outlines Council's preliminary comments.

### **RECOMMENDATION** That -

---

1. The report be received and noted.
2. Council defer making a submission to the Draft Sydenham to Bankstown Urban Renewal Corridor Strategy until after the local government elections to give the new Council an opportunity to consider its approach to its submission.

### **BACKGROUND**

---

In October 2015, the Department of Planning & Environment exhibited the Draft Sydenham to Bankstown Urban Renewal Corridor Strategy. The draft strategy proposed over 30,000 additional dwellings within walking distance of the proposed metro stations between Sydenham and Bankstown.

In April 2016, the Department provided a 'Consultation Update'. The key issues raised by the community within the City of Canterbury–Bankstown included:

- Traffic congestion and the need for public transport improvements.
- Concern about increases in density and height.
- The need to provide infrastructure to support growth.
- The need to provide more open space.

In June 2017, the Department commenced the exhibition of a revised Draft Sydenham to Bankstown Urban Renewal Corridor Strategy. The closing date for submissions is 3 September 2017.

In summary, the revised Draft Strategy proposes the following projected dwelling growth across the corridor:

| Centres             | Existing homes (2016) | Draft Strategy (October 2015)<br><br>Projected dwelling growth to 2036 | Draft Strategy (June 2017)<br><br>Projected dwelling growth to 2036 | Changes in the projected dwelling growth between the two draft strategies |
|---------------------|-----------------------|--|---|---|
| Bankstown           | 6,640                 | 11,150   | <b>12,640</b>   | ↑ (+1,490)  |
| Punchbowl           | 4,378                 | 7,200  | <b>6,778</b>  | ↓ (- 422)   |
| Wiley Park          | 4,317                 | 3,850  | <b>6,717</b>  | ↑ (+2,867)  |
| Lakemba             | 5,504                 | 7,850  | <b>8,504</b>  | ↑ (+654)  |
| Belmore             | 4,221                 | 7,000  | <b>7,221</b>  | ↑ (+221)  |
| Campsie             | 8,024                 | 14,800   | <b>14,024</b>   | ↓ (- 776)   |
| Canterbury          | 4,609                 | 8,000  | <b>8,609</b>  | ↑ (+609)  |
| Hurlstone Park      | 1,932                 | 2,850  | <b>2,034</b>  | ↓ (- 816)   |
| Dulwich Hill        | 4,218                 | 7,650  | <b>6,218</b>  | ↓ (- 1,432)   |
| Marrickville        | 4,498                 | 8,700  | <b>10,498</b>   | ↑ (+1,798)  |
| Sydenham            | 2,645                 | 2,150  | <b>3,146</b>  | ↑ (+996)  |
| Total Dwellings     | 50,986                | 81,200   | <b>86,389</b>   |   |
| Net Dwelling Growth |                       | +30,214  | <b>+35,403</b>  | ↑ (+5,189)  |

In June 2017, the Department announced Campsie, Canterbury, Lakemba and Belmore as new priority precincts. This means the Department will coordinate the preparation of more detailed plans and development controls for these centres as a separate process. This process is subject to a separate exhibition and will revise the Draft Strategy in the future.

The reports to the Ordinary Meetings of 23 May and 25 July 2017 outline Council's position to date. Council has also requested an extension to the consultation period to give the new Council an opportunity to comment.

## REPORT

### Issues

Council is currently reviewing the Draft Sydenham to Bankstown Urban Renewal Corridor Strategy. A preliminary review identifies issues relevant to Council. In the coming months, Council will comment on and advocate for better outcomes on a range of issues, including (but not limited to):

#### Issue 1: We need to plan for people first, then housing.

The City of Canterbury–Bankstown experienced the 7<sup>th</sup> highest increase in dwelling numbers in the Sydney region between 2006 and 2016.

The Draft Strategy proposes an additional 35,403 dwellings (up to 150,000 new residents) across the urban renewal corridor.

There is concern the proposed dwelling growth will occur ahead of new infrastructure, and before solving fundamental problems such as liveability, access to open space, transport improvements and community infrastructure.

It is important for the Draft Strategy to build on the directions outlined in the Greater Sydney Commission's 'Directions for a Greater Sydney 2017–2056' to ensure there is integrated land use planning and infrastructure delivery. According to Direction 1, providing adequate infrastructure to support population growth is essential to creating strong communities.

Issue 2: Council does not support the projected dwelling growth without upfront infrastructure provision from the State Government.

The Draft Strategy does not clarify how it will fund and deliver adequate infrastructure (including parks, community facilities, schools and hospitals) to support population growth. It appears the Draft Strategy relies on Council to fund and deliver more than half of the proposed infrastructure projects as outlined in the table below.

| Centres        | Infrastructure projects to be funded by the State Government | Infrastructure projects to be jointly funded by Council and the State Government | Infrastructure projects to be funded by Council | Infrastructure projects to be delivered as works in kind by developers |
|----------------|--|--|---|--|
| Bankstown      | 7  | 1  | 6   | 7  |
| Punchbowl      | 7  | 2  | 4   | 1  |
| Wiley Park     | 5  | 0  | 6   | 1  |
| Lakemba        | 7  | 1  | 7   | 2  |
| Belmore        | 4  | 1  | 13  | 3  |
| Campsie        | 6  | 1  | 9   | 2  |
| Canterbury     | 4  | 2  | 10  | 3  |
| Hurlstone Park | 2  | 1  | 4   | 0  |
| <b>Total</b>   | <b>42 (32%)</b>  | <b>9 (7%)</b>  | <b>59 (46%)</b>                                 | <b>19 (15%)</b>  |

However, there are no details about funding:

- The State Infrastructure Contributions schedule is to be exhibited separately.
- Council's local contributions plans remain to be developed. This system is constrained by caps on both section 94 and 94A development contributions imposed by the State Government. Council has requested an increase in the 94A rate from 1% to 4% in Bankstown however the State Government has not supported this request to date.
- There is a need to identify land acquisition sites and appropriate legal / funding mechanism to resolve how to deliver the proposed mid-block connections, greenway, open space and bypass. If zoning changes / uplifts take place prior to acquisitions, there will be a significant flow on effect in terms of acquisition costs needing to reflect higher land values.

Should a clear funding mechanism not be adopted to capture uplift in values, Council's current 94 and 94A system will not provide adequate funding for necessary infrastructure.

It is important for the State Government to address these issues prior to finalising the Draft Strategy to better inform the projected dwelling growth and infrastructure requirements.

One mechanism is to apply the Greater Sydney Commission's Growth Infrastructure Compact to the Sydenham to Bankstown Urban Renewal Corridor. The intended outcome of the Growth Infrastructure Compact is to assess the nature, level and timing of infrastructure required for an area in light of its forecast housing and employment growth, including analysis of growth scenarios. This approach will demonstrate the correlation between growth and infrastructure, such as public transport, schools and open space, and allow for the timely integration and more effective expenditure on infrastructure by location.

### Issue 3: The need to provide more open space to support the projected dwelling growth.

There is an existing shortfall in open space across the majority of the urban renewal corridor. Large and small parks are needed to adequately serve the existing and future populations.

The Draft Strategy proposes a new linear park and active transport corridor. This will consist of narrow surplus lands made available by the rationalisation of the new corridor. It is likely only the parts of the park within the metro corridor will be funded by the State Infrastructure Contributions. Council is expected to provide the remainder of the park with little additional funding.

The Draft Strategy also indicates the need for new parks to meet demand. However, the creation of these new parks will be left to Council. This is a slow and costly process that relies on collecting funding from development first, then outbidding the private market when properties are listed for sale. This system is also constrained by caps on both section 94 and 94A development contributions imposed by the State Government. Council has requested an increase in the 94A rate from 1% to 4% in Bankstown however the State Government has not supported this request to date.

Further detailed work needs to be undertaken to address these challenges.

### Issue 4: The need to provide better transport connections to support the projected dwelling growth.

There are no detailed investigations to consider increased traffic caused by the additional 35,403 dwellings. The West Campsie Bypass has been flagged but detailed plans and funding is unclear.

It remains for the Draft Strategy to clarify what transport improvements are being delivered to support the increase in pedestrians, cyclists, buses and cars? What is proposed to entice drivers away from the centres? How is everyone going to get through the urban renewal corridor in a north-south direction? The proposed Sydney Metro, Stacey Street widening and the West Campsie Bypass alone will not solve the corridor's transport problems, what else is being planned?

Overarching traffic studies remain to be undertaken to address these challenges.



Issue 5: The need to provide essential services to support the projected dwelling growth.

The supporting studies to the Draft Strategy recommend additional hospital beds and school enrolment places to meet the needs of the additional population.

There are no detailed investigations to consider how these requirements will be funded, how these requirements will be translated into actions, when these services will come into effect, and whether all state agencies were adequately consulted.

Issue 6: The need to provide public domain improvements to support the projected dwelling growth.

The Draft Strategy does not contain details about public domain improvements. Public domain plans remain to be undertaken as it is essential to preserve and enhance the main street character, solar access to public places, pedestrian and cycle connectivity, and spaces where it is possible to plant and maintain tall trees.

Issue 7: The need to resolve the proposed built form to create a corridor of great places.

According to Direction 4 of the Greater Sydney Commission's 'Directions for a Greater Sydney 2017–2056':

*Great places recognise local characteristics and the qualities people value. As Greater Sydney grows and changes, its places will offer more than just new homes and jobs. They will enhance well-being and a sense of community identity by delivering safe, inclusive and walkable mixed use areas that exhibit urban design excellence and are connected to social infrastructure and open spaces. These places will respect heritage and foster interaction and healthy lifestyles by encouraging exercise, creativity, enterprise and innovation.*

It is important for the Draft Strategy to build on this direction.

At present, the Draft Strategy proposes 12 to 25 storeys in suburban centres such as Campsie, Canterbury, Belmore, Lakemba and Wiley Park. Further work needs to be undertaken to analyse whether lower building heights may be more appropriate in the current low-rise context. There are alternative built form approaches than simply height to achieve similar densities.

Further work also needs to be undertaken:

- To develop 3D digital modelling and street cross-sections (showing before and after scenarios) to assess the impacts of proposed heights.
- To assess the feasibility of site amalgamations required for high-rise development, and whether it is possible for these site amalgamations to occur in an orderly manner.
- To ensure the proposed built form recognises local characteristics and the qualities people value.

- To ensure the proposed built form adapts to the public domain and avoids the overshadowing of public spaces.
- To resolve height transition issues to surrounding low-rise suburban neighbourhoods, main streets and places of historic significance.
- To clarify what assumptions have been used in relation to the prevalence of existing strata titled buildings.
- To ensure development provide deep soil zones and contribute to the green grid.
- To ensure development avoids areas of poor amenity.

#### Issue 8: Heritage.

The Draft Strategy proposes a significant shift from the low-rise main streets that have characterised the centres for many decades, and is a local characteristic that people value. Further work needs to be undertaken to ensure the proposed built form adapts to historic main streets, existing / potential heritage items, and other places of historic significance.

#### Issue 9: The need to provide affordable housing to support the projected dwelling growth.

The Draft Strategy does not contain details on how affordable housing will be delivered across the urban renewal corridor, or how this links to the Greater Sydney Commission's affordable rental housing target.

#### Issue 10: The status of priority precincts.

The Draft Strategy needs to qualify what is the purpose and boundaries of the priority precincts, and who is responsible and the timing for preparing and implementing the relevant plans. The maps should show the priority precincts as deferred areas to manage expectations.

#### **Next Steps**

Council will continue to prepare its submission to the Draft Sydenham to Bankstown Urban Renewal Corridor Strategy based on issues outlined in this report and other issues.

As part of this process, Council will be holding drop-in sessions later this month to gather resident's thoughts on the draft strategy. Council will be collating the issues to brief the new Councillors following this process.

As the submission period ends close to the Council elections scheduled for 9 September 2017, Council sought an extension to ensure the newly elected Council has an opportunity to comment. The Department of Planning & Environment, in correspondence, agreed to extend the submission period for Council until 1 December 2017.

## **POLICY IMPACT**

---

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

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

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

## **RECOMMENDATION** That -

---

1. The report be received and noted.
2. Council defer making a submission to the Draft Sydenham to Bankstown Urban Renewal Corridor Strategy until after the local government elections to give the new Council an opportunity to consider its approach to its submission.

## **ATTACHMENTS**

---

Nil



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

The following items are submitted for consideration -

|      |  |    |
|------|--|----|
| 6.1  | Review of the Operational Plan to 30 June 2017 and June 2017 Quarterly Budget Review.    | 39 |
| 6.2  | 2017-18 Community Grants & Event Sponsorship Program                                     | 49 |
| 6.3  | Outdoor Dining Project   | 51 |
| 6.4  | Related Party Disclosures Policy   | 55 |
| 6.5  | Tree Preservation Order  | 59 |
| 6.6  | Adoption of Council Policies   | 63 |
| 6.7  | Local Government NSW - Annual Conference and Consideration of Motions                    | 65 |
| 6.8  | Property Matter: Classification of Council Land at 28 Homedale Road Bankstown            | 69 |
| 6.9  | Proposed New Licence to Trinity Grammar School for use of Canterbury Park Tennis Complex | 73 |
| 6.10 | Salt Pan Creek Reserve II Status Update  | 75 |
| 6.11 | Strategic Issues Facing the City   | 79 |

|  |     |
|--|-----|
| 6.12 South West Metro - Alternatives for Bankstown                       | 83  |
| 6.13 Code of Meeting Practice - Amendment to Standing Orders of Business | 87  |
| 6.14 Cash and Investment Report as at 31 July 2017                       | 89  |
| 6.15 Proposed Filming Request – Use of Council Property                  | 92A |

---

## Report of the General Manager - 22 August 2017

---

**ITEM 6.1**                      **Review of the Operational Plan to 30 June 2017 and June 2017 Quarterly Budget Review.**

**AUTHOR**                      **City Future**

### **ISSUE**

---

To provide a six month update on the progress of the 2016-17 Operational Plan at 30 June 2017.

### **RECOMMENDATION** That -

---

1. Council endorse the six month review of its 2016-17 Operational Plan as outlined in the report.
2. The June 2017 Quarterly Budget Review be adopted.
3. Council authorise the carryover of \$32.3M of funding to complete certain capital and operating projects commenced throughout the 2016/17 financial year, as outlined in the report.
4. Council apply all rates and charges written off during the year to its rating databases in satisfying its obligation under the Local Government Act 1993 and Local Government (General) Regulation 2005.
5. Council endorse the write-off of sundry debts for the 2016/17 financial year, as outlined in the report.

### **BACKGROUND**

---

The June review of the Operational Plan is essentially a summary of progress for the period 1 January 2017 to 30 June 2017 (Part A). As well, in accordance with clause 203 of the Local Government (General) Regulation 2005, a quarterly review of Council's 2016-17 Budget (Part B) has been completed to 30 June 2017 and is submitted for Council's consideration.

### **REPORT**

---

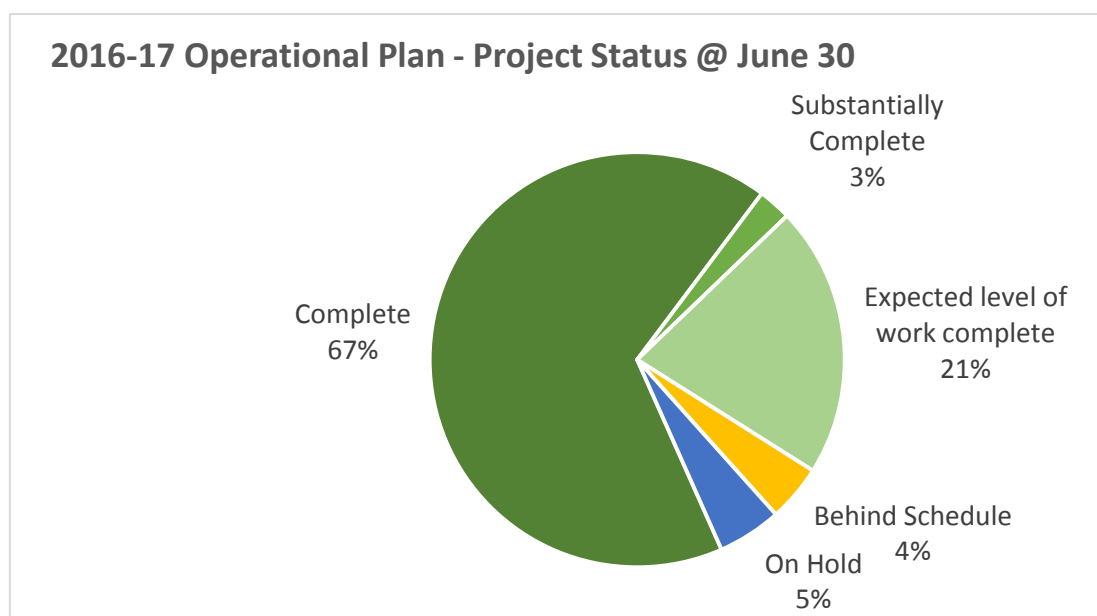
#### **PART A: Summary of Results of the Operational Plan from 1 January – 30 June 2017**

Council's 2016-17 Operational Plan and ongoing implementation of its Transition Plan continue to realise improvements for the City and Council, such as:

- Achievement of 51% of transition milestones;

- Establishing a single customer call centres system, which will reduce call waiting time in Customer Service Centres.

As at 30 June 2017, 91% of the projects identified in the 2016-17 Operational Plan were either complete, substantially complete or had the expected work completed for the financial year. A number of projects were placed on hold while realignment of processes were undertaken and 4% of projects were behind schedule. On the whole, this is a most satisfactory result.



The following is a summary of the key achievements for the period 1 January – 30 June 2017 and more detailed information on the progress of each operational plan item is contained in Attachment A.

### **Governance Achievements**

Council delivers a range of governance functions including Leadership, Communication and Engagement, Events and Marketing, Information Technology, Customer Service, Property Management, Regulation and Compliance and Future Planning.

Highlights of these Service Areas during the period include the adoption of a 2017-18 Operational Plan outlining expenditure of \$290M including a \$72.4M capital program and expansion of the Pensioners Rebate Scheme to provide for pensioners in Canterbury.

Council also commenced the preparation of a new Community Strategic Plan, including talking with over 7,500 people at events, pop-ups and workshops including:

- 2 Community Visioning sessions;
- 27 Love/ Change Pop-ups; and
- A Business Leaders stakeholder workshop;
- Adoption of a Local Emergency Management Plan to cover the entire City.



Submissions were made on a number of issues affecting the local government sector, including:

- Lobbying for the restoration of Federal Financial Assistance Grants which have been frozen for Councils since 2014;
- Forming a Steering Committee comprising representatives from Council, the Department of Planning and Environment, Roads and Maritime Services (RMS), and Transport for NSW (TfNSW) to provide holistic review of the Canterbury Road Corridor;
- Providing a submission outlining Council's concerns regarding South District Plan particularly that the plan does not address issues such as creating great places or place making initiatives, does not address the need for major north-south transport improvements, and does not provide sufficient details on the delivery of affordable housing targets; and
- Hosting a Members of Parliament (MP) level summit to advocate for a whole of government design led approach to planning and developing the Sydenham to Bankstown Metro and surrounding urban renewal corridor.

### **Environment Achievements**

Council delivers a range of environmental functions including Sustainability, Catchment Management, Parks and Open Space, and Waste Recycling and Street Cleaning. Highlights of these Service Areas during the period include removing nearly 1200 tonnes of illegally dumped rubbish during the period with about 9% removed by the offender. Council installed over 114kW of solar panels in community assets including retrofits at the Morris lemma Sports Centre, Belmore Youth Resource Centre, Belmore Senior Citizens & Baby Health Centre, and the Bankstown Arts Centre.

### **Economic Achievements**

Council delivers a range of economic development functions including Town Centres, Development Services, and Roads and Transport.

A significant amount of work has also been undertaken to deliver an efficient development assessment process with a reduction in median assessment times for development applications to 43 days.

Council also adopted a Livable Centres Program for continued improvement of the public domain and infrastructure within Town Centres including identification of priority works to 2021. This is in addition to completing major projects in our Town Centres including Buist Street, Bass Hill; Fitzpatrick Street, Revesby; Waterloo Road, Greenacre; and Marion Street, Bankstown.

Other capital works completed included undertaking almost \$2 million in traffic management works to improve vehicle and pedestrian safety in The Mall, Bankstown including upgrading stormwater infrastructure, construction of new kerb and gutter, kerb ramps, footpaths and pavement, installation of raised pedestrian thresholds and signage, and line marking.

The *Get Connected@the South West Sydney Jobs and Skills Expo* was also held where more than 80% of local jobseekers identified a suitable job or training opportunity.

## **Social Achievements**

Council delivers a range of social functions including Community, Libraries, Children's Services, Sport and Recreation, Emergency Management, Leisure and Aquatics, and Arts and Culture. A range of activities were delivered including:

- Coordinating 700 art and cultural projects which were attended by 23,000 people at the Bankstown Arts Centre;
- Celebrating Youth Week, Seniors Week, Ramadan, Lunar New Year, Australia Day, Christmas, and the centenary of Milperra with thousands of members of our community;

Council Adopted a Disability Inclusion Action Plan 2017- 2021 to outline Council's commitment to improving opportunities for people with disability of all ages to access a broad range of services and activities.

Major capital improvements to our parks and open space occurred including:

- \$850,000 for improvements at Rotary Park, Riverwood;
- \$150,000 for amenities at Gough Whitlam Park, Earlwood;
- \$2.9 million to improve sporting facilities across the City, including a \$2.5 million upgrade of Wagener Oval, Ashbury;
- Provision of the City's ninth off-leash dog park at Band Hall Reserve, Birrong;
- \$800,000 in improvements at Vale of Ah Reserve, Milperra; and
- Over \$1 million for Lake Gillawarna playground and lake improvements.

## **Other achievements**

During the 6 months to June 2017, Council was recognised for:

- Highly Commended Award at the IPWEA 2016 Engineering Excellence Awards in the category of Innovation and/or Introduction of Techniques or Outstanding Management Initiatives or Outstanding Achievement in Asset Management;
- Finalist in the Sixth Annual Australian Road Safety Awards for the Community and Road Education Scheme (C.A.R.E.S) facility at Bass Hill;
- First Council in NSW to achieve highest accreditation for a Changing Places facility in a public park - facilities are located at Bankstown City Gardens and Gough Whitlam Park, Canterbury;
- One of the first Australian local councils to achieve a AA 'accessibility' rating for its website; and
- First Council in Australia to introduce free First Aid courses for the community.

Council provides a broad range of services to the community, the scope of which are summarised in the table below for this period:

| Service Area   | Activity  | Dec 31    | June 30  |
|--|---|-----------|----------|
| Communications   | Website visits  | 328,069   | 372,169  |
|  | Facebook Likes (annual)                                 | 41,680    |          |
| Leisure and Aquatics                                   | Visits  | 717,000   |          |
|  | Learn to Swim   | 38,874    | 23,622   |
| Library  | New Members (annual)                                    | 15,643    |          |
|  | Total Membership (annual)                               | 140,443   |          |
|  | Library items (annual)                                  | 334,032   |          |
|  | Enquiries(annual)                                       | 300,000   |          |
| Health   | Loans (annual)  | 1,021,464 |          |
|  | Food Inspections  | 600       | 541      |
| Development Assessment                                 | Impounded Animals                                       | 312       | 558      |
|  | No. of DAs  | 1,625     |          |
| Strategic Leadership                                   | Average Assessment Time                                 | 37        | 43       |
|  | Engagement - Have your Say Page visits                  | 11,800    | 4,200    |
| Economic Development                                   | Engagement - Business and Residents visits              | 1,331     | 4,528    |
|  | Access to Information (GIPAA, Open Access)              | 49        | 16       |
|  | Safety - No. of LTIs (annual)                           | 21        |          |
|  | Arts Program Participants                               | 11,076    | 11,924   |
| Environment  | CBBAS Members (annual)                                  | 410       |          |
|  | Tree Preservation Orders issued                         | 474       | 241      |
|  | Illegal Dumping Infringements                           | 6         | 20       |
|  | Illegal Dumping Fines                                   | \$18,500  | \$22,000 |
|  | Illegal Dumping incidents removed by offender           | 241       | 161      |
|  | Dumped Rubbish Collected (tonnes) (CBC)                 | 1913      | 1436     |
|  | Domestic Waste Collected – Regular (Tonnes) collected   | 39,150    | 40,013   |
|  | Domestic Waste Collected – Recycling (Tonnes) collected | 12,975    | 13,076   |
| Domestic Waste Collected – Clean Up (Tonnes) collected | 5,399   | 5,470     |          |

Council will continue to deliver on the objectives and deliverables as outlined in its operational plan and importantly ensure that it effectively services its community and continues to remain in a sound financial position.

A complete listing of Council's operational plan is provided in Attachment A for Council's consideration.

#### **PART B: June 2017 Quarterly Budget Review**

Whilst still quite preliminary, Council's assessment of its year-end result reflects a positive result for Council and supports that it has ended the year in a sound financial position.

Council's net operating surplus of \$45.6M for the year, reflects a positive variance of \$23.1M to that forecast at the March 2017 Quarterly Budget Review, this primarily reflects savings in operating costs and an advance on Council's 17/18 Financial Assistance Grant. An outstanding result for the first full year for the newly merged Canterbury-Bankstown Council.

Whilst Officers are currently finalising year-end financial reports, prior to referring them to our External Auditors, Council's preliminary draft financial performance (Income Statement) for the 2016/17 financial year is as follows:

**CANTERBURY-BANKSTOWN COUNCIL**  
**INCOME STATEMENT**  
**Budget Review for quarter ended 30 June 2017**

| Description  | Actual         | Budget          | Variance        |
|--|----------------|-----------------|-----------------|
|  | \$000          | \$000           | \$000           |
| <b>INCOME FROM CONTINUING OPERATIONS</b>   |                |                 |                 |
| Rates and Annual Charges   | 208,029        | 207,613         | 417             |
| User Charges and Fees  | 21,299         | 21,247          | 52              |
| Interest and Investment Revenue  | 8,406          | 7,440           | 966             |
| Other Revenues   | 18,459         | 16,035          | 2,424           |
| Grants and Contributions Provided for Operating Purposes   | 29,683         | 24,169          | 5,514           |
| Grants and Contributions Provided for Capital Purposes   | 31,919         | 35,736          | (3,817)         |
| Net Gain from Disposal of Assets   |                | 300             | (300)           |
| <b>TOTAL INCOME FROM CONTINUING OPERATIONS</b>   | <b>317,796</b> | <b>312,541</b>  | <b>5,256</b>    |
| <b>EXPENSES FROM CONTINUING OPERATIONS</b>   |                |                 |                 |
| Employee Benefits and On-costs   | 117,198        | 120,600         | (1,402)         |
| Borrowing Costs  | 133            | 135             | (3)             |
| Materials and Contracts  | 47,976         | 68,062          | (20,085)        |
| Depreciation and Amortisation  | 48,060         | 48,568          | (508)           |
| Other Expenses   | 56,877         | 52,674          | 4,203           |
| <b>TOTAL EXPENSES FROM CONTINUING OPERATIONS</b>   | <b>272,244</b> | <b>290,040</b>  | <b>(17,795)</b> |
| <b>NET OPERATING RESULT FOR THE YEAR</b>   | <b>45,552</b>  | <b>22,501</b>   | <b>23,051</b>   |
| <b>Net Operating Result for the Year Before Grants and Contributions Provided for capital purposes</b> | <b>13,633</b>  | <b>(13,235)</b> | <b>26,868</b>   |

A summary of the more pertinent variations to Council's estimates when compared to that reported as part of the March 2017 Quarterly Budget Review is as follows:

**Income from Continuing Operations**

In total, Council received income totaling \$317.8M throughout the year, a positive variance of \$5.3M to that reflected as part of the March 2017 Quarterly Budget Review.

The net variance is largely attributable to an advanced payment for Council's 17/18 Financial Assistance Grant of \$5.8M.

### **Expenses from Continuing Operations**

In total, Council's operating expenditure for the year was \$272.2M, \$17.8M less than budget.

The net variance is largely attributable to the following items:

- Savings in Council material and contracts costs; and
- Projects not completed as at 30 June 2017 totaling \$8.8M, particularly those funded through government grants and contributions. It is proposed that these funds be carried over into the 2017/18 financial year for completion.

A complete assessment of Council's year end result will be submitted to Council once the external audit has been completed. It should be noted that the proclamation requires Council to report its financial year being 13 May 2016 to 30 June 2017. Council's year-end report will vary to this budgeted result somewhat given the different reporting periods.

### **Capital Works**

In terms of capital works, Council expended approximately \$58.52M during 2016/17, a significant investment in infrastructure and services throughout our city. In total over \$25.6M was spent on roads and traffic management assets, \$3.2M on footpaths, \$9.7M on parks, community and sporting fields, \$1.8M on environmental projects and \$1.3M on bridges and boardwalks.

A further report outlining Council's projects will be provided when the 2016/17 annual financial reports are finalised and presented for Councillors information in November/December 2017.

Similarly, given the nature and timing of certain projects, a further amount of \$23.5M will be carried over for specific projects for completion throughout 2017/18.

### **WRITING OFF OF RATES AND CHARGES AND SUNDRY DEBTORS AT 30 JUNE 2017**

In accordance with certain statutory requirements as outlined in the Local Government Act, 1993 and Council Policies, Council is required to make necessary adjustments to the level of income received by Council throughout the financial year, specifically relating to Rates and Annual Charges and Sundry Debts.

A broad summary of the required changes are as follows:

#### **RATES AND ANNUAL CHARGES**

The major component of the adjustments is to reflect the amount of rates and charges written off which are attributable to pensioners' and to those properties that become eligible for exemption from all rates throughout the year in accordance with the Local Government Act 1993.

The table below details a summary of the adjustments to rates and charges during the 2016/17 financial year:

| Details               | Amount *<br>(\$) |
|-----------------------|------------------|
| Rates & Charges       | 67,474           |
| Pensioner - Statutory | 5,438,052        |
| Pensioner - Council   | 489,738          |
| <b>Total</b>          | <b>5,995,264</b> |

\* Includes amounts for Rates, Annual Charges and Interest

It is proposed that Council resolve to apply the noted adjustments to both former Councils' rating databases to satisfy its obligations under the Local Government Act, 1993 and the Local Government (General) Regulation, 2005.

### **SUNDRY DEBTS**

The General Manager's delegation authorises the writing off of debts (individual transactions) due to Council which are considered uncollectable (up to \$10,000), provided such write offs are reported to Council.

Debts are only written off if:

- The debt is not lawfully recoverable.
- A court has determined that the debt is to be written off.
- The Council or the General Manager believes on reasonable grounds that any attempt to recover the debt would not be cost effective.

The agreed write-offs have each been individually assessed with Council's mercantile agent in arriving at its decision.

The following table details a summary of the sundry debtor amounts written-off by the General Manager at 30 June 2017 under delegation as well as those amounts needing to be written off by way of Council resolution.

| Delegated Write-Offs     | Amount<br>(\$)  |
|--------------------------|-----------------|
| Commercial Waste         | 2,567.29        |
| POEO Administration Fees | 1,464.00        |
| Other Fees and Charges   | 1,864.00        |
| <b>TOTAL</b>             | <b>5,895.29</b> |

### **Stronger Community Fund**

The Stronger Communities Fund (SCF) was established by the NSW Government to provide newly merged Councils with funding to deliver projects that improve community infrastructure and services. The Canterbury-Bankstown Council has been allocated \$10M in funding as a result of the two councils merging. A further \$0.2M has been earned in interest and added to this fund.

To date an amount of \$1.0M has been released from the fund to account for community grants with a further \$3.6M previously identified for certain capital projects. These projects will commenced during 2017/18. Reports outlining further allocations from the Stronger Community Fund will be provided to Council in due course.

### **New Council Implementation Fund – Amalgamation costs**

The NSW Government also provided \$10M to assist with amalgamation costs. A further \$0.2M has been earned in interest and added to this fund.

The following funds have been allocated from this reserve to support amalgamation projects:

| <b>Project</b>                                   | <b>\$M</b>  |
|--|-------------|
| <b>Office Relocation</b>                         | 1.7         |
| <b>IT Transition Projects</b>                    | 5.0         |
| <b>Employee Uniform and Protective Clothing</b>  | 0.8         |
| <b>Management Restructure</b>                    | 1.1         |
| <b>Project Management</b>                        | 0.6         |
| <b>Stronger Community Fund - Management Cost</b> | 0.1         |
| <b>Various Transition Projects</b>               | 0.9         |
| <b>Total</b>                                     | <b>10.2</b> |

In total, an amount of \$4.5M was spent as at 30 June 2017. Whilst the remaining funds have been allocated, the nature of the projects/program has meant that actual expenditure (\$5.7M) will be carried over/incurred throughout the 2017/18 financial year.

### **Amalgamation Savings**

Council previously reported savings as a result of the amalgamation totaling \$5.7M. That said a further assessment of this will be carried out as a part of Council's year end process and reported back to council.

## **POLICY IMPACT**

---

This report is consistent with the strategic policy and financial commitments outlined in 2016-17 Operational Plan (Part A and Part B) and Council's 2016-17 Budget. The review is submitted to Council in compliance with the requirements of the Local Government Act, 1993.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

Although being a draft year-end result, Council's June 2017 actual financial results convey a sound performance throughout the financial year. A complete assessment, including the auditor's report will be submitted as part of that process.

## **RECOMMENDATION** That -

---

1. Council endorse the six month review of its 2016-17 Operational Plan as outlined in the report.
2. The June 2017 Quarterly Budget Review be adopted.
3. Council authorise the carryover of \$32.3M of funding to complete certain capital and operating projects commenced throughout the 2016/17 financial year, as outlined in the report.
4. Council apply all rates and charges written off during the year to its rating databases in satisfying its obligation under the Local Government Act 1993 and Local Government (General) Regulation 2005.
5. Council endorse the write-off of sundry debts for the 2016/17 financial year, as outlined in the report.

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

---

- A. Progress on implementation of the 2016-17 Operational Plan for the period 1 January to 30 June 2017



---

## Report of the General Manager - 22 August 2017

---

**ITEM 6.2**                      **2017-18 Community Grants & Event Sponsorship Program**

**AUTHOR**                      **Community Services**

### **ISSUE**

The purpose of this report is to recommend the allocation of \$502,103 funding from Council's Community Grants and Events Sponsorship Program to 121 community programs.

### **RECOMMENDATION**

That Council approve the distribution of the 2017-2018 Community Grants and Event Sponsorship Program as outlined in Attachment A.

### **BACKGROUND**

The 2017-2018 Community Grants and Events Sponsorship Program for the whole City of Canterbury Bankstown opened on Tuesday 6 June and closed on Monday, 17 July 2017. The program was widely advertised in local press, through community networks, social media and on Council's website.

Information sessions were held in Bankstown on Wednesday, 14 June 2017 and Campsie on Thursday, 15 June 2017. At the close 185 applications were received seeking a total of \$1,187,522.

### **REPORT**

#### **Canterbury Bankstown Community Grants & Event Sponsorship Program**

Applicants could seek funding within five categories:

- Community
- Arts/Cultural
- Youth
- Sport & Recreation
- Event Sponsorship.

Applications were assessed by Council's Grants Assessment Working Party and a summary of the recommended funding amounts is included as Attachment A to this report.

Listed in the attachment is a late application from the Bankstown All Stars Football Club who have indicated that they had technical difficulties in lodging their application for their proposed program, being the Alfa Cup. Given this and that their proposed event satisfies

Council's relevant criteria, it is recommended that on this occasion, the event be supported. That said, it should be noted that no other late submissions were received by Council.

In accordance with Council's resolution from 23 August 2016, the recommended funding programs include the subsidy programs.

Successful applicants will receive a funding agreement and invitation to a presentation ceremony on 7 September 2017.

## **POLICY IMPACT**

---

The recommendations of this report comply with Council's Community Grants and Events Sponsorship Policy and funding category guidelines.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

Funds for the Community Grants and Events Sponsorship programs are available from within the adopted Operational Budgets for 2017–2018.

## **RECOMMENDATION**

---

That Council approve the distribution of the 2017-2018 Community Grants and Event Sponsorship Program as outlined in Attachment A.

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

---

- A. 2017-2018 Community Grants & Events Sponsorship Program Summary Sheet

---

## Report of the General Manager - 22 August 2017

---

### **ITEM 6.3                      Outdoor Dining Project**

**AUTHOR                      City Future**

### **ISSUE**

To seek Council's support to participate in the NSW Governments' Outdoor Dining Project.

### **RECOMMENDATION** That -

---

1. Council agrees the Belfield Town Centre be the trial location for the outdoor dining project for a period of approximately 12 months.
2. A further report be submitted to Council following the trial period.
3. In accordance with Section 610E of the Local Government Act, Council publicly exhibit the waiving of outdoor dining fees during the trial period for the Belfield Town Centre.
4. Subject to Item 3, and there being no submissions, Council proceed to implement the waiving of the fees following the public exhibition period.

### **BACKGROUND**

---

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

Canterbury-Bankstown Council is one of six councils in NSW participating with this initiative. The program promotes a simplified application form and process. Its aim is to make it easier to do business with council, encourage outdoor dining in our town centres and ensure a consistent experience for business operators across Local Government Boundaries.

### **REPORT**

---

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

Currently the requirement for outdoor dining varies across NSW, complying with more than ten pieces of legislation across multiple government agencies, along with varying application fees, annual fees and conditions for the use of footway. The OSBC reports that onerous regulatory requirements placed on businesses in conjunction with significant financial costs, is a major deterrent in realising outdoor dining opportunities

The objective of this pilot trial is to develop a policy and regulatory framework with small business at the forefront that is based on a collaborative and cooperative approach. It seeks to reduce the administrative burden and compliance costs for small business through the efficiencies created by an online, and self-determining application approach.

The pilot trial will take approximately 12 months and participating councils are required to nominate a suitable commercial area.

The suburb of Belfield has been identified as an appropriate pilot area for Canterbury-Bankstown Council for a number of reasons.

Belfield Town Centre is a small neighbourhood commercial centre, comprising of local green grocers, supermarkets, restaurants, post office, a hotel, beauty salon, bakery and cafes. Whilst Belfield is a small neighbourhood commercial centre, many of the businesses are food businesses that may benefit from taking part in the trial.

Furthermore, in recent years, town centre improvement works were carried out in Belfield involving new pavers, street furniture and landscaping; which would facilitate for outdoor dining initiatives.

Belfield generally doesn't experience heavy foot traffic and is not anchored by a major shopping centre and is therefore considered a favourable location in terms of coordinating managing and measuring the project during the trial period.

The outdoor dining project aligns with the long-term vision of building relationships among local businesses, residents and property owners to add social, cultural, economic and aesthetic value to a place.

### **Moving Forward**

OSBC together with the participating councils will work together in developing a streamlined policy for outdoor dining, over the long term, together with reforming associated regulations in NSW.

The Outdoor Dining Trial in the nominated commercial area will commence from 4 September 2017 to 30 June 2018 and an evaluation of the Outdoor Dining Trial will be conducted and reported to council as part of this project.

At present, Council's Fees and Charges require relevant business operators to pay outdoor dining fees, where required.

That said, in accordance with Section 610E of the Local Government Act 1993, this proposal seeks Council's support to waive these fees during the trial period for the Belfield Town Centre.

The proposed change must be exhibited for a period of 28 days prior to implementing the change.

## **POLICY IMPACT**

---

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

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

There will be no fees collected for outdoor dining in the Belfield Town Centre during the trial project.

## **RECOMMENDATION** That -

---

1. Council agrees the Belfield Town Centre be the trial location for the outdoor dining project for a period of approximately 12 months.
2. A further report be submitted to Council following the trial period.
3. In accordance with Section 610E of the Local Government Act, Council publicly exhibit the waiving of outdoor dining fees during the trial period for the Belfield Town Centre.
4. Subject to Item 3, and there being no submissions, Council proceed to implement the waiving of the fees following the public exhibition period.

## **ATTACHMENTS**

---

Nil



---

## Report of the General Manager - 22 August 2017

---

### **ITEM 6.4**                      **Related Party Disclosures Policy**

**AUTHOR**                      **Corporate**

### **ISSUE**

---

To adopt the Related Party Disclosures Policy.

### **RECOMMENDATION** That -

---

1. Council adopt the Draft Related Party Disclosures Policy, as attached.
2. The Draft Policy be referred to Council's external auditor for comment.
3. Subject to Item 2, the General Manager be delegated authority to finalise the policy, as outlined in the report.

### **BACKGROUND**

---

The Australian Accounting Standards Board has determined that from 1 July 2016, the scope of the AASB 124 Related Party Transactions will be expanded to cover not-for-profit public sector entities, including local governments. While these disclosures have been long-standing in the private sector, they are a new requirement for the public sector.

Consequently, for 2016/2017 financial statements onwards, local governments must disclose related party relationships, transactions and outstanding balances, including commitments. This information will be audited.

The Office of Local Government has recommended that councils establish a Policy to define the parameters for Related Party Transactions and the level of disclosure and reporting required for Council to achieve compliance with AASB 124 - Related Party Disclosures.

### **REPORT**

---

The Related Party Disclosures Policy demonstrates Council's commitment to comply with the Australian Accounting Standards and disclose material Related Party Transactions in the annual financial statements, thereby ensuring transparency in its operations.

The Policy is to be applied in:

- a) identifying related parties and relevant transactions.
- b) identifying outstanding balances, including commitments, between Council and its related parties.

- c) identifying the circumstances in which disclosure of the items in (a) and (b) are required.
- d) determining the disclosures to be made about those items in the general purpose financial statements for the purpose of complying with the AASB 124.
- e) establishing systems to capture and record the Related Party Transactions and information about those transactions.

Parties are related where one can control or influence the other's financial and operating decisions. In considering each possible Related Party Relationship, it is important to be mindful of the substance of the relationship and not merely the legal form.

As defined in the Policy, a Related Party includes Council subsidiaries, Key Management Personnel (KMP), close family members of KMP and entities that they control or jointly control. Generally, a KMP is a person who has authority and responsibility for planning, directing and controlling the activities of Council, either directly or indirectly. It is proposed that Council's KMP include Councillors, the General Manager and Directors.

The draft Policy proposes substantial reliance on KMP cooperating with disclosures through declarations to avoid the risks of non-compliance. It should also be noted that the application of this Policy does not negate the requirement to complete Pecuniary Interest Disclosure Forms as required by the *Local Government Act 1993* and Regulations.

Under the Policy, the Related Party Disclosures made by KMP and the Register of Related Party Transactions are not intended to be available for inspection by the public, although the reporting of transactions and relationships will be.

Given its nature, Council is of the view that it would be appropriate for its external auditor to comment on the draft policy, prior to it being finalised. Subject to the changes not being significant and/or material, it is proposed that the General Manager be delegated to reflect the Auditors comments and finalise the policy, accordingly.

## **Operation**

Once finalised, the policy will be rolled out across the organisation, with disclosures required for the period commencing 1 July 2017.

Council will implement a system and processes to identify, monitor and disclose Related Party Transactions to manage the risk of non-compliance with the disclosure objectives of the Australian Accounting Standards. As part of this, a Register of Related Party Transactions will be maintained for audit and reporting purposes.

## **POLICY IMPACT**

---

Adoption of this Policy will comply with the requirements of Accounting Standard AASB 124.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

Where Related Party transactions have occurred these will be reported in Council's Annual Financial Statements. There are no financial implications from the adoption of this Policy.



## **RECOMMENDATION** That -

---

1. Council adopt the Draft Related Party Disclosures Policy, as attached.
2. The Draft Policy be referred to Council's external auditor for comment.
3. Subject to Item 2, the General Manager be delegated authority to finalise the policy, as outlined in the report.

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

---

- A. Draft Related Party Disclosure Policy



---

## Report of the General Manager - 22 August 2017

---

**ITEM 6.5**                      **Tree Preservation Order**

**AUTHOR**                      **Operations**

### **ISSUE**

To provide a uniform and consistent Tree Preservation Order for the City of Canterbury Bankstown.

### **RECOMMENDATION** That -

---

1. The Draft Bankstown Development Control Plan 2015 Part B11 – Tree Preservation Order and the Draft Canterbury Development Control Plan 2012 Part B3 – Tree Preservation as attached to this report be endorsed and placed on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.
2. At the conclusion of the public exhibition period, a further report be submitted to Council.

### **BACKGROUND**

---

As part of Council's ongoing process of aligning policies of the former Canterbury and Bankstown Councils, revised Tree Preservation Orders have been prepared to replace the previous two disparate policies so as to effectively administer applications for tree pruning and removal across the City of Canterbury Bankstown Local Government Area (LGA).

### **REPORT**

---

Tree management in the former Bankstown and Canterbury Council Local Government Areas is controlled under Bankstown Development Control Plan (BDCP) 2015 Part B11 – Tree Preservation Order and Canterbury Development Control Plan (CDCP) 2012 Part B3 – Tree Preservation respectively.

Both DCP's are based on clause 5.9 of the corresponding Local Environmental Plans – BLEP 2015 and CLEP 2012, and include similar controls and prohibitions.

The approach adopted in aligning the two DCP's was to use BDCP 2015 Part B11 as the basis for both documents.

The two DCP's primarily differ in the type and extent of defined exempt works. To some extent, this reflects the historic pattern of development in the two former LGA's. In addition, the suburb of Ashbury in the north east of the LGA is listed as a Heritage Conservation Area (HCA) under CLEP 2012.

With the exception of a list of exempted tree species, and the provision for tree removal should a qualified arborist determine that a tree has a short life expectancy, the current CDCP 2012 Part B3 contains no additional exemptions other than the standard exemptions listed under Clause 5.9 (5) and (6) of the CLEP 2012.

BDCP 2015 Part B11 includes the standard exemptions listed under Clause 5.9 (5) and (6) of BLEP 2015. BDCP 2015 Part B11 also includes exemptions based on the proximity of a tree to a dwelling and exemptions for certain classes of tree pruning as defined under Australian Standard AS 4373-2007 Pruning of amenity trees.

Both DCP's include a list of exempt tree species. The list in BDCP 2015 Part B11 includes the majority of the trees listed in CDCP 2012 Part B3, and has been adopted as the standard. In adopting the list of exempt species, one major issue to reconcile was the status of two tree species – *Phoenix canariensis* (Canary Island date palm) and *Cinnamomum camphora* (Camphor laurel).

The former Canterbury LGA includes a number of plantings of mature Canary Island date palms and Camphor laurel trees, often remnant examples of previous historic landscape planting styles, and are valued for their historic associations and their contribution to the landscape character.

These two tree species are listed as exempt species under BDCP 2015 Part B11 as they are now recognised as environmental weeds. To resolve the conflict, the mature plantings of these trees will be protected, whilst exempting younger, smaller, often self-seeded specimens. This will be achieved via defined height control restrictions in the exempt tree species list.

The above tree pruning and removal exemptions do not apply to the Ashbury HCA. Minor tree work in the Ashbury HCA can only be carried out with a Council permit under the TPO, and major tree work can only be carried out in accordance with development consent.

In summary, alignment of the tree preservation orders has resulted in extensive redrafting of CDCP 2012 Part B3, together with some minor changes to BDCP 2015 Part B11.

The major changes incorporated in the proposed CDCP 2012 Part B3 are the inclusion of the exemption for trees located within 3.0 metres of the wall of a dwelling (not including a secondary dwelling); the inclusion of the exemption to allow selective pruning of up to a total of 10% of the crown of an indigenous tree and up to a total of 20% of the crown of an exotic tree over a 12 month period; and the deletion of the exemption that allowed for the removal of a tree should an arborist determine that a tree has a short life expectancy. In addition, the section providing guidelines for an arborist report was also deleted, as this is best addressed in supplementary documentation including Council's Tree Management Manual. Minor changes to both of the proposed TPO's are the inclusion of additional technical definitions.

At this stage it is necessary to retain the two separate documents, as both are pursuant to their respective LEP's

As part of the NSW State Government's Land Management and Biodiversity Reform package, a new State Environmental Planning Policy (Vegetation) 2017 (the Vegetation SEPP) will come into effect on 25 August 2017. This SEPP will repeal cl. 5.9 and 5.9AA of Council LEP's, and will regulate vegetation clearing in urban areas. Council Officers will review the SEPP during the exhibition period of both CDCP2012 Part B3 and BDCP2015 Part B11 and include any required changes arising from the Vegetation SEPP.

## **POLICY IMPACT**

---

The proposed new Tree Preservation Orders will supersede the current TPO's, and will ensure that they meet the foreseeable needs of the City of Canterbury Bankstown community, and are consistent with the objectives set out in both the Bankstown LEP 2015 and the Canterbury LEP 2012.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

There is no financial impact from this report.

## **RECOMMENDATION** That -

---

1. The Draft Bankstown Development Control Plan 2015 Part B11 – Tree Preservation Order and the Draft Canterbury Development Control Plan 2012 Part B3 – Tree Preservation as attached to this report be adopted and placed on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.
2. Should Council receive submissions not supporting the adoption of Draft Bankstown Development Control Plan 2015 Part B11 – Tree Preservation Order and the Draft Canterbury Development Control Plan 2012 Part B3 – Tree Preservation a further report be provided to Council detailing these submissions and any modifications considered necessary.

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

---

- A. Draft CDCP\_2012 Part B3 Tree Preservation
- B. CDCP\_2012\_Part\_B3\_TreePreservation 2
- C. Draft\_Bankstown DCP 2015 - Part B11\_2017\_v2 3
- D. Bankstown DCP 2015 - Part B11 3



---

## Report of the General Manager - 22 August 2017

---

### **ITEM 6.6                      Adoption of Council Policies**

**AUTHOR                      Corporate**

### **ISSUE**

---

To adopt a number of Council Policies following public exhibition.

### **RECOMMENDATION**

---

That Council adopt the Policies as outlined in this report.

### **BACKGROUND**

---

At its meeting held on 25 July 2017, Council resolved to publicly exhibit a number of policies and consider any submissions prior to their adoption. Council exhibited the policies subject of this report for a 28 day period. The draft policies were displayed on the “Have your Say” page on Council’s website as well as at the Bankstown and Campsie Customer Service Centres.

### **REPORT**

#### **Contaminated Land Policy**

The draft Policy forms the basis for the management of land contamination within the City of Canterbury-Bankstown and has been made as a policy under the planning guidelines and SEPP 55 in order to implement a contaminated land management framework. It applies to all land in Canterbury-Bankstown. No submissions were received.

The adoption of this Policy will supersede the former policies adopted by Canterbury City Council and Bankstown City Council as they pertain to the management of contaminated land.

#### **Councillor Expenses and Facilities Policy**

This Policy provides for the provision of facilities and payment of expenses to enable Councillors to carry out their civic duties and has been prepared in response to a revised template distributed by the Office of Local Government.

Prior its adoption, Council is required to consider any submissions made during the exhibition period. No submissions were received.

Adoption of the new Councillor Expenses and Facilities Policy will supersede the former policy adopted by Canterbury-Bankstown Council on 24 May 2016. Phase 1 amendments to the Local Government Act 1993 no longer required a copy of the Policy to be provided to the Office of Local Government.

### **Library Services Policy**

The Library Services Policy details the framework for Council's provision of library services to the community and residents of the Canterbury-Bankstown local government area. It outlines requirements and commitments for various aspects of the operation of Council's library service. No submissions were received.

Adoption of this Policy will supersede all former Library policies that were in place prior to the amalgamation of Canterbury and Bankstown City Councils.

### **Vehicular Crossing Policy**

This new Policy establishes a series of guidelines for the construction, widening, reconstruction and maintenance of vehicular crossings. It also provides guidance for when and how Council will restore vehicular crossings if damage is incurred by Council through the course of its operations.

It should be noted that the policy was slightly amended during the exhibition period to reflect minor administrative issues. It does not alter the intent and/or elements of the policy. Separately, no submissions were received with regards to the policy.

## **POLICY IMPACT**

---

Council's Policy register will be updated to reflect the aligned policy positions and the superseded policies as outlined in this report.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

Funding required to administer these Policies will be made available from Council's adopted budget.

## **RECOMMENDATION**

---

That Council adopt the Policies as outlined in this report.

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

---

- A. Contaminated Land Policy
- B. Councillor Expenses and Facilities Policy
- C. Library Services Policy
- D. Vehicular Crossing Policy



---

## Report of the General Manager - 22 August 2017

---

### **ITEM 6.7**                      **Local Government NSW - Annual Conference and Consideration of Motions**

**AUTHOR**                      **Corporate**

#### **ISSUE**

---

To inform Council of the 2017 Local Government NSW Annual Conference and to consider the submission of motions.

#### **RECOMMENDATION** That -

---

1. Council endorse the draft motion as detailed in the report.
2. The Mayor be delegated authority to nominate voting delegates for the 2017 LGNSW Conference.
3. The 2017 LGNSW membership subscription be paid and that membership be reviewed again in 2018.

#### **BACKGROUND**

---

The Local Government NSW (LGNSW) Annual Conference will be held from 4-6 December 2017 in Sydney. This Conference is the annual policy-making event for member Councils and provides a platform to consider and debate key priorities for local government.

#### **REPORT**

---

##### **Conference Motions**

LGNSW is currently calling on Councils to submit motions for consideration at the 2017 Conference. Proposed motions should be strategic, affect members state-wide and introduce new or emerging policy issues and actions. Motions are to be broadly grouped in the following five categories:

- Industrial relations and employment
- Economic
- Environmental
- Governance/Civic leadership
- Social Policy

To be considered, motions are required to be in accordance with the criteria as determined by the LGNSW Board and are to be submitted by 9 October, although they will also be accepted until 6 November.

The following motion is proposed for Council's endorsement and submission to the conference.

*Category:* Environmental

*Motion:*

That this conference call upon the State Government to consider the impact of urban growth strategies on open space in local communities, particularly to consider unique and innovative ways to increase open space in priority growth areas to improve the livability of the precincts as the population increases.

*Detail of Issue:*

The most "liveable" cities are known for their open space. Open space may take the form of playing fields, communal open spaces, playgrounds, pedestrian and cycling routes. Open space in urban environments provides many advantages: formal and informal sport and recreation, preservation of natural environments, provision of green space and even urban storm water management.

The Sydenham to Bankstown Urban Renewal Corridor Strategy plans for over 35,000 new homes along the rail corridor in the next 20 years. Population growth will increase the demand for services, facilities and community infrastructure such as open space, particularly as a large percentage of these homes will take the form of high density housing. The State Government have identified priority growth areas. However, there is less focus on developing a clear understanding of the specific social infrastructure required, their cost and most important, delivery mechanisms. This has been recognised with the recently announced Growth Infrastructure Compacts proposed by the Greater Sydney Commission. This has identified the need to be upfront about the range of infrastructure and services needed to grow a place, the costs involved and how this could feasibly be funded.

To ensure the health, wellbeing and general liveability of Canterbury-Bankstown, unique and innovative ways to improve access to open space should be considered and be adequately provided for in the planning phase.

### **Voting Delegates**

Voting at this year's LGNSW will be for both the LGNSW Board and Motions. LGNSW have advised member Councils of the following information in respect to voting at this year's conference:

| <b>Deadline</b>    | <b>Action</b>  |
|--------------------|--|
| Friday 13 October  | Members notified of number of voting delegates.  |
| Tuesday 7 November | Deadline to nominate as a candidate for a position on the LGNSW Board (Note this date is currently subject to confirmation by the Australian Electoral Commission. LGNSW will advise if it changes.) |
| Monday 13 November | Deadline for members to provide names to LGNSW of voting delegates.  |

Given the deadlines associated with the above timing and that the October Ordinary meeting will be the first meeting of the new Council it is recommended that the Mayor be delegated authority to finalise the voting delegates for Canterbury-Bankstown Council and that advice be provided to LGNSW accordingly.

### **LGNSW membership subscription**

In 2016, the LGNSW membership subscription fee for Canterbury Bankstown Council totalled \$125,209 which appeared to be an amalgam of the former Bankstown and Canterbury Councils' fees. This amount was paid, however, on 26 September 2016, the Administrator presented a Minute to Council regarding LGNSW membership. Council resolved that representations be made to LGNSW seeking a review of Council's subscription fee and demonstration of value for money.

In light of the Council resolution, we wrote to LGNSW and have since received the 2017 subscription invoice for the amount of \$95,587.68, which is a substantial reduction on the previous year.

For submission of Motions to and attendance at the annual conference, Council must be a financial member. It is recommended the 2017 subscription be paid and that membership be reviewed again in 2018.

## **POLICY IMPACT**

---

The submission of Motions to the annual LGNSW Conference provides an important opportunity for Council to continue its advocacy on issues impacting local government and our community.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

Costs associated with attendance at the LGNSW Annual Conference are in accordance with the Councillor Expenses and Facilities Policy and will be met from within Council's adopted budget. The annual subscription fee is included in the adopted budget.

## **RECOMMENDATION** That -

---

1. Council endorse the draft motion as detailed in the report.
2. The Mayor be delegated authority to nominate voting delegates for the 2017 LGNSW Conference.
3. The 2017 LGNSW membership subscription be paid and that membership be reviewed again in 2018.

## **ATTACHMENTS**

---

Nil

---

## Report of the General Manager - 22 August 2017

---

**ITEM 6.8**                      **Property Matter: Classification of Council Land at 28 Homedale Road Bankstown**

**AUTHOR**                      **Corporate**

### **ISSUE**

---

This report proposes that the recently acquired land known as 28 Homedale Road, Bankstown be classified as Operational Land in accordance with the Local Government Act 1993.

Separately, it is also proposed that Council apply to NSW Land and Property Information (LPI) to claim possessory title to a disused stream bed adjoining the subject site, and enable Council to progress the planning and design for the roadway cul-de-sac of Homedale Road Bankstown.

### **RECOMMENDATION** That -

---

1. Council classifies No. 28 Homedale Road, Bankstown (Lot 102 DP 1228873) as Operational Land, in accordance with the Local Government Act 1993.
2. The Mayor/Administrator and General Manager be delegated authority to complete the possessory title claim (to the land known as No. 26 Homedale Road, Bankstown - Lot 100 DP 1228889) , and execute all relevant documentation under the Common Seal of Council, as required.
3. Council publicly exhibit its proposal to classify the land (No. 26 Homedale Road, Bankstown - Lot 100 DP 1228889) as Operational Land, in accordance with the Local Government Act 1993.
4. A further report be submitted regarding the matter.

### **BACKGROUND**

---

The former Bankstown Council at its meeting on 26 April 2016, resolved to acquire a small part of land from Sydney Water (SW) with the view to address a number of infrastructure, environmental and property related matters associated with the end of Homedale Road, Bankstown.

This report further seeks for council to complete a possessory title claim to land for a disused stream bed to complete the above infrastructure needs.

## REPORT

---

### Classification of Land

In accordance with the LGA 1993, Council has carried out the required public exhibition process to classify the recently purchased land (No. 28 Homedale Road Bankstown) as Operational Land. The exhibition of the proposal was publicly advertised for a minimum of twenty eight days, being the statutory period required under the LGA 1993. The exhibition period was from Tuesday 11 July to Thursday 10 August 2017.

The proposal was advertised in both The Express and The Torch newspapers, as well as on Council's website (Have Your Say Section) and at the Customer Service Centre in Bankstown.

No submissions were received regarding the proposed classification. Having completed the required regulatory process, Council may now classify the land as Operational Land, in accordance with its resolution of 26 April 2016.

### Possessory Title Claim (*Ad Medium Filum Aquae*)

As part of the proposed construction of the roadway cul-de-sac at Homedale Rd, Council also needs to apply to LPI to claim possessory title to land described as a disused stream bed (not in real form). Council has been unable to commence that process until it completed the purchase of the land from Sydney Water Corporation (see Attachment A – Image 1), which settled on 30 June 2017.

The process of claiming presumptive title to a disused stream bed is referred to as *Ad Medium Filum Aquae*. It is a process whereby both adjoining landowners to the old creek bed make claim for half the subject land (i.e. to the centre line of the disused stream bed), and in this instance Council owns the land on both sides of the subject land and makes claim to the entire stream bed (approx. 281.4sqm).

The process requires an application to LPI with supporting information, including the relevant Lot & DP Plan. All the relevant information is currently available to lodge the application, subject to Council agreement.

If acquired, the land would similarly be classified as Operational Land, in accordance with the LGA 1993, including a similar exhibition process to classify the land.

## POLICY IMPACT

---

There are no policy implications.

## FINANCIAL IMPACT OF RECOMMENDATIONS

---

There is no direct financial implications.

## **RECOMMENDATION** That -

---

1. Council classifies No. 28 Homedale Road, Bankstown (Lot 102 DP 1228873) as Operational Land, in accordance with the Local Government Act 1993.
2. The Mayor/Administrator and General Manager be delegated authority to complete the possessory title claim (to the land known as No. 26 Homedale Road, Bankstown - Lot 100 DP 1228889) , and execute all relevant documentation under the Common Seal of Council, as required.
3. Council publicly exhibit its proposal to classify the land (No. 26 Homedale Road, Bankstown - Lot 100 DP 1228889) as Operational Land, in accordance with the Local Government Act 1993.
4. A further report be submitted regarding the matter.

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

---

- A. Aerial Photo: Homedale Road Bankstown Land
- B. Homedale Road - Concept Plan for Cul-de-sac





---

## Report of the General Manager - 22 August 2017

---

### **ITEM 6.9**                      **Proposed New Licence to Trinity Grammar School for use of Canterbury Park Tennis Complex**

**AUTHOR**                      **Corporate**

### **ISSUE**

---

Consideration be given to the granting of a further three year licence to Trinity Grammar School for the use of the Canterbury Park Tennis Complex.

### **RECOMMENDATION** That -

---

1. In principle, Council agree to a new licence being entered into with Trinity Grammar for the use of the tennis courts at Canterbury Park as outlined in the report.
2. Council write to the Minister for Lands regarding the matter for their consideration.
3. Subject to item 2, the Mayor/Administrator and General Manager be delegated authority to undertake negotiations and execute all relevant documentation under the Common Seal of Council, as required.

### **BACKGROUND**

---

The Trinity Grammar School (Trinity) was granted a 20 year lease on 18 December 1997 expiring on 20 February 2018 for the use of tennis courts at Canterbury Park.

Trinity approached Council several years ago requesting a new lease for the property as they were intending to undertake major works to the tennis court complex at Canterbury Park.

On 23 April 2015, the former Canterbury Council resolved to enter into a new licence period, being for a period of ten years with a further ten year option. Shortly thereafter, the club house at the property burnt down and the matter did not progress, as Council focused its attention on rebuilding the club house.

The former Canterbury Council agreed for Trinity to continue to occupy the site and discount the rent and Council rates until such time that the club house was fully operational.

The land is owned by the Crown. Any licence arrangement will require the approval from the Minister for Lands.

## **REPORT**

---

Given the ongoing/expected growth throughout the local government area, Council is conducting/carrying-out a review of its open space requirements to determine how best it can meet the community's recreation needs into the future.

That said, it is important for Council to reasonably balance the ongoing use of all open space and current arrangements/uses. Whilst the former Council's decision to licence the site for up to twenty years is quite lengthy, a revised licence arrangement of up to three years (from February 2018) is considered reasonable.

Trinity have indicated that they would be interested in entering into a licence term of three years. Trinity have advised that they have recently constructed two new hard courts at the complex with the four synthetic courts replaced within the last few years.

Trinity have advised that given the courts are relatively new, that they would not be looking to undertake any renewal of these court surfaces on expiry of the three year licence, should it be granted by Council/Crown.

Subject to varying the requirement to upgrade the courts, all other terms of the licence are proposed to continue. The rent for the use of the tennis courts will be independently determined by a registered valuer.

Subject to Council's in principle support to the arrangement, Council will approach the Department for Lands for its consideration.

## **POLICY IMPACT**

---

There is no policy impact associated with this report.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

The licence fee for the site will be determined by an independent valuer. All rental proceeds remain with Council.

## **RECOMMENDATION** That -

---

1. In principle, Council agree to a new licence being entered into with Trinity Grammar for the use of the tennis courts at Canterbury Park as outlined in the report.
2. Council write to the Minister for Lands regarding the matter for their consideration.
3. Subject to item 2, the Mayor/Administrator and General Manager be delegated authority to undertake negotiations and execute all relevant documentation under the Common Seal of Council, as required.

## **ATTACHMENTS**

---

Nil

---

## Report of the General Manager - 22 August 2017

---

**ITEM 6.10**                      **Salt Pan Creek Reserve II Status Update**

**AUTHOR**                      **City Future**

### **ISSUE**

This report provides an update on the Salt Pan Creek Reserve II Masterplan in consideration of the Riverwood Priority Precinct and of the Tip Closure Project.

### **RECOMMENDATION** That -

---

1. Council note the status of the Salt Pan Creek Reserve II Masterplan in consideration of the impact of the adjacent Riverwood Priority Precinct.
2. Council note the exploration of further options for regional sporting facilities under the Salt Pan Creek Reserve II Masterplan, working closely with the Tip Closure Project.

### **BACKGROUND**

---

#### **Salt Pan Creek Reserve II Masterplan Project**

Council is preparing a masterplan for Salt Pan Creek Reserve II, and former tip site at Riverwood (including McLaughlin and Whitmarsh Reserves north of the M5). The masterplan objectives are to inform future recreational uses for the site, and the resulting future finished levels for the Tip Closure Project to meet Environmental Protection Authority tip closure requirements. Refer to Figure 1 showing the area of the masterplan.

#### **Tip Closure Project**

Council has engaged specialist consultants to provide Council with a number of concept options for capping across the site. Results of the investigations show that there is a high degree of uncertainty regarding the structural composition of the site and inconsistencies in the existing capping depths. Council has undertaken geo-technical investigations on the Salt Pan Creek Reserve II site however will need to undertake similar investigations at McLaughlin and Whitmarsh Reserves.



Figure 1. Masterplan Study Area

## REPORT

---

This report provides an update on the masterplan and implications of the Land and Housing Corporation Riverwood Estate Renewal, Department of Planning and Environment Priority Precinct projects and their impact. Additionally further opportunities for the site and recently awarded grants are described.

### **Land and Housing Corporation (LAHC) Riverwood Estate Renewal**

The Land and Housing Corporation is currently planning for the renewal of the social housing in Riverwood, over a 30 Ha site (23Ha is Land and Housing Corporation owned). The plans are for a significant uplift in zoning and height of buildings, which were submitted to the Department of Planning and Environment for testing of adequacy, in July 2017.

Under the proposed plans the current social housing number will double by 2036, and will make up 25-30% of total future population, the remaining 70-75% to be privately owned. There is a target of an additional 5000-6000 dwellings, with an additional population estimated at 10,000 – 12,000. The future demographic makeup is unknown, however it is assumed that there will be a reduced concentration of socio-economic disadvantage. The Riverwood Estate Renewal project proposes a change to the road network and built-form layout impacting the interface between the estate and the Salt Pan Creek Reserve site.

### **Department of Planning and Environment Riverwood Priority Precinct**

Due to the Land and Housing Corporation Riverwood Estate Renewal proposals, the Department of Planning and Environment commenced Land Use and Infrastructure Implementation Plan (LUIPP) studies in April 2017. The NSW government recently proclaimed the area a priority precinct (Refer to figure below showing the area of the priority precinct).

Council officers have been briefed on background studies which include heritage, ecology, social infrastructure, sustainability, flooding / drainage, contamination and soils, utilities and services, GIS, urban design and landscape. Traffic and transport is yet to be presented to Council.

An uplift in zonings and heights is anticipated across the Riverwood suburb, both north and south of the rail line. This has the potential to increase the demand for recreation and open space on the adjacent Salt Pan Creek.



Figure 2. Map indicating the Salt Pan Creek Reserve, Riverwood Estate and Riverwood Priority Precinct

**Regional Recreation Opportunities**

Saltpan Creek Reserve is located within the Riverwood Priority Precinct and adjacent to Riverwood Estate. As such the masterplan for Saltpan Creek Reserve (including McLaughlin and Whitmarsh Reserves north of the M5) will explore further opportunities for the site to meet the needs of this larger population and increased utilisation.

Council also has the opportunity for the site to become a more significant regional sporting facility, and will commence discussions with key stakeholders across the local government area. The Masterplan being developed will consider the above in its development.

**Tip Closure Project**

Council, in conjunction with specialist consultants is preparing a number of concept options for capping the former tip. The options are to be further discussed with EPA and integrated with the master plan.

## **Metropolitan Greenspace Grant**

Canterbury Bankstown was a recipient in the current Metro Greenspace grant round announced on 30 June 2017. The grant amounts to \$171,500 (dollar-for-dollar matched funding). The grant is to develop detail designs on a first stage of works, to be identified by the Salt Pan Creek Reserve II Masterplan.

## **POLICY IMPACT**

---

There is no policy impact.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

There are no direct financial impacts as a result of this report.

## **RECOMMENDATION** That -

---

1. Council note the status of the Salt Pan Creek Reserve II Masterplan in consideration of the impact of the adjacent Riverwood Priority Precinct.
2. Council note the exploration of further options for regional sporting facilities under the Salt Pan Creek Reserve II Masterplan, working closely with the Tip Closure Project.

## **ATTACHMENTS**

---

Nil

---

## Report of the General Manager - 22 August 2017

---

### **ITEM 6.11                      Strategic Issues Facing the City**

**AUTHOR                      City Future**

### **ISSUE**

This report provides a summary of the results of the community consultation undertaken for the Community Strategic Plan, the resulting strategic issues to be addressed by the incoming Council and continuation of Council's involvement with the Cities Leadership Institute.

### **RECOMMENDATION    That -**

---

1. Council note the strategic issues to be considered by the incoming Councillors.
2. Council note the continuation of Council's involvement with the Cities Leadership Institute.
3. Council endorse the Cities Leadership Institute Exchange, as outlined in the report.

### **BACKGROUND**

---

Over the last 12 weeks Council has been undertaking extensive consultation with our community to better understand their aspirations for the City of Canterbury Bankstown. This will guide the development of the new Community Strategic Plan and inform the incoming Councillors of the issues and priorities to be addressed in the medium and long term.

### **REPORT**

---

Since April 2017, Council has had:

- over 7,500 conversations with residents;
- over 1,500 surveys completed via phone and online; and
- over 150 participants from local businesses, community groups, NGO's, local sport and recreation groups and government agencies participated in stakeholder workshops.

Overall 90% of residents that were surveyed believe they have a 'good to excellent quality of life' in the Canterbury Bankstown LGA.

95% of residents believe the following key areas are important and should be included in Council's 10 Year Community Strategic Plan.

- Clean waterways
- Clean public places
- Efficient waste management and recycling
- Responsible use of resources like energy and water
- Access to adequate health, education and employment opportunities
- Access to services and community facilities for all
- Accessible public transport options
- A responsibly managed Council, with a long term vision for the area
- Council to lobby the State and Federal Government to achieve positive outcomes for the community
- Council provides value for money services

While the community have identified key outcomes they wish to see in the City there are several challenges that need to be addressed if we are to deliver on these aspirations.

In order to ensure that incoming Councillors have the appropriate information it is proposed that a series of Strategic Issues Papers be developed as part of the onboarding of all new Councillors. This will assist Councillors in developing new strategies and setting the direction for the new City in to the future.

Some of the key challenges where papers will be developed are identified below.

- Managing and Responding to Growth
- Getting the most out of the Sydenham to Bankstown Metro And Urban Renewal Corridor
- Managing Our Future Asset Backlog
- Providing New Infrastructure to Support Future Growth
- Balancing Our Transport Needs
- Effectively Engaging Our Community
- The Changing Face of Sport and Recreation in our City
- More People, Less Open Space
- Providing Fit-For-Purpose Community Facilities
- Council's Financial Outlook: More Demands with Less Income
- The Rising Cost of Energy



- The Changing Character of Our Town Centres
- Delivering a New Waste Service
- Perception Versus Reality: Managing our City's Brand
- City Resilience
- The Future of Canterbury-Bankstown in the face of changing technology
- Working Across Borders to Protect our Waterways
- Future Challenges and Opportunities for Airport and Intermodal Lands
- Council's Financial Sustainability - Our Past and Our Future

While the above information will provide an initial background to the issues, it is appropriate that Council remain abreast of the latest innovations and leadership and to promote high quality sustainable urban development. As a result, Council has continued its collaboration with the Cities Leadership Institute. The Cities Leadership Institute is an Australian not-for-profit organisation dedicated to building the capacity of urban leaders to make cities, towns and communities great places. Professor Ed Blakeley, the founder of the Institute, is an internationally recognised leader in urban development and strategic planning and is a District Commissioner with the Greater Sydney Commission.

The Institute have identified four cornerstones if we are to make the most of the challenges that are ahead of us:

1. **Culture of innovation:** Create and foster innovation both inside local government and outside in the community.
2. **Finance, funding and procurement:** Develop a range of mechanisms to support short term and long-term initiatives that enable collaborations and partnerships and multiple vendors of varying size.
3. **Community engagement and customer service:** Enhance ability to address the challenges and leverage the opportunities that technology creates to communicate, engage and delivery services to the community.
4. **Urban data and governance:** Efficiently collect, manage and model data, use networks and IoT while managing critical public policy considerations including security, privacy and future proofing.

To develop the capacity and knowledge of public and private sector leaders in these critical areas the Institute has invited Council to participate in a brief exchange program to the United States. Subject to his/her availability, it is proposed that the incoming Mayor be given the opportunity to also attend this exchange with other City Leaders (Mayors and business leaders) which is proposed to occur from Sunday 29 October 2017 to Wednesday 8 November 2017.

The purpose is to provide the incoming Mayor with the tools and knowledge to lead the city in:

- Setting the vision and goals for a future smart city
- Planning and delivering smart city initiatives including both new tools and governance arrangements
- Realising the benefits of collaborations and public-private partnerships to drive economic development
- Effective community consultation and engagement in particular the expansion of digital engagement

The itinerary is to include Los Angeles, San Diego, Palo Alto and San José, California (exploring how they have saved the city over \$2.4 million (USD) per year in energy costs, visiting some of the world's biggest tech companies and viewing initiatives that improve safety, inclusivity, sustainability, civic engagement and economic opportunities) and Austin, Texas (exploring its EcoDistrict and how they are using data to put people at the centre of the growing city).

With the transformational shift proposed as part of the Urban Renewal and Metro it is imperative that Council captures this opportunity to develop smart centres that embeds technology into people-based solutions and identifies improvements to transport, economic growth and environmental sustainability. While the merge has brought many challenges it also provides a significant opportunity to begin to address many of these due to both the larger capacity of the organisation and also more significant voice of the Council in broader metropolitan Sydney.

## **POLICY IMPACT**

---

This report meets the required elements of Council's facilities policy with regards to overseas travel.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

The cost of the exchange is expected to be \$15K per attendee, plus the cost of international airfares and any incidental costs that may be applicable, as per Council's facilities policy.

## **RECOMMENDATION** That -

---

1. Council note the strategic issues to be considered by the incoming Councillors.
2. Council note the continuation of Council's involvement with the Cities Leadership Institute.
3. Council endorse the Cities Leadership Institute Exchange, as outlined in the report.

## **ATTACHMENTS**

---

Nil

---

## Report of the General Manager - 22 August 2017

---

**ITEM 6.12**                      **South West Metro - Alternatives for Bankstown**

**AUTHOR**                      **City Future**

### **ISSUE**

Council has been proactively urging the State Government to review its proposed station design for the Bankstown CBD as part of the new Metro. This report summarises an agreement reached for the preparation of a detailed investigation and business case for undergrounding the proposed Bankstown Metro Station.

### **RECOMMENDATION**

That Council, in collaboration with Transport for NSW (TfNSW) and the Department of Planning and Environment (DoPE) commence development of a masterplan and business case for the undergrounding of the South West Metro at Bankstown.

### **BACKGROUND**

On 23 May 2017 Council considered the Sydney Metro Southwest Project and the imminent release of the “Sydney Metro Southwest Environmental Impact Statement” (EIS). It advocated a whole of government approach to guide development along and within the metro corridor.

Council agreed to prepare a formal response to the “Sydney Metro Southwest Environmental Impact Statement” (EIS) and host a Members of Parliament (MP) level symposium to advocate for a whole of government design led approach to planning and developing the metro and surrounding urban renewal corridor.

The MP summit was held on 21 July 2017. At the summit, State and Federal Members were given the opportunity to hear about the benefits of a coordinated response between transport and urban renewal can bring.

An overview was also given on an alternative vision for Bankstown including an underground station that enables the divided city to be integrated and develop to its full, urban potential. This approach would have the following benefits for our City and the broader South West:

- Undergrounding ensures that land above the corridor can be utilised for renewal development and the creation of new civic spaces which support urban growth and create liveable places.

- The undergrounding at Bankstown Station provides the opportunity for a future connection to Liverpool and further on to Western Sydney Airport (WSA) as identified in the *Western Sydney Rail Need Study Discussion Paper*. Projects should explore and develop scenarios which include connections to important strategic employment centres (such as WSA) and build these into the project design.

On 25 July 2017 Council considered the status of the proposed Sydenham to Bankstown Metro and Urban Renewal Corridor and allocated resources to respond to and plan for the metro and urban renewal corridor initiatives as contained in the report.

## REPORT

---

Since that time Council has been advocating on behalf of the community for a reconsideration of the station designs, particularly Bankstown Station. This includes regular press and media stories and ongoing constructive conversations with DoPE and TfNSW. Recently a meeting was held with senior representatives from both DoPE and TfNSW where the matter of undergrounding the metro at Bankstown was further discussed.

As a result of the meeting the DoPE and TfNSW have committed to undertake a detailed investigation of the options and solutions for undergrounding the metro station and the broader business case required to deliver on this important piece of infrastructure sooner rather than later. The work has the potential to inform the existing metro project and allow the existing metro station design to be realigned to be undergrounded as part of the current construction works if feasible.

While this type of investigation is normally fully funded by the State Government it is important that Council be an active participant upfront in the early stages of design phase to ensure the broader benefits to the community are achieved. A similar governance model was formed to successfully deliver the soon to be exhibited Canterbury Road Review. Therefore, it is proposed that Council part contribute to the development of the business case and detailed investigations.

Preliminary discussions suggests the study will be in the order of \$2M. Given its significance for the area Council has offered to part contribute to the study. Once detailed costings have been finalised Council will reflect its part contribution on the appropriate quarterly review process. Council will also be working with DoPE and TfNSW to seek funding from other bodies such as the Greater Sydney Commission.

It must be recognised that such an investigation is highly complex and will require significant investment to complete the studies. However in comparison to the investment required to deliver a new metro station and the associated economic benefits across the entire city the outlay now is minor in comparison to the potential public benefit.

It is encouraging that constructive progress is occurring with an agreement from DoPE and TfNSW to collaboratively work together to develop a new vision and future transformation of the Bankstown CBD.

## POLICY IMPACT

---

There are no policy impacts.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

As indicated earlier Council will reflect any part funding towards the study in the appropriate quarterly review process.

## **RECOMMENDATION**

---

That Council, in collaboration with Transport for NSW (TfNSW) and the Department of Planning and Environment (DoPE) commence development of a masterplan and business case for the undergrounding of the South West Metro at Bankstown.

## **ATTACHMENTS**

---

Nil



---

## Report of the General Manager - 22 August 2017

---

**ITEM 6.13**                      **Code of Meeting Practice - Amendment to Standing Orders of Business**

**AUTHOR**                      **Corporate**

### **ISSUE**

---

To amend the Standing Orders of Business for Council meetings.

### **RECOMMENDATION**

---

That the Standing Orders of Business in the Code of Meeting Practice be amended as detailed in the report.

### **BACKGROUND**

---

Council adopted the Code of Meeting Practice (which incorporates the Standing Orders of Business) on 24 May 2016. This report proposes to amend the Standing Orders of Business.

### **REPORT**

---

Following amendments to the Local Government Act, delegations and to better reflect the nature of issues associated with the Council business paper, it is proposed to expand the section Reports of the General Manager to include sections that better represent the principal areas of our operations, namely matters relevant to;

- Policies Matters,
- Governance and Administration Matters; and
- Service and Operational Matters.

It is proposed to amend Standing Orders of Business to reflect the new section.

Additionally, it is proposed to remove the Matters for Information section of the Standing Orders. Matters considered here have historically been matters that inform Council and do not require a decision more than noting the report. It is proposed that these matters be dealt with by way of memos to Councillors and inclusion on the Councillor portal.

### **POLICY IMPACT**

---

The recommendation complies with the requirements of Council's Code of Meeting Practice and the Local Government Act 1993.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

The report has no financial impact.

## **RECOMMENDATION**

---

That the Standing Orders of Business in the Code of Meeting Practice be amended as detailed in the report.

## **ATTACHMENTS**

---

Nil



---

## Report of the General Manager - 22 August 2017

---

### **ITEM 6.14**                      **Cash and Investment Report as at 31 July 2017**

**AUTHOR**                      **Corporate**

### **ISSUE**

---

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

### **RECOMMENDATION** That -

---

1. The Cash and Investment Report as at 31 July 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 are now managed in accordance with Council's recently adopted investment policy (May 17). The report below provides a consolidated summary of Council's total cash investments.

### **REPORT**

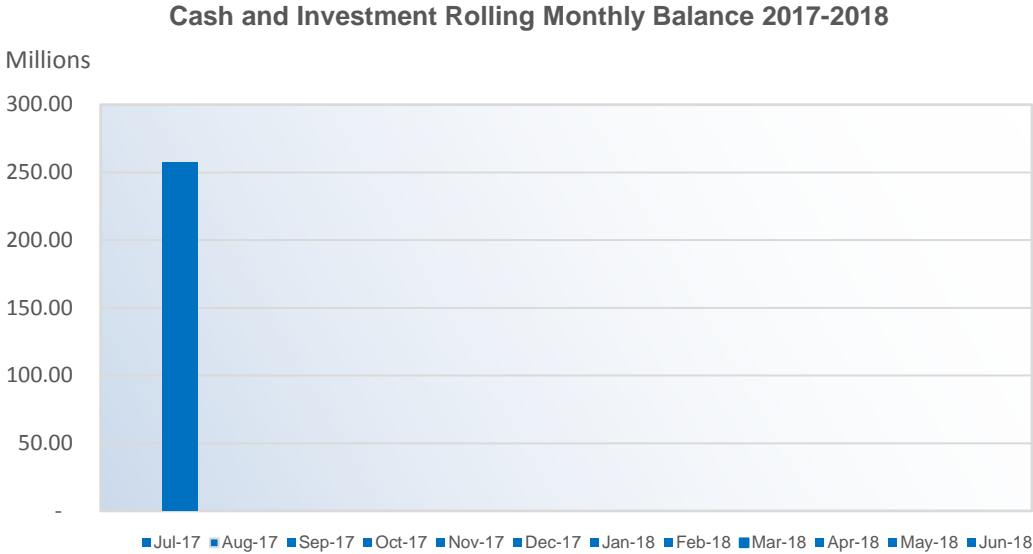
---

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

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

| <b>Cash and Investments</b>       | <b>\$</b>          |
|-----------------------------------|--------------------|
| <b>Cash at Bank</b>               | 6,118,588          |
| <b>Deposits at Call</b>           | 23,229,668         |
| <b>Term Deposits</b>              | 202,263,000        |
| <b>Floating Rate Notes</b>        | 26,001,485         |
| <b>Total Cash and Investments</b> | <b>257,612,741</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 July.



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

| Interest Income        | July 2017<br>\$ | Year-to-date<br>July 2017<br>\$ |
|------------------------|-----------------|---------------------------------|
| <b>Budget</b>          | 598,750         | 598,750                         |
| <b>Actual Interest</b> | 650,727         | 650,727                         |
| <b>Variance</b>        | 51,977          | 51,977                          |
| <b>Variance (%)</b>    | 8.68%           | 8.68%                           |

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>Working Capital Funds ( 0-3 months)</b> | 20                           |
| <b>Short Term ( 3-12 months )</b>          | 25                           |
| <b>Short – Medium ( 1-2 years )</b>        | 20                           |
| <b>Medium ( 2-5 years )</b>                | 35                           |
| <b>Long Term ( 5-10 years )</b>            | 0                            |
| <b>Total Cash and Investments</b>          | 100%                         |

| <b>Overall Portfolio by Investment Type</b> |                              |
|---|------------------------------|
|   | <b>Actual % of Portfolio</b> |
| <b>Cash at Bank</b>                         | 2                            |
| <b>Deposits at Call</b>                     | 9                            |
| <b>Term Deposits</b>                        | 79                           |
| <b>Floating Rate Notes</b>                  | 10                           |
| <b>Total Cash and Investments</b>           | 100%                         |

## **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 Councils' Cash Investments Policies.

## **POLICY IMPACT**

---

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

## **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 July 2017 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

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

---

- A. CPG Research & Advisory July 2017 Monthly Investment Report



---

## Report of the General Manager - 22 August 2017

---

### **ITEM 6.15**                      **Proposed Filming Request - Use of Council Property**

**AUTHOR**                      **Corporate**

#### **ISSUE**

---

To consider a short-term request to licence a Council facility for filming purposes.

#### **RECOMMENDATION** That -

---

1. Council, in principle, agree to the proposed short-term use of the sites, as outlined in the report.
2. Subject to determining the agreed site, the General Manager be delegated to carry out the relevant process, as outlined in the report.

#### **BACKGROUND**

---

In mid-August Council was approached by a local film production company wanting to film in the Canterbury Bankstown area. The proposal would involve the use of a building for a period of up to three months, commencing in early October 2017. Council currently has two options under consideration, which broadly meets the criteria of the production company.

#### **REPORT**

---

Since this approach and given their availability, Council has shown representatives of the production company two locations being, some limited available space at Council's Administration building in Campsie and the former Revesby Workers Club building in Homelea Avenue Panania.

##### **Revesby Workers Club at Homelea Avenue Panania**

As Council would be aware, Revesby Workers Club who currently occupy the building will be vacating the premises at the end of their Lease on 23 September 2017. That said, the location could be utilised for the short term need.

If suitable, Council will:

- be required to publicly exhibit the proposal to enter into a Licence, as the land is classified as 'community land', as described under the Local Government Act 1993 (LGA);



- should Council receive any submissions to the proposal, a further report will need to be presented back to Council at its next available meeting, to consider the submissions; and
- should there be no submissions, it is recommended that the General Manager be delegated to negotiate the terms (similar to that currently in place with the bowling club) and finalise the matter.

### **Council Administration Building - Campsie**

Some limited spaces of the Council Administration building may suit some specific purposes of the production company for limited filming.

Again, given the short term nature of the requirement, the appropriate space could be utilised to accommodate the filming request. Naturally, if appropriate, a condition of the use will be not to disrupt Council's ongoing administration whilst also accommodating any regulatory requirements (fire safety and security).

If the site is determined to be suitable:

- the rent will be determined by an independent valuer;
- the production company will bear all costs associated with occupation; and
- the General Manager be delegated to negotiate the terms and finalise the matter.

Given the timing of the request, the short term nature of the required occupation and Council's meeting schedule, it is proposed that the General Manager address the matter as reflected above.

## **POLICY IMPACT**

---

There are no policy implications for Council pursuing either of the filming location options presented in this report.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

Whilst Council will receive some rental proceeds, importantly it is expected that all associated costs will be met by the production company.

## **RECOMMENDATION** That -

---

1. Council, in principle, agree to the proposed short-term use of the sites, as outlined in the report.
2. Subject to determining the agreed site, the General Manager be delegated to carry out the relevant process, as outlined in the report.

## **ATTACHMENTS**

---

Nil



## **7 COMMITTEE REPORTS**

The following items are submitted for consideration -

- |     |  |    |
|-----|--|----|
| 7.1 | Minutes of the Aboriginal and Torres Strait Islander Advisory Committee meeting held on 26 July 2017   | 95 |
| 7.2 | Minutes of the Community Safety Advisory Committee meeting held on 12 July 2017                        | 97 |
| 7.3 | Minutes of the Canterbury Branch and Bankstown Branch Traffic Committee meetings held on 8 August 2017 | 99 |



---

## Committee Reports - 22 August 2017

---

**ITEM 7.1**                      **Minutes of the Aboriginal and Torres Strait Islander Advisory Committee meeting held on 26 July 2017**

**AUTHOR**                      **Corporate**

### **ISSUE**

---

Minutes of the Aboriginal and Torres Strait Islander Advisory Committee meeting.

### **RECOMMENDATION**

---

That the minutes of the Aboriginal and Torres Strait Islander Advisory Committee meeting held on 26 July 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 26 July 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 26 July 2017 be adopted.

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

---

- A. Minutes of the Aboriginal and Torres Strait Islander Advisory Committee meeting held on 26 July 2017
- B. Action Requested Status



---

## Committee Reports - 22 August 2017

---

**ITEM 7.2**                      **Minutes of the Community Safety Advisory Committee meeting held on 12 July 2017**

**AUTHOR**                      **Corporate**

### **ISSUE**

---

Minutes of the Community Safety Advisory Committee meeting.

### **RECOMMENDATION**

---

That the minutes of the Community Safety Advisory Committee meeting held on 12 July 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 12 July 2017.

### **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

This report has no financial implications.

### **RECOMMENDATION**

---

That the minutes of the Community Safety Advisory Committee meeting held on 12 July 2017 be adopted.

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

---

- A. Minutes of the Community Safety Advisory Committee meeting held on 12 July 2017
- B. Action Requested Status



---

## Committee Reports - 22 August 2017

---

**ITEM 7.3**                      **Minutes of the Canterbury Branch and Bankstown Branch Traffic Committee meetings held on 8 August 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 8 August 2017, be adopted.

### **BACKGROUND**

---

Attached are the minutes of the Canterbury Branch Traffic Committee and Bankstown Branch Traffic Committee meetings held on 8 August 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 8 August 2017, be adopted.

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

---

- A. Minutes of the Canterbury Branch Traffic Committee meeting held on 8 August 2017
- B. Minutes of the Bankstown Branch Traffic Committee meeting held on 8 August 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**

The following item is submitted for consideration -

- 9.1   Report on Development Applications and Section 96 Applications Determined for June and July 2017 and update on the status of planning related legal matters 105



---

## Matters For Information - 22 August 2017

---

**ITEM 9.1**                      **Report on Development Applications and Section 96 Applications Determined for June and July 2017 and update on the status of planning related legal matters**

**AUTHOR**                      **Planning**

### **ISSUE**

---

This report has been prepared to provide Council with information regarding the number of development applications and Section 96 applications (amendments to approved development applications) determined for June and July 2017 and to provide an update on the status of planning related legal matters.

### **RECOMMENDATION**

---

That the report be noted.

### **REPORT**

---

#### **Development Applications and Section 96 Applications**

The attached report shows that in the months of June and July 2017, a total of 283 Development Applications and 86 Section 96 applications were determined. The process of aligning Council's planning functions commenced in November 2017 and it can be seen from the attached graph that significant improvements in processing times have been achieved since that process commenced.

The gross median determination time for the processing of development applications for the combined Campsie and Bankstown branches was 34 and 43 days in June and July 2017.

For the financial year ending 30 June 2017, Council determined 1,625 development applications and the total value of determined development applications was \$1,558,645,514. The gross median assessment time for all development applications for this period was 43 days.

#### **Planning related legal matters**

The attached report indicates that there are currently 40 active planning related legal matters, although some of these are awaiting finalisation of judgements or Section 34 agreements.

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

Council’s position in upholding established core planning controls has been justified in the majority of cases, as Council has been successful in defending a significant number of past appeals, with the Court agreeing with Council’s position in most cases. In this regard, it is worth providing an update on the matters that have been finalised for the current calendar year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

285 Canterbury Road, Canterbury – Appeal Upheld

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

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

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

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

269 Canterbury Road, Canterbury – Appeal Upheld

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*1 Cambridge Avenue, Bankstown- Appeal Dismissed by the Court*

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

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

## **POLICY IMPACT**

---

This report has no policy implications.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

---

This report has no financial implications.

## **RECOMMENDATION**

---

That the report be noted.

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

---

- A. Graph of Development Assessment Times
- B. List of Determined Development Applications and Section 96 Applications for June & July 2017(West Team)
- C. List of Determined Development Applications and Section 96 Applications for June & July 2017 (East Team)
- D. Current status of Planning related Court appeals (as of 11 August, 2017)



**10        QUESTIONS FOR NEXT MEETING**





## **11 CONFIDENTIAL SESSION**

11.1 EX0077 - Legal Services Tender

11.2 T49-17 - Provision of Pound Services - Holding Facilities

# **General Manager's Statement**

## **Confidentiality**

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

## **CONFIDENTIAL SESSION**

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

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

### **RECOMMENDATION**

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

#### **Item 11.1 EX0077 - Legal Services Tender**

*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 T49-17 - Provision of Pound Services - Holding Facilities**

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